

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, MARCH 24, 1981

SESSION OF 1981

165TH OF THE GENERAL ASSEMBLY

No. 17

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN)
IN THE CHAIR

PRAYER

REV. DARWYN J. NACE, chaplain of the House of Representatives and pastor of Felton Bethany United Methodist Church, Felton, Pennsylvania, offered the following prayer:

Let us pray:

Almighty God, we approach Your throne of grace with thankful hearts in acknowledgement of all the many blessings of life. We seek to do Your will on a daily basis. Many times we have failed You; nevertheless, You never leave us nor forsake us. For this realization of Your presence we are thankful. No matter who we are or where we are in life, we have already realized that You are by our side. If we have not already done so, we come to Your place this day to be with You and You with us. And so, with our dependence upon You, humbly we ask Your blessing upon each one of us both now and forever more. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, March 23, 1981, will be postponed until printed. The Chair hears none.

JOURNAL APPROVAL

The SPEAKER. The Journal of Tuesday, March 10, 1981, is now in print. Are there any corrections to this Journal? If not, and without objection, the Journal stands approved. The Chair hears none.

HOUSE BILLS
INTRODUCED AND REFERRED

No. 943 By Representatives MILLER and MOEHLMANN

An act amending "The General County Assessment Law," approved May 22, 1933 (P. L. 853, No. 155), restricting reassessments on property of certain senior citizens.

Referred to Committee on LOCAL GOVERNMENT, March 23, 1981.

No. 944 By Representative MILLER

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), further providing for State blind pensions and for medical assistance.

Referred to Committee on HEALTH AND WELFARE, March 23, 1981.

No. 945 By Representative MILLER

An Act amending the act of May 31, 1933 (P. L. 1108, No. 272), entitled as amended, "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments \*\*\*, " extending the probationary period for appointments to fire departments.

Referred to Committee on URBAN AFFAIRS, March 23, 1981.

No. 946 By Representatives SPENCER and BERSON

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for the incorporation and regulation of corporations, \*\*\*, and making editorial changes.

Referred to Committee on JUDICIARY, March 23, 1981.

No. 947 By Representatives SPENCER and BERSON

An Act amending Title 9 (Burial Grounds), 18 (Crimes and Offenses), 40 (Insurance) and 67 (Public Welfare) of the Pennsylvania Consolidated Statutes; \*\*\*, and repealing parts of acts relating to certain crimes and offenses.

Referred to Committee on JUDICIARY, March 23, 1981.

No. 948 By Representatives SPENCER and BERSON

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, adding provisions relating to incorporated institutions.

Referred to Committee on JUDICIARY, March 23, 1981.

No. 949 By Representatives SPENCER and BERSON

An Act amending Title 59 (Partnerships) of the Pennsylvania Consolidated Statutes, adding provisions relating to foreign limited partnerships and making a conforming amendment to Title 42 as to foreign partnerships and other entities.

Referred to Committee on JUDICIARY, March 23, 1981.

**No. 950** By Representatives SPENCER and BERSON

An Act amending Titles 54 (Names) of the Pennsylvania Consolidated Statutes, adding revised, codified and compiled provisions relating to names and marks and making conforming and related amendments to 15 (Corporations and Unincorporated Associations) and 18 (Crimes and Offenses) and separately enacting certain related provisions of law.

Referred to Committee on JUDICIARY, March 23, 1981.

**No. 951** By Representatives WIGGINS, BARBER, EVANS, J. D. WILLIAMS, OLIVER, PUCCIARELLI, McINTYRE, McMONAGLE, RIEGER, EMERSON, WAMBACH, WOZNIAK, STEWART and RYBAK

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, by making it a crime to test pharmaceutical products without written disclosure to the recipient.

Referred to Committee on JUDICIARY, March 23, 1981.

**No. 952** By Representative NOYE

An Act authorizing the Department of General Services with the approval of the Governor to grant an easement to Joseph Trostle in Tyrone Township, Perry County, Pennsylvania.

Referred to Committee on STATE GOVERNMENT, March 23, 1981.

**No. 953** By Representatives KUKOVICH, CUNNINGHAM, JACKSON, WACHOB, FISCHER, SPITZ, SIEMINSKI and DeWEESE

An Act amending the act of May 31, 1893 (P. L. 188, No. 138), referred to as the Legal Holiday Law, changing the day for the observance of Memorial Day.

Referred to Committee on STATE GOVERNMENT, March 23, 1981.

**No. 954** By Representatives BLAUM, CAPPABIANCA, COHEN, BELARDI, STEIGHNER, CALTAGIRONE, LETTERMAN, KUKOVICH, MAIALE, SALVATORE, WACHOB, McINTYRE, CORDISCO, WILSON, RASCO and WARGO

An Act providing for the annual licensing of youth camps and for regulations pertaining to health and safety of such camps; defining the duties of the Department of Health and prescribing penalties.

Referred to Committee on HEALTH AND WELFARE, March 23, 1981.

**No. 955** By Representatives BROWN, HORGOS, MORRIS, MILLER, COHEN, WOZNIAK, PISTELLA, SWAIM and WHITE

An Act preventing the establishment of burial grounds for the disposal of radioactive waste material and making a repeal.

Referred to Committee on MINES AND ENERGY MANAGEMENT, March 23, 1981.

**No. 956** By Representatives BROWN, JACKSON, HORGOS, MORRIS, MILLER, COHEN, WOZNIAK, PISTELLA, PERZEL and WHITE

An Act requiring stockholders meetings of public service companies to be open to members of the news media.

Referred to Committee on CONSUMER AFFAIRS, March 23, 1981.

**No. 957** By Representatives BROWN, JACKSON, HORGOS, MORRIS, MILLER, COHEN, WOZNIAK, PISTELLA, SWAIM, PERZEL, WHITE and MRKONIC

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, prohibiting public utilities from passing on to their customers costs incurred for public relations services.

Referred to Committee on CONSUMER AFFAIRS, March 23, 1981.

**No. 958** By Representatives BROWN, JACKSON, HORGOS, MORRIS, MILLER, COHEN, WOZNIAK, PISTELLA, PERZEL and WHITE

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, requiring electric utility companies to carry insurance to cover the cost of cleaning up the plant and the cost of purchasing electricity for resale after a nuclear accident.

Referred to Committee on CONSUMER AFFAIRS, March 23, 1981.

**No. 959** By Representative J. L. WRIGHT

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for credits against tax imposed by other states.

Referred to Committee on FINANCE, March 23, 1981.

**No. 960** By Representatives MACKOWSKI, COSLETT, MICOZZIE, CIVERA, WASS, PICCOLA, LEVI, BOYES, DAIKELER, SAURMAN, FRYER, GLADECK, MERRY, E. Z. TAYLOR, LEWIS, BURD, W. D. HUTCHINSON, WACHOB, CUNNINGHAM, HEISER, FLECK, SIEMINSKI, NOYE, PETERSON, DUFFY, LASHINGER, STEWART, W. W. FOSTER and FREIND

An Act amending the act of June 18, 1974 (P. L. 359, No. 120), referred to as the Municipal Police Education and Training Law, increasing the commission membership and quorum requirements.

Referred to Committee on LOCAL GOVERNMENT, March 23, 1981.

**No. 961** By Representatives MANMILLER, DININNI and PICCOLA

An Act making an appropriation to the Tri-County Association for the Blind, Inc.

Referred to Committee on APPROPRIATIONS, March 23, 1981.

**No. 962** By Representatives MOEHLMANN, E. H. SMITH, REBER and MILLER

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), authorizing special occasion permits for veterans' organizations.

Referred to Committee on LIQUOR CONTROL, March 23, 1981.

**No. 963** By Representatives MOEHLMANN, JACKSON, WENGER and MILLER

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), further providing for the appointment of assistant county solicitors.

Referred to Committee on LOCAL GOVERNMENT, March 23, 1981.

**No. 964** By Representatives MOEHLMANN, JACKSON and MILLER

An Act amending the "Mental Health Procedures Act," approved July 9, 1976 (P. L. 817, No. 143), further providing for the confidentiality of records.

Referred to Committee on HEALTH AND WELFARE, March 23, 1981.

**No. 965** By Representatives MOEHLMANN and JACKSON

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for the exclusion of certain residential vertical or inclined conveyancing devices.

Referred to Committee on FINANCE, March 23, 1981.

**No. 966** By Representatives MOEHLMANN, JACKSON and MILLER

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for reporting by candidates, political committees and other persons and making an editorial correction.

Referred to Committee on STATE GOVERNMENT, March 23, 1981.

**No. 967** By Representatives A. K. HUTCHINSON, PETRARCA, CLARK and KUKOVICH

An Act amending the "Pennsylvania Crime Commission Act," approved October 4, 1978 (P. L. 876, No. 169), making the commission a part of the Office of Attorney General and subject to the Attorney General's administration and supervision and changing certain powers and duties of the commission and of the Governor accordingly.

Referred to Committee on JUDICIARY, March 23, 1981.

**No. 968** By Representatives A. K. HUTCHINSON, PETRARCA, CLARK and KUKOVICH

An Act amending the "Commonwealth Attorneys Act," approved October 15, 1980 (No. 164), imposing powers and duties on the Office of Attorney General relating to supervision and administration of the Pennsylvania Crime Commission.

Referred to Committee on JUDICIARY, March 23, 1981.

**No. 969** By Representatives SALVATORE, WESTON, WOGAN, PERZEL and ROCKS

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further defining the term "superannuation age."

Referred to Committee on STATE GOVERNMENT, March 23, 1981.

**No. 970** By Representatives PHILLIPS, LETTERMAN, ALDEN, HASAY, VROON, BRANDT, NOYE, JOHNSON, GRIECO, ARTY, STUBAN, DININNI, LEHR, MRKONIC and GEIST

An Act amending the "State Highway Law," approved June 1, 1945 (P. L. 1242, No. 420), prohibiting the charging of a fee to certain organizations for the erection of a sign in a right-of-way.

Referred to Committee on TRANSPORTATION, March 23, 1981.

**No. 971** By Representatives SWEET and HOFFEL

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), restricting fund raising by certain elected officials.

Referred to Committee on STATE GOVERNMENT, March 23, 1981.

**No. 972** By Representatives MACKOWSKI, BOWSER, HASAY, COSLETT, CALTAGIRONE and MERRY

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for the exchange of certain licenses in certain cases.

Referred to Committee on LIQUOR CONTROL, March 23, 1981.

**No. 973** By Representatives PIEVSKY, COHEN, A. K. HUTCHINSON, COWELL, McCALL, OLIVER, TRELLO, DeWEESE, WHITE, STUBAN, COLAFELLA, MANDERINO, CORDISCO and DOMBROWSKI

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing budget procedures for the Office of Consumer Advocate.

Referred to Committee on STATE GOVERNMENT, March 23, 1981.

**No. 974** By Representatives PIEVSKY, COHEN, A. K. HUTCHINSON, COWELL, McCALL, OLIVER, TRELLO, WHITE, DeWEESE, STUBAN, COLAFELLA, DOMBROWSKI and MANDERINO

An Act making appropriations from a restricted revenue account within the General Fund to the Public Utility Commission.

Referred to Committee on APPROPRIATIONS, March 23, 1981.

**No. 975** By Representatives LASHINGER, SPENCER and BERSON

An Act amending the "Post Conviction Hearing Act," approved April 28, 1978 (P. L. 202, No. 53), further delaying the effective date of a repeal of provisions relating to post conviction hearings.

Referred to Committee on JUDICIARY, March 23, 1981.

**No. 976** By Representatives FEE and DeMEDIO

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), authorizing counties of the fifth class to permit two persons to hold the office of prothonotary and the office of the clerk of courts.

Referred to Committee on LOCAL GOVERNMENT, March 23, 1981.

**No. 977** By Representatives FEE, BELFANTI, COHEN, A. K. HUTCHINSON, DeMEDIO, GREENFIELD, GEORGE and COLAFELLA

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), eliminating the one week waiting period for unemployment benefits.

Referred to Committee on LABOR RELATIONS, March 23, 1981.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 34** By Representatives WIGGINS, BORSKI, WHITE, EMERSON, OLIVER, RICHARDSON, DEAL, EVANS, PUCCIARELLI, SWAIM, J. D. WILLIAMS, O'DONNELL, RIEGER, COHEN and McINTYRE

House Health and Welfare Committee be directed to investigate air pollution and toxic effects on health of inhabitants of Philadelphia.

Referred to Committee on RULES, March 23, 1981.

**No. 35**  
(Concurrent) By Representatives DIETZ, PUNT, KENNEDY, VROON and LEVI

General Assembly reject sentencing guidelines adopted by Pennsylvania Commission on Sentencing.

Referred to Committee on RULES, March 23, 1981.

**No. 36** By Representatives LUCYK, McCALL, IRVIS, BELFANTI, WARGO, SHUPNIK, BARBER, BLAUM, TIGUE, CAWLEY, STEVENS, HASAY, COSLETT, BELARDI, SERAFINI and W. D. HUTCHINSON

Health and Welfare Committee investigate operation of Locust Mountain State General Hospital.

Referred to Committee on RULES, March 23, 1981.

### SENATE BILLS FOR CONCURRENCE

The clerk of the Senate presented the following bills for concurrence:

**SB 8, PN 8**

Referred to Committee on Transportation, March 23, 1981

**SB 48, PN 48**

Referred to Committee on Urban Affairs, March 23, 1981

**SB 132, PN 132**

Referred to Committee on Local Government, March 23, 1981

**SB 135, PN 135**

Referred to Committee on Urban Affairs, March 23, 1981

### LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip. Mr. CESSAR. Mr. Speaker, I request leaves of absence for Representatives McVERRY and EARLEY for today's session.

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

Mr. PIEVSKY. Mr. Speaker, I request a leave of absence for Representative KOLTER for the week, Tuesday and Wednesday.

The SPEAKER. Without objection, leaves are granted. The Chair hears none.

### MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll call. On the taking of the master roll call, only those members in their seats are permitted to vote. Members will proceed to vote.

The following roll call was recorded:

#### PRESENT—199

Alden	Fee	Livengood	Rybak
Anderson	Fischer	Lloyd	Salvatore
Armstrong	Fleck	Lucy	Saurman
Arty	Foster, W. W.	McCall	Serafini
Barber	Foster, Jr., A.	McClatchy	Seventy
Belardi	Frazier	McIntyre	Showers
Belfanti	Freind	McMonagle	Shupnik
Beloff	Fryer	Mackowski	Sieminski
Berson	Gallagher	Madigan	Sirianni
Bittle	Gallen	Maiale	Smith, B.
Blaum	Gamble	Manderino	Smith, E. H.
Borski	Gannon	Manmiller	Smith, L. E.
Bowser	Geist	Marmion	Snyder
Boyes	George	Merry	Spencer
Brandt	Gladeck	Michlovic	Spitz
Brown	Grabowski	Micozzie	Stairs
Burd	Gray	Miller	Steighner
Burns	Greenfield	Miscevich	Stevens
Caltagirone	Greenwood	Moehlmann	Stewart

Cappabianca	Grieco	Morris	Stuban
Cawley	Gruitza	Mowery	Swaim
Cessar	Gruppo	Mrkonic	Sweet
Cimini	Hagarty	Mullen	Swift
Civera	Haluska	Murphy	Taddonio
Clark	Harper	Nahill	Taylor, E. Z.
Clymer	Hasay	Noye	Taylor, F. E.
Cochran	Hayes	O'Donnell	Telek
Cohen	Heiser	Olasz	Tigue
Colafella	Hoefel	Oliver	Trello
Cole	Honaman	Pendleton	Van Horne
Cordisco	Horgos	Perzel	Vroon
Cornell	Hutchinson, A.	Peterson	Wachob
Coslett	Hutchinson, W.	Petrarca	Wambach
Cowell	Irvis	Petrone	Wargo
Cunningham	Itkin	Phillips	Wass
DeMedio	Jackson	Piccola	Wenger
DeVerter	Johnson	Pievsky	Weston
DeWeese	Kanuck	Pistella	White
Daikeler	Kennedy	Pitts	Wiggins
Davies	Klingaman	Pott	Williams, H.
Dawida	Kowalshyn	Pratt	Williams, J. D.
Deal	Kukovich	Pucciarelli	Wilson
Dietz	Lashingner	Punt	Wogan
Dininni	Laughlin	Rappaport	Wozniak
Dombrowski	Lehr	Rasco	Wright, D. R.
Donatucci	Lescovitz	Reber	Wright, J. L.
Dorr	Letterman	Richardson	Zwikl
Duffy	Levi	Rieger	
Durham	Levin	Ritter	Ryan,
Emerson	Lewis	Rocks	Speaker
Evans			

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Earley                      Kolter                      McVerry                      Wilt

**FILMING PERMISSION GRANTED**

The SPEAKER. The Chair has given permission to Mr. Bowman of Channel 11 to do silent filming for a period of 10 minutes.

**CALENDAR**

**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:

**HB 570, PN 598.**

**BILL RECOMMITTED**

The House proceeded to second consideration of **HB 80, PN 81**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for quarterly payments to school districts.

On the question,

Will the House agree to the bill on second consideration?

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that HB 80, PN 81, be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**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:

**HB 187, PN 188.**

**BILL AMENDED AND RECOMMITTED**

The House proceeded to second consideration of **HB 257, PN 262**, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), increasing the membership on the State Board of Education.

On the question,

Will the House agree to the bill on second consideration?

Mr. GALLAGHER offered the following amendments No. A559:

Amend Title, page 1, line 21, by removing the period after "Education" and inserting and providing for legislative oversight.

Amend Bill, page 4, line 9, by striking out all of said line and inserting

Section 2. The act is amended by adding a section to read:

Section 1317.1. Legislative Actions on Rules, Regulations or Standards.—A copy of every rule, regulation or standard or amendment to a rule, regulation or standard of the State Board of Education shall, before adoption, be forwarded to the Speaker of the House of Representatives and to the President pro tempore of the Senate for referral to and review by the appropriate standing committee of the House of Representatives and of the Senate as determined by the respective presiding officer. The standing committee shall, within thirty calendar days or five legislative days, whichever is greater, from the receipt of such rule, regulation or standard or amendment, approve or recommend disapproval to the House of Representatives or the Senate of any such rule, regulation or standard or amendment. After the rule, regulation or standard is reported from the committee, the House of Representatives or the Senate shall within thirty calendar days or five legislative days consider the rule, regulation or standard. Failure of the standing committee to recommend disapproval and of the House of Representatives and Senate to disapprove any rule, regulation or standard or amendment within the total of sixty calendar days or ten legislative days, as may be appropriate, from the receipt thereof shall constitute approval thereof. If the House of Representatives and the Senate disapproves any rule, regulation or standard or amendment, the State Board of Education shall not adopt the rule, regulation or standard or amendment and it shall not be again offered for one year. Each committee shall immediately notify, in writing, the other committee and the State Board of Education of any action taken pursuant to this section. Only in the absence of a disapproval shall the State Board of Education proceed with the adoption of the rule, regulation or standard or amendment in accordance with section 202, act of July 31, 1968 (P.L.769, No.240), known as the "Commonwealth Documents Law."

Section 3. Section 1 of this amendatory act shall take effect in 60 days. Section 2 of this amendatory act shall take effect immediately.

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

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

Mr. GALLAGHER. Mr. Speaker, this amendment was the amendment that was adopted by the Education Committee, and inadvertently the bill was reported without the amendment that was adopted unanimously.

