

Legislative Journal

TUESDAY, MAY 3, 1983

SESSION OF 1983

167TH OF THE GENERAL ASSEMBLY

No. 35

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

REV. DR. DAVID R. HOOVER, chaplain of the House of Representatives, from McConnellsburg, Pennsylvania, offered the following prayer:

Heavenly Father, we are never far from Thee or from Thy love and care. We feel Thy presence in all of life and acknowledge Thy guiding hand in the midst of the problems and trials we face. We know that Thou art by our side, and we call upon Thee for Thy strength and stamina in all of the difficulties we encounter.

O God, we pray that our lives may reflect Thy indwelling spirit, so that those who walk in our steps may see Thee and Thy truth shining in and through what we do.

We beseech Thee to challenge us to reach out to Thee for the peace and calm which is Thine to share. And we ask in all sincerity that we may always live to the honor and glory of Thy blest name. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

ANNOUNCEMENT BY SPEAKER

The SPEAKER. Members are urged to report promptly to the floor of the House. It is the intention of the Chair to recess the House at 12 noon, and there is business to be brought before the House.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal for Monday, May 2, 1983, will be postponed until the Journal is in print. The Chair hears no objection.

WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House, seated in the balcony, approximately 100 fifth grade students from the Plymouth Elementary School in Montgomery County. They are here as the guests of Representative Gladeck.

LEAVE OF ABSENCE GRANTED

The SPEAKER. The gentleman from Philadelphia, Mr. Pievsky, indicates no leaves are requested on the part of the Democratic Party.

The Chair recognizes the minority whip for leaves of absence.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Cumberland, Mr. MOWERY, for today.

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

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair now turns to the master roll call. All the members are urged to be in their seats and proceed to vote on the master roll call for today.

The following roll call was recorded:

PRESENT—196

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

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

ADDITIONS—0

NOT VOTING—1

Gannon

EXCUSED—6

Armstrong	Burns	Weston	Zwikl
Battisto	Mowery		

LEAVE ADDED—1

Gannon

LEAVE CANCELED—1

Gannon

LEAVE OF ABSENCE GRANTED

The SPEAKER. Without objection, the Chair returns to the minority whip for an additional leave of absence.

Mr. HAYES. Yes, Mr. Speaker. Thank you.

I request a leave for the gentleman from Delaware, Mr. GANNON, for the day.

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

WELCOMES

The SPEAKER. The Chair is delighted to welcome to the hall of the House Mr. and Mrs. Peter Scarfaro, from East Bangor, and their daughter Erin, who is serving as a guest page. They are here as the guests of Representative Len Grupp of Northampton.

Keith McCall has as his guests Stanley Maholick, Sr., and Stanley Maholick, Jr., residents of Summit Hill.

SLIPPERY ROCK STATE COLLEGE GOSPEL CHOIR PRESENTED

The SPEAKER. The Chair is delighted to turn over the gavel to the gentleman from Mercer, Mr. Fargo, who is here to present the Slippery Rock State College Gospel Choir, which will sing two selections for the enjoyment of the House of Representatives.

Mr. FARGO. Thank you, Mr. Speaker.

Yes, there really is a Slippery Rock State College. This relatively small western Pennsylvania college is well known for its football team, which played on national television in the Michigan Stadium several years ago.

Today it is my pleasure to present one of its products from the fine arts side, for which it is also justly proud. The

Slippery Rock State College Gospel Choir will present a concert this afternoon in the rotunda as part of the annual Hazlett Awards ceremonies.

They visited the Capitol and the Governor's Mansion several months ago, where they sang several selections, and they were invited back to today's activities. I wanted to make certain that all the members of the House had the opportunity to hear this outstanding group of young people.

The Slippery Rock State College Gospel Choir was started in 1976 by a group of students and is sponsored by Rev. Will Hadden. The Slippery Rock State College Gospel Choir.

(A musical program was presented.)

The SPEAKER. The Chair wishes to thank the Gospel Choir from Slippery Rock. A splendid performance from a splendid college, and indeed we do know of Slippery Rock, and we do know how important it is to the education of our young people in this Commonwealth. Thank you very much for coming.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 224, PN 257 By Rep. FEE

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further providing for hearings on applications for new hotel and restaurant liquor licenses.

LIQUOR CONTROL.

HB 529, PN 596 By Rep. FEE

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), permitting the sale of liquor that is part of a decedent's estate.

LIQUOR CONTROL.

HB 667, PN 744 By Rep. FEE

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), clarifying a provision relating to secondary service areas.

LIQUOR CONTROL.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that the following bills be removed from the tabled bill calendar and placed on the active calendar:

- HB 8;
- HB 527; and
- HB 743.

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

PENNSYLVANIA JUNIOR MISS PRESENTED

The SPEAKER. We are favored today by the appearance of Miss Andrea Heiny of Danielsville, Pennsylvania. She is here as the guest of Representative Kowalyshyn, and she is the winner of the Junior Miss Pageant this year. Representative Kowalyshyn will be glad to introduce Miss Heiny. I see she has some other sponsors; I thought there would be. Representative Kowalyshyn.

Mr. KOWALYSHYN. Thank you, Mr. Speaker.

Mr. Speaker, it is my pleasure and privilege to present to the House the 1983 Pennsylvania Junior Miss. She is Andrea Heiny of Northampton County, which explains why the members from the Northampton County delegation are present here with Miss Heiny - Representative Bill Rybak, Representative Len Gruppo, and Representative Bob Freeman.

I would like to say that Andrea Heiny is a senior at the Northampton Area Senior High School. She has been active in school activities and has served as the head cheerleader in Northampton High School and supports the Northampton Concrete Kids. She is now a senior in Northampton.

Now I would like to introduce the 1983 Pennsylvania Junior Miss for a few words. Andrea Heiny.

Miss HEINY. Good afternoon. I would like to thank you for inviting me to Harrisburg today and giving me the opportunity to speak before you. Being here is very special and *meaningful to me, because it gives me the chance to meet the leaders of my State who have given support to the Junior Miss program over the years, which makes it possible.*

Junior Miss is a unique program, because each year it searches for the ideal high school senior girls and rewards them with scholarship money for the furtherance of their careers. Special emphasis is placed on the qualities of character, citizenship, high school activity, personal ambition, ladylike poise, and demeanor. Junior Miss pays direct attention to the positive accomplishments of young people.

Junior Miss for me has been an adventure in living and learning, filled with new friends, new activities, and challenges. But I think the most important reward of Junior Miss was put into words by Diane Sawyer, America's Junior Miss of 1963, now coanchor of the CBS-TV network morning news. She observed, and I quote: "Junior Miss forced me to do things I could not believe I could do. It gave me a sense of possibility and enlarged my capacity to dream." Junior Miss has given me a sense of possibility. With the scholarship money I have won to date from the Northampton County and Pennsylvania Junior Miss Pageants, which is a total of \$6,250, I have been able to make my lifetime dream of going to college a reality. I will be attending Kutztown University of Pennsylvania in the fall, where I plan to major in special education. But right now the most exciting thing in my life is the upcoming trip to Mobile, Alabama, from June 9 to June 21, for the America Junior Miss finals. I cannot wait to get caught up in the activities and to make new friendships that will span the country.

I would like to thank you once again for inviting me and giving me this opportunity. Thank you.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 413, PN 474

By Rep. OLIVER

An Act authorizing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to convey to the United States of America, acting through the Department of Labor, Job Corps, a tract of land and buildings, known as the C. Howard Marcy State Hospital, situate in the City of Pittsburgh, Allegheny County, Pennsylvania.

STATE GOVERNMENT.

HB 573, PN 641

By Rep. OLIVER

An Act designating the bridge on L.R. 37089 in Lawrence County as the LTC John B. Brettell Bridge.

STATE GOVERNMENT.

HB 753, PN 836

By Rep. OLIVER

A Joint Resolution ratifying the proposed amendment to the Constitution of the United States regarding representation of the District of Columbia in Congress.

STATE GOVERNMENT.

