

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, SEPTEMBER 22, 1982

SESSION OF 1982

166TH OF THE GENERAL ASSEMBLY

No. 51

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR PRAYER

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

Let us pray:

Our kind Heavenly Father, we humbly approach Thy throne of grace and ask Your blessing upon us. Our lives are filled with frustrations and desires, hopes and dreams, and even sometimes fulfillment. We try to deal with matters of great importance with clear minds and open hearts. We realize that there is so much that depends on us each day, and so we need Your strength, we need Your guidance to keep us going day by day. Help us to always come to You with love in our hearts, for we pray in the Master's name. Amen.

#### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Tuesday, September 21, 1982, will be postponed until printed. The Chair hears no objection.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2671** By Representative GAMBLE

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), further providing for eligibility for retirement allowances.

Referred to Committee on URBAN AFFAIRS, September 21, 1982.

**No. 2672** By Representative GAMBLE

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), providing for the manufacture and sale of electricity by counties of the second class.

Referred to Committee on URBAN AFFAIRS, September 21, 1982.

**No. 2673** By Representatives CORDISCO and COLAFELLA

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), exempting child restraint devices from the sales tax.

Referred to Committee on FINANCE, September 21, 1982.

**No. 2674** By Representatives LESCOVITZ, COLAFELLA and KOLTER

An Act providing for financial assistance to municipalities which suffer sudden and severe economic loss, providing further duties of the Department of Community Affairs and making an appropriation.

Referred to Committee on APPROPRIATIONS, September 21, 1982.

**No. 2675** By Representatives LESCOVITZ, COLAFELLA and FISCHER

An Act authorizing the Township of Independence, Washington County, to convey a certain tract of land acquired pursuant to the "Project 70 Land Acquisition and Borrowing Act."

Referred to Committee on STATE GOVERNMENT, September 21, 1982.

**No. 2676** By Representatives FISCHER, F. E. TAYLOR, STAIRS, GALLAGHER, BURNS, D. R. WRIGHT, COLAFELLA, LESCOVITZ and COWELL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the inspection of school buses.

Referred to Committee on TRANSPORTATION, September 21, 1982.

**No. 2677** By Representatives DININNI, VROON, E. H. SMITH and PERZEL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the department to establish, staff and maintain official inspection stations for the inspection of certain motor vehicles.

Referred to Committee on TRANSPORTATION, September 21, 1982.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

- No. 218** By Representatives PHILLIPS, BELFANTI, COCHRAN, KOWALYSHYN, CALTAGIRONE, SEVENTY, RASCO, OLASZ, HALUSKA, PUCCIARELLI and GAMBLE

House express its opposition to Department of Public Welfare's Medical Assistance Program Fee Schedule and reimburse all doctors equally.

Referred to Committee on RULES, September 21, 1982.

- No. 219** By Representatives SEVENTY, ITKIN, MURPHY, PISTELLA, DAWIDA, TRELLO, DUFFY, MRKONIC, MISCEVICH, HORGOS, PETRONE, OLASZ, MICHLOVIC, POTT, BURD, RASCO, HEISER, McVERRY, GAMBLE, HALUSKA, MARMION, LEVI, WOZNIAK, BOWSER, MERRY, FARGO, WASS, FISCHER, MANDERINO, PENDLETON, GEORGE, WACHOB, FEE, LIVENGOOD, CLARK, COWELL, DeWEESE, LLOYD, GRUITZA, GRABOWSKI, A. K. HUTCHINSON, COLAFELLA, SWEET, DOMBROWSKI, CAPPABIANCA, SHOWERS, PRATT, MAIALE, LESCOVITZ, VAN HORNE, STEIGHNER, D. R. WRIGHT, KUKOVICH, TELEK and IRVIS

Speaker direct Committee on Insurance investigate economic impact of the Blue Cross of Western Pennsylvania 65-Plus program.

Referred to Committee on RULES, September 21, 1982.

### WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today as the guests of Representative Trello, Mr. Al Seretti and Jeff Hess of Stowe Township, Allegheny County.

### LEAVES OF ABSENCE GRANTED

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

Mr. CESSAR. Thank you, Mr. Speaker.

I do request leaves for the gentleman from Montgomery, Mr. DAIKELER, for today's session; and the gentleman from Dauphin, Mr. DININNI, for today's session.

The SPEAKER. The Chair recognizes the distinguished gentleman from the county of Philadelphia, Mr. Pievsky, for the purpose of taking leaves of absence.

Mr. PIEVSKY. Thank you, Mr. Speaker.

I request leaves of absence for the gentleman from Philadelphia, Mr. RAPPAPORT, for today; the gentleman from Westmoreland, Mr. PETRARCA, for today; and the

gentleman from Bucks, Mr. CORDISCO, for today. Thank you, Mr. Speaker.

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

### STATEMENT BY MR. BITTLE

#### TERCENTENARY COMMITTEE ON THIS DAY IN HISTORY

The SPEAKER. The Chair recognizes the gentleman from Franklin, Mr. Bittle, for the purpose of giving us "This Day in History."

Mr. BITTLE. It was 300 years ago today when Pennsylvania Gov. James Hamilton commissioned the Speaker of the Provincial Assembly, Isaac Norris, the Assembly Secretary, and Dr. Benjamin Franklin to travel from Philadelphia to Carlisle to meet with representatives of the six nations, the Shawnee and the Delaware Tribes of Indians to formulate a treaty.

Franklin never forgot his experience in Carlisle in the days to come and referred to it often in his autobiography. Dealing with the Indians who wanted liquor before they would sit at the treaty table, it was Franklin who refused drinking before the meeting but brought the Indians to the table with the promise of rum after the treaty negotiations were completed.

The mission to Carlisle was of great importance. For example, what attitude would the Indians take in that great contest between the English and the French? And it was especially important to the Pennsylvania settlers who had come to know the terror of Indian wars.

With interpreters serving between the Indians and the commissioners, the 3 days of conferences took place.

It happened in Carlisle, September 22, 1753.

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

#### HB 2519, PN 3378

By Rep. MILLER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing local authorities to delegate certain police powers to a parking authority.

#### URBAN AFFAIRS.

#### HB 2520, PN 3379

By Rep. MILLER

An Act amending the "Parking Authority Law," approved June 5, 1947 (P. L. 458, No. 208), empowering an Authority where authorized by ordinance or resolution of the municipality which created it to administer and enforce on-street parking regulations and providing that moneys collected and received by an Authority on behalf of the municipality are not subject to debts and obligations of the Authority.

#### URBAN AFFAIRS.

### 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—190

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

ADDITIONS—0

NOT VOTING—2

Alden	Kolter
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EXCUSED—7

Cordisco	Dininni	Frazier	Rappaport
Daikeler	Fleck	Petrarca	

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2226, PN 2879**, entitled:

An Act amending the "Real Estate Tax Sale Law," approved July 7, 1947 (P. L. 1368, No. 542), further providing for Tax Claim Bureau notices to the Department of Revenue and making editorial changes.

On the question,

Will the House agree to the bill on third consideration?

Mr. FRYER offered the following amendments No. A8648:

Amend Title, page 1, line 27, by inserting after "laws," " " increasing the rate of interest charged for late payment of taxes;

Amend Bill, page 2, by inserting before line 1

Section 1. Subsection (a) of section 306, act of July 7, 1947 (P.L.1368, No.542), known as the "Real Estate Tax Sale Law," amended April 6, 1981 (P.L.7, No.3), is amended to read:

Section 306. Return of Property and Delinquent Taxes; Interest; Settlements by Tax Collectors.—

(a) It shall be the duty of each receiver or collector of any county, city, borough, town, township, school district or institution district taxes, to make a return to the county bureau on or before the first Monday of May of each year, a list of all properties against which taxes were levied, the whole or any part of which were due and payable in the calendar year immediately preceding which remain unpaid, giving the description of each such property, as it appears in the tax duplicate, together with the amount of such unpaid taxes, penalties and interest due to but not including the first Monday of May of the year of return. Interest shall be charged on taxes so returned from and after the first Monday of May of the year of return at [the rate of six per centum (6%)] a rate established by the county commissioners which may not exceed twelve per centum (12%) per annum.

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

2.

Amend Sec. 1, page 2, line 1, by removing the comma after "602" and inserting

of the

Amend Sec. 1, page 2, lines 1 through 3, by striking out "of July 7," in line 1, all of line 2 and "Law," in line 3

Amend Sec. 2, page 2, line 27, by striking out "2." and inserting

3.

Amend Sec. 3, page 3, line 24, by striking out "3." and inserting

4.

On the question,

Will the House agree to the amendments?

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

Mr. FRYER. Mr. Speaker, this amendment is identical to the amendment that was offered to a prior bill dealing with delinquent taxes. It establishes the rate which is to be established by the county commissioners which may not exceed 12 percent. This also is identical to the theory that we had in giving to Allegheny County this year the power of the county commissioners to set this rate with a cap of 12 percent.

Mr. Speaker, I urge adoption of the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—186

Anderson	Fischer	McClatchy	Serafini
Armstrong	Foster, W. W.	McMonagle	Seventy
Arty	Foster, Jr., A.	McVerry	Showers
Barber	Freind	Mackowski	Shupnik
Belardi	Fryer	Madigan	Sieminski
Belfanti	Gallagher	Maiale	Sirianni
Beloff	Gallen	Manderino	Smith, B.

Berson	Gamble	Manmiller	Smith, E. H.
Bittle	Gannon	Marmion	Smith, L. E.
Blaum	Geist	Merry	Snyder
Borski	George	Michlovic	Spencer
Bowser	Gladeck	Micozzie	Spitz
Boyes	Grabowski	Miller	Stairs
Brandt	Greenfield	Miscevich	Steighner
Brown	Greenwood	Moehlmann	Stevens
Burd	Grieco	Morris	Stewart
Burns	Gruitza	Mowery	Stuban
Caltagirone	Gruppo	Mrkonic	Swaim
Cappabianca	Hagarty	Mullen	Sweet
Cawley	Haluska	Murphy	Swift
Cessar	Harper	Nahill	Taddonio
Cimini	Hasay	Noye	Taylor, E. Z.
Civera	Hayes	O'Donnell	Taylor, F. E.
Clark	Heiser	Olasz	Telek
Clymer	Hoefel	Oliver	Tigue
Cochran	Honaman	Pendleton	Trello
Colafella	Horgos	Perzel	Van Horne
Cole	Hutchinson, A.	Peterson	Vroon
Cornell	Irviss	Petrone	Wachob
Coslett	Itkin	Phillips	Wambach
Cowell	Jackson	Piccola	Wargo
Cunningham	Johnson	Pievsky	Wass
DeMedio	Kennedy	Pistella	Wenger
DeVerter	Klingaman	Pitts	Weston
DeWeese	Kowalshyn	Pott	Wiggins
Davies	Kukovich	Pratt	Williams, H.
Dawida	Lashingier	Pucciarelli	Williams, J. D.
Deal	Laughlin	Punt	Wilson
Dietz	Lehr	Rasco	Wogan
Dombrowski	Lescovitz	Reber	Wozniak
Donatucci	Letterman	Richardson	Wright, D. R.
Dorr	Levi	Rieger	Wright, J. L.
Duffy	Levin	Ritter	Wright, R. C.
Durham	Lewis	Rocks	Zwinkl
Evans	Livengood	Rybak	
Fargo	Lloyd	Salvatore	Ryan,
Fee	Lucyk	Saurman	Speaker

NAYS—0

NOT VOTING—6

Alden	Emerson	Kolter	McIntyre
Cohen	Gray		

EXCUSED—7

Cordisco	Dininni	Frazier	Rappaport
Daikeler	Fleck	Petrarca	

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—182

Anderson	Fischer	Lucyk	Serafini
Armstrong	Foster, W. W.	McClatchy	Seventy
Arty	Foster, Jr., A.	McMonagle	Showers
Barber	Freind	McVerry	Shupnik
Belardi	Fryer	Mackowski	Sieminski
Belfanti	Gallagher	Madigan	Sirianni
Beloff	Gallen	Maiale	Smith, B.
Berson	Gamble	Manderino	Smith, E. H.
Bittle	Geist	Manmiller	Smith, L. E.