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

The following roll call was recorded:

YEAS—190

Alden	Evans	Livengood	Salvatore
Anderson	Fee	Lloyd	Saurman
Armstrong	Fischer	Lucyk	Serafini
Arty	Fleck	McCall	Seventy
Barber	Foster, Jr., A.	McClatchy	Showers
Belardi	Frazier	McIntyre	Shupnik
Belfanti	Freind	McMonagle	Sieminski
Berson	Fryer	Mackowski	Sirianni
Bittle	Gallagher	Mađigan	Smith, B.
Blaum	Gallen	Maiale	Smith, E. H.
Borski	Gamble	Manderino	Smith, L. E.
Bowser	Gannon	Manmiller	Snyder
Boyes	Geist	Marmion	Spencer
Brandt	George	Merry	Spitz
Brown	Gladeck	Michlovic	Stairs
Burd	Grabowski	Micozzie	Steighner
Burns	Greenfield	Miller	Stevens
Caltagirone	Greenwood	Miscevich	Stewart
Cappabianca	Grieco	Moehlmann	Stuban
Cawley	Gruitza	Morris	Swaim
Cessar	Gruppo	Mrkonic	Sweet
Cimini	Hagarty	Mullen	Swift
Civera	Haluska	Murphy	Taddonio
Clark	Harper	Nahill	Taylor, E. Z.
Clymer	Hasay	Noye	Telek
Cochran	Hayes	O'Donnell	Tigue
Cohen	Heiser	Olasz	Trello
Colafella	Hoeffel	Oliver	Van Horne
Cole	Honaman	Pendleton	Vroon
Cordisco	Horgos	Perzel	Wachob
Cornell	Hutchinson, A.	Peterson	Wambach
Coslett	Hutchinson, W.	Petrone	Wargo
Cowell	Irvic	Phillips	Wass
Cunningham	Itkin	Piccola	Wenger
DeMedio	Jackson	Pievsky	Weston
DeVerter	Johnson	Pistella	White
DeWeese	Kanuck	Pitts	Wiggins
Daikeler	Kennedy	Pott	Williams, H.
Davies	Klingaman	Pratt	Williams, J. D.
Dawida	Kowalyshyn	Pucciarelli	Wilson
Dietz	Kukovich	Punt	Wogan
Dininni	Lashingier	Rappaport	Wozniak
Dombrowski	Laughlin	Rasco	Wright, D. R.
Donatucci	Lehr	Reber	Wright, J. L.
Dorr	Lescovitz	Rieger	Zwinkl
Duffy	Letterman	Ritter	
Durham	Levi	Rocks	Ryan,
Emerson	Levin	Rybak	Speaker

NAYS—0

NOT VOTING—9

Beloff	Gray	Mowery	Richardson
Deal	Lewis	Petrarca	Taylor, F. E.
Foster, W. W.			

EXCUSED—4

Earley	Kolter	McVerry	Wilt
--------	--------	---------	------

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

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

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Mr. Speaker, I move that HB 257, PN 262, with amendments be recommitted to the Committee on Appropriations for a fiscal note.

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

**BILL RECOMMENDED**

The House proceeded to second consideration of **HB 286, PN 292**, entitled:

An Act creating a Student Advisory Board, providing for its membership, powers and duties, and adding to the duties of the Secretary of Education.

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

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Mr. Speaker, I move that HB 286, PN 292, be recommitted to the Committee on Appropriations.

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

**BILL RECOMMENDED**

The House proceeded to second consideration of **HB 311, PN 317**, entitled:

An Act amending the act of August 7, 1963 (P. L. 549, No. 290), entitled, imposing powers and duties upon and authorizing the agency to act as a lender including an eligible lender under the provisions of Part C of the Health Professions Education Assistance Act of 1976.

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

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Mr. Speaker, I move that HB 311, PN 317, be recommitted to the Committee on Appropriations for a fiscal note.

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

**BILL RECOMMENDED**

The House proceeded to second consideration of **HB 812, PN 870**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for gross allocations to school districts.

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

The SPEAKER. The Chair recognizes the majority leader.  
Mr. HAYES. Mr. Speaker, I move that **HB 812, PN 870**, be recommitted to the Committee on Appropriations for a fiscal note.

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

**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:

**HB 158, PN 159.**

**BILL RECOMMENDED**

The House proceeded to second consideration of **HB 191, PN 192**, entitled:

An Act amending the "Fuel Use Tax Act," approved January 14, 1952 (1951 P. L. 1965, No. 550), further providing for the payment of tax by individual users for private automobiles and trucks.

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

The SPEAKER. The Chair recognizes the majority leader.  
Mr. HAYES. Mr. Speaker, I move that **HB 191, PN 192**, be recommitted to the Committee on Appropriations.

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

**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:

**HB 230, PN 231.**

**BILL RECOMMENDED**

The House proceeded to second consideration of **HB 305, PN 944**, entitled:

An Act creating the High Speed Intercity Rail Passenger Commission, providing for its powers and duties and making an appropriation.

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

The SPEAKER. The Chair recognizes the majority leader.  
Mr. HAYES. Mr. Speaker, I move that **HB 305, PN 944**, be recommitted to the Committee on Appropriations.

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

**BILLS AGREED TO ON SECOND CONSIDERATION**

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

**HB 306, PN 312, and HB 359, PN 368.**

**BILL RECOMMENDED**

The House proceeded to second consideration of **HB 556, PN 583**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the replacement of certain documents lost in the mail.

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

The SPEAKER. The Chair recognizes the majority leader.  
Mr. HAYES. Mr. Speaker, I move that **HB 556, PN 583**, be recommitted to the Committee on Appropriations.

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

**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:

**HB 143, PN 911.**

**BILL RECOMMENDED**

The House proceeded to second consideration of **HB 793, PN 851**, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, revising provisions relating to retirement for public school employees and State employees.

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

The SPEAKER. The Chair recognizes the majority leader.  
Mr. HAYES. Mr. Speaker, I move that **HB 793, PN 851**, be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?  
Motion was agreed to.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 376, PN 748**, entitled:

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), removing cross-filing by candidates for the office of judges, school board directors or justices of the peace.

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—160**

Alden	Fee	McCall	Salvatore
Anderson	Fleck	McClatchy	Saurman
Armstrong	Foster, W. W.	McIntyre	Serafini
Arty	Frazier	McMonagle	Seventy
Barber	Freind	Mackowski	Sieminski
Belardi	Fryer	Madigan	Sirianni
Belfanti	Gallagher	Maiale	Smith, B.
Beloff	Gallen	Manderino	Smith, E. H.
Bittle	Gamble	Manmiller	Smith, L. E.
Blaum	Gannon	Marmion	Snyder
Bowser	Geist	Michlovic	Spencer
Boyes	George	Micozzie	Spitz
Brandt	Gladeck	Miscevich	Steighner
Burd	Greenfield	Moehlmann	Stevens
Burns	Grieco	Morris	Stuban
Caltagirone	Gruitza	Mowery	Sweet
Cappabianca	Gruppo	Mrkonic	Sweet
Cawley	Hagarty	Mullen	Taylor, E. Z.
Cessar	Harper	Nahill	Taylor, F. E.
Cimini	Hasay	Noye	Telek
Civera	Hayes	Olasz	Tigue
Clark	Heiser	Oliver	Trello
Clymer	Hoeffel	Pendleton	Van Horne
Cochran	Honaman	Perzel	Vroon
Colafella	Horgos	Peterson	Wambach
Cole	Hutchinson, A.	Petrarca	Wass
Cornell	Iris	Petrone	Wenger
Cunningham	Jackson	Phillips	Weston
DeMedio	Johnson	Piccola	White
DeVerter	Kanuck	Pievsky	Williams, H.
Daikeler	Kennedy	Pistella	Williams, J. D.
Davies	Klingaman	Pitts	Wilson
Dawida	Lashingner	Pratt	Wogan
Dietz	Laughlin	Pucciarelli	Wozniak
Dininni	Lehr	Punt	Wright, D. R.
Dombrowski	Lescovitz	Rasco	Wright, J. L.
Donatucci	Letterman	Reber	Zwikl
Dorr	Levi	Rieger	
Duffy	Levin	Ritter	Ryan,
Durham	Livengood	Rocks	Speaker
Evans	Lucyk		

**NAYS—32**

Berson	Foster, Jr., A.	Lloyd	Shupnik
Borski	Grabowski	Miller	Stairs
Brown	Greenwood	Murphy	Stewart
Cohen	Haluska	O'Donnell	Swaim
Cordisco	Hutchinson, W.	Pott	Taddonio
Coslett	Itkin	Rappaport	Wachob

Cowell	Kowalyszyn	Rybak	Wargo
Fischer	Kukovich	Showers	Wiggins

**NOT VOTING—7**

DeWeese	Emerson	Lewis	Richardson
Deal	Gray	Merry	

**EXCUSED—4**

Earley	Kolter	McVerry	Wilt
--------	--------	---------	------

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 Beaver, Mr. Laughlin.

Mr. **LAUGHLIN**. Mr. Speaker, I had a malfunction in my switch on that last vote on HB 376. I would like to be recorded in the negative.

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

**BILLS ON THIRD CONSIDERATION, CONTINUED**

The House proceeded to third consideration of **HB 519, PN 758**, entitled:

An Act amending "The Insurance Company Law of 1921," approved May 17, 1921 (P. L. 682, No. 284), permitting additional self-insurer policies for aggregate excess insurance.

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

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

Mr. **RAPPAPORT**. Mr. Speaker, I believe the majority leader requested recognition.

The **SPEAKER**. The Chair recognizes the majority leader.

Mr. **HAYES**. I believe the gentleman from Philadelphia, Mr. Rappaport, has an amendment to this bill.

Mr. **RAPPAPORT**. Mr. Speaker, I thank the majority leader. I will not present the amendment, but I would like to be heard on the bill.

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

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

The question is, shall the bill pass finally?

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

The House, once again, reminds the members that Channel 11 is doing silent filming.

Mr. **RAPPAPORT**. Mr. Speaker, this is a seemingly innocuous bill which, however, raises the whole issue of self-insur-



ance by employers of workmen's compensation insurance. About 500 companies in Pennsylvania are permitted to be self-insurers for the workmen's compensation claims. There is nothing wrong with this, provided the companies are strong enough to do this.

I would remind the House that we have seen a number of Pennsylvanians lose their pensions when the companies that they have worked for were either sold or went out of business and the pension fund had not been properly secured for them.

Unlike casualty insurance, workmen's compensation insurance can last for a number of years. Somebody who receives a permanent injury can be getting his workmen's comp for years or for his life. The workmen's widow can be receiving a pension for the rest of her life, and, therefore, the security of the fund becomes extremely important. Now the Department of Labor and Industry gives permission for self-insurance and they look at the bond rating, the Standard and Poor's rating of that particular corporation to judge if they are strong enough to be self-insured.

I would remind the House that the day before the Penn Central went down the drain, they had a triple A rating, and if one of these self-insurers goes bust and there are workmen's compensation claims outstanding, guess who is going to be asked to pick up this tab. It is going to be the General Assembly. I would, therefore, suggest that you vote on this kind of a bill with great reservations. I do not intend to vote for it and I would suggest that this entire problem needs a thorough study. Thank you, Mr. Speaker.

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

Mr. GREENFIELD. Mr. Speaker, I rise in support of HB 519 to give those small businesses and small governmental units a relief from excessive premiums. I do not see the dire consequence that my colleague has spelled out here. The companies do have to qualify, and I think the experience of self-insured companies in Pennsylvania is extremely good. I think this is one area which we have to enlarge upon to allow more companies to engage in self-insurance rather than to be driven into a chaotic, financially bad situation by excessive premiums which they are forced to pay. I urge your support for HB 519.

The SPEAKER. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Mr. Speaker, I too would urge the members to support the legislation. The bill merely permits those self-insurers really to protect the working people who are working in those industries. It permits them to go outside the \$100,000 limit and purchase other insurance to protect themselves. If we do not do that, we are going to end up with some dire consequences. I think it is only fair that they be permitted to do it the same as any other business is able to do when it purchases workmen's compensation from a commercial carrier. I would urge an affirmative vote. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, would someone please stand for interrogation on this bill; the prime sponsor or anyone who feels willing to do so?

The SPEAKER. The gentleman from Mifflin, Mr. DeVerter, consents to interrogation.

Mr. LAUGHLIN. Mr. Speaker, the purchase of this outside insurance to protect the individuals, is it being used as a reserve by the insured company? The profits that come from that reserve, are they going in to retire the actual debt with regard to the liability to the injured person, or is it just money that is going back in as profit and is this another method to receive additional funds from an investment of insurance by them?

Mr. DeVERTER. The whole purpose of the bill is to provide adequate protection for those incidents that may require an excess of \$100,000 in claim settlement. You know, there are companies that are self-insured that, with the limitation that is presently there, cannot provide this excess coverage which they would have to purchase from another commercial carrier. That is my understanding.

Mr. LAUGHLIN. Mr. Speaker, I understand what you just said and I understood that from reading the bill. The question I have is, have you looked into the reserve situation that came about by the purchase of that particular insurance? I noticed that is not dealt with in the bill.

Mr. DeVERTER. No, and I would suspect that you would have to address that question to the prime sponsor, Mr. Earley.

Mr. LAUGHLIN. That is why I wanted to address whomever, Mr. Speaker. They just selected you; it was not my choice.

The SPEAKER. For the gentleman's information, the gentleman from Delaware, Mr. Earley, is on leave today.

Mr. LAUGHLIN. Mr. Speaker, would you please then hold this bill over until Mr. Earley is here to be able to respond to the questions?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Greenfield, who agrees to be interrogated.

Mr. GREENFIELD. I do not know if this will satisfy Mr. Laughlin, but I understand that the companies engaging in self-insurance also have to purchase a bond which would give protection to those employees above the \$100,000 mark.

In other words, what this bill is doing is merely saying that a self-insurer can insure for one particular incident up to \$100,000 and that is financially ascertained by the Department of Labor and Industry that he can incur that kind of loss. After that, he is able to purchase reinsurance to cover the employees. I do not think the danger really exists that we are envisioning. I think the protections are here, Mr. Speaker.

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

Mr. MOWERY. When you get into self-insurance, one of the problems that was mentioned earlier by Representative Rappaport was the very simple fact that many times the self-insurance is not a large enough group to really spread the risk sufficiently. Therefore, there is concern many times that there are not sufficient funds to pay for the long term disabilities that workmen's compensation covers. This is the concern that this bill addresses itself to, that there may be many small companies today self-insuring that are not capable of hand-

ling a large claim of \$100,000 or more. The bill therefore allows these smaller self-insureds to go to the large reinsurance companies, such as Lloyds of London, and so forth, who are willing to take on a large risk and who are very financially sound. Whether or not they have sufficient reserves, I do not know that we can address here because reinsurance is usually underwritten by your major insurance companies in this country.

I would suggest that the purpose of the bill is very honorable in its intent to make sure that the worker is not going to be caught without sufficient funds. Profit and whether or not there are sufficient liabilities, and sufficient surplus, I think, can be best addressed by the department and I do not believe should be a concern of this particular bill at this point. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Mr. Speaker, it is my understanding in response to Mr. Laughlin's question that it does not have any bearing on the reserve account. Those are protected by the Insurance Commission with regard to the self-insurer's limitation on how far he can go with those funds. So you are not placing in jeopardy any of the reserves that are currently in place.

Mr. LAUGHLIN. All right, Mr. Speaker, that was the question I had originally asked. It has been batted around the ball park pretty well. That is pretty much on point. I thank you very much, Mr. Speaker.

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—191

Alden	Fischer	Lloyd	Rybak
Anderson	Fleck	Lucyk	Salvatore
Armstrong	Foster, W. W.	McCall	Saurman
Arty	Foster, Jr., A.	McClatchy	Serafini
Barber	Frazier	McIntyre	Seventy
Belardi	Freind	McMonagle	Showers
Belfanti	Fryer	Mackowski	Shupnik
Beloff	Gallagher	Madigan	Sieminski
Berson	Gallen	Maiale	Sirianni
Bittle	Gamble	Manderino	Smith, B.
Blaum	Gannon	Manmiller	Smith, E. H.
Borski	Geist	Marmion	Smith, L. E.
Bowser	George	Merry	Snyder
Boyes	Gladeck	Michlovic	Spencer
Brandt	Grabowski	Micozzie	Spitz
Brown	Greenfield	Miller	Stairs
Burd	Greenwood	Miscevich	Steighner
Burns	Grieco	Moehlmann	Stevens
Caltagirone	Gruitza	Morris	Stewart
Cappabianca	Gruppo	Mowery	Stuban
Cawley	Hagarty	Mrkonic	Swaim
Cessar	Haluska	Mullen	Sweet
Cimini	Harper	Murphy	Swift
Civera	Hasay	Nahill	Taddonio
Clark	Hayes	Noye	Taylor, E. Z.
Clymer	Heiser	O'Donnell	Telek
Colafella	Hoeffel	Olasz	Tigue
Cole	Honaman	Oliver	Trello
Cordisco	Horgos	Pendleton	Van Horne
Cornell	Hutchinson, A.	Perzel	Vroon
Coslett	Hutchinson, W.	Peterson	Wachob
Cowell	Irvis	Petrarca	Wambach

Cunningham	Itkin	Petrone	Wargo
DeMedio	Jackson	Phillips	Wass
DeVerter	Johnson	Piccola	Wenger
Daikeler	Kanuck	Pievsky	Weston
Davies	Kennedy	Pistella	White
Dawida	Klingaman	Pitts	Wiggins
Deal	Kowalshyn	Pott	Williams, H.
Dietz	Kukovich	Pratt	Wilson
Dininni	Lashinger	Pucciarelli	Wogan
Dombrowski	Lehr	Punt	Wozniak
Donatucci	Lescovitz	Rasco	Wright, D. R.
Dorr	Letterman	Reber	Wright, J. L.
Duffy	Levi	Richardson	Zwicl
Durham	Levin	Rieger	
Emerson	Lewis	Ritter	Ryan,
Evans	Livengood	Rocks	Speaker
Fee			

NAYS—5

Cochran	Laughlin	Rappaport	Taylor, F. E.
DeWeese			

NOT VOTING—3

Cohen	Gray	Williams, J. D.
-------	------	-----------------

EXCUSED—4

Earley	Kolter	McVerry	Wilt
--------	--------	---------	------

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 Delaware, Mr. Freind.

Mr. FREIND. Mr. Speaker, on HB 376, I was inadvertently recorded in the affirmative. I would like to be recorded in the negative, please.

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

BILLS ON THIRD CONSIDERATION, CONTINUED

The House proceeded to third consideration of **HB 557, PN 584**, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), further providing for overnight camping on State Game Lands.

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

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

The question is, shall the bill pass finally?

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

YEAS—197

Alden	Evans	Livengood	Rybak
Anderson	Fee	Lloyd	Salvatore
Armstrong	Fischer	Lucyk	Saurman
Arty	Fleck	McCall	Serafini

Barber	Foster, W. W.	McClatchy	Seventy
Belardi	Foster, Jr., A.	McIntyre	Showers
Belfanti	Frazier	McMonagle	Shupnik
Beloff	Freind	Mackowski	Sieminski
Berson	Fryer	Madigan	Sirianni
Bittle	Gallagher	Maiale	Smith, B.
Blaum	Gallen	Manderino	Smith, E. H.
Borski	Gamble	Manmiller	Smith, L. E.
Bowser	Gannon	Marmion	Snyder
Boyes	Geist	Merry	Spencer
Brandt	George	Michlovic	Spitz
Brown	Gladeck	Micozzie	Stairs
Burd	Grabowski	Miller	Steighner
Burns	Greenfield	Miscevich	Stevens
Caltagirone	Greenwood	Moehlmann	Stewart
Cappabianca	Grieco	Morris	Stuban
Cawley	Gruitza	Mowery	Swaim
Cessar	Gruppo	Mrkoncic	Sweet
Cimini	Hagarty	Mullen	Swift
Civera	Haluska	Murphy	Taddonio
Clark	Harper	Nahill	Taylor, F. E.
Clymer	Hasay	Noye	Telek
Cochran	Hayes	O'Donnell	Tigue
Cohen	Heiser	Olasz	Trello
Colafella	Hoeffel	Oliver	Van Horne
Cole	Honaman	Pendleton	Vroon
Cordisco	Horgos	Perzel	Wachob
Cornell	Hutchinson, A.	Peterson	Wambach
Coslett	Hutchinson, W.	Petrarca	Wargo
Cowell	Irvic	Petrone	Wass
Cunningham	Itkin	Phillips	Wenger
DeMedio	Jackson	Piccola	Weston
DeVerter	Johnson	Pievsky	White
DeWeese	Kanuck	Pistella	Wiggins
Daikeler	Kennedy	Pitts	Williams, H.
Davies	Klingaman	Pott	Williams, J. D.
Dawida	Kowalyszyn	Pratt	Wilson
Deal	Kukovich	Pucciarelli	Wogan
Dietz	Lashingier	Punt	Wozniak
Dininni	Laughlin	Rappaport	Wright, D. R.
Dombrowski	Lehr	Rasco	Wright, J. L.
Donatucci	Lescovitz	Reber	Zwinkl
Dorr	Letterman	Richardson	
Duffy	Levi	Rieger	Ryan,
Durham	Levin	Ritter	Speaker
Emerson	Lewis	Rocks	

NAYS—0

NOT VOTING—2

Gray Taylor, E. Z.

