

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, MAY 25, 1982

SESSION OF 1982

166TH OF THE GENERAL ASSEMBLY

No. 38

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

PRAYER

REV. JAMES S. VUOCOLO, chaplain of the House of Representatives and pastor of St. Luke's United Church of Christ, Kenhorst, Reading, Pennsylvania, offered the following prayer:

Let us pray:

O God, our refuge, our strength, and our help in time of trouble, we ask You to be a source of blessing to all who reside in our State by means of their elected officials. Grant a new vision of justice to our legislators, that righteousness may prevail in this chamber, even as Representatives seek to care for the poor, the disabled, the aged, the oppressed, the unemployed, and those who endure with special needs; through Jesus Christ our Lord and Redeemer. 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, May 24, 1982, will be postponed until printed. The Chair hears no objection.

STATEMENT BY MR. ARMSTRONG

TERCENTENARY COMMITTEE ON THIS DAY IN HISTORY

The SPEAKER. The Chair at this time recognizes the gentleman from Lancaster, Mr. Armstrong, for the recitation of "On This Day in History."

Mr. ARMSTRONG. Thank you, Mr. Speaker.

On this day in history, May 25, 1787, the first regular session of the Constitutional Convention met in Philadelphia. The supposed purpose of the meeting was to amend the Articles of Confederation, but as it turned out, they framed the Federal Constitution we have today.

The convention worked all summer and concluded on September 17, 1787, when a draft of the Constitution was

submitted for ratification by the States. A draft was reported to the Pennsylvania Assembly, which was meeting in another part of the State House and was scheduled to adjourn on Saturday, September 29. There was some disagreement as to what subject would be discussed.

On September 28, George Clymer moved that a State convention of deputies be called in November and that they be chosen in the same way as members of the General Assembly. A Cumberland County member objected and moved to postpone the matter until afternoon. A long bitter debate ensued, and the assembly adjourned until 4 p.m.

Several of the minority members hid out in the home of Maj. Alexander Boyd. In an effort to delay consideration, they decided to stay in the home, determining that if 19 members did not attend, there would be no quorum and the House would be forced to adjourn without choosing a day for the election of delegates.

At 4 p.m. every member of the majority party, the Federalists, was present, but because of the absence of the minority party, the Democrats, there was no quorum and no business could be conducted.

The House adjourned until 9 a.m. Saturday morning, with the sergeant at arms given orders by the Speaker to do whatever was needed to get the reluctant Democrats into the chamber. With the help of many interested bystanders, the members were literally dragged to the chamber. A quorum was obtained, and the first Tuesday in November was fixed for the election of delegates.

HOUSE BILLS INTRODUCED AND REFERRED

- No. 2499 By Representatives W. W. FOSTER, DIETZ, LETTERMAN, CALTAGIRONE, JACKSON, WENGER, FEE, MOWERY, MADIGAN, GRUPPO, SIEMINSKI, HEISER, GRABOWSKI, GAMBLE, GEORGE, PETRONE, MISCEVICH, JOHNSON, PHILLIPS, HAYES, NOYE, DeVERTER, GRIECO, L. E. SMITH, WACHOB, SIRIANNI, WASS, FARGO, PETERSON, BOWSER, STAIRS, E. Z. TAYLOR, E. H. SMITH, B. SMITH, COSLETT, RITTER and A. C. FOSTER, JR.

An Act amending Title 34 (Games) of the Pennsylvania Consolidated Statutes, adding revised, compiled and codified provisions relating to wildlife and making conforming amendments to Titles 18, 30 and 75.

Referred to Committee on GAME AND FISHERIES, May 24, 1982.

No. 2500 By Representatives SAURMAN, REBER, SWAIM, SALVATORE, MAIALE, DAIKELER, HAGARTY, CORNELL and NAHILL

An Act amending "The Controlled Substance, Drug, Device and Cosmetic Act," approved April 14, 1972 (P. L. 233, No. 64), further providing for schedules of controlled substances, adding an offense and providing a penalty.

Referred to Committee on JUDICIARY, May 24, 1982.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 195
(Concurrent) By Representatives GALLEN, HASAY and PETRARCA

General Assembly memorialize President and Congress help facilitate reduction of nuclear weapons in Soviet Union and United States.

Referred to Committee on FEDERAL-STATE RELATIONS, May 24, 1982.

LEAVES OF ABSENCE GRANTED

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

Mr. CESSAR. Thank you, Mr. Speaker.

I do request leaves of absence for today for the lady from Montgomery, Mrs. LEWIS; and for the gentleman from Jefferson, Mr. SMITH, for today's session.

The SPEAKER. Without objection, leaves will be granted. The Chair hears none.

The Chair recognizes the minority leader for the purpose of taking leaves of absence.

Mr. IRVIS. At this time, Mr. Speaker, I have no requests.

CALENDAR

BILLS AGREED TO ON SECOND CONSIDERATION

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

SB 1350, PN 1971; HB 2141, PN 3282; and HB 2147, PN 2716.

* * *

The House proceeded to second consideration of **HB 2289, PN 3333**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the duties of the Legislative Reapportionment Commission.

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 2289, PN 3333, 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 **SB 79, PN 1899**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for domestic violence and rape crisis programs, imposing additional costs and making an appropriation.

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 SB 79, PN 1899, 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 2344, PN 3046**, entitled:

An Act authorizing the Pennsylvania Milrite Council and the Pennsylvania Science and Engineering Foundation to solicit proposals and make grants to certain organizations to create jobs in applied technologies and making an appropriation.

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 2344, PN 3046, 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 2386, PN 3335**, entitled:

An Act amending "The Consumer Discount Company Act," approved April 8, 1937 (P. L. 262, No. 66), further defining capital; ***; extending the discount rate, increasing the service charge ceiling and modifying the requirement for issuance of a written receipt for payment.

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 2386, PN 3335, 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 bill, having been called up, was considered for the second time and agreed to, and ordered transcribed for third consideration:

SB 448, PN 455.

* * *

The House proceeded to second consideration of **SB 535, PN 1969**, entitled:

An Act amending Title 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, adding provisions relating to railroad and street railway police.

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 SB 535, PN 1969, 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:

SB 1284, PN 1726; and HB 2088, PN 3221.

* * *

The House proceeded to second consideration of **HB 2430, PN 3214**, entitled:

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further providing for offenses.

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 2430, PN 3214, 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 **SB 637, PN 1893**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," permitting the sale of liquor that is part of a decedent's estate and appropriating funds to the Department of Health for the study of problems and promotion of programs relating to alcoholism and the rehabilitation and treatment of alcoholics.

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 SB 637, PN 1893, 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.

WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Mrs. Jan Pagonis, the director of occupational therapy at McKeesport Hospital, here today as the guest of Representative Mrkonic.

The Chair is pleased to welcome to the hall of the House today 20 students from Palmyra High School, here today with their teacher, Mr. Rhoads, as the guests of Representative George Jackson.

The Chair is pleased to welcome to the hall of the House today as the guest of Representative James Gallen of Berks County, Mr. Richard Hawk, retired police chief from the borough of Kenhorst.

The Chair is pleased to welcome to the hall of the House today as the guests of Representative Corry Stevens, Eloise Schran and Joseph Stanavage of the Greater Hazleton Jaycees; and Mr. Robert Fiume, Helen Sisock, and Marcia Mondero of Hazleton.

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—187

Anderson	Evans	Levin	Rybak
Armstrong	Fargo	Livengood	Salvatore
Arty	Fee	Lloyd	Saurman
Barber	Fischer	Lucyk	Serafini
Belardi	Foster, W. W.	McClatchy	Seventy
Belfanti	Foster, Jr., A.	McMonagle	Showers
Beloff	Frazier	McVerry	Shupnik
Berson	Freind	Mackowski	Sieminski
Bittle	Fryer	Madigan	Sirianni
Blaum	Gallagher	Maiale	Smith, B.
Borski	Gallen	Manmiller	Smith, E. H.
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	Taylor, E. Z.
Clark	Hagarty	Nahill	Taylor, F. E.
Clymer	Haluska	Noye	Telek
Cochran	Harper	O'Donnell	Tigue
Colafella	Hasay	Olasz	Trello
Cole	Hayes	Oliver	Van Horne
Cordisco	Heiser	Pendleton	Vroon
Cornell	Hoeffel	Perzel	Wambach
Coslett	Honaman	Peterson	Wargo
Cowell	Horgos	Petrarca	Wass
Cunningham	Hutchinson, A.	Petrone	Wenger
DeMedio	Iris	Phillips	Weston
DeVerter	Itkin	Piccola	Wiggins
DeWeese	Jackson	Pievsky	Williams, H.
Daikeler	Johnson	Pistella	Williams, J. D.
Davies	Kennedy	Pitts	Wilson
Dawida	Klingaman	Pott	Wogan
Deal	Kowalshyn	Pratt	Wozniak
Dietz	Kukovich	Pucciarelli	Wright, D. R.
Dininni	Lashinger	Punt	Wright, J. L.
Dombrowski	Laughlin	Rasco	Wright, R. C.
Donatucci	Lehr	Reber	Zwinkl
Dorr	Lescovitz	Richardson	
Duffy	Letterman	Rieger	Ryan,
Durham	Levi	Ritter	Speaker
Emerson			

ADDITIONS—4

Cohen	Fleck	Kolter	McIntyre
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NOT VOTING—0

EXCUSED—8

Alden	Manderino	Rocks	Taddonio
Lewis	Rappaport	Smith, L. E.	Wachob

LEAVE ADDED—1

Pendleton

PENNSYLVANIA JUNIOR MISS PRESENTED

The SPEAKER. The Chair at this time requests the gentleman from Luzerne, Mr. Stevens. to preside temporarily for the purpose of introducing a guest.

Mr. STEVENS. Thank you, Mr. Speaker.

At this time it is my pleasure to introduce to you Mary Frances Yanochko, who is the Pennsylvania Junior Miss and who will compete in a national pageant in Mobile, Alabama, on June 22, 1982. You can watch it on CBS. She will be graduating this year from Hazleton High School and will major in computer science at Penn State University. Mary Frances is the very first Pennsylvania Junior Miss from Luzerne County.

I am pleased at this time to introduce to you the Pennsylvania Junior Miss, Mary Frances Yanochko.

Miss YANOCHKO. Thank you, Corry.

I am very honored to be here this morning, and I am both excited and proud to be able to represent Pennsylvania in the national finals of America's Junior Miss this summer in Mobile, Alabama. The slogan of America's Junior Miss is poise, personality, and promise, and it sums up what the Junior Miss program is about. It is not a beauty pageant but rather a scholarship program, the number one scholarship program in the country for high school girls, awarding more than \$2 million annually at State, local, and national levels.

I am very grateful to Junior Miss for the opportunities it has given me and the scholarship money that I have received to further my education at Penn State with a major in computer science, and I would like to thank you all again for having me here this morning. Thank you.

Mr. STEVENS. I would like to thank the members for their time and Speaker Ryan for giving her an opportunity to say hello to you.

MEMBERS' PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. McIntyre; and the gentleman from Allegheny, Mr. Fleck, who ask that their names be added to the master roll call.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2420, PN 3232**, entitled:

An Act authorizing cities of the first class to impose an excise tax on hotel room rentals and providing for the collection and disposition of revenues.

On the question,

Will the House agree to the bill on third consideration?

Mr. SALVATORE offered the following amendment No. A7711:

Amend Sec. 6, page 4, lines 28 through 30, by striking out "Tourist promotion activities may include," in line 28, all of lines 29 and 30 and inserting

to be executed by the designated tourist promotion agency for:

On the question,

Will the House agree to the amendment?

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

Mr. SALVATORE. Mr. Speaker, actually what we are doing is of a technical nature in this amendment. We want to just make sure that all the money that will be collected will be used for tourist promotion agencies only.

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

The following roll call was recorded:

YEAS—184

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

NAYS—0

NOT VOTING—7

Cohen	Emerson	Kolter	Sweet
Cordisco	Gray	Pistella	

EXCUSED—8

Alden	Manderino	Rocks	Taddonio
Lewis	Rappaport	Smith, L. E.	Wachob

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. SALVATORE offered the following amendment No. A7730:

Amend Sec. 9, page 5, lines 20 and 21, by striking out "with the commencing of the" in line 20 and all of line 21, and inserting by city council.

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

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

Mr. SALVATORE. Mr. Speaker, this amendment just changes the language that the act shall take effect immediately, but once it is authorized by city council. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—182

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

NAYS—0

NOT VOTING—9

Belfanti	Gray	Kolter	Vroon
Cohen	Irvis	Sweet	Williams, H.
Cordisco			

EXCUSED—8

Alden	Manderino	Rocks	Taddonio
Lewis	Rappaport	Smith, L. E.	Wachob

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

On the question recurring,

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

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

Mr. WILSON. Mr. Speaker, I had prepared an extensive amendment to this bill that spoke to the Philadelphia wage tax as it deals with the nonresidents to the city. The gentleman, Mr. Salvatore, I guess you could say requested of me in all kinds of manners that I withdraw the amendment so that I would not hamper this measure that he feels—and I would agree with him—that is important to the southeastern area and its tourism and tourist and hotel trade. I am therefore withdrawing the amendment on that basis and also on the basis that I understand the city of Philadelphia met with Senator Stauffer yesterday to finally discuss the possibility of working out some sort of a compromise on the Philadelphia wage tax. On that basis, and that basis alone, I withdraw the amendment, but I would suggest to the city of Philadelphia and to Representative Salvatore that if something does not happen soon, I will not withdraw it next time.

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 Philadelphia, Mr. Salvatore.

Mr. SALVATORE. Thank you, Mr. Speaker.

I want to thank Representative Wilson for withdrawing his amendment, because this bill is vitally needed for the hotel industry in southeastern Pennsylvania. It will generate many jobs, low-level entry jobs, and not only that, Mr. Speaker, but we have found through research that many people never travel more than 275 miles from their home, and each day that they would spend in this area will help. Every visitor who comes to Philadelphia spends an average of \$250 on an average 4-day stay, which means that there will be many jobs created and moneys that will be provided for other uses in the Philadelphia area. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

YEAS—187

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

NAYS—0

NOT VOTING—4

Cohen	Gray	Kolter	Sweet
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EXCUSED—8

Alden	Manderino	Rocks	Taddonio
Lewis	Rappaport	Smith, L. E.	Wachob

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

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

* * *

The House proceeded to third consideration of SB 600, PN 1836, entitled:

An Act regulating the practice and licensure of occupational therapy, creating the State Board of Occupational Therapy Education and Licensure with certain powers and duties and prescribing penalties.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. DORR. Mr. Speaker, I do not want to take a lot of time of the members, but I think something needs to be said about this bill. It is a bill to create a new board, a new commission, in the Bureau of Professional and Occupational Affairs. It is a bill to create another licensing of a profession in Pennsylvania. I have no particular argument with that profession; I think it is a valid and needed aspect of the health care field. I think it is time, however, that we as the representatives of Pennsylvanians take a good, hard look at the creation of additional government bureaucracy and the creation of additional controls and regulations over the lives of Pennsylvanians.

As we approached this session, I think the voters of this State as well as the voters of the Nation gave politicians a message about how they feel about government regulation. How they feel about getting government off their backs is a phrase that we have heard often. Now, it is easy to vote for this bill, because nobody is against it. But there comes a time, Mr. Speaker, when every Pennsylvania legislator who represents his people back home has to say to himself, am I going down there and doing the opposite of what I am saying back home, just because nobody opposes whatever bill is up before us, or am I down there to represent the real feelings of the people about how they feel on issues such as this, government regulation?

I think it is time that we said, do we really need an additional licensing in Pennsylvania? Do we really need this license? It is my judgment, after some considerable view of the subject, of the profession, and of the existing regulation of that profession by itself, my conclusion is that we do not need the licensing in Pennsylvania. There is an existing national certification procedure, which is, in my judgment, totally adequate to protect the public, because this is a field where nobody, virtually nobody, walks in off the street for these services. It is a field where the physicians licensed by Pennsylvania make referrals, and it is my opinion that no physician is going to refer someone to an occupational therapist unless that occupational therapist has passed the national certification and has received the certificate of that national organization, indicating to the physician that they are adequately prepared in this field. It is my judgment that to add a licensing procedure over the top of that layer of regulation adds government regulation and in effect will add to the cost of health care to every Pennsylvanian who utilizes the services. For that reason, Mr. Speaker, I recommend a negative vote.

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

Mr. POTT. Thank you, Mr. Speaker.

I rise to support SB 600. Occupational therapy is a health profession which provides services to thousands of Pennsylvanians. It is an integral part of the health care provision system. In order to assure that Pennsylvanians are receiving professional and adequate health care, regulated health care, an occupational therapy practice act is absolutely necessary.

Many of the points addressed by the previous speaker are contained in sunset legislation. As we all know, many of the licensing boards are undergoing the scrutiny of sunset legislation. This act itself will provide only a 6-year licensing for occupational therapy prior to an occupational therapy board being reviewed under the provisions of the Sunset Act.

I urge all the members to do what 16 other States have already done, license the practice of occupational therapy. Thank you.

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

Mr. GRUITZA. Thank you, Mr. Speaker.

I briefly rise to oppose the bill. In committee I voted to allow the bill to come out to be viewed by the whole House, and at that time I stated that in order for me to vote for the bill on the floor of the House, I would like to see some compelling reasons, some abusive situations that have occurred to justify a favorable vote for this bill. So I have to agree with Mr. Dorr. Since that time no compelling evidence has been given to me that this bill is necessary. I would urge a negative vote.

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

Mrs. ARTY. Mr. Speaker, I rise in support of SB 600. The occupational therapists are professional health practitioners. They are part of a health care team that looks at people in wellness as well as in illness as a whole person, but each one of those members of the health care team has a particular area of expertise that can help your neighbor and mine to a healthy existence. It is absolutely essential that these professionals be recognized as professionals and be licensed by the Commonwealth in order to carry out the integrity of their profession.

