

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, JANUARY 26, 1982

SESSION OF 1982

166TH OF THE GENERAL ASSEMBLY

No. 6

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:

Our kind Heavenly Father, we count it a privilege to come to You in prayer. We ask that You would help us to be more thankful during our daily walk of life, for surely we appreciate Your watchful eye and Your tender love. Bless each one of us this day as we go about our separate tasks of life, for we ask these blessings in Your precious name. 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, January 25, 1982, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2176 By Representatives ITKIN, POTT, MICHLOVIC, SWEET, JOHNSON, LAUGHLIN, COWELL and KUKOVICH

An Act amending the "Second Class County Port Authority Act," approved April 6, 1956 (1955 P. L. 1414, No. 465), further providing for powers of Port Authorities.

Referred to Committee on URBAN AFFAIRS, January 25, 1982.

No. 2177 By Representatives LLOYD, D. R. WRIGHT, HALUSKA and SWAIM

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), further changing and restricting the qualifications for recipients of general assistance, aid for families with dependent children, food stamps, medical assistance, and other forms of payments and providing for community work projects.

Referred to Committee on HEALTH AND WELFARE, January 25, 1982.

No. 2178 By Representatives LEVI, A. C. FOSTER, JR., BURD, FRYER, MERRY, TRELLO, STUBAN, MACKOWSKI, NAHILL, SAURMAN, SNYDER, PICCOLA, BOWSER, CESSAR, HONAMAN, STEIGHNER, WASS, MANMILLER, D. R. WRIGHT, SHOWERS, GALLEN and PETRARCA

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for costs in certain civil and criminal matters.

Referred to Committee on JUDICIARY, January 25, 1982.

No. 2179 By Representative SALVATORE

An Act amending the act of December 18, 1980 (P. L. 1252, No. 228), entitled "A supplement to the act of October 6, 1980 (P. L. 784, No. 145), entitled 'An act providing for the capital budget for the fiscal year 1980-1981,' *** providing for the adoption of capital projects to be financed from current revenues of the Boating Fund and the Fish Fund and making an appropriation," deleting authorization for certain projects relating to the Philadelphia Youth Development Center.

Referred to Committee on APPROPRIATIONS, January 25, 1982.

No. 2180 By Representatives SPENCER and BERSON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, increasing the number of judges of the Commonwealth Court and providing for their appointment.

Referred to Committee on JUDICIARY, January 25, 1982.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 145 By Representatives COLAFELLA, MANDERINO, CESSAR, TRELLO, KOLTER, LESCOVITZ, CLARK, FEE, DeMEDIO, CORDISCO, PRATT, VAN HORNE and STEIGHNER

House encourage United States Commerce Department move quickly on trade complaints filed against foreign steel exporting countries.

Referred to Committee on FEDERAL-STATE RELATIONS, January 25, 1982.

No. 146 By Representatives JOHNSON, PITTS and HAYES

House memorializes Congress enact legislation granting permanent residency to Vaschenko and Chmykhalov families emigrating from Soviet Union.

Referred to Committee on FEDERAL-STATE RELATIONS, January 25, 1982.

No. 147
(Concurrent) By Representatives CALTAGIRONE, HALUSKA and SALVATORE

General Assembly memorialize Congress to propose an amendment to the Constitution creating a Board of Arbitration to review cases where violations of the Constitution are charged and sustained.

Referred to Committee on FEDERAL-STATE RELATIONS, January 25, 1982.

LEAVE OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip for the purpose of taking Republican leaves of absence.

Mr. CESSAR. Thank you, Mr. Speaker.

I have no requests for leaves for today.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. PIEVSKY, for the purpose of taking minority leaves of absence.

Mr. PIEVSKY. Thank you, Mr. Speaker.

I ask leave for the gentleman from Philadelphia, Mr. GRAY, for today's session.

The SPEAKER. Without objection, leave will be granted. The Chair hears no objection.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1723, PN 2037 By Rep. TADDONIO

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for certain exceptions to the payment of damages.

CONSUMER AFFAIRS.

HB 1791, PN 2778 (Amended) (Unanimous)
By Rep. TADDONIO

An Act amending Titles 66 (Public Utilities) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the transportation of school chaperons.

CONSUMER AFFAIRS.

SB 179, PN 1545 By Rep. SPENCER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for certain expenses.

JUDICIARY.

SB 937, PN 1605 (Amended)
By Rep. SPENCER

An Act establishing fees which shall be charged by a prothonotary in a county of the second class.

JUDICIARY.

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take today's master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—199

Alden	Fargo	Livengood	Rybak
Anderson	Fee	Lloyd	Salvatore
Armstrong	Fischer	Lucyk	Saurman
Arty	Fleck	McClatchy	Serafini
Barber	Foster, W. W.	McIntyre	Seventy
Belardi	Foster, Jr., A.	McMonagle	Showers
Belfanti	Frazier	McVerry	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	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	Irvis	Petrarca	Wambach
Cowell	Itkin	Petrone	Wargo
Cunningham	Jackson	Phillips	Wass
DeMedio	Johnson	Piccola	Wenger
DeVerter	Kanuck	Pievsky	Weston
DeWeese	Kennedy	Pistella	Wiggins
Daikeler	Klingaman	Pitts	Williams, H.
Davies	Kolter	Pott	Williams, J. D.
Dawida	Kowalyshyn	Pratt	Wilson
Deal	Kukovich	Pucciarelli	Wogan
Dietz	Lashinger	Punt	Wozniak
Dininni	Laughlin	Rappaport	Wright, D. R.
Dombrowski	Lehr	Rasco	Wright, J. L.
Donatucci	Lescovitz	Reber	Wright, R. C.
Dorr	Letterman	Richardson	Zwilk
Duffy	Levi	Rieger	
Durham	Levin	Ritter	Ryan,
Emerson	Lewis	Rocks	Speaker
Evans			

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Gray

LEAVE CANCELED—1

Gray

CALENDAR**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 748**, **PN 2733**, entitled:

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

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that HB 748, PN 2733, 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.

* * *

The House proceeded to second consideration of **HB 754**, **PN 2164**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further defining taxable income under the Corporate Net Income Tax.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that HB 754, PN 2164, 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.

* * *

The House proceeded to second consideration of **HB 827**, **PN 2734**, entitled:

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

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that HB 827, PN 2734, 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.

* * *

The House proceeded to second consideration of **HB 1095**, **PN 2736**, entitled:

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

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that HB 1095, PN 2736, 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.

* * *

The House proceeded to second consideration of **HB 1128**, **PN 2737**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), allowing the employer collecting the personal income tax a collection fee of one per cent against the total amount collected.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that HB 1128, PN 2737, 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.

* * *

The House proceeded to second consideration of **HB 1129**, **PN 2738**, entitled:

An Act amending the "Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), allowing employer collecting the tax on earned income a collection fee of one percent against the total amount collected requiring monthly returns of certain taxes deducted by employers.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that HB 1129, PN 2738, 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.

* * *

The House proceeded to second consideration of **HB 1463, PN 2739**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding the imposition of sales taxes on Federal excise taxes on the sale of tires.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that HB 1463, PN 2739, be recommitted to the Committee on Appropriations for a fiscal note.

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

BILLS AGREED TO ON SECOND CONSIDERATION

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

SB 1010, PN 1574; SB 1011, PN 1190; and SB 1012, PN 1471.

* * *

The House proceeded to second consideration of **HB 390, PN 2731**, entitled:

An Act amending the "Community College Act of 1963," approved August 24, 1963 (P. L. 1132, No. 484), further providing for payments by the Commonwealth.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that HB 390, PN 2731, be recommitted to the Committee on Appropriations for a fiscal note.

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

Motion was agreed to.

BILLS AGREED TO ON SECOND CONSIDERATION CONTINUED

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

HB 525, PN 2732; HB 1010, PN 2735; HB 1349, PN 2742; and HB 1578, PN 1840.

* * *

The House proceeded to second consideration of **HB 1765, PN 2092**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for the transfer of employer contributions to certain other public pension systems.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that HB 1765, PN 2092, be recommitted to the Committee on Appropriations for an actuarial note.

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

BILLS AGREED TO ON SECOND CONSIDERATION CONTINUED

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

HB 1815, PN 2740; HB 1816, PN 2741; HB 1878, PN 2271; HB 1884, PN 2277; HB 1885, PN 2278; HB 1886, PN 2279; HB 1887, PN 2280; SB 680, PN 707; HB 118, PN 2710; HB 1190, PN 2711; HB 1413, PN 2712; HB 2000, PN 2713; HB 936, PN 1007; and HB 1813, PN 2183.

STATEMENT BY MR. ZWIKL**TERCENTENARY COMMITTEE ON THIS DAY IN HISTORY**

The SPEAKER. At yesterday's session Representative Pitts from Chester County advised the members that each day for the balance of this year he or Representative Zwikl will make a brief announcement as to what took place at some time in history on this particular date, as it pertains to Pennsylvania, I believe.

Today the Chair recognizes for that purpose the gentleman from Lehigh, Mr. Zwikl.

Mr. ZWIKL. Thank you, Mr. Speaker.

On this day in history, January 26, 1757, the conflict between the Pennsylvania Assembly and the Penn Proprietors marked the pre-Revolutionary years. On this date the Assembly identifying itself as "The Representatives of the Freemen of Pennsylvania" had offered to raise funds for taxation to support military action in the French and Indian War. However, the Proprietors refused to approve such action if their holdings were to be taxed. In its protest the Assembly said:

That great as the Sum is, and hard for this People to pay, we freely offer it to our gracious king for his service, and the defense of this his colony from his Majesty's enemies....

We conceive (the Proprietaries refusal to pay taxes) to be injurious to the Interests of the Crown, and tyrannical with regard to the People.

That is the way it was, January 26, 1757.

CONDOLENCE RESOLUTION ADOPTED

The SPEAKER. The Chair at this time recognizes the gentleman from Armstrong, Mr. Livengood.

Mr. LIVENGOOD. Mr. Speaker, I have a privileged condolence resolution to offer.

The following resolution was read:

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

WHEREAS, William H. Claypoole, a former member of the Pennsylvania House of Representatives, passed away February 25, 1981 at the age of seventy-three; and

WHEREAS, Mr. Claypoole served with distinction as a member of the House of Representatives from 1967 to 1971; and

WHEREAS, An Armstrong County Commissioner for many years, Mr. Claypoole was a past president of the Pennsylvania Association of County Commissioners; vice president of the Pennsylvania Home Rule Association; and a member of the Legislative Committee, National Association of Elected County Officials; and

WHEREAS, He was a dedicated and community-minded person as evidenced by his service as a member of the Chamber of Commerce, Pennsylvania Citizens Council, Southwestern Regional Planning Commission, Pioneer Trails Council and the Boards of Directors of the Merchants National Bank, Mental Health Association of Armstrong County, Cerebral Palsy Board of Western Pennsylvania, Armstrong County Chapter of the American Red Cross, and the Armstrong County Community Action. Mr. Claypoole was also actively involved in the Armstrong County Historical Society and the Orphans of the Storm; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania notes with sadness the passing of a distinguished public servant and former member of the House, William H. Claypoole; and extends its heartfelt condolences to his wife, E. Pearl; and son, William R.; and be it further

RESOLVED, That a copy of this resolution be delivered to Mrs. E. Pearl Claypoole.

We hereby certify that the foregoing is an exact copy of a Resolution introduced in the House of Representatives by the Honorable Henry Livengood, and adopted by the House of Representatives the 18th day of January 1982.

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

On the question,
Will the House adopt the resolution?

The SPEAKER. Those in favor of the resolution will please rise and remain standing as a further mark of respect for a deceased colleague.

(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

CONDOLENCE RESOLUTION SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman from Armstrong, Mr. Livengood.

Mr. LIVENGOOD. Mr. Speaker, I would like to submit for the record another condolence resolution on behalf of Judge J. Frank Graff, who passed away on November 2, 1981. Judge Graff served the longest continuous tenure on the bench of any judge in the history, 58 years. Thank you, Mr. Speaker.

The SPEAKER. The gentleman will send the resolution to the desk.

Mr. LIVENGOOD submitted the following resolution for the Legislative Journal:

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

WHEREAS, Judge J. Frank Graff, Armstrong County Senior Judge since 1971, passed away November 2, 1981 at the age of ninety-two; and

WHEREAS, Educated at Mercersburg Academy, Princeton University, Harvard Law School and the University of Pittsburgh Law School, he received an honorary doctorate of law degree from Thiel College and was admitted to the bar in 1915. He joined the National Guard Company K and served as a major in the 112th Infantry of the 28th Division during World War I. He also served on the Mexican Border Campaign in 1916 and in France in 1918 and was a member of the original Paris Caucus, founders of American Legion. Judge Graff was a past commander of American Legion Post No. 122 and past commander of American Legion District No. 27; and

WHEREAS, In 1923, he was elected Judge of the Court of Common Pleas of Armstrong County and holds the distinction of serving the longest continuous tenure on the bench of any judge; and

WHEREAS, Judge Graff was highly respected and admired by his colleagues, friends and the citizens of Armstrong County and this Commonwealth as representing the finest in American life; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania notes with sadness the passing of a distinguished, honorable and dedicated man, Judge J. Frank Graff; and extends its heartfelt condolences to his wife, Sue; son, Peter Graff IV; and daughter, Sara Hope Waingrow; and be it further

RESOLVED, That a copy of this resolution be delivered to Mrs. Sue Graff.

We hereby certify that the foregoing is an exact copy of a Resolution introduced in the House of Representatives by the Honorable Henry Livengood, and adopted by the House of Representatives the 18th day of January 1982.

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

BILLS ON THIRD CONSIDERATION

BILL PASSED OVER TEMPORARILY

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

Mr. GREENFIELD. Mr. Speaker, HB 1066 has not been caucused on recently by the Democratic Caucus. It had been considered last year. I am asking that it be held over temporarily. There is a conference going on on that matter now.

The SPEAKER. Without objection, HB 1066 will be passed over temporarily. The Chair hears no objection.

The House proceeded to third consideration of SB 496, PN 503, entitled:

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

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—191

- Alden, Anderson, Armstrong, Arty, Barber, Belardi, Belfanti, Beloff, Bittle, Blaum, Borski, Bowser, Boyes, Brandt, Brown, Burd, Burns, Caltagirone, Cappabianca, Cawley, Cessar, Cimini, Civera, Clark, Clymer, Cochran, Cohen, Evans, Fargo, Fee, Fischer, Fleck, Foster, W. W., Foster, Jr., A., Frazier, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Grabowski, Greenfield, Greenwood, Grieco, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayes, Livengood, Lloyd, Lucy, McClatchy, McIntyre, McMonagle, McVerry, Mackowski, Madigan, Maiale, Manderino, Manmiller, Marmion, Merry, Michlovic, Micozzie, Miller, Miscevic, Moehlmann, Morris, Mowery, Mrkonic, Mullen, Murphy, Nahill, Noye, O'Donnell, Rocks, Rybak, Salvatore, Saurman, Serafini, Seventy, Showers, Shupnik, Sieminski, Sirianni, Smith, B., Smith, E. H., Smith, L. E., Snyder, Spencer, Spitz, Stairs, Steighner, Stevens, Stewart, Stuban, Swaim, Sweet, Swift, Taddonio, Taylor, E. Z., Taylor, F. E.

- Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, Cunningham, DeMedio, DeVerter, DeWeese, Daikeler, Davies, Dawida, Deal, Dietz, Dininni, Dombrowski, Donatucci, Dorr, Duffy, Durham, Emerson, Heiser, Hoeffel, Honaman, Horgos, Hutchinson, A., Irvis, Itkin, Jackson, Johnson, Kennedy, Klingaman, Kolter, Kowalyshyn, Lashinger, Laughlin, Lehr, Lescovitz, Letterman, Levi, Levin, Lewis, Olasz, Oliver, Pendleton, Perzel, Peterson, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pott, Pratt, Pucciarelli, Punt, Rappaport, Rasco, Reber, Rieger, Ritter, Telek, Tighe, Trello, Vroon, Wambach, Wargo, Wass, Wenger, Weston, Wiggins, Williams, J. D., Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., Zwikl, Ryan, Speaker

NAYS—6

- Berson, Kukovich, Richardson, Van Horne, Wachob, Williams, H.

NOT VOTING—2

- Gladeck, Kanuck

EXCUSED—1

Gray

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

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

The House proceeded to third consideration of SB 585, PN 1456, entitled:

An Act amending the act of June 22, 1964 (1st Sp. Sess., P. L. 84, No. 6), entitled "Eminent Domain Code," prohibiting the imposition of taxes or fees on certain condemned property.

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

Mr. PIEVSKY offered the following amendments No. A5806:

Amend Title, page 1, line 4, by removing the period after "property" and inserting and providing for the resale of certain condemned property.

Amend Bill, page 2, by inserting between lines 29 and 30 Section 2. The act is amended by adding a section to read:

Section 411. Certain Resales to Original Owners.—Any condemnor, who acquires property pursuant to the provisions of this act solely for or substantially for subterranean excavation or construction, and who upon completion of the project plans to offer the surface of the condemned property for sale in an unimproved condition or in a condition similar to that in which the property was upon acquisition, shall first offer to sell the affected property to the original owner or owners for the appraised fair market value of the property at the time of the completion of the project.

Amend Sec. 2, page 2, line 30, by striking out "2" and inserting

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

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

Mr. PIEVSKY. Thank you, Mr. Speaker.

This amendment will provide that when a property is taken from a person for underground construction and when the project is completed the surface is available for sale in an unimproved condition, the original property owner shall have the option to purchase back his property at its appraised fair market value. That is all it does, Mr. Speaker. I urge adoption of this amendment.

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—3

Kanuck Rappaport Williams, J. D.

EXCUSED—1

Gray

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—197

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

NAYS—0

NOT VOTING—2

Kanuck Williams, J. D.

EXCUSED—1

Gray

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

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

REMARKS ON VOTES

The SPEAKER. Does the gentleman from Philadelphia, Mr. Barber, desire recognition?

Mr. BARBER. Yes, Mr. Speaker.

On SB 496, PN 503, I voted "yes." I would like to be recorded in the negative, please.

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

Does the gentleman from Philadelphia, Mr. Deal, desire recognition?

Mr. DEAL. Mr. Speaker, I voted in the affirmative on SB 496, PN 503, and it was my intention to have voted in the negative.

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

Does the gentleman from Philadelphia, Mr. Oliver, desire recognition?

Mr. OLIVER. Mr. Speaker, I also voted in error. I would like to be recorded in the negative on SB 496.

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

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

Mr. A. K. HUTCHINSON. Same for me.

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

The Chair recognizes the gentleman from Philadelphia, Mr. Emerson; the gentleman from Allegheny, Mr. Pendleton; and the lady from Philadelphia, Mrs. Harper, each of whom wants the record to reflect that they intended to vote in the negative on SB 496.

The remarks of the members will be spread upon the record.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 995, PN 1169**, entitled:

An Act amending the act of October 4, 1978 (P. L. 876, No. 169), entitled "Pennsylvania Crime Commission Act," further providing for the enforcement of subpoenas.

On the question,

Will the House agree to the bill on third consideration?

Mr. STEVENS offered the following amendments No. A4965:

Amend Title, page 1, line 4, by removing the period after "subpoenas" and inserting

and further providing for the publication of reports.

Amend Bill, page 2, by inserting between lines 10 and 11

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

Section 9.1. Publishing of certain names prohibited.

Notwithstanding any provision of this act or any other law to the contrary, the commission shall not publish the name of any individual, corporation or other business entity in its annual report, unless the individual, corporation or other business entity has been indicted by a grand jury in a court of the Commonwealth or in a Federal court or a criminal "information" has been approved and/or filed against same by a district attorney.

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

3

On the question,

Will the House agree to the amendments?

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

Mr. STEVENS. Thank you, Mr. Speaker.

The purpose of this amendment is not to hamper the Pennsylvania Crime Commission in any way. What it would do is it would require that before a name be published in a Crime Commission report, there would have to be, first, either an approval of a criminal complaint against that person filed by some district attorney or U.S. attorney, or a grand jury indictment in those counties that have grand juries.

Under present law there is no such requirement, and anybody can be named in those reports. There is no recourse for a person to be named, because the commission is free from the laws of libel and slander; they have protection. So this amendment is not to hamper the work of the commission. All it says is, if there is enough evidence by a DA to approve a criminal complaint and have an arrest, then the name can be put in the report. But if there is not enough evidence to do that, then the name should not be put in a report of the Crime Commission. It is a very simple amendment. Thank you.

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

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment. The amendment offered by Representative Stevens would, the Crime Commission believes, practically stop their work in investigating organized crime in Pennsylvania. A large part of the work of the Crime Commission in investigating organized crime is to make the public and the legislature aware in a report that is issued of the people who are involved, businesses that are believed involved, so that these activities can be guarded against. If names could not be published of people involved in organized crime, the Crime Commission feels that their work could not continue.

The Crime Commission was set up under, I guess, Federal approval and Federal suggestion that this would be an appropriate way to fight organized crime. I believe that to vote for this amendment would stop the fight against organized crime in Pennsylvania, and we should not support the Stevens amendment. Thank you.

The SPEAKER. Does the gentleman from Berks, Mr. Davies, desire recognition on this?

Mr. DAVIES. Yes, Mr. Speaker. I would like to ask just one or two questions.

The SPEAKER. The gentleman, Mr. Stevens, indicates he will stand for interrogation. The gentleman, Mr. Davies, may proceed.

Mr. DAVIES. Mr. Speaker, to the maker of the amendment, in the proceedings or the filing of a report, if, let us suppose, several major incidents occurred, let us say, on the parking lot of the premises of a public licensee, would there be a prohibition against the printing of that location with this amendment as to where this had occurred? Let us suppose it is a murder or something of that nature, or, let us say, several arrests had taken place on or about the premises. Would this mean then that that corporate structure or the individual's name which would occur as the licensee could not be used in the proceedings of the Crime Commission in their reporting, because there was no indictment or any proceedings of criminal record against those individuals as specified in your amendment?

Mr. STEVENS. No, Mr. Speaker. The location of the place would be able to be mentioned, of course. This only applies to identifying a person or corporation as being part of organized crime. It does not involve a place where an illegal incident takes place. The location would still be permitted to be named.

Mr. DAVIES. In other words, even though there was no specific criminal proceedings or anything like that against either the corporate structure that owned it or the individual or partnership involved, then there would be no prohibition for the commission to put that into print?

Mr. STEVENS. No; that would be a statement of fact at the location. This amendment is trying to do away with gossip and rumor, not with statements of fact.

Mr. DAVIES. Yes, Mr. Speaker. I appreciate what you are trying to do, and I am in agreement with what you are trying to do. The only fear that I have in extending that protection to those individuals is the fact that then we will some way or another take away from the ability of the commission to relate certain instances, occurrences, and so forth and so on, that may be associated with organized crime as to the occurrences or incidents of that type of activity in those locations. That probably is more my concern. But I still want to have the guarantee that you are seeking for the individual rather than just hearsay without fact or association that may be injurious to the individual, his career, his family, and so forth. I appreciate that. My only concern is that I want some guarantee that that could not occur in this instance.

Mr. STEVENS. Well, I can only tell you that the location where any incident took place would be fair game to be

reported, because first of all, there could be no criminal information filed against a location of a place. That would just be a fact.

Mr. DAVIES. All right. Now, also, Mr. Speaker, in the matter of association, either in the corporate structure or in partnership or in some other way with a business association, could those names be used in the reporting of the Crime Commission, or would it only be those officers to which there had been purportedly some illicit or illegal activities or indictments in reference to those specific activities?

Mr. STEVENS. The names of the officers and so on would not be able to be put in the report under my amendment if there has never been any arrest or if any DA has not approved a criminal information and allowed an arrest and if there has been no grand jury indictment. Just a rumor of an association would not be permissible under my amendment.

Mr. DAVIES. All right. Now, in the occurrence, Mr. Speaker, if it did take place on the corporate properties of corporation X, it would not then be permissible under this to say that this was corporation X and the president or the treasurer of this corporation was Mr. Y. Mr. Y would be, of course, protected by your amendment and could not be named then in the commission report. Is that correct?

Mr. STEVENS. The name of the person in that case, Mr. Speaker, would be permitted to be put in as the owner of the location on which an incident occurred. For example, if there is a robbery in John's Restaurant in Philadelphia and John's Restaurant is named as the place of the robbery, there would be nothing wrong with putting that in or the owner of John's Restaurant. What would be wrong would be to say that John is part of organized crime because a robbery took place in his restaurant, unless for some reason Mr. John had been charged with the crime or arrested with the crime.

Mr. DAVIES. All right. Then, Mr. Speaker, as I understand it, it would have to have some sort of identifying factor as to the exact type of activity that, in your example, Mr. John was involved in, rather than the fact that it was just the premises of his corporation, partnership, or establishment.

Mr. STEVENS. That is correct. Really, the amendment is just to say, let us fight organized crime, but you cannot do it by gossip and innuendo. It has to be done by evidence and arrests, and what you are saying is exactly true.

Mr. DAVIES. Thank you, Mr. Speaker.

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

Mr. H. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, would the speaker consent to interrogation?

Mr. STEVENS. Yes.

Mr. H. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, could you give us a clear explanation of what you are trying to accomplish here?

Mr. STEVENS. Yes, sir. The purpose of this amendment is to stop gossip and rumor from circulating in reports of organized crime and to focus in on people who have at least enough evidence against them that a district attorney has approved a criminal information. As you know, being a lawyer yourself, that would involve at least an arrest or a

grand jury indictment. This gives people who are named at least some protection under the court process. It is not to hamper the commission in any way.

Mr. H. WILLIAMS. Mr. Speaker, would it be fair to say that the heart of your amendment is to prevent an unfair characterization or implication by individuals that was not merited? Would it be fair to say that you are trying to correct the unfair impact on people who might be identified in such a report that would not otherwise be fairly merited or earned?

Mr. STEVENS. That would be correct, and that goes on the assumption that when the public reads a name in one of those reports, they assume that there is some evidence, and yet if there is no arrest or—I am not even saying a conviction. I am saying an arrest would be enough to be put in the report, because at least there will be defense counsel and certain constitutional rights.

Mr. H. WILLIAMS. Mr. Speaker, I strongly agree with your main concept. There are a few factors that concern me, however. Suppose there was a description of a pattern of activities over a long period of time involving certain individuals, even though there is no conviction, no charge, no arrest, or anything of that nature, but that pattern of activities was connected with an identifiable person in organized crime or already convicted in those activities, and assume that that pattern of activities resulted in some negative, dangerous, or illegal results. Would your prohibition prevent the commission from reporting what they know and the people who are involved in any kind of way, and would it prevent the public from getting that information, even though that pattern of activities had not been charged to anyone yet but certain negative things have already happened, like drugs or something like that? Your amendment would prevent the reporting of any individuals who might have been associated in any way with a pattern of activities. Is that correct?

Mr. STEVENS. To an extent it would, Mr. Speaker. The point is that if there were a pattern of activities and there were illegal activities in this pattern, if there were enough evidence to bring an arrest or a charge, then the commission would be entitled to print the name. The important thing to remember is that the commission is permitted to give this pattern of activities to the responsible district attorney or U.S. attorney if a Federal crime is involved. My amendment does not stop the commission from turning over its information to district attorneys, but if the district attorney feels there is not enough evidence to even warrant an arrest, then my amendment would prevent that name from going into the report as being part of organized crime.

Mr. H. WILLIAMS. Two specific concerns on this discussion: The amendment calls for a prohibition on publishing. I wonder if the commission did turn over its evidence and those names to a district attorney or a Federal prosecutor and wrote it down, whether or not it might be publishing to write those names and activities down and turn them over to even a district attorney. I am not positive of that, but it may just be that they could not publish them even in that limited way, according to the writing of the amendment, and you do not intend that.