EXCUSED—4

Earley Kolter McVerry Wilt

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 Schuylkill, Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, on HB 376, of which I am the prime sponsor, the anti-cross-filing bill, my switch was locked in the negative, and I would very dearly like to be recorded in the affirmative.

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

**BILLS ON THIRD CONSIDERATION, CONTINUED**

The House proceeded to third consideration of **HB 558, PN 755**, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), authorizing certain handicapped persons to use semi-automatic rifles for hunting.

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

**MOTION TO REVERT TO PRIOR PRINTER'S NUMBER**

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

Mr. LETTERMAN. Mr. Speaker, I would like to stand in opposition to this bill. I would like to explain my position. I am not opposed to the bill as it was in the prior printer's number. What I have opposition to is allowing five shots in a semi-automatic rifle. It is dangerous enough for us to hunt today in the field, without having somebody able to shoot five shells without really aiming, and I think that the additional two shells in there gives them too much opportunity to shoot without looking into the background. I am speaking about the safety of it. The safety factor is what I am looking at. I just feel that with five shots, and all you have to do is squeeze the trigger for each one of them, it does not give you the allowable time to look into the background of what you are shooting at, and I fear that we could come up with a lot more accidents in the field with this type of legislation.

Now, the argument for giving them the five shells is that we manufacture a magazine which holds five shells, but we also, in our shotguns, can put a load in there to only carry three shells. We can plug it off. We only allow three shells in the automatic shotgun, and I feel that that is sufficient for anybody. I really feel that we have to deal with the safety factor, so I, therefore, ask for this to be reverted to the prior printer's number. That prior printer's number is 585.

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

The SPEAKER. On the question of reversion to PN 585, the Chair recognizes the gentleman from Wayne, Mr. Foster.

Mr. W. W. FOSTER. Mr. Speaker, I would like to make a statement in support of the bill as it is presently written.

The SPEAKER. The gentleman wishes to debate against the Letterman motion?

Mr. W. W. FOSTER. Right.

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

Mr. W. W. FOSTER. Mr. Speaker, HB 558 was discussed in committee, and, of course, this question came up as to the capacity of how many shells the rifle should hold. I would like to point out to you right now—and any member who is a hunter will certainly know this—any repeating rifle today that anybody can use to hunt deer, there is absolutely no limit as to how many shells you can put in that rifle. I have seen people

with a pump-action gun, or even a lever-action rifle, shoot it as fast as anybody could shoot a semi-automatic. Now, that would be one reason that I would support the five-shell capacity.

Another would be, as the former speaker mentioned, most of your automatic rifles are fed by a clip, and most of the manufactured rifles today are made for five-shot capacity. If we change it to three-shot, it is going to necessitate an expense on the part of anybody who presently has a rifle or is going to buy a new rifle, to have that clip modified to hold three shells. I really cannot go along on the safety idea because of what I said prior to this. I have seen rifles, old-time rifles, where you can put 15 shells in it and just keep shooting and shooting and shooting. There is no regulation on that at all.

All this bill does is give a severely handicapped person, that is a person with the loss of one hand or both hands, the right to go hunting big game either with a semi-automatic shotgun or a semi-automatic rifle. The reason the Game Commission has made a regulation that you plug a shotgun was in waterfowl hunting to preserve the game. It had nothing to do with safety or anything else, but there is a regulation that if you hunt small game with a shotgun, you do have to have a plug in it to limit it to three shells, but the only reason for that was to save game. So I would ask for your support on this bill in its current form.

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

Mr. GRABOWSKI. I, too, would like to oppose the Letterman motion, particularly because I am the member responsible for amending this bill in committee to limit it to five shells or to increase it from three. Everything that Mr. Foster said is accurate. If, in fact, the three-shot capacity were adopted, it would be virtually impossible for hunters wishing to utilize this type of weapon to modify it to limit it to three shells, and at least it would be a considerable expense if they could do that. And, furthermore, just try to think of how many handicapped hunters there are with one or no limbs. I do not think there are that many, so I would oppose the Letterman motion and I would ask everyone else to, also.

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

Mr. LETTERMAN. The two previous speakers absolutely amaze me in all the knowledge they have about firearms. I can tell you now that you can take a clip and put one in it; you can put two in it; you can put three in it; you can put four in it, and if the clip is manufactured to hold 20, you can put 20 in it, but that does not say you cannot put the lesser amount in also. So it does not cost any more to have the clip filled with two shells than it does four. So that is absolutely false when you say that it is going to cost more money to do that. I just wanted to point that out. I think they should try to think about the firearm and know a little bit more about it before they talk about it.

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

Mr. W. W. FOSTER. The reason you cannot do that, Mr. Speaker, is because the bill says "capacity," and if you had a

five-shot capacity magazine in your rifle, even though you only put three shells in, you would be in violation of the act the way it is written. Again, this was discussed thoroughly in committee, the capacity end of it, and this very point that Mr. Letterman has brought up. It is true you could put three shells in there, but as long as that gun has the capability of holding five, it is illegal. It is the same with your shotgun today; you could still put three shells in a shotgun, but if a warden comes along and finds you without a plug in it, he is going to arrest you, and I am sure that Mr. Letterman also knows that. So that is the reason of the argument against even using a five-shot capacity and only putting three shells in it.

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

Mr. CORDISCO. Mr. Speaker, this is not an issue facing my district per se, but I think that I have to rise to at least state one point of logic that if a hunter is irresponsible with five shots, giving him three is not going to make him responsible, and I think with that point I have to rise against Mr. Letterman and I hope that everyone understands the logic that I raise. Thank you.

The SPEAKER. The question recurs, will the House agree to the motion of Mr. Letterman to revert to printer's number 585 of HB 558. All those in favor of reversion vote "aye"; opposed to reversion vote "no." The members will proceed to vote.

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

The following roll call was recorded:

YEAS—33

Barber	George	Livengood	Piccola
Blaum	Gruitza	Lucyk	Pistella
Cawley	Haluska	Maiale	Rappaport
Cohen	Hutchinson, A.	Michlovic	Ritter
Colafella	Irvis	Miller	Stewart
Cole	Kukovich	Morris	Wachob
DeWeese	Lescovitz	Mullen	Wiggins
Fee	Letterman	O'Donnell	Wright, D. R.
Fryer			

NAYS—161

Alden	Durham	McCall	Showers
Anderson	Evans	McClatchy	Shupnik
Armstrong	Fischer	McIntyre	Sieminski
Arty	Fleck	McMonagle	Sirianni
Belardi	Foster, W. W.	Mackowski	Smith, B.
Belfanti	Foster, Jr., A.	Madigan	Smith, E. H.
Beloff	Frazier	Manderino	Smith, L. E.
Berson	Freind	Manmiller	Snyder
Bittle	Gallagher	Marmion	Spencer
Borski	Gallen	Merry	Spitz
Bowser	Gamble	Micozzie	Stairs
Boyes	Gannon	Miscevich	Steighner
Brandt	Geist	Moehlmann	Stevens
Brown	Gladeck	Mowery	Stuban
Burd	Grabowski	Mrkonc	Swaim
Burns	Greenfield	Murphy	Swift
Caltagirone	Greenwood	Nahill	Taddonio
Cappabianca	Grieco	Noye	Taylor, E. Z.
Cessar	Gruppo	Olasz	Taylor, F. E.
Cimini	Hagarty	Oliver	Telek
Civera	Harper	Pendleton	Tigue
Clark	Hasay	Perzel	Trello
Clymer	Hayes	Peterson	Van Horne
Cochran	Heiser	Petrarca	Vroon
Cordisco	Hoeffel	Petrone	Wambach

Cornell	Honaman	Phillips	Wargo
Coslett	Horgos	Pievsy	Wass
Cowell	Hutchinson, W.	Pitts	Wenger
Cunningham	Itkin	Pott	Weston
DeMedio	Jackson	Pucciarelli	White
DeVerter	Johnson	Punt	Williams, H.
Daikeler	Kanuck	Rasco	Williams, J. D.
Davies	Kennedy	Reber	Wilson
Dawida	Klingaman	Richardson	Wogan
Deal	Kowalshyn	Rieger	Wozniak
Dietz	Laughlin	Rocks	Wright, J. L.
Dininni	Lehr	Rybak	Zwinkl
Dombrowski	Levi	Salvatore	
Donatucci	Levin	Saurman	Ryan,
Dorr	Lewis	Serafini	Speaker
Duffy	Lloyd	Seventy	

NOT VOTING—5

Emerson	Lashinger	Pratt	Sweet
Gray			

EXCUSED—4

Earley	Kolter	McVerry	Wilt
--------	--------	---------	------

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

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

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

The question is, shall the bill pass finally?

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

YEAS—189

Alden	Evans	Livengood	Saurman
Anderson	Fee	Lloyd	Serafini
Armstrong	Fischer	Lucyk	Seventy
Arty	Fleck	McCall	Showers
Barber	Foster, W. W.	McClatchy	Shupnik
Belardi	Foster, Jr., A.	McIntyre	Sieminski
Belfanti	Frazier	McMonagle	Sirianni
Beloff	Freind	Mackowski	Smith, B.
Berson	Fryer	Madigan	Smith, E. H.
Bittle	Gallen	Maiale	Smith, L. E.
Blaum	Gamble	Manderino	Snyder
Borski	Gannon	Manmiller	Spencer
Bowser	Geist	Marmion	Spitz
Boyes	George	Merry	Stairs
Brandt	Gladeck	Michlovic	Steighner
Brown	Grabowski	Micozzie	Stevens
Burd	Greenwood	Miscevich	Stewart
Burns	Grieco	Morris	Stuban
Caltagirone	Gruitza	Mowery	Swaim
Cappabianca	Gruppo	Mrkonic	Sweet
Cawley	Hagarty	Mullen	Swift
Cessar	Haluska	Murphy	Taylor, E. Z.
Cimini	Harper	Nahill	Taylor, F. E.
Civera	Hasay	Noye	Telek
Clark	Hayes	O'Donnell	Tigue
Clymer	Heiser	Olasz	Trello
Cochran	Hoeffel	Oliver	Van Horne
Cohen	Honaman	Pendleton	Vroon
Colafella	Horgos	Perzel	Wachob
Cole	Hutchinson, A.	Peterson	Wambach
Cordisco	Hutchinson, W.	Petrarca	Wargo
Cornell	Irvis	Petrone	Wass
Coslett	Itkin	Phillips	Wenger
Cowell	Jackson	Pievsy	Weston
DeMedio	Johnson	Pitts	White
DeVerter	Kanuck	Pott	Wiggins
DeWeese	Kennedy	Pratt	Williams, H.

Daikeler	Klingaman	Pucciarelli	Williams, J. D.
Davies	Kowalshyn	Punt	Wilson
Dawida	Kukovich	Rappaport	Wogan
Deal	Lashinger	Rasco	Wozniak
Dietz	Laughlin	Reber	Wright, D. R.
Dininni	Lehr	Richardson	Wright, J. L.
Dombrowski	Lescovitz	Rieger	Zwinkl
Donatucci	Letterman	Ritter	
Dorr	Levi	Rocks	Ryan,
Duffy	Levin	Rybak	Speaker
Durham	Lewis	Salvatore	

NAYS—9

Cunningham	Greenfield	Moehlmann	Pistella
Emerson	Miller	Piccola	Taddonio
Gallagher			

NOT VOTING—1

Gray

EXCUSED—4

Earley	Kolter	McVerry	Wilt
--------	--------	---------	------

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.

RECESS

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. I suggest that we recess now for lunch and reconvene at 1:30. Thank you, Mr. Speaker.

The SPEAKER. Does the minority leader have any business before recess?

Without objection, this House now stands in recess until 1:30 p.m. The Chair hears none.

AFTER RECESS

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

CALENDAR

BILLS ON THIRD CONSIDERATION, CONTINUED

The House proceeded to third consideration of **HB 5, PN 5**, entitled:

An Act amending the "Uniform Acknowledgment Act," approved July 24, 1941 (P. L. 490, No. 188), providing for acknowledgments by an attorney at law.

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—183

Alden	Durham	Livengood	Richardson
Anderson	Evans	Lloyd	Rieger
Armstrong	Fee	Lucyk	Ritter
Arty	Fleck	McCall	Rybak
Barber	Foster, W. W.	McClatchy	Salvatore
Belardi	Frazier	McIntyre	Serafini
Belfanti	Freind	McMonagle	Seventy
Beloff	Fryer	Mackowski	Showers
Berson	Gallagher	Madigan	Shupnik
Bittle	Gallen	Maiale	Sieminski
Blaum	Gamble	Manderino	Sirianni
Borski	Gannon	Manmiller	Smith, B.
Bowser	Geist	Marmion	Smith, E. H.
Boyes	George	Merry	Smith, L. E.
Brandt	Grabowski	Michlovic	Spencer
Brown	Greenfield	Micozzie	Spitz
Burd	Greenwood	Miller	Steighner
Burns	Grieco	Miscevich	Stevens
Caltagirone	Gruitza	Moehlmann	Stewart
Cappabianca	Gruppo	Morris	Stuban
Cawley	Hagarty	Mowery	Swaim
Cessar	Haluska	Mrkonic	Swift
Cimini	Harper	Mullen	Taddonio
Civera	Hasay	Murphy	Taylor, F. E.
Clark	Hayes	Nahill	Telek
Clymer	Heiser	Noye	Tigue
Cochran	Hoeffel	O'Donnell	Trello
Cohen	Honaman	Olasz	Van Horne
Colafella	Horgos	Oliver	Vroon
Cole	Hutchinson, A.	Pendleton	Wachob
Cordisco	Hutchinson, W.	Perzel	Wambach
Cornell	Irvis	Peterson	Wargo
Coslett	Itkin	Petrarca	Wass
Cowell	Jackson	Petrone	Wenger
Cunningham	Johnson	Phillips	Weston
DeMedio	Kennedy	Piccola	Wiggins
DeVerter	Klingaman	Pievsky	Williams, J. D.
DeWeese	Kowalyszyn	Pistella	Wilson
Davies	Kukovich	Pitts	Wogan
Dawida	Lashinger	Pott	Wozniak
Deal	Laughlin	Pratt	Wright, D. R.
Dietz	Lehr	Pucciarelli	Wright, J. L.
Dininni	Lescovitz	Punt	Zwilk
Dombrowski	Letterman	Rappaport	
Donatucci	Levi	Rasco	Ryan,
Dorr	Levin	Reber	Speaker
Duffy			

NAYS—0

NOT VOTING—16

Daikeler	Gladeck	Rocks	Sweet
Emerson	Gray	Saurman	Taylor, E. Z.
Fischer	Kanuck	Snyder	White
Foster, Jr., A.	Lewis	Stairs	Williams, H.

EXCUSED—4

Earley	Kolter	McVerry	Wilt
--------	--------	---------	------

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 638, PN 673**, entitled:

An Act amending the "Building Energy Conservation Act," approved December 15, 1980 (No. 222), further providing for steam and hot water heating systems.

On the question,  
Will the House agree to the bill on third consideration?  
Mr. NOYE offered the following amendments No. A557:

Amend Title, page 1, line 5, by inserting after "for" where it appears the last time exclusions from the definition of "building" and for

Amend Sec. 1, page 1, line 9, by striking out "Section" where it appears the second time and inserting The definition of "building" in section 103 and section

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

Amend Bill, page 1, by inserting between lines 11 and 12 Section 103. Definitions.

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

"Building." Any structure that provides facilities or shelter for public assembly or for educational, business, mercantile, institutional, warehouse or residential occupancy, or industrial use including, but not limited to, those portions of factory and industrial occupancy such as office space except for:

(1) Buildings and structures or portions thereof whose peak design rate of energy usage is less than one watt per square foot or 3.4 BTU/hr per square foot of floor area for all purposes.

(2) Structures or those portions of structures used for housing equipment or machinery, or in which manufacturing or processing is done, where the operation of such equipment or machinery, or the manufacturing or processing procedures employed require the use of or generate substantial heat producing energy or cooling within the structure. As used herein, the generation of substantial heat shall mean generation of more than 6 watts per square foot of floor area.

(3) Buildings which are neither heated nor cooled.

(4) Historic buildings.

(5) Buildings owned by the Federal Government.

(6) All units subject to the act of May 11, 1972 (P.L.286, No.70), known as the "Industrialized Housing Act."

(7) All units subject to Title VI (Public Law 93-383), referred to as the Federal Mobile Home Construction and Safety Standards Act of 1974.

(8) Buildings which are constructed primarily of tree logs and only incidentally of other materials.

\*\*\*

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

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

Mr. NOYE. The amendment I offer to HB 638 speaks to an amendment to Act 222 of last year, which was HB 80, dealing with certain standards in new building construction throughout the Commonwealth. There is one particular industry in this Commonwealth which is relatively new—it is not actually new, it is making a comeback—that has become very popular in rural sections of Pennsylvania, and that is the construction of log homes. These homes or cabins are built entirely out of logs and, because of the type of construction involved, there is a serious question as to whether they can meet the requirements set forth in Act 222.

Now, there are ways that they can meet those requirements, but those requirements, in the opinions of those involved, would destroy the esthetic value and the real purpose why

people build log homes. They want the interior in a natural finish; they want the interior to reflect the construction without having to cover it up. It is for this purpose that I offer the amendment to exclude buildings constructed of logs from the requirements of Act 222.

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

Mr. ITKIN. Mr. Speaker, I appreciate Mr. Noye's concern about the log cabin builders, and we have taken a lot of consideration in fashioning HB 80 to deal with problems like the log cabin builders, and the conclusion is that this amendment is not necessary. There are a number of safeguards contained in the act which take care of the concerns of the log cabin builders. I understand that the log cabin builder may not be able to meet the proscriptive standards contained in the act. These standards were based for the normal construction trade and they are, in fact, minimum standards, but the act does include a section which permits alternate building designs as long as the design does not result in greater energy consumption than the bill allows.

There is no red tape involved in having an alternate design. A builder merely has to indicate on the warranty that he provides the home buyer that an alternate system or equipment design was used. With respect to the standards, the standards were 1975 standards, and they are minimum standards and they are not very stringent. Many groups were concerned about the bill because they believe that the standards did not go far enough and are not energy-conserving in terms of the cost of fuel today. I do not want to complicate matters for the small home builder, and the standards contained in the bill reflect my position.

The bill also goes further, which allows a builder to seek a variance from the energy conservation standards in the act. A variance is to be granted if compliance will result in extreme hardship to the owner and, two, the variance would not significantly increase the energy usage of a building.

Finally, and perhaps most important, the provisions of the act are self-enforcing. The builder has the option to approach the buyer and request that he waive the warranty provision.

It is for these reasons and the fact that excluding this type of structure from the bill may precipitate requests for excluding other structures that I ask the members of the House today to oppose these amendments. There are sufficient safeguards and options in the bill as presently structured to take care of the concerns of this particular part of the industry. Thank you, Mr. Speaker.

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

Mr. NOYE. I wish I could share the gentleman's concern and the sureness that he exhibits that the log industry can meet these requirements. In talking with people involved in the industry, I have found that they do not share that optimism that they are quite concerned that their industry is in peril because of the requirements set forth in HB 80 of last year. The problem they face is the fact that they sell a package when they sell a home, and these packages that they put together for the buyers must be put together a good year, year and one-

half, in advance when they place their orders with the timber operators in this country, and the concern now is that they must place their orders for next year and the year after and right now they must place those orders and they do not know what to do; they do not know where to turn.

The purpose primarily that I offer the amendment is to spell out clearly that they would require or would be able to continue in operation without any question whatsoever of the requirements involved.

Now, in my area this is going to have no effect at all because we live in the area serviced by the Pennsylvania Power and Light Company, which has already had standards, minimum standards, more stringent than HB 80 approved by the Public Utility Commission, which are scheduled to go into effect on the 1st of April. Now that is being questioned in Commonwealth Court as to whether or not those standards are necessary since we already have certain standards on the books.