A compelling reason to support SB 600 is the right of professional practitioners to be recognized as a professional and to protect the health of the public. I see every reason to support SB 600 and hope that my colleagues will do so.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

As a member of the orthopedic society of this House of Representatives, which many of us seem to be, including Mr. Irvis and yourself, I have had the opportunity to work intensively with occupational therapists during my recovery period and am continuing to work with OT's now.

The differences between occupational therapy and physical therapy are very marked. The occupational therapist, who returns a person to the market and job place where they can become productive again, is a necessary professional service in Pennsylvania.

I rise in support of this legislation and would hope that every town and every community in this State could have an occupational therapy department like we have at Mercy Hospital in Altoona. It is a much-needed, a much-deserved piece of legislation for a group that has been trying for a long time, and I support it wholeheartedly. I also can say that I can testify to the results of that professionalism. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Would the floor manager for this bill consent to interrogation?

The SPEAKER. The gentleman, Mr. Pott, agrees to stand for interrogation. The gentleman, Mr. Lloyd, may proceed.

Mr. LLOYD. Thank you, Mr. Speaker.

The comment has been made that the occupational therapist is part of a health care team. Is a physical therapist licensed by the State of Pennsylvania at the present time?

Mr. POTT. Yes, it is.

Mr. LLOYD. Are there any other health professions which are not licensed, to the best of your knowledge?

Mr. POTT. Yes, there are. An example I could give you would be alcohol addiction counselors.

Mr. LLOYD. Thank you.

Now, Mr. Speaker, I have had some trouble understanding the definition of "occupational therapy" as it is set forth on page 3 of the bill. My concern is that it would seem to say that anyone who is involved in trying to help someone else deal with developmental deficiencies, whatever they are, or the aging process or environmental deprivation is an occupational therapist, and that would seem to cover practically anybody who is involved in any kind of social work whatsoever.

My question, Mr. Speaker, is, what language in that definition precisely identifies an occupational therapist so that there is no danger of people's being swept in under the occupational therapy definition and required to be licensed?

Mr. POTT. I think one has to look at the whole licensing process. One must complete educational requirements as set by the board; one must have received certification to practice occupational therapy.

Mr. LLOYD. But, Mr. Speaker, that puts the cart before the horse. I want to know, if I want to go out and do certain kinds of activities, whether I need to get that kind of education and that kind of certification as an occupational therapist. I do not decide that I am an occupational therapist after I have completed the education. I need to know, if I want to open up a business, whether I have to get a license or not. What in this bill answers that question for me?

Mr. POTT. An occupational therapist is designed to return people to a normal life after some type of physical disability - a stroke victim, an accident victim - to return that member as a productive member of society. It is an integral part of the health care team.

Mr. LLOYD. Mr. Speaker, are there occupational therapists who are not employed by or do not work under the supervision of a hospital or a doctor?

Mr. POTT. Yes.

Mr. LLOYD. Mr. Speaker, for whom are those people employed?

Mr. POTT. They would be in private practice and employed by home health care agencies.

Mr. LLOYD. Mr. Speaker, what evidence has been presented to suggest that occupational therapists are not providing the kind of care to which the public is entitled?

Mr. POTT. Occupational therapy is a very expanding field. Without licensure the State has no control to regulate its practice. There are specific examples that I could give you from the State of Ohio where people were permanently disabled because of inadequate treatment by occupational therapists who were operating, of course, without a license.

I think what we want to do is to prevent those horrendous situations from occurring here in Pennsylvania. We want to assure the citizens of this Commonwealth that they can expect professional care from occupational therapists when they go to an occupational therapist.

Mr. LLOYD. So, Mr. Speaker, there is no evidence of any kinds of abuses or failure to perform adequately by occupational therapists in Pennsylvania which would be weeded out by this bill?

Mr. POTT. Do you want someone to die before we pass the bill or would you rather pass the bill to prevent someone from dying? I think that is the answer to your question.

The SPEAKER. Will the gentleman yield.

Both of the gentlemen recognize the limitations on interrogation. The Chair would appreciate it if they would confine themselves to the issue before them; that is, the response to interrogation or the asking of questions under interrogation.

The gentleman may proceed.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, could you indicate whether the instances which you referred to in the State of Ohio were instances in which the occupational therapist was in private practice operating without any responsibility to a hospital or doctor or home health care agency?

Mr. POTT. I believe he was in private practice.

Mr. LLOYD. Thank you, Mr. Speaker.

May I be recognized to speak very briefly on the bill?

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

Mr. LLOYD. Mr. Speaker, I do not think anyone wants to wait until somebody dies, but I think that the definition of "occupational therapy" in this bill is so broad that it could encompass virtually anybody who is involved in social work, including people who are in the public schools. It also, Mr. Speaker, under this bill, if I understand it correctly, grandfathered in all existing occupational therapists. I do not understand, if we are trying to protect the consumer, why we do not require those people also to go through some kind of testing before they can be licensed.

Finally, Mr. Speaker, I think that before we contribute to a proliferation of licensing in this State, we ought to see a little more development of evidence than we have been shown this morning. We have been cited to one case in one State, and I

would suggest that one problem across the country certainly does not justify embarking on new legislation and new regulation which could have the effect of making some people get licenses who really should not have to have one, or which could also be used in the future to squeeze people out of these professions, to keep them out so that prices can be raised.

So, Mr. Speaker, I think it is premature to consider this legislation, and I think it ought to be defeated. Thank you.

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

Mr. POTT. Thank you, Mr. Speaker.

At the present time anyone can call themselves an occupational therapist or hold out to the public that they practice occupational therapy. Aggrieved parties who might suffer at the hands of an unqualified therapist have only one recourse, a lawsuit. This legislation is for the protection of the public. It licenses occupational therapists as an integral part of the health care system. I urge your support.

MEMBERS' PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Kolter, and the gentleman from Philadelphia, Mr. Cohen, who ask that their names be added to the master roll call.

CONSIDERATION OF SB 600 CONTINUED

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—158

Armstrong	Evans	McClatchy	Seventy
Arty	Fee	McIntyre	Showers
Barber	Fischer	McMonagle	Shupnik
Belardi	Fleck	McVerry	Sieminski
Belfanti	Foster, W. W.	Mackowski	Sirianni
Beloff	Frazier	Maiale	Smith, B.
Berson	Gallagher	Manmiller	Smith, E. H.
Bittle	Gamble	Marmion	Snyder
Blaum	Gannon	Michlovic	Spencer
Borski	Geist	Micozzie	Spitz
Bowser	Gladeck	Miscevich	Stairs
Boyes	Greenfield	Morris	Steighner
Brandt	Greenwood	Mowery	Stewart
Brown	Grieco	Mrkonic	Swaim
Burd	Gruppo	Mullen	Sweet
Burns	Hagarty	Murphy	Swift
Caltagirone	Haluska	Nahill	Taylor, E. Z.
Cappabianca	Harper	Olasz	Taylor, F. E.
Cawley	Hasay	Oliver	Telek
Cessar	Hayes	Perzel	Tigue
Cimini	Heiser	Peterson	Trello
Civera	Hoeffel	Petrarca	Van Horne
Clark	Honaman	Petrone	Wambach
Clymer	Horgos	Phillips	Wargo
Cochran	Hutchinson, A.	Piccola	Wass
Cohen	Irvis	Pievsky	Wenger
Colafella	Ikin	Pistella	Weston
Cornell	Jackson	Pitts	Wiggins
Coslett	Johnson	Pott	Williams, H.
Cowell	Kennedy	Pucciarelli	Williams, J. D.
DeMedio	Kolter	Punt	Wilson
Daikeler	Kowalyszyn	Rasco	Wogan
Davies	Kukovich	Reber	Wozniak

Deal	Lashinger	Richardson	Wright, D. R.
Dininni	Laughlin	Rieger	Wright, J. I.
Dombrowski	Lescovitz	Ritter	Wright, R. C.
Donatucci	Letterman	Rybak	Zwickl
Duffy	Levi	Salvatore	
Durham	Levin	Saurman	Ryan,
Emerson	Livengood	Serafini	Speaker

NAYS—31

Anderson	Fargo	Klingaman	Noye
Cole	Foster, Jr., A.	Lehr	O'Donnell
Cunningham	Freind	Lloyd	Pendleton
DeVerter	Fryer	Lucyk	Pratt
DeWeese	Gallen	Madigan	Stevens
Dawida	George	Merry	Stuban
Dietz	Grabowski	Miller	Vroon
Dorr	Gruitza	Moehlmann	

NOT VOTING—2

Cordisco	Gray
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EXCUSED—8

Alden	Manderino	Rocks	Taddonio
Lewis	Rappaport	Smith, I. E.	Wachob

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

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

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today a group of students from Holmes Elementary School in Pittsburgh, here today as the guests of the minority leader.

CITATION PRESENTED

The SPEAKER. The Chair interrupts the calendar for a moment for the purpose of requesting Representative Saurman to temporarily preside for the purpose of making a presentation.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, honored guests, and members of the General Assembly: Next Monday is Memorial Day, a day set aside to remember the sacrifices made by our Nation's fighting men and women throughout her noble history. Once again we will be moved by the marching bands, the speeches, and the playing of taps. Today we are honoring a military man who stands as a model for many others, whose courage and determination on the battlefield has to a large extent been conveniently forgotten and whose suffering has been ignored, rejected as imaginary.

Our honoree was diagnosed by three civilian doctors as terminal and then subsequently examined by a VA (Veterans' Administration) hospital and told that he was overweight and suffering the infamous chloracne that we have heard so much about.

We do not honor this man for what he has endured, but rather for what he has done for the benefit of others. His fight for recognition of the very real problems of Vietnam veterans has put him in touch with a Dr. Ronald Cordario, a man recently honored by the Freedoms Foundation whose outstanding work in diagnosing dioxin poisoning in those exposed to Agent Orange is now nationally known.

Our guest has helped Dr. Cordario secure veterans to be examined; he has counseled hundreds of his fellow Vietnam veterans; and he has done this all at great personal expense, both in dollars and in health. At one time, because of his poor health and lack of any kind of compensation, he was all but put out on the street. He incurred phone bills of over \$1,500 and put over 12,000 miles on his automobile at his own expense.

I would ask you to remember this man and others like him who are even now paying the supreme price for the freedom and dignity of all Americans as you celebrate Memorial Day this year.

I would like to ask at this time that Representative Paul Clymer present our legislative citation to John Dickinson, a true American hero.

Mr. CLYMER. Thank you, George.

John, I have here before me two citations. One is from the Governor of the Commonwealth, Governor Thornburgh, which I will give to you upon reading the citation from the House of Representatives.

COMMONWEALTH OF PENNSYLVANIA
CITATION BY
THE HOUSE OF REPRESENTATIVES

WHEREAS, John L. Dickinson, Jr. is the founder and director of Agent Orange Hot-Line Incorporated, a non-funded, non-profit organization attempting to serve and aid the Vietnam veterans exposed to Agent Orange, which was sprayed by United States forces in some areas of Vietnam to destroy vegetation that concealed enemy movement; and

WHEREAS, Approximately 10.65 million gallons of Agent Orange were used as a defoliant in Vietnam from 1962 to 1971. The problems Agent Orange has had on the suspected 400,000 Pennsylvania veterans who were exposed to it are not fully known. Through Mr. Dickinson's efforts, Agent Orange Hot-Line is accumulating medical evidence of the ailments caused by the toxic chemical; offering hope and support to the countless afflicted veterans; encouraging federal and state governments to provide assistance to sponsor research, to work with medical and health professionals, and to aid exposed veterans; and informing veterans about the present help they can receive. Agent Orange Hot-Line, which was founded in 1980, has twelve chapters throughout Pennsylvania, Florida, New Jersey, Alabama and New York and has helped approximately 2500 Vietnam veterans.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania extends special commendations to and appreciation of John L. Dickinson, Jr., for his invaluable service to Vietnam veterans and wishes him continued success of Agent Orange Hot-Line, Incorporated; and further directs that a copy of this citation be delivered to John L. Dickinson, Jr., Telford Garden Apartments, Apartment C, Telford, Pennsylvania 18969.

Submitted by:
Paul I. Clymer
Sponsor
George E. Saurman
Sponsor
Matthew J. Ryan
Speaker
ATTEST:
John J. Zubeck
Chief Clerk

May 20, 1982

It is indeed a great privilege and pleasure for me to introduce the guests who are with John today. I would like to introduce his wife Dorothy, to my left; Carol Waiters, who is a social worker committed to the cause of Vietnam veterans; and Dr. Ronald A. Cordario and his wife Celeste. Dr. Cordario, of course, is the one who is doing the research on the Vietnam veterans. Thank you, Mr. Speaker.

BILLS ON THIRD
CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 1057, PN 1853**, entitled:

An Act amending the act of January 24, 1966 (1965 P. L. 1527, No. 535), entitled "Landscape Architects' Registration Law," further regulating the practice of landscape architecture; providing a repeal and providing penalties.

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

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

The question is, shall the bill pass finally?

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

YEAS—183

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

Cole	Hoefel	Peterson	Wambach
Cordisco	Honaman	Petrarca	Wargo
Cornell	Horgos	Petrone	Wass
Coslett	Hutchinson, A.	Phillips	Wenger
Cowell	Irvis	Piccola	Weston
Cunningham	Itkin	Pievsky	Wiggins
DeMedio	Jackson	Pistella	Williams, H.
DeVerter	Johnson	Pitts	Williams, J. D.
DeWeese	Kennedy	Pott	Wilson
Daikeler	Klingaman	Pratt	Wogan
Davies	Kolter	Pucciarelli	Wozniak
Dawida	Kowalshyn	Punt	Wright, D. R.
Deal	Kukovich	Rasco	Wright, J. L.
Dietz	Lashingner	Reber	Wright, R. C.
Dininni	Laughlin	Richardson	Zwikel
Dombrowski	Lehr	Rieger	
Donatucci	Lescovitz	Ritter	Ryan,
Dorr	Levi	Rybak	Speaker
Duffy			

NAYS—6

Fryer	Letterman	Noye	O'Donnell
Gallen	Lloyd		

NOT VOTING—2

Emerson	Gray
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EXCUSED—8

Alden	Manderino	Rocks	Taddonio
Lewis	Rappaport	Smith, L. E.	Wachob

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

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

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today as the guests of Representative Burd, Nancy Hoehn, Barbara Conway, and Mary Ruman of the Butler County Association for Retarded Citizens.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 1349, PN 1741**, entitled:

An Act amending the act of August 8, 1961 (P. L. 975, No. 436), entitled "Milk Adulteration and Labeling Act," defining manufactured dairy products and changing penalties for violations.

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

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

The question is, shall the bill pass finally?

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

YEAS—186

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

NAYS—0

NOT VOTING—5

Dorr	Gray	Stairs	Wright, J. L.
Emerson			

EXCUSED—8

Alden	Manderino	Rocks	Taddonio
Lewis	Rappaport	Smith, L. E.	Wachob

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.

REQUEST FOR RECESS

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Thank you, Mr. Speaker.

Before we begin debate on the question of spousal rape, I suggest that the House recess for the purpose of taking lunch. Let us recess until 1:30 p.m.

REMARKS ON VOTE

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

Mr. DORR. Mr. Speaker, the Speaker locked the switch before I could get my hand to the switch. I intended to vote in favor of SB 1349.

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

EDUCATION COMMITTEE MEETING

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

Mr. FISCHER. Mr. Speaker, I would like to call a meeting of the Committee on Education immediately in the room in back of me in the rear of the House, right now.

The SPEAKER. There will be an immediate meeting of the Education Committee in the room to the rear of the hall of the House.

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 **HB 562, PN 3290**.

BILL SIGNED BY SPEAKER

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

HB 562, PN 3290

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the registration and inspection of vehicles and the appointment and certification of inspection stations and mechanics.

RECESS

The SPEAKER. Without objection, this House will stand in recess until 1:30. The Chair hears no objection.

AFTER RECESS

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

**COMMUNICATION FROM
DEPARTMENT OF HEALTH**

The SPEAKER. The Chair acknowledges receipt of a communication from the Secretary of the Department of Health, Dr. Muller, dated May 6, 1982, to be made part of the record.

The following communication was read:

Commonwealth of Pennsylvania
Department of Health
Harrisburg

May 6, 1982

The Honorable Matthew J. Ryan
Speaker of the House of
Representatives
Room 139 Capitol
Harrisburg, PA 17120

Dear Representative Ryan:

As required by Section 804(d) of the Health Care Facilities Act (Act 136), we are submitting the attached "Report to the General Assembly." This report contains information as specified in Section 804(d) concerning the Department's implementation of licensure programs mandated by the act.

If you would like additional or clarifying information on any items covered by this document, please feel free to contact Ms. Jennifer Riseon, Director, Bureau of Quality Assurance directly (7-8015).

Sincerely,
H. Arnold Muller, M.D.

Attachment

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

PETITION REFERRED

The SPEAKER. The Chair has received a petition from a group of citizens in Butler County seeking the institution of impeachment proceedings against two judges of the court of common pleas of that judicial district, and in accordance with the custom and usage of the House in such instances, the petitions are referred by the Speaker to the Judiciary Committee with the request that said committee advise the House whether there seems to be sufficient evidence to indicate that a committee be appointed to investigate the charges contained therein.

The following communication was read:

4-29-82

The Honorable Matthew J. Ryan
Speaker
Pennsylvania House of Representatives
House Post Office
Main Capitol Building
Harrisburg, Penna. 17120

Dear Representative Matthew J. Ryan:

I am writing to you in behalf of the enclosed petitioners and others. We believe this matter properly and constitutionally belongs before the members of the House of Representatives.