Blaum	George	Marmion	Snyder
Borski	Gladeck	Merry	Spencer
Bowser	Grabowski	Michlovic	Spitz
Boyes	Gray	Micozzie	Stairs
Brandt	Greenfield	Miller	Steighner
Brown	Greenwood	Miscevich	Stevens
Burd	Grieco	Moehlmann	Stewart
Burns	Gruitza	Morris	Stuban
Caltagirone	Gruppo	Mowery	Swaim
Cappabianca	Hagarty	Mrkonic	Swift
Cawley	Haluska	Mullen	Taddonio
Cessar	Harper	Murphy	Taylor, E. Z.
Cimini	Hasay	Noye	Taylor, F. E.
Civera	Hayes	Olasz	Telek
Clark	Heiser	Oliver	Tigue
Clymer	Hoefel	Pendleton	Trello
Cochran	Honaman	Perzel	Van Horne
Colafella	Horgos	Peterson	Vroon
Cornell	Hutchinson, A.	Petrone	Wachob
Coslett	Irviss	Phillips	Wambach
Cowell	Itkin	Piccola	Wargo
Cunningham	Jackson	Pievsky	Wass
DeMedio	Johnson	Pistella	Wenger
DeVerter	Kennedy	Pitts	Weston
DeWeese	Klingaman	Pott	Wiggins
Davies	Kowalshyn	Pratt	Williams, H.
Dawida	Kukovich	Pucciarelli	Williams, J. D.
Deal	Lashingier	Punt	Wilson
Dietz	Laughlin	Rasco	Wogan
Dombrowski	Lehr	Reber	Wozniak
Donatucci	Lescovitz	Richardson	Wright, D. R.
Dorr	Letterman	Rieger	Wright, J. L.
Duffy	Levi	Ritter	Wright, R. C.
Durham	Levin	Rocks	Zwinkl
Evans	Lewis	Rybak	
Fargo	Livengood	Salvatore	Ryan,
Fee	Lloyd	Saurman	Speaker

NAYS—0

NOT VOTING—10

Alden	Emerson	McIntyre	O'Donnell
Cohen	Gannon	Nahill	Sweet
Cole	Kolter		

EXCUSED—7

Cordisco	Dininni	Frazier	Rappaport
Daikeler	Fleck	Petrarca	

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

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

\* \* \*

The House proceeded to third consideration of **HB 2376, PN 3524**, entitled:

An Act amending the act of January 13, 1966 (1965 P. L. 1292, No. 515), entitled "An act enabling certain counties of the Commonwealth to covenant with land owners for preservation of land in farm, forest, water supply, or open space uses," further providing for consequences of breach of covenant by land owner.

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—185

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

NAYS—1

Olasz

NOT VOTING—6

Alden	Gannon	McIntyre	Wright, R. C.
Emerson	Kolter		

EXCUSED—7

Cordisco	Dininni	Frazier	Rappaport
Daikeler	Fleck	Petrarca	

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.

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The House proceeded to third consideration of **HB 2564, PN 3462**, entitled:

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), referred to as the Second Class County Assessment Law, adding definitions; providing for the use of actual value and ratios for assessments; further providing for the duties of the board and assessors; and further providing for appeals and notices.

On the question,

Will the House agree to the bill on third consideration?

Mr. IRVIS offered the following amendment No. A8739:

Amend Sec. 2 (Sec. 4), page 2, line 22, by striking out "board of county commissioners" and inserting

Board of Property Assessment, Appeals and Review

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would allow Allegheny County to remain in precisely the same position as it legally is today.

I have talked with Mr. Nahill, and I believe under inter-rogation he will agree that this amendment should go into the bill. He has no objections, but I would suggest the Chair recognize Mr. Nahill.

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

Mr. NAHILL. Thank you, Mr. Speaker.

Yes, this amendment is agreed to, and I would encourage a "yes" vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—182

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

Coslett	Iris	Peterson	Wachob
Cowell	Itkin	Petrone	Wambach
Cunningham	Jackson	Phillips	Wargo
DeMedio	Johnson	Piccola	Wass
DeVerter	Kennedy	Pievsky	Wenger
DeWeese	Klingaman	Pistella	Weston
Davies	Kowalyshyn	Pitts	Wiggins
Dawida	Kukovich	Pott	Williams, H.
Deai	Lashinger	Pratt	Williams, J. D.
Dietz	Laughlin	Pucciarelli	Wilson
Dombrowski	Lehr	Punt	Wogan
Donatucci	Lescovitz	Rasco	Wozniak
Dorr	Letterman	Reber	Wright, D. R.
Duffy	Levi	Richardson	Wright, J. L.
Durham	Levin	Ritter	Zwikl
Evans	Lewis	Rocks	
Fargo	Livengood	Rybak	Ryan,
Fee	Lloyd	Salvatore	Speaker

NAYS—0

NOT VOTING—10

Alden	Emerson	McIntyre	Sieminski
Beloff	Gray	Rieger	Wright, R. C.
Cohen	Kolter		

EXCUSED—7

Cordisco	Dininni	Frazier	Rappaport
Daikeler	Fleck	Petrarca	

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—184

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

Cowell	Jackson	Piccola	Wambach
Cunningham	Johnson	Pievsky	Wargo
DeMedio	Kennedy	Pistella	Wass
DeVerter	Klingaman	Pitts	Wenger
DeWeese	Kowalyshyn	Pott	Weston
Davies	Kukovich	Pratt	Wiggins
Dawida	Lashinger	Pucciarelli	Williams, J. D.
Deal	Laughlin	Punt	Wilson
Dietz	Lehr	Rasco	Wogan
Dombrowski	Lescovitz	Reber	Wozniak
Donatucci	Letterman	Richardson	Wright, D. R.
Dorr	Levi	Rieger	Wright, J. L.
Duffy	Levin	Ritter	Zwikl
Durham	Lewis	Rocks	
Fargo	Livengood	Rybak	Ryan,
Fee	Lloyd	Salvatore	Speaker
Fischer	Lucyk		

NAYS—0

NOT VOTING—8

Alden	Emerson	Kolter	Williams, H.
Cohen	Evans	McIntyre	Wright, R. C.

EXCUSED—7

Cordisco	Dininni	Frazier	Rappaport
Daikeler	Fleck	Petrarca	

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

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

REMARKS ON VOTE

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

Mr. OLASZ. Mr. Speaker, on HB 2376 I inadvertently voted in the negative. I wish to be recorded in the affirmative, please.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2141, PN 3282**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, adding provisions relating to domestic relations, making conforming amendments to Title 42 and repealing certain acts and parts of acts supplied by the act or otherwise obsolete.

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 2141 be placed upon the table.

On the question,

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

### REQUEST FOR RECESS

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

I suggest the House recess at this time for two reasons: one, to take lunch; and secondly, to caucus on those bills which are going to be voted this afternoon.

The SPEAKER. Does the majority leader have a suggested time to return from recess?

Mr. HAYES. Two o'clock.

The SPEAKER. The Chair thanks the gentleman.

The Chair has been advised, Mr. Hayes, that some of the members from the west say it is snowing out there. They would like to get on the road.

Mr. HAYES. Then they should talk with Leroy Irvis. He does not want to come back until 2 o'clock.

The SPEAKER. On the question of rebuttal, the Chair recognizes the minority leader.

Mr. IRVIS. That is quite true. I just do not happen to believe those snow stories.

The SPEAKER. We have been believing them for years, as you have told us about them.

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy, for the purpose of announcing a meeting.

Mr. McCLATCHY. Mr. Speaker, I would like to call a meeting of the Appropriations Committee immediately upon recess in the Appropriations Committee hearing room.

### JUDICIARY COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Tioga, Mr. Spencer, for the purpose of calling a meeting.

Mr. SPENCER. Mr. Speaker, I would like the members of the Judiciary Committee to meet immediately on the declaration of the recess in the room to the rear of the hall of the House.

### RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

There will be a meeting of the Rules Committee in my office at the call of the recess.

### REPUBLICAN CAUCUS

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

Mr. NOYE. Mr. Speaker, the Republicans will caucus immediately. We have three bills to caucus on. Two will move very quickly; one will probably involve some discussion. I

would ask all the members to report promptly so we can get out of there for lunch.

### DEMOCRATIC CAUCUS

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

Mr. O'DONNELL. Mr. Speaker, there will be an immediate Democratic caucus. There are three bills on the agenda, one of which touches on mandatory sentencing for crimes against the elderly. It will start immediately. Thank you.

The SPEAKER. The members of both caucuses are requested to go immediately to the caucus rooms. If we are to beat the snowstorm coming in from the west, it will be necessary to caucus to understand the bills, come back on the floor at 2 o'clock, and promptly dispose of today's calendar.

### RECESS

The SPEAKER. Without objection, this House stands in recess until 2 p.m. The Chair hears no objection.

### AFTER RECESS

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

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

**HB 2469, PN 3613** (Amended) (Unanimous)

By Rep. BITTLE

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

CONSERVATION.

### REPORT FROM RULES COMMITTEE

#### BILLS REMOVED FROM TABLE FOR CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, the Rules Committee has instructed me to make a motion to remove the following bills from the table and place them on the active calendar, and I so move:

HB 2519;  
HB 2520; and  
SB 1253.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**BILLS REMOVED FROM TABLE  
FOR CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, the Rules Committee has instructed me to make a motion to remove the following bills from the table and place them on the active calendar, with the understanding that they will be rereferred to the Appropriations Committee for the purpose of a fiscal note at a later date, and I so move:

HB 2332;  
HB 2333; and  
HB 2469.

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

**RESOLUTION REPORTED FROM COMMITTEE**

**HR 169, PN 3007** (Concurrent)

By Rep. HAYES

Joint State Government Commission appoint a task force to study ways which Commonwealth can reduce its competition with private enterprise.

RULES.

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

**HB 2662, PN 3590** By Rep. McCLATCHY

An Act amending the act of December 18, 1980 (P. L. 1252, No. 228), entitled "A supplemental to the act of October 6, 1980 (P. L. 784, No. 145), entitled 'An act providing for the capital budget for the improvement and furniture and equipment projects,\*\*\*; providing for the adoption of capital projects to be financed from current revenues of the Boating Fund and the Fish Fund and making an appropriation,' deleting certain projects and adding a project in the Department of Education for the Pennsylvania State University.

APPROPRIATIONS.

**BILLS REREPORTED FROM COMMITTEE**

**HB 2603, PN 3503** By Rep. McCLATCHY

An Act amending the act of July 3, 1947 (P. L. 1228, No. 499), entitled "An act to establish in cities of the first class a house of detention for delinquent dependent and neglected children up to eighteen years of age, \*\*\*," eliminating management and maintenance by a board of managers appointed by the judges of the Family Court Division of the Court of Common Pleas and providing for management and maintenance by the city where the house of detention is located.

APPROPRIATIONS.

**HB 2644, PN 3570** By Rep. McCLATCHY

An Act amending the act of May 20, 1937 (P. L. 728, No. 193), entitled, as amended, "An act providing for the creation of a Board of Claims arising from contracts with the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the board; \*\*\*; and authorizing an appropriation," extending the time period for appointing hearing panels.

APPROPRIATIONS.

**SESSION SCHEDULE**

The SPEAKER. The clerk is instructed to insert into the record the notice for session times for the House of Representatives for next week in accordance with the Sunshine Act of Pennsylvania.

The following communication was read:

House of Representatives  
Commonwealth of Pennsylvania  
Harrisburg

NOTICE  
SESSION TIME FOR  
HOUSE OF REPRESENTATIVES

Notice is hereby given, in accordance with the Act of July 19, 1974, P.L. 486, No. 175, that the House of Representatives will convene in open session in the Hall of the House on the following dates and times:

Tuesday, September 28, 1982 at 1:00 p.m.  
Wednesday, September 29, 1982 at 11:00 a.m.

John J. Zubeck  
Chief Clerk  
House of Representatives

September 22, 1982

House of Representatives  
Commonwealth of Pennsylvania  
Harrisburg

I hereby certify that thirty copies of the foregoing notice were delivered to the Supervisor of the Newsroom of the State Capitol Building in Harrisburg on September 22, 1982, and a copy was also posted on the bulletin board outside the main entrance to the Chief Clerk's Office on the same date.

John J. Zubeck  
Chief Clerk  
House of Representatives

September 22, 1982

**WELCOME**

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Mr. Fran Nimick of Sewickley, here today as the guest of Representative George Pott.

**CALENDAR RESUMED**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 506, PN 2021**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," establishing the State System of Higher Education and designating its institutions; creating and defining the powers and duties of the Board of Governors; establishing the office and duties of the chancellor of the university system; defining the powers and duties of presidents and the Councils of Trustees of the University Institutions; relating the powers and duties of the State Board of Education with the university system; and making certain repeals.



On the question,

Will the House agree to the bill on third consideration?

Mr. MANDERINO offered the following amendments No. A8742:

Amend Sec. 2 (Sec. 2004-A), page 7, line 20, by striking out “sixteen (16)” and inserting  
twenty (20)

Amend Sec. 2 (Sec. 2004-A), page 8, by inserting between lines 6 and 7

(4) One (1) member, who shall be a citizen of the Commonwealth and who may be a member of the General Assembly, shall be appointed by the majority leader of the House of Representatives.

(5) One (1) member, who shall be a citizen of the Commonwealth and who may be a member of the General Assembly, shall be appointed by the minority leader of the House of Representatives.

(6) One (1) member, who shall be a citizen of the Commonwealth and who may be a member of the General Assembly, shall be appointed by the majority leader of the Senate.

(7) One (1) member, who shall be a citizen of the Commonwealth and who may be a member of the General Assembly, shall be appointed by the minority leader of the Senate.

Amend Sec. 2 (Sec. 2004-A), page 8, line 11, by inserting after “1986.”

The members appointed by the majority and minority leader of the House of Representatives and the Senate shall serve for terms of two (2) years.

Amend Sec. 2 (Sec. 2006-A), page 13, line 11, by striking out “Ten (10)” and inserting

Twelve (12)

Amend Sec. 7, page 23, line 6, by inserting after “board” where it appears the first time  
and the majority and minority leaders of the House of Representatives and Senate shall make their appointments to the board

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the amendment that I offer, A8742, is an amendment which expands the board being set up to govern the Commonwealth university system.