Mr. STEVENS. No, and I understand your question. No; you are asking a technical, legal question. If you look in my amendment, after the words "publish the name of," it continues on, "...business entity in its annual report...." That is the limit of the amendment. Publication would not be giving it to a district attorney. They would still be permitted to do that. In fact, I would hope that that would be encouraged, that they cooperate with local DA's.

Mr. H. WILLIAMS. You are absolutely right. The annual report does take care of that problem.

The other problem I am wrestling with is in a pattern of bombings or drug traffic and that sort of thing, and in fact over a period of maybe 6 months, five individuals were associated in some way with other individuals and certain logical things seemed to have happened. Even though there is no charge, no proof to publish, you are saying that this pattern could not be reported to the public as to who is involved or who is associated?

Mr. STEVENS. It could be reported in the next report as soon as there is enough evidence to warrant an arrest.

Mr. H. WILLIAMS. Mr. Speaker, I guess my final question is, I am assuming that what you want to get at—and I agree with it—is that if someone's name is used in a report where it could convey an association of illegality, that would be wrong to do unless there is something to back that up. I wonder whether or not your amendment or your idea could be drafted in such a way that it would not prevent the commission from reporting names with a certain quality of information, even though there is no charge, as opposed to a speculation, as opposed to a suspicion, as opposed to a personal, you know, conjuring up. I just wonder if the amendment could be more precisely drafted to give the commission guidelines of quality that would allow them to do some reporting even though no charge has been made and disallow them from doing others that would be purely in the mind speculation of some investigators. I wonder if you think in your study or research an amendment could be drafted to meet that kind of standard.

Mr. STEVENS. I understand what you are getting at, Mr. Speaker, and I support your concept. I would just ask that you consider supporting this amendment in its present form. If it does cause a problem to the commission in the publication of its reports, we can always get their recommendations on working it out. Their only recommendation basically has been what Representative Hagarty has said, that they are against the amendment. I asked for some ideas on another way to approach it, and they have not offered any, so I would stand by the amendment.

The SPEAKER. Will the gentleman yield?

MR. SPENCER REQUESTED TO PRESIDE

The SPEAKER. The Chair has asked the gentleman from Tioga, Mr. Spencer, to preside temporarily.

The gentleman may proceed.

**THE SPEAKER PRO TEMPORE
(WARREN H. SPENCER) IN THE CHAIR
CONSIDERATION OF SB 995 CONTINUED**

Mr. H. WILLIAMS. Mr. Speaker, I totally agree with your objective. I do not think one person, two people, or four people should be permitted to, you know, I started to say blacken the name, but to damage someone's good name just because of their own standard. I totally agree with that. I think it is unfair; I think it is despotic; I think it is nonconstructive and all of that. On the other hand, I think there is a basic concern where some things should be reported, and my question to you is, have you had the time to sit down with the commission or their staff to develop a standard that might solve your problem and might not limit them, and if you have not, do you think if you had time to do that, you could come up with something that might be able to help both of those important factors?

Mr. STEVENS. I would certainly, you know, make time to do something like that. I certainly have no objection to that. What I am trying to prevent is, as you said, right now under the present guidelines, if you go into a restaurant in Philadelphia and you do not know who the owner is, and you happen to like their food and you go there every week for a couple months, and later on you find out that that was owned by a reputed crime boss, you could end up in the report just because you visited the restaurant on occasion, and there is nothing to prohibit that.

Mr. H. WILLIAMS. Mr. Speaker, I do not know whether I have gleaned from your last responses that if you had the time you would be willing to work out a standard that would solve your problem. Did I get an affirmative on that?

Mr. STEVENS. Yes; I would. In fact, I sent the Crime Commission a copy of this amendment, and I said that if you oppose it, do you have any alternatives, and I have not had a response, but I would be willing to sit down with them.

Mr. H. WILLIAMS. Mr. Speaker?

**BILL PLACED ON THIRD CONSIDERATION
POSTPONED CALENDAR**

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

Mr. H. WILLIAMS. Mr. Speaker, I would like to move that SB 995 be put on the postponed calendar or something like that in order to give Mr. Stevens an opportunity to come forth with what I think is an extremely important amendment which might have some pitfalls right now, but the thrust of his amendment absolutely should have a fundamental concern to all of us on both sides.

For those reasons I would like to move to put the bill on the postponed calendar in order to give Mr. Stevens an opportunity to step through the factors from both sides and come up with what might be satisfying to all of us. I so move.

The SPEAKER pro tempore. The question is on the motion to place SB 995 on the third consideration postponed calendar.

PARLIAMENTARY INQUIRY

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

Mr. DAVIES. Mr. Speaker, with your guidance, a parliamentary inquiry.

Could it be proper to continue a line of interrogation with the maker of the amendment to determine whether or not I would then have to assume support for Mr. Williams' motion because of the lack of input or not?

The SPEAKER pro tempore. Mr. Davies, the question before the House is whether or not to place SB 995 on the third consideration postponed calendar. Now, if your interrogation is going to take this into consideration, then it would be proper. However, I must admonish you that if your interrogation is on the amendment, then your request would have to be denied.

Mr. DAVIES. All right, sir. It would be impossible for me then, so I will have to withhold that until I would be able to interrogate the maker of the amendment further on the amendment itself. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne, Mr. Stevens.

Mr. STEVENS. I agree with whatever the House would decide here. I have no objection to it going on a postponed calendar.

The SPEAKER pro tempore. All those in favor of placing SB 995 on the third consideration postponed calendar will be voting "aye"; those in the negative, "nay."

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

The following roll call was recorded:

YEAS—145

Anderson	Donatucci	Livengood	Serafini
Armstrong	Dorr	Lloyd	Seventy
Arty	Duffy	Lucyk	Shupnik
Barber	Durham	McClatchy	Sirianni
Belardi	Emerson	McIntyre	Smith, B.
Belfanti	Evans	McMonagle	Smith, E. H.
Beloff	Fargo	Madigan	Smith, L. E.
Berson	Fee	Maiale	Snyder
Bittle	Foster, W. W.	Manmiller	Spencer
Blaum	Foster, Jr., A.	Michlovic	Spitz
Borski	Frazier	Micozzie	Stairs
Bowser	Fryer	Miller	Steighner
Brandt	Gamble	Miscevich	Stevens
Brown	Gannon	Moehlmann	Stuban
Burns	Geist	Morris	Swaim
Caltagirone	Grabowski	Mullen	Swift
Cappabianca	Greenfield	Murphy	Taylor, E. Z.
Cawley	Greenwood	O'Donnell	Taylor, F. E.
Cessar	Grieco	Olasz	Telek
Cimini	Gruppo	Oliver	Tigue
Civera	Haluska	Pendleton	Trello
Clark	Harper	Petrarca	Vroon
Clymer	Hasay	Phillips	Wambach
Cochran	Hayes	Piccola	Wargo
Cohen	Hoeffel	Pievsky	Wenger
Cole	Honaman	Pistella	Weston
Coslett	Itkin	Pratt	Wiggins
Cowell	Jackson	Pucciarelli	Williams, H.
DeMedio	Johnson	Punt	Williams, J. D.
DeVerter	Kolter	Rappaport	Wilson
DeWeese	Kowalyszyn	Rasco	Wogan
Davies	Kukovich	Richardson	Wozniak

Dawida	Lehr	Rieger	Wright, D. R.
Deal	Lescovitz	Rocks	Wright, J. L.
Dietz	Letterman	Rybak	Wright, R. C.
Dininni	Levin	Salvatore	Zwikl
Dombrowski			

NAYS—47

Alden	Gruitza	Marmion	Saurman
Boyes	Hagarty	Merry	Showers
Burd	Heiser	Mrkonic	Sieminski
Colafrella	Horgos	Nahill	Stewart
Cordisco	Hutchinson, A.	Noye	Sweet
Cornell	Klingaman	Perzel	Taddonio
Cunningham	Lashinger	Peterson	Van Horne
Daikeler	Laughlin	Petrone	Wachob
Fischer	Levi	Pitts	Wass
Fleck	Lewis	Pott	
Gallagher	McVerry	Reber	Ryan,
George	Mackowski	Ritter	Speaker
Gladeck			

NOT VOTING—7

Freind	Irvis	Kennedy	Mowery
Gallen	Kanuck	Manderino	

EXCUSED—1

Gray

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

REMARKS ON VOTE

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, on the vote of final passage for SB 496, PN 503, I was recorded in the affirmative. I wish to be recorded in the negative. Thank you.

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

REQUEST FOR RECESS

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

Mr. HAYES. Mr. Speaker, I request that we recess the House of Representatives at this time for the purpose of taking lunch and reconvene after the recess sharply at 2 p.m. this afternoon. Thank you, Mr. Speaker.

TRANSPORTATION COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Dininni.

Mr. DININNI. Mr. Speaker, I would like to call a meeting of the Transportation Committee immediately in B-11 to consider two bills, and it should only take a few minutes.

REMARKS ON VOTES

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

Mr. EVANS. Mr. Speaker, I would like to correct my vote and make it "no" on SB 496 on final passage.

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

The Chair recognizes the gentleman from Philadelphia, Mr. James Williams.

Mr. J. D. WILLIAMS. Mr. Speaker, I would also like to be recorded in the negative. I voted in the affirmative on SB 496.

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

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, before the Democrats leave the House, I want them to know that there is going to be an immediate Democratic caucus to consider two matters, including HB 1066. The caucus will be held immediately, and it will not take very long if we start right away. Thank you.

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

Mr. RICHARDSON. I have a reconsideration motion, Mr. Speaker, that I would like to send up to the desk.

The SPEAKER pro tempore. Will the gentleman please send it up to the desk?

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

REMARKS ON VOTE

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

Mr. GLADECK. Mr. Speaker, I was out of my seat when the House voted on SB 496, and I would like to be recorded in the affirmative. Thank you.

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

WELCOMES

The SPEAKER pro tempore. The Chair recognizes Dr. Francis Matika, IU director of Beaver County, who is the guest of the Representatives of Beaver County.

The Chair also would like to recognize Sim Edgar, who is the guest of Representative George Saurman.

Lastly, the Chair recognizes Gary Babin of the Lancaster Chamber of Commerce and Industry, who is the guest of the Lancaster County delegation.

RECESS

The SPEAKER pro tempore. Without objection, the House stands in recess until 2 p.m. The Chair hears none.

AFTER RECESS

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

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

**REPORT OF COMMITTEE
OF CONFERENCE PRESENTED**

Mr. GALLEN presented the Report of the Committee of Conference on **SB 725, PN 1598**.

**REPORT OF COMMITTEE
OF CONFERENCE PRESENTED**

Mr. WENGER presented the Report of the Committee of Conference on **SB 919, PN 1614**.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON BUSINESS AND COMMERCE**

HB 1757, PN 2084 By Rep. DININNI

An Act amending the "Motor Vehicle Sales Finance Act," approved June 28, 1947 (P. L. 1110, No. 476), further providing for finance charges of mobile homes and requiring certain sales contracts to contain either a fixed or adjustable finance charge for the purchase of certain classes of vehicles.

TRANSPORTATION.

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

SB 457, PN 464 By Rep. DININNI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exceptions to vehicle registration and inspection requirements.

TRANSPORTATION.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Mr. and Mrs. Edward Butterworth. Mrs. Butterworth is the district administrator for Representative Wilson. She is visiting the Capitol today with her husband.

**STATEMENT ON LEGISLATION
TO BE INTRODUCED**

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

Mr. SWEET. Thank you, Mr. Speaker.

Mr. Speaker, I would like to just make a brief statement or comment regarding a proposal that I am working on for congressional reapportionment.

Mr. Speaker, after the proceedings last week, as I was driving home, I could not help but think that what we had gone through last week regarding congressional reapportionment was little better than a farce. The minority leader mentioned that he had a very difficult time understanding exactly what was going on, and I am sure all the rest of us did. There was a steamroller going on the floor of this House, and many intelligent, sensible amendments were just mindlessly rejected

when the chairman of the State Government Committee said, I am against the amendment. The gentleman, Mr. Trello, offered an amendment that was going to just juggle a couple of precincts around, and that was summarily rejected.

I think that congressional reapportionment is too complicated, too technical, too complex, too political, and too mathematical to be decided on the floor of this House, and so, Mr. Speaker, I am going to be working on presenting a constitutional amendment which would add to the duties of the Legislative Reapportionment Commission the duty of redrawing our congressional boundaries. If it is good enough to draw our districts and our lines, it is good enough to redraft the congressional boundaries. I do not think, Mr. Speaker, that we ought to be involved in the crass gerrymandering that was done here last week. Most likely, from what I hear from the Senate, we are going to end up with a conference committee on congressional reapportionment. That is going to have the leadership of both Houses. However, it will be a conference committee totally controlled by one party. At least the Reapportionment Commission has an independent referee.

I have received some indications from members of the majority party that they would like to work with me on this proposal—their names to be exposed later, after the current fiasco is over. I would ask all the members of the House to consider this proposition. I am going to be asking for cosponsorship later on. We have plenty of time to get this amendment passed by two sessions of the General Assembly and by the voters. I do not think ever again the voters of Pennsylvania ought to be subjected to the crass operation that we saw here on the floor of this House last week. Thank you, Mr. Speaker.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today two members of the staff of the National Conference of State Legislatures: Cindy Simon, the program director of Legislative Management; and Elgie Holstein, staff director on Energy and State-Federal Relations.

**CALENDAR RESUMED
BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1066, PN 1571**, entitled:

An Act providing for group self-insurance funds for private employers for workers' compensation liabilities; providing for the establishment of employee protections through the use of aggregate excess insurance and a guaranty fund and allowing insurance carriers to provide aggregate excess insurance for groups.

On the question,

Will the House agree to the bill on third consideration?

Mr. GREENFIELD offered the following amendments No. A2526:

Amend Sec. 2, page 2, by inserting between lines 22 and 23 "Annual assessment." Either the modified manual rate or the individual fund contribution rate, as the case may be.

Amend Sec. 2, page 3, lines 19 through 21, by striking out all of said lines and inserting

“Individual fund contribution rate.” A rate of contribution, duly promulgated by a fund in accordance with law and the fund’s bylaws, provided that such rate is determined on an “incurred claims” basis in accordance with sound actuarial principles, as certified by a member of the American Academy of Actuaries.

Amend Sec. 5, page 7, line 17, by inserting after “for”
an annual

Amend Sec. 5, page 7, line 17, by striking out “of modified manual rates”

Amend Sec. 5, page 7, line 18, by inserting a period after “employers”

Amend Sec. 5, page 7, lines 18 and 19, by striking out “except as provided in section 12.”

Amend Sec. 5, page 7, line 27, by striking out “section 5” and inserting
this section

Amend Sec. 5, page 7, line 27, by inserting after “department.”

If the fund intends to exercise its option for an individual fund contribution rate, said threshold information must include the actuarial rate-making methodology, classification, experience and loss-ratio procedures and factors and other supporting data utilized in arriving at the individual fund contribution rate.

Amend Sec. 7, page 9, line 18 by striking out “Each” and inserting

If a fund does not exercise its option for an individual fund contribution rate, each

Amend Sec. 9, page 10, line 19, by striking out “premium” and inserting

the annual or supplemental assessments

Amend Sec. 9, page 10, line 23, by striking out “premium” and inserting

the annual or supplemental assessments

Amend Sec. 12, page 12, lines 8 through 13, by striking out “IF THE FUND IS COMPOSED OF MEMBERS OF A” in line 8, all of lines 9 through 12 and “THE FUNDS FIRST PERMIT YEAR.” in line 13 and inserting

unless a fund elects to use an individual fund contribution rate.

Amend Sec. 13, page 12, line 21, by striking out “EXCEPT AS PROVIDED IN SECTION 12.” and inserting

, unless a fund elects to use an individual fund contribution rate, in which case it may use any classification scheme approved by a member of the American Academy of Actuaries.

Amend Sec. 13, page 12, line 22, by striking out “this service.” and inserting

providing it with classifications for its participants.

Amend Sec. 15, page 13, line 13, by inserting before “Funds”
(a)

On the question,

Will the House agree to the amendments?

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

Mr. GREENFIELD. Mr. Speaker, we have before us a bill which embodies a much-desired concept. One which is sincere and realistic could go far to reduce the exorbitant, high rate of workers’ compensation insurance and be a help to both business and labor alike, but because of its many prohibitive restrictions and expense requirements, I am offering the following amendments to the bill to make it workable and to improve it.

Mr. Speaker, the amendment offered, 2526, would say that the manual rates, which are the rates now charged to the employer for workers’ compensation, rather than being the existing rates would be a new rate developed by actuaries approved by the proper authorities to develop and which would go far to make the cost lower presently. The present rates are archaic. They go to an unrealistic classification system and are accused of having an overreserve policy and have built into them substantial private carriers’ profits and administrative costs. I think it is desirable, if we are going to help the business community, if we are going to help the workingman of Pennsylvania, that we start out fresh, giving them a new lower base and lowering the whole system of rates. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Mr. Speaker, I oppose the amendment on the grounds that we are dealing with a very, very serious issue that involves disability benefits and widow benefits for those people who through no fault of their own became injured on the job.

The actual manual rates are an actuarial device. They have used the actuarial science in arriving at these manual rates. I see nothing wrong, if it is a conservative approach, with using the manual rate, to go in with it to create a better reserve. Now, if they are found to be higher than necessary, the employer who is paying the premiums on this will get the benefit of that surplus, which can come back to him in dividends. If we go in with the anticipation of a lower rate and find that that rate is not sufficient because of not having the same experience and so forth that the Workers’ Compensation Bureau has developed, then we will find that the fund is in jeopardy and it is conceivable that either a widow or a worker would be denied benefits to which he is entitled. Therefore, I think going in, if they stick with the manual rates for like 25 months, then if it proves that those are excessive rates, we will have that opportunity then to hire an actuary and redetermine the rates based on the experience of the group at that time. Therefore, I oppose the amendment.

The SPEAKER. Does the gentleman from Philadelphia, Mr. Greenfield, desire recognition?

Mr. GREENFIELD. Yes, Mr. Speaker.

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

Mr. GREENFIELD. Mr. Speaker, the object of this bill should be to reduce the exorbitant cost of workers’ compensation insurance, and certain we want to be that the workers are protected. These rates were established by actuaries and people knowledgeable in the field. They can again be established with a new review, with eliminating the present built-in costs of the private insurance carrier. That is there now. If they are going into a new group self-insurance, why should they pay the same figures that are paid to private insurance companies making a profit? That profit is in there, and you are going to say, well, they are going to continue to put that profit in, continue to charge this amount, even though there is no profit to be gained. It is excessive, it is unneeded, and it is

going to cause the defeat of this entire program. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Mr. Speaker, again I wish to point out that if the rates prove to be excessive, the employer will get the benefit of that, and I am not really concerned about the employer in this concept. I am more concerned with the safety of the fund for the benefit of the employee and/or his widow. I think that is of prime importance. We are simply trying to develop a means where these people may go beyond the insurance company and become self-insured by grouping together and establishing a fund. We are not trying to change the workmen's compensation law. We are not going to try to interfere in any way, shape, or form with the benefits, but we do want to make sure that these people going in come up with the best rate available, and that seems to be the published rate. They are living with it now, and in 2 years' time, if they find that the rate is excessive, they can talk about distribution of dividends and/or lowering the rates on the basis of an actuarial assumption. All I am saying is, let us go into this thing without any change of the sum of money going in that they are now paying. If they find that the fund is manageable and the experience is wrong, okay, they will get the benefit of that at a later point, but in the meanwhile we have not weakened the plan which could reflect on an employee.

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

Mr. CORDISCO. Mr. Speaker, I rise to oppose the amendment. I believe that the deviation already exists within the particular piece of legislation, and I would urge the members also to vote "no." Sorry, Mr. Greenfield.

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

The following roll call was recorded:

YEAS—81

Barber	Gallagher	McMonagle	Rieger
Beloff	Gamble	Maiale	Ritter
Berson	George	Manderino	Rocks
Blaum	Grabowski	Michlovic	Rybak
Borski	Greenfield	Miscevich	Seventy
Brown	Gruitza	Morris	Shupnik
Caltagirone	Horgos	Mrkonic	Steighner
Clark	Hutchinson, A.	Mullen	Stewart
Cohen	Irvic	Murphy	Swaim
Colafella	Itkin	O'Donnell	Taylor, F. E.
Cole	Kolter	Olasz	Tigue
Cowell	Kowalyszyn	Oliver	Trello
DeMedio	Kukovich	Petrarca	Van Horne
Dawida	Laughlin	Petrone	Wambach
Deal	Lescovitz	Pievsky	Wargo
Dombrowski	Letterman	Pistella	Wiggins
Donatucci	Levin	Pratt	Williams, J. D.
Duffy	Livengood	Pucciarelli	Wozniak
Evans	Lucyk	Rappaport	Wright, D. R.
Fee	McIntyre	Richardson	Zwinkl
Fryer			

NAYS—112

Alden	Fargo	Lewis	Showers
Anderson	Fischer	Lloyd	Sieminski
Armstrong	Fleck	McClatchy	Sirianni
Arty	Foster, W. W.	McVerry	Smith, B.
Belardi	Foster, Jr., A.	Mackowski	Smith, E. H.

Belfanti	Frazier	Madigan	Smith, L. E.
Bittle	Freind	Manmiller	Snyder
Bowser	Gallen	Marmion	Spencer
Boyes	Gannon	Merry	Spitz
Brandt	Geist	Micozzie	Stairs
Burd	Gladeck	Miller	Stevens
Burns	Greenwood	Moehlmann	Stuban
Cawley	Grieco	Mowery	Sweet
Cessar	Gruppo	Nahill	Swift
Cimini	Hagarty	Noye	Taddonio
Civiera	Haluska	Pendleton	Taylor, E. Z.
Clymer	Hasay	Perzel	Telek
Cochran	Hayes	Peterson	Vroon
Cordisco	Heiser	Phillips	Wachob
Cornell	Hoefel	Piccola	Wass
Coslett	Honaman	Pitts	Wenger
Cunningham	Jackson	Pott	Wilson
DeVerter	Johnson	Punt	Wogan
Daikeler	Kanuck	Rasco	Wright, J. L.
Davies	Kennedy	Reber	Wright, R. C.
Dietz	Klingaman	Salvatore	
Dininni	Lashingier	Saurman	Ryan,
Dorr	Lehr	Serafini	Speaker
Durham	Levi		

NOT VOTING—6

Cappabianca	Emerson	Weston	Williams, H.
DeWeese	Harper		

EXCUSED—1

Gray

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

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

Mr. CORDISCO offered the following amendment No. A5925:

Amend Sec. 4, page 5, line 27, by striking out "\$500,000" and inserting \$350,000, said amount to be used exclusively for the payment of claims and not subject to charges for expenses for administration, excess insurance, claims handling, or any fixed costs other than those necessary for the payment of claims,

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

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

Mr. CORDISCO. Mr. Speaker, this amendment offers an opportunity to lower the total dollar figure for the original financial requirement. It also guarantees the \$350,000 solely for claims without infringement of administrative expenses. I believe this amendment has been agreed to by both sides of the aisle, and I would urge my colleagues to support it. Thank you.

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

Mr. MACKOWSKI. I do agree with the amendment and hope that you will support it. I think it really strengthens the bill. It really earmarks claim money as it should be earmarked, and it certainly is a very meaningful amendment. It makes a good bill better. Thank you.

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

Mr. GREENFIELD. I also agree to the amendment as an improvement of the bill. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—192

Alden	Fee	Lloyd	Salvatore
Anderson	Fischer	Lucyk	Saurman
Armstrong	Fleck	McClatchy	Serafini
Arty	Foster, W. W.	McIntyre	Seventy
Barber	Foster, Jr., A.	McMonagle	Showers
Belardi	Frazier	McVerry	Shupnik
Belfanti	Freind	Mackowski	Sieminski
Beloff	Fryer	Madigan	Sirianni
Berson	Gallagher	Maiale	Smith, B.
Bittle	Gallen	Manderino	Smith, E. H.
Blaum	Gamble	Manmiller	Smith, L. E.
Bowser	Gannon	Marmion	Snyder
Boyes	Geist	Merry	Sweet
Brandt	George	Michlovic	Spitz
Brown	Gladeck	Micozzie	Stairs
Burd	Grabowski	Miller	Steighner
Burns	Greenfield	Moehlmann	Stevens
Caltagirone	Greenwood	Morris	Stewart
Cappabianca	Grieco	Mowery	Stuban
Cawley	Gruitza	Mrkonic	Swaim
Cessar	Gruppo	Mullen	Sweet
Cimini	Hagarty	Murphy	Swift
Civera	Haluska	Nahill	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	Iris	Petrarca	Wachob
Coslett	Itkin	Petrone	Wambach
Cowell	Jackson	Phillips	Wargo
Cunningham	Johnson	Piccola	Wass
DeMedio	Kanuck	Pievsky	Wenger
DeVerter	Kennedy	Pistella	Weston
Daikeler	Klingaman	Pitts	Wiggins
Davies	Kolter	Pott	Williams, H.
Dawida	Kowalyshyn	Pratt	Wilson
Deal	Kukovich	Punt	Wogan
Dietz	Lashingner	Rappaport	Wozniak
Dininni	Laughlin	Rasco	Wright, D. R.
Dombrowski	Lehr	Reber	Wright, J. L.
Donatucci	Lescovitz	Richardson	Wright, R. C.
Dorr	Letterman	Rieger	Zwikl
Duffy	Levi	Ritter	
Durham	Levin	Rocks	Ryan,
Evans	Lewis	Rybak	Speaker
Fargo	Livengood		

NAYS—0

NOT VOTING—7

Borski	Emerson	Miscevich	Williams, J. D.
DeWeese	Harper	Pucciarelli	

EXCUSED—1

Gray

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

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

Mr. GREENFIELD offered the following amendments No. A2533:

Amend Sec. 5, page 6, lines 24 through 30; page 7, lines 1 and 2, by striking out all of lines 24 through 30, page 6, all of line 1 and "(4)" in line 2 on page 7 and inserting

(3)

Amend Sec. 5, page 7, line 17, by striking out "(5)" and inserting

(4)

Amend Sec. 5, page 7, line 20, by striking out "(6)" and inserting

(5)

Amend Sec. 5, page 7, line 25, by striking out "(7)" and inserting

(6)

Amend Sec. 5, page 7, line 26, by striking out "(8)" and inserting

(7)

Amend Sec. 15, page 13, line 13, by inserting before "Funds"

(a)

Amend Sec. 15, page 13, line 13, by striking out "shall" and inserting

may

Amend Sec. 15, page 13, lines 17 through 21, by striking out "The department may in accordance" in line 17 and all of lines 18 through 21

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

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

Mr. GREENFIELD. Mr. Speaker, this amendment makes excess insurance optional rather than mandatory. Excess insurance is taken out to cover for one big loss or many over an aggregate period. We were informed in the committee hearings that this point would make the bill unworkable in the fact that the cost is so prohibitive that no fund could afford it, and, therefore, I am saying that this amendment proves the sincerity of those who are sponsoring it, hoping that this will not go forward, and offering it to the community as a sop.

Mr. Speaker, I am saying that if this amendment is not put in, you will find that this plan is not used, not worked, does not help anyone in the Commonwealth of Pennsylvania.

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

Mr. MACKOWSKI. Mr. Speaker, I oppose this amendment on the basis of the fact that excess insurance is being used in many of the States which are already permitting such type of self-insurance. It would appear to me again that if we want a strong plan, a plan where the employees' benefits will not be endangered, certainly excess insurance is very vital to a plan, particularly in the initial stages. When you go into this thing and you do not have sufficient premium for one of those long, long claims, expensive claims, you could very quickly knock that reserve down. Let us assume, too, that there would be a collapse of a building under construction as we had read about a year or so ago, where many, many people were killed in the course of their work. Certainly, to have excess insurance is much needed if we are going to have any type of security in this type of self-insurance.