STATEMENT BY MR. WAMBACH

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

Mr. WAMBACH. Mr. Speaker, to make an announcement concerning a piece of legislation I am about to introduce.

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

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, today I rise to report that I am about to introduce a piece of legislation that in the last session had 72 bipartisan cosponsors and this session has 110 bipartisan cosponsors, including the leadership on both sides of the aisle.

The bill is the Whistleblower Protection Act, which protects those employees of State and local government who blow the whistle on wrongdoing against recrimination. I am going to leave it up at the desk for any additional sponsors who may want to be added to it. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 332, PN 983**, entitled:

An Act amending the "Pennsylvania Industrial Development Authority Act," approved May 17, 1956 (1955 P. L. 1609, No. 537), *providing preferential Pennsylvania Industrial Development Authority loans for coal projects.*

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move to recommit HB 332, PN 983, to the Committee on Appropriations for the purpose of a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 132, PN 956**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, prohibiting natural gas utilities from utilizing a sliding scale of rates to recover natural gas costs; and further providing for procedures and standards for regulating the rates of natural gas utilities.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 132, PN 956, be recommitted to the Appropriations Committee for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**BILLS AGREED TO
ON SECOND CONSIDERATION**

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

HB 177, PN 200; and HB 258, PN 987.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 380, PN 412**, entitled:

An Act amending the act of December 19, 1974 (P. L. 973, No. 319), entitled "Pennsylvania Farmland and Forest Land Assessment Act of 1974," regulating rollback taxes on agriculturally related commercial activity.

On the question,

Will the House agree to the bill on third consideration?

Mr. DeVERTER offered the following amendments No. A0454:

Amend Title, page 1, lines 8 and 9, by striking out "agriculturally related" in line 8, all of line 9 and inserting agricultural commodities.

Amend Sec. 1 (Sec. 8), page 1, lines 20 and 21, by striking out "agriculturally related products and activities" and inserting exclusively agricultural commodities

Amend Sec. 1 (Sec. 8), page 2, lines 5 and 6, by striking out all of said lines and inserting

(2) Yearly audits verify that the landowner or his class A beneficiaries held title, at the time of sale, to all commodities sold and hold title to all commodities in inventory.

On the question,

Will the House agree to the amendments?

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

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, the amendment that I offer is A0454. It was distributed to the members last week.

What we are attempting to do with this amendment is to bring the legislation into conformity with the original intent of the act. If you will recall, in the early 1970's the people of this Commonwealth voted to give agricultural lands in the Commonwealth preferential tax assessment, and to this end we would like to see that continue. If you have read SB 380, you will note that it says, "A landowner may apply a maximum of up to two acres of a tract of land subject to a preferential use assessment toward direct commercial sales of agriculturally related products and activities without subjecting the entire tract to rollback...."

What I would like to do, Mr. Speaker, in the first part of the amendment, is to strike the language "agriculturally related products and activities," remove that and replace it with the language "exclusively agricultural commodities," which is the intent, as I understand it, of the sponsor of the legislation. It is to provide the farmer with a direct market for the commodities that he raises on his farm. I believe that the language contained in SB 380 is far too broad. If you will look at the original act, it defines "agricultural commodity" as "Any and all plant and animal products including Christmas trees produced in this State for commercial purposes." I would like to clear up that language by taking out the "agriculturally related products and activities" and putting in "exclusively agricultural commodities" so that it brings it into compliance with the original intent of the legislation.

The second portion of the amendment deals with the inventory. It seems to provide for a single review of the ownership of the inventory of the commercial enterprise that is to qualify for the allowance; that is, the 2-acre tract. Now, while it should be automatic that a procedure such as this would take place annually, there is no provision for it in the legislation, and therefore, I am offering the language of "Yearly audits verify that the landowner or his class A beneficiaries held title, at the time of sale, to all commodities sold and hold title to all commodities in inventory." This will further clarify the act and the intent, I believe, of the legislation as intended by its sponsor. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the DeVERTER amendment, the Chair recognizes the gentleman from Chester, Mr. MORRIS.

Mr. MORRIS. Mr. Speaker, I regretfully must oppose Mr. DeVERTER's amendment. I respect his intentions to keep the original intent of Act 319 unsullied by any foolish amendments, but this bill, this Senate bill, is not a foolish amendment.

We went over this at some length in committee, and I could not for the life of me see where you could draw the line, except to prevent a great many legitimate activities and sales on the part of a farmer.

Now, *this is not going to affect a very large part of the Commonwealth anyway.* There are not very many counties where Act 319 has been taken up strongly by the agricultural community.

Some concern was expressed that somebody might start an agricultural machinery business on those 2 acres, but you have to remember that local zoning is also a factor here, and I doubt very much if that would come about. That takes a lot of capital for one thing, and the ordinary farmer who needs the help of this little roadside stand or small market type of operation is not going to be in shape to go into the machinery business in a big way.

Now, the fact of the matter is, SB 380 is an attempt to help whoever can take advantage of it in an industry which is hard hit, and I mean hard hit. We have many, many examples right now which indicate that the agriculture of Pennsylvania is in just as much trouble as in the grain States, and we are in serious difficulties. This will give us the chance for a small farmer to be able to carry on a small business without doing anybody any harm, and consequently, *I feel I must oppose this amendment and ask the members of the House to vote against it.*

The SPEAKER. The Chair thanks the gentleman.

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

Mr. WASS. Mr. Speaker, I also rise to oppose the amendment. Mr. Speaker, the amendment will put restraints on our farm families who are trying to survive in today's economy.

The legislation in its present form will split off 2 acres of land, making it possible for him to carry on a business. Mr. Speaker, a 2-acre splitoff will be assessed back 7 years. The 2-acre splitoff will then become assessed as a commercial property. The farm family will pay sales taxes on what he sells.

Mr. Speaker, *let us not tie the hands of our farm families; let us oppose and defeat this amendment.*

The SPEAKER. The Chair thanks the gentleman.

On the DeVerter amendment, the Chair recognizes the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to tell you that I believe the bill in its present form is good. I believe that we ought to oppose this amendment, and the reason that I believe so is that throughout the State of Pennsylvania there are many farm families that have gotten into businesses and possibly do not raise all the products on their own farm. They might be selling some products that come from a neighbor's farm.

There are also a lot of jug milk places that we have throughout the State that are delivering a fresh milk product to their consumers at possibly a lower price than you can pick it up down at the chain store or anyplace else. Along with it they sell some related products like bread and ice cream and a few other things. They are going to pay taxes on the 2 acres of ground that are being split off. They are also going to have to

have zoning approval and other approvals to do this, and I believe that the amendment is not going to be beneficial to this bill or beneficial to the agricultural industry throughout the State. I ask a "no" vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on the DeVerter amendment, the gentleman from Lancaster, Mr. Scheetz.

Mr. SCHEETZ. Thank you, Mr. Speaker.

Mr. Speaker, would Mr. DeVerter please stand for interrogation?

The SPEAKER. The gentleman, Mr. DeVerter, indicates he will so stand. The gentleman, Mr. Scheetz, is in order and may proceed.

Mr. SCHEETZ. Thank you.

Mr. Speaker, how do you interpret a product such as, if the wife of the family is maybe making quilts and she may be selling 12 a year. Do you interpret this under your amendment to be acceptable?

Mr. DeVERTER. Well, Mr. Speaker, in regard to that, I would doubt that it would require a 2-acre tract to have a farm wife or whomever, even a farm husband, produce a quilt for sale.

My whole concern in this area is that the language that is currently in SB 380 is not defined in the original act. The original act contains a definition of what an agricultural commodity is. If you have the act, it tells you that it is any and all plant and animal products, including Christmas trees, produced in the State for commercial purposes. What I am saying is that we ought to keep the act in conformity with the intent, not just the intent of the legislation but the intent under which the people passed this preferential assessment back in 1973. What we are doing is beginning to crack the door, the barn door, if you will, and permitting things to occur that the people of this State, when they voted on that referendum, never intended, and I do not think that we ought to begin to do this now. The intent of Act 319 is to preserve agricultural lands. Now all of a sudden we seem to be able to find reasons and ways in which we want to sort of decimate that whole program.