When we last saw a similar proposal, which was given to us by the gentleman, Representative Wright from Clarion County, there was a provision therein that members of the assembly would serve on the board. That is missing from the proposal as it is before us now. The amendment that I offer does not propose to place members of the assembly on the board necessarily but does propose that the General Assembly in the person of the majority and minority leaders in the House and in the Senate be given an appointment to the board. This, I think, is consistent, Mr. Speaker, with what we do in similar situations with State-related colleges and universities, and I think that having made the board and the governing body of the State college and university system independent of an elected official, we ought to at least give elected officials in the assembly appointments to the board, and that is what this amendment proposes to do.

Mr. Speaker, then in conclusion what we are doing is suggesting that somewhere between what Mr. Wright had proposed in putting members of the assembly on the board and this bill, which gives us no say in the appointment of the

board and no representation on the board, I propose to give us a say in the appointment of 4 of 20 members of the board.

The SPEAKER. The Chair recognizes the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

I rise to oppose the amendment offered by the gentleman, Mr. Manderino, not because I oppose the concept, as some people are wont to say, but because I oppose the amendment at this time.

This amendment and others, Mr. Speaker, will appear to be compassionate and caring and concerned. This particular amendment appears to be as innocent as the smile on a baby's face, but it holds in its hands the dagger that will strike death to a State system of higher education.

The motivation of the amendment is left for the gentleman to describe, but I will tell you what the effect of this amendment will be. It will damage the bill. It will besmirch our reputations as proponents of an efficient system of higher education. Now, if you do not believe this and other amendments will kill the bill, then you surely will agree that we run the risk of killing the bill, and that is true for all of the reasons that do not need to be delineated for members of this House.

I respectfully ask that you do not risk what we may never be able to recover. This bill has had a long and arduous journey to this present moment, and now in the fullness of time, it is here. We can seize this moment and complete something truly worthwhile and important or we can allow it to sift through our fingers, never to be recovered.

Mr. Speaker, once in a great while there comes an opportunity for us to do something that is truly important. If the members of the House would think back across their legislative careers, whether they have been short or long, they might think about how many truly important issues they have been a part of, and my guess is that that number is exceedingly small. Most of us in this House measure out our days in tablespoons of trivia. Today we have a chance to be a part of something that is larger than ourselves.

And let me say that there are people who care about public education, who recognize our unique opportunity today, and they have asked us that we consider this bill and vote it without amendment. Those would include the 70,000 students of our State-owned colleges and university. They are watching us. It would include all 14 presidents of the State colleges and university. It would include the State college and university directors. It would include the trustees of the State colleges who want this bill without amendment.

Now, Mr. Speaker, these are not ignorant people herded into line to achieve someone else's political purposes. They are intelligent, thoughtful people who believe that the time has come for the State system of higher education. And, Mr. Speaker, that has been a long time in coming.

Since 1965 people have been saying that they endorse the concept—

The SPEAKER. The gentleman will yield.

For what purpose does the lady from Susquehanna, Miss Sirianni, rise?

Miss SIRIANNI. Mr. Speaker, should he not be addressing the amendment instead of the bill?

The SPEAKER. The Chair thanks the lady.

The gentleman may continue.

Mr. D. R. WRIGHT. I knew that it was coming sooner or later. I am glad sooner rather than later.

Since 1965 people have been saying that they favor the concept. I favor the concept; I oppose the bill. I favor the concept; I oppose the bill. Now is the time, Mr. Speaker—

The SPEAKER. The gentleman will yield.

I am inclined to agree with the lady, who is about to raise the same objection again, that the gentleman is moving a little bit into the area of the merits of the bill.

Mr. D. R. WRIGHT. Thank you, Mr. Speaker. I am trying to demonstrate the need to defeat this amendment in order to preserve the bill. And it is the bill, I grant you, which is my prime interest. But it is my view that if we vote this and other amendments, we will have consigned this bill to an early death.

I will just say one further sentence, Mr. Speaker. There are those who may charge others and me with political purposes, but I stand today actually concerned about a State system of higher education. We might be surprised sometime at how great good we could do if we were not quite so concerned about who got the credit. I urge a "no" vote on this amendment.

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

Mr. NOYE. Thank you, Mr. Speaker.

I would ask the membership to vote against the amendment. I oppose it. The bill states that it may or may not be a member of the General Assembly. That means it could be anybody. I think the board is large enough. I would oppose the amendment.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I, too, ask that the amendment be opposed. The language that currently is in the bill, which reflects consensus thinking after some 17 years, is language about which most people have come to agree. This particular amendment reflects language that the Senate has already rejected. Its inclusion in the bill at this time effectively would mean killing the bill. If we want to have this consensus idea become law this year and have an opportunity to perhaps refine it later on, we should pass this bill without amendment. We should defeat the particular amendment before us now. Thank you.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, it is curious to me that 17 years of those persons who have had an interest in this bill produced a bill that just a few months ago contained appointments of members of the General Assembly and today by those same people there is a refusal to accept even the notion of members of the assembly making appointments to the board. Now, let us be honest with one another. This language change that I suggest and that the gentlemen who have spoken before me oppose is language change that appears in many of

the pieces of legislation that we adopt when we set up boards and commissions who are to govern quasi legislative and executive functions.

Mr. Speaker, bi respect the gentleman, Mr. Noye, who opposes the amendment on its merits. I do not respect those who oppose the amendment simply because we should not amend this bill because somebody who has not been elected to do a job in this assembly tells us that we should not amend this bill.

The President pro tempore of the Senate has said they will return after the November election. They zill take care of all pending business at that time. This will be pending business. Are we to take away the right we have to speak as to language in very important legislation because the Senate chooses to be in recess this week and chose to be in recess last week? Mr. Speaker, if the bill is important enough, and I am sure that it is, and I will take the Senate President pro tempore at his word, the important matters will be handled by the Senate, which will reconvene after the election.

Now, it seems to me that hidden in this "please do not amend this bill" there is something that is not coming out on the floor of the House, and it has to do with politics. At least that is what one of the letters by the proponents of the legislation said to me when he wrote to me. There is an endorsement of a gubernatorial candidate being held in abeyance if this bill does not pass without amendment. Mr. Speaker, I think that is ridiculous. I think that that endorsement, when it comes—and I am sure it will—ought to be tarnished, tarnished so badly as to be valueless, Mr. Speaker, because we are told here today that we must pass this bill without amendment, no matter how meritorious that amendment is. Well, I will not buy that. I will not live by that kind of a code, and if you want to live by that kind of a code, then be man enough to say that is what I am doing; I am not amending the bill because a deal has been made for a gubernatorial endorsement, and if the bill does not pass before the election, then the endorsement will be meaningless and the deal cannot be consummated.

Miss SIRIANNI. Mr. Speaker?

Mr. MANDERINO. Mr. Speaker, I ask for the adoption of the amendment.

The SPEAKER. I know the lady was about to challenge Mr. Manderino to stay on the subject before the House, and he knew it, too.

Miss SIRIANNI. And he was not speaking to the amendment.

The SPEAKER. He knew it, too, and he sat down.

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

The following roll call was recorded:

YEAS—66

Barber	Fee	Lloyd	Pievsky
Beloff	Fryer	Lucyk	Pistella
Berson	Gallagher	McMonagle	Pratt
Blaum	Gamble	Maiale	Pucciarelli
Borski	Gannon	Manderino	Richardson
Brown	Grabowski	Michlovic	Rieger
Caltagirone	Gruitza	Miscevich	Rybak
Cawley	Haluska	Morris	Seventy
Clark	Harper	Mrkonic	Shupnik

Cohen	Hoeffel	Mullen	Sweet
DeWeese	Horgos	Murphy	Tigue
Dawida	Hutchinson, A.	O'Donnell	Trello
Deal	Irvis	Olasz	Wargo
Donatucci	Itkin	Oliver	Wiggins
Duffy	Kowalshyn	Pendleton	Williams, H.
Durham	Laughlin	Petrone	Williams, J. D.
Evans	Levin		

NAYS—117

Anderson	Foster, W. W.	Manmiller	Spitz
Armstrong	Foster, Jr., A.	Marmion	Stairs
Arty	Freind	Merry	Steighner
Belardi	Gallen	Micozzie	Stevens
Belfanti	Geist	Miller	Stewart
Bittle	George	Moehlmann	Stuban
Bowser	Gladeck	Mowery	Swaim
Boyes	Greenwood	Nahill	Swift
Brandt	Grieco	Noye	Taddonio
Burd	Gruppo	Perzel	Taylor, E. Z.
Burns	Hagarty	Peterson	Taylor, F. E.
Cessar	Hasay	Phillips	Telek
Cimini	Hayes	Piccola	Van Horne
Civera	Heiser	Pitts	Vroon
Clymer	Honaman	Pott	Wachob
Cochran	Jackson	Punt	Wambach
Colafella	Johnson	Rasco	Wass
Cole	Kennedy	Reber	Wenger
Cornell	Klingaman	Ritter	Weston
Coslett	Kukovich	Salvatore	Wilson
Cowell	Lashinger	Saurman	Wogan
Cunningham	Lehr	Serafini	Wozniak
DeMedio	Lescovitz	Showers	Wright, D. R.
DeVerter	Letterman	Sieminski	Wright, J. L.
Davies	Levi	Sirianni	Wright, R. C.
Dietz	Livengood	Smith, B.	Zwinkl
Dombrowski	McClatchy	Smith, E. H.	
Dorr	McVerry	Smith, L. E.	Ryan,
Fargo	Mackowski	Snyder	Speaker
Fischer	Madigan	Spencer	

NOT VOTING—9

Alden	Gray	Kolter	McIntyre
Cappabianca	Greenfield	Lewis	Rocks
Emerson			

EXCUSED—7

Cordisco	Dininni	Frazier	Rappaport
Daikeler	Fleck	Petrarca	

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

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

Mr. MANDERINO offered the following amendment No. A8797:

Amend Sec. 2 (Sec. 2006-A), page 12, line 20, by striking out "2008-A" and inserting 2003-A

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

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, on page 12 of SB 506 at line 16 there begins a paragraph that talks about establishing the general personnel policies under which the institutions shall operate. At the end of that paragraph it speaks to Act 195, known as the Public Employee Relations Act, and speaks again in accordance with section 2008-A of this act. When you

go to section 2008-A, you will find on the bottom of the next page, on page 13, that that section has nothing to do with collective-bargaining agreements and it has to do with councils of trustees, and it is obvious that a mistake has been made in designating the section to which the previous paragraph referred. That section is in the bill, however, and it is section 2003-A, which is on another page of the bill, which does refer to collective-bargaining agreements. That is, Mr. Speaker, on page 5 of the bill under "Purposes and General Powers," and, Mr. Speaker, under (c) it talks about collective-bargaining agreements in effect at the time. It is obvious a mistake has been made, and I am simply trying with this amendment to correct the mistake that has been made in the section being referred to. The section being referred to is obviously 2003-A, and I ask for adoption of the amendment.

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

The following roll call was recorded:

YEAS—67

Barber	Evans	Kowalshyn	Petrone
Belfanti	Fee	Laughlin	Pievsky
Beloff	Fryer	Levin	Pratt
Berson	Gallagher	Lloyd	Pucciarelli
Blaum	Gamble	Lucyk	Richardson
Borski	Gannon	McMonagle	Rieger
Brown	George	Maiale	Rybak
Caltagirone	Grabowski	Manderino	Seventy
Cawley	Greenfield	Michloyic	Shupnik
Clark	Gruitza	Miscevich	Sweet
DeWeese	Haluska	Morris	Taylor, E. Z.
Dawida	Harper	Mrkonc	Tigue
Deal	Hoeffel	Mullen	Trello
Dombrowski	Horgos	O'Donnell	Wargo
Donatucci	Hutchinson, A.	Olasz	Wiggins
Duffy	Irvis	Oliver	Williams, H.
Durham	Itkin	Pendleton	

NAYS—115

Anderson	Foster, Jr., A.	Merry	Spencer
Armstrong	Freind	Micozzie	Spitz
Arty	Gallen	Miller	Stairs
Belardi	Geist	Moehlmann	Steighner
Bittle	Gladeck	Mowery	Stevens
Bowser	Greenwood	Murphy	Stewart
Boyes	Grieco	Nahill	Stuban
Brandt	Gruppo	Noye	Swaim
Burd	Hagarty	Perzel	Swift
Burns	Hasay	Peterson	Taddonio
Cappabianca	Hayes	Phillips	Taylor, F. E.
Cessar	Heiser	Piccola	Telek
Cimini	Honaman	Pistella	Van Horne
Civera	Jackson	Pitts	Vroon
Clymer	Johnson	Pott	Wachob
Cochran	Kennedy	Punt	Wambach
Colafella	Klingaman	Rasco	Wass
Cole	Kukovich	Reber	Wenger
Cornell	Lashinger	Ritter	Weston
Coslett	Lescovitz	Salvatore	Wilson
Cowell	Letterman	Saurman	Wogan
Cunningham	Levi	Serafini	Wozniak
DeMedio	Livengood	Showers	Wright, D. R.
DeVerter	McClatchy	Sieminski	Wright, J. L.
Davies	McVerry	Sirianni	Wright, R. C.
Dietz	Mackowski	Smith, B.	Zwinkl
Dorr	Madigan	Smith, E. H.	
Fargo	Manmiller	Smith, L. E.	Ryan,
Fischer	Marmion	Snyder	Speaker
Foster, W. W.			