Therefore, I oppose the amendment.

REMARKS ON VOTE

The SPEAKER. Does the gentleman from Allegheny, Mr. Misceovich, desire recognition?

Mr. MISCEVICH. Yes, Mr. Speaker. On the previous vote my switch did not record, and I would like the record to show I would have voted in the affirmative on amendment A5925.

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

CONSIDERATION OF HB 1066 CONTINUED

The SPEAKER. The Chair recognizes Mr. Greenfield.

Mr. GREENFIELD. Mr. Speaker, this amendment makes the purchase of excess insurance optional. If it can be purchased at a legitimate rate and if the group desires to do so, they will do so. However, to strap them by saying they must and then making the cost over and above their heads where they cannot buy it just seems to defeat the purpose of this bill.

Mr. Speaker, I urge acceptance of this amendment.

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

Mr. CORDISCO. Mr. Speaker, is it possible to inquire as to whether these amendments have been distributed to the House? I do not seem to have a copy of the previous amendment offered by Mr. Greenfield nor the present one nor any one that he might have planned to introduce in the future.

The SPEAKER. It is the understanding of the Chair that the amendments have been distributed. If the gentleman does not have one, I would ask one of the pages to take copies to the gentleman, Mr. Cordisco.

Mr. CORDISCO. Mr. Speaker, they had been distributed, I think, at a previous time sometime in the month of June. Due to the fact that we had not been here July, August, and most of September, I would appreciate seeing a copy of what is going to be coming forth, and I beg the forgiveness of the Chair.

The SPEAKER. You have a copy, I understand, now.

Mr. CORDISCO. Yes, sir.

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

Mr. MACKOWSKI. Mr. Speaker, I would like to also point out something about the need for excess insurance.

Insurance companies do not like to pay claims. They like to make money in promoting their particular wares, so when they issue an excess insurance contract on such a group, they will very carefully audit it and make certain that the safeguards are there so that they will not be in a position of paying a claim. So it is kind of another layer of protection for all those people involved in the self-insurance area. In other words, they are going to be doing a job that maybe our own Insurance Department or Labor and Industry would not be as apt to do, because it is not going to cost them as it would the insurance company. Therefore, not only does it provide the funds to assure the major claims will be paid, but it also is another watchdog as far as the fund is concerned.

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

The following roll call was recorded:

YEAS—81

Barber	Fee	Livengood	Pucciarelli
Belfanti	Gallagher	Lucyk	Rappaport
Beloff	Gamble	McIntyre	Richardson
Berson	George	McMonagle	Rieger
Blaum	Grabowski	Maiale	Ritter
Borski	Greenfield	Manderino	Rocks
Brown	Gruitza	Michlovic	Rybak
Caltagirone	Haluska	Miscevich	Showers
Cappabianca	Harper	Morris	Shupnik
Clark	Horgos	Mrkonc	Steighner
Colafella	Hutchinson, A.	Mullen	Stewart
Cole	Irvic	Murphy	Tigue
Cordisco	Itkin	O'Donnell	Van Horne
Cowell	Kolter	Oliver	Wambach
DeMedio	Kowalshyn	Pendleton	Wargo
DeWeese	Kukovich	Petrarca	Wiggins
Dawida	Laughlin	Petrone	Williams, J. D.
Deal	Lescovitz	Pievsky	Wozniak
Dombrowski	Letterman	Pistella	Wright, D. R.
Duffy	Levin	Pratt	Zwikl
Evans			

NAYS—109

Alden	Fischer	Lewis	Smith, B.
Anderson	Fleck	Lloyd	Smith, E. H.
Armstrong	Foster, W. W.	McClatchy	Smith, L. E.
Arty	Foster, Jr., A.	McVerry	Snyder
Belardi	Frazier	Mackowski	Spencer
Bittle	Freind	Madigan	Spitz
Bowser	Fryer	Manmiller	Stairs
Boyes	Gallen	Marmion	Stevens
Brandt	Gannon	Merry	Stuban
Burd	Geist	Micozzie	Sweet
Burns	Gladeck	Miller	Swift
Cawley	Greenwood	Moehlmann	Taddonio
Cessar	Grieco	Mowery	Taylor, E. Z.
Cimini	Gruppo	Nahill	Taylor, F. E.
Civera	Hagarty	Noye	Telek
Clymer	Hasay	Perzel	Vroon
Cochran	Hayes	Peterson	Wachob
Cornell	Heiser	Phillips	Wass
Coslett	Hoeffel	Piccola	Wenger
Cunningham	Honaman	Pitts	Weston
DeVerter	Jackson	Pott	Wilson
Daikeler	Johnson	Punt	Wogan
Davies	Kanuck	Rasco	Wright, J. L.
Dietz	Kennedy	Reber	Wright, R. C.
Dininni	Klingaman	Salvatore	
Dorr	Lashinger	Saurman	Ryan,
Durham	Lehr	Serafini	Speaker
Fargo	Levi	Sieminski	

NOT VOTING—9

Cohen	Olasz	Sirianni	Trello
Donatucci	Seventy	Swaim	Williams, H.
Emerson			

EXCUSED—1

Gray

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

On the question recurring,

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

Mr. GREENFIELD offered the following amendments No. A2532:

Amend Sec. 8, page 10, lines 10 through 12, by striking out "A NEGATIVE determination of the fund shall be deemed" in line 10 and all of lines 11 and 12

Amend Sec. 15, page 13, line 13, by inserting before "Funds" (a)

Amend Sec. 21, page 17, line 21, by removing the colon after "Court" and inserting a period

Amend Sec. 21, page 17, lines 21 through 24, by striking out "Provided, however, That the" in lines 21 and all of lines 22 through 24

On the question,

Will the House agree to the amendments?

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

Mr. GREENFIELD. Mr. Speaker, the bill denies the right of appeal for a company that wishes to appeal the verdict or the decision of a group to eliminate them from that particular group. We believe this is un-American, Mr. Speaker. Everyone should have the right to appeal to the courts of law as to the reasons that he is being denied access and opportunity to that particular group. Mr. Speaker, I urge acceptance and adoption of this amendment.

The SPEAKER. The Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Mr. Speaker, I oppose this particular amendment, too, on the basis that here we have a group of employers who are going to put their whole business at stake on this thing as well as the orderly management of the fund. It certainly would appear to me that the people who have grouped together should have the right to reject another person who is trying to force his way in. Number one, if he is rejected, it is because the members do not choose to take him. This is really no different than what the insurance industry does today. You can apply for workmen's comp for the company and they can turn you down.

Now, if a group is more or less forming a partnership and here comes a guy, and maybe for ethical reasons, whatever they may be, they just do not want him in the group, I think they should be given that right. Now, however, if it is based on constitutional grounds, then that is provided for in the proposed legislation.

Therefore, I oppose the thing. I just do not think it is right to force the will of some person onto a group where he is just not accepted. Again, he does have his constitutional rights.

The SPEAKER. Does the gentleman, Mr. Greenfield, desire recognition?

Mr. GREENFIELD. I guess so.

The SPEAKER. The gentleman may proceed.

Mr. GREENFIELD. I think everyone deserves a right to a further hearing before a court of law, and I think if someone is turned down by the Insurance Department, I believe—I am not an attorney, but—I believe he can go to make an appeal to the courts for the reasons and expect the reasons be given. Mr. Speaker, I think this is only the right thing to do and the American thing to do.

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

Mr. RITTER. I rise to support the amendment. As I read the bill, it seems to me that one person would have the right to reject an application for a potential membership. Now, I do not have any problem with giving one person the right to reject, but I think it is wrong therefore to put in the bill that the rejected applicant has no right to appeal. I think that is giving a tremendous amount of authority to one person to say that I do not want that particular group or that person to join the fund, and then that individual has no right whatsoever to appeal.

I think Mr. Greenfield's amendment makes sense. Why should anybody not have the right to appeal a decision that they believe to be unfair, particularly when one individual has the right to make that decision? I think it is a good amendment, Mr. Speaker. I think we ought to accept it.

The SPEAKER. The Chair recognizes the gentleman from McKean, Mr. Mackowski, for the second time on the question.

Mr. MACKOWSKI. Thank you, Mr. Speaker.

Mr. Speaker, I repeat opposition to this because I think what you are doing, you also put the excess carrier in a spot of accepting someone who is not acceptable to a group, not to an individual. To begin with, they have to have a minimum of five firms going into this situation, so in the trust agreement they must take every protection to avoid an unwanted firm in the place because of experience or other things. If it is on constitutional grounds, that is a different matter and he has that right, but do not force this group of people to accept an undesirable if that is the way they feel about it. I think if you go to an agency in the general insurance business, you will find even the agents many times will not take a client for various reasons and will quickly refer them to the State fund where they can get their coverage and at manual rates. So I do not think we are denying anybody their right. We are denying the group the right to have members who they feel are reliable.

Remember, when they get into this thing, they have to sign an agreement that they are jointly and severably responsible. That is a pretty big bite. It is their own business, their livelihood, on the line on this thing, and now we are going to force an unwanted firm on them. I just do not think that is a proper way to do business. I do not think anyone would want to enter a partnership if they did not want the other partner, and it is that simple. So I oppose the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—100

Barber	Fargo	Lloyd	Ritter
Belfanti	Fee	Lucyk	Rocks
Beloff	Fischer	McIntyre	Rybak
Berson	Fryer	McMonagle	Seventy
Blaum	Gallagher	Maiiale	Shupnik
Borski	Gamble	Manderino	Stairs
Brown	George	Michlovic	Steighner
Burns	Grabowski	Miscevich	Stewart
Caltagirone	Greenfield	Morris	Stuban
Cappabianca	Gruitza	Mrkonic	Swaim
Cawley	Haluska	Mullen	Sweet

Clark	Harper	Murphy	Taylor, F. E.
Cohen	Hoeffel	O'Donnell	Tigue
Colafella	Horgos	Olasz	Trello
Cole	Hutchinson, A.	Oliver	Van Horne
Cordisco	Irvis	Pendleton	Wachob
Cowell	Itkin	Petrarca	Wambach
DeMedio	Kolter	Petrone	Wargo
DeWeese	Kowalyszyn	Pievsky	Wass
Dawida	Kukovich	Pistella	Wiggins
Deal	Laughlin	Pratt	Williams, H.
Dombrowski	Lescovitz	Pucciarelli	Williams, J. D.
Donatucci	Letterman	Rappaport	Wozniak
Duffy	Levin	Richardson	Wright, D. R.
Evans	Livengood	Rieger	Zwikl

NAYS—93

Alden	Foster, W. W.	McClatchy	Showers
Anderson	Foster, Jr., A.	McVerry	Sieminski
Armstrong	Frazier	Mackowski	Sirianni
Arty	Gallen	Madigan	Smith, B.
Belardi	Gannon	Manmiller	Smith, E. H.
Bittle	Geist	Marmion	Smith, L. E.
Bowser	Gladeck	Merry	Snyder
Boyes	Greenwood	Micozzie	Spencer
Brandt	Grieco	Miller	Spitz
Burd	Gruppo	Moehlmann	Stevens
Cessar	Hagarty	Nahill	Swift
Cimini	Hasay	Noye	Taddonio
Clymer	Hayes	Perzel	Taylor, E. Z.
Cochran	Heiser	Peterson	Telek
Cornell	Honaman	Phillips	Vroon
Coslett	Jackson	Piccola	Wenger
Cunningham	Johnson	Pitts	Weston
DeVerter	Kanuck	Pott	Wogan
Daikeler	Kennedy	Punt	Wright, J. L.
Dietz	Klingaman	Rasco	Wright, R. C.
Dininni	Lashingner	Reber	
Dorr	Lehr	Salvatore	Ryan,
Durham	Levi	Saurman	Speaker
Fleck	Lewis	Serafini	

NOT VOTING—6

Civera	Emerson	Mowery	Wilson
Davies	Freind		

EXCUSED—1

Gray

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

On the question recurring,

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

Mr. GREENFIELD offered the following amendments No. A2531:

Amend Table of Contents, page 2, lines 7 and 8, by striking out both of said lines and inserting

Section 18. Contributions to Workmen's Compensation Security Fund.

Amend Sec. 15, page 13, line 13, by inserting before "Funds" (a)

Amend Sec. 18, page 14, lines 22 through 30; page 15, lines 1 through 30; page 16, lines 1 through 16, by striking out all of said lines on said pages and inserting

Section 18. Contributions to Workmen's Compensation Security Fund.

For the purpose of assuring to persons entitled thereto the compensation provided by the workmen's compensation law for employments insured by insolvent funds hereunder, each fund shall pay to the Workmen's Compensation Security Fund, created and existing under the act of July 1, 1937 (P.L.2532,

No.470), known as the "Workmen's Compensation Security Fund Act," an amount equal to 1% of the sum of its annual and supplemental assessments, less dividends.

On the question,

Will the House agree to the amendments?

AMENDMENTS DIVIDED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Greenfield, who divides the question on amendment A2531 to delete from consideration the fifth and sixth lines of the said amendment, starting with the words "Amend Sec. 15" and on the next line the small letter (a), these lines already having been inserted in the bill by the prior amendment. Is that correct, Mr. Greenfield?

Mr. GREENFIELD. That is the way I understand it, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Greenfield.

Mr. GREENFIELD. Mr. Speaker, I urge adoption.

Are we now talking about the amendment as divided or the reason for dividing?

The SPEAKER. We are talking now about the amendment as divided which has eliminated those two lines.

Mr. GREENFIELD. Mr. Speaker, the balance of the amendment eliminates the creation of a new guaranty fund and uses the existing Workmen's Compensation Security Fund. Mr. Speaker, the individuals going into these groups are presently paying into that Workmen's Compensation Security Fund and should gain the benefit of the solvency and the moneys that they have put into it and not create a new guaranty fund which presently would not have the adequate protection in the beginning that Mr. Mackowski is so concerned about. It could only develop to the extent of what they have been involved in previously over a long period of time.

Mr. Speaker, I urge adoption of this particular amendment out of good sense.

The SPEAKER. The Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Mr. Speaker, I oppose this amendment on the grounds that we are trying to establish another means of protection for the employee. If we permit these self-insureds to lean on an existing fund, I think we are taking some rights away from that fund. Now, on the other hand, let us consider the whole subject as far as self-insurance. There are many of the major corporations here within our State which are currently self-insured and do not contribute to that fund. We are trying to put this group plan basically along those same lines.

What the self-insureds now do, they post a bond and they do other things in order to provide that extra layer of protection, but it is reviewed annually by Labor and Industry as these plans will also be reviewed by the department as to their safety. But to create a fund in the case of a default—Remember, to even invade this thing, you have gone through your basic premiums or manual rate and the reserve setup match. You have gone through that. Then you have gone through

your excess insurance. Then you get into the fact that they are jointly and severably responsible, and you wipe them out before this thing is even approached. So we have got many layers there, but this fund should be necessary in case a group, through either mismanagement or just a bad stroke of experience, finds themselves without any further funds.

Now, let us say we get into a point of litigation on these things, foreclosures and so forth, and the money is not being paid then to the man or woman who should be receiving it. This fund would permit payment at that particular point after 60 days so that the payments could be made to them from this fund until the whole horrible mess is cleaned up.

So I again think that we should create this thing on the basis of guaranteeing the employee the right of benefits when he deserves them. Consequently, I would hate to see another layer of protection taken from them, which could get us in— Let us assume, okay, we are going to lean on the other fund. We may lean on it until the courts decide otherwise, and I am sure the insurance industry would immediately take the thing to court, and it could blow the whole bit. I just do not think that is what we really want to do, so I oppose the amendment.

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

Mr. GREENFIELD. Mr. Speaker, there were many words expressed, but for the life of me I cannot see how we protect the employees by creating as of tomorrow a new guaranty fund over a present solvent guaranty fund which has been in existence for X amount of years. I do not see it, Mr. Speaker. You will have to explain that one to me again.

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

Mr. MACKOWSKI. I would like to point out the fact that this guaranty fund which we are talking about is paid for by the insurers and is for their benefit more than anyone else's. Now, what we are attempting to do is not lean on them but establish one because it would be in concept with this self-insurance as it now exists within the State of Pennsylvania. So I would appreciate a negative vote to the amendment.

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

The following roll call was recorded:

YEAS—89

Barber	Fee	Lucyk	Richardson
Belfanti	Fischer	McIntyre	Rieger
Beloff	Fryer	McMonagle	Ritter
Berson	Gallagher	Maiale	Rocks
Blaum	Gamble	Manderino	Rybak
Borski	George	Michlovic	Seventy
Brown	Greenfield	Miscevich	Shupnik
Caltagirone	Gruitza	Morris	Steighner
Cappabianca	Haluska	Mrkonic	Stewart
Clark	Harper	Mullen	Swaim
Cohen	Horgos	Murphy	Taylor, F. E.
Colafella	Hutchinson, A.	O'Donnell	Tigue
Cole	Iris	Olasz	Trello
Cowell	Itkin	Oliver	Van Horne
DeMedio	Kolter	Pendleton	Wambach
DeWeese	Kowalshyn	Petrarca	Wargo
Dawida	Kukovich	Petrone	Wiggins
Deal	Laughlin	Pievsky	Williams, H.
Dombrowski	Lescovitz	Pistella	Williams, J. D.
Donatucci	Letterman	Pratt	Wozniak

Duffy	Levin	Pucciarelli	Wright, D. R.
Durham	Livengood	Rappaport	Zwikl
Evans			

NAYS—104

Alden	Fargo	Lloyd	Showers
Anderson	Fleck	McClatchy	Sieminski
Armstrong	Foster, W. W.	McVerry	Sirianni
Arty	Foster, Jr., A.	Mackowski	Smith, B.
Belardi	Frazier	Madigan	Smith, E. H.
Bittle	Gallen	Manmiller	Smith, L. E.
Bowser	Gannon	Marmion	Snyder
Boyes	Geist	Merry	Spencer
Brandt	Gladeck	Micozzie	Spitz
Burd	Greenwood	Miller	Stairs
Burns	Grieco	Moehlmann	Stevens
Cawley	Gruppo	Mowery	Stuban
Cessar	Hagarty	Nahill	Swift
Cimini	Hasay	Noye	Taddonio
Civera	Hayes	Perzel	Taylor, E. Z.
Clymer	Heiser	Peterson	Telek
Cochran	Hoeffel	Phillips	Vroon
Cordisco	Honaman	Piccola	Wass
Cornell	Jackson	Pitts	Wenger
Coslett	Johnson	Pott	Weston
Cunningham	Kanuck	Punt	Wilson
DeVerter	Kennedy	Rasco	Wogan
Daikeler	Klingaman	Reber	Wright, J. L.
Davies	Lashinger	Salvatore	
Dietz	Lehr	Saurman	Ryan,
Dininni	Levi	Serafini	Speaker
Dorr	Lewis		

NOT VOTING—6

Emerson	Grabowski	Wachob	Wright, R. C.
Freind	Sweet		

EXCUSED—1

Gray

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

Does the gentleman from Centre, Mr. Letterman, desire recognition on final passage?

Mr. LETTERMAN. Yes, Mr. Speaker.

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

Mr. LETTERMAN. I would like to interrogate Mr. Mackowski, please.

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman may proceed.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, could you explain to me what happens to the money if a company would go bankrupt?

Mr. MACKOWSKI. What company is going bankrupt?

Mr. LETTERMAN. That is creating this fund.

Mr. MACKOWSKI. If the claims exceed the fund and also the excess insurance, then the various firms are forced into bankruptcy so that those claims can be paid. If this is inadequate

quate, then it goes to the guaranty fund for payment. That is about as far as you can go.

Mr. LETTERMAN. You mean the company would reserve the right to keep that money?

Mr. MACKOWSKI. No. It does not belong to him at this point. It belongs to the injured employees for those claims that are there.

Mr. LETTERMAN. What if you had no injured employees but you had built a fund and they went bankrupt? Where would this money go? This bill does not speak to it. That is one of the fallacies of the bill.

Mr. MACKOWSKI. Maybe I do not quite understand your question, but are you saying that, let us say, there are five firms involved and one goes broke?

Mr. LETTERMAN. No. I am saying there is one company.

Mr. MACKOWSKI. Okay.

Mr. LETTERMAN. Your bill says that one to five can establish this fund. Right?

Mr. MACKOWSKI. No. You have to have five.

Mr. LETTERMAN. You have to have five?

Mr. MACKOWSKI. You have to have five.

Mr. LETTERMAN. I did not read it like that, so that does explain it.

Mr. MACKOWSKI. If one of those bellies up, then the other four are liable for claims.

Mr. LETTERMAN. Okay. Thank you very much. I misread the bill then.

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Greenfield.

Mr. GREENFIELD. Mr. Speaker, I rise to oppose the bill. I rise because it is the ghost of a bill which might have been. As I said before, we adopt and we are for this kind of a concept, but this bill has too many cost factors, too many restrictions in it to be a viable, workable bill. It is a Trojan horse. It is one which is thrown down and said, we are going to use a good bill, we are going to use a good plan, and then when it is not used, say, okay, now, no one took advantage of this, so we are going to have to do something else. And you know what that something else is. It is going to be reducing the benefits of the workers of this Commonwealth.

Mr. Speaker, anyone interested in the ultimate end of the working men and women of this Commonwealth should oppose this particular bill as being unworkable and one which will be used against them at a future date. Mr. Speaker, I oppose the bill.

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

Mr. DORR. Mr. Speaker, I rise to support this legislation. The Subcommittee on Small Business of this House has held a series of hearings across Pennsylvania over the last 18 months or so. One of the most frequently mentioned problems of small business people in Pennsylvania is workmen's compensation, and one of the most frequently mentioned solutions to that problem is the bill we now have before us.

Mr. Speaker, the small business people of Pennsylvania perceive this particular solution to be workable, to be one which they believe will help improve the economy of Pennsyl-

vania and improve their ability to contribute to the improvement of Pennsylvania's economy. Therefore, Mr. Speaker, I rise to support the bill and urge my colleagues to vote "yes."

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

Mr. DAVIES. Mr. Speaker, I, too, rise to support the bill. This concept has been passed by this House previously and we worked on this a term back, and this is a bill that is very similar to that. I think that the charges made by a previous speaker are unfounded, because one of the assets that the foundrymen, I think, in this State have found is similar action which they have taken which has greatly improved their financial outlook and has also helped them with this problem that they have been struggling with for years. So, therefore, I would endorse this legislation wholeheartedly. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Mr. Speaker, I urge passage of this legislation. I think it is most meaningful. I think it updates the State of Pennsylvania as it compares to other States who have permitted this type of self-insurance among groups for the past 25 years and have proven it to be very successful. Now, when I say "successful," that means they are paying the claims that are due.

Now, we do not want to take anything away from the deserving, but we do feel he needs all the protections that he is entitled to to make certain that he gets them. Sure, you say this is maybe ultraconservative as far as the layers of protection, but what is wrong with going into this thing to create and build a good fund that can return to the employee part of his contribution with successful management, excess interest, and so on that relates to the creation of profits to an insurance company? We want business in the State of Pennsylvania to be able to thrive, and in the current economy any assistance we can provide to hold their cost down is very vital. It is vital to the workingman, not just to the disabled man. We want firms to be active in the State of Pennsylvania and have the opportunities to create additional jobs.

I think this piece of legislation is twofold. It takes care of the workingperson whether he be disabled or not, and I think it is being really a major step in the right direction. I would appreciate your support for the working people and the employers in the State of Pennsylvania.

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

Mr. CORDISCO. Mr. Speaker, I also rise to support this particular piece of legislation. And using the words of my fellow colleague, Representative Greenfield, it is accurate that this particular piece of legislation and this idea that we are presenting here today is not for everyone. We are restricting it, and there are good reasons why we are attempting to do that, because we are guaranteeing those employees whom we are concerned about that there will be payment if there should be a claim that should arise sometime in the future. And I think more importantly what we are trying to do here today is to reduce the cost of workmen's comp in the State of Pennsyl-

vania, and by reducing that, we can also attract companies that are now presently outside of the State of Pennsylvania and, therefore, possibly looking forward to creating more jobs in Pennsylvania.

We are not mandating anything here today. All we are simply doing is giving corporations within the State of Pennsylvania the option to look towards self-group workmen's comp insurance, and I urge everyone here to support this particular piece of legislation if in fact during your campaign you promised to seek jobs for Pennsylvania. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. Greenfield, for the second time on the question.

Mr. GREENFIELD. Mr. Speaker, all the comments made in favor of the bill would be fine if this bill and this plan were ever to get into existence. But those who appeared before the committee, knowledgeable people, actuaries, members of the labor community, others, said that this bill is prohibitive; it will not work; it is going nowhere. I said in my initial remarks, if it goes nowhere, then those who wish to work on the backs of the workingmen are going to say, yes, we offered you a plan; there was a plan out there; no one wants to use it; therefore, our only alternative is to cut benefits. There are bills in the committee to do just that at the present time. We are very concerned about that, Mr. Speaker.

We want a viable bill. This bill will not work; it is going to be used as an excuse against the workingmen of our Commonwealth. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman from Centre, Mr. Letterman, desire recognition?

Mr. LETTERMAN. Yes.

The SPEAKER. The gentleman is in order.

Mr. LETTERMAN. Thank you, Mr. Speaker.

May I interrogate Mr. Mackowski, please?

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

Mr. LETTERMAN. Mr. Speaker, could you tell me if anyone has looked into what the cost would be to the firms that choose not to join this type of fund? Would that cause an increase in what they would have to pay?

Mr. MACKOWSKI. There should not be any change in what they are paying right now. If they are insured with either the State or an insurance company, which is the only direction they can go, all we are doing is giving them an opportunity to get the benefits within their own group that an insurance company might consider as a profit to themselves. Now, they are doing everything that they can to protect the worker and do it on a sound basis.

This is effective in many States. In Florida they have had it for 25 years, and it follows along the basic lines that we are discussing here. I think we have added some improvements to protect again, basically, the employees. They are the ones whom we are most concerned with, and as a result, you must let an employer avail himself to any opportunity he can to get a reduction in premium. I understand from some of these groups who have formed companies on their own outside the country, all of a sudden their members were approached by some of the carriers that they now have, and all sorts of nice

things are happening. If we do no more than that, let us help the employer save some money so he can continue to operate his business and not at the jeopardy of the employee.

Mr. LETTERMAN. You still really have not answered my question on what my fear is. My fear is, there is a numerous amount of companies that would come out of the regular Workmen's Compensation Fund. Okay? What will happen to the other firms?

Now, Mr. Cordisco said he wants to maintain jobs in Pennsylvania, make sure people come here because that fund is a good fund. But is that going to raise the cost to the remaining companies?

Mr. MACKOWSKI. It has not in other States.

Mr. LETTERMAN. Do you have the facts on that?

Mr. MACKOWSKI. There is a limited number of groups that can be formed basically in the State, and they have not upset the insurance industry in any of the States where they are now being able to self-insure, if that answers your question. This will give them a third opportunity instead of just two. That is all.

Mr. LETTERMAN. Do you have any information concerning the amount of money that the Workmen's Compensation Fund must carry now? Is there a limit they must carry in that fund, or is it because they are an insurance company that they do not have a limit?

Mr. MACKOWSKI. Mr. Speaker, is it your concern that this will shrink the market so that the insurance companies are no longer interested in doing business in the State?

Mr. LETTERMAN. That is what I am concerned about.

Mr. MACKOWSKI. Well, that is why I say, yes, we have had testimony to the effect that it has not created that kind of problem in other States.

Mr. LETTERMAN. Okay. Thank you very much.

LEAVE OF ABSENCE CANCELED MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Gray, who asks that his name be removed from the leave list and be placed on the master roll call.