I think the illustration that you have used relative to quilts would not be applicable in this situation.

Mr. SCHEETZ. Mr. Speaker, my contention is this: I think the people of Pennsylvania voted to give us a responsibility to lay laws and interpret laws—

The SPEAKER. Will the gentleman yield.

Has the gentleman finished with his interrogation?

Mr. SCHEETZ. Yes, Mr. Speaker.

The SPEAKER. The Chair thanks Mr. DeVerter.

Now the Chair recognizes the gentleman, Mr. Scheetz, for a statement on the DeVerter amendment.

Mr. SCHEETZ. I think this Assembly in all their wisdom has the decision to make whether we want to interpret this particular amendment to be to the benefit of the farmer or to the people— It should be to the benefit of the people here in the State of Pennsylvania. I say that in our concern for interpretation of the law, we are in fact driving people off the farms because we are concerned about interpretation of the laws. We have to put our emphasis on preserving the land and preserving the farmland here in Pennsylvania.

I would certainly, Mr. Speaker, encourage a negative vote on this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York, Mr. Foster, on the DeVerter amendment.

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

The gentleman, Mr. DeVerter, is absolutely right in the context of his amendment, and I rise to support his amendment. For those of us who were here in 1974 when the "clean and green" bill was passed, let us remember that this is a compact between the taxpayers and those holders of open space in farmland. If they keep the land in agricultural production, they are then entitled to a certain reduction in their taxes, right and proper. At the time we passed the law we wanted to make very sure that we were dealing with genuine farmers, genuine tillers of the soil, and not to open the door for pseudofarmers, for attorneys, doctors, and those who owned open space. We were very careful in that.

Now, the content of the bill and the intent of the bill is excellent. I wholeheartedly approve of farm markets, and I wholeheartedly approve of farmers being able to sell at these roadside markets. The only thing we must be careful of is that we carefully preserve the original intent of the act, and I call upon all of us to remember that to the extent that we have granted this reduction and assessment for certain properties, that means that someone's assessment must go up to make up that difference, and we are here to represent all of the taxpayers of the Commonwealth.

Mr. DeVerter's amendment is carefully drawn. It does not destroy the intent of the bill. It augments the intent and it clarifies the intent, and I strongly urge support for the DeVerter amendment.

The SPEAKER. The Chair thanks the gentleman.

On the DeVerter amendment, the Chair recognizes the gentleman from Union, Mr. Showers.

Mr. SHOWERS. Thank you, Mr. Speaker.

I rise also to oppose the DeVerter amendment. Prior to my service in this House, I served as a Union County commissioner. During those 5 years, we reassessed the county and put practically all of our farmland in the "clean and green" program. At that time we had great difficulty with the narrowness of the existing law, and I believe that the Senate bill before us as is will give the commissioners at the local level the flexibility they need to preserve the family farms within the original desires of this General Assembly.

I urge my fellow colleagues to remember the House Agriculture Committee chairman's opposition to this amendment, and that we go on and support SB 380 as is. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the DeVerter amendment, the Chair recognizes the gentleman from Lehigh, Mr. Snyder.

Mr. D. W. SNYDER. Mr. Speaker, will the chairman of the Agriculture Committee please stand for interrogation?

The SPEAKER. Will the gentleman, Mr. Morris, stand for interrogation? He indicates that he will so stand. The gentleman, Mr. Snyder, is in order and may now proceed.

Mr. D. W. SNYDER. Mr. Speaker, I believe one of our concerns with the current language in SB 380 is the fact that the wording "agriculturally related products and activities" is open for much debate as far as what that means. Is there currently in any legislation a definition of that phrase?

Mr. MORRIS. No. I think this is probably original here.

Mr. D. W. SNYDER. So in other words, there is no definition either in existing law or as proposed in SB 380 for that phrase, "agriculturally related products and activities"?

Mr. MORRIS. Sometimes you have to resort to common sense to define phrases in legislation, you know.

Mr. D. W. SNYDER. Mr. Speaker, in defining what an agriculturally related product and activity is, would this include the sale of all food products? The question posed is, does the definition encompass the sale of all food products?

Mr. MORRIS. I am trying to think of a food product that is not produced from agriculture. I cannot think of one, so I assume that it does include all food products.

Mr. D. W. SNYDER. Then, Mr. Speaker, under your definition of that phrase, that would include any type of grocery store or convenience store that sells food products?

Mr. MORRIS. I do. But I think that you are getting a little far afield if you think the man is going to put a McDonald's up or something like that.

Mr. D. W. SNYDER. Mr. Speaker, do you also know what agricultural activities are? You referred in earlier testimony to the fact that there is concern about repair businesses being incorporated under the phrase that is incorporated here. Would this, do you feel, include repair of machinery and equipment?

Mr. MORRIS. I personally would kind of doubt it. If the question came up for interpretation by a court, I do not know just how a court would decide. That is always a very difficult thing to anticipate in advance. I really do not think that repair of machinery is necessarily an agricultural activity, although a good many farmers repair their own machinery. You have to draw the line somewhere, and you have to use common sense in this thing. I cannot really imagine that the county assessor would permit somebody to go into a full-blown agricultural equipment business just purely on this without paying the piper.

Mr. D. W. SNYDER. Mr. Speaker, I conclude my interrogation and would like to make a remark.

The SPEAKER. The gentleman from Lehigh, Mr. Snyder, is in order and may proceed.

Mr. D. W. SNYDER. Mr. Speaker, we have an example right now in Lehigh County where such an action has taken place, where a farmer who raises pigs has sought to set up a store for butchering and for selling of that product. The store also includes everything from cereal and milk to all other forms of products. The county of Lehigh right now has assessed the agricultural area that was covered by Act 319 for a rollback of taxes. They therefore are perhaps one of the reasons why SB 380 was drafted. They are concerned about the precedent that could be established here because of the fact that, although zoning does protect the local governments, most zoning ordinances, to the best of my knowledge, do not

differentiate what types of commercial activities. Usually zoning is classified either commercial, light industrial, or heavy industrial, so therefore, commercial would encompass repair of machinery, restaurants or selling food, or any form of other commercial activity that would be permitted.

I think that the lack of a definition which clearly defines the intention of the act and on the basis of the act's purposes, I do concur; however, I fear what may happen in the future under the current language of SB 380 and therefore ask support for the amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Somerset, Mr. Lloyd, on the DeVerter amendment.

Mr. LLOYD. Thank you, Mr. Speaker.

I rise to oppose the DeVerter amendment and to remind the members of what actually will happen or what happens now and what would happen under this amendment.

At the present time, if I have a 200-acre farm and I have it under "clean and green," I get a lower tax rate than I would if I were not committed to keeping that in farmland. However, if I want to put a little corner stand to sell the products from my farm on an acre of ground, I have to pay the back taxes on the whole 200-acre tract. The back taxes, all the way back to the time I got into "clean and green," I have to restore, make whole, to the local government. Under this bill I would still have to pay back taxes but only on that part of the 200-acre tract that I was going to take out and to put into something other than strictly farming use. So the land that is going to be converted from farmland to commercial selling is going to have the back taxes paid. That penalty, that making whole to the local governments, is going to take place.

Now, the gentleman, Mr. DeVerter, raises some valid concerns about the way the bill is drafted, and suggestions have been made that somehow what is going to happen here is something more than a little corner stand. But the way to address that would be to change the acreage and say that you cannot split off 2 acres, that you can only split off 1 acre or a half acre, or the solution would be to remove the term "activities," because that seems to raise this question of somehow we have got something like selling farm machinery. The solution is not, however, to adopt the DeVerter amendment, which would have the consequences that Mr. Scheetz and Mr. Snyder have both pointed to. If a fellow at his corner stand wants to sell the products from his farm and his wife wants to make quilts and he wants to sell those to tourists, what is wrong with that? If, in conjunction with his selling the meat from his farm, he wants to sell a couple other kinds of commodities for the convenience of the consumer, what is wrong with that? So it seems to me that the DeVerter amendment goes too far.