We petition the House to initiate investigation procedures for the impeachment of George P. Kiester and John C. Dillon, judges of the Court of Common Pleas in Butler County.

Since charges of misconduct, neglect of duty, failure in performance of duties and conduct which prejudice the proper administration of justice or brings the judicial office into disrepute form the constitutional basis for impeachment, we believe such charges against them can be clearly illustrated and substantiated in part by the following examples of dereliction.

1. Unavailability of court transcripts.
2. Inaccuracies of court transcripts.

3. Failure to follow Pennsylvania rules of procedure and law.
4. Failure to grant bail.
5. Failure to explain the basis of bail.
6. Failure to delay court orders while cases are being appealed.
7. Jailing without a hearing.
8. Ordering harsher penalties in County Court for appeals of decisions made on the magistrate's level.
9. Institutionalizing legal counsel from attorneys advising clients to settle for fines rather than risk a harsher penalty by judges, regardless of claims of innocence.
10. Banning tape recorders from hearings, even when transcripts are suspected to be unavailable.
11. Ejection of public viewers from courtroom proceedings.

We believe hearings related to this matter should be conducted in the City of Pittsburgh because of its central location and convenience to participating witnesses who are able to provide documentation of these charges.

We hope the Speaker and the body of the House will act upon this petition in a swift and positive manner.

Respectfully yours,
James R. Russell,
Chairman
Better Justice for Butler
County Committee
2145 Lake Center
Uniontown, Ohio 44685
Phone: 216-497-4819

Copies to: News Media

Referred to Committee on JUDICIARY, May 25, 1982.

COMMUNICATION

Commonwealth of Pennsylvania
Department of State
Bureau of Professional and
Occupational Affairs
State Board of Nurse Examiners
P.O. Box 2649
Harrisburg, Pennsylvania 17105-2649
May 24, 1982

The Honorable Matthew J. Ryan
Speaker of the House
139 Main Capitol Building
Harrisburg, PA 17120

Dear Representative Ryan:

Attached please find regulations proposed by the State Board of Nurse Examiners concerning an increase in fees for taking the registered nurse and practical nurse examinations. These regulations were published in the Pennsylvania Bulletin on May 22, 1982.

These regulations are being forwarded to yourself and the President Pro Tempore of the Senate for referral to and review by the appropriate standing committee pursuant to Section 812.2 of the Administrative Code of 1929, the Act of April 9, 1929, P.L. 177, No. 175, as amended, 71 P.S. §279.3a.

Please refer these regulations to the appropriate standing committee of the House of Representatives for review and approval.

Your prompt attention to this matter is greatly appreciated since the regulations require legislative oversight prior to final adoption by the Nurse Board.

Sincerely,
Dorothy Novello,
Chairperson
State Board of
Nurse Examiners

DN:JSR:rms
Attachment

ADMINISTRATIVE RULES REPORT NO. 4 REFERRED

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS PART 1. DEPARTMENT OF STATE SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS CHAPTER 21. STATE BOARD OF NURSE EXAMINERS SUBCHAPTER A. REGISTERED NURSES

§21.126. Examination fees.

A fee in the amount of \$18.50 to cover the costs associated with the preparation and administration of the licensing examination for registered nurses shall be charged in addition to the \$24.00 fee for the registered nurse examination and initial licensure which is charged pursuant to the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. §1401-212). The total fee for examination and initial licensure shall be \$42.50; of which \$18.50 shall be paid by each candidate directly to the National Council of State Boards of Nursing and \$24.00 paid by the candidate to the Commonwealth of Pennsylvania.

SUBCHAPTER B. PRACTICAL NURSES

§21.159. Examination fees.

A fee in the amount of \$24.50 to cover the costs associated with the preparation and administration of a licensing examination for practical nurses shall be charged in addition to the \$18.00 fee for practical nurse examination and initial licensure which is charged pursuant to the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. §1401-212). The total fee for examination and initial licensure shall be \$42.50; of which \$18.50 shall be paid by each candidate directly to the National Council of State Boards of Nursing and \$24.00 paid by the candidate to the Commonwealth of Pennsylvania.

Referred to Committee on PROFESSIONAL LICENSURE, May 25, 1982.

COMMUNICATION

LOBBYIST LIST PRESENTED

The SPEAKER. The Chair acknowledges receipt of a communication from the Chief Clerk of the House and the Secretary of the Senate dated May 25, 1982, regarding the Lobbying Registration and Regulation Act, which will be made part of the record.

The following communication was read:

Senate of Pennsylvania
May 25, 1982

To the Honorable, the Senate of the
Commonwealth of Pennsylvania
To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from April 27, 1982 through May 24, 1982 inclusive for the 166th Session of the General Assembly.

This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:
Mark R. Corrigan
Secretary of the Senate
John J. Zubeck
Chief Clerk
House of Representatives

(For list, see Appendix.)

SENATE MESSAGE

HOUSE AMENDMENTS NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 685, PN 1769**, and has appointed Senators STAUFFER, TILGHMAN and MELLOW a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

SENATE MESSAGE

HOUSE AMENDMENTS NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 942, PN 1891**.

MOTION INSISTING UPON AMENDMENTS

Mr. SPENCER moved that the House insist upon its amendments nonconcurred in by the Senate to SB 942, PN 1891, and that a committee of conference on the part of the House be appointed.

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

APPOINTMENT OF COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on SB 942, PN 1891: Messrs. SPENCER, McVERRY and CLARK.
Ordered, That the clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. A. C. FOSTER presented the Report of the Committee of Conference on **SB 514, PN 1970**.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 754, PN 1680

By Rep. SPENCER

An Act providing for the creation and operation of a District Attorneys' Commission in the Office of the Attorney General and prescribing its powers and duties.

JUDICIARY.

SB 755, PN 1727

By Rep. SPENCER

An Act providing for optional training for district attorneys and assistant district attorneys by the District Attorneys' Commission and authorizing optional advanced training courses for district attorneys and assistant district attorneys to be conducted by the District Attorneys' Commission.

JUDICIARY.

CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 983, PN 2589**, entitled:

An Act making corrections and revisions to the Pennsylvania Consolidated Statutes by amending Titles 1 (General Provisions), 2 (Administrative Law and Procedure), 9 (Burial Grounds) and 45 (Legal Notices) of the Pennsylvania Consolidated Statutes, making corrections relating to the regulation of cemeteries associated with any bona fide church or religious congregation, making editorial and conforming changes, transferring certain provisions of existing law to the Pennsylvania Consolidated Statutes and repealing certain obsolete acts and parts of acts.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that HB 983, PN 2589, be placed upon the table.

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

* * *

The House proceeded to third consideration of **HB 1122, PN 2356**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further prohibiting spousal relationships from interfering with certain prosecutions.

On the question,
Will the House agree to the bill on third consideration?
Mr. A. K. HUTCHINSON offered the following amendment No. A7491:

Amend Sec. 1 (Sec. 3103), page 2, line 3, by inserting after "intercourse)"
unless the victim and alleged perpetrator spouse sleep in the same bed

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

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

Mr. A. K. HUTCHINSON. Thank you, Mr. Speaker.

Before I talk about the amendment, I want to say that when this bill first was introduced, I was against it, and I have given it some great study and read a lot of things and different things that came across my desk, and I decided yesterday that I would be for it. But the Bible says you shall not lust upon your neighbor's wife, and how the heck can you keep from lusting if she is running around in a bikini and a halter? And that is where it leads to my amendment. That is where it leads to my amendment. I say, "unless the victim and alleged perpetrator spouse sleep in the same bed." I think that is a little bit of enticement, to sleep with a woman—I do not care who she is—in the same bed, because I do not know how the heck you could help yourself. I do not have that problem anymore, but I think—How about you, Matt?

The SPEAKER. You snore.

Mr. A. K. HUTCHINSON. I think there is enough said, and I think to make the bill a better bill than it is, is to vote for my amendment. Thank you.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

I suppose it would be easy to make light of this issue, but it is a serious issue, and I rise to oppose the amendment.

I think Mr. Hutchinson's concerns are well placed, but if you look closely at the language of the bill, you are going to see the problems it causes. The language is very vague, very ambiguous. I am not exactly sure how to interpret it, if it means whether that person must have slept in the bed once a week, once a month. I mean, the mind boggles at what the extension of that is. Also, if a woman would be held in bed at knifepoint, gunpoint, something like that, would this also be a defense against a rape?

We have had examples of individuals and a woman whom I talked to personally who was about to be raped downstairs in front of her very tiny son, and she begged to be removed from where her son could see what was going to happen and she was dragged to their bedroom and very brutally raped, because she wanted to save that sight from her son. Now, under this amendment that individual would be able to have an absolute defense.

Mr. Speaker, I think what Mr. Hutchinson is driving at is that if the alleged victim is trying to entice or consent to the alleged perpetrator, then that is wrong and we should try to prevent that. Mr. Speaker, the law does that now. Consent is a defense, especially in a case of spousal rape, a very difficult burden for a victim to carry. We do not need this language to try to address the problem that Mr. Hutchinson has. I think this will sort of make a mockery of the bill, and I think a judicious vote would be in opposition.

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

Mr. A. K. HUTCHINSON. In 1975 the Crimes Code was revamped. We took two things out of it, adultery and fornication. So for anybody who is single, we have already helped them out, that they do not have to pay a \$100 fine for fornication or spend a year in jail for adultery, and I at least think if a

woman sleeps with a man, I do not care whether it is once a week or twice a week, that there ought to be a defense for the man. But the second thing is he is talking about knife and gun point. I think that is attempted murder, and that also is a felony. So I think that if she can prove rape, she can almost always prove the knife and gun.

I do not think I am superficial, and I think that I am serious. It took me a long time to come around to vote for this bill, and I think that this amendment should be put in the bill. Thank you.

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

Mr. CUNNINGHAM. Mr. Speaker, I would urge the defeat of the amendment, because it destroys the intent of the bill.

I had the privilege of serving for 2 years as a court-appointed special master to hear indigent divorces in Centre County. During that period of time I was extremely alarmed to realize what a significant percentage of the divorces being heard in that court involved situations in which a husband had so thoroughly intimidated and coerced a wife that he virtually controlled her entire existence. He forced her to live under a reign of terror; he forced her to remain in the home; he forced her to continue to sleep with him, either because of threats he made against her or threats he made against her children or what have you. The mere fact that the man and the woman are cohabitating, the mere fact that they are sleeping together in the same bed is absolutely no indication of the health of that marriage or the extent to which the woman is in fact consenting to be with the man.

A very, very significant percentage of the domestic violence and the sexual assault that occurs under these circumstances occurs between couples who are in fact sleeping together either because of economic pressures that make it impossible for one or the other of them to move out of a house and set up a separate household on their own or because of threats and intimidation. To accept this amendment is in effect to destroy the intent of the bill, and I would encourage its defeat in the strongest possible terms.

Mr. Speaker, I would also like to conclude by observing that the concern that the gentleman is raising with this amendment is best left to a district attorney, because what we are dealing with here essentially is a question of proof. The gentleman is suggesting, if I understand him correctly, that if a man and a woman are sleeping together or have slept together, that should constitute a defense even if the man rapes the woman, even if the woman accuses the man of rape. Very clearly, the question of proof, the question of whether the facts of a given case warrant a criminal prosecution are best left to the district attorney.

Mr. Speaker, please let me conclude by simply observing that if we require every woman who finds herself brutalized by sexual assault in her home to prove that she has not slept with her husband no matter how coercive the threats he used to force her to sleep with him in order for her to get the equal protection of the law, we will in effect be denying her any access to the judicial process in terms of prosecuting her rights

to be free from the threat of sexual assaults. I would urge the defeat of the amendment.

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

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

I rise to oppose the amendment offered by the gentleman, Mr. Hutchinson, because I find it somewhat parallel to the line of reasoning under which previously a defense allowed in a rape case of the ordinary type was the fact that the woman had engaged in intercourse with the man on some previous occasion and declined to do so on the case in point. To me, the same rule applies here. Regardless of whether the wife in this case may have permitted sexual intimacies on other occasions, regardless of that fact, she declined to do so in this instance, and the mere fact that they happen to share the same bed, the same dwelling, is no defense against brutality and degradation. I do not think any woman should have to submit to that kind of treatment from any man. Regardless of when or where she said yes the last time, the fact that she said no on this occasion does not give any man the license to degrade and brutalize that woman. I strongly urge that we defeat the amendment.

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

Mrs. HARPER. Thank you, Mr. Speaker.

I rise to oppose the Hutchinson amendment. There are many women who have no other choice but to share the same bed with their husbands, simply because they only have one bed. On the other hand, I have heard women say that they have been raped by their husbands, and they were forced to turn their backs on their husbands and sleep in the same bed and cry all night to keep their children from knowing what happened. So they have no other choice other than to sleep in the same bed. I urge you to defeat this amendment.

PARLIAMENTARY INQUIRY

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

Mr. DAVIES. Mr. Speaker, I guess it would be a point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. DAVIES. Is there any way in the discussion of the amendment or the bill itself that we can remove the inference of gender in referring to man and wife or wife and man, or in some instances I understand from the record that there is the same or there have been cases of brutalization from the other side. I am assured by the maker of the bill itself there is no reference to gender. Would that be possible as far as the debate? Could it be defined that way in the debate, or would we have to make cross-reference?

The SPEAKER. I do not know, Mr. Davies, in response to your point of parliamentary inquiry, how I can make a ruling that will change man to woman and woman to man. I think you should just listen carefully.

Mr. DAVIES. All right, sir. Then I guess I would be remiss if I did not caution some of the former speakers that if that is the instance and what in the record they do say does happen and is a matter of brutalization, that therefore, when we make these references, somewhere or other we could keep that in mind. I am assured by one of the persons who is supportive of the bill and I guess the originator of the bill that there is no reference to gender in the legislation itself. However, when we get into the debate, I think we should show at least that particular caution in our references. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—26

Anderson	Duffy	Hutchinson, A.	Petrone
Barber	Fryer	Irvis	Phillips
Berson	Gallen	Johnson	Piccola
Bowser	Gamble	Maiale	Sirianni
Cochran	Geist	Miscevich	Stairs
Dietz	Hasay	Mrkonic	Williams, H.
Dininni	Horgos		

NAYS—163

Armstrong	Fee	Lucyk	Serafini
Arty	Fischer	McClatchy	Seventy
Belardi	Fleck	McIntyre	Showers
Bellanti	Foster, W. W.	McMonagle	Shupnik
Beloff	Foster, Jr., A.	McVerry	Sieminski
Bittle	Frazier	Mackowski	Smith, B.
Blaum	Freind	Madigan	Smith, E. H.
Borski	Gallagher	Manmiller	Snyder
Boyes	Gannon	Marmion	Spencer
Brandt	George	Merry	Spitz
Brown	Gladeck	Michlovic	Steighner
Burd	Grabowski	Micozzie	Stevens
Burns	Gray	Miller	Stewart
Callagironc	Greenfield	Moehlmann	Stuban
Cappabianca	Greenwood	Morris	Swaim
Cawley	Grieco	Mullen	Sweet
Cessar	Gruitza	Murphy	Swift
Cimini	Gruppo	Nahill	Taylor, E. Z.
Civera	Hagarty	Noye	Taylor, F. E.
Clark	Haluska	O'Donnell	Telek
Clymer	Harper	Olasz	Tigue
Cohen	Hayes	Oliver	Trello
Colafella	Heiser	Pendleton	Van Horne
Cole	Hoeffel	Perzel	Vroon
Cornell	Honaman	Peterson	Wambach
Coslett	Itkin	Petrarca	Wargo
Cowell	Jackson	Pievsky	Wass
Cunningham	Kennedy	Pistella	Wenger
DeMedio	Klingaman	Pitts	Weston
DeVetter	Kolter	Pott	Wiggins
DeWeese	Kowalshyn	Pratt	Williams, J. D.
Daikeler	Kukovich	Pucciarelli	Wilson
Davies	Lashingner	Punt	Wogan
Dawida	Laughlin	Rasco	Wozniak
Deal	Lehr	Reber	Wright, D. R.
Dombrowski	Lescovitz	Richardson	Wright, J. L.
Donatucci	Letterman	Rieger	Wright, R. C.
Dorr	Levi	Ritter	Zwikl
Durham	Levin	Rybak	
Emerson	Livengood	Salvatore	Ryan,
Evans	Lloyd	Saurman	Speaker
Fargo			

NOT VOTING—2

Cordisco	Mowery
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EXCUSED—8

Alden Lewis	Manderino Rappaport	Rocks Smith, U. E.	Taddonio Wachob
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The question was determined in the negative, and the amendment was not agreed to.

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

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

The question is, shall the bill pass finally?

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

Mr. CUNNINGHAM. Thank you, Mr. Speaker.

Very simply, in Pennsylvania under current law a marriage license is a license to commit rape. Our current law is a product of a 19th-century view of marriage and a woman's proper relationship to her husband. That view was that a woman was the property of her husband to do with as he wished. It is very important to note that under current law, for a woman to get legal relief when she has been the victim of domestic sexual assault, she has to show that she has been living separate and apart from her husband. This is something that is sometimes difficult for her to do without a court-approved separation agreement of some sort.

Economic conditions frequently make it very, very difficult for two people to separate from one another when they wish to do that. They are in effect forced into close proximity with one another, despite the fact that their marriage is in very serious trouble, and in fact both might profit from their ability to move away from one another. They are simply unable to do that. What ends up having to occur under current law when a woman is the victim of brutal rape and her attacker happens to be a person to whom she is related by marriage is that if there is no physical abuse involved, no beating, no physical injury, there is virtually no chance of any conviction of any crime, and the crime can never be rape. We always end up having to proceed on some less significant, less onerous kind of a crime.