CONSIDERATION OF HB 1066 CONTINUED MOTION TO RECOMMIT

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

Mr. McMONAGLE. Mr. Speaker, I sat through these hearings on this bill. I have a great deal of problems with it. Since we are the Labor Relations Committee, I felt this bill should be recommitted—and I am going to make the motion to recommit this bill—to the Insurance Committee.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. McMonagle, that HB 1066, with amendments, be recommitted to the Committee on Insurance.

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

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

Mr. MACKOWSKI. Mr. Speaker, I would hope the members understand that this thing has been worked over at least 3 years that I have been involved with Labor Relations. It has been through it over and over again. Really, it is not a consideration for the Insurance Committee at this particular point. It will prove nothing. Let us get a bill going that will help the employers and the employees in the State of Pennsylvania and stop playing games with it. Let us get this thing done so we can benefit the State and not drag our feet as can be done with that type of maneuver. I would appreciate it if you will oppose the motion.

The SPEAKER. The Chair recognizes the gentleman, Mr. McMonagle, on the motion to recommit.

Mr. McMONAGLE. I agree with the speaker that I sat through the hearings for 3 years also, and there are a lot of problems with this bill yet. This is strictly an insurance bill, and I can see problems with this. I can see a large company being in this group, going out of business, and taking four other companies with it. I think we need more protections in this bill, and I think this bill ought to be sent to the Insurance Committee. Let the Insurance Committee handle it, because it is an insurance bill. I know it came out of Labor Relations, but I think the Insurance Committee ought to have input into the bill, and then we can bring it back out.

We have other bills we can deal with at the same time in our own committee protecting the workers of this State. I do not want workers losing their jobs. I do not want workers getting hurt and not getting paid. I do not want companies that should be in the plan not to be allowed in the plan. I think this bill needs more work, and I ask the members to vote in favor of sending it back to committee. Thank you.

The SPEAKER. Does the gentleman from Chester, Mr. Pitts, desire recognition? The gentleman is in order and may proceed.

Mr. PITTS. Thank you, Mr. Speaker.

The House Committee on Labor Relations has a lot of legislation dealing with workers' compensation which the Speaker has referred there. This bill was the result of a number of hearings last session which the committee chairman, Representative Wilt, held and sponsored. Our committee this session held a number of hearings, called in experts from all over the State, and had a good deal of out-of-State testimony on the record, and this is the result of months of deliberation.

The bill has been on the calendar for several months. The committee has had ample time to consider all of these amendments, and I rise to oppose the motion to recommit to another committee. Mr. Speaker, I feel that the deliberative process has gone well this far, and I think the House deserves a vote on the issue. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—86

Barber	Fee	McMonagle	Rieger
Belfanti	Fryer	Maiale	Ritter
Beloff	Gallagher	Manderino	Rocks
Berson	Gamble	Michlovic	Rybak
Borski	George	Miscevich	Seventy
Brown	Grabowski	Morris	Shupnik
Caltagirone	Gray	Mrkonic	Steighner
Cappabianca	Greenfield	Mullen	Stewart
Clark	Gruitza	Murphy	Swaim
Cohen	Harper	O'Donnell	Sweet
Colafella	Horgos	Olasz	Tigue
Cole	Hutchinson, A.	Oliver	Trello
Cordisco	Irvis	Pendleton	Van Horne
Cowell	Itkin	Petrarca	Wambach
DeMedio	Kolter	Petrone	Wargo
DeWeese	Kowalshyn	Pievsky	Wiggins
Dawida	Kukovich	Pistella	Williams, H.
Deal	Laughlin	Pratt	Williams, J. D.
Dombrowski	Lescovitz	Pucciarelli	Wozniak
Donatucci	Letterman	Rappaport	Wright, D. R.
Duffy	Levin	Richardson	Zwilk
Evans	McIntyre		

NAYS—112

Alden	Fischer	Livengood	Sieminski
Anderson	Fleck	Lloyd	Sirianni
Armstrong	Foster, W. W.	Lucyk	Smith, B.
Arty	Foster, Jr., A.	McClatchy	Smith, E. H.
Belardi	Frazier	McVerry	Smith, L. E.
Bittle	Freind	Madigan	Snyder
Blaum	Gallen	Manmiller	Spencer
Bowser	Gannon	Marmion	Spitz
Boyes	Geist	Merry	Stairs
Brandt	Gladeck	Micozzie	Stevens
Burd	Greenwood	Miller	Stuban
Burns	Grieco	Moehlmann	Swift
Cawley	Gruppo	Mowery	Taddonio
Cessar	Hagarty	Nahill	Taylor, E. Z.
Cimini	Haluska	Noye	Taylor, F. E.
Civera	Hasay	Perzel	Telek
Clymer	Hayes	Peterson	Vroon
Cochran	Heiser	Phillips	Wachob
Cornell	Hoeffel	Piccola	Wass
Coslett	Honaman	Pitts	Wenger
Cunningham	Jackson	Pott	Weston
DeVerter	Johnson	Punt	Wilson
Daikeler	Kanuck	Rasco	Wogan
Davies	Kennedy	Reber	Wright, J. L.
Dietz	Klingaman	Salvatore	Wright, R. C.
Dininni	Lashingier	Saurman	
Dorr	Lehr	Serafini	Ryan,
Durham	Levi	Showers	Speaker
Fargo	Lewis		

NOT VOTING—2

Emerson Mackowski

EXCUSED—0

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

On the question recurring,
Shall the bill pass finally?

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

YEAS—123

Alden	Fleck	Lucyk	Sieminski
Anderson	Foster, W. W.	McClatchy	Sirianni
Armstrong	Foster, Jr., A.	McVerry	Smith, B.
Arty	Frazier	Mackowski	Smith, E. H.

Belardi	Freind	Madigan	Smith, L. E.
Belfanti	Fryer	Manmiller	Snyder
Bittle	Gallen	Marmion	Spencer
Blaum	Gannon	Merry	Spitz
Bowser	Geist	Micozzie	Stairs
Boyes	Gladeck	Miller	Stevens
Brandt	Greenwood	Moehlmann	Stuban
Burd	Grieco	Mowery	Swift
Burns	Gruppo	Nahill	Taddonio
Cappabianca	Hagarty	Noye	Taylor, E. Z.
Cawley	Hasay	Pendleton	Telek
Cessar	Hayes	Perzel	Tigue
Cimini	Heiser	Peterson	Van Horne
Civera	Hoeffel	Phillips	Vroon
Clymer	Honaman	Piccola	Wachob
Cochran	Jackson	Pitts	Wambach
Cordisco	Johnson	Pott	Wass
Cornell	Kanuck	Pratt	Wenger
Coslett	Kennedy	Punt	Weston
DeVerter	Klingaman	Rasco	Wogan
Daikeler	Kowalshyn	Reber	Wright, D. R.
Davies	Lashingner	Ritter	Wright, J. L.
Dietz	Lehr	Rybak	Wright, R. C.
Dininni	Levi	Salvatore	Zwilk
Dorr	Lewis	Saurman	
Durham	Livengood	Serafini	Ryan,
Fargo	Lloyd	Showers	Speaker
Fischer			

NAYS—74

Barber	Fee	Levin	Pucciarelli
Beloff	Gallagher	McIntyre	Rappaport
Berson	Gamble	McMonagle	Richardson
Borski	George	Maiale	Rieger
Brown	Grabowski	Manderino	Rocks
Caltagirone	Gray	Michlovic	Seventy
Clark	Greenfield	Miscevich	Shupnik
Cohen	Gruitza	Morris	Steighner
Colafella	Haluska	Mrkonic	Stewart
Cole	Harper	Mullen	Swaim
Cowell	Horgos	Murphy	Sweet
DeMedio	Hutchinson, A.	O'Donnell	Taylor, F. E.
DeWeese	Irvis	Olasz	Trello
Dawida	Itkin	Oliver	Wargo
Deal	Kolter	Petrarca	Wiggins
Dombrowski	Kukovich	Petrone	Williams, H.
Donatucci	Laughlin	Pievsky	Williams, J. D.
Duffy	Lescovitz	Pistella	Wozniak
Evans	Letterman		

NOT VOTING—3

Cunningham	Emerson	Wilson
------------	---------	--------

EXCUSED—0

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

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

REMARKS ON VOTE

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

Mr. DAVIES. Mr. Speaker, on the Greenfield amendment A2532 to HB 1066, I was out of my seat. I would like to be recorded 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 726, PN 1964**, entitled:

An Act requiring the installation and maintenance of smoke detectors in certain hotels and motels; conferring powers and imposing duties on the local fire departments and fire companies.

On the question,

Will the House agree to the bill on third consideration?

Mr. FLECK offered the following amendments No. A5901:

Amend Title, page 1, line 3, by inserting after "on" the Department of Labor and Industry; providing for inspections by

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

or

Amend Title, page 1, line 4, by removing the period after "companies" and inserting

or certain contractors and providing penalties.

Amend Bill, page 1, by inserting between lines 6 and 7

Section 1. 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:

"Hotels and motels." Includes any and all buildings held open to the public as places where transient persons may be housed for compensation.

"Integrated smoke detection system." A system whereby the activation of at least one detector on at least two different levels, if there are two levels, or at least two detectors on one level, if there is only one level, causes the activation of an alarm system throughout a hotel or motel, so that an alarm is audible (not less than 85 decibels) in all guest rooms of a hotel or motel.

Amend Sec. 1, page 1, line 7, by striking out "1" and inserting

2

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

any

Amend Sec. 1, page 1, line 12, by striking out "shall" and inserting

may

Amend Sec. 1, page 2, line 3, by inserting after "detector." Records of the inspections shall be retained on the premises in the office of the person in charge of the hotel or motel. The records shall be available for inspection by the fire chief of the fire department or company which protects the area in which the hotel or motel is located or by an authorized representative of the Department of Labor and Industry.

Amend Sec. 2, page 2, line 8, by striking out "2" and inserting

3

Amend Sec. 2, page 2, line 8, by inserting after "Each" 30 linear feet of

Amend Sec. 2, page 2, line 8, by inserting after "hallway" space

Amend Sec. 2, page 2, line 12, by inserting after "source."

The detectors required by this section shall be installed so as to provide an integrated smoke detection system.

Amend Sec. 2, page 2, line 14, by striking out "Such smoke detectors shall" and inserting

Section 4. (a) There shall be conducted an annual random inspection of at least 5% of the smoke detectors required by section 2 to be installed in each hotel or motel room. Such inspection shall notwithstanding the provisions of the preceding sentence, include the inspection of at least one smoke detector on

each floor of such hotel or motel. The smoke detectors shall be inspected and tagged by the fire department or company which protects the area in which the hotel or motel is located or by an outside contractor approved and designated by such fire department or fire company.

(b) All of the smoke detectors required by section 3 shall

Amend Sec. 2, page 2, line 17, by striking out “. Such fire department or fire company may” and inserting
or by an outside contractor approved and designated by such fire department or fire company.

(c) The fire department, fire company or authorized outside contractor which performs the inspections required by subsections (a) and (b) may

Amend Sec. 2, page 2, line 19, by striking out “the inspection” and inserting

both the inspections required by this section

Amend Sec. 2, page 2, line 20, by striking out “AND” and inserting

but the fee

Amend Sec. 2, page 2, line 20, by inserting after “MAN-HOUR”

and the total fee shall not exceed \$100.

(d) Records of the inspections required by this section shall be retained on the premises in the office of the person in charge of the hotel or motel. The records shall be available for inspection by the fire chief of the fire department or company which protects the area in which the hotel or motel is located or by an authorized representative of the Department of Labor and Industry.

Amend Sec. 3, page 2, line 21, by striking out “3” and inserting

5

Amend Sec. 4, page 2, line 27, by striking out “4” and inserting

6

Amend Sec. 4, page 3, line 5, by striking out “SECTION” and inserting

act, except the provisions of section 7,

Amend Bill, page 3, by inserting between lines 6 and 7

Section 7. A person who willfully and maliciously activates, tampers with or renders inoperative a smoke detector commits a misdemeanor of the third degree.

Amend Sec. 5, page 3, line 7, by striking out “5” and inserting

8

Amend Sec. 6, page 3, line 13, by striking out “6” and inserting

9

Amend Sec. 6, page 3, line 17, by inserting after “AREA” or which has in operation a fire warning system affording greater protection than is afforded by implementing the provisions of this act. The determination of whether or not this act shall apply in the case of a fire warning system which is alleged to provide greater protection shall be made by the Industrial Board of the Department of Labor and Industry.

On the question,

Will the House agree to the amendments?

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

Mr. FLECK. Thank you, Mr. Speaker.

Mr. Speaker, this is a comprehensive amendment which is the result of several months' work between Representative Michlovic, who is cosponsoring this amendment, and myself. As a result of this amendment, I feel we have a much better bill, and I would ask for your support.

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

Mr. MICHLOVIC. Mr. Speaker, I just wanted to alert the members of the House that one of the key elements of this particular amendment is an integrated smoke detector system, and it is very important that we establish a standard of an integrated system, because in the recent MGM fire it was discovered that most of the deaths, 60 out of 84 of the deaths that occurred in that fire, occurred from inhalation of smoke rather than from any heat or burning. Many of the people who were found in that fire were in the process of eating, and they were just lying there with their heads in the dish, because they had inhaled the smoke from the fibers of the rugs and the draperies that had burned up without any warning, and the gases, and just expired. So it is very important, and the integrated system that we have built into this particular amendment is such that if one alarm goes off, the whole system does not go off, but if two alarms on the same floor go off, then the whole system goes off. This is to avoid a case of panicking an entire building when some prankster starts a fire alarm in the hall.

You will note in the amendment, too, that the audible level of the fire alarm is such that it requires 85 decibels within the room. Eighty-five decibels, I understand, is loud enough to hear even over an industrial piece of machinery.

Mr. Speaker, the amendment, as Mr. Fleck has indicated, is a very comprehensive amendment. It is the kind of thing that will help us avoid a tragedy of the nature of the MGM fire, and I ask the support of all the members of the House. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

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

Cornell	Horgos	Petrarca	Wambach
Coslett	Hutchinson, A.	Petrone	Wargo
Cowell	Irvis	Phillips	Wass
Cunningham	Itkin	Piccola	Wenger
DeMedio	Jackson	Pievsky	Weston
DeVerter	Johnson	Pistella	Wiggins
DeWeese	Kanuck	Pitts	Williams, H.
Daikeler	Kennedy	Pott	Williams, J. D.
Davies	Klingaman	Pratt	Wilson
Dawida	Kolter	Pucciarelli	Wogan
Deal	Kowalyshyn	Punt	Wozniak
Dietz	Kukovich	Rappaport	Wright, D. R.
Dininni	Lashinger	Reber	Wright, J. L.
Dombrowski	Laughlin	Richardson	Wright, R. C.
Donatucci	Lehr	Rieger	Zwinkl
Dorr	Lescovitz	Ritter	
Duffy	Letterman	Rocks	Ryan,
Durham	Levi	Rybak	Speaker
Evans	Levin		

NAYS—2

Miller Miscevich

NOT VOTING—2

Emerson Rasco

EXCUSED—0

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

REMARKS ON VOTE

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

Mr. CUNNINGHAM. Thank you, Mr. Speaker.

I have noted that the computer printout did not register me as voting in the affirmative on HB 1066 despite the fact that I did vote "yes." Thank you.

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

CONSIDERATION OF HB 726 CONTINUED

On the question,

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

Mr. DORR offered the following amendment No. A5935:

Amend Sec. 6, page 3, line 17, by striking out "OR" and inserting and

On the question,

Will the House agree to the amendment?

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

Mr. DORR. Mr. Speaker, the last section of the bill offers exemptions to the smoke detector requirements of the bill and indicates that where a sprinkler system is in operation in three different areas of a motel or hotel, that creates an exemption. There is an "or" in that series of three different areas, which would lead one to believe that it is intended that if you had a smoke detector in one of those areas, there was an exemption. The amendment changes the "or" to an "and," so that the motel or hotel in order to be exempted would have to have

sprinkler systems in all three of those general areas of the motel.

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

Mr. FLECK. Mr. Speaker, this amendment is a good amendment. It provides additional clarification of the bill, and I would ask for your support.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

Alden	Fischer	Lloyd	Salvatore
Anderson	Fleck	Lucyk	Saurman
Armstrong	Foster, W. W.	McClatchy	Serafini
Arty	Foster, Jr., A.	McIntyre	Seventy
Barber	Frazier	McMonagle	Showers
Belardi	Freind	McVerry	Shupnik
Belfanti	Fryer	Mackowski	Sieminski
Beloff	Gallagher	Madigan	Sirianni
Berson	Gallen	Maiale	Smith, B.
Bittle	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	Mrkonjic	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	Irvis	Petrarca	Wambach
Cowell	Itkin	Petrone	Wargo
Cunningham	Jackson	Phillips	Wass
DeMedio	Johnson	Piccola	Wenger
DeVerter	Kanuck	Pievsky	Weston
DeWeese	Kennedy	Pistella	Wiggins
Daikeler	Klingaman	Pitts	Williams, H.
Davies	Kolter	Pott	Williams, J. D.
Dawida	Kowalyshyn	Pratt	Wilson
Deal	Kukovich	Pucciarelli	Wogan
Dietz	Lashinger	Punt	Wozniak
Dombrowski	Laughlin	Rappaport	Wright, D. R.
Donatucci	Lehr	Rasco	Wright, J. L.
Dorr	Lescovitz	Reber	Wright, R. C.
Duffy	Letterman	Richardson	Zwinkl
Durham	Levi	Rieger	
Evans	Levin	Rocks	Ryan,
Fargo	Lewis	Rybak	Speaker
Fee	Livengood		

NAYS—2

Blaum Dininni

NOT VOTING—2

Emerson Ritter

EXCUSED—0

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. FRYER. Mr. Speaker, would the prime sponsor submit to brief interrogation?

The SPEAKER. The gentleman, Mr. Fleck, indicates he will stand for interrogation. The gentleman, Mr. Fryer, may begin.

Mr. FRYER. Mr. Speaker, in section 6 of the bill on page 3, it grants an exemption of this legislation to a city of the first class, Philadelphia; city of the second class, Pittsburgh; or city of the second class A. May I inquire, Mr. Speaker, what the intent was and the reason for putting this exemption in for these classes?

Mr. FLECK. Yes, sir. In our original bill as we went to committee, we had included all areas of the Commonwealth. In our further consultations with Labor and Industry, they pointed out that their jurisdiction under the Fire and Panic Act did not extend to these areas of the Commonwealth. Therefore, they had to be excluded from the bill or else we were further extending the jurisdiction of Labor and Industry.

Mr. FRYER. So then, Mr. Speaker, the decision was made not to extend the jurisdiction.

I would imagine, Mr. Speaker, that the gentleman considers this a good bill, and if that is the feeling, it is my feeling that we should submit all of the Commonwealth or none. Mr. Speaker, I find it most objectionable when I find pieces of legislation which are termed to be good for the interest of the Commonwealth and yet certain classes of the Commonwealth, of our municipalities, prefer or are exempted from bills.

Mr. Speaker, I thank the gentleman for his answer.

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

Mr. FLECK. I think it is important to note that these areas generally have already passed legislation of their own, taking this into account. They have ordinances in effect, and rather than supersede these ordinances or to take that control in this General Assembly, we felt that since they had dealt with their problem, we would leave it that way.

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

Mr. BURNS. Mr. Speaker, I wonder if the gentleman, Mr. Fleck, would answer one short question.

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

Mr. BURNS. Mr. Speaker, it is my understanding now, with the amendment that went in from Mr. Dorr, that even with that amendment, if a motel, hotel, et cetera, has a sprinkler system, they do not need a smoke detector. Am I correct in reading the bill that way at this point?

Mr. FLECK. That is correct. The reasoning, if I may continue—

Mr. BURNS. I wish you would, because my next question was going to be, why do we exempt motel, hotel complexes that have sprinkler systems? They seem to me to be doing a different job than a smoke detector does.

Mr. FLECK. Well, actually it is fire protection of a greater order than a smoke detector can provide. All a smoke detector will do is give a person a warning, hopefully early enough that they can make their own way out, whereas a sprinkler system will take care of the fire itself.

The reason that we have done this, if I can continue, is that many hotels have in a very responsible way gone forward with fire protection of this order. We are requiring in our bill a rather rudimentary and, I think, adequate form of protection, but in the terms of requiring it, we would also be requiring those who had superseded and done better to go backwards and install this lesser equipment. So we needed to provide that, and it is strictly to the judgment of the Industrial Board of the Department of Labor and Industry that they have superseded the protection.

Mr. BURNS. Mr. Speaker, I hope you are right, that we have superseded, but I still believe that if we are worried about lives, as Mr. Michlovic said earlier in his explanation of his amendment and your amendment also, that if we are worried about lives, it seems to me that we are worried about them because of smoke inhalation and so forth. I mean, very few times, at least to my knowledge, do I hear of people being "burned" to death. They usually die of smoke inhalation. I have never known of any smoke that set off sprinkler systems. It is usually heat that melts a valve that sets off a sprinkler system.

I would suggest to you very strongly that you give that some consideration, and if not today, that you would move that the Senate do so when they consider the bill.

Mr. FLECK. The Senate may well do that, but I think it is important to note that in the fire at the MGM Grand Hotel, which is obviously a disastrous example, there were no deaths in the area that was protected by sprinkler systems, because the fire did not spread. That area of the hotel was virtually intact. The fire spread in the areas where they did not have this kind of protection, and it is by far the norm that if you have a sprinkler system, integrated into that is some kind of an alarm mechanism.

Mr. BURNS. Well, I just hope that if you have influence with the other body if the bill is so successful in getting there, you might look into that, because I think that is an area of great concern.

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—193

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

NAYS—5

Fryer	Moehlmann	Punt	Serafini
Miscevich			

NOT VOTING—2

Cordisco	Emerson
----------	---------

EXCUSED—0

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 Bucks, Mr. Cordisco.

Mr. CORDISCO. Mr. Speaker, on HB 726 my switch was inoperative. I would like to be recorded 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 1079, PN 2355, entitled:

An Act regulating self-service storage and providing for owners' liens and the enforcement thereof.

On the question,

Will the House agree to the bill on third consideration?

Mr. O'DONNELL offered the following amendments No. A5752:

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

Amend Title, page 1, lines 1 and 2, by striking out "liens" in line 1 and all of line 2 and inserting remedies and providing a penalty.

Amend Preamble, page 1, line 10, by inserting a period after "default"

Amend Preamble, page 1, lines 10 through 12, by striking out "by providing a lien on all" in line 10 and all of lines 11 and 12

Amend Table of Contents, page 1, line 17, by striking out "Owner's lien." and inserting Enforcement.

Amend Table of Contents, page 2, line 1, by striking out "Enforcement of lien." and inserting Notice.

Amend Table of Contents, page 2, line 2, by striking out "Notice." and inserting Sale of property.

Amend Table of Contents, page 2, line 7, by striking out all of said line

Amend Table of Contents, page 2, line 8, by striking out "12" and inserting 11

Amend Table of Contents, page 2, line 9, by striking out "13" and inserting 12

Amend Table of Contents, page 2, line 10, by striking out "14" and inserting 13

Amend Table of Contents, page 2, line 11, by striking out "15" and inserting 14

Amend Table of Contents, page 2, line 12, by striking out "16" and inserting 15

Amend Table of Contents, page 2, by inserting between lines 12 and 13

Section 16. Penalty.

Amend Bill, page 4, lines 9 through 24, by striking out all of said lines and inserting

Section 4. Enforcement.

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

5

Amend Sec. 6, page 5, line 9, by striking out "served" and inserting delivered

Amend Sec. 6, page 5, line 17, by striking out "30" and inserting

15

Amend Sec. 6, page 5, lines 19 through 21, by striking out all of lines 19 and 20 and "(4)" in line 21 and inserting

(3)

Amend Sec. 6, page 5, line 24, by striking out "(5)" and inserting

(4)

Amend Sec. 6, page 5, lines 27 and 28, by striking out "at a specified time and place, not less" in line 27 and all of line 28 and inserting

pursuant to this act.

Amend Bill, page 6, by inserting between lines 4 and 5 Section 6. Sale of property.

(a) Recovery of amount owed.—After the expiration of the time stated in the notice an owner may recover from the occupant the amount owed and other reasonable expenses incurred hereunder by sale of the personal property in the leased space.

(b) Public sale.—An owner may petition a district justice for sale of personal property. The court shall within 15 days of receiving such petition from an owner and after notice by personal service or certified mail hold a hearing on the petition and enter a judgment in favor of the proper party. If the judgment is in favor of the owner, the court shall enter the amount owed. After the judgment is entered and written notice of such judgment is sent by the court to the owner and occupant, the sheriff, deputy sheriff, constable or deputy constable shall fix a time and day for a public sale and shall advertise such sale consistent with the provisions of this act.

(c) Private sale.—If after six months following the entry of judgment in favor of an owner the personal property has not been sold or otherwise been disposed of the owner may after ten days' notice to the court and the occupant and consistent with the provisions of this act advertise and sell the personal property at private sale.

Amend Sec. 7, page 6, lines 6 through 9, by striking out all of lines 6 through 8 and "be" in line 9 and inserting

(a) Contents of advertisement.—Before personal property is sold pursuant to section 6(b), there shall be an advertisement of sale

Amend Sec. 7, page 6, line 14, by striking out "owner's lien" and inserting

amount owed

Amend Sec. 9, page 7, lines 4 and 5, by striking out "owner's lien" and inserting

amount owed

Amend Sec. 9, page 7, line 7, by striking out "owner's lien" and inserting

amount owed

Amend Sec. 10, page 7, lines 16 and 17, by striking out "the owner shall give"

Amend Sec. 10, page 7, line 17, by inserting after "notice" shall be given

Amend Sec. 10, page 7, line 17, by striking out "other" and inserting

the

Amend Sec. 11, page 7, lines 19 through 24, by striking out all of said lines

Amend Sec. 12, page 7, line 25, by striking out "12" and inserting

11

Amend Sec. 12, page 7, line 26, by striking out "of"

Amend Sec. 12, page 7, line 26, by inserting a period after "property"

Amend Sec. 12, page 7, lines 26 and 27, by striking out "to enforce" in line 26 and all of line 27

Amend Sec. 13, page 7, line 28, by striking out "13" and inserting

12

Amend Sec. 13, page 7, line 29, by striking out "section" and inserting

act

Amend Sec. 13, page 7, line 30, by striking out "his lien" and inserting

the amount owed

Amend Sec. 13, page 7, line 30, by striking out "but" and inserting

. The court

Amend Sec. 13, page 8, line 1, by inserting after "occupant."

The court, in the case of a public sale, and the owner, in the case of a private sale, shall within 30 days of the sale give written notice to the occupant advising the occupant of any balance due the occupant and the occupant's right to claim the balance within six months of the date of sale.

Amend Sec. 13, page 8, line 4, by striking out "owner" and inserting

court

Amend Sec. 14, page 8, line 9, by striking out "14" and inserting

13

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

14

Amend Sec. 16, page 8, line 22, by striking out "16" and inserting

15

Amend Bill, page 8, by inserting between lines 28 and 29 Section 16. Penalty.

A person who sells property at a private sale pursuant to section 6 and who fails to account to an occupant for any balance due the occupant shall be subject to the provisions of 18 Pa.C.S. § 3927 (relating to theft by failure to make required disposition of funds received).

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, HB 1079 sets out a separate scheme apart from the Landlord and Tenant Act, which would govern self-service storage facilities. The amendment that I am offering makes two changes in the bill. It is somewhat difficult to explain without first going into the bill a little bit.

The bill provides that the owner of a self-storage facility has an automatic lien on personal property that is stored at his place by the tenant, by virtue of the fact that it is stored there, that and that alone. So the owner of the facility acquires under the bill an automatic lien on the goods.