If we do not adopt this legislation, or if we adopt the restrictive DeVerter language and put it into this bill, what some farmers are going to have to do is not just split off 2 acres but basically take their whole 200-acre tract out of agriculture. What that means is they are going to pay a higher property tax on all of it that makes it more likely that they are going to split off even more of that property for commercial

development, for residential development, and we are going to lose more prime farmland, which is an issue which this legislature in the last 2 years has been concerned with very much and has tried very hard to prevent. It seems to me that the DeVerter amendment runs counter to trying to save prime farmland. It is well intended but misdirected, and we ought to defeat it. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Franklin, Mr. Coy, on the DeVerter amendment.

Mr. COY. Mr. Speaker, thank you.

Very briefly, I rise also to oppose the amendment. The purpose of the bill, as I understand it, is to endeavor to help our small farm families in difficult financial times. I think to restrict this help in any manner, to put restrictions on it which would lessen the ability of these people to make a little money on the side to make ends meet on these small farms, would be the wrong thing for us to do.

I think, as Mr. Morris previously stated, you have to apply common sense to this argument. It seems to me that a small farmer is not going to be able to enter into a large commercial business. If he were, he would not be interested in a small splitoff of a 2-acre piece of land; he would be interested in changing his entire farm.

The purpose of the bill is good. Its intent is there, and we should not support the amendment but rather pass the bill as it is intact to help the small farm families across Pennsylvania. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman from Chester, Mr. Morris, request for the second time to speak on the DeVerter amendment?

The Chair recognizes the gentleman, Mr. Morris.

Mr. MORRIS. Thank you, Mr. Speaker.

My real reason for standing up now is because quite a few members came up to me and asked me, after I spoke the first time, whether I opposed this amendment. I do not think anybody could hear what I said the first time. I will not go over it again.

I could speak at some length and bring up various suppositious cases, which I think Mr. DeVerter's amendment would spoil the chances of a farmer to run an economical small store or roadside stand of this kind. All I am going to say is this: You cannot preserve farmland unless you preserve the farmers. If the farmers are going to have to go out of business otherwise and this is the chance to keep them, let us keep them this way.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, for the second time, the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Thank you, Mr. Speaker.

I will attempt to be brief. It will be difficult to cover all the subjects.

I would like to first make it very clear to the members that I am not opposed at all to the splitoff of the 2 acres; some would have you believe that in their arguments. I favor their being able to do that. What my amendment addresses is the problem of attempting to keep that 2 acres in relationship to

the farmer and his ability to sell commodities that he produces on his farm. That is the intent of the "clean and green" act. That is the way I would like to see it happen. Now, there are those who differ with that and I understand it.

My problem—and I suspect Representative Lloyd makes the best argument for it—is that once we begin to split off that 2 acres, yes, there is a rollback on those 2 acres and the preferential assessment is picked up and the taxes must be paid. But what we are doing—and the one I am most concerned with is the family farm—is encouraging those who have corporate entities, corporate farms in this Commonwealth, who could conceivably get into all kinds of other activities which I do not believe this body would like to see occur.

Now, we could stand here and debate probably and argue this all day, but it comes down to what Representative Foster says - when you begin to split off this acreage and you roll back the taxes on only those 2 acres, then the remainder of the farm where many of these commodities are produced and sold directly to the consumer, that differential in tax assessment must then be picked up and shared by the remainder of the people who reside in that particular municipality. I think that has to be given very careful consideration.

You know, we went through a lot of blood, sweat, and tears in the 1973-74 session on this legislation. I would just hope that we in our haste—and I would take issue with the chairman that we did not have a lengthy discussion on this legislation in committee—would proceed with caution and hopefully adopt the amendment, and if it is not concurred in, then work out the differences, some of which have been suggested here on the floor. I would ask for an affirmative vote, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—23

Cessar	Fryer	Pitts	Snyder, D. W.
Cornell	Gallen	Pott	Spitz
DeVerter	Hagarty	Salvatore	Vroon
Dawida	McVerry	Saurman	Wilson
Fargo	Marmion	Sirianni	Wogan
Foster, Jr., A.	Nahill	Smith, L. E.	

NAYS—170

Afflerbach	Fattah	Linton	Reinard
Alderette	Fee	Livengood	Richardson
Angstadt	Fischer	Lloyd	Rieger
Arty	Flick	Lucyk	Robbins
Barber	Foster, W. W.	McCall	Rudy
Belardi	Freeman	McClatchy	Ryan
Belfanti	Freind	McHale	Rybak
Beloff	Gallagher	McIntyre	Saloom
Blaum	Gamble	McMonagle	Scheetz
Book	Geist	Mackowski	Schuler
Bowser	George	Madigan	Semmel
Boyes	Gladeck	Maiale	Serafini
Brandt	Godshall	Manderino	Seventy
Broujos	Greenwood	Manmiller	Showers
Bunt	Grieco	Markosek	Smith, B.
Burd	Gruitza	Mayernik	Snyder, G. M.
Caltagirone	Gruppo	Merry	Spencer
Cappabianca	Haluska	Michlovic	Stairs
Carn	Harper	Micozzie	Steighner
Cawley	Hasay	Miller	Stevens

Cimini	Hayes	Miscevich	Stewart
Civera	Herman	Moehlmann	Stuban
Clark	Hershey	Morris	Sweet
Clymer	Hoeffel	Mrkonic	Swift
Cohen	Honaman	Murphy	Taylor, E. Z.
Colafella	Hutchinson	Noye	Taylor, F. E.
Cole	Itkin	O'Brien	Telek
Cordisco	Jackson	O'Donnell	Tigue
Coslett	Jarolin	Olasz	Trello
Cowell	Johnson	Oliver	Truman
Coy	Kasunic	Perzel	Van Horne
Deluca	Kennedy	Peterson	Wachob
DeWeese	Klingaman	Petrarca	Wambach
Daley	Kosinski	Petrone	Wargo
Davies	Kowalshyn	Phillips	Wass
Dietz	Kukovich	Piccola	Wiggins
Dininni	Lashinger	Pievsky	Williams
Dombrowski	Laughlin	Pistella	Wozniak
Donatucci	Lehr	Pratt	Wright, D. R.
Dorr	Lescovitz	Preston	Wright, R. C.
Duffy	Letterman	Punt	
Durham	Levi	Rappaport	Irvis,
Evans	Levin	Reber	Speaker

NOT VOTING—3

Baldwin	Deal	Wright, J. L.
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EXCUSED—7

Armstrong	Burns	Mowery	Zwikl
Battisto	Gannon	Weston	

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

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. SB 380, PN 412, without objection, will go over temporarily. We are awaiting an amendment by the gentleman, Mr. Snyder. The Chair hears no objection.

**DECISION OF CHAIR REVERSED
ON HB 177**

The SPEAKER. At the top of page 2, the Chair rescinds its announcement that HB 177, PN 200, has been agreed to on second consideration.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 177, PN 200, be returned to the Committee on Appropriations for a fiscal note.

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

HOUSE SCHEDULE

The SPEAKER. The House is about to stand in recess until 2:15. There will be a number of bills—and they have been

marked on your calendar—to be voted this afternoon. There is a reasonable possibility that we shall have before us a committee of conference report on auto emissions. The Chair asks your patience. We may be here all afternoon, but we think it may be well worth the wait.

WELCOME

The SPEAKER. The Chair is glad to welcome to the hall of the House the members of the Snyder County Historical Society. They are in the gallery. They are the guests of Representative John Showers and Representative Merle Phillips.

RECESS

The SPEAKER. This House stands in recess until 2:15.

AFTER RECESS

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

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 665, PN 950**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for manner of election or approval of school directors.