With the housing industry in the shape that it is in in this Commonwealth, an industry that is becoming very large because of the natural resources that we have in this great Commonwealth, I think it would be a great step forward if we would speak to this industry and tell them that they can proceed to operate in the Commonwealth. Thank you.

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

Mr. ITKIN. Mr. Speaker, I will be very brief. In my judgment and my knowledge of the bill, this amendment is not necessary. If there are concerns within the industry that Mr. Noye knows about, please have him contact me. I will show them in the bill and in the law how they can alleviate their problem. Thank you very much. Please vote against the amendment.

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

The following roll call was recorded:

YEAS—114

Alden	Foster, Jr., A.	Levi	Rybak
Anderson	Frazier	Levin	Salvatore
Armstrong	Freind	Lewis	Saurman
Arty	Fryer	Livengood	Serafini
Belardi	Gallen	Lloyd	Sieminski
Beloff	Gannon	McClatchy	Sirianni
Bittle	Geist	Mackowski	Smith, B.
Bowser	Gladeck	Madigan	Smith, L. E.
Boyes	Greenwood	Manmiller	Snyder
Brandt	Grieco	Marmion	Spencer
Brown	Gruitza	Merry	Spitz
Burd	Gruppo	Micozzie	Stairs
Cessar	Hagarty	Miller	Stevens
Cimini	Hasay	Moehlmann	Swaim
Civera	Hayes	Morris	Swift
Clymer	Heiser	Mowery	Taddonio
Cornell	Hoeffel	Nabill	Taylor, E. Z.
Coslett	Honaman	Noye	Telek
Cunningham	Hutchinson, W.	Perzel	Vroon
DeVerter	Jackson	Peterson	Wass
Daikeler	Johnson	Phillips	Wenger
Davies	Kanuck	Piccola	Weston
Dietz	Kennedy	Pitts	Wogan
Dininni	Klingaman	Pott	Wright, D. R.
Dorr	Kowalshyn	Punt	Wright, J. L.
Durham	Kukovich	Rasco	Zwilk
Fischer	Lashingner	Reber	

Fleck	Lehr	Ritter	Ryan,
Foster, W. W.	Letterman	Rocks	Speaker
NAYS—79			
Barber	Duffy	Manderino	Showers
Belfanti	Evans	Michlovic	Shupnik
Berson	Fee	Miscevich	Steighner
Blaum	Gallagher	Mrkonic	Stewart
Borski	Gamble	Mullen	Stuban
Burns	George	Murphy	Sweet
Caltagirone	Grabowski	O'Donnell	Taylor, F. E.
Cappabianca	Greenfield	Olasz	Tigue
Cawley	Haluska	Oliver	Trello
Clark	Harper	Pendleton	Van Horne
Cochran	Horgos	Petrarca	Wachob
Colafella	Hutchinson, A.	Petrone	Wambach
Cole	Itkin	Pievsky	Wargo
Cordisco	Laughlin	Pistella	White
Cowell	Lescovitz	Pratt	Wiggins
DeWeese	Lucyk	Pucciarelli	Williams, H.
Dawida	McCall	Rappaport	Williams, J. D.
Deal	McIntyre	Richardson	Wilson
Dombrowski	McMonagle	Rieger	Wozniak
Donatucci	Maiale	Seventy	

NOT VOTING—6

Cohen	Emerson	Irvis	Smith, E. H.
DeMedio	Gray		

EXCUSED—4

Earley	Kolter	McVerry	Wilt
--------	--------	---------	------

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—187

Alden	Fee	Lucyk	Salvatore
Anderson	Fischer	McCall	Saurman
Armstrong	Foster, W. W.	McClatchy	Serafini
Arty	Foster, Jr., A.	McIntyre	Seventy
Barber	Frazier	McMonagle	Showers
Belardi	Freind	Mackowski	Shupnik
Belfanti	Fryer	Maiale	Sieminski
Beloff	Gallagher	Manderino	Sirianni
Berson	Gallen	Manmiller	Smith, B.
Bittle	Gamble	Marmion	Smith, E. H.
Blaum	Gannon	Michlovic	Snyder
Borski	Geist	Micozzie	Spencer
Bowser	George	Miller	Spitz
Brandt	Gladeck	Miscevich	Stairs
Brown	Grabowski	Moehlmann	Steighner
Burd	Greenfield	Morris	Stevens
Burns	Greenwood	Mowery	Stewart
Caltagirone	Grieco	Mrkonic	Swaim
Cappabianca	Gruitza	Mullen	Sweet
Cawley	Gruppo	Murphy	Swift
Cessar	Hagarty	Nahill	Taddonio
Cimini	Haluska	Noye	Taylor, E. Z.
Civera	Harper	O'Donnell	Taylor, F. E.
Clark	Hayes	Olasz	Telek
Clymer	Hoefel	Oliver	Tigue
Cochran	Honaman	Pendleton	Trello
Cohen	Horgos	Perzel	

Colafella	Hutchinson, A.	Peterson	Van Horne
Cole	Hutchinson, W.	Petrarca	Vroon
Cordisco	Itkin	Petrone	Wachob
Cornell	Jackson	Phillips	Wambach
Coslett	Johnson	Piccola	Wargo
Cowell	Kanuck	Pievsky	Wenger
Cunningham	Kennedy	Pistella	Weston
DeMedio	Klingaman	Pitts	White
DeWeese	Kowalshyn	Pott	Wiggins
Daikeler	Kukovich	Pratt	Williams, H.
Davies	Lashingner	Pucciarelli	Williams, J. D.
Dawida	Laughlin	Punt	Wilson
Deal	Lehr	Rappaport	Wogan
Dietz	Lescovitz	Rasco	Wozniak
Dininni	Letterman	Reber	Wright, D. R.
Dombrowski	Levi	Richardson	Wright, J. L.
Donatucci	Levin	Rieger	Zwinkl
Dorr	Lewis	Ritter	
Duffy	Livengood	Rocks	Ryan,
Durham	Lloyd	Rybak	Speaker
Evans			

NAYS—7

Boyes	Fleck	Heiser	Merry
DeVerter	Hasay	Madigan	

NOT VOTING—5

Emerson	Irvis	Smith, L. E.	Wass
Gray			

EXCUSED—4

Earley	Kolter	McVerry	Wilt
--------	--------	---------	------

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 326, PN 332**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, permitting parties to civil actions for personal injury or death to argue the amount of damages which should be awarded.

On the question,

Will the House agree to the bill on third consideration?

Mr. WOGAN offered the following amendment No. A563:

Amend Sec. 1 (Sec. 7103), page 2, line 5, by inserting after "suggested." Recommendations by judges shall also be allowed in evidence.

On the question,

Will the House agree to the amendment?

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

Mr. WOGAN. Mr. Speaker, what this amendment would do would be to shed more light on HB 326, which would enable attorneys to give their opinions as to proper amounts of damages. My amendment would also allow the recommendation of the judge, who I think would be somewhat more reasonable than the attorneys, since they are in an adversary situation. The judge's recommendation, I think, would be more reasonable and also should be admitted.



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

Mr. ALDEN. Would Mr. Wogan submit to brief interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman, Mr. Alden, may proceed.

Mr. ALDEN. Mr. Speaker, your amendment will effectively take away from the tryer of facts, which is the jury, their right to set the damages because of the prestige, et cetera, that goes along with the office of judge. Are not juries more readily going to accept whatever a judge happens to think it is worth?

Mr. WOGAN. Mr. Speaker, I do not think they would be any more inclined to be swayed by the judge's opinion than they would by the opinions of the attorneys.

Mr. ALDEN. You do not think that a judge, because of his office, has any more prestige that goes with that office as opposed to an attorney who is arguing damages to a jury? You think that is of no more importance?

Mr. WOGAN. It may be of slightly more importance, but I think when you are looking at the benefit that would be obtained by this amendment, the fact that the judge would certainly be more reasonable than two attorneys who were in an adversary situation - one attorney would, of course, want to inflate the damages that his client would want to receive and the other attorney, being, of course, the defense attorney, would not want his client to obtain anything - I think jurors would not be any more swayed by the opinion of, say, the judge than they would be by the trial attorney.

Mr. ALDEN. But do not judges go on the bench with the same kind of vice, if you want to call it that, either being defense-minded or plaintiff-minded that some would consider a low verdict, a high verdict? Do you not think he has the same kind of a problem?

Mr. WOGAN. Well, you are talking about human nature. Of course, judges are human.

Mr. ALDEN. Well, judges are human, are they not, sir?

The SPEAKER. Will the gentleman yield? Conversations on the floor of the House should be kept to a minimum. If it is necessary to confer with your neighbors, we would appreciate it if you would do it in the rear chambers. Members take their seats. The gentleman may proceed.

Mr. ALDEN. I do not know if Mr. Wogan, Mr. Speaker, answered that last question.

Mr. WOGAN. I am sorry. Would you give me the question again? I did not hear it.

Mr. ALDEN. My last question was that judges are human, are they not?

Mr. WOGAN. Certainly.

Mr. ALDEN. That is all the interrogation I have, Mr. Speaker.

If I may, I am opposed to Mr. Wogan's amendment. I think what it really does is usurp the function of the jury in this leaving it entirely up to the judge to make the decision, and I do not think that is what the law is all about and I would urge that this amendment be defeated.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I rise in opposition to the amendment offered. HB 326 is an attempt to bring Pennsylvania in line in the area of arguing damages to a jury with almost every other state in the United States. There are 48 jurisdictions that now do what HB 326 would do. The element being introduced by way of amendment that is now before us would have a very chilling effect on any settlement discussions. Presently, when two adversary parties are in court, the first thing that the judge does is bring them into the chamber, try to see whether it is necessary to even pick a jury and to spend the money of the people of the Commonwealth to empanel a jury, to go through 3 or 4 days or a week or 2 weeks of trial, and in the attempt to bring the parties together, a judge very often recommends, once hearing one side or the other, some figure that he hopes will settle the case. Once either party, defense or plaintiff, moving party, knows that their participation in the judge's chamber in any settlement discussions is going to bring forth a figure or a recommendation from the judge, there will be very little settlement conferences taking place to the detriment and the breakdown of the whole system. My guess would be that of cases that are filed in court, less than 10 percent ever get tried, that a jury is ever picked and that ever need the impaneling of the jury, and probably even of those where juries are impaneled, a high percentage of them are settled prior to the jury making a decision, because of the intervention of the judge. All of that, I think, will no longer take place if you allow the judge's recommendation to go into evidence.

Now, let us look at the nature of the jury system. Juries are impaneled so that people from every walk of life - engineers, bakers, butchers, candlestick makers - can serve on that jury and bring to bear, bring to bear the experience of their lives on a determination of any particular issue in the lawsuit, including money damages, which this bill is all about, and our adversary system will allow both plaintiff and defendant's attorneys to make their best pitch before this panel of jurors, before jurors from several walks of life, and then that jury will get together and hammer out between them whatever is fair. I think that allowing the judge to bring his recommendation in, most jurors are in awe of the courtroom, the judge who pronounces what the law is in any particular case, and I think that they would remain in awe of what his recommendation is, and you would be reducing that consensus from 12 people on the jury to one person, the judge, and I do not think we want that in our system, and I ask that we not complicate HB 326, which is an attempt to bring us in line, at par with all other jurisdictions save one in these United States.

I ask that we not complicate it with this new feature of allowing a judge and his recommendation that he ordinarily makes in settlement negotiations which may or may not represent his true evaluation of the case. Usually it represents the figure that he believes will prevent the lawsuit from going further, whether it is a true evaluation of the value of the case or not. I ask not to inject this; defeat the amendment. Thank you, Mr. Speaker.

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

Mr. PICCOLA. I also rise to oppose this amendment. I would ask the members to look very carefully at this amendment, because it seriously changes—I believe adversely changes—the function of the judge, the jury, and the attorneys in a jury trial case.

It reads simply, “Recommendations by judges shall also be allowed in evidence.” Now, it does not say that the judge merely would instruct the jury; it says that the judge actually becomes a witness in the case, because evidence can only be produced by a witness. Now, unless that judge witnessed the event about which the trial is taking place, that judge’s recommendation can only be hearsay, and that violates every rule of evidence that I have ever been instructed on.

A judge in a jury trial is only there to instruct the jury on the law. The jury is there to be the finder of facts, and when you have the judge become a witness in a jury trial, you are confusing those functions; you are going to confuse the jury, and you are going to get results in jury trials that are unjust under the circumstances, and I would urge the House to defeat the amendment.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Wogan, for the second time.

Mr. WOGAN. Mr. Speaker, I just heard what I regard as some very splendid objections to amendment A563 on the part of Mr. Alden, Mr. Manderino, and Mr. Piccola, but it seems rather funny to me, it seems rather strange indeed, that these three gentlemen are disturbed that the function of the jurors will be usurped by a judge, a trial judge, but they are not in the slightest degree disturbed by the fact that the bill as written would allow the functions of the jurors to be usurped by the trial attorneys.

It seems to me entirely inconsistent

**PARLIAMENTARY INQUIRY**

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

Mr. W. D. HUTCHINSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. W. D. HUTCHINSON. Mr. Speaker, are we not debating the amendment?

The SPEAKER. The question before the House is the adoption of the Wogan amendments. Debate should be limited to the amendments.

Mr. W. D. HUTCHINSON. All right; and not to the bill, Mr. Speaker?

The SPEAKER. That is correct.

Mr. WOGAN. The amendment as written would in no way limit settlement negotiations. Nowhere in the amendment do the words “settlement negotiations” appear. All this amendment would do would be to lend some reason to the bill as a whole, because the judge, as I mentioned before, does not have an interest in the case. As I said before, the plaintiff’s

attorney would certainly want to inflate the figures that he gives to the jurors; the defense attorney would certainly want to give the jurors a figure which would be as low as possible, perhaps zero. The judge may be the only reasonable authority who those jurors will have an opportunity to hear out on this case, and for that reason, I would strongly recommend that my amendment be adopted.

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson, for a brief statement on the amendment.

Mr. W. D. HUTCHINSON. Mr. Speaker, I urge the members to vote against this amendment. The jury system is an important part of our law. It is that part of the law which ameliorates the strict, rigid logic of the judge and brings the community and its perceptions into the case. We fought long and hard in our history, both here and in England, to give the jury power, and this amendment would remove some of that power. I think the gentleman, Mr. Manderino, is absolutely correct when he talks about jurors being in awe of the judge, and therefore the judge’s recommendations carry undue weight. I do not think the judges need more power; I think, as a matter of fact, in some respects perhaps we should be going in the other direction. I think this amendment is mischievous and should be defeated. I urge the members to vote “no.”

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

Mr. LEVIN. Mr. Speaker, very briefly, I would like to support the negative position on this amendment. I am afraid that the offerer of this amendment does just not have enough experience with judges to understand how dangerous it is and how much they can dominate a courtroom without this recommendation. To allow them this would put them in a position of incredible power that we just should avoid if we can. Thank you.

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

The following roll call was recorded:

**YEAS—17**

Cessar	Klingaman	Miller	Sieminski
Fleck	Laughlin	Perzel	Vroon
Heiser	Madigan	Rocks	Weston
Hutchinson, A.	Marmion	Salvatore	Wogan
Kennedy			

**NAYS—179**

Alden	Duffy	Lewis	Rybak
Anderson	Durham	Livengood	Saurman
Armstrong	Evans	Lloyd	Serafini
Arty	Fee	Lucyk	Seventy
Barber	Fischer	McCall	Showers
Belardi	Foster, W. W.	McClatchy	Shupnik
Belfanti	Foster, Jr., A.	McIntyre	Sirianni
Beloff	Frazier	McMonagle	Smith, B.
Berson	Freind	Mackowski	Smith, E. H.
Bittle	Fryer	Maiale	Smith, L. E.
Blaum	Gallagher	Manderino	Snyder
Borski	Gallen	Manmiller	Spencer
Bowser	Gamble	Merry	Spitz
Boyes	Gannon	Michlovic	Stairs
Brandt	Geist	Micozzie	Steighner
Brown	George	Miscevich	Stevens
Burd	Gladeck	Moehlmann	Stewart
Burns	Grabowski	Morris	Stuban

Caltagirone	Greenfield	Mrkonic	Swaim
Cappabianca	Greenwood	Mullen	Sweet
Cawley	Grieco	Murphy	Swift
Cimini	Gruitza	Nahill	Taddonio
Civera	Gruppo	Noye	Taylor, E. Z.
Clark	Hagarty	O'Donnell	Taylor, F. E.
Clymer	Haluska	Olasz	Telek
Cochran	Harper	Oliver	Tigue
Cohen	Hasay	Pendleton	Trello
Colafella	Hayes	Peterson	Van Horne
Cole	Hoefel	Petrarca	Wachob
Cordisco	Honaman	Petrone	Wambach
Cornell	Horgos	Phillips	Wargo
Coslett	Hutchinson, W.	Piccola	Wass
Cowell	Irvis	Pievsky	Wenger
Cunningham	Itkin	Pistella	White
DeMedio	Jackson	Pitts	Wiggins
DeVerter	Johnson	Pott	Williams, H.
DeWeese	Kanuck	Pratt	Williams, J. D.
Daikeler	Kowalyszyn	Pucciarelli	Wilson
Davies	Kukovich	Punt	Wozniak
Dawida	Lashinger	Rappaport	Wright, D. R.
Deal	Lehr	Rasco	Wright, J. L.
Dietz	Lescovitz	Reber	Zwikl
Dininni	Letterman	Richardson	
Dombrowski	Levi	Rieger	Ryan,
Donatucci	Levin	Ritter	Speaker
Dorr			

## NOT VOTING—3

Emerson Gray Mowery

## EXCUSED—4

Earley Kolter McVerry Wilt

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

## REMARKS ON VOTE

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

Mr. MARMION. Mr. Speaker, I want to be recorded as "yes" on the Wogan amendment A563 to HB 326.

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

## NIGERIANS PRESENTED

The SPEAKER. Will the members of the House please take their seats? We have some special guests here today who are also members of a legislative body. Will the sergeant at arms clear the various aisles.

Pennsylvania, for the past several days, has been privileged to be the host to nine members of the various legislatures of Nigeria. Several of your leaders and members have also had the privilege of meeting with these gentlemen over the past several days. I would at this time like to introduce to the House the Speaker of the State of Ogun in the Country of Nigeria and ask that he preside for the purpose of introducing the guests from that country who are visiting here in the United States and particularly Pennsylvania at this time. Mr. Speaker Ajayi.

PRESENTATION OF GAVEL  
TO NIGERIAN SPEAKER

The SPEAKER. At this time I would like to give the Speaker a commemorative gavel presented to him from each and every one of us. Mr. Speaker.

SPEAKER AJAYI. Mr. Speaker, Honorable members of the House of Representatives, my name has been introduced by Mr. Speaker; it is Oluyemi Ajayi, the Speaker of Ogun State in Nigeria. I am happy to be the leader of the delegation that is visiting this state on this occasion. On behalf of myself and the members of the delegation, we are happy for the warm reception you have given to us. Before I go I would like to introduce members of my delegation to the members of the House of Representatives here.

I am the leader of the delegation, as I said. The next one on the list is the Honorable Chief A. D. William-Jumbo, who is the majority leader in the House in the Rivers State of Nigeria. The next man is Honorable J. S. Namo, the minority leader in the Plateau State House of Assembly in Nigeria. The fourth man is Alhaji Isa Waziri Sulaiman II, chairman of the Niger House of Assembly in Nigeria. The fifth man is Honorable S. O. Didigu, chairman of the Anambra House of Assembly, also in Nigeria. The sixth member is Honorable D. S. T. O. Pessu, chairman of Public Petition, Bendel House of Assembly. The seventh member is Chief Adekunjo Akinleye, the member of the Ogun State House of Assembly in Nigeria. The eighth man is Honorable Prince Imeh Udoh, the chairman and member from Cross River State in Nigeria. The ninth member is Mori Alhaji Mohammadu, from Sokoto State House of Assembly. And the last, but not the least, is our escort, Mr. D. O. Eneanya, from National Assembly, Nigeria.

The SPEAKER. I would like to see a warm Pennsylvania send-off to these gentlemen to let them know just how much we enjoyed their company. Prior to their leaving I would then recognize the minority leader, Mr. Irvis, for some comments. Gentlemen.