I have heard people argue as this bill has been considered, as this bill has been on the calendar and has been debated, that a woman gives up her right to resist sexual advance at the altar. I do not think that should be the law of this Commonwealth.

I have heard people argue that it is too difficult to prove spousal rape, so we should not have a spousal rape provision in our law. Rape is always very, very difficult to prove, and the better the victim and the attacker know one another at the time of the attack, the more difficult it always becomes to prove. The fact that it is very difficult for us to prove that a male fiance has raped a female fiancee is no justification for stripping the law of the protection we give to women who are engaged. The same could be said of women who are raped by their boyfriends or women who are raped by people with whom they work or women who are raped by anybody else whom they know.

I have heard people argue that the potential for abuse will be present if we enact this provision, that there is danger that women who are involved in divorce disputes who are trying to gain leverage for a property settlement are going to fraudulently allege rape in order to gain some tactical advantage, or they will threaten to allege rape. Every single statute that we have in the Crimes Code can be fraudulently misrepresented. People can come forward and they can fraudulently assert that another person is guilty of having committed a crime when in fact they are not. That is always a problem and will always be a problem with virtually every statute in our Crimes Code.

I have heard people argue that we do not need this provision in the law, because there are many other ways of dealing with the problem of domestic violence that involves sexual assault. There is virtually no question that there are many other ways. There is counseling; there are civil remedies available; there are less severe criminal remedies available, and in circumstances where those less stringent remedies are appropriate, of course they should be employed. We are not suggesting for a moment that every incident of domestic violence involving sexual assault is appropriate for a rape prosecution, but neither is it fair to argue that no case of domestic violence involving sexual assault is appropriate for a rape prosecution. We offer this bill not as a panacea, not as a cure-all with some naive belief that we are going to put an end to sexual assault in domestic violence. We do not think for a moment that that is going to happen. But we think that as regards those cases where this kind of prosecution is appropriate, we think this kind of a prosecutorial tool should be available to district attorneys to use to enforce the rights of all women whether they are married or single.

We have heard people argue that this bill is unnecessary and in fact undesirable, because it represents an intrusive involvement by government in the home. I would submit to this House, Mr. Speaker, that the law justifiably involves itself in the home to prohibit spouses from beating other spouses, to prohibit parents from beating children, to prohibit children from abusing their elder parents and grandparents. All of these activities take place in the home. Incestuous activity very often takes place in the home. The law prohibits all of these kinds of things, and it is very important that nobody in Pennsylvania is made vulnerable to assault of any sort simply because of the domestic circumstances in which they find themselves.

We have heard it argued that we should treat rape between spouses differently than we treat rape by strangers, and I would submit that to the extent that is true, that different treatment should occur at the point of sentencing after a criminal conviction has been secured and not when we are trying to decide what a person's relative rights should be to be free from terroristic threats regarding sexual assault.

We have heard people argue that the courts would be clogged with these kinds of cases if indeed we—

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Misceovich, rise?

Mr. MISCEVICH. A point of personal privilege.

The SPEAKER. The gentleman will state his point of personal privilege.

Mr. MISCEVICH. I would like to ask Mr. Cunningham if he is talking from experience or from rhetoric, if he is married and has the expertise to qualify his statements?

The SPEAKER. The Chair recognizes the gentleman, Mr. Cunningham, and advises him there is no need to answer such a question.

Mr. CUNNINGHAM. Mr. Speaker, if the gentleman would like to interrogate me on that point, I would be glad to be interrogated at the conclusion of my remarks.

I will simply add that after my involvement in more than 200 divorce cases, a substantial percentage of which involved domestic violence and a substantial percentage of those having involved sexual assault regarding domestic violence, I do not think a person has to be married to be concerned about this problem any more than a person in this legislature has to be a senior citizen to be concerned about the rights and responsibilities of senior citizens.

If I may conclude my remarks on debate, Mr. Speaker, I would like to conclude by observing that it has not been our experience in any of the States that have adopted similar legislation that there has been an outpouring of these kinds of prosecutions. In fact, just the opposite has been true. We have had relatively few prosecutions, largely because the problems of proof are very serious. They are very difficult to overcome. District attorneys—and this is a very, very important thing to emphasize—the district attorneys who are going to be making the final decision with regard to which of these cases is prosecuted and which of these cases is not prosecuted do not like to go into court and make fools of themselves. No district attorney in his right mind is going to take a losing case into court. DA's place justifiably a great deal of stock in their conviction rates. DA's cannot reasonably be expected to take cases with weak facts into court. Our concern is not that this bill will be overly prosecuted or overprosecuted; our concern is in fact that the provisions of the bill will be underenforced because of reluctance to get involved in these kinds of domestic disputes.

We need a deterrent in Pennsylvania that will place spouses on notice of the fact that they will be held accountable for their behavior to the full extent of the law if they are responsible for this kind of assault. We also need to make a public policy statement in this Commonwealth that in Pennsylvania women are not the property of the men they marry, and rape is wrong, whether the victim and the attacker are related or unrelated. Thank you, Mr. Speaker.

WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House today a former member of this House who served from 1959 until 1962 representing the county of Erie, Mr. Peter Schaaf.

The Chair is also pleased to welcome to the hall of the House today two winners of "There Ought To Be a Law" contest—I wonder what they will take back with them today—Pam Trafford and Candace Einstein, here today with Kathy Herman, a legislative intern, all as the guests of Representative George Saurman of Montgomery County.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair has granted permission to Steven Gerard of the Columbia Gas Company of Pennsylvania to take still photographs on the floor for a period of 10 minutes, these photographs to be used in connection with a company publication.

CONSIDERATION OF HB 1122 CONTINUED

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

Mrs. HARPER. Thank you, Mr. Speaker.

I rise to support this bill. We must make a concerted effort to understand the concept of marital rape so that we may fully realize the importance of HB 1122. Marital rape is a kind of domestic violence. It involves forced, brutal, sexual attacks on women and too often is accompanied by beatings. This is not an anti- "ho-hum sex" bill; it is anti-violence against women, and rape is a very unique form that this violence sometimes takes. Married women deserve equal protection from this horrible violence under our State rape laws as any other woman in our society. Even the most brutal and horrifying rapes within a failing marriage cannot be prosecuted because of Pennsylvania's outdated spousal exemption. This marital exemption originated with Sir Matthew Hale of England, a 17th-century jurist who is famous for his witch burnings. It reflects the time period where a wife was her husband's property as a cow is to a farmer or a car is to a motorist.

A newer interpretation of our idea of marriage is given by a Catholic priest in a Philadelphia newspaper article. Father Adamo urges the passage of the marital rape bill, as he explains: "In marriage both partners belong to each other. The possession is mutual. Furthermore, they belong to each other to be cherished and honored, not to be exploited or brutalized. They exercise their mutual possessiveness in a reasonable manner. Marriage gives neither party a license to abuse the other." I have seen and talked with many women who have been sexually raped by their husbands and brutalized. This bill is long overdue.

I was talking to a woman who lived with her husband for a number of years, and finally she left him. I asked her, I said, why did you stay so long? She said, I stayed with him to raise my children; I took his sexual abuse because I had no law, nowhere to go. So let us pass this bill so that women will have some protection by law. Thank you.

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

Mr. KUKOVICH. Thank you, Mr. Speaker. I will be very brief.

We have circulated a great deal of material to the members of this House, on the floor, through the mail, in caucus, explaining the problem. I will admit that when the problem first came to me, I agreed to cosponsor the bill, because on the face of it, it seemed unfair; it seemed there was a double standard. But as I got involved in the issue, as I learned about the depth and the gravity of this problem, I became very concerned about it and the seriousness and the need for this bill.

Mr. Speaker, according to reports from the University of Pittsburgh, the University of New Hampshire, from a Los Angeles Police Department survey, there are approximately 600,000 married spouses rather brutally molested, raped, assaulted in a year.

Now, we have received endorsements for this legislation from various organizations - respected organizations, newspapers, bar associations, et cetera. I will not bore you with a litany of those groups. All the sociologists, the experts in this field in domestic and family law, have expressed a need for this type of legislation. I think the arguments against it have been addressed adequately by Representative Cunningham and Representative Harper. I will not dwell on that, but the experts have shown that the problem is there; the need is there. Rape in a marital setting is just as traumatic, and maybe even more so, than the typical rape we think of.

What I think is even more telling, Mr. Speaker, is that we recognize that because of the difficulty of proving this criminal charge—and let us make no mistake about it; speaking pragmatically, the burden is even greater in a spousal situation—we are actually only going to help a few women. For those few who cannot get a divorce, those few who because of children, because of economics, because of other reasons, are literally imprisoned in that setting and have no other recourse, we in this General Assembly can say today that for those few who have no escape, who have no defense, that yes, there is a recourse. We can help them, and we can help them by voting “yes” on this bill. I would appreciate your support.

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

Mr. FRYER. Mr. Speaker, we have heard most effective arguments made on behalf of the passage of HB 1122. I should like to present for your consideration some arguments in opposing HB 1122.

We need to recognize, as a practical matter, that some sexual assaults are in fact more serious than others. Rape, as it should be, a felony of the first degree, is punishable by up to 20 years' imprisonment. On the other hand is the situation in which a married couple is lying in bed, and the husband begins to make overtures to the wife, and she says no. Are some of us familiar with that? Instead, the argument is made, not until you increase my allowance. But this brutal man has his way regardless. I ask you, does that man deserve 20 years in prison? I see there are mixed emotions here depending upon individual circumstances. Now, what is the matter? Is 10 years not enough? Ten years; we speak of it as though it were 10 days.

Now, Mr. Speaker, I wonder whether or not the proponents of this enlightened—and I use the word loosely—legislation

have ever seen up close what happens to a couple when one of them decides to file for a divorce. It is a nasty business. There is no time in a person's life when he or she becomes more irrational, more vengeful, than when that person sees his or her family break up. It is an ugly scene when love turns to hate.

What this bill will do if it becomes law, through your votes, is to give one party, presumably the wife, a devastating weapon to use in order to ruin her husband's career and his life - charge him with rape. No witness is required, so it is her word against his. But, of course—and here is the good part—if he agrees to a favorable property settlement, if he is willing to give her the house and the car, quite possibly she may drop the charge. To give someone that kind of leverage has nothing to do with equal rights, Mr. Speaker.

When I think of the problems that face this Commonwealth, I am appalled that we have this bill before us for our consideration. And I have heard one pious statement after another. If any man or woman in this chamber, realizing the problems that go on in a married life, and now we are going to bring Big Brother into the act. They speak as if there were no protection for that woman, and there is. There is no question of that. But now this has become an all-consuming thing; let us throw the book at him; let us get that beast and corral him and show him once and for all what justice is.

I ask you to seriously consider and then go back home and explain to your constituents the notable work that you did this afternoon, and I am sure they are going to be so impressed. I was carried away for a moment. I decided not to take the floor, but I thought no, let us present the other side. I will tell you, I think when you talk to the people back home, I think the average comment is going to be, do you fellows and gals up there in Harrisburg not have something better to do with your time? Was this your noble hour; was this the hour when you remembered the oath that you took and how proud you stand, representing this great Commonwealth? And then we address this problem, which is better let go as it is and left up to the individuals, because I remind you, we do have laws on the books to take care of this. They speak as if there were no protection, and that is poppycock. That is the only word that can aptly describe it, because this is a mockery of the family, of the law. And, Mr. Speaker, in your sober moments when you decide how to vote on this, try to think, and see if you think this is so important that it deserves your vote. In my opinion, it does not. I shall vote “no,” and I shall be very, very proud of that vote. Thank you for your attention, Mr. Speaker.

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

Mr. McCLATCHY. Mr. Speaker, I rise to oppose this legislation.

This week when I was home, my wife and I usually discuss what is going to happen, and I told her one of the things was HB 1122 dealing with marital rape. She said, dealing with what? She said, you have got to be crazy. Mr. Speaker, I think we are dealing in an area of marital affairs where we should not be.

On a serious note, for the last 8 years I have been working to reform the rape laws. I introduced and we held hearings on the reform of those laws at least 8 to 10 years ago, a special committee. We determined after many, many hearings that this crime is a crime of assault. It is a crime of assault, not sex. Sex is probably the very end. How do you explain when an 80-year-old woman is raped? That is a crime of assault. How do you explain when a child is raped? It is a crime of assault. If we have problems in this area, strengthen the problems with the crime of assault, the crime of abuse. Let us provide more shelters, but let us not get into those delicate marital affairs. We do not belong there. I daresay if any of you had the experience of trying to intervene in a fight between a wife and a husband, in most cases you will find that they turn on you.

Mr. Speaker, I oppose this legislation. Thank you.

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

Mr. DEAL. Mr. Speaker, may I interrogate the prime sponsor, Mr. Cunningham?

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

Mr. DEAL. Mr. Speaker, will you explain what you mean in the bill by "forcible compulsion"?

Mr. CUNNINGHAM. Mr. Speaker, I apologize. The noise level made me unable to hear the last part of the gentleman's question. If he would repeat it again, I would appreciate that.

Mr. DEAL. In the bill the first charge is forcible compulsion.

Mr. CUNNINGHAM. Are you referring to a specific portion of the bill, sir?

Mr. DEAL. Yes, on the second page, line 11, "by forcible compulsion." What is the interpretation of the prime sponsor in that?

Mr. CUNNINGHAM. On line 11?

Mr. Speaker, if the gentleman is referring to existing Crimes Code language down in the latter part of the bill, we do not change that in any way. The only thing this bill does is remove the defense of matrimony to a charge of rape. The only thing this bill says is that if a man rapes a woman, hypothetically speaking, if a man rapes a woman, the fact that the victim and the attacker are related by matrimony will not constitute a bar to the prosecution of the attacker. We do not change the definition of rape; we do not change the elements of the crime. We change absolutely nothing but to remove the matrimonial bar to prosecution.

Mr. DEAL. Mr. Speaker, I thought I interpreted it the same way that the prime sponsor is interpreting it. However, I had hoped that the prime sponsor, in preparing the bill, would have been aware of that particular section of the Crimes Code and would recognize that maybe this is a little different than an ordinary rape.

Mr. CUNNINGHAM. Mr. Speaker, the bill confines itself to rape and involuntary deviate sexual intercourse because of the outrageous nature of those acts, and because of the almost insurmountable proof problems that go to other sex-related crimes, it seemed advisable to confine the scope of the bill only to rape and involuntary deviate sexual intercourse.

Mr. DEAL. Mr. Speaker, this will be my last question.

If a spouse went into a police station 6 months later and complained that she was raped forcibly, could show no aggravation, no witness or anything, is your bill to have us believe that it would be acceptable?

Mr. CUNNINGHAM. No, Mr. Speaker, and the gentleman asks an excellent question, and I would beg the attention of the House to the answer to that question.

No district attorney in this Commonwealth is going to go forward with the prosecution for a felony of this magnitude unless the facts of that case, the evidence that is available, is so strong and so clearly defined that there is a substantial likelihood of prevailing upon prosecution. The longer the time that elapses between the alleged date of commission of the crime and the reporting of the crime and the attempt to prosecute, the lower the credibility of the prosecutrix becomes, and the problem of proof becomes so insurmountable that the district attorney is very likely not going to be willing to go forward with the prosecution.

So this legislation is aimed at a very, very narrow spectrum of domestic violence involving sexual misconduct, and district attorneys are vested with the prosecutorial discretion to make judgments about which cases have facts that are so strong and so clearly defined that nothing less than a rape prosecution is appropriate for that particular case. We are not saying in this bill that every time any woman gets into any domestic violent situation involving any allegations of sexual misconduct, immediately her husband is going to be prosecuted for rape. That is not only a misreading of the law; it represents a complete distortion of our criminal justice system and how it works.

Mr. DEAL. Mr. Speaker, it would appear to me, though, that when we pass the bill here, it would appear to me that we would open the door, unless it is very clear, for emotions to arise. You are assuming that it would not happen, but it appears to me, though, that we may be opening a door so that emotionalism will arise until a district attorney might well feel that we ought to at least go ahead and make the arrest for fear of being misinterpreted or being anti the female spouse. You know, I just wonder, should the legislature pass bills and assume that the bill will not be abused? It seems to me, I am asking you, Mr. Speaker, should we not make sure when bills are passed that we in the bill itself make sure that it cannot be abused and people would not be abused or used in the bill unjustly?

Mr. CUNNINGHAM. Mr. Speaker, to reiterate something I said a few moments ago, in every State in the country in which this legislation has been adopted, we have not seen abuses. In none of those States have we seen abuses. We have not seen a massive outpouring of criminal prosecutions. Just the opposite has been true. Every single statute in the Criminal Code is vulnerable to the extent that somebody can come forward and accuse someone else of having committed a crime pursuant to that statute. That is why we have district attorneys - to exercise prosecutorial discretion as screening agents to make judgments about whether a case has facts sufficiently strong and clearly defined to warrant criminal prosecution.

cution. These are elected officials who are accountable to the public, and the last thing in the world they want to do is take a *losing case into court and look like an idiot as they get kicked all over the courtroom.*

Mr. DEAL. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

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

Mr. KUKOVICH. Point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. KUKOVICH. Would it be appropriate for me to also respond to corroborate the response that Representative Cunningham gave? I think I can enlighten the gentleman a little more.

The SPEAKER. Does the gentleman desire to be recognized for the second time on the issue?

Mr. KUKOVICH. No, I do not, Mr. Speaker. I want to respond to the interrogation, if that is all right.

The SPEAKER. The gentleman was not placed under interrogation.