NOT VOTING—10

Alden	Gray	Lewis	Rocks
Cohen	Kolter	McIntyre	Williams, J. D.
Emerson	Lehr		

EXCUSED—7

Cordisco	Dininni	Frazier	Rappaport
Daikeler	Fleck	Petrarca	

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?

Mr. MANDERINO offered the following amendment No. A8798:

Amend Sec. 2 (Sec. 2006-A), page 12, line 20, by removing the period after "act" and inserting except that all personnel presently employed and holding a classified position pursuant to section 3(d)(7) of the act of August 5, 1941 (P.L. 752, No. 286), known as the "Civil Service Act," shall continue to hold such classified position and shall continue to be entitled to receive all the rights and benefits provided by the "Civil Service Act."

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

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this amendment is an attempt to clear up what at best is an ambiguity in the bill and at worst is an attempt to destroy civil service status for employees in the Department of Education.

Mr. Speaker, as I read the powers and duties of the board that is being set up by this bill, it speaks to the board being able to set up a merit system for its employees. The merit system that governs Commonwealth employees is the classified service, and that is what it is technically called. That is the civil service system and civil service status enjoyed by employees. But this bill, Mr. Speaker, in my opinion and the opinion of Democratic staff counsel, does not protect the civil service status of classified employees. I know that there is an opinion to the contrary by the attorney for the union of college faculty and personnel.

Mr. Speaker, I would like to point to a precedent in the matter in two transfers that this General Assembly has made in the recent past, and that being when we created the Department of Aging in 1978. When we created that department and we set out the powers and duties section—and we gave the powers and duties similar to the powers and duties we are giving to the board in managing affairs—we specifically included a section therein which said, "All personnel transferred to the Department of Aging from other State agencies and departments pursuant to this act shall retain any civil service or other employment status assigned to said personnel in those departments and agencies prior to the effective date of this act."

Mr. Speaker, all I am trying to do with this amendment is to insure that those persons who are presently members of the Department of Education or employees of the Department of Education working in the college and university system of the State, when they are transferred to the new independent status

under the board of the chancellor, will retain the civil service status.

Mr. Speaker, I also point you to the legislation wherein we created the Department of General Services. That was not so long ago. We have a similar statement, Mr. Speaker: "All personnel transferred to the Department of General Services from other State agencies and departments pursuant to this act shall retain any civil service or other employment status assigned to said personnel in those departments and agencies prior to the effective date of this act."

It is my opinion that the legislation as drafted, without the amendment that I now propose, Mr. Speaker, does not guarantee personnel being transferred, presently enjoying civil service status, that same status. It may occur; it may occur and it may become a fact, because the board is able, in its powers and duties, to adopt a merit system, but it is very easy to use the words "classified service" so we all know that we are talking about the present civil service system. Otherwise, there is no protection for the employee, and I am simply adding that language to the bill. Thank you, Mr. Speaker.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the amendment which is being proposed is not necessary; therefore, we urge that it be rejected.

The question of civil service coverage is a legitimate question which has been debated throughout the debate on SB 506 and similar legislation, but there is a response in terms of the specific language in this particular bill, and that was provided by the legal opinion that was circulated among members as they entered the hall. The legal counsel who wrote that opinion is not only the legal counsel for APSCUF (Association of Pennsylvania State College and University Faculties) but also the chief legal counsel for the Pennsylvania AFL-CIO. Without reading that entire letter, I would simply note that the last sentence says, "Therefore, positions presently enjoying the protection of the Civil Service Act under Section 3(d) of the Civil Service Act will continue to enjoy that protection."

I think that it is also significant to note that throughout the legislative debate about this bill, there has always been an intent and an understanding that the current language would provide civil service protection. Indeed there have been occasionally conversations about members offering amendments to take these people out from under civil service protection. If they were not already covered, obviously there would have been no need for people to discuss amendments that would eliminate civil service protection.

Certainly the legislative intent and the legislative interpretation of the language currently in SB 506, and a legal interpretation as coming from the law firm indicated in the letter that was circulated, is that civil service protection will continue to be applicable to those members currently in the system. We urge the rejection of this amendment.

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

Mr. NOYE. Thank you, Mr. Speaker.

I would ask the members to oppose the amendment offered by the gentleman from Westmoreland. More than just the one case he cited in opposition to his position has been noted. We have talked with a range of attorneys on this, and the information I have received is that we are covered sufficiently to make sure that those in the system are already taken care of, so I would oppose his amendment.

The SPEAKER. On the question of the Manderino amendment, the gentleman from Westmoreland County is recognized.

Mr. MANDERINO. Mr. Speaker, I wish the gentleman, Mr. Cowell, had taken the time to read into the record the opinion of counsel that he said he had, because it would have become obvious to those of you who had not read it that it contains nothing but conclusions. It does not contain any reasoning on how those conclusions were arrived at.

Mr. Speaker, I can only point to pieces of legislation passed by this assembly when we wanted to make it perfectly clear that we were not going to take civil service status away, and it was very simple to do. You simply use the words "classified service" and talk about the employees retaining such. The absence of that kind of language in this legislation leads me to believe that somebody has something else in mind.

Mr. Speaker, Mr. Cowell indicated that there are members of this assembly who do want to put in amendments to take away civil service status. There are persons of that persuasion maybe on both sides of the aisle, and maybe they have accomplished their purpose by the way this bill has already been written. All I want to do is make sure they have not accomplished that purpose. Is that too much to ask? Yes, it is too much to ask. I will answer the question. We will never get the endorsement for the Governor from the education community if we allow the amendment.

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

The following roll call was recorded:

YEAS—78

Belfanti	Fryer	Lloyd	Rieger
Beloff	Gallagher	Lucyk	Ritter
Berson	Gamble	McMonagle	Rybak
Blaum	Gannon	Maiale	Seventy
Borski	George	Manderino	Shupnik
Brown	Grabowski	Miscevich	Stevens
Caltagirone	Greenfield	Morris	Stewart
Cappabianca	Gruitza	Mrkonic	Sweet
Cawley	Haluska	Mullen	Taylor, E. Z.
Clark	Harper	O'Donnell	Tigue
DeMedio	Hasay	Olasz	Trello
DeWeese	Hoefel	Oliver	Van Horne
Dawida	Horgos	Pendleton	Wachob
Deal	Hutchinson, A.	Petrone	Wambach
Dombrowski	Irvis	Pievsky	Wargo
Donatucci	Itkin	Pistella	Wiggins
Duffy	Kowalshyn	Pratt	Williams, H.
Durham	Kukovich	Pucciarelli	Wozniak
Evans	Laughlin	Richardson	Zwikt
Fee	Levin		

NAYS—103

Anderson	Foster, W. W.	Madigan	Smith, B.
Armstrong	Foster, Jr., A.	Manmiller	Smith, E. H.
Arty	Freind	Marmion	Smith, L. E.
Belardi	Gallen	Merry	Snyder
Bittle	Geist	Michlovic	Spencer
Bowser	Gladeck	Micozzie	Spitz
Boyes	Greenwood	Miller	Stairs
Brandt	Grieco	Moehlmann	Steighner
Burd	Gruppo	Mowery	Suban
Burns	Hagarty	Murphy	Swaim
Cessar	Hayes	Noye	Swift
Cimini	Heiser	Perzel	Taddonio
Civera	Honaman	Peterson	Taylor, F. E.
Clymer	Jackson	Phillips	Telek
Cochran	Johnson	Piccola	Vroon
Colafiglia	Kennedy	Pitts	Wass
Cole	Klingaman	Pott	Wenger
Cornell	Lashingier	Punt	Weston
Coslett	Lehr	Rasco	Wilson
Cowell	Lescovitz	Reber	Wogan
Cunningham	Letterman	Salvatore	Wright, D. R.
DeVerter	Levi	Saurman	Wright, J. L.
Davies	Livengood	Serafini	Wright, R. C.
Dietz	McClatchy	Showers	
Dorr	McVerry	Sieminski	Ryan,
Fargo	Mackowski	Sirianni	Speaker
Fischer			

NOT VOTING—11

Alden	Emerson	Lewis	Rocks
Barber	Gray	McIntyre	Williams, J. D.
Cohen	Kolter	Nahill	

EXCUSED—7

Cordisco	Dininni	Frazier	Rappaport
Daikeler	Fleck	Petrarca	

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?

Mr. CLARK offered the following amendments No. A8783:

Amend Sec. 2, page 20, by inserting between lines 26 and 27  
Section 2015-A.—Unemployed Persons College Education.—  
Subject to the rules and regulations of the board, any resident of  
the Commonwealth for one year who is unemployed and regis-  
tered for employment with the Bureau of Job Service in the  
Office of Employment Security may attend any class in any  
member institution of the State System of Higher Education  
without charge for tuition or institutional fees but only on a space  
available basis.

Amend Sec. 2 (Sec. 2015-A), page 20, line 27, by striking out  
"2015-A" and inserting  
2016-A

Amend Sec. 2 (Sec. 2016-A), page 21, line 4, by striking out  
"2016-A" and inserting  
2017-A

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

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

Mr. CLARK. Thank you, Mr. Speaker.

As one of the previous speakers pointed out, it is very seldom that we have an opportunity to do a great thing, and I saw with this bill that we have an opportunity to help some

people in Pennsylvania who are suffering from the current recession. We have found recently that the President does not care about the unemployed and the Governor does not care about the unemployed, so I think we should send a message that we here in the House care about the unemployed. My amendment simply will permit those people who are unemployed and are residents of this State for a year to attend classes at our member institutions of the State system for free, on a space-available basis, meaning that it will not cost us a nickel. Now, I think it is important that we show the people who are unemployed that we care about them here in Pennsylvania.

A lot of talk has been said that if we offer amendments to this bill, we are killing the legislation. In order for this bill to become law, the Senate has to meet. They can just as easily meet to concur in our amendments and help the unemployed of this State as they can to meet to sign the bill. I think it is important that we do something today for those 600,000 or 700,000 Pennsylvanians who are out of work.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, again I would ask that we oppose this amendment.

The concept of indicating to unemployed persons in Pennsylvania that they have an opportunity to attend our State institutions without charge may be laudable, but there are particular problems with that concept generally and specific problems with this amendment if we in fact think it is a good idea. If it is such a good idea—and perhaps it does have merit—then it should be done immediately. However, under the provisions of this bill, SB 506, this opportunity to attend school without tuition charge would not take effect until next July, and I know that the people in my area, and I think in most areas of this State, who might think this is a good idea and might in fact find a program in which they were interested and would like to attend, would want to do that immediately, not some 11 months from now or 10 months from now. We will have a lot of other School Code bills on our calendar, and if there is agreement that this is a good concept, then we ought to amend one of those School Code bills so that this system of free tuition for the unemployed could be implemented immediately prior to the real enactment of this new State system next July.

Folks who want help or who need help are not going to be impressed by patronizing pieces of legislation or amendments which are offered. They want real help today, not next July. Generally they are looking for jobs or they are looking for training where they will get some skills, some educational wherewithal that they will be able to get out and get a job as soon as possible, not something that might be made available to them next July when this law would actually take effect. So that is the first real problem. If it is a good idea, it ought to be done now, not 10 months from now.

But there are some other practical problems with this also. The reality is that most of the people who are unemployed, or large numbers anyway, do not live near one of our State

colleges or Indiana University, and I know the folks in my area in Allegheny County are not about to hop a Greyhound bus and go to Indiana or down to California so they can attend a class. It is simply not practical. They might be interested in programs that we would make available through some of our technical schools or our community colleges or our vocational programs, but very few in fact would take advantage of the opportunity offered under this amendment.

Secondly, we have to keep in mind that some who might be interested would risk losing their eligibility for unemployment compensation, because a person must be available for work if they are going to maintain their eligibility for unemployment compensation, and I think most of us have had experiences arguing with the UC (unemployment compensation) folks where we have had somebody who wanted to become a truck driver and who went to school, or tried to get some type of additional education, and they were notified that because they were not available for work because they were taking classes, they lost their UC eligibility. This amendment does not address that problem, and therefore, the bottom line would be that very few would take advantage of it.

Additionally, the reality is that our State colleges tend not to offer or at least tend not to have spaces available in those programs and those specific classes that would really be of benefit to unemployed workers. Again, they want to get a job, and if they need education or training, they want something that is going to help them get a job. I do not think that very many of our unemployed steelworkers are going to rush over to Indiana University or down to California and sit in a vacant space in a psych class or a political science class, because that is not really going to help them get a job. At best, they might learn how we use them and abuse them with these kinds of amendments, but it is not going to help them get a job.

I would urge that we defeat this amendment.

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

Mr. OLASZ. Mr. Speaker, perhaps my colleague, Representative Cowell, has been out of touch with the unemployed in Allegheny County. At every door that I knock on and every person I see, the question is the same: What are you guys doing in Harrisburg for us? I want to focus on the fact that many of those people have run out of their benefits, and for Mr. Cowell's knowledge and experience, the school terms are already 3 weeks in effect. It is impossible for them to go out in the immediacy of this bill to take action right this moment, right this day. The fact is, we are giving those people hope, hope that there is a future for them. Make no mistake, the mines are closed; the steel mills are shut down; they are dismantling. Where do they go at this young age in life? And I remind you of that commercial that we have seen many times in the past, "A mind is a terrible thing to waste." Do we ever lose anything in education? There is a seat available; there is no additional cost. Let us not turn our backs on those poor people who have no fork in the road; it is downhill.