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—192

Table listing names of members who voted 'YEAS' for HB 665, PN 950. Includes names like Afferbach, Alderette, Angstadt, Arty, Baldwin, Barber, Belardi, Belfanti, Beloff, Blaum, Book, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Caltagirone, Cappabianca, Carn, Cawley, Cessar, Cimini, Civera, Fischer, Flick, Foster, W. W., Foster, Jr., A., Freeman, Freind, Fryer, Gallagher, Gallen, Gamble, Geist, George, Gladeck, Godshall, Greenwood, Grieco, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayes, Herman, McCall, McClatchy, McHale, McIntyre, McMonagle, McVerry, Mackowski, Madigan, Maiale, Manderino, Manmiller, Markosek, Marmion, Mayernik, Merry, Michlovic, Micozzie, Miller, Misceovich, Moehlmann, Morris, Mrkonic, Murphy, Nahill, Rudy, Ryan, Rybak, Saloom, Salvatore, Saurman, Scheetz, Schuler, Semmel, Serafini, Seventy, Showers, Sirianni, Smith, B., Smith, L. E., Snyder, D. W., Snyder, G. M., Spencer, Spitz, Stairs, Steighner, Stevens, Stewart, Stuban.

Table listing names of members who voted 'NAYS' for HB 665, PN 950. Includes names like Clark, Clymer, Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, Coy, Deluca, DeVerter, Daley, Davies, Dawida, Deal, Dietz, Dininni, Dombrowski, Dorr, Duffy, Durham, Evans, Fargo, Fattah, Fee, Hershey, Hoeffel, Honaman, Hutchinson, Itkin, Jackson, Jarolin, Johnson, Kasunic, Kennedy, Klingaman, Kosinski, Kowalyszyn, Kukovich, Lashinger, Laughlin, Lehr, Lescovitz, Letterman, Levi, Levin, Linton, Livengood, Lloyd, Lucyk, Noye, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Peterson, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pott, Pratt, Preston, Punt, Rappaport, Reber, Reinard, Richardson, Rieger, Robbins, Sweet, Swift, Taylor, E. Z., Taylor, F. E., Telek, Tigie, Trello, Truman, Van Horne, Vroom, Wambach, Wargo, Wass, Wiggins, Williams, Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., Irvis, Speaker.

NAYS—0

NOT VOTING—4

Table listing names of members who did not vote: Cohen, DeWeese, Donatucci, Wachob.

EXCUSED—7

Table listing names of excused members: Armstrong, Battisto, Burns, Gannon, Mowery, Weston, Zwinkl.

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 682, PN 759**, entitled:

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

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

Mrs. E. Z. TAYLOR offered the following amendments No. A0527:

Amend Title, page 1, line 21, by removing the period after "Education" and inserting ; excluding State colleges and universities from certain requirements relating to purchases of printing supplies; and imposing additional limitations relating to publications.

Amend Bill, page 4, by inserting between lines 8 and 9 Section 2. The introductory paragraph of section 507 of the act, amended June 21, 1937 (P.L.1865, No.373), is amended and a clause is added to read:

Section 507. Purchases.—It shall be unlawful for any administrative department, other than the Department of [Property and Supplies] General Services, or for any independent administrative board or commission, or for any departmental administrative body, board or commission, or for any advisory board or commission, to purchase or contract for the purchase of

any stationery, paper, printing, binding, ruling, lithographing, engraving, envelopes, or other printing or binding supplies, or any fuel, supplies, furniture, furnishings, or equipment, except

(d) The State System of Higher Education or its member institutions which may purchase or contract for the purchase of any stationery, paper, printing, binding, ruling, lithographing, engraving, envelopes or other printing or binding supplies.

Section 3. Section 521 of the act is amended to read:

Section 521. Publications.—No department, board, or commission shall publish or distribute any publication, map, or document to the public, except through the Department of [Property and Supplies] General Services, unless the Department of [Property and Supplies] General Services shall have consented to the direct publication or distribution of such publication, map, or document, by such other department, or by such board or commission. The State System of Higher Education and its member institutions shall be authorized to publish or distribute publications, maps or documents to the public, but this authority shall be limited to those publications, maps or documents directly related to the recruitment of students, maintenance of alumni relations, and the informational requirements of students in selecting or scheduling courses or regarding academic requirements and other information directly related to a student's academic program or housing needs. The State System of Higher Education shall be further authorized to publish or distribute publications or documents to the public which convey information regarding educational programs or profiles of the system and its member institutions.

Section 4. Section 2406(b) and (d) of the act, amended September 28, 1965 (P.L. 553, No. 287), are amended to read:

Section 2406. Publications.—The Department of General Services shall have the power, and its duty shall be:

(b) (1) With the approval of the Governor, to determine the need, size, character, quantity, and method of distribution of the various publications to be printed for the use of or distribution by the several departments, boards, commissions and other agencies engaged in the administrative work of the State Government: Provided, That in the case of reports made by the several departments, boards, or commissions, the department, board, or commission making the report shall be consulted with regard to the need, size, character, quantity and method of distribution of such reports;

(2) With the approval of the Governor, and of the Chief Justice of the Supreme Court of Pennsylvania, to determine the size, character, quantity, and method of distribution of the various publications to be printed for the use of the judicial department;

(3) Unless specifically authorized by act or resolution, no public printing and binding shall be ordered, performed, or furnished by the department for any department, board, commission, or other agency, of the State Government, until a requisition for said work or materials has been presented to the department, duly signed by the head or the person or persons who may be given such authority by the head of the department, or the chief executive officer, or other authorized representative of the board, commission, or other agency of the State Government making such requisition;

(4) The provisions of this subsection shall not apply to the State System of Higher Education or any member institution.

(d) (1) To enter into contracts for furnishing all printing used in the Legislative Reference Bureau and other departments of the government, and the printing, binding and distributing of the laws, journals, department reports, and all other printing and binding, lithographing, cuts, plates, dies and supplies and materials incident thereto, which contracts shall be given to the lowest responsible bidder below such maximum price and under such

regulations as are prescribed by this act, and shall be subject to the approval of the Governor, Auditor General and State Treasurer;

(2) The provisions of this subsection shall not apply to the State System of Higher Education or any member institution.

Section 5. The act is amended by adding a section to read:

Section 2409.2. Authority for State System of Higher Education and Member Institutions to Award Contracts for Stationery, Paper, Printing Supplies, Public Printing and Binding.—Notwithstanding any other provisions of this act, the State System of Higher Education or any member institution shall be authorized to accept local bids and award contracts for its stationery, paper, printing supplies, printing and binding needs through a competitive bidding process.

Amend Sec. 2, page 4, line 9, by striking out "2" and inserting

6

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker.

I would remind some of the folks who were here at the last session that the amendment before you is the same as HB 1885 of the last session, which passed this House with no negative votes, was laid on the table at the last minute, and was therefore not acted upon by the Senate. It had a companion bill which did pass and is now Act 296, signed by the Governor December 16, 1982.

Mr. Speaker, this amendment adds a new section to the Administrative Code of 1929. The amendment excludes the State System of Higher Education and its member institutions from various requirements relating to contract printing and publishing. Specifically, the amendment allows the system or its institutions to purchase or contract for the purchase of printing or paper supplies and to publish or contract for the publication of necessary printed material through a competitive bidding process. Institutional authority to publish is limited to academic-related areas, alumni relations, student housing information, and similar relevant information. The system is further authorized to publish information regarding educational programs or profiles of the system and its member institutions.

Some of the reasons that this amendment is very necessary are because under current law, the Department of General Services' regulations are numerous, and they have created for our 14 State-owned institutions time delays, distance, bureaucratic inflexibility, broken contracts. Authority to perform work locally cannot be obtained without this amendment. Cost analyses show us that numerous printing jobs and supply purchases could be effected locally at lower cost, in a more timely fashion, and at a higher quality level.

The amendment will better implement the intentions of the State system, which, of course, is now Act 188 of 1982, which at the time of its passage overlooked these sections of the Administrative Code. The State college presidents have universally complained about the problem imposed by the DGS bureaucracy regarding printing and have supported this legislation to alleviate the problem.

As far as I know, Mr. Speaker, there are no negative features to this amendment. There is no fiscal impact, except that it is anticipated that there will be modest savings due to the enhanced operational efficiencies which this amendment will permit.

I urge the passage of this amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, during the prior session and during this current session, I have had an opportunity to cosponsor legislation with Mrs. Taylor, which is now reflected in the Taylor amendment.