## STATEMENT BY MINORITY LEADER

The SPEAKER. The Chair recognizes the minority leader. I might add, prior to Mr. Irvis making any comments, that the Speaker presides over an Assembly that is made up of one party, his.

Mr. IRVIS. Thank you, Mr. Speaker.

When we had dinner last night, I told them that there would be two people in our House who would be delighted with that situation - one would be Jim Manderino, and the other would be our present Speaker - neither one of whom was going to get his wish in Pennsylvania.

Gentlemen from Nigeria, we welcome you here very warmly and very honestly and very sincerely in Pennsylvania. We are very flattered that you would come here. The members of the General Assembly, you are to know that this is not the only delegation, however, in the United States. There are a number of states now hosting the members from Nigeria, but Pennsylvania has been chosen by this particular group as exempli-

fyng some of the best traditions in the democratic process in the United States, and we are very flattered that a great many of the processes followed in Nigeria have been influenced by the United States Constitution and by the procedures of the House of Representatives in the United States, the Senate in the United States, and indeed by the House and Senate of this Commonwealth.

I would point out to you also that in West Coast Africa there has been a very ancient tradition of parliamentary procedure that the procedure of meeting together in tribal groups and in clan groups is well over 8,000 years old. It is not something which originated on the island of Great Britain only a few hundred years ago.

I would also point out to you that ability is not limited to skin color. I have said that to you many times in the 22 years that I have stood here. I say it to you again today so that you may take it home with you. In the world which we are creating, intelligence, competence, and integrity are bound to mean far more than the color of one's skin or the color of one's eyes or one's religion or his geographical point of origin.

Gentlemen, by introducing yourselves to us and presenting yourselves to us in Pennsylvania, we are flattered that you are here, that you are teaching all of us a lesson in democracy. We are very proud of you. Come back again. Thank you.

#### STATEMENT BY MR. OLIVER

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

Mr. OLIVER. Mr. Speaker, as chairman of the Pennsylvania Black Legislative Caucus, I certainly extend a warm welcome to our guests. I certainly hope your stay here has been most enjoyable. We certainly hope to see you again in the very near future. Thank you so much for coming.

#### STATEMENT BY MR. H. WILLIAMS

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Hardy Williams.

Mr. H. WILLIAMS. I want to join in the welcome of our guests, also. I would like to take the time to make an observation to the leadership.

I think it was last week we had a contingent from Nigeria here, also. Fortunately, as they were leaving, I took the time to try and have some interchange with some of the members, and it was very productive. I understood from their national guide that arrangements had been made for various interchanges while in Harrisburg. All of them seemed to be with the leadership. Maybe I am incorrect. I just wanted to punctuate the fact that some of us, at least I, have an abiding interest because the visitors and several of us share a common heritage, share an acute need for economic development and the like. That is not to suggest that any other group would not be of particular interest, but I do think that it is a big omission when some of us have particular needs to interchange more in-depth on some dynamics that are relevant to our state and our country, and that does not happen. I do not mean to be crit-

ical at such a happy time, but I cannot fail to mention that as a suggested improvement for the future. Because I feel very deeply about the issues and items that are shared in such a vacuum and when people are here that we can benefit substantially by, I, for one, would like the benefit of that interchange. I thank you, Mr. Speaker.

The SPEAKER. When our visitors leave, Mr. Richardson has requested that an opportunity be given to the members of the Black Caucus to have their photographs taken with the legislators from Nigeria. The Chair has no objection to that, and, as they leave, will declare—without objection, of course—a 5-minute recess for that purpose; no longer than 5 minutes, however.

#### STATEMENT BY MRS. HARPER

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Mr. Speaker, on behalf of the women of Pennsylvania, I should like to welcome the men from Nigeria and ask them to bring a woman representative next time. Thank you.

#### MR. ANDERSON REQUESTED TO PRESIDE

The SPEAKER. The Chair requests the gentleman from York, Mr. Anderson, to preside temporarily.

#### RECESS

The SPEAKER. Without objection, the House will stand in recess for a period of 5 minutes. The Chair hears none.

#### AFTER RECESS

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

#### THE SPEAKER PRO TEMPORE (JOHN HOPE ANDERSON) IN THE CHAIR

#### CONSIDERATION OF HB 326 CONTINUED

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

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

The question is, shall the bill pass finally?

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

Mr. DAVIES. Mr. Speaker, would the drafter of the bill, the maker of the bill, stand for just one or two questions of interrogation?

Mr. ALDEN. Yes, he will.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Alden, who indicates that he will accept interrogation.

Mr. DAVIES. Mr. Speaker, what has occurred with the settlements in other states—the other 48 states, as I understand it—as these provisions have been provided in those states relative particularly to the settlements in which the Commonwealth or those states had been named in suits for personal damages? What has been the immediate effect of this type of legislation in those states with the amounts of settlements in those states?

Mr. ALDEN. Mr. Speaker, it is hard to gauge what has actually happened throughout the states since the last one, I think, was in the 1960's, and with the explosion of the inflation, it has been the tendency to go upwards because of the inflation. But what happens is that over a period of time you get more predictable verdicts because you start to get a range and you begin to be able to get settlements. I think in the long run, though, it benefits the Commonwealth, because as per my bill, the defense would be able to argue their side of the case, too, so that the jury would have not only the benefit of the plaintiff's side but also the defendant's side.

Mr. DAVIES. All right. Then, Mr. Speaker, one of my concerns would be that there would not tend to be any dramatic increase in the immediate first year or first 5 years of an experience factor with this type of legislation in place, particularly where the Commonwealth is named as the defendant in that type of litigation.

Mr. ALDEN. Mr. Speaker, I think in the long term what would happen would be you would tend to get fewer of these big, gigantic verdicts which you are getting now more and more that seem to be off-the-wall type verdicts.

Mr. DAVIES. I am sorry, I missed that last part.

Mr. ALDEN. I think over the long range the predictability would start to evolve in these verdicts and you would not get these excessive verdicts. Built into this legislation you still have sort of a curb on it that if a verdict is excessive, you still have the appellate courts that can reduce that verdict if it is too excessive. We also have limitations already set in place on Commonwealth verdicts under our Judicial Code.

Mr. DAVIES. And, Mr. Speaker, do you feel comfortable with the fact that now that the Commonwealth is open to these types of suits in many areas that they had not previously been, that we would not feel a crush or a rush or a dramatic increase in the amounts of moneys that are being asked for in this type of litigation?

Mr. ALDEN. I do not believe so. I think the Commonwealth is going to be better off, as I said, Mr. Speaker, because they will be now able to argue their side of the case without being what we call a target defendant. They will be able to argue their case more meritoriously before a jury, and, as I said, over the long range the predictability of the verdicts is going to tend to lessen rather than increase.

Mr. DAVIES. In other words, Mr. Speaker, because of the fact that the lawyer for the plaintiff may mention a sum in a similar case for similar damages that may have occurred in, let us say, the State of California, or would have occurred in, let

us say, the State of New York or those that have had this in place and have tended to be more liberal in those settlements in the past, would it not then become an effective device as far as the amount of settlement here within the courts of the Commonwealth of Pennsylvania?

Mr. ALDEN. First of all, I do not think they are going to be able to argue what is happening in other states as the criteria for what is going to happen in Pennsylvania. If that would be so, you would be able to argue from the defense side that those states where the verdicts were lower would be criteria, too. But I think this applies only to Pennsylvania as to what is going on in Pennsylvania, not in California, not in New York, not in any other state.

Mr. DAVIES. In other words, Mr. Speaker, there is no actual way or comparison or study that is available that could dramatically show this factor or any leveling-off factor that had taken place in other states as far as statistical studies. That is not available, is it?

Mr. ALDEN. To my knowledge, there is not one available.

Mr. DAVIES. Thank you, Mr. Speaker.

Mr. ALDEN. Mr. Speaker, if I may state further.

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

Mr. ALDEN. Pennsylvania, as Mr. Manderino has mentioned, is one of two of the 50 states that do not allow the argument before the jury. All other 48 states do allow this. This would bring Pennsylvania into uniformity with those other states. Our insurance rates now are set on a national level, so Pennsylvania is really paying for verdicts that are occurring in other states, and this would bring us into conformity.

I would point out to the House also, Mr. Speaker, that the Insurance Service Organization in August of 1979 testified before the House Insurance Committee that what happens in Pennsylvania will not make any difference. As I said, the rates are set uniformly in the United States and we in Pennsylvania are paying for whatever happens in other states, and I think that the House should take that into consideration. As I said, it would make us uniform in the United States.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Wogan.

Mr. WOGAN. Mr. Speaker, would the gentleman from Delaware, Mr. Alden, submit to interrogation?

The SPEAKER pro tempore. He indicates that he shall. The gentleman may proceed.

Mr. WOGAN. Mr. Speaker, it is true that HB 326 as presently written contains no limitations whatsoever on the actual numbers that attorneys could introduce in front of jurors. Is that true?

Mr. ALDEN. That is correct.

Mr. WOGAN. In view of that, Mr. Speaker, my question would be, if an attorney could therefore pull a figure out of the air, so to speak, with no possible limitation on the figures that he could submit in front of a jury, how in God's name does that lend anything at all to predictability of verdicts?

Mr. ALDEN. That presumes, Mr. Speaker, that he will pull figures out of the air. I presume he will pull figures out that

will be based on the evidence that is presented. However, that is not to say that the defense will not pull figures out of the air also. There was also built into this bill a proviso that when any argument is made to a jury, the jury is informed that that argument, that figure, is not controlling and it is not evidence and they are not to make that the basis of their award.

Further, Mr. Speaker, there is another built-in proviso that if an award turns out to be excessive, the appellate courts have a right to look at that award and, if it is excessive, to turn it down. Also in the courtroom, of course, you have the judge who instructs the jury, and you have him controlling what can be argued legitimately and what cannot be legitimately argued, and over the course of time the judiciary will promulgate those rules.

Mr. WOGAN. But as written, there actually is no limitation on the actual figures that attorneys could introduce in front of juries. No matter what the judge's instructions, there is no limitation in this bill, is there?

Mr. ALDEN. There is no limitation as to what plaintiff or defense may argue.

Mr. WOGAN. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Marmion.

Mr. MARMION. I rise to make a few points regarding this bill that I do not agree with. Before lunch I heard this bill referred to facetiously as the attorneys' welfare bill. There are two things that I disagree with in this. We constantly talk about being in line with other states. I have heard that since I have been up here. Is there ever a time that Pennsylvania leads and lets the other states follow? As far as the jury system is concerned, I do not feel that they should be spoon-fed by two attorneys. Let us do their job in picking a stronger jury. Thank you, Mr. Speaker.

Mr. ALDEN. I did not hear what the gentleman was saying. I did not make out what was said by the gentleman. Could you repeat that? I did not understand what you

Mr. MARMION. Mr. Speaker, do you mean my last point?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. MARMION. Were you referring to my last point, Mr. Alden?

Mr. ALDEN. I did not hear your last point. That is why I was saying I did not understand what you said.

Mr. MARMION. I feel that the jury system—I do not like to see two attorneys in the courtroom more or less spoon-feeding a jury as to the final verdict. I feel your responsibility should be in choosing a stronger jury in the first place instead of, you do not like the guy's blue eyes so knock him off. Let us get a proper jury and let them make their decisions.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Alden.

Mr. ALDEN. I think I understand what the gentleman is saying. In the criminal law we do that all the time. In our closing arguments we argue before the jury the evidence that has been put in, so I think this is not out of context with the way things are already, except now we are talking about arguing damages.

Unfortunately, when a jury walks out of the courtroom, they walk out in a vacuum, not knowing what they are going to discuss or whatever. You may put medical figures on the board; you may put loss of wages on the board, and then the jury is required to come up with some kind of figure as to what pain and suffering or some other unliquidated figure means. That is unfair to the jury, and I think this is a better system to do it. It has built-in safeguards. It gives them a yardstick, some kind of way to analyze the thing and come up with a figure that is perhaps more appropriate than some of the figures that have come out recently.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Marmion.

Mr. MARMION. I feel on the contrary that that is the judge's responsibility. I can see both sides' attorneys giving their best shot to the jury, but let the judge make his charge to his jury, and he can give them the parameters.

Mr. ALDEN. Well, I disagree, Mr. Speaker. If you are talking about the judge making his decision as to what he thinks the damages are, you are negating the jury system itself, because the judge is going to make the decision. I think that is no better way to do it. We have an advocacy system in this country where lawyers argue before juries. That is what this country is founded on; that is what the common law is about, and that is what happens nowadays. Letting the judge usurp that function of the jury is getting into grounds I do not think that we want to get into.

On the question recurring,  
Shall the bill pass finally?

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

## YEAS—170

Alden	Emerson	Lloyd	Rybak
Anderson	Evans	Lucyk	Salvatore
Armstrong	Fee	McCall	Serafini
Arty	Fischer	McClatchy	Seventy
Barber	Fleck	McIntyre	Showers
Belardi	Foster, W. W.	McMonagle	Shupnik
Belfanti	Foster, Jr., A.	Mackowski	Sieminski
Beloff	Freind	Maiale	Sirianni
Berson	Fryer	Manderino	Smith, E. H.
Bittle	Gallagher	Manmiller	Smith, L. E.
Blaum	Gallen	Merry	Snyder
Borski	Gamble	Michlovic	Spencer
Bowser	Gannon	Micozzie	Spitz
Brandt	Geist	Miller	Stairs
Brown	George	Miscevich	Steighner
Burns	Gladeck	Morris	Stevens
Caltagirone	Greenfield	Mrkonic	Stewart
Cappabianca	Greenwood	Mullen	Suban
Cawley	Gruitza	Murphy	Swaim
Cessar	Gruppo	Nahill	Sweet
Cimini	Hagarty	Noye	Taddonio
Civera	Haluska	O'Donnell	Taylor, E. Z.
Clark	Harper	Olasz	Taylor, F. E.
Clymer	Hasay	Oliver	Telek
Cochran	Hayes	Pendleton	Tigue
Cohen	Hoeffel	Perzel	Trello
Colafella	Honaman	Peterson	Van Horne
Cole	Horgos	Petrarca	Vroon
Cordisco	Hutchinson, A.	Petrone	Wachob
Coslett	Hutchinson, W.	Piccola	Wambach
Cowell	Irvis	Pievsky	Wargo
Cunningham	Itkin	Pistella	White
DeMedio	Johnson	Pitts	Wiggins
DeWeese	Kanuck	Pratt	Williams, H.

Daikeler	Kowalyszyn	Pucciarelli	Williams, J. D.
Dawida	Kukovich	Punt	Wilson
Deal	Lashinger	Rappaport	Wozniak
Dininni	Laughlin	Rasco	Wright, D. R.
Dombrowski	Lehr	Reber	Wright, J. L.
Donatucci	Lescovitz	Richardson	Zwinkl
Dorr	Letterman	Rieger	
Duffy	Levin	Ritter	Ryan,
Durham	Lewis	Rocks	Speaker

## NAYS—26

Boyes	Grieco	Madigan	Smith, B.
Burd	Heiser	Marmion	Swift
Cornell	Jackson	Moehlmann	Wass
DeVerter	Kennedy	Mowery	Wenger
Davies	Klingaman	Pott	Weston
Dietz	Levi	Saurman	Wogan
Grabowski	Livengood		

## NOT VOTING—3

Frazier	Gray	Phillips
---------	------	----------

## EXCUSED—4

Earley	Kolter	McVerry	Wilt
--------	--------	---------	------

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 145, PN 146**, entitled:

An Act authorizing the Secretary of Environmental Resources to establish a Volunteers in State Parks and Forests Program and for other purposes.

On the question,

Will the House agree to the bill on third consideration?

Mr. DAVIES offered the following amendments No. A564:

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

Amend Sec. 1, page 1, line 6, by inserting before "The" (a)

Amend Sec. 1, page 1, line 12, by inserting after "development", water safety

Amend Sec. 1, page 1, by inserting between lines 14 and 15 (b)

The secretary shall establish at every State park or forest area with developed swimming facilities a voluntary program for water safety which will utilize trained volunteers as lifeguards and supervisors of such swimming facilities. No swimming shall be permitted at any State park or forest area with a developed swimming facility until such time as a functioning volunteer water safety program is implemented and volunteer personnel are in place. Every State park or forest area with a developed swimming facility shall be posted as to the existence or nonexistence of such voluntary program.

On the question,

Will the House agree to the amendments?

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

Mr. DAVIES. Mr. Speaker, as I understand in the testimony given before the House Appropriations Committee by the Secretary just a few short weeks ago, there was a plan announced that there would be a cutback in the hiring of, I

just do not know how many, lifeguards in the summer programs that are put on by the Commonwealth for the areas served as beaches and areas of parks which have swimming areas that are not the pool type of area. This amendment would simply say that the Secretary, in establishing the voluntary programs that are set forth in this authorization, would call for a water-safety program by trained volunteers as lifeguards and that no swimming in those areas would be permitted unless that facility was covered by such a voluntary water-safety program.

I do not think, if we are going to have that type of area open to the public for their utilization, that anyone should be placed in jeopardy without our efforts here at trying to establish some minimum safety provision for those areas. That would include some of the areas in Berks County about which I have a great deal of concern. We have a very large area, a lake area, which is now controlled by the Federal Government. The department could not assume its proper responsibility for that area a few years back and they continue not to provide a program in that area, and the program that has been provided by the Federal Government, of course, is less than satisfactory. We have as many as 10,000 people using one facility with a very minimal amount of what we call water-safety protection. What this would call for is to bring out people who are qualified by, let us say, the American Red Cross.

At one time in the 1930's and the 1940's, of course, this type of voluntary program was a functional part of our system here, not just in Pennsylvania but throughout, I guess, all of the United States. This would really be calling for those trained people. I do not care whether it would be those sponsored by the American Red Cross or whether it would be those sponsored by, let us say, qualified merit-badge holders of Boy Scouts or whether it would be some other licensing organization that could be recognized as water-safety experts, but I do not think that anyone can place either a child or anyone in the public domain who is not going to be afforded some sort of protection of their very lives if they are going to use these facilities, and if they are going to use a facility without that, I think then it should be properly posted.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler, Mr. Steighner.

Mr. STEIGHNER. Mr. Speaker, would the maker of the amendment stand for brief interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will. You may proceed.

Mr. STEIGHNER. Mr. Speaker, is it your impression that if your amendment is adopted, the volunteer system would replace the present lifeguard system that we have in the state parks?

Mr. DAVIES. I have no desire to replace that system at all. I am saying that in the matter of budgetary shifts or budgetary changes, if we are going to do that, then I think that we should go to a program that had been in force. I can last recall serving in that capacity, I think it was, in the late 1940's, in which there were still voluntary people who were qualified by, I think, the American Red Cross at that time acting as water-

safety directors. This is not intended to replace anyone who is currently or has been employed at pools or anything such as that nature. This is purely intended for those areas that would be marked by those cutbacks that had been mentioned by the Secretary when he addressed the Appropriations Committee. I do not feel as if I would want to, as a legislator, know that there was a facility in my legislative district that I did not try to draw the attention of either the Secretary or the department, for the sake of the people in my district, to some sort of protection that is going to be afforded to them; that is, the best alternate method of protection that I can think of is for their safety and their life.

Mr. STEIGHNER. Mr. Speaker, with the implementation of your amendment, what would the consequences be to a state park that would be unable to implement such a volunteer program?

Mr. DAVIES. Be unable to implement the program? I do not know. I would say that I would rather see them not having the swimming program than having a program which would endanger the lives of youngsters or anyone, actually, who is not capable of handling himself in the water, and to say that there is not that kind of risk, I as a legislator do not want to have that responsibility on my shoulders without making some sort of attempt to at least provide those services, and I think this is about the best alternate that I could think of. I am open to any suggestion you may have that is a better alternative, but this is the best one that I could come up with.

Mr. STEIGHNER. Mr. Speaker, I would like to make a brief comment on the amendment.

The SPEAKER pro tempore. The gentleman is in order.

Mr. STEIGHNER. Mr. Speaker, I really do not believe that this amendment places any real responsibility on the volunteers who would be used at the state park system. Not only that, I think it would be an endorsement if we adopt this amendment by this chamber of a major shift in our state park system away from paid employes who are responsible to the park superintendents and the park supervisors.

I believe that the present lifeguard system that we have in the Commonwealth has proven more than adequate. I think it has served as an invaluable asset to the people of this state, and I would urge the defeat of the amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. DOMBROWSKI. I, too, would urge defeat of this amendment.