The second aspect of the bill that I think should be pointed out is that the owner of the facility has the opportunity in the event of a default to enforce his lien without judicial process. That is to say that the owner can take the goods and sell them, and that sale can be a private sale. That is to say, it does not have to go through a sheriff's process, et cetera.

The purpose of my amendment is to eliminate those two requirements. That is to say that the owner would not have the lien on the goods, and secondly, that his enforcement would not be by his own hand. The landlord would not be able to make his own determination that there was a default and that it was appropriate at this time and that his notice requirements had been fulfilled, et cetera, that a third party would have to make that determination. That third party would be the minor judiciary in Pennsylvania.

The problem that landlords of this type have is unique. The tenant is not an owner in possession. He is not really living there or using the facility actively, and the goods that are stored there are frequently of relatively low value. So there is, I think, a sound rationale for creating a separate legal scheme apart from landlord and tenant for such people, but I think we have to be extremely careful in that we provide some element of due process for the people who are storing their goods there.

What my amendment leaves untouched in the bill is the opportunity for the landlord in the event of a default to come in and, first, padlock the garage. That is in there and stays in there. Second, he can take the goods. That is in there and stays in there. Third, he can move the goods out of the facility. That is in there and stays in there. And then fourth, he can ultimately dispose of the goods and then begin using—even before he disposes of the goods—begin reusing that space, rerenting it right away.

Now, the relevant time period is 30 days. I have left that entire remedy untouched, so there are significant self-help provisions here in the bill. As a practical matter, there should be no economic loss.

Second, I think the landlord should probably not be put to the rigors of some extended judicial process. Therefore, what I have said is, if you go to the minor judiciary and get a judgment that in fact the rent is overdue, there has been a default, you get your judgment, and your judgment is enforceable in one of two ways under my amendment: You can go to public sale right away where the public at large can come in and bid, or you can go to private sale after 6 months. So if an owner comes upon the property, the tenant is in default, he opens the garage and sees just something which to his eye is junk, he can take it out of there, immediately rerent the space, take the goods and hold them aside, and if he is not inclined to go through the rigors of a public sale, then he can just hold them some other place for 6 months and then dispose of them at private sale. I think that is a more reasonable way to approach it.

So in summary, what I am doing is changing two aspects and two aspects only of the bill. One, we are eliminating the automatic lien of the landlord; and two, instead of the landlord being the judge and jury over the default and the enforcement, we are providing the necessity for a third-party intervention by the judiciary.

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I oppose the O'Donnell amendment. The lien provision is very important to the bill and to the mechanism which is being set up for this, what I guess would have to be described as a unique and new industry in the Commonwealth. I am sure that we could think of exceptions, but I do not think our purpose here is to legislate for exceptions but to legislate for broad policy. I think the O'Donnell amendment addresses itself to some of the exceptions which I guess we could, in our imagination, come up with.

The bill as it is now sets out a very detailed notice procedure to the tenant as far as what is going to be done with that personal property and the fact that it is available for recovery for payment of the rental in arrearage.

As Mr. O'Donnell pointed out, in most instances what the landlord finds or the owner—I do not like to use the word “landlord” because it brings up visions of a landlord-tenant situation; that is not the case—what the owner finds is just junk. Really what he wants to do is get immediate access to the premises so that he can relet it and produce income.

There is similar legislation which has been passed in the State of Delaware. As far as the owner's lien is concerned, I think we have a superior bill here. The legislation before us today provides for security for prior liens. The Delaware law does not provide for that.

What I want to say is, other States have taken this approach and have carved out an exception for a new industry. I think we should do the same thing here. I believe that the O'Donnell amendment would take us two or three steps back, and perhaps we may as well do without the legislation if the O'Donnell amendment is adopted. Therefore, I urge a “no” vote on the O'Donnell amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell, for the second time on the amendment.

Mr. O'DONNELL. Mr. Speaker, two brief points. One, there is already under Pennsylvania law under the Uniform Commercial Code an opportunity for a lien process, so the owner or landlord is not without an opportunity to acquire a lien.

The second point is that I do not want to take two or three steps backwards. I just want to take the few steps we are taking a little more slowly. The self-service storage function is relatively new in Pennsylvania and may well become a very important part of the way we do business here, but I think we ought to perhaps go a little more slowly until we have some more experience. I think the tradition here, and I am sure in most States, has been that landlords, owners, whatever, cannot be judge and jury over their own case and decide whether there has been a default and go to self-help to this extent. I think that is an extremely dangerous precedent and one that we ought to back off from until we have more experience with the operation of this kind of law.

I think it is an enormous step. Forward is another story, but it is certainly an enormous step to carve out an exception from landlord-tenant and create a law that functions for landlord owners of self-service storage facilities. We are carving out a unique law here, and I think we ought to go a little more slowly and not discard judicial process and third-party observations so quickly. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Gannon, for the second time.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, as Representative O'Donnell said, we are carving out an exception, and I believe because of that we are not making precedent here. Also, as I have stated before, the bill does provide for a rather detailed scheme of notice to the

tenant or owner of the personal property. Also, there is nothing that would prohibit the tenant or the owner of the personal property from going into court to enjoin the sale, so his judicial remedies are not denied. I ask for a "no" vote on the O'Donnell amendment.

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

The following roll call was recorded:

YEAS—92

Barber	Evans	Livengood	Rappaport
Belardi	Fee	Lloyd	Reber
Beloff	Fryer	Lucyk	Richardson
Berson	Gallagher	McIntyre	Rieger
Blaum	Gamble	McMonagle	Ritter
Borski	Grabowski	Maiale	Rocks
Brown	Greenfield	Manderino	Rybak
Burns	Greenwood	Michlovic	Serafini
Caltagirone	Gruitza	Moehlmann	Seventy
Cappabianca	Harper	Morris	Showers
Cawley	Hoeffel	Mrkonic	Shupnik
Clark	Horgos	Mullen	Steighner
Cohen	Hutchinson, A.	Murphy	Stewart
Colafella	Irvic	O'Donnell	Stuban
Cole	Itkin	Olasz	Sweet
Cordisco	Kolter	Oliver	Tigue
Cowell	Kowalshyn	Pendleton	Van Horne
DeMedio	Kukovich	Petrarca	Wargo
DeWeese	Lashinger	Petrone	Wiggins
Dawida	Laughlin	Pievsky	Williams, J. D.
Dombrowski	Lescovitz	Pistella	Wilson
Donatucci	Letterman	Pratt	Wozniak
Duffy	Levin	Pucciarelli	Zwikl

NAYS—100

Alden	Foster, W. W.	Madigan	Spencer
Anderson	Foster, Jr., A.	Manmiller	Spitz
Armstrong	Frazier	Marmion	Stairs
Arty	Freind	Merry	Stevens
Bittle	Gallen	Micozzie	Swaim
Bowser	Gannon	Miller	Swift
Boyes	Geist	Miscevich	Taddonio
Burd	George	Nahill	Taylor, E. Z.
Cessar	Gladeck	Noye	Taylor, F. E.
Cimini	Grieco	Perzel	Telek
Civera	Gruppo	Peterson	Trello
Clymer	Hagarty	Phillips	Vroon
Cochran	Haluska	Piccola	Wachob
Cornell	Hasay	Pitts	Wambach
Coslett	Hayes	Pott	Wass
Cunningham	Heiser	Punt	Wenger
DeVerter	Jackson	Rasco	Weston
Daikeler	Johnson	Salvatore	Williams, H.
Davies	Kanuck	Saurman	Wogan
Dietz	Kennedy	Sieminski	Wright, D. R.
Dininni	Klingaman	Sirianni	Wright, J. L.
Dorr	Lehr	Smith, B.	Wright, R. C.
Durham	Levi	Smith, E. H.	
Fargo	McClatchy	Smith, L. E.	Ryan,
Fischer	McVerry	Snyder	Speaker
Fleck	Mackowski		

NOT VOTING—8

Belfanti	Deal	Gray	Lewis
Brandt	Emerson	Honaman	Mowery

EXCUSED—0

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

On the question recurring,
Will the House agree to the bill on third consideration?
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—171

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

NAYS—19

Blaum	Greenfield	Lloyd	Stuban
Cawley	Hoeffel	McMonagle	Sweet
Deal	Itkin	Miscevich	Tigue
Evans	Kukovich	O'Donnell	Wachob
Gallagher	Laughlin	Stewart	

NOT VOTING—10

Cordisco	Gray	Trello	Williams, H.
Emerson	Lucyk	Wiggins	Wilson
Fleck	Richardson		

EXCUSED—0

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 Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, on HB 726 I was recorded in the negative. I would like to be recorded in the positive, please. Thank you.

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 1028, PN 2624, entitled:

An Act amending the act of November 1, 1971, entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, ***," providing for the collection by the recorder of deeds, of any amount payable upon a redetermination of the amount of tax due and providing for affidavits when the property is located in more than one political subdivision.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

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

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

NAYS—0

NOT VOTING—4

- Cole, Emerson, Gray, Trello

EXCUSED—0

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 VOTES

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

Mr. TRELLO. Mr. Speaker, on HB 1739 and also on HB 1028, my switch was inoperative, and I would like to be recorded in the affirmative.

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

Mr. TRELLO. And I would like to be recorded by voice vote from now on, because my switch is not working.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of HB 1856, PN 2625, entitled:

An Act amending the "Pennsylvania Municipalities Planning Code," approved July 31, 1968 (P. L. 805, No. 247), further providing for approval of plats.

On the question,

Will the House agree to the bill on third consideration?

Mr. A. C. FOSTER offered the following amendments No. A5890:

- Amend Title, page 1, line 17, by inserting after "act," " " adding a definition and Amend Sec. 1, page 1, line 20, by striking out "Clause (4) of section 508," and inserting Section 107, Amend Sec. 1, page 1, line 22, by inserting after "amended" by adding a clause Amend Bill, page 1, by inserting between lines 22 and 23

Section 107. Definitions.—As used in this act, except where the context clearly indicates otherwise, the following words or phrases have the meaning indicated below:

(22) “Substantially completed” where, in the judgement of the engineer, at least ninety per cent of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

Section 2. Clause (4) of section 508 of the act is amended to read:

Amend Sec. 2, page 4, line 17, by striking out “2” and inserting

3

Amend Sec. 3, page 6, line 13, by striking out “3” and inserting

4

Amend Sec. 3, page 6, line 14, by striking out “section” and inserting

sections 107(22) and

Amend Sec. 4, page 6, line 23, by striking out “4” and inserting

5

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Foster, and asks that he explain fully the amendment being submitted. Evidently some of the members do not have a copy of it.

The gentleman may proceed.

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

One of the provisions of HB 1856 provides that if the infrastructure improvements of a subdivision are substantially complete, the builder or developer may then complete the project within the parameters of the then-existing zoning and conditions.

There arose a question about a precise definition of “substantially completed.” Therefore, we developed the definition and put it in the definition section. “Substantially completed” shall mean, “where, in the judgement of the engineer, at least ninety per cent of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.”

Basically what we are saying is that if a developer puts in sewer, water, roadways, sidewalks, et cetera, all of the infrastructure improvements, if he expends that sum of money to do that, he should then be permitted to finish the project under the existing zoning and existing provisions of the municipal ordinance. This amendment simply makes it crystal clear what we are speaking to about substantially completed, using a figure of 90 percent.

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

Mr. FRYER. Mr. Speaker, in my opinion, this is a good amendment. It clears up one of the problems of the bill, and I feel it should be supported.

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

Mr. NAHILL. Thank you, Mr. Speaker.

I just want to raise my voice for this amendment. I think it is a good one. I think it helps tie down some of the time periods and some of the loose ideas that we have in the bill, and I would therefore ask for support.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—193

Alden	Evans	Levin	Ritter
Anderson	Fargo	Lewis	Rocks
Armstrong	Fee	Livengood	Rybak
Arty	Fischer	Lloyd	Salvatore
Barber	Foster, W. W.	Lucyk	Saurman
Belardi	Foster, Jr., A.	McClatchy	Serafini
Belfanti	Frazier	McIntyre	Seventy
Beloff	Freind	McMonagle	Showers
Berson	Fryer	McVerry	Shupnik
Bittle	Gallagher	Mackowski	Sieminski
Blaum	Gallen	Madigan	Sirianni
Borski	Gamble	Maiale	Smith, B.
Bowser	Gannon	Manderino	Smith, E. H.
Boyes	Geist	Manmiller	Smith, L. E.
Brandt	George	Marmion	Snyder
Brown	Gladeck	Merry	Spencer
Burd	Grabowski	Michlovic	Spitz
Burns	Gray	Micozzie	Stairs
Caltagirone	Greenfield	Miller	Steighner
Cappabianca	Greenwood	Miscevich	Stevens
Cawley	Grieco	Moehlmann	Stewart
Cessar	Gruitza	Morris	Stuban
Cimini	Gruppo	Mowery	Swaim
Civera	Hagarty	Mrkonic	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	Van Horne
Cordisco	Honaman	Pendleton	Wambach
Cornell	Horgos	Perzel	Wargo
Coslett	Hutchinson, A.	Peterson	Wass
Cowell	Irvic	Petrarca	Wenger
Cunningham	Itkin	Petrone	Weston
DeMedio	Jackson	Phillips	Wiggins
DeVerter	Johnson	Piccola	Williams, H.
DeWeese	Kanuck	Pievsky	Williams, J. D.
Daikeler	Kennedy	Pistella	Wilson
Davies	Klingaman	Pitts	Wogan
Dawida	Kolter	Pott	Wozniak
Deal	Kowalshyn	Pratt	Wright, D. R.
Dietz	Kukovich	Pucciarelli	Wright, J. L.
Dininni	Lashinger	Punt	Wright, R. C.
Dombrowski	Laughlin	Rappaport	Zwikl
Donatucci	Lehr	Rasco	
Dorr	Lescovitz	Reber	Ryan,
Duffy	Letterman	Richardson	Speaker
Durham	Levi	Rieger	

NAYS—0

NOT VOTING—7

Emerson	Mullen	Trello	Wachob
Fleck	Sweet	Vroon	

EXCUSED—0

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

REMARKS ON VOTE

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

Mr. TRELLO. Mr. Speaker, my switch is inoperative, and I would like to be recorded in the affirmative on amendment A5890, and on all future bills or amendments, I would like to be recognized for my vote.

The SPEAKER. The Chair thanks the gentleman. The gentleman's vote will be recorded.

CONSIDERATION OF HB 1856 CONTINUED

The SPEAKER. For what purpose does the minority leader rise?

Mr. IRVIS. Mr. Speaker, I am getting a bit perturbed. My calendar does not show the marking of this number of amendments on a bill which is an important bill. Would you please make certain that we do not have a repetition of Mr. Foster's amendment; that is, amendments that are handed to us suddenly without any forewarning.

The SPEAKER. The Chair agrees with the gentleman, Mr. Irvis. My calendar is not marked, but these amendments, I am told, have been distributed, the Greenwood-Burns amendments. There are two amendments.

On the question,

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

Mr. GREENWOOD offered the following amendment No. A5937:

Amend Sec. 1 (Sec. 508), page 3, lines 12 through 30; page 4, lines 1 through 15, by striking out "Whenever the" in line 12, all of lines 13 through 30, page 3, all of lines 1 through 15, page 4

On the question,

Will the House agree to the amendment?

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

The sponsors of HB 1856 are attempting to provide a more fair climate for the developing interests in Pennsylvania, and to some extent I concur with the problem as they see it. However, the bill goes too far. Not only does the bill extend the period from 3 to 5 years during which a municipality may not change their ordinances to adversely affect the developer, but the bill goes on to provide circumstances under which the developer could have a virtually unlimited time period to complete his development, his subdivision, without the opportunity of the municipality to further respond to changes that may have occurred during that time period. My amendment limits those provisions of the bill that provide virtually unlimited time periods for the completion of subdivisions without the impact of new municipal zoning ordinances or amendments to their code.

In my district we have a number of municipalities where subdivision is limited at the time due to moratoriums on the capacity of the sewage treatment facility to take further units. My fear, Mr. Speaker, is that with the passage of HB 1856

without my amendment, a developer can bring to a municipality a subdivision plan, have it approved, and then wait for a virtually unlimited period of time until the moratorium on the sewage treatment plan is over. Five years may have gone by during that time, additional years may have gone by during that time, and when the moratorium is over and the developer comes back to begin developing, the local government officials will have their hands tied in terms of responding to any other changes that may have occurred during that time period. Other developments may have sprung up in the municipality in that interim. We may have different problems in terms of water quality and water quantity that may have developed during that time period.

I think that we owe it to our local officials to, as long as we are going to with this legislation extend the period from 3 to 5 years, I think we ought to limit it to that and not tie their hands and prevent them from responding to changes that may occur in that 5 years. I would ask for support of this amendment. Thank you.

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

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

I rise to oppose the Greenwood amendment, and I would specify the reasons. Number one, the fact that to eliminate the moratorium provisions of the bill overlooks one of the great underlying problems of our time. At the time the Municipal Planning Code was adopted, we were not having nearly as severe problems in terms of sewer moratoriums and inability of developers to obtain permits. Now, I submit that when an entrepreneur invests a substantial sum of money and has a specified period of time in which to complete the project, after which he may be operating under vastly different conditions, with those conditions existing I think it is certainly reasonable to invoke a moratorium if said entrepreneur is unable to get permits through a sewer ban imposed by DER (Department of Environmental Resources) or a ban imposed by other State or Federal agencies.

I can think of instances in my own district, a very graphic example in which a township took great pains to enlarge its sewer systems to accommodate development, only to be hamstrung by EPA (Environmental Protection Agency) on the Federal level, because EPA claimed they had either over-designed the plant or otherwise had not met EPA requirements. Picture the circumstance of a developer under such conditions. He just sits there and bites his nails and takes gas, and he is unable to do one darn thing about it. I think, under those conditions, it is absolutely necessary that you have a moratorium. I do not think that that time he is standing there in neutral should count against his 5 years. I would urge a negative vote on the Greenwood amendment.

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

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, I must very strongly oppose this amendment. There are two, I feel, very important components to this piece of legislation, and one is this particular idea, which would be eliminated under the Greenwood amendment. I think we all

can agree that if a builder has a specified period of time, whether it be 2, 3, 5 years, to complete a project, and the Department of State of the State of Pennsylvania or a Federal agency comes in and says, you cannot build, you cannot do anything, then I do not think it is right that that builder should be held to that short period of time.

An example would be under the 3-year period, a builder starts, he works for approximately 6 months, gets in some of the improvements - the sidewalks, the sewers - spends an awful lot of money, has an awful lot of money tied up in this project, and then is told that he cannot complete it because there are no sewer lines. What is the developer to do? He cannot build, the sewer moratorium stays on for 2 years, his 3-year time period has elapsed, and now the municipality can change the zoning on him. He has had absolutely no chance to do anything, and I think it is extremely unfair to ask a builder who has not brought this on himself— And I want to reiterate that point: The builder cannot bring this point on himself and benefit by it; this is something that must be imposed by an outside force, and once this outside force does impose this ban, I do not see how we can require a builder to complete a project within that specified period of time. I would again ask for a definite “no” vote on this amendment.

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

Mr. BURNS. Mr. Speaker, I rise to support the amendment. I think the former speaker, Representative Nahill, is correct. I think that it is not the builder's fault if some outside agency, such as the Federal Government or the State Government or even the county government, comes in and imposes a moratorium, but I contend that the bill goes too far because it is not the municipality. It is not their fault either that some group outside of their control has put a moratorium on building because of lack of sewerage or lack of water or whatever the reason may be. It seems to me that if an action by a municipality prevents the construction, then perhaps the time period should be suspended since presumably the municipality has some control over this action. However, obviously a municipality has no control over the State, the county, or the Federal Governments, and I see really no reason why a municipality should be locked into an old plan because of some action that it cannot control. For those reasons, Mr. Speaker, I support the amendment. Thank you.

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

Mr. FRYER. Mr. Speaker, I support the Greenwood amendment. Representative Greenwood has put his finger on one of the major problems of this bill, and that is maintaining a proper balance between our developers and builders and the people of our community. The point is made that in cases where they do have impediments—and that is the way the bill addresses itself—that if that happens, then if the developer substantially completes these infrastructure improvements, then—and this is the key point—he has unlimited time, unlimited time. This is grossly unfair, Mr. Speaker, and it does not properly maintain the balance that the Municipal Planning Code has always strived to be. I strongly support the Greenwood amendment.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Foster, for the second time on the question.

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

I would once again like to emphasize my opposition to the Greenwood amendment.

I come from an area that has had development, and I have seen both sides of this problem with my background in local government and having seen development occur. I know some of the problems associated therewith, and I think the bill as we have ironed it out in committee is a good approach, and I think the Greenwood amendment would emasculate the bill.

In my mind, a person's word should be their bond, and when a developer is given a certain set of circumstances under which to live and then through no fault of his own, through the fault of a Federal, State, or local bureaucracy, he does not get to spin a wheel in development, then the fault should not be his and he should not suffer the penalty. I think we have adopted a balanced approach in the bill. I think the amendment would emasculate that approach, and I ask for a negative vote.

The SPEAKER. The Chair recognizes the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the amendment. Without the amendment in this bill, we have just left this bill wide open. Instead of resolving the problem here, we have now put the monkey back on the municipality's back, and we have given the contractor, the developer, and the builder a free wheel here. I support the amendment.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Nahill, for the second time.

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, one factor that has not been mentioned here so far in the debate on this amendment is the fact that local government had the opportunity when this plan was submitted to approve it or disapprove it, to change it, to modify it, to do with it anything within their powers that they can do. Once they have approved this plan, once the builder has set down the guidelines that he is going to use on this development, I do not think, and I do not think you do either, that it is fair that we change the guidelines, that it is fair that we make him sit out his entire period without moving forward with his development.

To be quite honest with you, Mr. Speaker, I think most of us today in the State of Pennsylvania want to encourage business. We want a better economic climate in the State of Pennsylvania, and let us face it, the building industry is one of the largest economic factors in the State of Pennsylvania right now. One of the reasons why we are having so much trouble with our economy, one of the reasons why we have such high unemployment, is because of the building industry. I think it is time that government joined hands with business and attempted to work together, not fight each other. What do we want to accomplish here? We want to create jobs. We want to build houses. We want to make life a little bit better for our people, and this is one of the ways we can do it. We have got to join, not fight, and I do not think that this is an unfair imposition on the local municipalities.

I was a local official. I got involved in an awful lot of issues like this, and we did not fight them. What we did was work with them. We wanted the money flowing in our township; we wanted the money flowing throughout the State, and I think that most people will agree that we have got to encourage business, not punish it. Thank you, Mr. Speaker.

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

The issue here is not jobs. We are talking about very specialized instances where a municipality is faced with an unusual situation, and that situation is, they approve a plan in good faith, they expect the developer to complete the subdivision, and for one reason or another, through neither the fault of the municipality nor the developer, the subdivision cannot be completed. Years later the developer comes in and begins to turn the earth and complete his development, and the municipal officials are horror stricken because they now have to respond to a totally different set of circumstances, and HB 1856 would tie their hands and leave them totally without the wherewithal to protect the health and welfare of their community. I ask for an affirmative vote on the amendment.

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

The following roll call was recorded:

YEAS—80

Alden	Duffy	Lescovitz	Pistella
Barber	Fee	Letterman	Pucciarelli
Belardi	Fryer	Levi	Richardson
Berson	Gallagher	Lloyd	Rieger
Blaum	Gannon	Lucyk	Rocks
Brown	Geist	McIntyre	Rybak
Burns	George	Manderino	Serafini
Caltagirone	Grabowski	Michlovic	Seventy
Cawley	Greenfield	Morris	Shupnik
Clark	Greenwood	Mrkonic	Smith, B.
Clymer	Haluska	Mullen	Spitz
Cohen	Hoeffel	Noye	Stuban
Colafella	Horgos	O'Donnell	Taylor, F. E.
Cole	Hutchinson, A.	Olasz	Tigue
Cordisco	Irvis	Oliver	Wambach
Coslett	Klingaman	Pendleton	Wargo
DeWeese	Kolter	Petrarca	Williams, J. D.
Dawida	Kowalshyn	Petrone	Wilson
Deal	Kukovich	Phillips	Wright, D. R.
Dietz	Laughlin	Pievsky	Wright, J. L.

NAYS—115

Anderson	Fleck	McVerry	Sirianni
Armstrong	Foster, W. W.	Mackowski	Smith, E. H.
Arty	Foster, Jr., A.	Madigan	Smith, L. E.
Beloff	Frazier	Maiale	Snyder
Bittle	Freind	Manmiller	Spencer
Borski	Gallen	Marmion	Stairs
Bowser	Gamble	Merry	Steighner
Boyes	Gladeck	Micozzie	Stevens
Brandt	Gray	Miller	Stewart
Burd	Grieco	Miscevich	Swaim
Cappabianca	Gruitza	Moehlmann	Sweet
Cessar	Gruppo	Mowery	Swift
Cimini	Hagarty	Murphy	Taddonio
Civera	Harper	Nahill	Taylor, E. Z.
Cochran	Hasay	Perzel	Telek
Cornell	Hayes	Peterson	Trello
Cowell	Heiser	Piccola	Vroon
Cunningham	Honaman	Pitts	Wachob
DeMedio	Itkin	Pott	Wass

DeVerter	Jackson	Pratt	Wenger
Daikeler	Johnson	Punt	Weston
Davies	Kanuck	Rappaport	Wiggins
Dininni	Kennedy	Rasco	Wogan
Dombrowski	Lashingier	Reber	Wozniak
Donatucci	Lehr	Ritter	Wright, R. C.
Dorr	Levin	Salvatore	Zwinkl
Durham	Lewis	Saurman	
Evans	Livengood	Showers	Ryan,
Fargo	McMonagle	Sieminski	Speaker
Fischer			

NOT VOTING—5

Belfanti	McClatchy	Van Horne	Williams, H.
Emerson			

EXCUSED—0

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. FRYER. Mr. Speaker, I wish to speak in opposition to HB 1856. This chamber just missed an excellent opportunity to improve HB 1856. It lost it by rejecting the Greenwood amendment.

Now HB 1856 is presented to us as a means of aiding a beleaguered construction industry which has been caught up in an economy of high interest rates. It is said that all we are doing is giving some relief to an all-important segment of our economy, which could not possibly have foreseen the type of economy which we now have. We are cited an example of a developer who only completed a quarter of his units within the 3-year period when the municipality changed its density requirements, and thus the project was abandoned and caused a great hardship on both the developer and the residents of the original units that were sold.

I agree the state of the economy, the housing industry, and the particular development I just cited are all very unfortunate situations. However, to address such an abuse as this particular developer encountered, or to aid an industry with such a basic departure from previous public policy in the planning and developing area, in my opinion, is dead wrong.

The Pennsylvania Municipalities Planning Code has always tried to balance the interests of the developer, the municipality, and the citizens. It was with this in mind that the 3-year time limit for completing development without subsequent changes in the planning ordinance was enacted. It gave the developers protection from quick about-faces from local zoning boards. It gave municipalities protection from long drawn-out projects which interfere with the communities' ability to plan, and it gave citizens protection from exploding development necessitating added services and taxes.

Now, what does this legislation do? The sponsors would have you believe that it simply extends a 3-year period to 5

years and that this time period can be put on hold if the developer encounters an impediment as described in the bill, such as an inability to obtain a necessary approval or permit required by a government agency. But this is not what this bill does.

The switch from 3 to 5 years has no significance or meaning anymore, because the language added on page 4, lines 10 to 15, completely changed the ball game. Under this language, if the developer substantially completes the infrastructure improvements within 5 years, he has unlimited—and I repeat, unlimited—time to complete the rest of the project, which can mean that you could have a development that is an eyesore in your community, and it could lie there and the good citizens could just merely look at it. That is what the unlimited portion does, Mr. Speaker.