I ask your support of the Clark amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Clark, on the amendment.

Mr. CLARK. Mr. Speaker, first, the purpose of the amendment is to provide a little hope for those folks who have been signing up for unemployment for the last year. With this amendment they can go to a State college and retrain themselves for a new job. We have talked about luring high-technology jobs to Pennsylvania, but what have we done? Nothing. But if we train these folks how to program a computer, how to work a computer, then an employer is going to come in and say, Pennsylvania has a trained work force that I can use, and we are providing them with a trained work force to make our people work and make them pay taxes.

Now, I have made it on a space-available basis, and it is true that maybe the only open area in a university may be in political science, but it is becoming closer and closer to the point where the only jobs left are in government, and perhaps they need to train for those jobs and do something about the system themselves.

The opponents of this amendment can go back and tell the unemployed all the stories they want about providing false hope. If there were a Senate bill in front of us right now dealing with the School Code, I would amend it and send it to the Senate and ask them to concur, but I would still amend this bill because it is the future system of higher ed in the State. I think that the opponents should go back to those people and stand in the unemployment line and tell them, it is more important to us that the Governor get the endorsement of a faculty union than whether you have an opportunity for a job in the future. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

I appreciate the gentleman's concern for the unemployed, and I think he has the beginning of a good amendment. My problem is it does not go far enough. One of the things I am thinking about in his amendment is a fellow I know whose unemployment has run out and he finally found a job for about \$3.50 an hour down at the service station. Under this amendment he is going to be denied free tuition at the college there in the town where he lives. It seems to me that there is going to be a considerable amount of resentment on his part that someone who is unemployed will be able to get this kind of tuition whereas he, who also is needy, will not be. I would support the gentleman's notion if we could extend that a little further.

It seems to me that also there is a problem on space available. If you operate under the notion that all that is required to carry out an academic program is available space, then the amendment would make some sense, but there are also program constraints, curriculum constraints, on the number of persons who can be in a given program at a time. You might have a room that would accommodate 50 people but the program can only accommodate 25 people at a time. So it seems to me that while the idea is good, it is faulty to the extent that it does not go far enough. For that reason I would ask that we reject this amendment and consider it in more complete form at another time.

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

Mr. NOYE. Thank you, Mr. Speaker.

I rise to oppose the amendment. There are many reasons I could cite. We developed a fiscal note which shows that it could be somewhere around \$16 million. That could translate into a \$600-a-year tuition increase. I could talk to you about when I went to college. I do not know what it was like when you went there, but after you paid tuition and fees and books and all that stuff that is covered under this bill, it still costs money to go, and I am wondering if those people who are unemployed want to take those other expenses out of their unemployment checks to pay that to go to school. I know if you are in touch with your colleges, there are not too many spaces available, and as has been cited, the courses that are going to be available to these people are probably going to wind up offending them more than making them have a little bit of hope of a way out of the situation.

You know, the argument goes on and on and on, but I think the best argument was made and Representative Cowell touched on it, and that is the point, and if you do not understand it, you ought to question your local unemployment people involved, because I have had at least one or two cases cross my desk recently where an individual who had signed up for unemployment and was a part-time student was denied unemployment benefits because he is not available to go to work. And that is exactly what is going to happen in this particular case; you are going to have people who are getting unemployment who are going to be denied future unemployment checks because they are not available for work if they go to school and take course credits.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the amendment. I guess if I had sold my soul to the devil, I would have to beg, borrow, or steal to pay the price. I guess I would. I guess I would say, let us not help them today; let us not pass it today, because it is going to be effective next year. Let us do it today, but there is no opportunity to do it today. Is that not what we were told? Mr. Speaker, there is no opportunity. We have to seize the opportunity. The opportunity to amend the bill is today.

I guess I would say that it would cost \$16 million, when I read the amendment and I know it is not going to cost a penny. We are talking about space available, the empty seats in the class, the ones no one has paid for; just allowing an unemployed man to go in and sit down and take up the course. Where is the \$16 million, Mr. Speaker? On a space-available basis, we all know what that means. We are not looking to add \$16 million or any amount of money.

And I guess I would say, like Mr. Wright said, we ought to do better than this; this is not good enough; we ought to do something more, so let us not even do this. It is all poppycock. Let us at least do this. Let us pass the amendment.

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

Mr. DAVIES. Mr. Speaker, there would be seats available and there would be more seats available than ever come fall of

the first year that this piece of legislation would be in place as it reads now, and that is simply because the very inventive student is going to step down from his registration rolls, withdraw from school for one summer semester, and then he is going to come back on a free ride come fall, because that is exactly what this amendment would allow to happen. It has no protection against that from occurring, and therefore, it would not cost \$16 million, but when you are all said and done, it could cost the Commonwealth an estimated half of the entire tuition that they are now charging, because everybody would figure that out rather rapidly that we will just step down from that roll and we will come back in the fall as a free ride. So on those grounds, sir, I would oppose the amendment.

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

The following roll call was recorded:

YEAS—79

Barber	Fryer	Lucy	Richardson
Belardi	Gallagher	McMonagle	Rieger
Beloff	Gamble	Mackowski	Ritter
Berson	George	Maiale	Rybak
Blaum	Grabowski	Manderino	Serafini
Borski	Greenfield	Michlovic	Seventy
Brown	Gruitza	Miscevich	Shupnik
Callagirone	Haluska	Morris	Stevens
Cappabianca	Harper	Mrkonic	Stewart
Cawley	Hasay	Mullen	Sweet
Clark	Horgos	Murphy	Tigue
DeWeese	Hutchinson, A.	O'Donnell	Trello
Dawida	Iris	Olasz	Wambach
Deal	Itkin	Oliver	Wargo
Dombrowski	Kennedy	Pendleton	Wiggins
Donatucci	Kowalshyn	Petrone	Williams, H.
Duffy	Laughlin	Pievsky	Williams, J. D.
Durham	Levi	Pistella	Wozniak
Evans	Levin	Pratt	Zwilk
Fee	Lloyd	Pucciarelli	

NAYS—101

Anderson	Fargo	McClatchy	Smith, E. H.
Armstrong	Fischer	McVerry	Smith, L. E.
Arty	Foster, W. W.	Madigan	Snyder
Belfanti	Foster, Jr., A.	Manmiller	Spencer
Bittle	Freind	Marmion	Stairs
Bowser	Gallen	Merry	Steighner
Boyes	Gannon	Micozzie	Stuban
Brandt	Geist	Miller	Swaim
Burd	Gladeck	Mowery	Swift
Burns	Greenwood	Nahill	Taddonio
Cessar	Grieco	Noye	Taylor, E. Z.
Cimini	Gruppo	Perzel	Taylor, F. E.
Civera	Hagarty	Peterson	Telek
Clymer	Hayes	Phillips	Van Horne
Cochran	Heiser	Piccola	Vroon
Colafella	Hoeffel	Pitts	Wachob
Cole	Honaman	Pott	Wass
Cornell	Jackson	Punt	Wenger
Coslett	Johnson	Rasco	Weston
Cowell	Klingaman	Reber	Wilson
Cunningham	Kukovich	Salvatore	Wright, D. R.
DeMedio	Lashinger	Saurman	Wright, J. L.
DeVerter	Lehr	Showers	
Davies	Lescovitz	Sieminski	Ryan,
Dietz	Letterman	Sirianni	Speaker
Dorr	Livengood	Smith, B.	

NOT VOTING—12

Alden	Gray	McIntyre	Spitz
Cohen	Kolter	Moehlmann	Wogan
Emerson	Lewis	Rocks	Wright, R. C.

EXCUSED—7

Cordisco	Dininni	Frazier	Rappaport
Daikeler	Fleck	Petrarca	

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

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

Mr. CLARK offered the following amendments No. A8784:

Amend Sec. 2, page 20, by inserting between lines 26 and 27  
Section 2015-A. Senior Citizen College Education.—  
(a) Subject to the rules and regulations of the board, any resident of the Commonwealth who is sixty (60) years of age or older may attend any class in any member institution of the State System of Higher Education without any charge for tuition or institutional fees provided that:

- (1) there is available space in such class; and
- (2) the person desiring to attend such class meets the requirements of the college or university for admission to such course.

(b) A nominal charge may be assessed by the college or university to cover the cost of processing the student's records.

(c) Such courses may be taken by the student on a credit or not for credit basis.

Amend Sec. 2 (Sec. 2015-A), page 20, line 27, by striking out "2015-A" and inserting

2016-A

Amend Sec. 2 (Sec. 2016-A), page 21, line 4, by striking out "2016-A" and inserting

2017-A

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

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

Mr. CLARK. Mr. Speaker, since the unemployed were not important enough to consider at this time, I assume that perhaps the senior citizens will not be either. But I would like to point out that this amendment passed this House by a vote of 188 to 2 about a year ago when we recodified the School Code. Representative Lashinger offered the amendment, and this is where I found an interest in this legislation.

There are many senior citizens who would like to further their education, who would like to learn something they were not given the opportunity. And once again on the space-available basis, I would like to have this amendment adopted so that we could provide the opportunity to attend classes to our senior citizens.

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

Mr. NOYE. Thank you, Mr. Speaker.

I oppose the amendment. I think we have addressed the issue, we all supported it, it is in HB 1300 awaiting action, and it is my understanding it will be acted on in November. Thank you.



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

The following roll call was recorded:

YEAS—85

Arty	Fryer	Lloyd	Rieger
Barber	Gallagher	Lucyk	Ritter
Belardi	Gamble	McMonagle	Rybak
Berson	Gannon	Manderino	Serafini
Blaum	George	Michlovic	Seventy
Borski	Grabowski	Micozzie	Shupnik
Brown	Greenfield	Miscevich	Smith, E. H.
Caltagirone	Gruitza	Morris	Stevens
Cappabianca	Haluska	Mrkonic	Stewart
Cawley	Harper	Mullen	Sweet
Civera	Hasay	Murphy	Tigue
Clark	Hoeffel	O'Donnell	Trello
DeMedio	Horgos	Olasz	Wachob
DeWeese	Hutchinson, A.	Oliver	Wambach
Dawida	Irvic	Pendleton	Wargo
Deal	Itkin	Perzel	Wiggins
Dombrowski	Kennedy	Petrone	Williams, H.
Donatucci	Kowalyszyn	Pievsy	Williams, J. D.
Duffy	Lashinger	Pistella	Wogan
Durham	Laughlin	Pucciarelli	Wozniak
Evans	Lehr	Richardson	Zwilk
Fee			

NAYS—92

Anderson	Foster, W. W.	Manmiller	Snyder
Armstrong	Foster, Jr., A.	Marmion	Spencer
Belfanti	Freind	Merry	Stairs
Bittle	Gallen	Miller	Steighner
Boyes	Geist	Moehlmann	Stuban
Brandt	Gladeck	Mowery	Swaim
Burd	Greenwood	Nahill	Swift
Burns	Grieco	Noye	Taddonio
Cessar	Gruppo	Peterson	Taylor, E. Z.
Cimini	Hagarty	Phillips	Taylor, F. E.
Clymer	Hayes	Piccola	Telek
Cochran	Heiser	Pitts	Van Horne
Colafula	Honaman	Pott	Vroon
Cole	Jackson	Punt	Wass
Cornell	Johnson	Rasco	Wenger
Coslett	Klingaman	Reber	Weston
Cowell	Kukovich	Salvatore	Wilson
Cunningham	Lescovitz	Saurman	Wright, D. R.
DeVerter	Levi	Showers	Wright, J. L.
Davies	Livengood	Sieminski	Wright, R. C.
Dietz	McClatchy	Sirianni	
Dorr	McVerry	Smith, B.	Ryan,
Fargo	Mackowski	Smith, L. E.	Speaker
Fischer	Madigan		

NOT VOTING—15

Alden	Emerson	Levin	Pratt
Beloff	Gray	Lewis	Rocks
Bowser	Kolter	McIntyre	Spitz
Cohen	Letterman	Maiale	

EXCUSED—7

Cordisco	Dininni	Frazier	Rappaport
Daikeler	Fleck	Petrarca	

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. MANDERINO offered the following amendment No.

A8799:

Amend Sec. 5, page 22, line 22, by inserting after "act,"  
all personnel presently employed by the various  
institutions,

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this amendment speaks to a similar problem that I see with the bill as the one discussed when I discussed the amendment having to do with classified service.

Mr. Speaker, when we transfer from one department of government to either an independent agency or a new department of government, we use somewhat boiler plate language in transferring appropriations, allocations, agreements, equipment, files, data, et cetera. In every one of the transfers I have looked at, they begin with the words "transfer of personnel," and they continue, "all personnel, allocations, appropriations, agreements,..." et cetera. Mr. Speaker, when I spoke to you before about the legislation creating the Department of General Services, that is the manner in which it began and that is what it talked about - the transfer of, first, personnel, and then equipment, allocations, files, data, agreements, leases, et cetera. Mr. Speaker, likewise, when we created the Department of Aging, the same language was used - all personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations, et cetera, et cetera.