The SPEAKER pro tempore. Will the gentleman, Mr. Dombrowski, yield to the gentleman from Elk, Mr. Wachob, please?

Mr. WACHOB. I rise to oppose this amendment. It is very clear to me what this amendment tries to do. Once again it is an approach to put the cart before the horse in dealing with water safety at our state parks. Now, the question is very clear: Either we are for water safety at our state parks or we are against water safety. The current lifeguard system within our state parks is quite adequate, and I do not believe that we should be adopting a volunteer policy prior to the Department of Environmental Resources or this chamber approving or

disapproving a current budget figure that would either allow for lifeguards who would be paid on a full-time basis or disallow for lifeguards paid on a full-time basis. I believe that our current system is the best system, and if we are in the business of maintaining our state parks, then we should be in the business of maintaining them with the utmost degree of safety, and I think that is best accomplished by our current lifeguard system and not by a volunteer staff. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. I would like to join with Mr. Wachob and Mr. Steighner in opposing this amendment. I think with the conditions we have in Lake Erie where the water gets very treacherous, when the winds blow— It is a shallow lake; it acts up very fast. It is very necessary that we have well-trained lifeguards as we have now. I urge defeat of the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Wenger.

Mr. WENGER. Mr. Speaker, although I think I agree to some of the intent of the maker of the amendment, I do have a concern because the amendment says that, in the case where you are depending on volunteers, there could be no swimming unless this volunteer system was in place. I could envision a situation where you would not have the trained and qualified volunteers. In a situation like that then there could be no swimming at that particular location. For that reason, although the intent is probably good, I think there is some problem with the amendment and I think it should be defeated, and another attempt should be made to draft something that would be perhaps more equitable and would fit that situation better. Thank you, Mr. Speaker.

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

Mr. LETTERMAN. Mr. Speaker, when we cosponsored this bill, in no way did we say anything about the lifeguards or water safety people. If you read the bill, it does not include them at all, and I do not understand why we would need that in. I think that Mr. Wachob is absolutely right, we are trying to put the cart before the horse. Just because there is a proposal to do away with state water safety people does not mean that that was in this bill, and I would like to see it defeated.

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

Mr. DAVIES. Mr. Speaker, on the amendment itself, it is not the intent of the amendment to replace anyone who has been employed or would be employed by the Commonwealth for water safety. This is merely a proviso or a provision that in the event that the department in any way makes those cutbacks, the Secretary would then have to put in its place a voluntary program.

The remarks of the gentlemen who spoke in opposition to the amendment would be well taken if it was just the intent of this for volunteers to take the place of those who have been gainfully employed in that capacity. This is merely an attempt



that if there is any cutback in program whatsoever, this would provide for some of those people who have in the past, and are still out there, whether they be senior citizens, whether they be people as myself who served in that capacity, and I know of the fact that I probably asked to see how many have qualified as lifeguards and served in that capacity in some kind of voluntary process, either in Boy Scout camps or other facilities, but those are state facilities which in the past many years have never had the type of water safety or water safety protection that is needed and would be needed if there is any cutback in program whatsoever. This is not intended to supplant or take the place of any of those who would be or could be gainfully employed, merely those areas that if there is any such cutback, we do not forsake water safety. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, as I read this amendment, it appears to me that there is just no question that if you adopt this amendment you are abolishing paid lifeguards at state parks, because the gentleman, Mr. Davies, did not point out that he is taking out the word "authorizing" the Secretary; he is requiring the Secretary to establish this volunteer program. Further, if you read on, it says: "The secretary shall establish at every State park or forest area with developed swimming facilities a voluntary program for water safety which will utilize trained volunteers....No swimming shall be permitted at any State park or forest area with a developed swimming facility until such time as a functioning volunteer water safety program is implemented and volunteer personnel are in place."

Mr. Speaker, it is absolutely clear that what the gentleman intends to do is to abolish paid lifeguards at the state parks and replace them with a volunteer lifeguard system. I am opposed to that. I am opposed to that for a number of reasons, one of which is that if you cannot secure enough volunteers at a state park, there will be no swimming at that state park. No ifs, ands, or buts about it, the language in the amendment is absolutely clear. It requires the Secretary to establish this program, and it further points out that there will be no swimming at state parks unless the volunteer program is in effect. That does not give him an option if he cuts back on funds or anything else. There are no options, Mr. Speaker. This amendment mandates that the Secretary shall establish this volunteer program. I think it is the wrong way to go. The swimming areas in our state parks need the protection of paid lifeguards, and I would ask that we defeat the amendment.

**AMENDMENTS WITHDRAWN**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Davies, for the third time.

Mr. DAVIES. After hearing both the concerns of the gentlemen from the other side of the aisle and also the drafter of the bill, I will go back to the drawing board with it, withdraw the amendment, and, of course, try to come back with a separate piece of legislation dealing with the problem when the problem raises its ugly head after July, if that be a necessity. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman for withdrawing the amendment.

**THE SPEAKER (MATTHEW J. RYAN)  
IN THE CHAIR**

The SPEAKER. The Chair thanks the gentleman from York, Mr. Anderson, for temporarily presiding.

**CONSIDERATION OF HB 145 CONTINUED**

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. KOWALYSHYN offered the following amendment No. A306:

Amend Sec. 3, page 2, by inserting between lines 16 and 17 (d) No volunteer shall be assigned to any position presently filled or authorized in the Bureau of State Parks or Bureau of Forestry.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Kowalyszyn.

Mr. KOWALYSHYN. This amendment clarifies the use of volunteers in state parks and state forests by the Department of Environmental Resources. The amendment specifically and expressly states that no volunteer shall be assigned to any position presently filled or authorized in the Bureau of State Parks or Bureau of Forestry. In other words, unpaid volunteers will not be permitted to replace paid employes of the Department of Environmental Resources.

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Wenger.

Mr. WENGER. Mr. Speaker, I support Mr. Kowalyszyn's amendment. I think the language in this proposed amendment is already included in the contracts with the state employes and DER. For that reason, I would support the amendment before us. Thank you.

On the question recurring,

Will the House agree to to the amendment?

The following roll call was recorded:

**YEAS—180**

Alden	Fischer	Lucyk	Seventy
Anderson	Foster, W. W.	McCall	Showers
Armstrong	Foster, Jr., A.	McClatchy	Shupnik
Arty	Freind	McIntyre	Sieminski
Barber	Fryer	McMonagle	Sirianni
Belardi	Gallagher	Mackowski	Smith, B.
Belfanti	Gallen	Madigan	Smith, E. H.
Beloff	Gamble	Maiale	Snyder
Berson	Gannon	Manderino	Spencer
Bittle	George	Manmiller	Spitz
Blaum	Gladeck	Merry	Stairs
Borski	Grabowski	Michlovic	Steighner
Bowser	Greenfield	Micozzie	Stevens
Boyes	Greenwood	Miscevich	Stewart
Brandt	Grieco	Morris	Stuban
Brown	Gruitza	Mowery	Swaim
Burns	Gruppo	Mrkonic	Sweet
Caltagirone	Hagarty	Mullen	Swift
Cappabianca	Haluska	Murphy	Taddonio
Cawley	Harper	Nahill	Taylor, E. Z.
Cessar	Hasay	Noye	Taylor, F. E.

Cimini	Hayes	O'Donnell	Telek
Civera	Hoeffel	Olasz	Tigue
Clark	Honaman	Oliver	Trello
Clymer	Horgos	Pendleton	Van Horne
Cochran	Hutchinson, A.	Perzel	Vroon
Colafella	Hutchinson, W.	Petrarca	Wachob
Cole	Irvis	Petrone	Wambach
Cordisco	Itkin	Phillips	Wargo
Cornell	Jackson	Piccola	Wass
Coslett	Johnson	Pievsky	Wenger
Cowell	Kanuck	Pistella	Weston
DeMedio	Kennedy	Pitts	White
DeWeese	Klingaman	Pratt	Wiggins
Davies	Kowalyshyn	Pucciarelli	Williams, H.
Dawida	Kukovich	Rappaport	Williams, J. D.
Deal	Lashinger	Reber	Wilson
Dietz	Laughlin	Richardson	Wogan
Dininni	Lehr	Rieger	Wozniak
Dombrowski	Lescovitz	Ritter	Wright, D. R.
Donatucci	Letterman	Rocks	Wright, J. L.
Duffy	Levi	Rybak	Zwilk
Durham	Levin	Salvatore	
Emerson	Lewis	Saurman	Ryan,
Evans	Livengood	Serafini	Speaker
Fee	Lloyd		

NAYS—17

Burd	Fleck	Marmion	Pott
Cunningham	Frazier	Miller	Punt
DeVerter	Geist	Moehlmann	Rasco
Daikeler	Heiser	Peterson	Smith, L. E.
Dorr			

NOT VOTING—2

Cohen	Gray
-------	------

EXCUSED—4

Earley	Kolter	McVerry	Wilt
--------	--------	---------	------

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—194

Alden	Fee	Lloyd	Rybak
Anderson	Fischer	Lucyk	Salvatore
Armstrong	Foster, W. W.	McCall	Saurman
Arty	Foster, Jr., A.	McClatchy	Serafini
Barber	Frazier	McIntyre	Seventy
Belardi	Freind	McMonagle	Showers
Belfanti	Fryer	Mackowski	Shupnik
Beloff	Gallagher	Madigan	Sieminski
Berson	Gallen	Maiale	Sirianni
Bittle	Gamble	Manderino	Smith, B.
Blaum	Gannon	Manmiller	Smith, E. H.
Borski	Geist	Marmion	Smith, L. E.
Bowser	George	Merry	Snyder
Boyes	Gladeck	Michlovic	Spencer
Brandt	Grabowski	Micozzie	Spitz
Brown	Greenfield	Miller	Stairs
Burd	Greenwood	Miscevich	Steighner
Burns	Grieco	Moehlmann	Stevens
Caltagirone	Gruitza	Morris	Stewart
Cappabianca	Gruppo	Mowery	Stuban

Cawley	Hagarty	Mrkonic	Swaim
Cessar	Haluska	Mullen	Sweet
Cimini	Harper	Murphy	Swift
Civera	Hasay	Nahill	Taddonio
Clark	Hayes	Noye	Taylor, E. Z.
Clymer	Heiser	O'Donnell	Taylor, F. E.
Cochran	Hoeffel	Olasz	Telek
Colafella	Honaman	Oliver	Tigue
Cole	Horgos	Pendleton	Trello
Cordisco	Hutchinson, A.	Perzel	Van Horne
Cornell	Hutchinson, W.	Peterson	Vroon
Coslett	Irvis	Petrarca	Wachob
Cowell	Itkin	Petrone	Wambach
Cunningham	Jackson	Phillips	Wargo
DeMedio	Johnson	Piccola	Wass
DeVerter	Kanuck	Pievsky	Wenger
DeWeese	Kennedy	Pistella	Weston
Daikeler	Klingaman	Pitts	White
Davies	Kowalyshyn	Pott	Williams, H.
Dawida	Kukovich	Pratt	Williams, J. D.
Deal	Lashinger	Pucciarelli	Wilson
Dietz	Laughlin	Punt	Wogan
Dininni	Lehr	Rappaport	Wozniak
Dombrowski	Lescovitz	Rasco	Wright, D. R.
Donatucci	Letterman	Reber	Wright, J. L.
Dorr	Levi	Richardson	Zwilk
Duffy	Levin	Rieger	
Durham	Lewis	Ritter	Ryan,
Emerson	Livengood	Rocks	Speaker

NAYS—3

Evans	Fleck	Wiggins
-------	-------	---------

NOT VOTING—2

Cohen	Gray
-------	------

EXCUSED—4

Earley	Kolter	McVerry	Wilt
--------	--------	---------	------

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 Northumberland, Mr. Phillips.

Mr. PHILLIPS. Mr. Speaker, had my switch been working on HB 326, PN 332, I would have voted in the affirmative.

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

BILLS ON THIRD CONSIDERATION, CONTINUED

The House proceeded to third consideration of **HB 688, PN 749**, entitled:

An Act authorizing the indebtedness, with the approval of the electors, of an additional ten million dollars for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house firefighting apparatus equipment, ambulances and rescue vehicles, and for purchasing firefighting apparatus equipment, ambulances and rescue vehicles, protective and communications equipment and any other accessory equipment necessary for the proper performance of such organizations' duties.

On the question,

Will the House agree to the bill on third consideration?

Mr. KUKOVICH offered the following amendments No. A370:

Amend Title, page 1, line 6, by striking out "and" where it appears the first time and inserting a comma

Amend Title, page 1, line 6, by removing the comma after "vehicles"

Amend Title, page 1, line 6, by inserting after "and" where it appears the second time utility or special service vehicles,

Amend Title, page 1, line 7, by striking out "and" and inserting a comma

Amend Title, page 1, line 8, by inserting after "vehicles," utility or special service vehicles,

Amend Title, page 1, line 10, by removing the period after "duties" and inserting and for refinancing certain debt or contracts.

Amend Sec. 1, page 2, line 1, by striking out "and" and inserting a comma

Amend Sec. 1, page 2, line 2, by removing the comma after "vehicles"

Amend Sec. 1, page 2, line 2, by inserting after "and" utility or special service vehicles,

Amend Sec. 1, page 2, line 3, by striking out "and" where it appears the first time and inserting a comma

Amend Sec. 1, page 2, line 3, by inserting after "vehicles," utility or special service vehicles,

Amend Sec. 1, page 2, line 6, by removing the comma after "duties" and inserting and for refinancing debt or contracts entered into after November 4, 1975 and used for the purchase of apparatus equipment or for the construction or modernization of facilities or for modification of apparatus equipment in order to comply with National Fire Protection Association standards,

Amend Sec. 3, page 2, line 16, by striking out "and" and inserting a comma

Amend Sec. 3, page 2, line 17, by removing the comma after "vehicles"

Amend Sec. 3, page 2, line 17, by inserting after "and" utility or special service vehicles,

Amend Sec. 3, page 2, line 18, by striking out "and" where it appears the first time and inserting a comma

Amend Sec. 3, page 2, line 18, by inserting after "vehicles," utility or special service vehicles,

Amend Sec. 3, page 2, line 21, by removing the question mark after "duties" and inserting and for refinancing debt or contracts entered into after November 4, 1975 and used for the purchase of apparatus equipment or for the construction or modernization of facilities or for modification of apparatus equipment in order to comply with National Fire Protection Association standards?

Amend Sec. 5, page 3, line 4, by striking out "and" where it appears the first time and inserting a comma

Amend Sec. 5, page 3, line 4, by removing the comma after "vehicles"

Amend Sec. 5, page 3, line 4, by inserting after "and" where it appears the second time utility or special service vehicles,

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

Amend Sec. 5, page 3, line 5, by inserting after "vehicles," utility or special service vehicles,

Amend Sec. 5, page 3, line 8, by removing the period after "duties" and inserting and for refinancing debt or contracts entered into after November 4, 1975 and used for the purchase of apparatus equipment or for the construction or modernization of facilities or for modification of apparatus equipment in order to comply with National Fire Protection Association standards.

On the question,

Will the House agree to the amendments?

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

Mr. KUKOVICH. This is a clarifying amendment. What we are trying to do is insure a broad interpretation of the ballot question to enable the volunteer fire companies to fund whatever programs they have in the past. I have had lengthy discussions with the majority leader on this, and this is an agreed-to amendment.

The SPEAKER. The Chair recognizes the majority leader.

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

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

Alden	Evans	Livengood	Rybak
Anderson	Fee	Lloyd	Salvatore
Armstrong	Fischer	Lucyk	Saurman
Arty	Fleck	McCall	Serafini
Barber	Foster, W. W.	McClatchy	Seventy
Belardi	Foster, Jr., A.	McIntyre	Showers
Belfanti	Frazier	McMonagle	Shupnik
Beloff	Freind	Mackowski	Sieminski
Berson	Fryer	Madigan	Sirianni
Bittle	Gallagher	Maiale	Smith, B.
Blaum	Gallen	Manderino	Smith, E. H.
Borski	Gamble	Manmiller	Smith, L. E.
Bowser	Gannon	Marmion	Snyder
Boyes	Geist	Merry	Spencer
Brandt	George	Michlovic	Spitz
Brown	Gladeck	Micozzie	Stairs
Burd	Grabowski	Miller	Steighner
Burns	Greenfield	Miscevich	Stevens
Caltagirone	Greenwood	Moehlmann	Stewart
Cappabianca	Grieco	Morris	Suban
Cawley	Gruitza	Mowery	Swaim
Cessar	Gruppo	Mrkonic	Sweet
Cimini	Hagarty	Mullen	Swift
Civera	Haluska	Murphy	Taddonio
Clark	Harper	Nahill	Taylor, E. Z.
Clymer	Hasay	Noye	Taylor, F. E.
Cochran	Hayes	O'Donnell	Telek
Cohen	Heiser	Olasz	Tigue
Colafella	Hoeffel	Oliver	Trello
Cole	Honaman	Pendleton	Van Horne
Cordisco	Horgos	Perzel	Vroon
Cornell	Hutchinson, A.	Peterson	Wachob
Coslett	Hutchinson, W.	Petrarca	Wambach
Cowell	Irvis	Petrone	Wargo
Cunningham	Itkin	Phillips	Wass
DeMedio	Jackson	Piccola	Wenger
DeVerter	Johnson	Pievsky	Weston
DeWeese	Kanuck	Pistella	White
Daikeler	Kennedy	Pitts	Wiggins
Davies	Klingaman	Pott	Williams, H.
Dawida	Kowalyshyn	Pratt	Williams, J. D.
Deal	Kukovich	Pucciarelli	Wilson
Dietz	Lashinger	Punt	Wogan
Dininni	Laughlin	Rappaport	Wozniak
Dombrowski	Lehr	Rasco	Wright, D. R.
Donatucci	Lescovitz	Reber	Wright, J. L.
Dorr	Letterman	Richardson	Zwinkl
Duffy	Levi	Rieger	
Durham	Levin	Ritter	Ryan,
Emerson	Lewis	Rocks	Speaker

NAYS—0  
NOT VOTING—1

Gray

EXCUSED—4

Earley Kolter McVerry Wilt

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

Alden	Evans	Livengood	Rybak
Anderson	Fee	Lloyd	Salvatore
Armstrong	Fischer	Lucy	Saurman
Arty	Fleck	McCall	Serafini
Barber	Foster, W. W.	McClatchy	Seventy
Belardi	Foster, Jr., A.	McIntyre	Showers
Belfanti	Frazier	McMonagle	Shupnik
Beloff	Freind	Mackowski	Sieminski
Berson	Fryer	Madigan	Sirianni
Bittle	Gallagher	Maiale	Smith, B.
Blaum	Gallen	Manderino	Smith, E. H.
Borski	Gamble	Manmiller	Smith, L. E.
Bowser	Geist	Marmion	Snyder
Boyes	George	Merry	Spencer
Brandt	Gladeck	Michlovic	Spitz
Brown	Grabowski	Micozzie	Stairs
Burd	Greenfield	Miller	Steighner
Burns	Greenwood	Miscevich	Stevens
Caltagirone	Grieco	Moehlmann	Stewart
Cappabianca	Gruitza	Morris	Stuban
Cawley	Gruppo	Mowery	Swaim
Cessar	Hagarty	Mrkonic	Sweet
Cimini	Haluska	Mullen	Swift
Civera	Harper	Murphy	Taddonio
Clark	Hasay	Noye	Taylor, E. Z.
Clymer	Hayes	O'Donnell	Taylor, F. E.
Cochran	Heiser	Olasz	Telek
Cohen	Hoeffel	Oliver	Tigue
Colafella	Honaman	Pendleton	Trello
Cole	Horgos	Perzel	Van Horne
Cordisco	Hutchinson, A.	Peterson	Vroon
Cornell	Hutchinson, W.	Petrarca	Wachob
Coslett	Irvis	Petrone	Wambach
Cowell	Itkin	Phillips	Wargo
Cunningham	Jackson	Piccola	Wass
DeMedio	Johnson	Pievsky	Wenger
DeVerter	Kanuck	Pistella	Weston
DeWeese	Kennedy	Pitts	Wiggins
Daikeler	Klingaman	Pott	Williams, H.
Davies	Kowalyszyn	Pratt	Williams, J. D.
Dawida	Kukovich	Pucciarelli	Wilson
Deal	Lashingier	Punt	Wogan
Dietz	Laughlin	Rappaport	Wozniak
Dininni	Lehr	Rasco	Wright, D. R.
Dombrowski	Lescovitz	Reber	Wright, J. L.
Donatucci	Letterman	Richardson	Zwilk
Dorr	Levi	Rieger	
Duffy	Levin	Ritter	Ryan,
Durham	Lewis	Rocks	Speaker
Emerson			

NAYS—0  
NOT VOTING—4

Gannon Gray Nahill White

EXCUSED—4

Earley Kolter McVerry Wilt

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.