Furthermore, if he has encountered an impediment, the clock is stopped, and then he would have an undetermined time to substantially complete the improvements. Thus the change in the law would be going from 3 years to complete the project to a minimum of 5, and perhaps as many as 7 years, just to substantially complete the improvement.

The bill also uses terms such as “lack of due diligence.” Frankly, I do not really know what that term means, and “impediments” are not defined in the bill and most certainly will develop into costly litigation. The vagueness of the bill, in my opinion, will result in many court cases with the courts deciding how Pennsylvania should and will be zoned, subdivided, and planned.

Mr. Speaker, another interesting portion of this bill calls for a retroactive feature of this bill. It calls for going back for a period of 5 years. Now, Mr. Speaker, I do not know how many projects this would involve, and frankly, this causes me great concern.

Mr. Speaker, at this time would the prime sponsor of the bill submit to brief, friendly interrogation?

The SPEAKER. The gentleman from York, Mr. Foster, consents to brief, friendly interrogation.

Mr. FRYER. Thank you, Mr. Speaker.

Mr. Speaker, I have just referred to the retroactive clause, the 5-year period in which we go back, if this bill passes, and I raise the question, how many projects are we talking about here that involve our people and our local governments?

Mr. A. C. FOSTER. I cannot give the gentleman a number, but whatever number would have been approved during the 5-year period by the municipalities.

Mr. FRYER. I thank the gentleman. The period of friendly interrogation is over, Mr. Speaker.

Mr. A. C. FOSTER. Are we now at a period of hostile interrogation?

The SPEAKER. Does the gentleman, Mr. Fryer, intend to continue interrogating?

Mr. FRYER. No, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. FRYER. Mr. Speaker, there is not one person in this House who can tell me how many projects are affected by that 5-year retroactive feature. How many times do we pass bills in this House which state that that piece of legislation shall go

back 5 years? And we are talking about something that is in the public interest. Never is right, sir. Thank you. There is an alert student in the House.

Now, Mr. Speaker, as you have this number of projects, and mind you this, we are talking about a public body, a public body of your citizens and local government versus a developer or a contractor or a builder. And, Mr. Speaker, we are not opposed to builders and developers. They make a great contribution to our society, and Mr. Nahill does not stand alone in his support of them. But are we to deny the public interest? That is the question before you. This bill simply goes too far, and I would hope that this bill would be defeated. If not, you are going to go back home, and you are going to find a number of projects that are coming out of the woodwork because you passed a law that says, let us go back 5 years.

Now, nobody, but nobody, knows how many projects are in there. I think the builders and the developers have a pretty good idea. I think they do. Now, since we represent the public interest, should we not be equally concerned, and should we not stand up for our local governments and for the people whom we name to these positions? And let us maintain a proper balance of power, the public interest versus the private interest. Is that too much to expect from this House? I would hope not, Mr. Speaker.

Mr. Speaker, I ask every thinking person in this chamber—and I trust I am speaking to all of you when I make that statement—look at that bill. Think of the questions that have been raised, and if truly you were ever a representative of the people, you will vote “no,” and you will be proud, and you will have your chin high, because you have fulfilled that obligation to the people. Thank you, Mr. Speaker.

THE SPEAKER PRO TEMPORE (JOHN HOPE ANDERSON) IN THE CHAIR CONSIDERATION OF HB 1856 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Nahill.

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, there are several provisions in this bill which were not mentioned. We talked about the words “substantially completed.” I think maybe we might have forgotten that we just passed an amendment which defined “substantially completed” as 90 percent completed. We are not talking about a project that is sitting one-quarter built or one-half or three-quarters; we are talking about a project that is 90 percent completed. It is not open ended.

I want to remind this House that when we originally put together the Municipal Planning Code, the recommendation by the Local Government Commission was 7 years. We decided on 3. We have now realized that 3 is not enough; we have expanded it to 5. I think that is a reasonable compromise between what was proposed and what is now. I see nothing wrong with 5 years, and it certainly is not open ended. As I mentioned earlier, if a gentleman is working on a project and there is a ban imposed, he cannot do anything. I see nothing

wrong with allowing him his full building time, which is 5 years and 5 years only.

As far as the retroactivity clause, there is a very good reason for this retroactivity clause. If you will all think back, the past 3 years in the building industry have been probably the worst that they have ever experienced. Anybody who started a project 3 years ago certainly has not completed it and probably has had very little impact. We are now allowing a very simple thing. We are saying to you builders who started 3 years ago, we are giving you an additional 2 years; we think that is fair; we hope the market will turn around; we think this will give you time to finish your project. I do not think that that is taking advantage. Let us not forget that each and every one of these projects was first approved by the local governing body. They had the final say; they dictated all the clauses. They told them exactly what they had to do to get approval, and they obtained approval because they did what the local municipality wanted. We are not hamstringing local government. We are saying, local government, let us work together with business and accomplish something for the State of Pennsylvania. Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, I rise to support the position of Mr. Fryer that we defeat this bill. Even though it is hard to follow an orator of his caliber, I will try. But I must say the final kicker, if you agree that the 5 years is needed, that is an arbitrary figure and we can most all go along with it. He says it is not open ended. We passed an amendment that certainly improved the bill so that now it is not open ended; it goes to 90 percent completion, and we can all go along with that, although I really felt the Greenwood amendment protected local municipalities and that should have been put in there. The real final kicker to this in the proposed bill is found in section 3, which makes the provision of this bill retroactive in part.

First of all, the changes in section 508 were to apply to any land development or subdivision presently pending before a municipality as well as any subdivision or land development for which preliminary plans were approved within the 5-year period immediately preceding the effective date of this amendment. In other words, even though the municipality has been relying on the 3-year period and the Central Penn and the Mark-Garner cases, which are court cases in Commonwealth Court, it could no longer do so. And ironically, even though the proposed bill with the retroactivity clauses does not particularly affect any projects in my district, I am sure there are many, many areas of the State where this will have a devastating effect on local government. Interestingly enough, section 3 of the proposed bill also makes the changes in section 603 relative to special exemptions and conditional uses retroactive. This is just a bad section of the bill. It should be changed, and for that reason I would ask a "no" vote on this bill. Thank you, Mr. Speaker.

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

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

I rise to urge an affirmative vote on HB 1856. I will speak for a moment on several of the points raised. Much has been made of the matter of retroactivity. All retroactivity means is that someone who had a plan approved 3 years ago will have an additional 2 years. We are simply giving them the 5 years that the bill speaks of in its main body. Now, if someone had a plan approved 4 years ago, that means that with that plan, the 3 years have already elapsed, and apparently that municipality has taken no action against the developers, so they are not distraught; they are not upset; they have no difficulty with the plan as set forth and accepted. Therefore, much ado about nothing has been made of the retroactivity features.

I think the Local Government Committee has striven to bring forth a balanced bill and one that gives a break to the developer, without hurting the municipality, certainly in this period of very difficult economic conditions. I would ask for an affirmative vote on the bill.

On the question recurring,
Shall the bill pass finally?

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

YEAS—160

Alden	Fee	Levin	Ritter
Anderson	Fischer	Lewis	Salvatore
Armstrong	Fleck	Livengood	Saurman
Arty	Foster, W. W.	Lucyk	Serafini
Beloff	Foster, Jr., A.	McClatchy	Seventy
Berson	Frazier	McIntyre	Showers
Bittle	Freind	McMonagle	Sieminski
Borski	Gallagher	McVerry	Sirianni
Bowser	Gallen	Mackowski	Smith, E. H.
Boyes	Gamble	Madigan	Smith, L. E.
Brandt	Gannon	Maiale	Spencer
Brown	Geist	Manmiller	Spitz
Burd	George	Marmion	Stairs
Caltagirone	Gladeck	Merry	Stewart
Cappabianca	Grabowski	Micozzie	Swaim
Cessar	Gray	Miller	Sweet
Cimini	Grieco	Miscevich	Swift
Civera	Gruitza	Moehlmann	Taddonio
Clark	Gruppo	Mowery	Taylor, E. Z.
Cochran	Hagarty	Mrkonic	Telek
Cohen	Haluska	Murphy	Trello
Colafella	Hasay	Nahill	Van Horne
Cole	Hayes	Noye	Vroon
Cordisco	Heiser	O'Donnell	Wachob
Cornell	Hoeffel	Olasz	Wambach
Coslett	Honaman	Pendleton	Wass
Cowell	Horgos	Perzel	Wenger
Cunningham	Hutchinson, A.	Peterson	Weston
DeMedio	Itkin	Petrarca	Wiggins
DeVerter	Jackson	Phillips	Williams, J. D.
Daikeler	Johnson	Piccola	Wilson
Davies	Kanuck	Pistella	Wogan
Dawida	Kennedy	Pitts	Wozniak
Dietz	Klingaman	Pott	Wright, D. R.
Dininni	Kolter	Pratt	Wright, R. C.
Dombrowski	Lashinger	Pucciarelli	Zwilk
Donatucci	Laughlin	Punt	
Dorr	Lehr	Rappaport	
Durham	Lescovitz	Rasco	Ryan,
Evans	Letterman	Reber	Speaker
Fargo	Levi		

NAYS—39

Barber	Fryer	Morris	Smith, B.
Belardi	Greenfield	Mullen	Steighner
Belfanti	Greenwood	Oliver	Stevens
Blaum	Harper	Petrone	Suban
Burns	Irvis	Pievsky	Taylor, F. E.
Cawley	Kowalyszyn	Richardson	Tigue
Clymer	Kukovich	Rieger	Wargo
DeWeese	Lloyd	Rocks	Williams, H.
Deal	Manderino	Rybak	Wright, J. L.
Duffy	Michlovic	Shupnik	

NOT VOTING—1

Emerson

EXCUSED—0

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 VOTES

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

Mr. GRAY. Mr. Speaker, on final passage on HB 1079 and final passage on HB 1028, my switch was malfunctioning. I would like to be recorded in the affirmative on both of those.

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

The Chair recognizes the gentleman from Schuylkill, Mr. Lucyk.

Mr. LUCYK. I would like to be voted in the affirmative on HB 1079.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1969, PN 2398**, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, further providing for physical therapy services.

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

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

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—193

Alden	Evans	Levin	Rocks
Anderson	Fargo	Lewis	Rybak
Armstrong	Fee	Livengood	Salvatore
Arty	Fischer	Lloyd	Saurman
Barber	Fleck	Lucyk	Serafini

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

NAYS—3

Miller	Showers	Sweet
--------	---------	-------

NOT VOTING—4

Emerson	Kanuck	Mackowski	Snyder
---------	--------	-----------	--------

EXCUSED—0

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 SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

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

BILL ON THIRD CONSIDERATION POSTPONED

The House proceeded to **SB 484, PN 491**, on third consideration postponed, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," removing certain restrictions relating to sales on election days.

On the question recurring,

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

Mr. EVANS offered the following amendments No. A5899:

Amend Bill, page 5, by inserting between lines 14 and 15
Section 3. The provisions of this amendatory act shall not apply in cities of the first and second classes.

Amend Sec. 3, page 5, line 15, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER. This amendment is titled in Mr. Richardson's name, being number A5899.

On the question, the Chair recognizes the gentleman from Philadelphia, Mr. Evans.

Mr. EVANS. Mr. Speaker, if you will recall from yesterday, I had spoken to the Representative from Norristown about the idea of the effect of this particular bill on the city of Philadelphia as well as the city of Pittsburgh. In the city of Philadelphia on election day—and there are only two elections in a year—a number of legislators felt very strongly that bars and taverns should not be open.

I would ask my colleagues to look at this amendment and to consider it. The provisions of this amendment are only asking that the city of Philadelphia and the city of Pittsburgh be exempt from SB 484. I would hope each and every one of you would understand that what we are attempting in this particular amendment is to allow the bars and the taverns to continue to be closed on election day. I hope you will support the amendment.

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, yesterday Mr. Evans and Mr. Richardson had expressed that concern in debate about the ability of the liquor licensees in Philadelphia and the city of Pittsburgh under the 40-percent food requirement. We did some checking since the passage of that amendment, and we found that that 40-percent food requirement, we feel, probably fulfills their needs, both in the city of Philadelphia and the city of Pittsburgh, without being completely restrictive, without closing out hotels and restaurants where originally the legislation was aimed. We got a count of the total number of licensees in the Commonwealth, and the total count came to somewhere in the area of about 20-some-odd thousand licensees. We will now be experiencing with the 40-percent food requirement about 5,000 licensees of restaurants, hotels, and taverns being open on election day. That is somewhere near between 35 and 40 percent of the total number of licensees being open on election day.

If we do what Mr. Evans suggests in his amendment, we will be seriously restricting and probably regressing from the

current position of the legislation in eliminating hotels and restaurants, especially those involved in the tourist industry in the Commonwealth. When we discussed this yesterday, I thought maybe Mr. Evans and Mr. Richardson best knew the problems of the city of Philadelphia, but after further investigation, we found that those people who will be benefiting and probably solely benefiting in the city of Philadelphia are those areas that are most impacted by the tourist industry in the city, and they are the hotels and the restaurants that service the tourists.

We can think of the instance, especially in the city of Philadelphia, where possibly a group is visiting the city for a day, for a week, a tourist group or some trade association during a convention in the city, and on election day at the hotel where they are staying or the restaurant where they are eating lunch or dinner, the problem continues to arise where that restaurant or that hotel cannot service those tourists or those conventioners who are visiting the city. If anything, the city of Pittsburgh and the city of Philadelphia benefit most from the tourism and travel trade in the Commonwealth. So by exempting those two sections of the State, we would be seriously damaging a multibillion-dollar industry.

Again, I appreciate the needs that were expressed yesterday and again today by Mr. Evans, but I think after examining and closely scrutinizing the impact of the 40-percent food requirement that we inserted yesterday, we have eliminated about 65 percent of the licensees in the Commonwealth. That appears to get at the real problem, those corner taverns that do not meet the 40-percent food requirement that they were concerned about.

The problem appears to be one of enforcement. For those licensees who operate and do not meet the 40-percent food requirement and yet have been issued a Sunday sales permit, I would suggest that we go to the Liquor Control Board and seek better enforcement. The other problem appears to be club licensees who operate on those election days that are not valid clubs, do not meet the membership requirements, but yet still operate with the club license. I would say again that we go to the Liquor Control Board and seek better enforcement of club licensees.

But I think yesterday's amendment is a compromise that meets the needs of the concern of the valid club licensees who operate on one side and the hotel and the restaurant association on the other side, and still, as far as I am concerned, gets to the bottom-line needs of the Representative from Philadelphia. I would therefore oppose the Richardson amendment. Thank you, Mr. Speaker.

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

Mr. EVANS. Mr. Speaker, after hearing my colleague from Norristown, I would say that I had suggested yesterday that we try the approach in terms of lodging. It was expressed to me that this approach possibly was the best way to exempt the city of Philadelphia and possibly the city of Pittsburgh. I say that because I am in no way trying to stop the hotels or the large restaurants, primarily in the center of cities, from having that opportunity in terms of tourists coming to a city to have

liquor facilities open. However, in those areas those are election days, and the residents of those cities should also be thought about, not just the tourist industry. I would express to each and every one of you that we should all be thinking about the residents of our districts. To me that should be the overriding factor, not just the tourists coming in for that one particular day, not just the convention coming in for that one particular day, but the residents, the voters, the constituents should be the ones whom we are concerned with. If we cannot take 2 days out of the year to close bars and taverns, that says something about us; that says something about each and every one of us.

It is clear that we need to find a way that we want people to participate within the process. The only thing we are asking in terms of this particular amendment is that bars and taverns, particularly in the cities of Philadelphia and Pittsburgh, not be open. In this amendment that we are trying to work with, we are not trying to hurt the hotel industry or the restaurant industry. We are concerned in those neighborhoods where the voting turnout and the voting projection is very low that they will not vote. No one in here can tell me if the taverns and the bars are open that that will not be a deterrent. Nobody can guarantee that. So we are expressing in this particular amendment that in the cities of Philadelphia and Pittsburgh, which have historically had problems in terms of voter turnout, that I would hope you would consider this amendment and pass it, because I have tried to approach it from the approach of lodging, but my colleague has expressed to me that he thought this was the best one, and I would ask him to reconsider his decision.

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

Mr. J. D. WILLIAMS. Mr. Speaker, I rise in support of Mr. Richardson's amendment.

In the district that I come from, Mr. Speaker, we have bars and taverns almost on every corner in the city of Philadelphia. I think that on election day we are on the right course by having these taverns and bars closed.

Let me say this, Mr. Speaker: I do not believe that the 40-percent-food-sale regulation will help our situation. Presently in Philadelphia, at any given time, you can walk into a tavern in my district on a Saturday night and find teenagers in bars being served. We do not have the correct mechanism for enforcing the laws in Philadelphia through the Liquor Control Board. The Liquor Control Board does not enforce those laws and will not enforce the food sale laws. Therefore, bars will be open, will not be selling food, and liquor will be served.

I do not believe, Mr. Speaker, that we are hurting a million-dollar business sale on election day. And if we are, Mr. Speaker, I believe that it is important enough for the voters to vote intelligently on election day and to also be sober. I support Mr. Richardson's amendment. Thank you, Mr. Speaker.

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

Mr. MISCEVICH. Mr. Speaker, I rise to oppose the Richardson amendment. I do not know how we got included with Philadelphia by the city of Pittsburgh. We have two convention centers, and we have many hotels and many motels that need to be in business every day of the year that they can be open. So with this 40 percent of the food being included in this bill, I think that we should speak for ourselves, the people from Pittsburgh and Allegheny County, that we should not be included with Philadelphia.

So I think we should vote the Richardson amendment down, and if Philadelphia wants to be included and have their bars closed, let it be so. Come up with an amendment that would just be for Philadelphia, and I will vote for it, but do not include Pittsburgh in it, because we want our places to be open.

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

Mr. TRELLO. Mr. Speaker, I highly recommend to my colleagues from Philadelphia the wishes of their constituency, and I would gladly support them. However, I have a problem with my constituency and the fact that the big convention center that we have in Pittsburgh entices a lot of business that comes to our community. The David L. Lawrence Convention Center books conventions all year long. The tourist industry is probably the only industry in the State of Pennsylvania that is thriving today. I think an amendment that would prohibit the sale of liquor on election day would badly hurt the business.

I therefore urge my colleagues from Philadelphia, if they want to be exempt from this act, to then offer an amendment that would exclude Philadelphia alone. So I ask my colleagues to oppose the amendment. Thank you.

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

Mr. PETRONE. Thank you very kindly, Mr. Speaker.

I rise in opposition to this amendment. I agree with my colleague, Mr. Lashinger, that the amendment offered with the 40 percent for food and restaurants addresses the problem. This amendment would destroy the heart of the bill. This is a good business bill. We all need it, and we owe it to our conscience, all of us, to vote in favor of the bill and against the amendment, and I urge all of my colleagues to do so. Thank you very much.

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

Mr. RICHARDSON. Thank you, Mr. Speaker.

In deference to the speakers who have spoken from Allegheny County, I want to say that the only consideration that was given in relationship to the urban centers of Philadelphia and Pittsburgh was the fact that I did speak to some of the members who indicated that there was a problem in Pittsburgh similar to that of Philadelphia. It certainly was not the intent to slight any members from the western part of the State but to recognize that we have a very serious problem.

I attempted yesterday to share with Representative Lashinger that we had a major concern in Philadelphia, that we have bars in our districts where we have three and four

bars in a block and then you have a polling place, and to have them open on election day would be suicidal to us. In other parts of the Commonwealth, bars are not close together, so therefore, they may be blocks or even miles apart, so therefore, the same problem does not exist. We tried to attempt to bring that as a compromise to the representatives of the industries that they are representing in this matter. We are not out to hurt the hotels, and we are not out to hurt the convention centers. We asked him yesterday on the floor of this House whether or not he would be willing to sit down and work out a compromise on that issue. He said no. As a result, we have this problem in front of us. We are willing to do whatever is necessary to make sure that the hotels and convention centers do not lose their money, but at the same point I am not going to risk the lives of individuals who are constituents in our districts who have to go out and vote, who are going to be disenfranchised because somebody is going to be trying to offer liquor to them on election day. We have that problem in Philadelphia. You may not have it anywhere else in this Commonwealth, and we are suggesting that this amendment be supported by the members of the House to recognize a very serious problem dealing with this whole control around liquor and money, because all we are talking about is the availability of money that is going to be used to be able to deal with these convention centers and hotels who bring in conventioners, and on 1 day out of that week they will not be able to drink, which means they will be dried up. It has been a major concern by several of the lobbyists who have discussed this issue with many of you members already.

I would say to you that I would hope we could get a favorable vote on this amendment, and if we cannot, we do have an amendment prepared specifically that deals with Philadelphia and the exclusion of Philadelphia only. Thank you very much, sir, for your patience, and we would appreciate an affirmative vote.

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

Mr. PERZEL. Mr. Speaker, as a member of the Philadelphia Republican delegation and a member of the Liquor Control Committee in the House of Representatives, I would like to bring out a few points. First off, what Mr. Lashinger said is 100 percent true. The city of Philadelphia is spending millions of dollars every year trying to increase the tourist business. These people on election day are told they are not allowed to have drinks, let alone the fact that along the Delaware River in the State of New Jersey on election day they are allowed to drink. A lot of the people do go over there. I do not think it would make any sense to tell my constituents in Northeast Philadelphia they are not allowed to have a drink but the people in Delaware County are allowed to have a drink. They could go to New Jersey very easily if they wanted to, and I feel that it is very important that we defeat this amendment. Thank you, Mr. Speaker.

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

Mr. LEVIN. Thank you, Mr. Speaker.

Mr. Speaker, I want it made very clear to the members of this body that the amendment offered on behalf of Mr. Richardson and supported so sincerely by certain members of our delegation is not the universal position of our delegation. There is obviously a severely divided delegation on this issue. My personal view is that the members are wrong in offering this amendment. If the bill has any validity, it has validity statewide, and it should apply to everyone, Philadelphia and Pittsburgh included. I would oppose the amendment and support the bill.

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

Mr. H. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I, too, believe that something as important as drinking on Sunday or drinking on election day is a policy that should be uniform in this State. As some of you members know, I opposed vehemently the Sunday sales for some of the same reasons that are being advanced by Representative Richardson and others. I have also felt the same way about election day, but not so much to the same extent, because I do think that there ought to be 1 day a week, i.e., Sunday, where we can be without that kind of stuff. Nevertheless, I do not think that this House or this State can have a policy where drinking on whatever day it is can apply to some and not apply to others.

I oppose the amendment, because I think that is a fundamental inconsistency on an important matter. I intend to vote against the bill, and I intend to vote against the amendment for the reasons that I have stated. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—31

Barber	Foster, Jr., A.	Lucyk	Richardson
Blaum	Harper	Miller	Stevens
Cohen	Heiser	Murphy	Vroon
Dawida	Hutchinson, A.	O'Donnell	Wachob
Deal	Irvis	Oliver	Wiggins
Dietz	Johnson	Pendleton	Williams, J. D.
Evans	Kukovich	Pitts	Wright, R. C.
Fischer	Lloyd	Pucciarelli	

NAYS—159

Alden	Durham	Levin	Saurman
Anderson	Fargo	Livengood	Serafini
Armstrong	Fee	McClatchy	Seventy
Arty	Fleck	McIntyre	Showers
Belardi	Foster, W. W.	McVerry	Shupnik
Belfanti	Freind	Madigan	Sieminski
Beloff	Fryer	Maiale	Sirianni
Berson	Gallagher	Manderino	Smith, B.
Bittle	Gallen	Manmiller	Smith, E. H.
Bowser	Gamble	Marmion	Smith, L. E.
Boyes	Gannon	Merry	Spencer
Brandt	Geist	Michlovic	Spitz
Brown	George	Micozzie	Stairs
Burd	Gladeck	Miscevich	Steighner
Burns	Grabowski	Moehlmann	Stewart
Caltagirone	Gray	Morris	Stuban
Cappabianca	Greenfield	Mowery	Swaim
Cawley	Greenwood	Mrkonc	Swift
Cessar	Grieco	Nahill	Taddonio
Cimini	Gruitza	Noye	Taylor, E. Z.
Civera	Gruppo	Olasz	Taylor, F. E.
Clark	Hagarty	Perzel	Telek

Clymer	Haluska	Peterson	Tigue
Cochran	Hasay	Petrarca	Trelo
Colafella	Hayes	Petrone	Van Horne
Cole	Hoeffel	Phillips	Wambach
Cordisco	Honaman	Piccola	Wargo
Cornell	Horgos	Pievsky	Wass
Coslett	Itkin	Pistella	Wenger
Cowell	Jackson	Pott	Weston
Cunningham	Kennedy	Pratt	Williams, H.
DeMedio	Klingaman	Punt	Wilson
DeVerter	Kolter	Rappaport	Wogan
DeWeese	Kowalshyn	Rasco	Wozniak
Daikeler	Lashingner	Reber	Wright, D. R.
Davies	Laughlin	Rieger	Wright, J. L.
Dininni	Lehr	Ritter	Zwikl
Dombrowski	Lescovitz	Rocks	
Donatucci	Letterman	Rybak	Ryan,
Dorr	Levi	Salvatore	Speaker
Duffy			

NOT VOTING—10

Borski	Kanuck	Mackowski	Snyder
Emerson	Lewis	Mullen	Sweet
Frazier	McMonagle		

EXCUSED—0

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

On the question recurring,

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

Mr. RICHARDSON offered the following amendments No. A5898:

Amend Bill, page 5, by inserting between lines 14 and 15

Section 3. The provisions of this amendatory act shall not apply in cities of the first class.

Amend Sec. 3, page 5, line 15, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

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

Mr. RICHARDSON. Mr. Speaker, I am concerned that the amendment we offer now speaks directly to Philadelphia, and while we have not made any attempt to try to indicate that this is a blanket concern of many members, we know that we are overburdened by money and we will always be overburdened by money and those individuals who have been bought off by the concerns of those who are dealing with billions and billions of dollars. There is no compassion and concern dealing specifically with the fact that people who in fact have a right to vote are being disenfranchised because of the fact that we do have bars in our communities that are located next to polling places that in fact create a hazard and a problem for those who do wish to vote.

In this regard, we are asking now that only Philadelphia be excluded from the bill, since there seems to be a large sentiment in this House to support overwhelmingly a move to allow the conventioners to control us in this House of Representatives, because tourism is a big, big commodity in the State of Pennsylvania. I am more concerned, however, with people and the fact that people are not in fact having an

opportunity to voice their opinion through the ballot box. The ballot box is the only opportunity that they have, and for years we have not had that problem on election day in our districts, and it seems to me that has been the best way to handle problems. While there are clubs and while there are other private clubs that may exist within the community, most of them do not surround themselves within the inner-city working but may be downtown or may be on the outskirts of our city but do not affect the election day for those persons who may want to go out and get a drink.

Again, I would like to reiterate that we approached Representative Lashingner on this question. And again, it was not an attempt to hurt the hotels and the convention centers in the State of Pennsylvania, but a serious attempt was made to try to compromise this issue by dealing specifically with the fact that taverns and bars in our community that are open on election day present a present danger to those citizens who are being allowed to vote and who are capable of voting. Also, it has a tremendous impact on those individuals who may want to get to the polling place and vote, but the fact that they may become intoxicated and not get there at all will be in fact a detriment to our community.

We are asking for support on this amendment, and I ask the members of this House, use a little wisdom and understanding. This is not an attempt to kill billions of dollars. It is not an attempt to hurt the industry itself, but it is an attempt to save people, and I think that that is more important than booze and money and convention centers and also hotels. Thank you very much for your support.

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

Mr. GLADECK. Will the gentleman, Mr. Richardson, stand for brief interrogation?

The SPEAKER. The gentleman indicates he will.