The language in this amendment would, one, help save our local institutions some money, and secondly, I think would give them an opportunity to build a positive relationship with some of the businesses in their locales.

For those two particular reasons, I would urge we adopt the Taylor amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—193

Afflerbach	Fischer	McCall	Ryan
Alderette	Flick	McClatchy	Rybak
Angstadt	Foster, W. W.	McHale	Saloom
Arty	Foster, Jr., A.	McIntyre	Salvatore
Baldwin	Freeman	McMonagle	Saurman
Barber	Freind	McVerry	Scheetz
Belardi	Fryer	Mackowski	Schuler
Belfanti	Gallagher	Madigan	Semmel
Beloff	Gallen	Maiale	Serafini
Blaum	Gamble	Manderino	Seventy
Book	Geist	Manmiller	Showers
Bowser	George	Markosek	Sirianni
Boyes	Gladeck	Marmion	Smith, B.
Brandt	Godshall	Mayernik	Smith, L. E.
Broujos	Greenwood	Merry	Snyder, D. W.
Bunt	Grieco	Michlovic	Snyder, G. M.
Burd	Gruitza	Micozzie	Spencer
Caltagirone	Gruppo	Miller	Spitz
Cappabianca	Hagarty	Miscevich	Stairs
Carn	Haluska	Moehlmann	Steighner
Cessar	Harper	Morris	Stevens
Cimini	Hasay	Mrkonic	Stewart
Civera	Hayes	Murphy	Stuban
Clark	Herman	Nahill	Sweet
Clymer	Hershey	Noye	Swift
Colafella	Hoefel	O'Brien	Taylor, E. Z.
Cole	Honaman	O'Donnell	Taylor, F. E.
Cordisco	Hutchinson	Olasz	Telek
Cornell	Itkin	Oliver	Tigue
Coslett	Jackson	Perzel	Trello
Cowell	Jarolin	Peterson	Truman
Coy	Johnson	Petrarca	Van Horne
Deluca	Kasunic	Petrone	Vroon
DeVerter	Kennedy	Phillips	Wachob
Daley	Klingaman	Piccola	Wambach
Davies	Kosinski	Pievsky	Wargo
Dawida	Kowalshyn	Pistella	Wass
Deal	Kukovich	Pitts	Wiggins
Dietz	Lashingner	Pott	Williams
Dininni	Laughlin	Pratt	Wilson
Dombrowski	Lehr	Preston	Wogan
Donatucci	Lescovitz	Punt	Wozniak
Dorr	Letterman	Rappaport	Wright, D. R.

Duffy	Levi	Reber	Wright, J. L.
Durham	Levin	Reinard	Wright, R. C.
Evans	Linton	Richardson	
Fargo	Livengood	Rieger	Irvis,
Fattah	Lloyd	Robbins	Speaker
Fee	Lucyk	Rudy	

NAYS—0

NOT VOTING—3

Cawley	Cohen	DeWeese
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EXCUSED—7

Armstrong	Burns	Mowery	Zwilk
Battisto	Gannon	Weston	

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

On the question recurring,

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

Bill 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—196

Afflerbach	Fattah	Lucyk	Rudy
Alderette	Fee	McCall	Ryan
Angstadt	Fischer	McClatchy	Rybak
Arty	Flick	McHale	Saloom
Baldwin	Foster, W. W.	McIntyre	Salvatore
Barber	Foster, Jr., A.	McMonagle	Saurman
Belardi	Freeman	McVerry	Scheetz
Belfanti	Freind	Mackowski	Schuler
Beloff	Fryer	Madigan	Semmel
Blaum	Gallagher	Maiale	Serafini
Book	Gallen	Manderino	Seventy
Bowser	Gamble	Manmiller	Showers
Boyes	Geist	Markosek	Sirianni
Brandt	George	Marmion	Smith, B.
Broujos	Gladeck	Mayernik	Smith, L. E.
Bunt	Godshall	Merry	Snyder, D. W.
Burd	Greenwood	Michlovic	Snyder, G. M.
Caltagirone	Grieco	Micozzie	Spencer
Cappabianca	Gruitza	Miller	Spitz
Carn	Gruppo	Miscevich	Stairs
Cawley	Hagarty	Moehlmann	Steighner
Cessar	Haluska	Morris	Stevens
Cimini	Harper	Mrkonic	Stewart
Civera	Hasay	Murphy	Stuban
Clark	Hayes	Nahill	Sweet
Clymer	Herman	Noye	Swift
Cohen	Hershey	O'Brien	Taylor, E. Z.
Colafella	Hoefel	O'Donnell	Taylor, F. E.
Cole	Honaman	Olasz	Telek
Cordisco	Hutchinson	Oliver	Tigue
Cornell	Itkin	Perzel	Trello
Coslett	Jackson	Peterson	Truman
Cowell	Jarolin	Petrarca	Van Horne
Coy	Johnson	Petrone	Vroon
Deluca	Kasunic	Phillips	Wachob
DeVerter	Kennedy	Piccola	Wambach
Daley	Klingaman	Pievsky	Wargo
Davies	Kosinski	Pistella	Wass
Dawida	Kowalshyn	Pitts	Wiggins
Deal	Kukovich	Pott	Williams
Dietz	Lashingner	Pratt	Wilson
Dininni	Laughlin	Preston	Wogan
Dombrowski	Lehr	Punt	Wozniak
Donatucci	Lescovitz	Rappaport	Wright, D. R.

Donatucci	Letterman	Reber	Wright, J. L.
Dorr	Levi	Reinard	Wright, R. C.
Duffy	Levin	Richardson	
Durham	Linton	Rieger	Irvis,
Evans	Livengood	Robbins	Speaker
Fargo	Lloyd		

NAYS—0

NOT VOTING—0

EXCUSED—7

Armstrong	Burns	Mowery	Zwikel
Battisto	Gannon	Weston	

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

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

REMARKS ON VOTES

The SPEAKER. For what reason does the gentleman from Mercer, Mr. Fargo, rise?

Mr. FARGO. On amendment No. 512 to HB 682, my vote was incorrectly recorded in the negative. I would like my vote to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Delaware, Mr. Freind. For what purpose does the gentleman rise?

Mr. FREIND. Mr. Speaker, on HB 665 I inadvertently voted in the affirmative. I would like to be voted in the negative.

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

CONSIDERATION OF SB 380 RESUMED

The SPEAKER. Without objection, the Chair returns now to page 2. The Chair hears no objection.

On SB 380, PN 412, the gentleman, Mr. Snyder, has informed the Chair that he is not offering an amendment. He has withdrawn the amendment.

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?

Does the gentleman from Lehigh, Mr. Snyder, wish to be recognized on final passage?

Mr. D. W. SNYDER. Mr. Speaker, I have withdrawn any further amendments to SB 380 after conferring with the Department of Agriculture that many of the concerns of the members in the legislature can be addressed through regulation, and I feel that we can have those clarifications made through regulation upon the adoption of SB 380. Therefore, I will support SB 380 as it is.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

YEAS—195

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

NAYS—0

NOT VOTING—1

Levin

EXCUSED—7

Armstrong	Burns	Mowery	Zwikel
Battisto	Gannon	Weston	

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 690, PN 772**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for certain construction and repairs and the letting of certain contracts by school districts of the first class.

On the question,

Will the House agree to the bill on third consideration?

Mr. COWELL offered the following amendments No. A0585:

Amend Title, page 1, line 6, by inserting a period after "contracts"

Amend Title, page 1, line 7, by striking out all of said line

Amend Sec. 1, page 1, line 10, by inserting after "751"

(b)

Amend Sec. 1, page 1, lines 11 and 12, by striking out "is amended by adding a subsection" and inserting amended February 4, 1982 (P.L.1, No.1), is amended and a subsection is added

Amend Sec. 1 (Sec. 751), page 1, by inserting between lines 14 and 15

(b) The board of school directors in any school district either may perform any construction, reconstruction, repairs, or work of any nature, where the entire cost or value, including labor and material, is less than [five thousand dollars (\$5000)] ten thousand dollars (\$10,000), by its own maintenance personnel, or may have any such construction, reconstruction, repairs, or work performed by contract after soliciting bids from at least three responsible bidders: Provided, That the board of school directors in any school district may authorize the secretary of the board or other executive to award contracts for construction, reconstruction, repairs, or work of any nature, where the entire cost or value, including labor and material, is four thousand dollars (\$4,000) or less, without soliciting competitive bids.