RESOLUTION ADOPTED

Mr. LAUGHLIN called up HR 15, PN 1024, entitled:

House direct committee on Consumer Affairs investigate dental services.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—182

Alden	Evans	Livengood	Serafini
Anderson	Fee	Lloyd	Seventy
Armstrong	Fischer	Lucy	Showers
Arty	Fleck	McCall	Shupnik
Barber	Foster, Jr., A.	McClatchy	Sieminski
Belardi	Frazier	McIntyre	Sirianni
Belfanti	Freind	McMonagle	Smith, B.
Beloff	Fryer	Mackowski	Smith, E. H.
Berson	Gallagher	Maiale	Smith, L. E.
Bittle	Gallen	Manderino	Snyder
Blaum	Gamble	Manmiller	Spencer
Borski	Gannon	Marmion	Spitz
Bowser	George	Merry	Stairs
Brandt	Gladeck	Michlovic	Steighner
Brown	Grabowski	Micozzie	Stevens
Burd	Greenfield	Miller	Stewart
Burns	Greenwood	Miscevich	Stuban
Caltagirone	Grieco	Morris	Swaim
Cappabianca	Gruitza	Mullen	Sweet
Cawley	Gruppo	Murphy	Swift
Cessar	Hagarty	Nahill	Taddonio
Cimini	Haluska	Noye	Taylor, E. Z.
Civera	Harper	O'Donnell	Taylor, F. E.
Clark	Hasay	Olasz	Telek
Clymer	Hayes	Oliver	Tigue
Cochran	Heiser	Pendleton	Trello
Cohen	Hoeffel	Perzel	Van Horne
Colafella	Honaman	Petrarca	Wachob
Cole	Horgos	Petrone	Wambach
Cordisco	Hutchinson, W.	Phillips	Wargo
Cornell	Irvis	Pievsky	Wass
Coslett	Itkin	Pistella	Wenger
Cowell	Jackson	Pitts	Weston
Cunningham	Johnson	Pott	White
DeMedio	Kanuck	Pratt	Wiggins
DeWeese	Kennedy	Pucciarelli	Williams, H.
Daikeler	Klingaman	Punt	Williams, J. D.
Dawida	Kowalyszyn	Rappaport	Wilson
Deal	Kukovich	Rasco	Wogan
Dininni	Lashingier	Reber	Wozniak
Dombrowski	Laughlin	Richardson	Wright, D. R.
Donatucci	Lehr	Rieger	Wright, J. L.
Dorr	Lescovitz	Ritter	Zwilk
Duffy	Letterman	Rocks	
Durham	Levi	Rybak	Ryan,
Emerson	Levin	Salvatore	Speaker

NAYS—15

Boyes	Foster, W. W.	Madigan	Piccola
DeVertter	Geist	Moehlmann	Saurman
Davies	Hutchinson, A.	Mowery	Vroon
Dietz	Lewis	Peterson	

NOT VOTING—2

Gray	Mrkonic
------	---------

EXCUSED—4

Earley	Kolter	McVerry	Wilt
--------	--------	---------	------

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

RESOLUTION ADOPTED

Mrs. HARPER called up **HR 27, PN 1025**, entitled:

House urges United States Congress set aside a date for a Nationwide memorial service for missing and murdered children from Atlanta.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—190

Alden	Evans	Livengood	Rocks
Anderson	Fee	Lloyd	Rybak
Armstrong	Fischer	Lucyk	Salvatore
Arty	Fleck	McCall	Saurman
Belardi	Foster, W. W.	McClatchy	Serafini
Belfanti	Foster, Jr., A.	McIntyre	Seventy
Berson	Frazier	McMonagle	Showers
Bittle	Freind	Mackowski	Shupnik
Blaum	Fryer	Madigan	Sirianni
Borski	Gallagher	Maiale	Smith, B.
Bowser	Gallen	Manderino	Smith, E. H.
Boyes	Gamble	Manmiller	Smith, L. E.
Brandt	Gannon	Marmion	Snyder
Brown	Geist	Merry	Spencer
Burd	George	Michlovic	Spitz
Burns	Gladeck	Micozzie	Stairs
Caltagirone	Grabowski	Miller	Steighner
Cappabianca	Greenfield	Miscevich	Stevens
Cawley	Greenwood	Moehlmann	Stewart
Cessar	Grieco	Morris	Suban
Cimini	Gruitza	Mowery	Swaim
Civera	Gruppo	Mrkonic	Sweet
Clark	Hagarty	Mullen	Swift
Clymer	Harper	Murphy	Taddonio
Cochran	Hasay	Nahill	Taylor, E. Z.
Cohen	Hayes	Noye	Taylor, F. E.
Colafella	Heiser	O'Donnell	Telek
Cole	Hoeffel	Olasz	Tigue
Cordisco	Honaman	Oliver	Trello
Cornell	Horgos	Pendleton	Van Horne
Coslett	Hutchinson, A.	Perzel	Vroon
Cowell	Hutchinson, W.	Peterson	Wachob
Cunningham	Irvic	Petrarca	Wambach
DeMedio	Itkin	Petrone	Wargo
DeVertter	Jackson	Phillips	Wass
DeWeese	Johnson	Piccola	Wenger
Daikeler	Kanuck	Pievsky	Weston
Davies	Kennedy	Pistella	White
Dawida	Klingaman	Pitts	Williams, H.
Deal	Kowalshyn	Pott	Wilson
Dietz	Kukovich	Pratt	Wogan
Dininni	Lashingner	Pucciarelli	Wozniak
Dombrowski	Laughlin	Punt	Wright, D. R.
Donatucci	Lehr	Rappaport	Wright, J. L.
Dorr	Lescovitz	Rasco	Zwikel
Duffy	Letterman	Reber	

Durham	Levi	Rieger	Ryan,
Emerson	Lewis	Ritter	Speaker

NAYS—0

NOT VOTING—9

Barber	Haluska	Richardson	Wiggins
Beloff	Levin	Sieminski	Williams, J. D.
Gray			

EXCUSED—4

Earley	Kolter	McVerry	Wilt
--------	--------	---------	------

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

RESOLUTION ADOPTED

Mr. LESCOVITZ called up **HR 32, PN 1018**, entitled:

House extends congratulations and best wishes to citizens of Washington County upon occasion of Washington County Bicentennial.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Alden	Evans	Lewis	Ritter
Anderson	Fee	Livengood	Rocks
Armstrong	Fischer	Lloyd	Rybak
Arty	Fleck	Lucyk	Salvatore
Barber	Foster, W. W.	McCall	Saurman
Belardi	Foster, Jr., A.	McClatchy	Serafini
Belfanti	Frazier	McIntyre	Seventy
Berson	Freind	McMonagle	Showers
Bittle	Fryer	Mackowski	Shupnik
Blaum	Gallagher	Madigan	Sirianni
Borski	Gallen	Maiale	Smith, B.
Bowser	Gamble	Manderino	Smith, E. H.
Boyes	Gannon	Manmiller	Smith, L. E.
Brandt	Geist	Marmion	Snyder
Brown	George	Merry	Spencer
Burd	Gladeck	Michlovic	Spitz
Burns	Grabowski	Micozzie	Stairs
Caltagirone	Greenfield	Miller	Steighner
Cappabianca	Greenwood	Miscevich	Stevens
Cawley	Grieco	Moehlmann	Stewart
Cessar	Gruitza	Morris	Suban
Cimini	Gruppo	Mowery	Swaim
Civera	Hagarty	Mrkonic	Sweet
Clark	Haluska	Mullen	Swift
Clymer	Harper	Murphy	Taddonio
Cochran	Hasay	Nahill	Taylor, E. Z.
Cohen	Hayes	Noye	Taylor, F. E.
Colafella	Heiser	O'Donnell	Telek
Cole	Hoeffel	Olasz	Tigue
Cordisco	Honaman	Oliver	Trello
Cornell	Horgos	Pendleton	Van Horne
Coslett	Hutchinson, A.	Perzel	Wachob
Cowell	Hutchinson, W.	Peterson	Wambach
Cunningham	Irvic	Petrarca	Wargo
DeMedio	Itkin	Petrone	Wass
DeVertter	Jackson	Phillips	Wenger
DeWeese	Johnson	Piccola	Weston
Daikeler	Kanuck	Pievsky	White
Davies	Kennedy	Pistella	Wiggins
Dawida	Klingaman	Pitts	Williams, H.
Deal	Kowalshyn	Pott	Wilson
Dietz	Kukovich	Pratt	Wogan
Dininni	Lashingner	Pucciarelli	Wozniak
Dombrowski	Laughlin	Punt	Wright, D. R.
Donatucci	Lehr	Rappaport	Wright, J. L.
Dorr	Lescovitz	Rasco	Zwikel

Duffy	Letterman	Reber	
Durham	Levi	Richardson	Ryan,
Emerson	Levin	Rieger	Speaker
NAYS—0			
NOT VOTING—5			
Deal	Sieminski	Vroon	Williams, J. D.
Gray			
EXCUSED—4			
Earley	Kolter	McVerry	Wilt

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

**RESOLUTION ADOPTED**

Mr. CIVERA called up **HR 3, PN 241**, entitled:

General Assembly directs Joint State Government Commission conduct an in-depth study of problem of property tax relief for senior citizens.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Alden	Evans	Livengood	Rybak
Anderson	Fee	Lloyd	Salvatore
Armstrong	Fischer	Lucyk	Saurman
Arty	Fleck	McCall	Serafini
Barber	Foster, W. W.	McClatchy	Seventy
Belardi	Foster, Jr., A.	McIntyre	Showers
Belfanti	Frazier	McMonagle	Shupnik
Berson	Freind	Mackowski	Sieminski
Bittle	Fryer	Madigan	Sirianni
Blaum	Gallagher	Maiale	Smith, B.
Borski	Gallen	Manderino	Smith, E. H.
Bowser	Gamble	Manmiller	Smith, L. E.
Boyes	Gannon	Marmion	Snyder
Brandt	Geist	Merry	Spencer
Brown	George	Michlovic	Spitz
Burd	Gladeck	Micozzie	Stairs
Burns	Grabowski	Miller	Steighner
Caltagirone	Greenfield	Miscevich	Stevens
Cappabianca	Greenwood	Moehlmann	Stewart
Cawley	Grieco	Morris	Suban
Cessar	Gruitza	Mowery	Swaim
Cimini	Gruppo	Mrkonic	Sweet
Civera	Hagarty	Mullen	Swift
Clark	Haluska	Murphy	Taddonio
Clymer	Harper	Nahill	Taylor, E. Z.
Cochran	Hasay	Noye	Taylor, F. E.
Cohen	Hayes	O'Donnell	Telek
Colafella	Heiser	Olasz	Tigue
Cole	Hoeffel	Oliver	Trello
Cordisco	Honaman	Pendleton	Van Horne
Cornell	Horgos	Peterson	Vroon
Coslett	Hutchinson, A.	Petrarca	Wambach
Cowell	Hutchinson, W.	Petrone	Wargo
Cunningham	Irvis	Phillips	Wass
DeMedio	Itkin	Piccola	Wenger
DeVerter	Jackson	Pievsky	Weston
DeWeese	Johnson	Pistella	White
Daikeler	Kanuck	Pitts	Wiggins
Davies	Kennedy	Pott	Williams, H.
Dawida	Klingaman	Pratt	Williams, J. D.
Deal	Kowalshyn	Pucciarelli	Wilson
Dietz	Kukovich	Punt	Wogan
Dininni	Lashingner	Rappaport	Wozniak
Dombrowski	Laughlin	Rasco	Wright, D. R.
Donatucci	Lehr	Reber	Wright, J. L.
Dorr	Lescovitz	Richardson	Zwikl

Duffy	Letterman	Rieger	
Durham	Levi	Ritter	Ryan,
Emerson	Lewis	Rocks	Speaker
NAYS—1			
NOT VOTING—4			
Wachob			
Beloff	Gray	Levin	Perzel
EXCUSED—4			
Earley	Kolter	McVerry	Wilt

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

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

**RESOLUTION ADOPTED**

Mr. ZWIKL called up **HR 13, PN 1023**, entitled:

House urges Department of General Services inventory structures on State farm lands being phased out, for possible inclusion on the historic register.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—192

Alden	Evans	McCall	Salvatore
Anderson	Fee	McClatchy	Saurman
Armstrong	Fischer	McIntyre	Serafini
Arty	Foster, W. W.	McMonagle	Seventy
Barber	Foster, Jr., A.	Mackowski	Showers
Belardi	Frazier	Madigan	Shupnik
Belfanti	Fryer	Maiale	Sieminski
Berson	Gallagher	Manderino	Sirianni
Bittle	Gallen	Manmiller	Smith, B.
Blaum	Gamble	Marmion	Smith, E. H.
Borski	Gannon	Merry	Smith, L. E.
Bowser	Geist	Michlovic	Snyder
Boyes	George	Micozzie	Spencer
Brandt	Gladeck	Miller	Spitz
Brown	Grabowski	Miscevich	Stairs
Burd	Greenfield	Moehlmann	Steighner
Burns	Greenwood	Morris	Stevens
Caltagirone	Grieco	Mowery	Stewart
Cappabianca	Gruitza	Mrkonic	Suban
Cawley	Gruppo	Mullen	Swaim
Cessar	Hagarty	Murphy	Sweet
Cimini	Haluska	Nahill	Swift
Civera	Harper	Noye	Taddonio
Clark	Hayes	O'Donnell	Taylor, E. Z.
Clymer	Heiser	Olasz	Taylor, F. E.
Cochran	Hoeffel	Oliver	Telek
Cohen	Honaman	Pendleton	Tigue
Colafella	Horgos	Perzel	Trello
Cole	Hutchinson, A.	Peterson	Van Horne
Cordisco	Hutchinson, W.	Petrarca	Vroon
Cornell	Irvis	Petrone	Wachob
Coslett	Itkin	Phillips	Wambach
Cowell	Jackson	Piccola	Wargo
Cunningham	Johnson	Pievsky	Wass
DeMedio	Kanuck	Pistella	Wenger
DeVerter	Kennedy	Pitts	Weston
DeWeese	Klingaman	Pott	White
Daikeler	Kowalshyn	Pratt	Wiggins
Davies	Kukovich	Pucciarelli	Williams, J. D.
Dawida	Lashingner	Punt	Wilson
Deal	Laughlin	Rappaport	Wogan
Dietz	Lehr	Rasco	Wozniak
Dininni	Lescovitz	Reber	Wright, D. R.

Dombrowski	Letterman	Richardson	Wright, J. L.
Donatucci	Levi	Rieger	Zwinkl
Dorr	Lewis	Ritter	
Duffy	Livengood	Rocks	Ryan,
Durham	Lloyd	Rybak	Speaker
Emerson	Lucyk		

NAYS—1

Fleck

NOT VOTING—6

Beloff	Gray	Levin	Williams, H.
Freind	Hasay		

EXCUSED—4

Earley	Kolter	McVerry	Wilt
--------	--------	---------	------

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

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

**RESOLUTION ADOPTED**

Mr. MANMILLER called up **HR 17, PN 636**, entitled:

General Assembly memorialize Governor Thornburgh designate April 25th, "Rescue Attempt Memorial Saturday," for those servicemen killed in the rescue mission in Iran.

On the question,

Will the House adopt the resolution?

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

Mr. MANMILLER. I would simply like to take a minute here to explain how HR 17 came to be. It is only fitting and proper that credit be given where credit is due, and the sponsors of HR 17 are not the initiators, the instigators or the originators of this resolution, but the credit belongs to four ninth-grade civic classes, under their teacher, Mr. Robert McCloskey of Central Dauphin East Junior High School, which is part of the Central Dauphin School District in Dauphin County. Each year, Mr. McCloskey has two classes portraying the House of Representatives and two classes portraying that body known as the Senate. This year, by joint resolution, the students of the ninth-grade classes at C. D. East Junior High School came up with this resolution, and they have asked me to introduce it. I would like to read the last paragraph of their letter: "We the 'GENERAL ASSEMBLY' of Central Dauphin East Junior High School feel this Resolution should become a reality and would like you to consider introducing this bill in your House." So I want to give credit to those kids at C. D. East Junior High School. Thank you.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Alden	Fee	Lloyd	Rybak
Anderson	Fischer	Lucyk	Salvatore
Armstrong	Fleck	McCall	Saurman
Arty	Foster, W. W.	McClatchy	Serafini
Barber	Foster, Jr., A.	McIntyre	Seventy
Belardi	Frazier	McMonagle	Showers

Belfanti	Freind	Mackowski	Shupnik
Berson	Fryer	Madigan	Sieminski
Bittle	Gallagher	Maiale	Sirianni
Blaum	Gallen	Manderino	Smith, B.
Borski	Gamble	Manmiller	Smith, E. H.
Bowser	Gannon	Marmion	Smith, L. E.
Boyes	Geist	Merry	Snyder
Brandt	George	Michlovic	Spencer
Brown	Gladeck	Micozzie	Spitz
Burd	Grabowski	Miller	Stairs
Burns	Greenfield	Miscevich	Steighner
Caltagirone	Greenwood	Moehlmann	Stevens
Cappabianca	Grieco	Morris	Stewart
Cawley	Gruitza	Mowery	Suban
Cessar	Gruppo	Mrkonic	Swain
Cimini	Hagarty	Mullen	Sweet
Civera	Haluska	Murphy	Swift
Clark	Harper	Nahill	Taddonio
Clymer	Hasay	Noye	Taylor, E. Z.
Cochran	Hayes	O'Donnell	Taylor, F. E.
Cohen	Heiser	Olasz	Telek
Colafella	Hoeffel	Oliver	Tigue
Cole	Honaman	Pendleton	Trello
Cordisco	Horgos	Perzel	Van Horne
Cornell	Hutchinson, A.	Peterson	Vroon
Coslett	Hutchinson, W.	Petrarca	Wachob
Cowell	Irvis	Petrone	Wambach
Cunningham	Itkin	Phillips	Wargo
DeMedio	Jackson	Piccola	Wass
DeVerter	Johnson	Pievsky	Wenger
DeWeese	Kanuck	Pistella	Weston
Daikeler	Kennedy	Pitts	White
Davies	Klingaman	Pott	Wiggins
Dawida	Kowalshyn	Pratt	Williams, H.
Deal	Kukovich	Pucciarelli	Wilson
Dietz	Lashinger	Punt	Wogan
Dininni	Laughlin	Rappaport	Wozniak
Dombrowski	Lehr	Rasco	Wright, D. R.
Donatucci	Lescovitz	Reber	Wright, J. L.
Dorr	Letterman	Richardson	Zwinkl
Duffy	Levi	Rieger	
Durham	Lewis	Ritter	Ryan,
Emerson	Livengood	Rocks	Speaker
Evans			

NAYS—0

NOT VOTING—4

Beloff	Gray	Levin	Williams, J. D.
--------	------	-------	-----------------

EXCUSED—4

Earley	Kolter	McVerry	Wilt
--------	--------	---------	------

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

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

**REMARKS ON VOTE**

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Hasay.

Mr. HASAY. On HR 13, PN 1023, my switch again malfunctioned and I was not recorded. I wish to be recorded in the affirmative. Thank you.

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

I would ask the members to remain for the consideration of a condolence resolution at the conclusion of the calendar.

**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.

**CONDOLENCE RESOLUTION ADOPTED**

The SPEAKER. The Chair recognizes the gentleman from Carbon, Mr. McCall.

Mr. McCALL. I wish to introduce a privileged condolence resolution.