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

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, Mr. Cunningham began this debate by saying that under current law, marriage is a license to rape. That comment saddened me, and I think it reflected a misconception of marriage. Marriage is not a license to rape, but it is a license to engage in sexual intercourse between two people who love each other and who vow to love each other and to honor each other. It is that aspect of marriage that makes rape not appropriate between married couples. What is appropriate between married couples is a prosecution for any violence that occurs. The reason I say that is, what it is, it seems to me, within a marriage that we are objecting to is a situation with or without sexual intercourse where there is physical violence or a threat of physical violence. It is that that makes the sexual intercourse offensive, the violence; without it, it would be a normal marital act.

Our criminal laws are replete with statutes with which to prosecute men who are violent towards their wife. You can bring a charge of assault, of terroristic threats, of attempted murder, of murder, of aggravated assault, a weapons offense, a knife offense, and any other number of offenses if any woman is subjected to any threat or any real violence. That, it seems to me, is the essence of the violation of the woman.

Additionally, I believe very strongly that this will not help women who are trapped into situations of domestic violence. I think that no one has spent more time than I have this session working with problems of domestic violence. I have worked hard and am continuing to work for a bill to provide more funding for domestic abuse centers. The reason I believe it is so important is that women who are caught in domestic violence need domestic solutions. They need to be out of the marriage or they need the man out of the house; they need shelter;

they need emotional support; they need money; and they may need legal counsel. It is not going to help them one bit to have an additional charge to proceed with in a criminal court against that man. Our law currently has—and it is not an old law—a protection from abuse that a woman can bring for any man, and her husband, who has abused her either sexually or physically, so that she has a perfect right today to remain in her home and to have that man who was abusive to her removed.

It seems to me that these are the kinds of avenues a woman needs, not another avenue in the criminal courts. I say this also because the criminal court is not a good place to deal with the kinds of emotions that make up a marriage. The criminal courts are notoriously unsuccessful in dealing with domestic abuse. They are going to be even less successful in dealing with allegations of sexual abuse where there is not physical abuse. I think it is also very important to point out to the members of this House that in Pennsylvania the spousal exemption only extends to a couple who are living together. We are not talking about a couple who are living at separate residences. We are talking about a couple where that marriage is still intact to the point that they are living together, they are sharing their home, and they are sharing a marriage. These are the men whom we are talking about prosecuting for the crime of rape.

What is the crime of rape? Rape is accorded a very special place in our criminal law. It is recognized as different than any other assault, and both under our maximum penalties of 10 to 20 years for rape, under the new sentencing guidelines, we provide very tough penalties, because we know that it is a special kind of indignity to a woman which is very different than a mere physical assault. I suggest that to say that a sexual assault within a marriage is the same as our traditional notion of that violation of a woman by a person not her spouse is ludicrous. Marriage carries with it certain acceptance. Rape does not belong in the law of marriage, and I believe we should defeat HB 1122. Thank you.

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

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

In rising to support the bill, I would like to deal with just one narrow aspect of the matter, the fact that rape under any circumstances is a most traumatic experience for a woman. It is a terrifying experience and it is an experience that leaves a deep mark on that woman's psyche. What I am trying to say here is that it is totally irrelevant whether that degrading act is performed without or within the bonds of matrimony. I do not think it makes one bit of difference whether the couple is man and wife or whether they are strangers. The act, the obscene and degrading act, is something that no woman should have to accept.

I think the basic thing that we must keep in mind here is that it is a most humiliating, terrifying, and traumatic experience for any woman to undergo a rape. However, at least under normal circumstances, that woman can expect prosecution of that vile act. However, just think for a moment of the sense of frustration and helplessness of a woman who finds no way to bring prosecution for such a vile act.

I support the bill and urge everyone to pass the bill so that we once again might emerge from the Dark Ages in our views on this type of sexual obscenity.

The SPEAKER. The Chair recognizes, for the second time on the issue, the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Thank you, Mr. Speaker.

Unfortunately, some men really believe that when they purchase a license, it gives them total control of the woman. In fact, I heard a man say to a woman—they are friends of mine—he said, I purchased a license for \$5.95, and I bought you; you belong to me.

It is about time that we came up with this type of legislation to protect women who cannot protect themselves. The majority of men are physically stronger than women; and a number of men have taken advantage of women simply because they are physically stronger, not mentally but physically. So I urge you to support this legislation to protect women who cannot help themselves.

I think that men who are not brutal, who are not taking advantage of their wives, have nothing to fear, only rapists and the men who are brutal to their spouses. Thank you.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Mr. and Mrs. Charles Metzler of Elizabethtown, Pennsylvania, here today with their guests, Mr. and Mrs. Gus Rees of Reading, England, here today as the guests of Representative Kenneth Brandt of Lancaster.

MR. ANDERSON REQUESTED TO PRESIDE

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

THE SPEAKER PRO TEMPORE (JOHN HOPE ANDERSON) IN THE CHAIR CONSIDERATION OF HB 1122 CONTINUED

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support this bill.

One of the previous speakers said he hopes we could all return back to our districts after debating this legislation and feel that we have done something notable. I can think of few pieces of legislation that we have addressed recently where one can return to his or her district and feel more notable about.

The House this year has adopted a number of bills, pieces of legislation, seriously addressing the problem of rape in the Commonwealth. The House adopted an amendment that I had to the Crimes Code earlier this year that extended the statute of limitations to 5 years for the crime of rape. As Representative Hagarty indicated, this House adopted legislation that addressed the funding problem that the rape crisis centers throughout the Commonwealth were faced with. I was proud to address those bills, and I think the other members of the House were equally proud to address that notable legislation.

This bill is one step further towards addressing one of the most serious problems in the Commonwealth, and I think it is a true recognition that this special category, this spousal category of exemption for the crime of rape, continues to be recognized in Commonwealth law.

If we truly recognize the sanctity of a man's or a woman's body, then we will all agree that rape covers both married and unmarried couples. Representative Hagarty indicated that there has to be some physical injury during a rape that occurs in a marriage state. I disagree. I do not think there is any difference between the forcible compulsion that occurs in a marriage state or in a nonmarriage state. It is obvious that there is a serious philosophical difference between some of the members, but I do not think it is fair to say that there has to be some physical injury.

Representatives Cunningham and Kukovich and others have indicated that they agree that assault, protection from abuse, are good remedies and that this is just another remedy that will be available to prosecutors in the Commonwealth. It is not one that they might opt for frequently, but it is one they truly deserve and one that we should support if we truly recognize the sanctity of a man's or a woman's body.

Representative Fryer painted a hypothetical, and I do not think anyone could have made a better case for the legislation than he did in drawing that hypothetical for us, when a divorce proceeding is started, in a number of cases, and that couple—maybe for financial reasons, maybe one of the spouses has no place to go, no place to turn, no family to turn to—continues to cohabitate, and there is a rape in that situation because of the stress that has been created in that situation. Those are the instances where these forcible compulsion categories occur most frequently, where couples continue to live together. One might have filed for divorce and yet there are couples who continue to live together in that state in the Commonwealth, and this is where the protection is needed.

Another comment was made that marriage should continue to be a separate category because it creates a license to engage in sexual intercourse. I do not think it is a license to engage in unsolicited or nonconsensual sexual intercourse. I think it only speaks to the issue of consensual sexual intercourse. I think it is absurd to think that one nonconsenting spouse should not have available to her the crime of rape or the ability to bring it to the attention of a prosecutor to help remedy the problem.

In ending, Mr. Speaker, I concur with some of the previous speakers in saying that this is just one tool. It is not one that I suspect will be used that frequently, but I think it is a necessary tool. I know some of the prosecutors I have spoken to have indicated that they accept it as a new tool in fighting the crime.

Mr. Speaker, it is interesting that this legislation should come up at a time when recently in Montgomery County towards the end of 1981 we experienced a case where I communicated with the trial judge in the case that spoke to the problem of a rape that occurred between a patient and a doctor, her attending physician. That physician was acquitted in that case. And while it is not totally material here, that trial

lawyer wrote outlining a number of special categories that had been created in existing Commonwealth law that prevented women who have been abused, who have been attacked, who have been sexually abused, who have been raped, from bringing an action against that individual. One of those categories that he outlined for me obviously was this physician-patient relationship, and it is one that we hope to address in the future also. The second was this of the spousal relationship, of the husband-wife relationship. He agreed at that time, not knowing that we were going to address this problem, that he in fact thought that there were new tools necessary for prosecutors in Pennsylvania to address the problem. He had thrown facts at me. I have heard facts of 12 to 16 spousal rapes occurring and being reported within the Commonwealth this year. The figures I heard from him were at that level just for Montgomery County, Mr. Speaker, and that was a year ago.

So, again, I can only reiterate that I feel the need is important. It is compatible with what this House has done earlier this year in regard to the crime of rape in extending the statute of limitations. We agree that the rape crisis center funding is a problem that needs to be addressed and that there are other available tools, but this is just one new additional tool that prosecutors need in the Commonwealth. I therefore ask the House to support this measure. Thank you, Mr. Speaker.

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

Mr. FRAZIER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to urge the House to not legislatively intrude on matters which are better left to the judiciary.

I find in today's Pittsburgh Post-Gazette an article in which three sister States were cited. There is currently a court case before the Supreme Court of the United States in which the laws of Ohio, Missouri, and Virginia have been cited to answer questions dealing with whether States and local communities can regulate abortion, whether girls under 15 years of age should give consent, whether doctors should be required to perform abortions in hospitals, and whether governments can require doctors to wait 24 hours. I find the Commonwealth of Pennsylvania is conspicuously absent from that article. It is absent from that article because the Commonwealth did not intrude prematurely in legislating what is the development of the common law. If we were to pass this form of legislation, my first point would be that we would be intruding upon the common law and its development; we would be legislating what is more properly a judicial question.

My second point that I would like to make today is that the problem in interspousal rape is the lack of crisis centers. I am a lawyer who has specialized in domestic relations. I am not a former district attorney, but I have worked with the district attorney's office in Allegheny County through more than 800 domestic relations cases. I have never had any difficulty in obtaining the consent, both under the old divorce law and the new no-fault Divorce Code, of the district attorney to prosecute additional current grounds; for instance, assault and battery, which Representative Lois Hagarty so ably demonstrated.

If there were crisis centers which allowed the female to leave the marital relationship more freely, that is the problem. The problem is not adding an additional ground for an already unenforceable statute. Women complain vociferously and continuously that the current rape laws are unenforceable. The proponents of this bill have argued that the rape laws are currently very difficult to prove. We would be adding one more ground of a very-difficult-to-prove offense.

The marital relationship is a special relationship. Everything that marriage involves involves consent. To enter the married relationship involves consent. We should make it easier for a woman to terminate that relationship. We should focus the attention of the Commonwealth on allowing her to have a crisis center, to have legal counsel at her disposal so that her separation agreement can be written up; so that she can prosecute her divorce; so that she has a means of support outside the marital relationship. That is how to remove her from interspousal rape, not place in the hands of her attorney grounds under which a defendant husband can be browbeaten.

I would urge that the House would devote its attention. Instead of interfering in the lowest form of democracy but the most important democracy upon which this country and the Western World depend, and that is the family, I would urge this House not to interfere once again in the family but instead to provide for reasonable alternatives to the offense of rape.

The last thing that I would like to say today is that my experience in more than 800 cases of domestic relations has not led me to any great cognizance of this problem. The problem always has been the freedom of choice of the individual. I say that you should look for legislation which makes women have a better choice in terms of their ability to extricate themselves from the consent that marriage implies. Thank you, Mr. Speaker.

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

Mr. FREIND. Thank you, Mr. Speaker.

Mr. Speaker, in the recent primary campaign, I was accused of being the "captive" of the Pennsylvania Catholic Conference. I hate to disappoint my detractors, but despite the fact that the PCC is supporting this bill, I rise to strenuously oppose it. I would not oppose the bill and also oppose a colleague, the gentleman, Mr. Cunningham, if I did not think that this was one of the most dangerous and one of the worst bills ever introduced in the Pennsylvania Legislature.

You know, Mr. Speaker, many of my critics—and God knows there are a lot of those—have stated that my stand on abortion puts government in the bedroom. Abortions are not performed in the bedroom, Mr. Speaker, but this bill clearly puts government in the bedroom where it has absolutely no place to be.

I think everybody agrees that it is wrong for any individual to force himself upon any woman, even his wife. But the point of the matter is, this bill, if passed, will be absolutely impossible to enforce. The debacle that we witnessed in the Oregon case, which made national publicity, is a clear illustration of

that, Mr. Speaker - totally impossible to enforce. As a number of the other speakers have indicated, there are already present remedies in the law. There are crimes against assault and aggravated assault. We have a marital abuse bill right now, an act, where a woman can go before a district justice and have the husband ordered out of the home. This will not improve that situation one bit, Mr. Speaker.

Finally, I would like you to consider this, and I think this is a very important point: There is a strong possibility in the not too distant future that the United States Congress will pass an amendment akin to the Hatch amendment. What the Hatch amendment would do is permit each State legislature to enact its own laws outlawing or limiting abortion. If that amendment were ratified, I do not think it an understatement to say that this legislature would probably pass a bill outlawing abortions, with the exception of saving the life of the mother and in cases of rape or incest. If that occurs, Mr. Speaker, and HB 1122 is the law, all a woman has to do to get around that law is claim that her husband raped her, have the abortion, and then even before the preliminary hearing, drop the charge. There would be no ability whatsoever to corroborate this. As a matter of fact, the husband could not be forced to testify, because that would be self-incrimination, and even if granted immunity, he could not be forced to testify, because you cannot be compelled to testify against your wife.

Mr. Speaker, I cannot state strongly enough this is a horrible bill, and I sincerely hope the legislature overwhelmingly rejects it. Thank you.

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

Mr. SAURMAN. Mr. Speaker, when this bill first came to my attention, like many in this chamber, I dismissed it as both frivolous and a waste of time. That was because in my own personal experience and knowledge, I found it kind of farfetched. But since then my constituents, some of them, have come to me and explained why this bill is needed and what the problems are.

We tend to judge this kind of a piece of legislation in terms of what we look at as the norm. The kinds of situations which have been described are not normal. I think that on behalf of those women who spoke to me, I would object and feel somewhat insulted by the remarks of Representative Fryer in terms of the frivolity of this matter. We have sat and debated trout stamps, duck stamps, and bear licenses, which maybe to some others were frivolous, but if you have been involved in this kind of a psychological trauma, it is not funny. And for those people who are speaking out, it is difficult for them to speak out, because the result normally is laughter and ridicule, and that makes the task of speaking out and trying to get redress to a problem much more difficult. When we use those kinds of standards to which we are used and accustomed, when we think of the family in terms of what it ought to be and what it used to be, when we think in terms of the behavior of our people in terms of normalcy, it is something, perhaps, that is not needed, but we know that in our day today people behave like idiots. Violence is all too common, and the bizarre is what is anticipated.

I say that if women feel that they need to have this tool in order to redress their grievances, we ought not to deny it, and I would ask your support of this bill.

BILL RECOMMENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. Mr. Speaker, I have been reviewing this bill very specifically in terms of the language, and quite frankly, Mr. Speaker, I have some concerns with the interpretation which may be given to the language on the first page of the bill, which is the new language of the bill, and also with the current language of the Crimes Code dealing with the commission or the definition of the crime of rape, particularly dealing with engaging in sexual intercourse with another person who is unconscious or who is so mentally deranged or deficient that such person is incapable of consent in dealing in a spousal relationship, whatever that means. Inasmuch, Mr. Speaker, as I believe that that language gives myself—and, I believe, other members of this body—considerable difficulty in interpretation, I move that this bill be recommitted to the Judiciary Committee for further study.

The SPEAKER pro tempore. The question is on the motion to recommit the bill to the Judiciary Committee.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Centre, Mr. Cunningham, on the recommittal.

Mr. CUNNINGHAM. Mr. Speaker, the Judiciary Committee considered this bill very, very carefully and approved it by a significant margin. We have voluntarily, the sponsors of the bill, placed a hold on the legislation to give individual members and organizations the opportunity to carefully examine the bill. The bill has now been on the calendar on hold for something like 2 months. Virtually every organization that has taken a position on the bill has taken a position in support of the bill, bipartisan support - conservative organizations, liberal organizations, women's organizations, groups that would not normally be associated with this kind of bill. The bill is very, very simple. It is very clear-cut. We do nothing more than remove the spousal defense to a charge or rape.

Mr. Speaker, it is a simple vote; it is a "yes" or "no" vote. I would encourage the membership to confront this issue, because if we do not confront it today in this bill, I am very confident that we will be given an opportunity to confront it again in the very near future in some different form. So I would urge that after the amount of time that has been spent in debate this afternoon, after the amount of time that has been spent by the committee and by the people considering the bill while it was on the calendar, we vote the bill today.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich, on the recommittal motion.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I think at this point we should vote against recommitment, and the reason is that this bill has gone through a subcommittee, through a committee. We have had about three meetings on it through the subcommittee-committee process. The primary sponsor has voluntarily held this bill now for at least a couple of months to make sure we had maximum input. In our own caucus on this side of the aisle whenever I addressed this issue, I tried to give both sides of the argument, the pros and the cons. I requested any suggestions of problems, questions. There were none. I am not sure what more we can do. We have circulated articles by judges, by victims, by just about everybody involved, to the members on the floor of the House, through their mailboxes. I am not sure what more we can do, and because of that, I think it would certainly be dilatory to try to recommit this bill at this point in time.

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Mrs. Harper, on the question of recommitment.

Mrs. HARPER. Thank you, Mr. Speaker.

I think we should vote this bill today. I do not see any reason to hold this bill any longer. It is a bill for protection of women who cannot protect themselves. Let us go ahead and help the women.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lawrence, Mr. Pratt, on the recommitment motion.

Mr. PRATT. For those, Mr. Speaker, who would prefer to have this bill recommitted to another committee, for example, the Committee on Health and Welfare, that may or may not have merit, Mr. Speaker, but for the time being, I will stay with my motion for recommitment to the House Judiciary Committee.