Now I point you to this particular bill. Not one word is said about personnel. Not one word is said about transferring personnel. All the other effective words are there. They are in section 5 on page 22. You will find records and files and property and contracts and equipment, and you will find every effective word there except the word "personnel." And I submit to you that not only may personnel not enjoy civil service status; personnel may not even enjoy the right to continue in employment and may have to be reemployed. Mr. Speaker, that is what we are going to get if we pass this legislation the way it is without amendment so that we can honor whatever it is we are honoring.

Mr. Speaker, again, I am asking very simply that we make it perfectly clear that this General Assembly in creating the Commonwealth university system is not, is not creating a system wherein employees presently in the system are not protected. I am simply saying, let us put the word "personnel" in just like we have always done in the past, because without that word there is no guarantee that any personnel is protected.

I ask for the adoption of the amendment, Mr. Speaker.

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

Mr. NOYE. Thank you, Mr. Speaker.

For the same reasons that we opposed the other amendments dealing with personnel, we feel it is covered. Our legal opinions say that they have ample protection, and we oppose the Manderino amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

## YEAS—72

Barber	Fryer	Lucyk	Richardson
Belfanti	Gallagher	McMonagle	Rieger
Berson	Gamble	Maiale	Ritter
Blaum	Gannon	Manderino	Rybak
Borski	George	Michlovic	Seventy
Brown	Grabowski	Miscevich	Shupnik
Caltagirone	Greenfield	Morris	Stewart
Cappabianca	Gruitza	Mrkonic	Sweet
Cawley	Haluska	Mullen	Taylor, E. Z.
Clark	Harper	O'Donnell	Tigue
DeMedio	Hoeffel	Olasz	Trello
DeWeese	Horgos	Oliver	Wambach
Deal	Hutchinson, A.	Pendleton	Wargo
Dombrowski	Irvis	Petrone	Wiggins
Donatucci	Itkin	Pievsky	Williams, H.
Duffy	Kowalshyn	Pistella	Williams, J. D.
Durham	Laughlin	Pratt	Wozniak
Evans	Lloyd	Pucciarelli	Zwilk

## NAYS—108

Anderson	Foster, W. W.	Madigan	Smith, E. H.
Armstrong	Foster, Jr., A.	Manmiller	Smith, L. E.
Arty	Freind	Marmion	Snyder
Belardi	Gallen	Merry	Spencer
Bittle	Geist	Micozzie	Spitz
Bowser	Gladeck	Miller	Stairs
Boyes	Greenwood	Moehlmann	Steighner
Brandt	Grieco	Mowery	Stevens
Burd	Gruppo	Murphy	Stuban
Burns	Hagarty	Nahill	Swaim
Cessar	Hasay	Noye	Swift
Cimini	Hayes	Perzel	Taddonio
Civera	Heiser	Peterson	Taylor, F. E.
Clymer	Honaman	Phillips	Telek
Cochran	Jackson	Piccola	Van Horne
Colafella	Johnson	Pitts	Vroon
Cole	Kennedy	Pott	Wachob
Cornell	Klingaman	Punt	Wass
Coslett	Kukovich	Rasco	Wenger
Cowell	Lashinger	Reber	Weston
Cunningham	Lehr	Salvatore	Wogan
DeVerter	Lescovitz	Saurman	Wright, D. R.
Davies	Letterman	Serafini	Wright, J. L.
Dawida	Levi	Showers	Wright, R. C.
Dietz	Livengood	Sieminski	
Dorr	McClatchy	Sirianni	Ryan,
Fargo	McVerry	Smith, B.	Speaker
Fischer	Mackowski		

## NOT VOTING—12

Alden	Emerson	Kolter	McIntyre
Beloff	Fee	Levin	Rocks
Cohen	Gray	Lewis	Wilson

## EXCUSED—7

Cordisco	Dininni	Frazier	Rappaport
Daikeler	Fleck	Petrarca	

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?

Mr. MANDERINO offered the following amendment No. A8738:

Amend Sec. 7, page 23, line 4, by striking out "immediately" and inserting

March 1, 1983

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, this amendment speaks to section 7 of the bill, which speaks to the date on which sections of the bill become effective.

As Mr. Cowell and some of the others indicated when we talked about the amendment to put unemployment in, this bill is not going to be effective immediately. It is not going to be effective until the middle of next year except for one section. That is the section that gives the Governor the power to appoint the board and the chancellor and all the political appointments. That is being done immediately. Now, what is the sense in that? What is the sense in allowing this Governor, whose term terminates just in a couple of months, almost before this legislation can get on the books and the ink can dry, what is the sense in giving this Governor the power to appoint the board and choose the chancellor when the bill does not become effective until the middle of next year? My amendment simply says we will allow the appointments to be made in March of next year. It may not be this Governor; it may be another Governor who is going to have to live with the system. He ought to live with his chancellor. He ought to live with his appointments. We ought not to give this bill that has been a long time in coming, this bill whose day is here today, this great idea, this important thing that we do today—and I am not saying that facetiously, because I think it is an important bill—I do not think we ought to wrap it in politics. Let us put off the appointments until next March. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

First, I would like to correct a misstatement by the gentleman, Mr. Manderino. He was talking about who all would be appointed by the Governor. He mentioned the chancellor of the system. The chancellor of the system would clearly, by the provisions of the bill, be appointed by the board of governors and not singularly by the Governor himself.

With regard to the effective dates, when the gentleman from Clarion, Mr. Wright, offered an amendment to HB 1300, there was not nearly as much concern about the effective date as there is today. I have been carefully listening to the debate, and time and time again we hear about how the system is shrouded in politics. There was no concern earlier in the year that the provisions of the State system of higher education would become effective July 1, 1982, which obviously was a few months ago. Now, HB 1300 has not become law, and, of course, HB 1300 does not carry the State system of higher education amendment, but at the time of its debate earlier in the year, had it been adopted, had HB 1300 been signed into law, the provisions of this system of higher education would already be the law.

Now let us talk a little bit about who is actually going to be appointed. How much gubernatorial discretion are we really talking about? How many people are already known to the system versus how many people are not yet known to this system? The board of governors would have as its member-

ship the Governor himself or herself, the Secretary of Education, and 14 other persons. As presently constituted in SB 506, the remaining members of the board of governors would be five persons who are currently already members of the SCUD (State College and University Directors) board. These people are already known; they are already part of the higher education system. They are not some political friend hiding behind a column of marble somewhere in this Commonwealth. They are men and women who are already participating in the system of higher education. Three persons on this board of governors, Mr. Speaker, would be students, students who have been elected by their peers upon the campuses of our colleges as presidents of student bodies. Three of those persons would not only be members of the board of governors, but they would also be presidents of their local student bodies. These three people are already known. They are not somebody's crony friend hiding behind a tree somewhere. They are certainly known by the students who have elected them. Five more persons to serve on this board of governors are already serving as trustees of our State college system. Again, we are not talking about people who could be classified as nothing more than somebody's political friend; they are already serving the system of higher education.

Now, that leaves one person yet unknown. Only one person at this very moment is not known. Now, that person may be in higher education and serving the young people of this Commonwealth, but then again, maybe that person is not. But of 16 people, 15 of them are already working directly day by day in the present system of higher education in the Commonwealth of Pennsylvania, and possibly the last is, too. Now, a few months ago we were not so worried about an effective date that was July 1, 1982. Now several times today I have heard the gentleman from Westmoreland bring up, again and again, the political aspects of this. Mr. Speaker, the people whom Governor Thornburgh might appoint are already part of the system of higher education, already a part.

Now, Mr. Speaker, let me bring something else up. There will be councils of trustees also part of this proposed system of higher education, and they are going to be appointed by the Governor. But when? If this were a real run for the roses in the political sense, why would we not have said that those councils of trustees are to be appointed by the incumbent Governor? Why wait, if there is all this intrigue behind columns of marble in this Capitol or behind the political trees across the hinterlands of Pennsylvania? Why not give Thornburgh the power to appoint the councils of trustees? Mr. Speaker, those councils of trustees, 11 men and women serving each of the 14 constituent institutions, will be appointed long after the election on November 2, long after the inauguration of a new Governor. I respectfully suggest that the gentleman from Westmoreland, not out of character, is looking too closely at the politics. Thank you, Mr. Speaker.

The SPEAKER. For what purpose does the lady from Susquehanna, Miss Sirianni, rise?

Miss SIRIANNI. To make a statement.

The SPEAKER. On the amendment.

Miss SIRIANNI. Mr. Speaker, I do not know what difference it makes whether it is November 2, before or after. Thornburgh is going to appoint them either time, before or after.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. I want to thank the majority leader for his lesson in how independent the SCUD board is. That SCUD board is the same board that rubber-stamped the illegal tuition increase. Do you remember that, that Scanlon wanted to put in? That is how independent they are. And they are only 5, Mr. Speaker, out of a board of 16. First, they are not independent anyway, and secondly, they are only 5 out of 16, and Mr. Hayes and I, Mr. Speaker, have been in politics long enough to know how to count votes. You only need a majority of that board. Five does not constitute it. The Governor gets all the rest of the appointments.

You know, I got a letter yesterday signed by all the State college and university presidents, I guess, telling me how they had to have this piece of legislation now without amendment. I wonder if they knew that there is an interpretation of this legislation that says that they do not necessarily continue as college presidents, because there is no transfer of personnel, and maybe the SCUD board, five members, and maybe the Governor, and maybe the new board appointed just might have the authority to appoint all new college presidents. Now, that is a terrible, sad state of affairs. I do not think it ought to happen. I really do not think it ought to happen. I do not think that we ought to put the power in the Governor to do that, and I am going to tell you, that is the chance that you are taking by approving this bill the way it is.

Mr. Speaker, let us be smart. Let us do the right thing. Let us postpone the appointments until next year.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, in my previous remarks I believe I very emphatically noted the fact that there would be five persons from the SCUD board to serve on the new board of governors. I did not use the word "independent." I said they were known persons in the present system of higher education.

With regard to the suspicions, I believe it is safe to say that those men and women who currently serve as presidents of our Commonwealth schools are able to read SB 506 and understand SB 506, and I do not believe that they are as quick to the emotion of suspicion as is the gentleman from Westmoreland. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—75

Barber	Fee	Lloyd	Richardson
Belfanti	Fryer	Lucyk	Rieger
Beloff	Gallagher	McMonagle	Ritter
Berson	Gamble	Maiale	Rybak
Blaum	George	Manderino	Seventy
Borski	Grabowski	Michlovic	Shupnik
Brown	Greenfield	Miscevich	Stewart
Caltagirone	Gruitza	Morris	Sweet
Cappabianca	Haluska	Mrkonic	Tigue
Cawley	Harper	Mullen	Trello
Clark	Hoeffel	Murphy	Van Horne

DeMedio	Horgos	O'Donnell	Wambach
DeWeese	Hutchinson, A.	Olasz	Wargo
Dawida	Irvis	Oliver	Wiggins
Deal	Itkin	Pendleton	Williams, H.
Dombrowski	Kowalyszyn	Petrone	Williams, J. D.
Donatucci	Kukovich	Pievsky	Wozniak
Duffy	Laughlin	Pratt	Zwinkl
Evans	Levin	Pucciarelli	

NAYS—109

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

NOT VOTING—8

Alden	Emerson	Kolter	McIntyre
Cohen	Gray	Lewis	Rocks

EXCUSED—7

Cordisco	Dininni	Frazier	Rappaport
Daikeler	Fleck	Petrarca	

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?

On the question of final passage, the Chair recognizes the minority whip.

Mr. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, the passage of this legislation at this time, I have already stated, in my opinion, has a lot of political overtones. I think it is a crass and desperate political deal that has been made, and I think the Republican members of this House who will vote for this legislation today, many would like to be voting the way they voted just about 1 year ago on identical legislation when it was proposed by Representative Wright. Around 4 o'clock in the afternoon on September 23 of last year, David Wright successfully offered this same legislation in the form of an amendment, and the speeches made at

that time by Republican members were nearly unanimous in opposition to the Commonwealth university concept. The Wright amendment passed on the first vote, largely with the support of the Democratic caucus. Ten members of the Republican Party supported us at that time. Three hours later the Republican leadership had the amendment reconsidered, and enough votes were changed so the amendment failed. This time only seven Republicans supported the legislation.

Mr. Speaker, I rise today to ask members of my caucus and the born-again Christians to support this legislation, but I would like to ask, Mr. Speaker, what it is, what it is that has happened in the past 12 months that has made this legislation so attractive to the Republican Party. Gov. Dick Thornburgh has said that he has been in favor of this forever, and in fact in 1979, oh, go back further than that, before he was elected the first time, he indicated to the college and university presidents and faculty that he would give them this bill if they would support him. They supported him; they did not get the bill yet. He also in 1979 in a speech to this General Assembly told us how good this legislation was. Nothing happened. This year when he gave his budget message to us, he again said he supported the concept. Now, 2 weeks before the election, 6 weeks before the election, whatever it is, it is eminent; it is important; we have to pass this legislation without amendment. Mr. Speaker, I submit that we have been given lip service, except for now when there is a trade or a deal.

I can recall not so long ago there was a fellow by the name of Sommers who worked in this administration in the Department of Education, and he resigned. On his resignation he stated that one of the biggest philosophical differences between himself and the Secretary leading to his resignation was the Secretary's reluctance to support the State system of higher education bill. That was not that long ago, May of 1981.