Mr. GLADECK. Mr. Speaker, I do not reside nor do I participate in the political process in Philadelphia. Could you help enlighten me as to exactly how specifically this bill, if it is enacted, would affect Philadelphia on election day as far as the electoral process goes?

Mr. RICHARDSON. Yes, I can, Mr. Speaker. First, I can give an example in my own legislative district where there are three bars within one block. There is an election polling place directly on the same block where the bars are. If those bars were to be open, those persons who would be on their way to vote could be stopped, and have been stopped on special election days, where a person would say, well, let us stop off at the bar and let us get a drink. They stop off at the bar 9 times out of 10.

Because we have street lists, we go down those street lists, and what we do is we check those names off of those various individuals to go out and get them to bring them out to the polls, if in fact they are not working but we know they are home. We will not be able to draw those people out because of the fact that they will be sitting in a bar, and if they are sitting in a bar, you cannot very well pull them out of the bar to bring them to vote. Number one, if they have gotten intoxicated, it is going to be impossible for them to pull any levers. That is

just one aspect of it. Number two, we have seen it being used as also an opportunity to make money, where people will pay persons to go in and vote. If it is your opponent or if it is the opposite folks that you may be endorsing, they will give them money, after they have bought them a drink, to go in and vote the way they want them to vote. We find that to be a very dangerous precedent.

Mr. GLADECK. Could you explain that point again? Do you mean they would pay somebody?

Mr. RICHARDSON. Sure. I would take \$5 out of my pocket, go into a bar, give a guy a drink, and ask him to vote my way, because of the fact that that bar is open. Now, that does not say that there are not speakeasies in the neighborhood where a person could go. That does not say they could not go to a club, but if the availability of all the bars are open for them to go to and afford them the opportunity to get a drink, we run into a serious problem.

We are saying that we do not want that type of what we call fraud being exemplified on election day, to allow people to get away with that type of action. We think that the best way to do it is to exclude Philadelphia, since Representative Lashinger would not accept the amendment that we said would just deal with hotels and convention centers. We do not want to hurt them, but in our areas where the bars and the taverns are, it does hurt us directly, and we are saying that we are offering this exclusion for Philadelphia, because everybody else in the State says they do not have a problem. So if they do not have a problem, then I am saying that Philadelphia needs to be excluded from the rest of the State in relationship to this particular question.

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

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

Mr. VROON. Mr. Speaker, I have to be very much in accord with my brethren across the aisle on this subject. I have to take my hat off to them, because I realize that they are facing a problem and they want something to be done about it.

I must say that I cannot really see a whole lot of objection to excluding Philadelphia either. When it comes to conventions, when it comes to hotels, what are we talking about? We are talking about part of 2 days a year—part of 2 days a year—because at 8 o'clock when the polls close, everybody can go into the taprooms or anywhere they like to drink. Now, is it asking too much to prevent the mixture, the unholy mixture of voting and liquor for just a few hours in Philadelphia? I do not think so. Ask the people who know. They are saying it; they are calling it just as it is. The abuses are there, and they know what they are. I respect them highly for doing this, and I support their amendment, and I implore you to support it as well.

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

Mr. LASHINGER. Mr. Speaker, I would rise again to oppose the Richardson amendment for much the same reason I opposed the first Richardson amendment. Let me assure

some of the members that Mr. Richardson is absolutely correct. We tried to arrive at a compromise. Originally the compromise that was suggested was a room requirement that would just restrict the election day sales to the hotels and those people involved in the convention and tourist trade. After further search we looked at the matter and we looked at restaurants that were impacted by that type of decision, and we felt that areas much like Penn's Landing, where there are a large number of restaurants, would be seriously impacted by that type of restriction. Mr. Richardson then proposed an exemption for the city of Philadelphia. Those restaurants would still be restricted or be exempted for election day sales with that type of amendment. Some of the other things that we might explore at a future date are things like a local option for the city and county of Philadelphia on election day sales, and that might be another avenue for the sponsors of the amendment to travel.

I would again suggest that we are talking about much more than Mr. Vroon suggested. We are talking about, like some of my colleagues have indicated, conventions that plan months and sometimes years ahead, and this is one of the variables that they would take into consideration. Another consideration, especially in the city of Philadelphia, we are talking about jobs. Service employees generally employed in this type of industry do not gain this day off as a benefit. This is generally a day that they do without pay - waiters, waitresses, and general service employees - so we are talking about people doing without jobs also on that day. So we are talking about a great loss of income aside from a loss of tourist and travel trade, and I therefore oppose the amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—50

Barber	Fischer	Lloyd	Stevens
Blaum	Foster, Jr., A.	Lucyk	Stewart
Boyes	Gladeck	Miller	Sweet
Brown	Gruitza	Mullen	Taylor, E. Z.
Cimini	Haluska	Murphy	Taylor, F. E.
Cohen	Harper	O'Donnell	Trello
DeWeese	Heiser	Oliver	Vroon
Dawida	Hutchinson, A.	Pendleton	Wass
Deal	Irvis	Phillips	Wiggins
Dietz	Johnson	Pitts	Williams, H.
Emerson	Kukovich	Rasco	Wozniak
Evans	Laughlin	Richardson	Wright, R. C.
Fargo	Livengood		

NAYS—144

Alden	Fee	McIntyre	Saurman
Anderson	Fleck	McVerry	Serafini
Armstrong	Foster, W. W.	Mackowski	Seventy
Arty	Frazier	Madigan	Showers
Belardi	Freind	Maiale	Shupnik
Belfanti	Fryer	Manmiller	Sieminski
Beloff	Gallagher	Marmion	Sirianni
Berson	Gallen	Merry	Smith, B.
Bittle	Gamble	Michlovic	Smith, E. H.
Bowser	Gannon	Micozzie	Smith, L. E.
Brandt	Geist	Miscevich	Snyder
Burd	George	Moehlmann	Spencer
Burns	Grabowski	Morris	Spitz
Caltagirone	Gray	Mowery	Stairs

Cappabianca	Greenfield	Mrkonic	Steighner
Cawley	Greenwood	Nahill	Stuban
Cessar	Grieco	Noye	Swaim
Civera	Gruppo	Olasz	Swift
Clark	Hagarty	Perzel	Taddonio
Clymer	Hasay	Peterson	Telek
Cochran	Hayes	Petrarca	Tigue
Colafella	Hoefel	Petrone	Van Horne
Cole	Honaman	Piccola	Wachob
Cordisco	Horgos	Pievsky	Wambach
Cornell	Itkin	Pistella	Wargo
Coslett	Jackson	Pott	Wenger
Cowell	Kennedy	Pratt	Weston
Cunningham	Klingaman	Pucciarelli	Williams, J. D.
DeMedio	Kolter	Punt	Wilson
DeVerter	Kowalyszyn	Rappaport	Wogan
Daikeler	Lashinger	Reber	Wright, D. R.
Dininni	Lehr	Rieger	Wright, J. L.
Dombrowski	Lescovitz	Ritter	Zwinkl
Donatucci	Letterman	Rocks	
Dorr	Levi	Rybak	Ryan,
Duffy	Levin	Salvatore	Speaker
Durham	McClatchy		

NOT VOTING—6

Borski	Kanuck	McMonagle	Manderino
Davies	Lewis		

EXCUSED—0

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

The SPEAKER. The gentleman, Mr. Richardson, filed a reconsideration motion in connection with the Lashinger amendment of yesterday. Does the gentleman care for that to be considered at this time?

Mr. RICHARDSON. Mr. Speaker, I had hoped that that would have been considered first before our amendments. I at this point withdraw the reconsideration motion.

The SPEAKER. The Chair thanks the gentleman. Does the gentleman have additional amendments?

Mr. RICHARDSON. There was an amendment in the Reference Bureau that was supposed to come down, Mr. Speaker, relevant to Representative Emerson. I thought it was already down, and we are trying to track it down now. If it is not ready, Mr. Speaker, I would just roll the bill, and we will try to attach it to another amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—119

Anderson	Durham	McClatchy	Rocks
Belardi	Emerson	McIntyre	Rybak
Belfanti	Fargo	McMonagle	Salvatore
Beloff	Fleck	McVerry	Saurman
Berson	Frazier	Mackowski	Serafini
Bittle	Gallagher	Maiale	Seventy
Blaum	Gannon	Manmiller	Showers
Bowser	Gladeck	Merry	Shupnik

Brandt	Grabowski	Michlovic	Spitz
Brown	Gray	Miscevich	Steighner
Burd	Greenfield	Moehlmann	Stevens
Burns	Greenwood	Morris	Stewart
Caltagirone	Gruitza	Nahill	Stuban
Cappabianca	Gruppo	O'Donnell	Swaim
Cawley	Hagarty	Olasz	Taddonio
Cessar	Haluska	Pendleton	Telek
Clark	Heiser	Perzel	Tigue
Colafella	Hoefel	Petrarca	Trello
Cole	Hutchinson, A.	Petrone	Van Horne
Cordisco	Itkin	Pievsky	Wachob
Cornell	Klingaman	Pistella	Wargo
Cowell	Kolter	Pott	Weston
DeMedio	Kowalyszyn	Pratt	Wilson
DeWeese	Kukovich	Pucciarelli	Wogan
Daikeler	Lashinger	Punt	Wozniak
Dawida	Laughlin	Rappaport	Wright, J. L.
Dininni	Lescovitz	Rasco	Zwinkl
Dombrowski	Letterman	Reber	
Donatucci	Levin	Rieger	Ryan,
Dorr	Lucyk	Ritter	Speaker
Duffy			

NAYS—75

Alden	Foster, Jr., A.	Livengood	Smith, B.
Armstrong	Freind	Lloyd	Smith, E. H.
Arty	Fryer	Madigan	Smith, L. E.
Barber	Gallen	Marmion	Spencer
Boyes	Gamble	Micozzie	Stairs
Cimini	Geist	Miller	Sweet
Civera	George	Mowery	Swift
Clymer	Grieco	Mrkonic	Taylor, E. Z.
Cochran	Harper	Mullen	Taylor, F. E.
Cohen	Hasay	Murphy	Vroon
Coslett	Hayes	Noye	Wambach
Cunningham	Honaman	Oliver	Wass
DeVerter	Horgos	Peterson	Wenger
Deal	Irvis	Phillips	Wiggins
Dietz	Jackson	Piccola	Williams, H.
Evans	Johnson	Pitts	Williams, J. D.
Fee	Kennedy	Richardson	Wright, D. R.
Fischer	Lehr	Sieminski	Wright, R. C.
Foster, W. W.	Levi	Sirianni	

NOT VOTING—6

Borski	Kanuck	Manderino	Snyder
Davies	Lewis		

EXCUSED—0

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

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

REMARKS ON VOTE

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

Mr. GALLEN. Mr. Speaker, I inadvertently voted in the negative on SB 484. I wish to be recorded in the affirmative.

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

**REPORT OF COMMITTEE
OF CONFERENCE CONSIDERED**

Mr. FRYER called up for consideration the following Report of the Committee of Conference on **HB 22, PN 2730**, entitled:

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), further providing for filling of vacancies in certain borough offices.

On the question,

Will the House adopt the report of the committee of conference?

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

Mr. FRYER. Mr. Speaker, the conference committee report returns the bill to its original language as contained in PN 22.

For the purpose of analysis, the original analysis, dated January 22, 1981, on PN 22 would apply to the conference committee report. The bill in its original form passed the House by a vote of 194 to 0. I would urge approval of the conference committee report, Mr. Speaker.

On the question recurring,

Will the House adopt the report of the committee of conference?

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

YEAS—197

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

Daikeler	Kennedy	Pitts	Williams, H.
Davies	Klingaman	Pott	Williams, J. D.
Dawida	Kolter	Pratt	Wilson
Deal	Kowalshyn	Pucciarelli	Wogan
Dietz	Kukovich	Punt	Wright, D. R.
Dininni	Lashingier	Rappaport	Wright, J. L.
Dombrowski	Laughlin	Rasco	Wright, R. C.
Donatucci	Lehr	Reber	Zwikl
Dorr	Lescovitz	Richardson	
Duffy	Letterman	Rieger	Ryan,
Durham	Levi	Ritter	Speaker
Emerson	Levin	Rocks	

NAYS—0

NOT VOTING—3

Kanuck	Lewis	Wozniak
--------	-------	---------

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

**SENATE ADOPTS REPORT OF
COMMITTEE OF CONFERENCE**

The clerk of the Senate, being introduced, informed that the Senate has adopted the Report of the Committee of Conference on the subject of the differences existing between the two Houses on **SB 562, PN 1585**.

**REPORT OF COMMITTEE
OF CONFERENCE CONSIDERED**

Mr. HAYES called up for consideration the following Report of the Committee of Conference on **SB 562, PN 1585**, entitled:

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), entitled "Municipality Authorities Act of 1945," further providing for the purposes and powers of Authorities.

On the question,

Will the House adopt the report of the committee of conference?

The SPEAKER. The Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, the Conference Committee on SB 562 recommends to the House that this conference report be accepted. I would call to the memory of the members that this is the bill that permits the private colleges to utilize the municipal bonding market in order to get capital for reconstruction of some of their campus buildings. There had been an error, an oversight really, in omitting in the language the State-related colleges and the community colleges which already do have this particular privilege. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Again, Mr. Speaker, my calendar is not marked that this bill be brought up, and I want to check with Mr. Cowell for a moment.

The SPEAKER. It is the understanding of the Chair that Mr. O'Donnell and Mr. Cowell had reviewed this.

Mr. IRVIS. Thank you, Mr. Speaker. I have been so informed.

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

Mr. MURPHY. I would like to interrogate Representative Taylor, please.

The SPEAKER. The lady indicates she will stand for interrogation. The gentleman may proceed.

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, I have some concern that by permitting municipal authorities to float bonds for a variety of colleges and universities in this State, that we would begin to lose control over, one, the amount of bonds being let in the State, and two, the amount of construction taking place for higher education. Could you answer that? How do we keep track of all the bonds being floated if they are not being floated through one central agency, as presently the case?

Mrs. TAYLOR. Mr. Speaker, I can respond to that by saying that this bill was reviewed by the Local Government Committee. The Local Government Committee looked into that fact, and it is with the cooperation of the local municipal authority that bonds may be used for this purpose. So I believe that is covered in the bill.

Mr. MURPHY. Mr. Speaker, I am not sure that you answered my question. My first question, I guess, is, does the Department of Education in some way have a veto power or some control over which bonds are floated through the municipal authorities under this legislation?

Mrs. TAYLOR. No.

Mr. MURPHY. Will any central authority keep track of how many bonds and what bonds are being issued through municipal authorities for higher education development and construction?

Mrs. TAYLOR. Mr. Speaker, to my knowledge, I do not know of any central authority. I do know that this would be looked upon by, as I said before, the local municipal bonding authorities.

Mr. MURPHY. Mr. Speaker, it is my opinion that if the local municipal bond authority floated or issued a bond to construct a building for a community college or a State-related university, once the bond was floated, the obligation would fall back on the State-related university to pay back the bonds over a 30-year period. That would be reflected in tuition increases and would be reflected in State aid. Is that not correct?

Mrs. TAYLOR. Mr. Speaker, I can best answer you to say that community colleges and State-related universities have had this prerogative and have been using this source. The original purpose of this bill was to permit also this type of funding to be used by the private colleges and universities when in fact they had a good financial statement that would permit them to use this kind of bond.

Mr. MURPHY. Mr. Speaker, it is my understanding that private universities and community colleges were not included previously in this authority.

Mrs. TAYLOR. Mr. Speaker, in another part of law, community colleges and State-related universities were included, and it was to coincide this bill with other parts of law that we reworked the bill to include them in this particular bill.

Mr. MURPHY. Thank you, Mr. Speaker. May I make a few comments?

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

Mr. MURPHY. Thank you, Mr. Speaker.

I have some real concerns about this legislation, because presently most of these bonds are issued through the Pennsylvania Higher Education Authority, and there is one organization that is keeping track at least of the amount of bonds and the type of construction taking place in this State, in the Commonwealth, for higher education.

I think we all realize that many of the colleges and universities in this State are facing declining enrollments, but often for municipalities, it would be to their benefit, the municipalities' benefit, to have new construction. It would mean more jobs, more building taking place, but it might not be to the best interest of the people of the Commonwealth to be saddled with further costs for construction, the payment of bonds over 30 years, and the interest rate that goes with them. So it seems to me that it would be to our benefit, rather than permitting the bonds to be floated through local municipalities where there would be no central agency regulating these, that we continue to permit the bonds to be floated through the Higher Education Authority so that there would be some control and some oversight other than at the local level. Thank you.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would join with Mrs. Taylor in urging that this House concur in the conference report.

The change that the conference committee made dealt only with the issue of the State-related schools and the community colleges. The basic principle of making this method available, this funding method available to private institutions was previously addressed in the legislation, so the principle was established. We are simply trying to correct an oversight and extend it to the State-related schools and the community colleges.

If in fact we are concerned about the cost of such construction, new improvements at the various types of campuses around this State, then certainly we ought to support this legislation, because what it does is simply provide another financing opportunity or option to the institutions that are included in this legislation. They still, if they choose and if they can get the best bargain, use the Higher Ed Authority at the State level. This provides another option, not an only option, not an only alternative or an only method, but another option where they can go the municipal authority route. If we are truly concerned about giving them the option of going the most economical route so they can keep tuition low and not have to come so frequently to the State for as much money, we ought to adopt this legislation.

The facilities authority right now provides one option, one method, of providing financing for these institutions. It is certainly not the only method of providing financing, so in that sense it does not act as a central overseer of all construction going on on campuses across this State. We do not have such an agency. We are not going to have such an agency even if we would reject this. Therefore, we ought to adopt the bill as reported from the conference committee.

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

Mr. ARMSTRONG. Thank you, Mr. Speaker.

May I interrogate Mrs. Taylor, please?

The SPEAKER. The lady indicates she will stand for interrogation. The gentleman may proceed.

Mr. ARMSTRONG. I just want one matter cleared up for my own edification. Take for instance in Lancaster County, we have Franklin and Marshall College. If they want to float bonds to build a new dormitory, for instance, where would they go to float bonds? In Lancaster County we have many municipal authorities. We have the sewer authority, we have the hospital authority, the refuse authority, the Industrial Development Authority. I do not know where they would go, what authority would be used to float these bonds, and that is my question. Do we have to form a new authority?

Mrs. TAYLOR. It is my understanding, Mr. Speaker, that there must be one of those authorities that you just have enumerated that might be most affected by F and M entering the bond market, and I would suggest to you that perhaps it would be that authority to which they would go for guidance and counsel.

Mr. ARMSTRONG. All right. Thank you, Mr. Speaker. That is all.

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

Mr. RAPPAPORT. Would the lady from Chester consent to interrogation?

The SPEAKER. The lady indicates she will. The gentleman may proceed.

Mr. RAPPAPORT. Perhaps I was not listening, Mr. Speaker, but does this mean that Temple, Pitt, and Penn State can borrow money for additional buildings by going through the local municipal authority without coming through the State?

Mrs. TAYLOR. Mr. Speaker, they already have that source of funding. As Representative Cowell said, that is already in law. They already have that source of authority. We merely wanted it stated in this piece of legislation so that it would be for clarity. That was not what we were talking about in the original intent of this bill, because the State-related colleges that were just enumerated there by Representative Rappaport have always had the privilege of going into the bonding market and have used the bonding market when they deemed it necessary.

Mr. RAPPAPORT. Mr. Speaker, could the lady inform us as to whether the State-owned colleges will now have this power, like West Chester?

Mrs. TAYLOR. The State-owned colleges will not have this power under this piece of legislation.

Mr. RAPPAPORT. Perhaps the lady could inform me by what authority the State-related schools have this. What is the law that gives them the authority to do it? I am not aware of any, and I could very well be wrong. I am not an expert on this area.

Mrs. TAYLOR. Mr. Speaker, I do not have that information.

Mr. RAPPAPORT. Do I understand, Mr. Speaker, the lady cannot give us the information?

Mrs. TAYLOR. At this time. I will see that that information is forwarded to you.

Mr. RAPPAPORT. Then, Mr. Speaker, I would like to ask that the bill go over until we do get that information.

The SPEAKER. Is the gentleman, Mr. Cowell, able to answer the question of the gentleman, Mr. Rappaport?

Mr. COWELL. Mr. Speaker, I did not hear the question.

Mr. IRVIS. Mr. Speaker, will the gentleman, Mr. Cowell, yield?

The SPEAKER. The gentleman indicates he will.

BILL PASSED OVER

Mr. IRVIS. Mr. Speaker, as much as I regret doing this, because I know Mrs. Taylor is concerned with this and I am concerned also, we have not caucused on this. Obviously, Mr. Speaker, a number of people on our side have questions about this bill. I would ask that the bill be passed over at this time. If necessary, if time is of the essence, I mean we will be ready to do this tomorrow, but not tonight.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

I concur with the minority leader, and we can schedule this bill on our next legislative day. No problem, Mr. Speaker.

The SPEAKER. The Chair withdraws its decision, without objection, that the conference committee report was called up. Without objection, this bill will be passed over for the day. The Chair hears no objection.

REMARKS ON VOTE

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

Mr. DAVIES. On SB 484 I was out of my seat on final passage. I would like to be recorded in the negative on that vote.

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

RESOLUTION ADOPTED

Mr. FRAZIER called up **HR 137, PN 2669**, entitled:

General Assembly expresses its appreciation to the Royal American Regiment, "His Majesty's 60th Regiment of Foot," Pittsburgh, Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

NAYS—2

Gallagher	Rappaport
-----------	-----------

NOT VOTING—4

Burd	Foster, W. W.	Kanuck	Lewis
------	---------------	--------	-------

EXCUSED—0

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

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

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The clerk of the Senate, being introduced, returned the following **HB 942, PN 2690**, with information that the Senate

has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the payment of tuition of out-of-state medically indigent children hospitalized in certain exclusively charitable childrens hospitals and making an appropriation.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Boyes.

Mr. BOYES. Mr. Speaker, I suggest that the House do concur in the amendments to HB 942 as inserted by the Senate.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—196

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

NAYS—0

NOT VOTING—4

Foster, W. W. Gannon Kanuck Lewis

EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

AMENDED HOUSE RESOLUTION RETURNED FOR CONCURRENCE CONSIDERED

The clerk of the Senate, being introduced, returned the following HR 72, PN 2689, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

General Assembly memorialize Congress prevent moves planned by Department of Defense of Fort Indiantown Gap Military Reservation civilian employees.

On the question, Will the House concur in Senate amendments?

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

Mr. PETRARCA. Mr. Speaker, I suggest that the House do concur in the amendments to HR 72 as inserted by the Senate.

On the question recurring, Will the House concur in Senate amendments?

The following roll call was recorded:

YEAS—190

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

Cunningham Itkin Phillips Wass
DeMedio Jackson Piccola Wenger
DeVerter Johnson Pievsky Weston
DeWeese Kennedy Pistella Williams, H.
Daikeler Klingaman Pitts Williams, J. D.
Davies Kolter Pott Wilson
Dawida Kowalshyn Pratt Wogan
Deal Kukovich Pucciarelli Wozniak
Dietz Lashingier Punt Wright, D. R.
Dininni Laughlin Rappaport Wright, J. L.
Dombrowski Lehr Rasco Wright, R. C.
Donatucci Lescovitz Reber Zwickl
Dorr Letterman Richardson
Duffy Levi Rieger Ryan,
Durham Levin Ritter Speaker

NAYS—0

NOT VOTING—10

Barber Hoeffel Lucyk Taddonio
Foster, W. W. Kanuck Sirianni Wiggins
Gray Lewis

EXCUSED—0

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

Ordered, That the clerk inform the Senate accordingly.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, the balance of the bills and resolutions on today's calendar will be passed over. The Chair hears none.

STATEMENT ON LEGISLATION TO BE INTRODUCED

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Richardson, rise?

Mr. RICHARDSON. At the appropriate time, Mr. Speaker, I have two bills that I am offering, and I would like to let the members know that they will be available for signature at the desk if in fact they want to sign them. I want to know if I am allowed to mention what they are.

The SPEAKER. The Chair thanks the gentleman.

Mr. RICHARDSON. May I?

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

Mr. RICHARDSON. Mr. Speaker, the two bills that we offer today that will be at the desk, one is dealing with the problem of heat in Pennsylvania, and we feel that the problem around kerosene heaters is a very serious one, particularly as it relates to a number of persons who are disenfranchised in Pennsylvania because of the heating problem and high utility costs. We have a bill there that says that kerosene heaters will be valid and be allowed to be sold so that people will be able to keep their houses warm in the State of Pennsylvania.

The second deals with banks and the problem of dealing with disenfranchisement, and also of banks that deal with investments in South Africa. We ask that those persons who wish to sign these particular bills do so. They will be at the desk for the remainder of this session.

STATEMENT BY MR. MULLEN

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

Mr. MULLEN. Mr. Speaker, I have an unpleasant task to do, but I do think that I ought to call it to the members' attention.

Yesterday afternoon a group of women from western Pennsylvania came to my office and they were greatly upset. They were: Mary Lou Gartner, from 1629 Vista View Drive, Verona; Doris Grady, from 517 S. Highland, Pittsburgh; Marcy Meenan, R.N., from 1821 Realty Avenue, Pittsburgh; Helen Cindrich, from 1114 Jack's Run Road, North Versailles; and Kathy Bates, from 4412 McKenzie Drive, Monroeville. Now what happened, on January 22 the prolife people in Pittsburgh had a parade, and during the course of the parade—the March For Life it was—they secured 2,850 signatures on a scroll from the people who participated in the parade. They were directed to come to Harrisburg and present the petition to the Governor with this book. They called yesterday and they were told that they could present it. Well, they went to the Governor's Office yesterday to make the presentation—and it was quite a scroll; it was 352 feet long—and the Governor would not see them. They were highly upset about it, and they came to my office and asked me if I would not call it to the members' attention.

Now, what I am going to do, I am going to give the Governor this book, and those of you especially on the Republican side, will you tell the Governor to be apologetic and send these ladies an apology letter for treating them the way they were treated? They should not be treated that way because they are citizen taxpayers, they represent 2,850 people, and whether he agreed with them or disagreed with them, he should have made it a point to treat them with courtesy. I was asked by the Pittsburgh people if I would not call it to your attention, which I am doing, and any of you who have influence with the Governor, please ask him to write to these ladies and apologize. Thank you.

STATE GOVERNMENT COMMITTEE MEETING

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

Mr. GALLEN. Mr. Speaker, there will be an important meeting of the State Government Committee tomorrow morning at 10 a.m. in room 401. Thank you, Mr. Speaker.

MOTION TO SUSPEND RULES

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

Mr. ITKIN. Mr. Speaker, I would like to make a motion at this time to suspend the rules so that we can have immediate consideration of a resolution that I am planning to offer today.

On Monday, January 18 of this year, certain allegations were made relating to the conduct—

The SPEAKER. The gentleman will yield.

The question before the House is, will the House agree to suspend the rules to immediately consider a resolution to be offered by the gentleman, Mr. Itkin?

On the question,

Will the House agree to the motion?

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

Mr. ITKIN. Mr. Speaker, the resolution pertains to certain allegations that were made relating to the conduct of the Department of Environmental Resources and the Governor's Office of General Counsel. The allegations were brought to light by a member of this House, Representative Michlovic, and a former member of the Department of Environmental Resources, an attorney by the name of Mr. Robert Ging. They charged serious allegations of failure by DER to enforce the Commonwealth's laws, widespread interference and impropriety in administering coal strip mine policies and regulations, and finally granting special treatment to certain coal mine operators. The issue is further compounded because the charges also allege that the Governor's Office of General Counsel—

The SPEAKER. The gentleman will yield.

The question before the House is the question of suspension of the rules.

Mr. ITKIN. That is correct, Mr. Speaker, and I am trying to give the reasons why today we should consider immediate consideration of the resolution.