Amend Sec. 1 (Sec. 751), page 2, line 1, by inserting before "performed" not exceeding ten thousand dollars (\$10,000)

On the question,

Will the House agree to the amendments?

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, under current law, the School Code allows school districts to perform work with their own maintenance crews or allows them to have work performed after soliciting three bids in cases where the work will not exceed \$5,000. That \$5,000 figure was established in 1970 and has not been updated since. The amendment I am offering would change the \$5,000 figure to \$10,000. I ask for concurrence in this amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—193

Afflerbach	Fargo	Lucyk	Rudy
Alderette	Fattah	McCall	Ryan
Angstadt	Fee	McClatchy	Rybak
Arty	Fischer	McHale	Saloom
Baldwin	Flick	McIntyre	Salvatore
Barber	Foster, W. W.	McMonagle	Saurman

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

NAYS—1

Wright, J. L.

NOT VOTING—2

Hagarty

Lashingner

EXCUSED—7

Armstrong
Battisto

Burns
Gannon

Mowery
Weston

Zwilk

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—192

Afflerbach	Fattah	McClatchy	Ryan
Alderette	Fee	McHale	Rybak
Angstadt	Fischer	McIntyre	Saloom
Arty	Flick	McMonagle	Salvatore
Baldwin	Foster, W. W.	McVerry	Saurman

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

NAYS—2

Dorr Lucyk

NOT VOTING—2

Freind Lehr

EXCUSED—7

Armstrong Burns Mowery Zwilk
Battisto Gannon Weston

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.

WELCOMES

The SPEAKER. The Chair is delighted to welcome to the hall of the House Mrs. Oscar Knade, wife of Dr. Knade, superintendent of Williamsport School District, and Ms. Jan Freeman of Lycoming County. They are here as the guests of Representative Anthony Cimini and Representative Joe Grieco of Lycoming County.

The Chair is delighted to welcome a group from Troy Hill, the North Side district of Pittsburgh, as the guests of Representative Tom Murphy.

We have with us today the winners of a contest called "There Ought To Be a Law." They are not members of the House of Representatives, incidentally. They are from Wissahickon School District, Upper Dublin School District, and Hatboro Horsham School District, and they are the guests of Representatives Saurman, Cornell, and Gladeck. They are Stephen Deens from Hatboro Senior High School; Cathy Beltz from Keith Valley School; Kathy Dessino from Keith Valley School; Alison McElhinney from Springfield High School; Liz Diamond from Sandy Run Middle School; Carl Buchholz from Wissahickon High School; Lee Walker from Wissahickon Middle School; and Marc Weinberg from Upper Dublin High School.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 726, PN 951**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), requiring legislative approval for certain curriculum regulations.

On the question,

Will the House agree to the bill on third consideration?

Mr. HAYES offered the following amendment No. A0708:

Amend Sec. 1 (Sec. 1521), page 2, lines 8 through 16, by striking out "THE STATE BOARD OF EDUCATION, WHEN SUBMITTING FOR" in line 8, and all of lines 9 through 16 and inserting

Any revision to 22 Pa. Code Ch. 5 (relating to general curriculum requirements) published in the Pennsylvania Bulletin on or subsequent to January 22, 1983 shall fall under the provisions of the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act. Consideration of any proposed revision to Chapter 5 shall provide for General Assembly review pursuant to the Regulatory Review Act. Failure to follow the regulatory review procedures required by all sections of the Regulatory Review Act shall void all proposed changes to Chapter 5.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

Mr. Speaker, as the Representatives know, HB 726 makes an effort to address the very controversial regulations which have been proposed by the State Board of Education with regard to chapter 5. The gentleman, Mr. Colafella, forthrightly has come forward with HB 726 in an effort to have this General Assembly have the opportunity to review the regulations which are being proposed by the State Board of Education with regard to chapter 5.

Through the months last year, 1982, when the State Board of Education was contemplating and writing those proposed rules, this General Assembly also passed what became known as the Regulatory Review Act. Specifically we passed legislation that led to Act 181 of 1982 and also Act 238 of 1982, both of which are embodied in the Regulatory Review Act of this Commonwealth.

Now, because of the ebb and flow of events, the proposed regulations, the chapter 5 regulations offered by the State Board, escaped the regulatory review process, and therefore, they are not subject to that particular law. The amendment that I am offering today will in fact make those proposed regulations subject to the Regulatory Review Act, but at the same time we will not be creating a dual system of regulatory review.

If HB 726 were passed in its present form, all rules and regulations proposed by the executive branch, including rules and regulations proposed by the State Board of Education with the one exception, chapter 5, have to come under the regulatory review statute, but chapter 5 in perpetuity would not have to come under the regulatory review statute of this Commonwealth. So what my amendment will do is strike out at those chapter 5 regulations which have been proposed and which I personally believe should be withdrawn, and I have stated so publicly, but at the same time we would preserve the new law which was passed by this General Assembly. I do not believe that we should have a dual system of regulatory review, and I think that we can accomplish both ends by adopting my amendment, which has also been sponsored by Representative Colafella. We can strike out at chapter 5, make the State Board regulations subject to regulatory review, but at the same time not create a dual system of regulatory review. I urge adoption of my amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Beaver, Mr. Colafella.

Mr. COLAFELLA. Mr. Speaker, I rise to support the Hayes amendment, and I would hope for a favorable vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, would Mr. Hayes consent to interrogation, please?

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

Mr. COWELL. Thank you.

Mr. Speaker, I would simply like you to clarify the intent so that there is no misinterpretation or argument later on. I do not disagree in any way with what you are trying to do. I want to have you emphasize, if you will, though, that by specifying through your amendment and ultimately through this bill that any curriculum regs have to be subjected to the Regulatory Review Act, it is not your intention to imply then that other education regulations would not have to be subjected to that same Regulatory Review Act. Would that be correct?

Mr. HAYES. The gentleman is absolutely correct. This particular amendment tries to, as I mentioned before with regard to HB 726, not create a dual system of regulatory review but at the same time strike out at the proposed regulations in chapter 5. But in no way whatsoever would the bill as it is

presently before the House or as it would be through the adoption of my amendment exclude any other rules or regulations which are heretofore proposed by the State Board of Education. Let the Legislative Journal of this House on this day very clearly show that all rules proposed by the State Board of Education would have to come under the auspices of the Regulatory Review Act.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

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

NAYS—2

Clark Laughlin

NOT VOTING—1

Harper

EXCUSED—7

Armstrong Burns Mowery Zwikl
Battisto Gannon Weston

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—194

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

NAYS—0

NOT VOTING—2

Beloff Levin

EXCUSED—7

Armstrong Burns Mowery Zwikl
Battisto Gannon Weston

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 166, PN 944**, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), further providing for the disturbing of traps; and providing penalties for harassment of wildlife.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. MURPHY. Thank you, Mr. Speaker.

Would the sponsor of the bill rise for interrogation, please?

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

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, could you please tell me if presently an individual who places traps, if the traps are required to have any identifying mark on them?

Mr. LLOYD. I really cannot answer that question. The amendment on trapping was added in committee, and perhaps Mr. Letterman would be better suited to answer that question.

The SPEAKER. The gentleman, Mr. Lloyd, yields to the gentleman, Mr. Letterman. The gentleman, Mr. Letterman, says that he will stand for interrogation. The gentleman, Mr. Murphy, will repeat the question to Mr. Letterman.

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, could you tell me in present law whether it is required of any individual who sets traps that the traps have any indentifying mark on them?

Mr. LETTERMAN. The answer is yes.

Mr. MURPHY. What are the identifying marks, Mr. Speaker?

Mr. LETTERMAN. Well, they must have their name, and they have a number on them.