Mr. Speaker, bi am asking for support of this legislation today because I believe that we are taking a giant step, and I wish it were not tarnished the way it is tarnished. I am asking members to support this legislation because I think we are creating a system of higher education that belongs to the Commonwealth, Mr. Speaker, that will not allow a Governor of this Commonwealth and his Secretary of Education to anytime again impose the kind of gag order on the colleges and universities that belong to this State that Dick Thornburgh proposed because we did not have this system. Mr. Speaker, I am asking that we support this legislation because I am convinced that the system that we set up in this bill is a system that is going to mean a lot more to academic freedom; it is going to mean a lot more to the poor kids who have to attend the State colleges and university; and it is going to mean a lot more to the faculty and the administration of those universities than the present system. We are going to allow them to come down here and deal with this General Assembly on the same kind of footing and basis as the State-related universities, who ought to enjoy only a second-place position, already enjoy. I think that we are going to see a system with this, Mr. Speaker, that will place the Commonwealth further up on the list in higher education than we are now.

I know that under the system that we now adopt or will adopt with this legislation, we are making a chancellor and a board independent in many respects so that the faculty and the teachers and instructors at the State universities will not have to take the Commonwealth to court to get their pay raise as they had to take Governor Thornburgh to court to get a deserved pay raise. He will not have the power singlehandedly to whip into line with the political power of his office the educational community, as he has done over the past 3 years.

I would expect that this system of education beyond the 12 basic years in Pennsylvania with this new system will allow the universities to come down here that are State owned and deal with the General Assembly so that they get their fair share of the education moneys in this State, so that tuitions will not have to go up another 55 percent as they did under Governor Thornburgh at the State colleges.

Mr. Speaker, friends of education ought to be judged, and I hope the public judges friends of education on all the things that count. I hope that we judge an administration and the supporters of public education, and in the State university system I hope that we would judge members of the assembly on how serious they are willing to support programs that help students, whether we are talking about programs that will prevent tuition raises or whether we are talking about cheering for Reaganomic programs that cut scholarship aid. The record of this administration has been dismal. In the waning hours of this administration, let us take a giant step forward, Mr. Speaker, for education. Thank you.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, this legislature often in the eyes of outsiders has a reputation of being a very partisan body. A good experience that I have had during the past 8 years, though, is that very frequently on issues of education, be it special education as we discussed earlier this year or basic education or issues of higher education, we have seen men and women on both sides of the aisle join together when there was truly a critical issue. I think this is one of those truly important issues that should rise above partisan considerations, where Republicans and Democrats in both chambers can come together and do what is right and what is necessary. I think a lot of us have tried to be a part of that kind of effort thus far today, and I hope that as we consider this on final passage, all of us will become a part of that effort and vote in the affirmative for this Senate bill.

I know and I respect the concerns that some people have, particularly some of my colleagues on the Democratic side, that this Governor, Governor Thornburgh, may get credit for signing a bill that in the eyes of many of us he has not done a whole lot to help pass, and I respect that. But I am not so concerned about who is going to get credit via some endorsement or perhaps some fancy news conference that might occur in the next few weeks. The important thing is what is going to happen with higher education in this Commonwealth next year and in the years to come, and that is why we should be joining together on this particular bill.

I think the reality also is that no matter what happens with this bill and no matter if the Governor should join in signing it now and belatedly supporting a real bill, I do not think the faculty members are going to forget the record of this administration, and they will make a judgment for themselves. I know the 70,000 students who have supported—

The SPEAKER. The gentleman will yield.

The Chair has patiently listened to the political speeches without interruption, but if they continue, the Chair is going to recognize some from the other side to give political speeches. Will the gentleman please confine his remarks to final passage of the bill.

Mr. COWELL. Mr. Speaker, I know that one of the major reasons why 70,000 students represented by the Commonwealth Association of Students have joined together to support this bill and asked many of us not to support amendments that might effectively kill this bill is that they are concerned that this bill take effect as soon as possible, be put in place so that for the first time there can be in Pennsylvania an independent, articulate advocate for the system of higher education as represented by the State colleges and university.

It has been unfortunate that without this bill, without this new law, we have not had anybody in the Department of Education or in the system who could step forward and say it is wrong for this administration to support a tuition increase. Ironically, in Commonwealth Court just last week we had to see a president of one of the institutions come forward and testify about why that tuition increase was necessary, but nobody in the system had the authority or the independence as would an independent chancellor proposed by this bill to step forward and say, Mr. Secretary, Mr. Governor, ladies and gentlemen of the legislature, as an advocate for the system I think it is wrong to increase tuition, or I think it is right that you do A, B, or C. That is what this bill will create for the first time - a true, independent advocate for the system of higher education in the Commonwealth of Pennsylvania. I think it is very important that we do that, for tomorrow, for next year, for the students and the faculty members and the citizens who will benefit from that system in the years to come.

Who might get credit tomorrow is not really all that important. I think that despite who might get credit, the folks who are really affected by this system and have been affected by the decisions that have been made will not forget who was responsible for the adverse decisions over any particular period of time.

Mr. Speaker, I urge that everybody in the House, Republican and Democrat, join together now to support SB 506 so this bill can be sent to this Governor and it can be signed into law by this Governor only because Republicans and Democrats in the House and Senate nearly unanimously joined together to provide for its enactment. Thank you, Mr. Speaker.

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

Mr. NOYE. Thank you, Mr. Speaker.

I think we are about to, with the passage of SB 506, embark on a new era in higher education in Pennsylvania in the State

college system. This move has been long overdue. We have been trying to do this for the past 10 years, and I think that we have finally reached the point where we are about to achieve this goal.

Make no mistake about it, from the previous speaker's comments, this administration did play an active role in the passage of this bill. There is just, due credit for members on both sides of the aisle in this House and in the other House, and that cannot be denied. But this Governor and this administration made a pledge to the people. They have kept that pledge, and through their efforts in working together, I think we have finally arrived at a final, good solution to a piece of legislation that will set up a system, I think, that this Commonwealth can be proud of and take its rightful place among the other States in the way it governs its State colleges and universities throughout Pennsylvania. 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—181

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

NAYS—3

Clark DeVerter Wright, J. L.  
NOT VOTING—8

Alden Emerson Kolter McIntyre  
Cunningham Gray Lewis Rocks

EXCUSED—7

Cordisco Dininni Frazier Rappaport  
Daikeler Fleck Petrarca

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

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

\* \* \*

The House proceeded to third consideration of **HB 1207, PN 1342**, entitled:

An Act amending the act of May 16, 1923 (P. L. 207, No. 153), referred to as the Municipal Claim and Tax Lien Law, extending the period for revival of suggestions and averments of nonpayment and default and the time for filing and renewal of all taxes and municipal claims to twenty years and further providing for satisfaction of liens.

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—180

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

Cunningham	Johnson	Pistella	Wenger
DeMedio	Kennedy	Pitts	Wiggins
DeVerter	Klingaman	Pott	Williams, H.
DeWeese	Kowalshyn	Pratt	Williams, J. D.
Davies	Kukovich	Pucciarelli	Wilson
Dawida	Lashinger	Punt	Wogan
Deal	Laughlin	Rasco	Wozniak
Dietz	Lehr	Reber	Wright, D. R.
Dombrowski	Lescovitz	Richardson	Wright, J. L.
Donatucci	Letterman	Rieger	Wright, R. C.
Dorr	Levi	Ritter	Zwinkl
Duffy	Levin	Rybak	
Durham	Livengood	Salvatore	Ryan,
Evans	Lloyd	Saurman	Speaker
Fargo	Lucyk		

NAYS—0

NOT VOTING—12

Alden	Fee	Lewis	Rocks
Cohen	Gray	McIntyre	Sirianni
Emerson	Kolter	Marmion	Weston

EXCUSED—7

Cordisco	Dininni	Frazier	Rappaport
Daikeler	Fleck	Petrarca	

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 1151, PN 2129**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for minimum terms for aggravated assault, rape and involuntary deviate sexual intercourse committed against persons over 60 years of age.

On the question,

Will the House agree to the bill on third consideration?

Mr. PISTELLA offered the following amendments No. A8802:

Amend Title, page 1, line 4, by inserting after "60" or under 16

Amend Sec. 1, page 1, line 10, by striking out "a section" and inserting sections

Amend Sec. 1 (Sec. 9717), page 1, lines 11 through 17; page 2, lines 1 through 5, by inserting underscore under said lines

Amend Sec. 1, page 2, by inserting between lines 5 and 6 § 9718. Sentences for offenses against infant persons.

(a) Mandatory sentence.—A person convicted of the following offenses when the victim is under 16 years of age shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 2702(a)(1) and (2) (relating to aggravated assault) - not less than five years.

18 Pa.C.S. § 3121 (relating to rape) - not less than ten years nor more than 20 years.

18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse) - not less than ten years nor more than 20 years.

(b) Eligibility for parole.—Parole shall not be granted until the minimum term of imprisonment has been served.

On the question,

Will the House agree to the amendments?

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment inserts a provision that the same classification of offenses committed against elderly persons will contain the same mandatory minimum sentence if those acts are perpetrated against children under the age of 16. It is aggravated assault, rape, and involuntary deviate sexual intercourse. I would urge the support of this amendment by all the members.

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

Mr. A. K. HUTCHINSON. I would like to ask one question of Mr. Pistella, what the definition of an infant is. What age?

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

Mr. PISTELLA. Mr. Speaker, for the purpose of legal consistency, it is my understanding that an infant is termed to be an individual under the age of 16 years. That is contained within the language of the amendment.

Mr. ba. k. hutchinson. thank you very much.

The SPEAKER. You qualify.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—172

Anderson	Fargo	Lloyd	Serafini
Armstrong	Fee	Lucyk	Seventy
Arty	Fischer	McClatchy	Showers
Barber	Foster, W. W.	McMonagle	Shupnik
Belardi	Foster, Jr., A.	Mackowski	Sieminski
Belfanti	Freind	Madigan	Smith, B.
Beloff	Fryer	Maiale	Smith, E. H.
Berson	Gallagher	Manderino	Smith, L. E.
Bittle	Gallen	Manmiller	Snyder
Blaum	Gamble	Marmion	Spencer
Borski	Gannon	Merry	Spitz
Bowser	Geist	Michlovic	Stairs
Boyes	George	Micozzie	Steighner
Brandt	Gladeck	Miller	Stevens
Brown	Grabowski	Miscevich	Stewart
Burd	Greenfield	Morris	Stuban
Burns	Greenwood	Mowery	Swaim
Caltagirone	Grieco	Mrkonic	Swift
Cappabianca	Gruitza	Mullen	Taddonio
Cawley	Gruppo	Murphy	Taylor, E. Z.
Cessar	Haluska	Nahill	Taylor, F. E.
Cimini	Harper	Noye	Telek
Civera	Hasay	O'Donnell	Tigue
Clark	Hayes	Olasz	Trello
Clymer	Heiser	Oliver	Van Horne
Cochran	Hoeffel	Pendleton	Vroon
Colafrilla	Honaman	Perzel	Wambach
Cole	Horgos	Peterson	Wargo
Cornell	Hutchinson, A.	Petrone	Wass
Coslett	Irvis	Phillips	Wenger
Cowell	Itkin	Pievsky	Weston
Cunningham	Jackson	Pistella	Wiggins
DeMedio	Johnson	Pitts	Williams, H.
DeVerter	Kennedy	Pott	Wilson
DeWeese	Klingaman	Pratt	Wogan
Davies	Kowalshyn	Pucciarelli	Wozniak
Dawida	Kukovich	Punt	Wright, D. R.
Dcal	Lashinger	Rasco	Wright, J. L.

Dietz	Laughlin	Rieger	Wright, R. C.
Dombrowski	Lehr	Ritter	Zwinkl
Donatucci	Lescovitz	Rybak	
Dorr	Letterman	Salvatore	Ryan,
Duffy	Levi	Saurman	Speaker
Durham	Livengood		

NAYS—9

Evans	Mochlmann	Reber	Sirianni
Hagarty	Piccola	Richardson	Williams, J. D.
McVerry			

NOT VOTING—11

Alden	Gray	Lewis	Sweet
Cohen	Kolter	McIntyre	Wachob
Emerson	Levin	Rocks	

EXCUSED—7

Cordisco	Dininni	Frazier	Rappaport
Daikeler	Fleck	Petrarca	

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

Does the gentleman from Philadelphia, Mr. Richardson, desire recognition on final passage?

Mr. RICHARDSON. Yes, Mr. Speaker.

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

Mr. RICHARDSON. Mr. Speaker, I want to rise to speak on this bill, because I think it is very important that we recognize that senior citizens in this Commonwealth are very dear and very important to us, but I think at the same time we need to also look at the problems as they relate to the crime situation, period. Not just do our senior citizens reap a lot of problems in relationship to the crime that exists within our community, but also the fact remains that a number of people are presently in the streets committing these crimes and there are the problems of locking them up. Mandatory sentencing for every single area now has begun to be a thing that everybody is thriving on, and I do not think that we are really dealing with the issue that needs to be dealt with at hand. I think that we talk about how we are going to get to our senior citizens and how we are going to help save them, and I think it talks about people in this Commonwealth who are saying that we have to do something about the problem as it relates to older citizens being hurt. I concur with that 100 percent, but when you start talking about mandatory sentencing in certain areas, then I think that you are talking about a different area, and you are not really meeting the real meat of the problem. It seems to me that senior citizens, infants, children, babies, and anybody else who falls in the category of being hurt should automatically realize that there should be some punishment for those who commit those kinds of crimes.