The prime purpose of my recommitment motion, Mr. Speaker, is to have the members of the committee take another look at the language of this bill. I think it is bad language. I believe that we need a solution to rape within a spousal relationship, whatever those words mean. I am not attempting to oppose those who would like to reform this area of our criminal justice system. I support that movement, but I do not think that this is the way to go, Mr. Speaker. I believe that this bill is going to cause more problems than it will solve. I believe that the House Judiciary Committee made a mistake. The language is bad. There are many members on the floor of this House who would like to see the language changed so that we do not have this particular bill, if it becomes law, abused within our criminal justice system.

Mr. Speaker, I stay with the motion to recommit to the House Judiciary Committee. I hope that it does get recommitted, and I hope that committee goes to work, looks at the language again, and comes back with a much better bill, Mr. Speaker. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, I very much oppose the motion to recommit. There usually are three reasons, generally, why such a motion is made. Reason number one is that it needs more study. In view of what was just said and in view of what

we all know, I do not think there is one blessed thing that we do not know about rape already. I do not think there is any question in anybody's mind here what we are talking about. We are talking about rape. It is very clearly understood insofar as other rape is concerned, and we are talking about the same kind of rape here insofar as married people are concerned. So there is no new study needed at all.

The second reason for wanting to recommit is to just pussyfoot around and avoid the issue. Now, if that is the way you feel, that you want to avoid this issue, go ahead and be a coward and vote for it and avoid the issue.

Reason number three would be to scuttle the bill altogether. I rather think that that third reason is the basic reason for the motion, but I am not going to try to prejudge anybody. But I say that if that should be a reason in your thinking, I think you ought to face up to the bill just the way it is right here and now, and if you do not like the bill, have enough courage to vote against it. So I am very much opposed to the motion to recommit, and I urge that you all vote "no."

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

The following roll call was recorded:

YEAS—102

Anderson	Fee	Lehr	Pitts
Armstrong	Fleck	Lescovitz	Pott
Barber	Frazier	Letterman	Pratt
Beloff	Freind	Levi	Pucciarelli
Borski	Fryer	Levin	Punt
Bowser	Gallen	McClatchy	Reber
Brandt	Gamble	McMonagle	Richardson
Burd	Gannon	Madigan	Seventy
Cawley	Geist	Maiale	Sieminski
Cimini	George	Marmion	Sirianni
Civera	Gladeck	Merry	Smith, B.
Clark	Grabowski	Micozzie	Spitz
Colafella	Gray	Miller	Stairs
Cornell	Greenfield	Miscevich	Swaim
Coslett	Grieco	Moehlmann	Swift
DeMedio	Gruppo	Mowery	Taylor, E. Z.
Davies	Hagarty	Mrkonic	Telek
Deal	Hasay	Mullen	Trello
Dietz	Hayes	Nahill	Wenger
Dininni	Heiser	Noye	Williams, J. D.
Donatucci	Honaman	Olasz	Wilson
Dorr	Horgos	Oliver	Wozniak
Duffy	Hutchinson, A.	Pendleton	Wright, R. C.
Durham	Irvis	Peterson	
Evans	Johnson	Petrone	Ryan,
Fargo	Kennedy	Phillips	Speaker

NAYS—87

Arty	Dawida	McIntyre	Smith, E. H.
Belardi	Dombrowski	McVerry	Snyder
Belfanti	Emerson	Mackowski	Spencer
Berson	Fischer	Manmiller	Steighner
Bittle	Foster, W. W.	Michlovic	Stevens
Blaum	Foster, Jr., A.	Morris	Stewart
Boyes	Gallagher	Murphy	Stuban
Brown	Greenwood	O'Donnell	Sweet
Burns	Gruitza	Perzel	Taylor, F. E.
Caltagirone	Haluska	Petrarca	Tigue
Cappabianca	Harper	Piccola	Van Horne
Cessar	Hoeffel	Pievsky	Vroon
Clymer	Itkin	Pistella	Wambach
Cochran	Jackson	Rasco	Wargo
Cohen	Klingaman	Rieger	Wass
Cole	Kowalshyn	Ritter	Weston
Cordisco	Kukovich	Rybak	Wiggins

Cowell	Lashinger	Salvatore	Wogan
Cunningham	Laughlin	Saurman	Wright, D. R.
DeVerter	Livengood	Serafini	Wright, J. L.
DeWeese	Lloyd	Showers	Zwikl
Daikeler	Lucyk	Shupnik	

NOT VOTING—2

Kolter Williams, H.

EXCUSED—8

Alden	Manderino	Rocks	Taddonio
Lewis	Rappaport	Smith, L. E.	Wachob

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

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

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

BILL ON THIRD CONSIDERATION POSTPONED

The House proceeded to **HB 1340, PN 3134**, on third consideration postponed, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting certain paramilitary training.

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

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

The question is, shall the bill pass finally?

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

Mr. CUNNINGHAM. Thank you, Mr. Speaker.

Very briefly, everyone in the House of Representatives, myself included, is interested in prohibiting terroristic activity, prohibiting paramilitary training for the purposes of inciting riots or creating civil disorders or doing any of the kinds of things that we all agree are important to prohibit. The problem is that all of these things are already prohibited under current law. The conspiracy section of title 18, section 903, already prohibits the kinds of things that this bill seeks to prohibit. The attempt statutes in title 18 already prohibit the kinds of things this bill attempts to prohibit. The solicitation offense already prohibits these kinds of things. Under the rioting offense, in disorderly conduct, we have prohibitions that are exactly the kinds of things that this bill is designed to prohibit. The whole problem with our lawmaking process is that we find ourselves in a situation in which we are evaluating legislation not in terms of whether we should support it, not in terms of whether it should become the law of the Commonwealth because it does something new and good, but we are supporting it because we are saying in essence, well, this does not do anything bad.

I would submit, Mr. Speaker, that every time we enact any statutory provision that is redundant or does something that is already done and creates a completely superfluous layer of regulatory enactment, we are not acting in the public interest. The National Rifle Association continues to oppose this legislation, and they oppose it because of their concern that every legitimate purpose sought to be achieved in this bill is already achieved in four different places in title 18 of the Pennsylvania Crimes Code. What we are doing by enacting legislation that has already been enacted in other forms is we are giving the courts yet one more opportunity to misconstrue our intent, to use this legislation to deprive us of our legitimate rights to keep and bear arms. It is not our intention that the bill be used for that. The sponsors of this legislation have very, very laudable purposes with which we all agree.

I would urge opposition to this bill, Mr. Speaker, because the bill does absolutely nothing that is not already done in current law. I think to the extent that it is redundant, it tends to jeopardize our right to keep and bear arms. I would urge a negative vote.

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

Mr. ITKIN. Mr. Speaker, I rise to ask the support of the entire House for HB 1340. I realize that there may be some misconception about what the bill does and what existing law does. I would like at this time to briefly clarify that particular point.

The National Rifle Association did indeed send out a mailgram which we all received on April 30. In order to deal with that particular concern by the National Rifle Association, we did in fact postpone action on this bill. That particular time delay did in fact provide us with the opportunity, who support the legislation, to more adequately research the law and to deal with the issues raised in the National Rifle Association's mailgram. I have today—and I was going to circulate it to the entire House had time permitted—an examination of the NRA's objections and a point-by-point response which has been done for me by the Anti-Defamation League, who has been one of the main supporters of this type of legislation. In fact, in a letter I have from the ADL, they state, and I will say in total context that, "This mailgram is totally incorrect in all material respects."

Among the inaccuracies quoted by the National Rifle Association, paramilitary training is not specifically prohibited anywhere in title 18, the Pennsylvania Crimes Code. The crime created by HB 1340 is not presently punishable under the sections covered by "riots, civil disorders, solicitation, accessory to a crime and conspiracy," as the NRA maintains. To exemplify the type of misinformation the NRA has distributed concerning HB 1340, indeed there is no section in title 18 which covers civil disorders. The NRA must have mistakenly been referring to disorderly conduct, which is not a civil disorder.

Also, the NRA states that legislation similar to HB 1340 has been considered and rejected this year in New Jersey, Virginia, West Virginia, Wisconsin, Colorado, Texas, Georgia, and Oklahoma. This is totally false information. In

fact, similar legislation has passed one House in New Jersey, Colorado, Texas, and Georgia. Neither West Virginia nor Oklahoma has even introduced a bill such as this. Most importantly, however, the National Rifle Association fails to recognize that the Anti-Defamation League's model bill on which HB 1340 is based has passed and been enacted into law in New York, California, Connecticut, North Carolina, and Florida.

Support for HB 1340 ranges from the B'nai B'rith, the Urban League of Pittsburgh, the Metropolitan Christian Council of Philadelphia, the Pennsylvania State Conference of the National Association for the Advancement of Colored People, all the way to the Pennsylvania Federation of Sportsmen's Clubs, the State Game Commission, and most recently, the Pennsylvania Rifle and Pistol Association, which happens to be a Pennsylvania affiliate of the National Rifle Association. So here we have a situation in Pennsylvania where an adjunct group of the NRA has said, we have examined this particular bill and we have found it to be worthy, and we believe that we support its passage.

I could but I do not think the House wishes to indulge in point by point, legal point by legal point, going into all the various categories of solicitation, why current law regarding solicitation will not deal with this issue; why the current law regarding conspiracy will not deal with this information. If the House wishes to continue to debate this particular piece of legislation, I would be glad to provide point-by-point refutations to the gentleman from Centre County. However, just let me state that we have researched this bill. We believe it is well intended, as Mr. Cunningham has stated, and we believe it does not have any of the shortcomings that Mr. Cunningham has previously expressed. I look for a strong affirmative vote by this body. Thank you very much.

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

Mr. RICHARDSON. Thank you, Mr. Speaker.

I would like to interrogate the prime sponsor of this bill.

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

Mr. RICHARDSON. Mr. Speaker, I would like to know whether or not you can define for me the terminology "teaching paramilitary techniques." The question I have in mind specifically is groups of young people who are at this point taking up the martial arts of self-defense. Would this include them in a paramilitary technique?

Mr. ITKIN. You have to understand, Mr. Speaker, that teaching paramilitary techniques is not illegal. This bill makes teaching paramilitary training illegal when the intent is or when the knowledge is to use such information and such knowledge for the benefit of promoting civil disorders in Pennsylvania. Without the latter, nothing prohibits. In fact, the bill clearly states that the lawful use of weapons, that the lawful training of weapons is not to be prohibited. What is prohibited is when the intention is for this knowledge to be used on behalf of a civil disorder. Then it would be prohibited, and there would be criminal penalties imposed.

Mr. RICHARDSON. Would this also, then, Mr. Speaker, include organizations such as the Ku Klux Klan and also the Nazi Party and their activities dealing specifically in terroristic threats and organized crime against individual persons?

Mr. ITKIN. Mr. Speaker, the bill does not address any particular group. What we are saying, if any group commits this type of a criminal act, trying to have its group acquire knowledge in the use of grenades, Molotov cocktails, machine guns, handguns, whatever the situation may be for the purpose of committing a civil disorder, then that is a criminal offense in Pennsylvania if this bill would become law.

Mr. RICHARDSON. Mr. Speaker, I do not think you answered my specific question. I am asking whether or not the Ku Klux Klan, which is an organized group which in fact does deal in paramilitary techniques, and also the Nazi Party, already organized here in Pennsylvania to hold several rallies where they have threatened the lives of individual persons, I am asking specifically whether or not in this bill, does that include those types of organizations?

Mr. ITKIN. Mr. Speaker, it has been alleged that the Ku Klux Klan—it has been more than alleged; it has been observed by people, credible observers—that the Ku Klux Klan, organizations of the Ku Klux Klan, have engaged in this type of training for use in committing civil disorders. Yes, in those instances where such occasions do occur, it would be a criminal offense in Pennsylvania.

Mr. RICHARDSON. That is all I wanted to know.

Thank you very much, Mr. Speaker. I would like to have time to address the bill.

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

Mr. RICHARDSON. Mr. Speaker, it is quite obvious and clear that for some time we were tempted under different pieces of legislation to bring to the members of this House that there is a strong need to enforce the law as it relates to those organizations, specifically the Klan and other terroristic organizations who have decided to take upon themselves in Pennsylvania that they are going to be judge, jury, and master over certain individual groups of people. It seems to me that we have no other choice than to support a piece of legislation like this that will prevent any such group from doing this type of paramilitary organizing.

I would also think, Mr. Speaker, in terms of the fine lines and where they are drawn, that we need to be very clear that the bill specifically goes to the heart of those who have knowledge and are doing it with the said intent purpose of trying to destroy another group. For those reasons, Mr. Speaker, I think that we would be in the best judgment to support this piece of legislation, and I urge the members of the House to do so.

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

Mr. CUNNINGHAM. Mr. Speaker, I have in my hand title 18, the Crimes Code of Pennsylvania, which says in section 901, criminal attempt, "A person commits an attempt when, with intent to commit a specific crime, he does any act which constitutes a substantial step toward the commission of that crime."

Section 902: "A person is guilty of solicitation to commit a crime if with the intent of promoting or facilitating its commission he commands, encourages or requests another person to engage in specific conduct which would constitute such crime or an attempt to commit such crime or which would establish his complicity in its commission or attempted commission" of the crime.

Criminal conspiracy, section 903: "A person is guilty of conspiracy with another person or persons to commit a crime if with the intent of promoting or facilitating its commission he...agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime...."

Mr. Speaker, that, combined with the disorderly conduct provision, section 5503, "A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he...creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor."

Everything that the gentleman, Mr. Itkin's legislation seeks to do is already done in current law. It is not the obligation of the House of Representatives to determine why a bill should not be enacted into law. It is the obligation of the sponsors of a bill to explain to the House of Representatives why this measure should become the law. If the measure already has its purposes fulfilled in other areas of the law, it serves no useful purpose to enact it. I do not oppose any specific provision of this legislation. I am simply arguing that every provision of the legislation is dealt with redundantly in some currently existing provision of the Crimes Code, and it makes absolutely no sense for us to redo what has already been done when in fact the harm that could flow to Pennsylvania sportsmen, to Pennsylvania firearms owners is that the courts of Pennsylvania could take this redundant statute and interpret it in a way that is completely inconsistent with our intent. So virtually no good can come out of our enactment of this legislation, but the potential for harm is significant, and on that ground I would urge a negative vote.

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I would assume that if this would keep up, the dialogue, that there would be some of us who would become somewhat emotional. I, too, feel that the sponsors of this bill have a constituency; they have a purpose. They are all very decent human beings, and they feel they want to do something right for the people of Pennsylvania. As I read the bill, though, I must admit to you that I cannot see any rational argument of why we need this, for I would suggest to most of you who believe as free-spirited Americans and Pennsylvanians that there has been too much said and there has been too much action that has been designated and put forth that finally someday we should wake up and find that indeed we have before us gun control.

Now, as I read the latest letter that was sent out, there are several organizations that say, well, we now are not against this bill because the latest amendment now assures us that our

rights and privileges under the Constitution are no longer removed. Now, that is fine for the Game Commission. That is fine for some of these organizations, but they, too, should have some feeling that the Constitution also gives us as individuals our rights. And all of this malarkey that it is designed to further control the independent right of us as individuals will soon take us on a path of no return. And again, if we should stand here for days, it will always be that only the criminal who does not care about the law will not give one bit of concern for a law, and that honest individuals who have a decency and a morality before them at all times are simply saying to you, we do not need this kind of malarkey, but we do not need gun control. I urge you to defeat this bill.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to this bill. We have just spoken to the National Rifle Association on the phone, and they have been trying to get through to Pennsylvania people who are pushing this bill that they would like to sit down and meet with them. The trouble with the bill is that it does not take care of nonorganizations. It only takes care of the organized organizations.

So what we would like to do is have a "no" vote on this bill. We think that it is really another step toward taking the rifle away from the Pennsylvania hunter. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Tioga, Mr. Spencer.

Mr. SPENCER. Mr. Speaker, I just want to focus in on what the real purpose of this bill is, that when originally committed to the Judiciary, it went through extensive amendments.

Number one is the focus on paramilitary training of organizations that are set out for civil disorder. That is number one. It is not on the individual.

Number two, all the groups that are connected with firearms in the State had input in this bill and the excluded activities, and I will read it for members who have not read the bill. "Nothing contained in the act shall make unlawful any activity of the Game Commission, Fish Commission, or any law enforcement agency, or any hunting club, rifle club, rifle range, pistol range, shooting range or other program intended to teach the safe handling or use of firearms, archery equipment or other weapons or techniques employed in connection with lawful sports or other lawful activities."

When this amendment was introduced, the opposition to this bill melted as far as I was concerned, and I believe the bill was reported unanimously from committee. All sportsmen groups were in favor of it, in addition to those that I enumerated. I just thought the members should know that. Thank you.

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Mr. Speaker, the last time we debated this legislation I spoke in favor of it, and I am still in favor of this legislation.

The sportsmen clubs that I have contacted since we recommitted the bill, since we held it over, all indicate to me that they are still in favor of it. The Pennsylvania Rifle and Pistol Association has sent me a letter dated May 18, supporting the legislation providing that the amendment, paragraph (d), page 5, is contained in the bill upon the vote for final passage. However, in light of the fact that the National Rifle Association would still like to discuss one or two amendments with the people from Pennsylvania and the Game Commission, I would like to move at this time that we recommit this bill and bring it up at the earliest possible convenience, following the opportunity given to the national and the Pennsylvania sportsmen associations to work out the clarifying language that is needed.

The SPEAKER. Would the gentleman advise the Chair to which committee he is asking that the bill be recommitted?

Mr. BELFANTI. Fish and Game.