That the Governor's Office of General Counsel attempted to undermine the department's regulatory policy.

What has happened, Mr. Speaker, is that now these allegations have seriously damaged the credibility of the department. DER was created 11 years ago to act as a steward over the Commonwealth's lands, to manage its natural resources, and to assure Pennsylvanians of clean air and pure water. It is important for the department, in pursuing these legislative mandates, to maintain an image of openness and impartiality.

The allegations leveled against the department pertain to—

The SPEAKER. Will the gentleman yield?

POINT OF ORDER

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

Mr. GALLEN. Point of order, Mr. Speaker. The gentleman is not speaking on the motion.

The SPEAKER. The Chair has attempted to be lenient on this. I happen to agree at this time with the gentleman, Mr. Gallen. I think his point of order is well taken.

I would ask that the gentleman attempt to restrict his remarks to the question which is before the House, which deals with the suspension of the rules.

Mr. ITKIN. Mr. Speaker, I am trying to establish now the seriousness of these charges and the cloud of suspicion which now hangs over this administration and the Department of Environmental Resources. If we expect this department to continue to act responsibly and with the mandates that this General Assembly has given it—

The SPEAKER. Will the gentleman yield?

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Pistella, rise?

Mr. PISTELLA. I rise for a point of order, Mr. Speaker.

Mr. Speaker, would it be in order for a member to interrogate Representative Itkin as to the content of the said resolution at this point?

The SPEAKER. The question before the House is the question of suspension of the rules to immediately consider a resolution.

Mr. PISTELLA. My question would be, would a member be permitted to interrogate Representative Itkin as to the content of the resolution itself?

The SPEAKER. The clerk will read the resolution that is the subject matter of this suspension motion.

The following resolution was read:

In the House of Representatives,
WHEREAS, There have been serious allegations made regarding the conduct of the Department of Environmental Resources in pursuit of its statutory responsibilities; and

WHEREAS, These allegations involve a failure to enforce the Commonwealth's laws which were designed to protect Pennsylvania's citizens and environment; interference and impropriety in administering coal strip mine policies, regulations and laws; and giving certain coal mine operators preferential treatment; therefore be it

RESOLVED, That the House of Representatives direct the House standing Committee on Mines and Energy Management to investigate the matter to determine the validity of these allegations; and be it further

RESOLVED, That the committee may hold hearings, take testimony, and make its investigation at such places as it deems necessary within this Commonwealth. It may issue subpoenas under the hand and seal of its chairman commanding any person to appear before it and to answer questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee deems necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Any person who willfully neglects or refuses to testify before the committee or to produce any books, papers, records or documents, shall be subject to the penalties provided by the laws of the Commonwealth in such case. Each member of the committee shall have the power to administer oaths and affirmations to witnesses appearing before the committee; and be it further

RESOLVED, That the committee report its findings to the House of Representatives, together with any recommendations as soon as possible.

POINT OF ORDER

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

Mr. DeVERTER. I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. DeVERTER. Mr. Speaker, we had a motion on the floor to suspend the rules. The Speaker has now permitted a

resolution to be read, which would indicate to me at least that we now have a resolution in front of us, and as far as I know, we cannot have two motions at the same time before this body.

The SPEAKER. The gentleman is inaccurate in his assumption. The Chair instructed the clerk to read the resolution in hopes that this would cut off all of the debate as to the subject matter of the suspension motion. The resolution is not before the House. The question of suspension of the rules to consider the resolution is before the House.

On that question, the Chair recognizes the gentleman from Bucks, Mr. Wright.

Mr. J. L. WRIGHT. Is the gentleman, Mr. Itkin, finished?

Mr. ITKIN. I yield the floor to you, Mr. Wright.

Mr. J. L. WRIGHT. I rise to agree with the minority chairman of the House Mines and Energy Committee that serious charges have been levied. I, in my role as the majority chairman of the committee, took those charges as being serious and forwarded them to the Attorney General of the Commonwealth of Pennsylvania and asked for an immediate investigation. A copy of my letter on that subject was distributed to each and every member of this House. The Attorney General, or more properly the Executive Deputy Attorney General, responded and said, "I have initiated a preliminary inquiry into this matter in order to determine what further investigation is appropriate." I have gone beyond that and I have consulted with legal counsel to see if there would be any problems with a legislative inquiry going on at the same time that an investigation is being conducted by the Attorney General, particularly as it relates to alleged criminal activities, and I have been advised that we in the legislature might compromise the quality of the investigation that is being conducted by the Attorney General and may lay some groundwork for future court action which might negate any of the results.

It is my recommendation to this body that we accept the resolution, assign it to the Rules Committee, and leave it there until such time as we get a report back from the Attorney General or until such time as he concludes his investigation and makes a decision.

I highly recommend that we reject Representative Itkin's motion to suspend the rules, and allow the resolution to follow its natural course, and leave that final decision as to what we are going to do to the Rules Committee of this House.

Copies of the letters from me to the Attorney General, his answer to me, and his answer to Representative Michlovic, I would like to submit for the record.

The SPEAKER. Did the gentleman, Mr. Wright, conclude his remarks?

Mr. J. L. WRIGHT. Yes.

The SPEAKER. The Chair thanks the gentleman.

LETTERS SUBMITTED FOR THE RECORD

Mr. J. L. WRIGHT submitted the following letters for the Legislative Journal:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

January 18, 1982

Honorable LeRoy S. Zimmerman
Attorney General
16th Floor Strawberry Square
Harrisburg, PA 17120

Dear Attorney General Zimmerman:

At a press conference held this morning in Harrisburg, Pennsylvania, Representative Thomas A. Michlovic issued allegations regarding the conduct of the Department of Environmental Resources and the administration of the Governor of the Commonwealth. Representative Michlovic also stated that he would seek to have an investigation of his charges be made by the House Mines and Energy Management Committee.

The charges made by Representative Michlovic appear to raise serious matters involving illegal and possibly criminal conduct in office by public officials. In his statement, Representative Michlovic indicated that the issues which are the basis of his charges involve matters of "...questionable legality..." and, "...smack of corruption in the fullest sense of the word...".

Since Representative Michlovic's charges raise the issue of possible criminal conduct, I believe that it is a matter for review and investigation by the Attorney General.

Further, since the charges are of such a nature so as to raise the question of alleged criminal conduct, the possibility exists that any investigation conducted by the House Mines and Energy Management Committee could possibly compromise any investigation by your office of the charges.

Therefore, as Chairman of the House Mines and Energy Management Committee, I am forwarding the materials issued by Representative Michlovic containing the aforementioned allegations with the request that your office immediately investigate same.

Sincerely,
James L. Wright, Jr.

JLW:ml

Commonwealth of Pennsylvania
Office of Attorney General
Harrisburg

January 21, 1982

Honorable James L. Wright, Jr.
Chairman of the House Mines and
Energy Management Committee
House of Representatives
Room 252, Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Chairman Wright:

This is in response to your letter to the Attorney General, dated January 18, 1982, which forwarded materials presented by Representative Thomas A. Michlovic concerning allegations regarding the activities of the Department of Environmental Resources.

Your letter requested that the Office of Attorney General investigate the allegations raised by these materials.

I have initiated a preliminary inquiry into this matter in order to determine what further investigation is appropriate. In view of the request made to your committee, I will keep you advised of the status of our determinations.

Sincerely,
Robert L. Keuch
Executive Deputy
Attorney General
Director, Criminal
Law Division

RLK:ps

Commonwealth of Pennsylvania
Office of Attorney General
Harrisburg

January 21, 1982

Honorable Thomas A. Michlovic
State Representative
Room 121, South Office Building
Harrisburg, Pennsylvania 17120

Dear Representative Michlovic:

This is in response to your letter to the Attorney General, dated January 20, 1982, forwarding materials reflecting allegations concerning the activities of the Department of Environmental Resources and specified public officials.

Enclosed for your information is a copy of my letter of this date to Representative James L. Wright in his capacity as Chairman of the House Mines and Energy Management Committee. As reflected in this letter, I have, at the request of the Chairman, initiated an inquiry into this matter.

If you have or obtain any further information relevant to this matter, I would appreciate your bringing it to my attention.

Very truly yours,
Robert L. Keuch
Executive Deputy
Attorney General
Director, Criminal
Law Division

RLK:ps
Enclosure

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

Mr. A. K. HUTCHINSON. I want to talk on the suspension of the rules.

Mr. ITKIN. Mr. Speaker, I yield to Mr. Hutchinson.

The SPEAKER. The gentleman is in order and may proceed to debate the question before the House, which is the motion to suspend the rules.

Mr. A. K. HUTCHINSON. Thank you, Mr. Speaker.

I am going to vote for suspension of the rules and against the resolution, and I think everybody else ought to, so that the Attorney General, whom everybody wanted as an independent branch of the government, will act rightly. You vote on all other suspensions. At least we ought to vote on the suspension, then vote on the resolution and vote it down the same as I am going to vote it down. But at least you ought to give them the opportunity to have it on the floor and have a vote to suspend the rules. You do it for everything else. Thank you very much.

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

Mr. ITKIN. Mr. Speaker, I do not really understand Representative Hutchinson's logic in terms of letting the Attorney General do it, and I am concerned about the correspondence and the discussions that came out of the Attorney General's Office relative to Representative Wright's request to look into this matter.

I have in front of me a copy of a Harrisburg Patriot article of January 21, 1982.

The SPEAKER. The gentleman will yield.

The question before the House is the suspension of the rules. It is not the intention of the Chair to permit a full-blown debate on the subject matter of the resolution.

Mr. ITKIN. I am not dealing with the resolution, Mr. Speaker. I am dealing or reacting to a statement made by the chairman of the Mines and Energy Management Committee when he discussed the suspension of the rules. He brought up the subject matter that it would not be appropriate at this time to adopt this resolution until the Attorney General has a chance to act. I differ with the majority chairman in that regard, especially because of certain comments that have been made by the Office of the Attorney General in regard to this matter.

I think it is important that this House be given the statements made by the Attorney General's Office in this regard so that they can make a judgment as to whether or not we should hold off on this investigation until the Attorney General has an opportunity to act. I would hope that because of this I would be allowed to continue with the discussion in this regard.

POINT OF ORDER

Mr. SALVATORE. Point of order, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Salvatore, will state his point of order.

Mr. SALVATORE. I have been sitting here patiently, Mr. Speaker. Now, we have read the resolution; he has discussed the resolution; the majority chairman of the Mines and Energy Committee has made some points. It says up there, suspension of the rules. That is what we are supposed to vote on. Let us vote on suspending the rules first, not the substantive matter of the issue.

The SPEAKER. The Chair agrees with the gentleman, Mr. Salvatore. The question before the House is on the suspension of the rules.

Mr. ITKIN. Mr. Speaker, I will try to be brief and bring this issue to a vote. I do believe that I have been—

The SPEAKER. Will the gentleman state his point with respect to why we should or should not suspend the rules?

Mr. ITKIN. The reason for the suspension of the rules at this time is my response to the majority chairman, who says it is not necessary to suspend the rules at this time because the Attorney General is going to look into this issue. He produced three documents of correspondence that said, go ahead, let the Attorney General do it. He says he will do it, and then we will see—

The SPEAKER. The gentleman, Mr. Itkin, will yield.

POINT OF ORDER

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

Mr. GALLEN. Mr. Speaker, the same point of order, but I would like to make it more vociferously, if possible, Mr. Speaker.

I think Mr. Wright was wrong; I think Mr. Hutchinson was wrong; and I think Mr. Itkin started the whole thing, and I think that he should be terminated, Mr. Speaker. We are getting nowhere.

The SPEAKER. For what purpose does the gentleman from Bedford, Mr. Dietz, rise?

Mr. DIETZ. Mr. Speaker, I move the previous question.

The SPEAKER. The Chair fails to see 25 seconds.

Will the gentleman, Mr. Itkin, please wind up his debate.

Mr. ITKIN. Mr. Speaker, the reason why I believe that this House should act at this time is because when the Attorney General's Office was inquired as to what it would do with these particular circumstances, it said it would have its criminal law division office investigate the case.

The SPEAKER. The gentleman will yield.

The question before the House is, will the House agree to suspension of the rules?

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

The following roll call was recorded:

YEAS—94

Barber	Evans	Livengood	Rocks
Belfanti	Fee	Lloyd	Rybak
Beloff	Fryer	Lucyk	Seventy
Berson	Gallagher	Maiale	Showers
Blaum	Gamble	Manderino	Shupnik
Borski	George	Michlovic	Steighner
Brown	Grabowski	Miscevich	Stewart
Caltagirone	Gray	Morris	Stuban
Cappabianca	Greenfield	Mullen	Swaim
Cawley	Gruitza	Murphy	Sweet
Clark	Haluska	O'Donnell	Taylor, F. E.
Cohen	Harper	Olasz	Tigue
Colafella	Hoeffel	Oliver	Trello
Cole	Horgos	Pendleton	Van Horne
Cordisco	Hutchinson, A.	Petrarca	Wachob
Cowell	Irvis	Petrone	Wambach
DeMedio	Itkin	Pievsky	Wargo
DeWeese	Kolter	Pistella	Wiggins
Dawida	Kowalshyn	Pratt	Williams, H.
Deal	Kukovich	Pucciarelli	Williams, J. D.
Dombrowski	Laughlin	Rappaport	Wozniak
Donatucci	Lescovitz	Richardson	Wright, D. R.
Duffy	Letterman	Ritter	Zwilk
Emerson	Levin		

NAYS—101

Alden	Fargo	Levi	Sieminski
Anderson	Fischer	McClatchy	Sirianni
Armstrong	Fleck	McVerry	Smith, B.
Arty	Foster, W. W.	Mackowski	Smith, E. H.
Belardi	Foster, Jr., A.	Madigan	Smith, L. E.
Bittle	Frazier	Manmiller	Snyder
Bowser	Freind	Marmion	Spencer
Boyes	Gallen	Merry	Spitz
Brandt	Gannon	Micozzie	Stairs
Burd	Geist	Miller	Stevens
Burns	Gladeck	Moehlmann	Swift
Cessar	Greenwood	Mowery	Taddonio
Cimini	Grieco	Nahill	Taylor, E. Z.
Civera	Gruppo	Noye	Telek
Clymer	Hagarty	Perzel	Vroon
Cochran	Hasay	Peterson	Wass
Cornell	Hayes	Phillips	Wenger
Coslett	Heiser	Piccola	Weston
Cunningham	Honaman	Pitts	Wilson
DeVerter	Jackson	Pott	Wogan
Daikeler	Johnson	Punt	Wright, J. L.
Davies	Kanuck	Rasco	Wright, R. C.

Dietz	Kennedy	Reber	
Dininni	Klingaman	Salvatore	Ryan,
Dorr	Lashingner	Saurman	Speaker
Durham	Lehr	Serafini	

NOT VOTING—5

Lewis	McMonagle	Mrkonic	Rieger
McIntyre			

EXCUSED—0

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

STATEMENT ON LEGISLATION INTRODUCED

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to make some brief comments about a piece of legislation that was just introduced today. Am I in order to do so?

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

Mr. COWELL. Mr. Speaker, the issue is one of importance to a lot of young people across this State, and that is the issue of the recent \$75 tuition increase. The legislation that was introduced today, HB 2193, with approximately 39 sponsors from both sides of this aisle, would appropriate a deficiency appropriation to the Department of Education of \$5.7 million, with instructions that the recent \$75 tuition increase be rescinded.

The SPEAKER. Will the gentleman yield?

Members of the press, leave the floor. The members of the press are not permitted the privilege of the floor while this House is in session.

The gentleman, Mr. Cowell, may proceed.

Mr. COWELL. Thank you, Mr. Speaker.

I want to bring the legislation to the attention of all the members of this House, because, again, this is an issue of immediate concern to approximately 75,000 students who attend our State colleges and university and, of course, their families.

I am asking that the Appropriations Committee chairman, Mr. McClatchy, consider scheduling this legislation in the very near future on an agenda of the Appropriations Committee. I think it is important that we take up this issue. The tuition increase was untimely and it was unfair, but most importantly we should keep in mind that what we in effect have asked students to do, what the Department of Education has asked students to do, is to pay an extra \$75 each for this term to finance an expenditure that was incurred by the State during 1977-78. The fact that this legislature and this administration have not previously set aside sufficient funds to meet that debt that we should have anticipated is not the fault of today's students. It is our fault, and the obligation should rest with this State Government, this legislature, and this administration to pay that debt that was awarded by an arbitrator and by the Pennsylvania Supreme Court. We should not and it is entirely inappropriate to ask today's students to pay an addi-

tional \$75. That is the reason this legislation has been introduced.

I want to bring it to your attention. I want to bring it to the attention of the members of the Appropriations Committee in particular, and I hope that with the support of members on both sides of this aisle, including those who may not be members of the Appropriations Committee, we can urge the chairman to schedule this for early consideration so that in fact the tuition increase can be rescinded and we can pay this debt of the Commonwealth in a more appropriate fashion. Thank you, Mr. Speaker.

SENATE MESSAGE

AMENDED HOUSE RESOLUTION RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 87, PN 2752**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

The SPEAKER. The resolution will appear on the calendar.

BILL SIGNED BY SPEAKER

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

HB 942, PN 2690

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the payment of tuition of out-of-state medically indigent children hospitalized in certain exclusively charitable childrens hospitals and making an appropriation.

INTERROGATION

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, may I interrogate Mr. Cowell?

The SPEAKER. Is the gentleman, Mr. Cowell, willing to be interrogated? The gentleman indicates he consents to interrogation. The lady may begin.

Miss SIRIANNI. Mr. Speaker, has Mr. Cowell figured out where we are going to get this extra money?

Mr. COWELL. Mr. Speaker, in response to the lady's question, this legislature in recent months has appropriated a variety of new tax breaks to horse breeders and railroads and a number of taxpayers of the Commonwealth. Some of those measures have not yet become law, but apparently, in the judgment of some legislators and some legislative leaders and administrative leaders, there are sufficient funds available for some of those spending priorities in their eyes or some of those tax break priorities in their eyes. I am suggesting that the \$5.7 million may be identifiable by reestablishing different priorities than we have established to date in some of that preliminary legislation or preliminary tax cuts. That is one method of doing it.

Secondly, it is quite clear that other spending measures will in fact be coming before this legislature during the remainder of the current 1982 fiscal year. There are lapses. The administration certainly has intentions of spending some of those lapsed dollars in a variety of ways. I personally and the sponsors of this legislation may or may not disagree or agree with the priorities that the administration has or that the lady may have. I am suggesting that this legislature needs to take this bill as well as other pieces of legislation that would spend money or cut taxes in various areas, and perhaps reorder the priorities somewhat differently than they have been expressed to date.

Miss SIRIANNI. Mr. Speaker, is Mr. Cowell willing to vote for a special tax to give these students this money?

Mr. COWELL. Mr. Speaker, I think the lady is playing games, as sometimes she has occasion to do when she does not want to take legislation seriously and seeks to duck an issue.

This particular bill does not require a tax increase, and that is a phony issue to raise. In fact, we could probably review some of the votes that the lady has cast recently—and I do not have that information in front of me—but I am suggesting that I would disagree with some of the priorities that have been reflected by her votes or votes that other members of this legislature may have cast, to give tax breaks to horse breeders, for instance, or perhaps to spend money on any number of items. I am suggesting that there are sufficient funds available for the remainder of this fiscal year. There are sufficient unexpended funds available, and I would suggest that we can fund this particular bill, HB 2193, by using those currently unexpended funds and perhaps by reflecting priorities somewhat differently than the lady would have.

Miss SIRIANNI. Thank you, Mr. Speaker.

STATEMENT BY MISS SIRIANNI

Miss SIRIANNI. Mr. Speaker, may I make a statement regarding this?

The SPEAKER. The lady is in order.

Miss SIRIANNI. Mr. Speaker, I have before me a letter from the Commonwealth Association of Students, which was sent to all the legislators in behalf of the students. This organization apparently represents the students. I have here, on the first sheet, that they have 15 errors. They had better clean up their act before they start asking for more money for education. Here it is. I have it all circled. They have 15 errors on one sheet. That is the first sheet. There are some on the second, too.

INTERROGATION

Mr. COWELL. Mr. Speaker, may I interrogate the lady?

The SPEAKER. Must you?

Mr. COWELL. Just briefly, I would like her to clarify her comment.

The SPEAKER. The gentleman make his statement.

Mr. COWELL. Mr. Speaker, would the lady clarify that? She spoke about the one particular letter that she received. Was she critical of the typist of that particular letter, or was she criticizing the 75,000 students in the State system?

Miss SIRIANNI. Mr. Speaker, this organization is representing 75,000 students. They have misspelled words, they have words used incorrectly, and they have used singular verbs when they need plural verbs. I think they had better clean up their act.

Mr. COWELL. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Union, Mr. Showers.

Mr. SHOWERS. Mr. Speaker, I move that this House do now adjourn until Wednesday, January—

POINT OF ORDER

Mr. ITKIN. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. ITKIN. Under what part of the proceedings are we now?

The SPEAKER. Adjournment.

Mr. ITKIN. I have not heard a motion to that effect yet, Mr. Speaker. I would like to rise to have the floor under new business, Mr. Speaker.

The SPEAKER. The gentleman will yield.

The Chair recognized the gentleman, Mr. Showers. The gentleman, Mr. Itkin, raised a point of order.

Mr. SHOWERS. I will yield to Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I want to address the House under new business.

The SPEAKER. That is an improper point of order. The Chair recognizes the gentleman anyway.

POINT OF ORDER

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

Mr. DAVIES. Mr. Speaker, a point of order. Mr. Itkin, in interrupting the gentleman, was being dilatory. The gentleman was in a motion that I do not think can be interrupted, and I would ask that—

Mr. ITKIN. Mr. Speaker, if you are going to argue that, I will issue an order for a quorum call right now. There are not 102 members on this House floor. Now, allow me to have my piece. You have been stonewalling me during this part of debate. I at least expect the courtesy of this House to allow a member to address the House and make what he has to say a part of the public record. Now, if you are not going to do—

The SPEAKER. The gentleman will yield.

Mr. Itkin, I have recognized you. If you have something to say, say it.

Mr. ITKIN. Thank you, Mr. Speaker.

Mr. Speaker, it is obvious that I am being strongly resisted in my attempts to have this resolution adopted.

The SPEAKER. The gentleman will yield. The Chair resents the implication of the gentleman's remarks.

Mr. ITKIN. I know you resent it.

The SPEAKER. The gentleman was given all the leeway to which he was entitled and a great deal more. If the gentleman has something to say, say it.

Mr. ITKIN. Mr. Speaker, I have the privilege of addressing this House. At least I will ask for unanimous consent, and let somebody stand up and deny a House member the right, at the end of a legislative day, not to have his point made. Now, if that is so much of a scare that you are afraid of words from me that might unduly influence what happens in this chamber and its effect on the Commonwealth of Pennsylvania, so be it. Rule me out of order and send me home, but I will be back tomorrow, and I can assure you, Mr. Speaker, that this issue is not going away.

STATEMENT BY MR. ITKIN

The SPEAKER. The gentleman, Mr. Itkin, please continue.

Mr. ITKIN. Mr. Speaker, I intend to introduce this resolution today. I would expect that the Rules Committee will give it the type of consideration it deserves. In my judgment, that should be prompt action and a favorable report to this floor. I am concerned that I did not have the opportunity to give at the appropriate time my reasons for the suspension of the rules motion, and I will hope to have that opportunity now with the chamber almost empty. That reason is, the Attorney General has made certain statements regarding this inquiry that taints that office's ability to conduct an impartial investigation.

Now, I do not know whether these quotes are correct or not, but I assume that the press was honest when it quoted the gentleman of the Attorney General's Office. When Patrick Boyle, the spokesman for the Office of the Attorney General, was asked who was going to investigate this particular matter, the press was told that the criminal law division was going to investigate the matter. When the question was raised that there are two members in that criminal law division, Henry Barr and James West, who serve as chief deputies of the director of that division, would they be involved, because of the apparent conflict of interest when one serves somebody else as a close associate and superior for years, whether they would be involved, the reply was, very distressingly in my judgment, if they, Barr and West, do become involved, the Attorney General would feel very comfortable that they would handle the assignment as thoroughly and professionally as he himself would. Now, I interpret that to mean that I question whether he himself would provide that type of investigation if he believes that two individuals who have worked with the Governor for 12 years - in his office in Pittsburgh; when he moved to Washington, went to Washington with him; when he moved to Harrisburg, went to Harrisburg with him - that these people now would be able to, without any type of reservation, look upon the matter that impinges on the Office of the Governor.

Here is another quote: It is Roy's belief that whatever the decision of the employees was, and that is, to work for the Governor for all those years and to follow him on his road from Pittsburgh to Washington, back to Harrisburg—and that was quite a commitment—they are now employees of Mr. Zimmerman, pure and simple. They may be employees of the

Attorney General now, but that does not answer the question of loyalty, or even partial loyalty, of even a feeling of if they found something, they may not wish to pursue it because of the feelings of attachment that they have for the Governor, because maybe they will find something incriminating or perhaps affecting negatively his administration and ultimately his reelection chances. It goes on further to say that Henry Barr and Jim West are veterans, experienced and accomplished prosecutors. Their records at the Federal and State level speak highly for themselves.

Now, I think that that was a very bad set of statements for the Attorney General's Office to make. Clearly we understand the close associations between these men and the Governor. It would have been far better, and I would have stood and appreciated far better if he would have said these people would not be involved, that this would be an impartial investigation in such a way that no one who has any type of association with the Governor would be permitted to be involved in this investigation. That is why I say, Mr. Speaker, it is important that this body, this House of Representatives, which is independent of the executive branch, be permitted to conduct this investigation, and I fully know that the majority party here is the same party of the Governor and how this party on the other side of the aisle is concerned about the negative effects that this may have on the Governor's reelection campaign, but we have to rise above that.

I am willing to work with the chairman of the Mines and Energy Management Committee and the majority members of this committee to perform an honest investigation. I want to see the Department of Environmental Resources' integrity restored. It is too important to a department of State Government, with such great regulatory functions and how it impinges on the people and the economic development of this great Commonwealth, to allow it to be clouded and obscured. I would hope that our committee could start immediately to investigate these allegations, and, if the allegations are false or lacking, to be able to report that and to clear the air as quickly as possible. But what do I see now? A stone wall. And I would like to remind the majority members that such stonewalling operations will not work, that they will only cast greater suspicion on the majority party that it is trying to keep from the public view something that should be brought out. The Governor himself has talked about the elimination of public corruption in his administration. Well, with what greater efforts could we help the Governor than by conducting our own investigation and allowing the exposition of what we find?

Mr. Speaker, I do hope, I do hope, in view of these circumstances that the Rules Committee will consider this resolution, will give it prompt consideration, will vote it to the floor so that we can go ahead and conduct a bipartisan investigation—and it is not really bipartisan, because the committee is controlled by your own party—and at least allow us to go forward and clear the air. Thank you very much, Mr. Speaker.

The SPEAKER. Does the gentleman from Berks, Mr. Davies, desire recognition?

Mr. DAVIES. Yes, Mr. Speaker.

The SPEAKER. The gentleman state his purpose.

Mr. DAVIES. Mr. Speaker, I just want the record to clearly show that I remained to hear the gentleman's comments, and I want to extend to the Speaker my admiration for his latitude and patience that he showed to Mr. Itkin, despite possibly an interruption of a motion which was in order and which I considered was the immediate business of the House. Thank you, Mr. Speaker.

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Union, Mr. Showers.

Mr. SHOWERS. Mr. Speaker, I move that this House do now adjourn until Wednesday, January 27, 1982, at 11 a.m., e.s.t.

The SPEAKER. The Chair especially thanks the gentleman, Mr. Showers, for that motion.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:31 p.m., e.s.t., the House adjourned.