On the other hand, I think that we are looking at a situation where we see ourselves on a daily basis not recognizing the crime situation. The crime situation in our community continues to rise because of the conditions that we presently live in. No one has addressed that as an issue because they do not feel that it is important. The high rate of unemployment, the rate of which is the highest in the land at this present time in the State of Pennsylvania, has caused a number of cases where people do not even tie that in at all to the problems that affect what is going on in society. When a person does not have a place to work, when you are taking people off welfare, you have told people that they can move out of the State if they cannot find a job here, then people will resort to doing whatever is necessary in order to survive. We indicated this earlier, that this was going to be a problem that was going to plague and face our community and our neighborhoods because of the fact that when people do not have work and they are not employed, they are going to do whatever is necessary in order to survive. We were laughed at on the floor of this House. People told us that that was silly, that was crazy. The Governor then put in place institutions of buildings of 2,300 new cells in this Commonwealth.

All I can see is that this is a move just before election year to say to senior citizens, look, we are trying to take care of some serious business within your community, and you are not dealing with reality. We have to deal with the problem by recognizing as long as you have a high rate of unemployment, you are going to continue to have a high rise in crime. It will never ever change. When you begin to give jobs to people, making them self-sufficient and self-sustaining so they can go out and be a productive citizen in this society, you will be able to cut out jails; you will be able to put all those other parole boards and other things like that aside, because crime will in fact decrease. But when people do not have any wherewithal in order to survive, they will do whatever is necessary.

I thought for the record, Mr. Speaker, that we should clarify some points, because there will be probably some "no" votes, and I wanted the record to be very clear this afternoon that I am voting "no" on this bill for the reasons I have already stated. I thank the 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—173

Anderson	Fargo	Lloyd	Serafini
Armstrong	Fee	Lucyk	Seventy
Arty	Fischer	McClatchy	Showers
Barber	Foster, W. W.	McMonagle	Shupnik
Belardi	Foster, Jr., A.	Mackowski	Sieminski
Belfanti	Freind	Madigan	Sirianni
Beloff	Fryer	Maiale	Smith, B.
Berson	Gallagher	Manderino	Smith, E. H.
Bittle	Gallen	Manmiller	Smith, L. E.
Blaum	Gamble	Marmion	Snyder
Borski	Gannon	Merry	Spencer
Bowser	Geist	Michlovic	Spitz
Boyes	George	Micozzie	Stairs
Brandt	Gladeck	Miller	Steighner
Brown	Grabowski	Miscevich	Stevens
Burd	Greenwood	Morris	Stewart



Burns	Grieco	Mowery	Stuban
Caltagirone	Gruitza	Mrkonic	Swaim
Cappabianca	Gruppo	Mullen	Swift
Cawley	Hagarty	Murphy	Taddonio
Cessar	Haluska	Noye	Taylor, E. Z.
Cimini	Harper	O'Donnell	Taylor, F. E.
Civera	Hasay	Olasz	Telek
Clark	Hayes	Oliver	Tigue
Clymer	Heiser	Pendleton	Trello
Cochran	Hoeffel	Perzel	Van Horne
Colafella	Honaman	Peterson	Vroon
Cole	Horgos	Petrone	Wachob
Cornell	Hutchinson, A.	Phillips	Wambach
Coslett	Irvis	Piccola	Wargo
Cowell	Itkin	Pievsky	Wass
Cunningham	Jackson	Pistella	Wenger
DeMedio	Johnson	Pitts	Weston
DeVerter	Kennedy	Pott	Wiggins
DeWeese	Klingaman	Pratt	Wilson
Davies	Kowalshyn	Pucciarelli	Wogan
Dawida	Kukovich	Punt	Wozniak
Deal	Lashinger	Rasco	Wright, D. R.
Dietz	Laughlin	Reber	Wright, J. L.
Dombrowski	Lehr	Rieger	Zwilk
Donatucci	Lescovitz	Ritter	
Dorr	Letterman	Rybak	Ryan,
Duffy	Levi	Salvatore	Speaker
Durham	Livengood	Saurman	

NAYS—4

Evans	McVerry	Richardson	Williams, J. D.
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NOT VOTING—15

Alden	Greenfield	McIntyre	Sweet
Cohen	Kolter	Moehlmann	Williams, H.
Emerson	Levin	Nahill	Wright, R. C.
Gray	Lewis	Rocks	

EXCUSED—7

Cordisco	Dininni	Frazier	Rappaport
Daikeler	Fleck	Petrarca	

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

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

\* \* \*

The House proceeded to third consideration of **HB 2558, PN 3456**, entitled:

An Act authorizing certain educational institutions to operate plans for the deferred payment of certain expenses of their students and setting a maximum interest rate for a loan under a plan.

On the question,

Will the House agree to the bill on third consideration?

Mr. MURPHY offered the following amendments No. A8811:

Amend Sec. 2, page 1, line 13, by inserting after "be" the cost of funds to the college or university or

Amend Sec. 2, page 1, line 13, by removing the period after "year" and inserting , whichever is less.

On the question,

Will the House agree to the amendments?

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

Mr. MURPHY. Thank you, Mr. Speaker.

Very briefly, presently the colleges and universities in the Commonwealth can make deferred loan payments to students, and they can charge only 6 percent. This legislation raises the interest rate that they can charge to 14 percent. I think in a time of fluctuating interest rates, that is too high. My amendment would say that the cost of borrowing the funds from the college or university would be the interest rate the college can charge or 14 percent, whichever is less, so that if interest rates drop substantially, and hopefully they will, to 10 or so percent and the college had to go out in the market to borrow at 10 percent, that is all they would be able to charge the student on a deferred tuition program rather than the 14 percent. I do not think we want the colleges or universities in a position of making money from the student on a deferred tuition program. Thank you.

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni, on the question of the Murphy amendment.

Miss SIRIANNI. Mr. Speaker, may I have a minute to read it, because it was just handed to me.

The SPEAKER. The House will be temporarily at ease. How much time do you require, Miss Sirianni?

The Chair recognizes the lady.

Miss SIRIANNI. I have no objection to the amendment. I just wish the sponsor would have shown it to me before.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—174

Anderson	Fee	McClatchy	Saurman
Armstrong	Fischer	McMonagle	Serafini
Arty	Foster, W. W.	McVerry	Seventy
Barber	Foster, Jr., A.	Mackowski	Showers
Belardi	Fryer	Madigan	Shupnik
Belfanti	Gallagher	Maiale	Sirianni
Berson	Gallen	Manderino	Smith, B.
Bittle	Gamble	Manmiller	Smith, E. H.
Blaum	Gannon	Marmion	Smith, L. E.
Borski	Geist	Merry	Snyder
Bowser	George	Michlovic	Spencer
Boyes	Gladeck	Miller	Spitz
Brandt	Grabowski	Miscevich	Stairs
Brown	Greenfield	Moehlmann	Steighner
Burd	Greenwood	Morris	Stevens
Burns	Grieco	Mowery	Stewart
Caltagirone	Gruitza	Mrkonic	Stuban
Cappabianca	Gruppo	Mullen	Swaim
Cawley	Hagarty	Murphy	Swift
Cessar	Haluska	Nahill	Taddonio
Cimini	Harper	Noye	Taylor, E. Z.
Clark	Hasay	O'Donnell	Taylor, F. E.
Clymer	Hayes	Olasz	Telek
Cochran	Heiser	Oliver	Tigue
Colafella	Hoeffel	Pendleton	Trello
Cole	Honaman	Perzel	Van Horne
Cornell	Horgos	Peterson	Vroon
Coslett	Hutchinson, A.	Petrone	Wambach
Cowell	Irvis	Phillips	Wargo
Cunningham	Itkin	Piccola	Wass
DeMedio	Jackson	Pievsky	Wenger
DeVerter	Johnson	Pistella	Weston
DeWeese	Kennedy	Pitts	Wiggins

Davies	Klingaman	Pott	Williams, H.
Dawida	Kowalyszyn	Pratt	Wilson
Deal	Kukovich	Pucciarelli	Wogan
Dietz	Lashingner	Punt	Wozniak
Dombrowski	Lehr	Rasco	Wright, D. R.
Donatucci	Lescovitz	Reber	Wright, J. L.
Dorr	Letterman	Richardson	Wright, R. C.
Duffy	Levi	Rieger	Zwinkl
Durham	Livengood	Ritter	
Evans	Lloyd	Rybak	Ryan,
Fargo	Lucy	Salvatore	Speaker

NAYS—1

Laughlin

NOT VOTING—17

Alden	Freind	Lewis	Sieminski
Beloff	Gray	McIntyre	Sweet
Civera	Kolter	Micozzie	Wachob
Cohen	Levin	Rocks	Williams, J. D.
Emerson			

EXCUSED—7

Cordisco	Dininni	Frazier	Rappaport
Daikeler	Fleck	Petrarca	

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—176

Anderson	Fischer	McMonagle	Seventy
Armstrong	Foster, W. W.	McVerry	Showers
Barber	Foster, Jr., A.	Mackowski	Shupnik
Belardi	Freind	Madigan	Sieminski
Belfanti	Fryer	Maiale	Sirianni
Berson	Gallagher	Manderino	Smith, B.
Bittle	Gallen	Manmiller	Smith, E. H.
Blaum	Gamble	Marmion	Smith, L. E.
Borski	Geist	Merry	Snyder
Bowser	George	Michlovic	Spencer
Boyes	Gladeck	Miller	Spitz
Brandt	Grabowski	Miscevich	Stairs
Brown	Greenfield	Moehlmann	Steighner
Burd	Greenwood	Morris	Stevens
Burns	Grieco	Mowery	Stewart
Caltagirone	Gruitza	Mrkonic	Stuban
Cappabianca	Gruppo	Mullen	Swaim
Cawley	Hagarty	Murphy	Swift
Cessar	Haluska	Nahill	Taddonio
Cimini	Harper	Noye	Taylor, E. Z.
Civera	Hasay	O'Donnell	Taylor, F. E.
Clark	Hayes	Olasz	Telek
Clymer	Heiser	Oliver	Tigue
Cochran	Hoefel	Pendleton	Trello
Colafella	Honaman	Perzel	Van Horne
Cole	Horgos	Peterson	Vroon
Cornell	Hutchinson, A.	Petrone	Wachob
Coslett	Irvis	Phillips	Wambach
Cowell	Itkin	Piccola	Wargo
Cunningham	Jackson	Pievsky	Wass
DeMedio	Johnson	Pitts	Wenger
DeVertter	Kennedy	Pott	Weston
DeWeese	Klingaman	Pratt	Wiggins

Davies	Kowalyszyn	Pucciarelli	Williams, H.
Dawida	Kukovich	Punt	Wilson
Deal	Lashingner	Rasco	Wogan
Dietz	Lehr	Reber	Wozniak
Dombrowski	Lescovitz	Richardson	Wright, D. R.
Donatucci	Letterman	Rieger	Wright, J. L.
Dorr	Levi	Ritter	Wright, R. C.
Duffy	Levin	Rybak	Zwinkl
Durham	Livengood	Salvatore	
Evans	Lloyd	Saurman	Ryan,
Fargo	Lucy	Serafini	Speaker
Fee	McClatchy		

NAYS—2

Laughlin

Pistella

NOT VOTING—14

Alden	Emerson	Lewis	Rocks
Arty	Gannon	McIntyre	Sweet
Beloff	Gray	Micozzie	Williams, J. D.
Cohen	Kolter		

EXCUSED—7

Cordisco	Dininni	Frazier	Rappaport
Daikeler	Fleck	Petrarca	

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.

**BILL REMOVED FROM TABLE FOR CALENDAR**

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Mr. Speaker, I move that HB 2141 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.

The SPEAKER. That bill, for the information of the House, is printed on page 8 of today's calendar.

**REMARKS ON VOTES**

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

Mr. CUNNINGHAM. I voted, but my switch failed to record my affirmative vote on SB 506.

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

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

Mrs. ARTY. Mr. Speaker, my switch failed to function on HB 2558. I wish to be recorded in the affirmative.

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

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

Mr. RICHARDSON. Mr. Speaker, on amendment A8811 my switch was inoperative, and I would like to be recorded in the negative on the amendment to HB 2558, and also on final passage of HB 2558.

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

#### **ANNOUNCEMENT BY MAJORITY LEADER**

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, just an administrative announcement. The House of Representatives will not be in voting session on Monday because of the religious holiday, Yom Kippur. We will return to session on Tuesday at 1 p.m. in the afternoon.

For those persons who intend to offer amendments to HB 2533, I would respectfully ask them to please have a copy of those amendments in my office by 4 p.m. on Monday so that I can have prepared an amendment packet for each Representative as we consider that legislation next week. Thank you, Mr. Speaker.

#### **BILLS AND RESOLUTIONS PASSED OVER**

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

#### **ADJOURNMENT**

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

Mr. SNYDER. Mr. Speaker, I move that this House do now adjourn until Tuesday, September 28, 1982, at 1 p.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:06 p.m., e.d.t., the House adjourned.