The SPEAKER. The question before the House is on the motion by the gentleman, Mr. Belfanti, to recommit the bill, that is HB 1340, to the Committee on Game and Fisheries.

On the question,

Will the House agree to the motion?

The SPEAKER. Does the gentleman from Perry, Mr. Noye, desire recognition?

Mr. NOYE. Yes.

The SPEAKER. The Chair recognizes the gentleman.

Mr. NOYE. Thank you, Mr. Speaker.

I support the gentleman's motion. I think there is a lot of confusion surrounding this bill. I think we want to do the right thing, and I think the best way to do that is to let the committee take a look at it and then report back its findings. I support the motion to recommit.

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

Mr. ITKIN. Mr. Speaker, ordinarily I would not oppose a motion to recommit, but a motion to recommit at this time in the session is a motion to kill the legislation. A motion to recommit is as if you had voted "no" on the bill. The bill has gone through an extensive examination by the Judiciary Committee; it has had the input from all the organizations that have been mentioned by Representative Spencer and myself. We have in fact amended the bill to deal with the objections of the Pennsylvania Game Commission and the Rifle and Pistol Association and the Pennsylvania sportsmen associations. We have their support.

I am very distressed that out from left field should come one individual from the National Rifle Association out of Washington and a colleague of his in Penn State in Centre County and say the two of us do not like the bill and we speak for the National Rifle Association and we speak for all the gun holders and hunters in Pennsylvania, when in fact the base groups, affiliates of the National Rifle Association in Pennsylvania, those that hold dual memberships, their local organizations have examined the bill; they have had it for

months and agree that it is in the appropriate form to be passed. Mr. Speaker, I would respectfully urge a "no" vote on recommitment.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I think that one of the previous speakers came out and absolutely verified what I was trying to say. The only organizations that Mr. Spencer mentioned were authorized organizations. He spoke nothing of the unauthorized organizations or the self-training organizations, self-defense organizations. This absolutely does not take care of them whatsoever, and that is why we would like to see it recommitted until we have time to prepare an amendment to do this. We were not aware of this until this phone call that we are making to Washington, D.C., right now.

I would like to take a moment, if I may, to interrogate Mr. Itkin.

The SPEAKER. The question before the House is on recommitment.

Mr. LETTERMAN. Well, okay. Then I will ask for a recommitment motion. Thank you.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—126

Anderson	Dorr	Letterman	Serafini
Armstrong	Durham	Levi	Seventy
Arty	Fargo	Livengood	Showers
Barber	Fee	Lloyd	Shupnik
Belardi	Fischer	Lucyk	Sieminski
Belfanti	Foster, W. W.	McMonagle	Sirianni
Berson	Foster, Jr., A.	Mackowski	Smith, B.
Bittle	Freind	Madigan	Smith, E. H.
Borski	Fryer	Manmiller	Snyder
Bowser	Gallen	Marmion	Spitz
Boyes	Gamble	Merry	Stairs
Brandt	Gannon	Micozzie	Steighner
Brown	Geist	Miller	Stevens
Burd	George	Miscevich	Stewart
Cappabianca	Gladeck	Moehlmann	Suban
Cawley	Grieco	Morris	Swaim
Cimini	Gruppo	Mowery	Swift
Civera	Hagarty	Mrkonjic	Taylor, E. Z.
Clark	Haluska	Mullen	Taylor, F. E.
Clymer	Hasay	Noye	Telek
Cochran	Hayes	Olasz	Trello
Colafella	Heiser	Pendleton	Wargo
Cole	Honaman	Peterson	Wass
Cordisco	Horgos	Petrarca	Wenger
Coslett	Hutchinson, A.	Phillips	Weston
DeMedio	Jackson	Pitts	Wiggins
DeVerter	Johnson	Pratt	Wilson
Daikeler	Kennedy	Pucciarelli	Wozniak
Davies	Klingaman	Punt	Wright, D. R.
Dietz	Kolter	Rasco	
Dombrowski	Lehr	Reber	Ryan,
Donatucci	Lescovitz	Saurman	Speaker

NAYS—56

Beloff	Grabowski	McClatchy	Richardson
Burns	Gray	McIntyre	Ritter
Caltagirone	Greenfield	McVerry	Rybak
Cessar	Greenwood	Maiale	Salvatore
Cohen	Gruitza	Michlovic	Spencer
Cornell	Harper	Murphy	Sweet
Cowell	Hoeffel	Nahill	Tigue

Cunningham	Irvis	Oliver	Van Horne
DeWeese	Itkin	Perzel	Vroon
Dawida	Kowalshyn	Petrone	Wambach
Deal	Kukovich	Piccola	Wogan
Duffy	Lashingner	Pievsky	Wright, J. L.
Evans	Laughlin	Pistella	Wright, R. C.
Gallagher	Levin	Pott	Zwinkl

NOT VOTING—9

Blaum	Fleck	O'Donnell	Williams, H.
Dininni	Frazier	Rieger	Williams, J. D.
Emerson			

EXCUSED—8

Alden	Manderino	Rocks	Taddonio
Lewis	Rappaport	Smith, L. E.	Wachob

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

CONDOLENCE RESOLUTION ADOPTED

The SPEAKER. The Chair at this time recognizes the minority leader, Mr. Irvis, and the majority leader, Mr. Hayes, who submit the following privileged condolence resolution which the clerk will read.

The following resolution was read:

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

WHEREAS, Harry A. Englehart, Jr., a former member of the Pennsylvania House of Representatives, passed away at the age of fifty-eight; and

WHEREAS, Born in Ebensburg, Mr. Englehart graduated from the United States Naval Academy and Yale Law School. He served with the United States Navy during World War II and the Korean Conflict. He was a community and civic-minded person as evidenced by his membership with the American Legion, Veterans of Foreign Wars, Elks, Eagles, Moose and Knights of Columbus Lodges; as chairman of the Ebensburg Planning Commission and as a member of the Pennsylvania Bar Association. He was first elected to the Pennsylvania House of Representatives, representing the seventieth District in 1964 and reelected to seven consecutive terms; and

WHEREAS, Mr. Englehart served as Democratic Majority Caucus Chairman 1968-1971, 1975-78 and Chairman of the Minority Policy Committee 1973-74; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania pauses in its deliberations to mourn the passing of a former colleague, friend and distinguished citizen of this Commonwealth, Harry A. Englehart, Jr.; extends heartfelt condolences to his wife Mercedes Parsons Englehart and his four children; and be it further

RESOLVED, That a copy of this resolution be delivered to his widow, Mrs. Mercedes Parsons Englehart, 208 East Ogle Street, Ebensburg, Pennsylvania.

We hereby certify that the foregoing is an exact copy of a Resolution introduced in the House of Representatives by the Honorable K. Leroy Irvis, and adopted by the House of Representatives the 25th day of May 1982.

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

On the question,
Will the House adopt the resolution?

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

(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

LEAVE OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the minority leader. Mr. IRVIS. I request that the gentleman from Allegheny, Mr. PENDLETON, be added to the list for approved leaves of absence.

The SPEAKER. Without objection, the leave will be granted. The Chair hears none.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today as the guests of Representative Davies and Representative Moehlmann, 89 fourth-grade students from the Conrad Weiser School District in Berks County, here today with three of their teachers and several of the parents.

RESOLUTIONS ADOPTED

Mr. WILSON called up **HR 194, PN 3336**, entitled:

General Assembly direct Joint State Government Commission codify aviation laws of the Commonwealth.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—178

Anderson	Evans	Letterman	Ritter
Armstrong	Fargo	Levi	Rybak
Arty	Fee	Levin	Saurman
Barber	Fischer	Livengood	Serafini
Belardi	Fleck	Lloyd	Seventy
Belfanti	Foster, W. W.	Lucyk	Showers
Beloff	Foster, Jr., A.	McClatchy	Shupnik
Berson	Frazier	McIntyre	Sieminski
Bittle	Freind	McMonagle	Sirianni
Blaum	Fryer	McVerry	Smith, B.
Bowser	Gallagher	Mackowski	Smith, E. H.
Boyes	Gallen	Madigan	Snyder
Brandt	Gamble	Maiale	Spencer
Brown	Geist	Manmiller	Spitz
Burd	George	Marmion	Stairs
Burns	Gladeck	Merry	Steighner
Caltagirone	Grabowski	Michlovic	Stevens
Cappabianca	Greenfield	Miller	Stewart
Cawley	Greenwood	Miscevich	Stuban
Cessar	Grieco	Moehlmann	Sweet
Cimini	Gruitza	Morris	Swift
Civera	Gruppo	Mowery	Taylor, E. Z.
Clark	Hagarty	Mrkonic	Taylor, F. E.
Clymer	Haluska	Mullen	Telek
Cohen	Harper	Murphy	Tigue
Colafella	Hasay	Nahill	Trello
Cole	Hayes	Noye	Van Horne
Cordisco	Heiser	O'Donnell	Vroon
Cornell	Hoeffel	Olasz	Wambach
Coslett	Honaman	Oliver	Wargo

Cowell	Horgos	Perzel	Wass
Cunningham	Hutchinson, A.	Peterson	Wenger
DeMedio	Irvis	Petrarca	Weston
DeVerter	Itkin	Petrone	Wiggins
DeWeese	Jackson	Phillips	Williams, J. D.
Daikeler	Johnson	Piccola	Wilson
Davies	Kennedy	Pievsky	Wogan
Dawida	Klingaman	Pistella	Wozniak
Deal	Kolter	Pitts	Wright, D. R.
Dietz	Kowalyshyn	Pott	Wright, J. L.
Dininni	Kukovich	Pratt	Wright, R. C.
Dombrowski	Lashingner	Punt	Zwinkl
Dorr	Laughlin	Rasco	
Duffy	Lehr	Reber	Ryan,
Durham	Lescovitz	Richardson	Speaker

NAYS—0

NOT VOTING—12

Borski	Emerson	Micozzie	Salvatore
Cochran	Gannon	Pucciarelli	Swaim
Donatucci	Gray	Rieger	Williams, H.

EXCUSED—9

Alden	Pendleton	Rocks	Taddonio
Lewis	Rappaport	Smith, L. E.	Wachob
Manderino			

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

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

* * *

Mr. BITTLE called up **HR 182, PN 3248**, entitled:

General Assembly urges adoption of first week of June each year as "Pennsylvania Garden Week" and requests the Governor to issue a proclamation urging citizens to observe such a week.

On the question,
Will the House adopt the resolution?

MR. ANDERSON REQUESTED TO PRESIDE

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

CONSIDERATION OF HR 182 CONTINUED

On the question recurring,
Will the House adopt the resolution?

Mr. LASHINGER offered the following amendments No. A7826:

Amend First Whereas Clause, page 1, line 1, by striking out "gardners" and inserting
gardeners

Amend First Whereas Clause, page 1, line 2, by striking out "its people and contributes to enable the" and inserting
their people and thereby enabling the Commonwealth and our

Amend First Resolved Clause, page 1, lines 16 and 17, by striking out "House of Representatives" and inserting
General Assembly

On the question,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—181

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

NAYS—0

NOT VOTING—9

Emerson	Lucyk	Spencer	Williams, H.
Gray	Rieger	Steighner	Wright, D. R.
Klingaman			

EXCUSED—9

Alden	Pendleton	Rocks	Taddonio
Lewis	Rappaport	Smith, L. E.	Wachob
Manderino			

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

On the question,
Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—184

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

NAYS—0

NOT VOTING—6

Emerson	Gray	Rieger	Williams, H.
Gallagher	Pratt		

EXCUSED—9

Alden	Pendleton	Rocks	Taddonio
Lewis	Rappaport	Smith, I. E.	Wachob
Manderino			

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

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

**THE SPEAKER PRO TEMPORE
(JOHN HOPE ANDERSON) IN THE CHAIR
REMARKS ON VOTE**

The SPEAKER pro tempore. For what reason does the gentleman from Luzerne, Mr. Blaum, rise?

Mr. BLAUM. Mr. Speaker, my switch was not working on the recommittal motion of HB 1340. I would like to be recorded in the negative.

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

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 121, PN 3287**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

A Supplement to the act of April 11, 1974 (P. L. 252, No. 62), entitled "An act authorizing the indebtedness, with approval of the electors, *** for the repair, *** of nursing homes ***," authorizing, with approval of the electors, part of the funds for nursing homes to be used for loans to repair, reconstruct and rehabilitate personal care boarding homes.

On the question,
Will the House concur in Senate amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton, Mr. Gruppo.

Mr. GRUPPO. Mr. Speaker, I suggest that the House do concur in the amendments inserted by the Senate.

On the question recurring,
Will the House concur in Senate amendments?

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

YEAS—185

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

Deal	Kolter	Pratt	Wright, J. L.
Dietz	Kowalyszyn	Pucciarelli	Wright, R. C.
Dininni	Kukovich	Punt	Zwikl
Dombrowski	Lashingner	Rasco	
Donatucci	Laughlin	Reber	Ryan,
Dorr	Lehr	Richardson	Speaker
Duffy	Lescovitz	Ritter	

NAYS—0

NOT VOTING—5

Emerson	Micozzie	Rieger	Williams, H.
Gray			

EXCUSED—9

Alden	Pendleton	Rocks	Taddonio
Lewis	Rappaport	Smith, L. E.	Wachob
Manderino			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

The SPEAKER pro tempore. Does the gentleman from Allegheny, Mr. Frazier, wish to be recognized?

Mr. FRAZIER. Thank you, Mr. Speaker.

I find on a printout on HB 1340 on the recommittal motion that I was not recorded. I should have preferred to have voted in the affirmative. Thank you, Mr. Speaker.

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

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 1040, PN 3279**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for an exemption from the sales tax, for the furnishing and availability of certain information relating to corporations and for the gross receipts tax on electricity.

On the question,
Will the House concur in Senate amendments?

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

Mr. HAYES. Thank you, Mr. Speaker.

I urge that the House nonconcur in the amendments offered by the Senate, not because what the Senate intends to do is wrong, but rather the drafting of the Senate amendment was not comprehensive enough in its effort to properly protect the ratepayers of Pennsylvania.

Therefore, Mr. Speaker, I urge that the House nonconcur so that a conference committee can be formed and the more comprehensive language can be added to the report, and in this manner the ratepayers across Pennsylvania will be more properly served and protected by this legislation.

There are three components which are to be touched by this legislation - one, higher purchased energy costs; a second, cleanup costs; and the third one, higher amortization charges. Of those three, higher amortization charges make up the greatest numbers of dollars, but that is the very one which is technically outside of the amendment right now and the one which should be brought into the legislation. Therefore, Mr. Speaker, I urge nonconcurrence so that differences between this chamber and the other can be reconciled and a proper report can come back to this House of Representatives. I urge nonconcurrence.

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

Mr. IRVIS. Thank you, Mr. Speaker.
I, too, urge nonconcurrence.

On the question recurring,
Will the House concur in Senate amendments?

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

YEAS—0

NAYS—186

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

NOT VOTING—4

Emerson	Gray	Rieger	Williams, H.
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EXCUSED—9

Alden	Pendleton	Rocks	Taddonio
Lewis	Rappaport	Smith, L. E.	Wachob
Manderino			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 1823, PN 3280**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act protecting agricultural operations from nuisance suits and ordinances under certain circumstances.

On the question,

Will the House concur in Senate amendments?

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

Mr. WENGER. Mr. Speaker, I suggest that the House do concur in the amendments inserted by the Senate.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—185

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

Cunningham	Hutchinson, A.	Petrone	Weston
DeMedio	Irvis	Phillips	Wiggins
DeVerter	Jackson	Piccola	Williams, J. D.
DeWeese	Johnson	Pievsky	Wilson
Daikeler	Kennedy	Pistella	Wogan
Davies	Klingaman	Pitts	Wozniak
Dawida	Kolter	Pott	Wright, D. R.
Deal	Kowalshyn	Pratt	Wright, J. L.
Dietz	Kukovich	Pucciarelli	Wright, R. C.
Dininni	Lashingier	Punt	Zwinkl
Dombrowski	Laughlin	Rasco	
Donatucci	Lehr	Reber	Ryan,
Dorr	Lescovitz	Richardson	Speaker
Duffy	Letterman	Ritter	

NAYS—1

Itkin

NOT VOTING—4

Emerson	Gray	Rieger	Williams, H.
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EXCUSED—9

Alden	Pendleton	Rocks	Taddonio
Lewis	Rappaport	Smith, L. E.	Wachob
Manderino			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 1999, PN 3288**, 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 act of August 24, 1961 (P. L. 1135, No. 508), entitled "An act imposing a tax for general public school purposes in school districts of the first class A on salaries, wages, commissions and other compensation earned by residents thereof, ***; providing for the administration and enforcement of the act and imposing penalties for violation thereof," further providing for the withholding procedure by employers of taxes and increasing the interest and penalties assessed for late payments.

On the question,

Will the House concur in Senate amendments?

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

Mr. POTT. Mr. Speaker, I suggest that the House do concur in the amendments inserted by the Senate.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—185

Anderson	Durham	Letterman	Ritter
Armstrong	Evans	Levi	Rybak
Arty	Fargo	Levin	Salvatore
Barber	Fee	Livengood	Saurman
Belardi	Fischer	Lloyd	Serafini
Belfanti	Fleck	Lucyk	Seventy
Beloff	Foster, W. W.	McClatchy	Showers
Berson	Foster, Jr., A.	McIntyre	Shupnik

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

NAYS—0

NOT VOTING—5

Emerson	Rieger	Sweet	Williams, H.
Gray			

EXCUSED—9

Alden	Pendleton	Rocks	Taddonio
Lewis	Rappaport	Smith, L. E.	Wachob
Manderino			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 2037, PN 3289**, 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 "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), providing compensation for persons filling vacancies on county board of elections, granting expenses and further providing for the manner of applying to vote.