The following resolution was read:

HOUSE OF REPRESENTATIVES  
HARRISBURG, PA.  
OFFICE OF THE CHIEF CLERK  
RESOLUTION

WHEREAS, Joseph Semanoff, a former member of the Pennsylvania House of Representatives, passed away at the age of sixty-four years; and

WHEREAS, While serving in the Pennsylvania House of Representatives from 1966 until 1976, he was a member of the Mines and Minerals, Fish and Game, and Recreation and Tourism Committees and chairman of the Military and Veterans Affairs Committee. In 1970, he was appointed ambassador of good will by the Pennsylvania House of Representatives on the twenty-fifth anniversary of the liberation of Holland, where he presented a coal ornament to Queen Juliana. A 1934 graduate of Nesquehoning High School, Mr. Semanoff served as a member of the 101st Airborne Division during World War II and received the Purple Heart, two Presidential Unit Citations, Combat Infantrymans Badge and four Battle Stars; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania notes with sadness the passing of a former dedicated member and public servant, Joseph Semanoff and extends its heartfelt condolences to his wife, Kathryn; sons, Gene, Gregory, and Joel; daughter, JoAnn Schoenberger; and nine grandchildren; and be it further

RESOLVED, That a copy of this resolution be delivered to Mrs. Kathryn Semanoff, 160 South Fifth Street, Lehighton, Pennsylvania.

We hereby certify that the foregoing is an exact copy of a Resolution introduced in the House of Representatives by the Honorable Thomas J. McCall, and adopted by the House of Representatives the 24th day of March 1981.

Matthew J. Ryan,  
Speaker  
ATTEST:  
John Zubeck,  
Chief Clerk

On the question,

Will the House adopt the resolution?

The SPEAKER. Those in favor of the resolution will rise and remain standing as a mark of respect for Mr. Semanoff's memory.

(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

**STATEMENT BY MR. DEAL**

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

Mr. DEAL. I request unanimous consent to make a brief statement.

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

Mr. DEAL. Mr. Speaker, I rise today to call to the attention of this chamber the violent mob killings that have taken place in Philadelphia during the past year. As a former police officer in the city of Philadelphia for many years, I understand and I know that most of the members understand the difficulty of finding evidence against professional killers who have been hired to do a job on someone.

Mr. Speaker, I have no wish to slight the performance of local and federal law-enforcement agencies who are responsible for stopping this gang warfare, but, Mr. Speaker, I am concerned that seven murders have occurred in Philadelphia, in our Commonwealth, within the past year and have hardly drawn a yawn from the state officials charged with the responsibility of maintaining law and order. I know that some of the members share my concern about this moral vacuum that exists in our state. Others, I am afraid, may be intimidated or silenced out of fear.

Mr. Speaker, this war now raging between the so-called Philadelphia crime families and mob elements in New York is starting to corrupt the atmosphere of law and order that we all like to say we have here in Pennsylvania. The target of the war evidently is the lucrative casino gambling business in Atlantic City, but the killings have all taken place in Pennsylvania. Beyond involving criminal elements, however, the mob war has already claimed the life of one high union official, and experts say that the rampage could run on unchecked until either Philadelphia or New York controls the casino business. What might happen next? Are these contract killers so competent in their work that they will never hurt an innocent person? Mr. Speaker, should we instead applaud their accuracy and cheer them on, while they, one by one, eliminate our criminal elements?

Mr. Speaker, I for one am ashamed of these killings and what they say about our city and our state. I am afraid that soon we will have replaced our terrible reputation as the most corrupt state in the nation with a new image, that of the most lawless state. Mr. Speaker, I represent one of the poorest districts in the Commonwealth and I have a terrible burden upon me to insure that our future generations grow up to respect law and order, but what can I say to a child who looks at the world the way it is and concludes that murder is all right if you do not get caught? What can I say when a child sees that murder is all right when you have a high-class organization and plenty of money, and, most of all, when you bring in somebody from out of town to do the dirty work? No, no, Mr. Speaker; I want to tell that child, no, no, no, murder is wrong and crime does not pay. But, unfortunately, I find myself almost alone.

Not one state official has condemned these killings, even though they are obviously part of a multistate problem. Mr.



Speaker, I think it is time for our Governor, who prides himself on his glory days of sending corrupt politicians to jail, to speak out publicly and denounce this sorry state of affairs. I think it is time also that our newly elected state Attorney General should speak out on the situation. Instead, our Governor seems more interested in punishing former political allies whose only crime has been to exercise their political rights guaranteed them under the United States Constitution. And, instead, Mr. Speaker, our Attorney General is more concerned with convincing the legislature that he should have more money to decorate his lavish office in Strawberry Square. Mr. Speaker, I suggest that the state government of Pennsylvania has been slow to react to this crisis, not deliberately, perhaps, but the procrastination exists nevertheless.

Only a few years ago our citizens were aroused over the slightest hint of corrupt politicians and crooked state employes. Laws were passed with a speed unknown in our history. Grand juries were formed and indictments issued with unprecedented voracity. Political careers were made on the basis of cleaning up corruption in the states. Mr. Speaker, is corruption bad only when it affects state government? Are our officials responsible for finding and uprooting any corruption of our laws regardless of the form that corruption takes?

We know that mob elements are fighting for control of Atlantic City's trade in narcotics, prostitution, loan sharking, number games, and even the stifling of casino cash. We all are aware what is going on in Atlantic City and we all know that examples are being made. These could doom forever an attempt to have expanded legalized gambling in Pennsylvania, which has been envisioned as a last-chance source for additional funding of education and senior citizen programs.

Mr. Speaker, but do we realize what corruption we already have here in our cities and state, in our streets and bars, in our union offices and, yes, maybe even in our government? Does anyone care at all or does it sound just like last night's episode of "The Gangster Chronicle"? Where does this attitude of looking the other way get us? Mr. Speaker, I mentioned earlier the moral vacuum which I believe exists on this subject of organized crime. A vacuum occurs, as you know, because there is no equal of compensating pressure to fill the space. What this vacuum does in this case is to allow the person on the street to wink at the criminal activity he sees around him. Yes, this week, and I read an article in the Philadelphia newspaper about the burial of the last mob target. A woman was quoted referring to the body in the casket and she said, and I quote, "These people are just trying to make a living. A little gambling, what's that?" And the reporter added that the woman believed that crimes of corrupt politicians were far worse than those of alleged mobsters.

Mr. Speaker, this body has spoken out time and time again on the unsavory influences of corrupt politicians. But have we even bothered to say and do something about the young girl led into prostitution, or the young man who shoots his arm full of heroin death? Have we even asked ourselves why? Or is that too much of a gamble for us?

Mr. Speaker, I call upon the Governor and the Attorney General, not only to abide by the letter of the law and ferret out the culprits of these horrendous crimes, but to observe the spirit of the law by publicly denouncing the moral vacuum that demands the integrity of our Commonwealth and its citizens. Mr. Speaker, I thank you for having allowed me this opportunity to speak to this great body.

### REMARKS ON VOTES

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

Mr. GLADECK. Mr. Speaker, I was out of my seat on the roll call vote on HB 5 and I would like to be recorded in the affirmative. Thank you.

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

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

Mr. KUKOVICH. Mr. Speaker, I, too, was out of my seat on the taking of the roll call on HB 5 and ask that my name be recorded in the affirmative.

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

### LOCAL GOVERNMENT COMMITTEE MEETING CANCELED

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

Mr. A. C. FOSTER. I would just like to announce at this time that the committee on Local Government scheduled for Thursday morning will be canceled.

The SPEAKER. There will be no further votes today, but the members should be reminded that session begins tomorrow morning at 10 a.m. sharp.

### BILL SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bill, which was then signed:

#### SB 164, PN 164

An Act amending the act of May 11, 1889 (P. L. 188, No. 210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating of rates of pilotage and number of pilots," further regulating the rates of pilotage.

### REPORT FROM DEPARTMENT OF ENVIRONMENTAL RESOURCES

The SPEAKER. The Chair acknowledges receipt of a report from the Honorable Clifford Jones, Secretary of Environmental Resources, dated March 13, 1981, regarding the Annual Report of Environmental Radiation in Pennsylvania, which will be filed as part of the record.

The following report was read:

Commonwealth of Pennsylvania  
Environmental Resources  
March 13, 1981

Subject: Annual Report of Environmental  
Radiation in Pennsylvania  
To: Hon. Matthew J. Ryan  
Speaker  
House of Representatives  
of Pennsylvania  
From: Clifford L. Jones  
Secretary of Environmental Resources

Attached is the first report to be issued under the Environmental Radiation Protection Act of 1979.

This document reports the results of DER's environmental radiation monitoring program for the last six months of 1979. Subsequent documents will report data for a whole calendar year and will be issued annually.

The monitoring program during this period found no significant change in environmental radiation levels in the areas monitored.

It is important to recognize that the program has been expanded since the passage of the legislation and increased funding. That will also be reflected in the number of samples collected and data points analyzed in subsequent reports.

If you have any questions concerning these specific data or the program area in general, please feel free to contact the Bureau of Radiation Protection at 7-2480.

Thank you for your interest.

Attachment

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

### REPORT FROM PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

The SPEAKER. The Chair acknowledges a copy of a report from the Pennsylvania Commission on Crime and Delinquency, dated March 20, 1981, which will be made part of the record.

The following report was read:

Commonwealth of Pennsylvania  
Governor's Office  
Pennsylvania Commission on  
Crime and Delinquency  
P. O. Box 1167, Federal Square Station  
Harrisburg, Pennsylvania 17108  
March 20, 1981

Honorable Matthew J. Ryan  
Speaker, House of Representatives  
Room 139, Main Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Representative Ryan:

As mandated by the General Assembly, the Pennsylvania Commission on Crime and Delinquency is the central point for the statewide coordination of criminal justice related data. This responsibility includes the provision of information to both state and local criminal justice agencies and responding to a wide range of informational requests from other government and private agencies and the public.

The enclosed report is one of a series which provides this kind of statewide objective, interpretative analysis of criminal justice and associated demographic data. It is through efforts such as these that we can obtain the knowledge needed to plan a realistic response to the problem of crime in the Commonwealth.

This extensive report on crime contains a brief summary for each major section. For example, the section on the Volume of Crime in Pennsylvania points out that Pennsylvania's crime rate, although serious, is lower than most other states - we rank 45th among the 50 states. There are many other important findings such as:

commitments of non-delinquents to delinquency institutions has decreased by 98% since 1975; because of demographic shifts crime in Pennsylvania may start decreasing in the future;  
84% of all admissions to county prisons and jails during 1979 were detentioners, and overcrowding is increasingly becoming a major problem in our jails and prisons.

In an effort to better meet our responsibilities in coordinating the collection and analysis of criminal justice data, we are working with state and local criminal justice system agencies to (1) eliminate unnecessary duplication of data collection, (2) provide uniform, compatible and reliable data on a year-to-year and agency-to-agency level, and (3) assist the State in establishing its first integrated criminal justice information and statistics system. This new system - Offender Based Transaction Statistics (OBTS)- will enable us, starting with 1981 data, to supply you with a report providing a step-by-step picture of offenders' movements and activity as they progress through the entire criminal justice system. State and local decision-makers will have more relevant information more quickly than in the past.

I hope you will find the material contained in this report, informative and useful, and that you will be encouraged by the substantial progress being made in the analysis of criminal justice information and statistics. Your comments and questions regarding the report, and your suggestions on how it can be made more useful, are certainly welcome.

Sincerely,  
Alfred Blumstein  
Chairman

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

### COMMUNICATION FROM THE DEPARTMENT OF COMMUNITY AFFAIRS

The SPEAKER. The Chair acknowledges receipt of a communication from Shirley Dennis, the Secretary of the Department of Community Affairs, dated March 18, 1981.

The following communication was read:

Commonwealth of Pennsylvania  
Department of Community Affairs  
Harrisburg 17120  
March 18, 1981

To Members of the Pennsylvania  
General Assembly:

The Department of Community Affairs has received and analyzed municipal pension system data pursuant to Act 293 of 1972. Prior reports were published by the Department in 1975 and 1977. The 1978 Act 293 report is attached and again documents the deteriorating financial condition of municipal pension systems in the Commonwealth. Our findings reveal that the inadequacies of municipal pension system management in Pennsylvania warrant immediate attention.

#### The Problem

Although the deficiencies in municipal pension system management are extensive, no one circumstance conveys the urgent need to address the problems more clearly than the growth in unfunded liabilities of municipal pension systems. In 1974, the

unfunded liabilities of a selected group of city pension systems totalled \$1,028,000,000. The unfunded liabilities for the same city pension systems exceeded \$1,388,000,000 in 1976 and had increased to \$1,703,000,000 in 1978. As the unfunded liabilities are increasing by more than \$150,000,000 annually, the aggregate unfunded liabilities of Pennsylvania's municipal pension systems exceed \$2 billion today. Of the 1,991 municipal pension systems reporting in 1978, 639 systems, or 30%, exhibited unfunded liabilities totalling \$1,951,738,000.

The magnitude of these unfunded debts is serious, but their growth is cause for alarm. Growth in unfunded municipal pension obligations evidences that employer and employee contributions to municipal pension systems are not sufficient to satisfy a minimum level of actuarial funding. At least 1 county, 103 city, 46 borough, 13 first class township, 12 second class township and 1 authority pension systems were underfunded in 1978. Contributions to municipal pension systems with unfunded liabilities (\$180,280,000) represented only 71% of the contributions required to preclude growth in their unfunded liabilities (\$252,696,000). Individual municipal pension systems received contributions that represented as low as 17% of the minimum level of actuarial funding. These ominous funding deficiencies threaten the financial viability of numerous municipal governments in the Commonwealth.

*The problem is most acute in city pension systems.* Approximately 89% of the total unfunded liabilities reported in 1978 was attributed to city pension systems. In addition, in many systems, pensions payable now exceed contributions and assets are actually being depleted. Remedial steps must be taken now if city pension funds are to remain solvent. However, the unfunded liabilities and insufficient funding exhibited in county, borough and township pension systems show that the problem is universal.

#### The Cause

The inadequacies of legislation governing municipal pension systems are unquestionably the primary cause for the development and perpetuation of the problem. Municipal pension legislation in Pennsylvania is the product of input from multiple, diversified interests. Much of the legislation has been enacted without accurate assessment of the financial impact on municipalities, and there has been little effort to ensure consistency among the numerous municipal pension statutes. In addition, outmoded statutes have not been subjected to the necessary review and update. The resultant patchwork of municipal pension law is poorly drafted, technically deficient and philosophically obsolete.

#### The Remedy

Accordingly, implementation of municipal pension reform requires not only a comprehensive legislative effort, but also a specialized organization to coordinate the reform process and perform fiscal and technical review of proposed legislation. Due to the complex and controversial issues involved, the Department of Community Affairs views the establishment of a municipal pension commission as an essential first step in the reform process. The establishment of a municipal pension commission will ensure the development and maintenance of a well integrated, technically correct structure of municipal pension legislation so badly needed in Pennsylvania.

The Act 293 Report, therefore, contains a proposed bill establishing a municipal pension commission and providing for the preparation of actuarial notes for legislation concerned with municipal pension systems. The availability of complete and accurate assessments of the effects of municipal pension legislation is warranted for the impending reform process. The draft bill also charges the municipal pension commission to formulate proposed legislation mandating actuarial funding standards for all municipal pension systems within one year following the initial meeting of the commission. Within the same time frame, the municipal pension commission is to develop proposed legislation effecting a recovery program for municipal pension systems determined to be financially distressed.

The Commonwealth, of course, currently faces an extremely austere fiscal outlook. For 1981-82, revenues are expected to increase only 6.05 percent while the cost of government services increases more than 13.3 percent. Funds for the financial relief of distressed municipal pension systems, therefore, cannot be diverted from existing General Fund revenues. Instead, the municipal pension commission should investigate the feasibility of paying for municipal pension relief using new earmarked revenue sources or by restructuring other programs currently used to support municipal pension systems.

Until a municipal pension commission is established, the Department of Community Affairs urges prudence in the consideration of municipal pension bills. In the absence of mandated actuarial funding, we recommend that all proposed municipal pension legislation be evaluated to insure that adequate contributions to the affected municipal pension systems are required. Contributions should be deemed adequate only if they are sufficient to cover normal costs and interest on any unfunded liabilities. If proposed legislation increases the liability of municipal pension funds and adequate contributions are not required, we strongly recommend that the bill be disapproved by the General Assembly. To implement this interim policy, we solicit both the House and Senate to give immediate consideration to adopting rules requiring formal evaluation of all proposed municipal pension bills to ascertain whether adequate funding is assured.

Only responsible legislative action can prevent an extreme and extended financial crisis attributable to bankrupt pension funds in multiple municipalities of the Commonwealth. Continued neglect can only compound their difficulties and permit proliferation of the problem. If the General Assembly endorses the remedy we espouse, I am confident the financial health of municipal pension systems in Pennsylvania can be restored. Once this objective is addressed, the other necessary reforms can be pursued in a proper sequence. I trust you will share our conviction that the establishment of a municipal pension commission is the necessary first step toward realization of meaningful, comprehensive reform of municipal pension system management in Pennsylvania.

Sincerely,  
Shirley M. Dennis  
Secretary

Attachment

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

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

**HB 644, PN 679** (Unanimous)

By Rep. GALLEN

An Act repealing the act of June 21, 1917 (P. L. 637, No. 221), entitled "An act to prescribe the conditions under which public or private vaults, crypts, or mausoleums for the interment of human bodies may be constructed and maintained."

STATE GOVERNMENT.

**HB 645, PN 680**

By Rep. GALLEN

An Act repealing certain provisions relating to the requirement for a serological test for syphilis prior to the issuance of a marriage license.

STATE GOVERNMENT.

**HB 815, PN 1077** (Amended) (Unanimous)

By Rep. GALLEN

An Act amending the "Hearing Aid Sales Registration Law," approved November 24, 1976 (P. L. 1182, No. 262), adding a

definition of dealer-fitter; further defining "business of selling hearing aids," "advertise" and "fitting"; further providing for persons excluded from registration; further providing for applications for examination, temporary certificates and reciprocal registration; and prohibiting the sale of dispensing of hearing aids by certain persons.

#### STATE GOVERNMENT.

#### WELCOMES

The SPEAKER. The Chair welcomes to the hall of the House today the All-American Senior Citizens group from West Hazleton, Pennsylvania, here today as the guests of Mr. Correale Stevens.

The Chair is pleased to welcome to the floor of the House Foreign Exchange Students Kate Donnelly from Australia and Federico Veirave of Argentina, who are attending Susquehanna Township High School. They are here today as the guests of Mr. Piccola of Dauphin County.

The Chair welcomes at this time to the floor of the House Glenn and Dorothy Powell and their son, Thomas, from Ford City, Pennsylvania, here today as the guests of Mr. Livegood.

The Chair is also pleased to welcome to the hall of the House today, from the Wilson School District in Berks County, Bruce Fischer, Richard Miller, and Eric Sonon, here today as the guests of Mr. Davies of Berks County.

And from Bucks County, the Chair is pleased to welcome to the floor of the House Commissioners Zettick and Warner, together with their solicitor, Robert White; Finance Director Allen, County Manager Newman, and Public Relations Director Lefcourt, here today as the guests of the Bucks County delegation.

The Chair is pleased to welcome to the hall of the House representatives of the Philadelphia County Medical Society. The delegation is headed today, according to the Speaker's information, by Dr. Edward Clark, here today as the guests of Mr. Deal and the entire Philadelphia County delegation to the House of Representatives.

The Chair welcomes to the floor of the House Mr. Robin Cole of the Pittsburgh Steelers and Reed L. Wilson of Wilson Associates, who are the guests today of the minority leader, Mr. K. Leroy Irvis and Mr. Tom Fee.

The Chair is also extremely pleased to welcome to the floor of the House students from Delaware County who are participants in the Close Up Program of government study, here today with their instructors Sue Munster and Liz Ball, guests of the delegation from Delaware County.

The Chair further welcomes with pleasure to the floor of the House Dr. Fred Grogan and Dr. Rodger Opdahl and the Lycoming College political science students, here today as the guests of Messrs. Cimini and Grieco of Lycoming County.

#### ADJOURNMENT

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

Mr. CORDISCO. Mr. Speaker, I move that this House of Representatives do now adjourn until Wednesday, March 25, 1981, at 10 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:46 p.m., e.s.t., the House adjourned.