On the question,

Will the House concur in Senate amendments?

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

Mr. FRYER. I suggest that the House do concur in the amendments inserted by the Senate.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—184

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

NAYS—1

Tigue

NOT VOTING—5

Emerson	McIntyre	Rieger	Williams, H.
Gray			

EXCUSED—9

Alden	Pendleton	Rocks	Taddonio
Lewis	Rappaport	Smith, L. E.	Wachob
Manderino			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 2101, PN 3231**, 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 Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), reserving oil, gas and mineral rights to the Commonwealth upon the conveyance of surplus land.

On the question,
Will the House concur in Senate amendments?

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

Mr. WILSON. I thank the Speaker.

Mr. Speaker, I have discussed HB 2101 with the sponsors, and they have been agreeable, and I would urge the House to nonconcur in the Senate amendments so that we could add some other language to this measure and report it back out next week.

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

Mr. IRVIS. Mr. Speaker, I agree with Mr. Wilson and urge the members to vote to nonconcur.

On the question recurring,
Will the House concur in Senate amendments?

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

YEAS—1

Wright, J. L.

NAYS—183

Anderson	Durham	Letterman	Ritter
Armstrong	Evans	Levi	Rybak
Arty	Fargo	Levin	Salvatore
Barber	Fee	Livengood	Saurman
Belardi	Fischer	Lloyd	Serafini
Belfanti	Fleck	Lucyk	Seventy
Beloff	Foster, W. W.	McClatchy	Showers
Berson	Foster, Jr., A.	McIntyre	Shupnik
Bittle	Frazier	McMonagle	Sieminski
Blaum	Freind	McVerry	Sirianni
Borski	Fryer	Mackowski	Smith, B.
Bowser	Gallagher	Madigan	Smith, E. H.
Boyes	Gallen	Maiale	Snyder
Brandt	Gamble	Manmiller	Spencer
Brown	Gannon	Marmion	Spitz
Burd	Geist	Merry	Stairs
Burns	George	Michlovic	Steighner
Caltagirone	Gladeck	Micozzie	Stevens
Cappabianca	Grabowski	Miller	Stewart
Cawley	Greenwood	Miscevich	Stuban
Cessar	Grieco	Moehlmann	Swaim
Cimini	Gruitza	Morris	Sweet
Civera	Gruppo	Mowery	Swift
Clark	Hagarty	Mrkonic	Taylor, E. Z.
Clymer	Haluska	Mullen	Taylor, F. E.
Cochran	Harper	Murphy	Telek

Cohen	Hasay	Nahill	Tigue
Colafella	Hayes	Noye	Trelio
Cole	Heiser	O'Donnell	Van Horne
Cordisco	Hoeffel	Olasz	Vroon
Cornell	Honaman	Oliver	Wambach
Coslett	Horgos	Perzel	Wargo
Cowell	Hutchinson, A.	Peterson	Wass
Cunningham	Irvis	Petrarca	Wenger
DeMedio	Itkin	Petrone	Weston
DeVerter	Jackson	Phillips	Wiggins
DeWeese	Johnson	Piccola	Williams, J. D.
Daikeler	Kennedy	Pievsky	Wilson
Davies	Klingaman	Pistella	Wogan
Dawida	Kolter	Pott	Wozniak
Deal	Kowalshyn	Pratt	Wright, D. R.
Dietz	Kukovich	Pucciarelli	Wright, R. C.
Dininni	Lashingier	Punt	Zwinkl
Dombrowski	Laughlin	Rasco	
Donatucci	Lehr	Reber	Ryan,
Dorr	Lescovitz	Richardson	Speaker
Duffy			

NOT VOTING—6

Emerson	Greenfield	Rieger	Williams, H.
Gray	Pitts		

EXCUSED—9

Alden	Pendleton	Rocks	Taddonio
Lewis	Rappaport	Smith, L. E.	Wachob
Manderino			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 1604, PN 1870**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing that certain competition between individuals and the promotion of such competition be unlawful and providing specific penalties for certain activities related to such competition.

On the question,
Will the House agree to the bill on third consideration?
Mr. LETTERMAN offered the following amendment No. A5724:

Amend Sec. 1 (Sec. 7107), page 2, line 27, by inserting after "arts"
nor to contests staged in connection with athletic training programs

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

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, this very simple amendment just protects the athletic training programs in our schools and our colleges. It is agreed upon, too, by the way.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—185

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

NAYS—1

Lehr

NOT VOTING—4

Emerson Gray Rieger Williams, H.

EXCUSED—9

Alden Pendleton Rocks Taddonio
 Lewis Rappaport Smith, L. E. Wachob
 Manderino

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

On the question,

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

Bill as amended was agreed to.

REMARKS ON VOTE

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

Mr. LEHR. I would like to have my vote changed on the Letterman amendment to HB 1604. I voted in the negative. I would like to be recorded in the affirmative.

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

CONSIDERATION OF HB 1604 CONTINUED

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—186

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

NAYS—0
NOT VOTING—4

Emerson	Gray	Rieger	Williams, H.
EXCUSED—9			
Alden	Pendleton	Rocks	Taddonio
Lewis	Rappaport	Smith, L. E.	Wachob
Manderino			

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.

HB 2420 RECONSIDERED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson, who moves for reconsideration of the vote by which HB 2420 was passed on May 25, 1982, and seconded by the gentleman, Mr. Irvis.

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

The following roll call was recorded:

YEAS—181

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

Dorr	Lescovitz	Ritter	Speaker
Duffy	Letterman	Rybak	
NAYS—0 NOT VOTING—9			
Beloff	Greenfield	McIntyre	Rieger
Emerson	Irvis	Miscevich	Williams, H.
Gray			
EXCUSED—9			
Alden	Pendleton	Rocks	Taddonio
Lewis	Rappaport	Smith, L. E.	Wachob
Manderino			

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

On the question recurring,
Shall the bill pass finally?

DECISION OF CHAIR REVERSED

The SPEAKER pro tempore. Without objection, the Chair reverses its decision as to the bill having been agreed to on third consideration as amended. The Chair hears none.

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

Mr. RICHARDSON offered the following amendments No. A7949:

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

Amend Title, page 1, line 3, by removing the period after "revenues" and inserting
and providing for the employment of certain persons.

Amend Sec. 3, page 2, by inserting after line 30
"Minorities." Blacks, Hispanics, women and members of other socio-economically disadvantaged groups.

Amend Bill, page 5, by inserting between lines 12 and 13
Section 8. Minority employment.

Any hotel which is constructed after the effective date of this act shall insure that not less than 15% of its employment opportunities are granted to minorities.

Amend Sec. 8, page 5, line 13, by striking out "8" and inserting

9

Amend Sec. 9, page 5, line 17, by striking out "9" and inserting

10

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

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

Mr. RICHARDSON. Thank you, Mr. Speaker.

Mr. Speaker, this is a simple amendment. Earlier in the day HB 2420 passed. This bill was in our committee, and we had prepared a legislative amendment to this particular bill dealing with a 15-percent set-aside for all of those particular hotels that are under new construction in the city of Philadelphia that would fall under this excise tax, and we ask for an affirmative vote on the amendment.

GERMANENESS QUESTIONED

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

Mr. STEVENS. Mr. Speaker, I would like to raise a question of germaneness of this amendment to this particular bill. This amendment really sets up a type of quota, and I do not think it has anything to do with the bill in its present form, and I would like to raise a question of germaneness.

The SPEAKER pro tempore. The question of germaneness has been raised, and that question must be decided by the members of the House. That question is, is the amendment offered by the gentleman, Mr. Richardson, germane to the bill?

On the question,

Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

YEAS—82

Barber	Emerson	Livengood	Seventy
Belfanti	Evans	Lucyk	Showers
Berson	Fee	Maiale	Shupnik
Blaum	Gallagher	Michlovic	Steighner
Brown	Gamble	Miscevich	Stewart
Burns	Grabowski	Morris	Stuban
Caltagirone	Gruitza	Mrkonic	Sweet
Cappabianca	Haluska	Mullen	Taylor, F. E.
Cawley	Harper	Murphy	Tigue
Clark	Hoefel	O'Donnell	Trello
Cohen	Horgos	Olasz	Van Horne
Colafella	Hutchinson, A.	Oliver	Wambach
Cole	Irvis	Petrarca	Wargo
Cordisco	Itkin	Petrone	Wiggins
Cowell	Kolter	Pievsky	Williams, J. D.
DeMedio	Kowalyshyn	Pistella	Wozniak
DeWeese	Kukovich	Pratt	Wright, D. R.
Dawida	Laughlin	Richardson	Wright, J. L.
Deal	Lescovitz	Ritter	Wright, R. C.
Dombrowski	Letterman	Rybak	Zwilk
Duffy	Levin		

NAYS—103

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

NOT VOTING—5

Beloff	McIntyre	Rieger	Williams, H.
Gray			

EXCUSED—9

Alden	Pendleton	Rocks	Taddonio
Lewis	Rappaport	Smith, L. E.	Wachob
Manderino			

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendments were declared not germane.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—184

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

NAYS—0

NOT VOTING—6

Armstrong	Foster, W. W.	Sirianni	Williams, H.
Emerson	Rieger		

EXCUSED—9

Alden	Pendleton	Rocks	Taddonio
Lewis	Rappaport	Smith, L. E.	Wachob
Manderino			

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.

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Chair at this time recognizes the gentleman from Allegheny, Mr. Clark, who I believe wants to make a motion to suspend the rules.

Mr. CLARK. Mr. Speaker, I would like to move to suspend the rules for the immediate consideration of a resolution that I have here. In light of a decision by the Third Circuit Court of Appeals the other day with regard to the auto emission inspection program, I think it is important that this resolution be considered now. In that we are not in session tomorrow, I could not submit it to the Rules Committee and expect it to be before the floor. It is on everyone's desk, so I would like to consider it now. I would appreciate a vote to suspend the rules.

The SPEAKER pro tempore. Will the gentleman send his resolution to the desk, please?

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

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

Mr. HAYES. Thank you, Mr. Speaker.

It is my suggestion that the gentleman introduce his resolution so it can be referred to the Rules Committee and therefore not have the House suspend its rules today, because the way the gentleman drafted his resolution, I do not believe that what he is trying to achieve should be achieved in the way he is suggesting with regard to how we pay legal counsel. There are other ways of providing for that type of counsel if it is the will of the House, but the way the gentleman has drafted his resolution, it would be ill advised for the House to suspend its rules today and take up for immediate consideration this resolution. Thank you, Mr. Speaker.

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

Mr. CLARK. Mr. Speaker, I do not believe we have time to wait around until next week to consider the resolution. I believe it was properly drafted. We took our time this morning to draft it properly. We have to get before the Supreme Court to overturn a decision so that we can save some jobs in Pennsylvania and save our highway construction funds. I think it is important that this resolution get consid-

ered today, and that is why I ask to suspend the rules. I would appreciate an affirmative vote.

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

Mr. HAYES. The gentleman is not right when he says his resolution was properly drafted when one considers how these types of bills are best paid, and I strenuously ask the House not to suspend its rules today for that particular purpose. He does not have it drafted right.

Mr. CLARK. Excuse me. Could the majority leader tell me how it is improper on how we pay our bills?

Mr. HAYES. Yes, Mr. Speaker. You do not charge to the Speaker of the House the cost of paying this legal counsel, this highfalutin lawyer that you are going to hire. You do not take it out of the Speaker's account. Thank you, Mr. Speaker.

Mr. CLARK. Then how do we pay an attorney here when we hire one?

Mr. Speaker?

The SPEAKER pro tempore. The Chair recognizes the gentleman.

Mr. CLARK. I would hope that the House resists this attempt to keep us out of the lawsuit involving the auto emission inspection program. We have fought for months, and anyone who is involved in our other lawsuits should support this move. I think it is proper that costs of any attorney be paid by the Speaker's account. That is why we have that account there, for paying House employees, and I would appreciate an affirmative vote.

The SPEAKER pro tempore. The question before the House is whether or not to suspend the rules.

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

The following roll call was recorded:

YEAS—90

Barber	Evans	Levin	Rybak
Belfanti	Fee	Livengood	Seventy
Berson	Fischer	Lloyd	Showers
Blaum	Fryer	Lucyk	Shupnik
Borski	Gallagher	McMonagle	Stairs
Brown	Gamble	Michlovic	Steighner
Burd	George	Miscevich	Stewart
Caltagirone	Grabowski	Morris	Stuban
Cappabianca	Greenfield	Mrkonic	Swaim
Cawley	Gruitza	Mullen	Sweet
Clark	Haluska	Murphy	Taylor, F. E.
Cohen	Harper	O'Donnell	Tigue
Colafella	Hoeffel	Olasz	Trello
Cole	Horgos	Oliver	Van Horne
Cordisco	Hutchinson, A.	Petrarca	Wambach
Cowell	Irvis	Petrone	Wargo
DeMedio	Itkin	Pievsky	Wiggins
DeWeese	Koiter	Pistella	Williams, H.
Dawida	Kowalshyn	Pucciarelli	Williams, J. D.
Dombrowski	Kukovich	Rasco	Wozniak
Donatucci	Laughlin	Richardson	Wright, D. R.
Duffy	Lescovitz	Ritter	Zwikl
Emerson	Letterman		

NAYS—90

Anderson	Fargo	Levi	Serafini
Armstrong	Fleck	McClatchy	Sieminski
Arty	Foster, W. W.	McVerry	Sirianni
Belardi	Foster, Jr., A.	Mackowski	Smith, B.
Bittle	Frazier	Madigan	Smith, E. H.

Bowser	Freind	Manmiller	Snyder
Boyes	Gallen	Marmion	Spencer
Brandt	Gannon	Merry	Spitz
Burns	Geist	Miller	Stevens
Cessar	Gladeck	Moehlmann	Swift
Cimini	Greenwood	Mowery	Taylor, E. Z.
Clymer	Grieco	Nahill	Telek
Cochran	Gruppo	Noye	Vroon
Cornell	Hagarty	Perzel	Wass
Coslett	Hasay	Peterson	Wenger
Cunningham	Hayes	Phillips	Weston
DeVerter	Heiser	Piccola	Wilson
Daikeler	Honaman	Pitts	Wogan
Davies	Jackson	Pott	Wright, J. L.
Dietz	Johnson	Punt	Wright, R. C.
Dininni	Kennedy	Reber	
Dorr	Klingaman	Salvatore	Ryan,
Durham	Lashingner	Saurman	Speaker

NOT VOTING—10

Beloff	Gray	Maiale	Pratt
Civera	Lehr	Micozzic	Rieger
Deal	McIntyre		

EXCUSED—9

Alden	Pendleton	Rocks	Taddonio
Lewis	Rappaport	Smith, L. E.	Wachob
Manderino			

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

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 2410, PN 3346 (Amended)

By Rep. J. L. WRIGHT

An act amending "The Bituminous Mine Subsidence and Land Conservation Act," approved April 27, 1966 (1st Sp. Sess., P. L. 31, No. 1), further providing for bituminous mine subsidence and land conservation.

MINES AND ENERGY MANAGEMENT.

SB 528, PN 540

By Rep. MILLER

An Act providing for an annual assessment for the necessary expenses of the association of district attorneys in counties of the first class.

URBAN AFFAIRS.

SB 847, PN 1992 (Amended) (Unanimous)

By Rep. FISCHER

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for the clarification of the taxing power of first class A school districts to conform with the intent of act 150 of 1975 and act 46 of 1977.

EDUCATION.

The SPEAKER pro tempore. For the information of the members, when the House adjourns today, it will reconvene on Tuesday at 1 o'clock.

BILL REMOVED FROM TABLE FOR CALENDAR

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

Mr. HAYES. Mr. Speaker, I move that SB 847 be removed from the table and placed on the active calendar.

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

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Zwinkl.

Mr. ZWIKL. Mr. Speaker, I would like to submit some remarks for the record on the passage of a bill.

The SPEAKER pro tempore. The gentleman will send his remarks to the desk.

Mr. ZWIKL submitted the following remarks for the Legislative Journal:

Three weeks ago this body voted on a State budget totaling more than 10 billion dollars' worth of expenditures. Since I was first elected in 1973, this was the earliest a budget was ever voted on.

As the record reflects, I was on a leave of absence at the time and therefore did not have an opportunity to cast my vote.

However, I now want the record to show that had I been here, I would have opposed the budget in the form that it did pass. And further, I want to express my dismay with the manner in which it passed.

I have always tried to work with members from both parties on legislative initiatives that will benefit all of Pennsylvania. In return, I have been denied access to the budget process for 4 straight years.

As a member of the minority party, I recognize that there are certain privileges denied to me. But access to the budget process should never be denied to any member, regardless of affiliation.

Should the Democrats gain control of this body, as we surely will some day, I would hope our leadership never resorts to such tactics in the name of expediency.

Thank you, Mr. Speaker,
Kurt D. Zwinkl

REMARKS ON VOTE

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

Mr. CORDISCO. Mr. Speaker, I was not recorded on SB 600. I would like to be recorded in the affirmative, please.

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

BILL REMOVED FROM TABLE FOR CALENDAR

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

Mr. HAYES. Mr. Speaker, I move that HB 983 be removed from the table and placed on the active calendar.

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

SENATE MESSAGE**SENATE CONCURRENCE
IN HOUSE RESOLUTION**

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 123, PN 2488**.

BILLS AND RESOLUTIONS PASSED OVER

The **SPEAKER** pro tempore. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears none.

ADJOURNMENT

The **SPEAKER** pro tempore. The Chair recognizes the gentleman from Lebanon, Mr. Jackson.

Mr. JACKSON. Mr. Speaker, I move that this House do now adjourn until Tuesday, June 1, 1982, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:35 p.m., e.d.t., the House adjourned.