Mr. MURPHY. On the trap?

Mr. LETTERMAN. Yes. They are on a tag attached to the trap or they can be embedded right on the trap on the plate.

Mr. MURPHY. Tell me this, then, Mr. Speaker: If I am on my own property and happen to come across a trap without a tag on it, does this amendment then in effect fine me \$500 and put me in prison for pulling that trap?

Mr. LETTERMAN. No.
 Mr. MURPHY. Why does it not? As I would read it, I would be eligible for a \$500 fine and imprisonment if I lifted the trap, even if the trap did not have a name tag on it.

Mr. LETTERMAN. It says right below there that if you are a property owner and you pull a man's trap, you notify the Game Commission that that trap was pulled within 48 hours. The Game Commission picks up the traps, then notifies the man who set the traps. He has a 30-day notification in which to come and pick up his traps. If he comes and picks them up within 30 days, then the Game Commission will turn the traps over to him. If he does not, the Game Commission reserves the right to sell those traps.

Mr. MURPHY. Mr. Speaker, one final question. Is the trapper who had placed his traps unlawfully on somebody's property, does he receive any penalty? I do not see any penalty in the bill other than he loses the traps if they are not claimed within 30 days.

Mr. LETTERMAN. That is his penalty.

Mr. MURPHY. That is his only penalty?

Mr. LETTERMAN. Yes.

Mr. MURPHY. He is not fined or anything for trespassing on somebody's property without permission to place traps?

Mr. LETTERMAN. He is not, but he may have a civil case there. The landowner may have a civil case for trespassing.

Mr. MURPHY. That would be the only penalty, the Game Commission?

Mr. LETTERMAN. That would be the only penalty.

Mr. MURPHY. Okay. 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—189

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

Cowell	Itkin	Petrarca	Vroon
Coy	Jackson	Petrone	Wachob
DeLuca	Jarolin	Phillips	Wambach
DeVerter	Johnson	Piccola	Wargo
DeWeese	Kasunic	Pievsky	Wass
Daley	Kennedy	Pistella	Wiggins
Davies	Klingaman	Pitts	Williams
Dawida	Kosinski	Pott	Wilson
Deal	Kowalyszyn	Pratt	Wogan
Dietz	Kukovich	Preston	Wozniak
Dininni	Lashinger	Punt	Wright, D. R.
Dombrowski	Laughlin	Rappaport	Wright, J. L.
Donatucci	Lehr	Reber	Wright, R. C.
Dorr	Lescovitz	Reinard	
Duffy	Letterman	Richardson	Irvis,
Durham	Levi	Rieger	Speaker
Evans	Linton	Robbins	

NAYS—3

Lucyk	Stewart	Stuban
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NOT VOTING—4

Beloff	Levin	Madigan	Merry
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EXCUSED—7

Armstrong	Burns	Mowery	Zwinkl
Battisto	Gannon	Weston	

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.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman from Columbia, Mr. Stuban, for the purpose of placing a motion before this House.

Mr. STUBAN. Thank you, Mr. Speaker.

If this was not so urgent, I would not rise here to do this, but we would like to submit a resolution here today, and the resolution will be submitted by the northeast delegation, and it addresses the undergarment industry and the imports. What we are doing is memorializing the administration of President Reagan to reduce the percentage of imports and move with haste here. We in the northeast who have many undergarment factories and where the rate of pay is lower than possibly it is throughout the rest of the State, usually have—

The SPEAKER. Will the gentleman yield.

Will the gentleman state his motion.

Mr. STUBAN. Well, my motion is to suspend the rules so I can introduce the resolution.

The SPEAKER. It is moved by the gentleman, Mr. Stuban, that this House suspend its rules for the purpose of introducing a resolution and its immediate adoption.

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

POINT OF ORDER

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

Mr. DAVIES. A point of order, Mr. Speaker.
The SPEAKER. The gentleman will state the point of order.

Mr. DAVIES. Before I vote on the consideration of the suspension of the rules, is there any way in which I can interrogate the maker of that motion rather than wait until later to find out why it is so imperative that we bypass, again, the committee system?

The SPEAKER. The gentleman may not interrogate him as to why we must bypass the committee system, but the gentleman is free to interrogate him as to his reasons for asking the House to suspend its rules. Does the gentleman wish to do so?

Mr. DAVIES. Thank you, Mr. Speaker.

I would extend to the gentleman that same question as to the imperative nature of this piece of business.

The SPEAKER. Will the gentleman yield.

Will the gentleman, Mr. Stuban, stand for interrogation? The gentleman, Mr. Stuban, indicates he will so stand. The gentleman, Mr. Davies, is in order and may proceed with the interrogation.

Mr. DAVIES. Thank you, Mr. Speaker.

That is essentially the essence of it, the imperative nature of today and the hour of why it is so important we address it immediately when we have, as I understand, many other imperative pieces of business that have gone the regular route of the legislation before us.

Mr. STUBAN. Well, any time we talk about people being out of jobs and unemployment and, you know, income coming into the homes, I think it is important. It is the most important situation we should be discussing here in the House of Representatives. I think we are spending too much time on other matters and this is a matter we ought to be addressing immediately.

Mr. DAVIES. Mr. Speaker, would I be out of order in making a comment to that motion or not?

The SPEAKER. If the gentleman wishes to debate the motion to suspend, he would be out of order. That is a non-debatable motion. If the gentleman has finished his interrogation, we must now place the motion before the House. The gentleman may speak to the motion, indicating that he has now completed his interrogation, but that is all.

Mr. DAVIES. All right. Then I will take that latitude and then speak to the motion for suspension, and my comment would be that I think that there was a column on Monday and other columns inferring that we have been here deliberating without much productivity, and I do not know what is essential or new about this resolution that has not been with us for the past period of 4 months. So, therefore, I cannot see why we must bypass the particular committee system to all of a sudden find an imperative need for this. It is not that I do not share the gentleman's concern about unemployment and about cheap foreign imports, but again, I have difficulty in rationalizing the 4 months without the resolution, at least for some months, being in front of the proper committee. Thank you, Mr. Speaker.

The SPEAKER. The question recurs, shall the House suspend its rules? This requires a constitutional majority of 102 votes.

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

The following roll call was recorded:

YEAS—167

Afflerbach	Fee	Lloyd	Ryan
Alderette	Fischer	Lucyk	Rybak
Angstadt	Flick	McCall	Saloom
Arty	Foster, W. W.	McClatchy	Salvatore
Baldwin	Foster, Jr., A.	McHale	Semmel
Barber	Freeman	McMonagle	Serafini
Belardi	Freind	Mackowski	Seventy
Belfanti	Fryer	Madigan	Showers
Beloff	Gallagher	Maiale	Smith, L. E.
Blaum	Gallen	Manderino	Snyder, D. W.
Bowser	Gamble	Manmiller	Snyder, G. M.
Boyes	Geist	Markosek	Spencer
Brandt	George	Mayernik	Spitz
Broujos	Greenwood	Merry	Stairs
Caltagirone	Grieco	Michlovic	Steighner
Cappabianca	Gruitza	Micozzie	Stevens
Carn	Gruppo	Miller	Stewart
Cawley	Haluska	Miscevich	Stuban
Cessar	Harper	Moehlmann	Sweet
Cimini	Hasay	Morris	Swift
Civera	Hayes	Mrkonic	Taylor, E. Z.
Clark	Hershey	Murphy	Taylor, F. E.
Cohen	Hoefel	Noye	Telek
Colafella	Honaman	O'Brien	Tigue
Cole	Hutchinson	O'Donnell	Trello
Cordisco	Itkin	Olasz	Truman
Coslett	Jarolin	Oliver	Van Horne
Cowell	Johnson	Perzel	Wachob
Coy	Kasunic	Peterson	Wambach
Deluca	Klingaman	Petrarca	Wargo
DeVerter	Kosinski	Petrone	Wass
DeWeese	Kowalshyn	Phillips	Wiggins
Daley	Kukovich	Pievsky	Williams
Dawida	Lashingier	Pistella	Wilson
Deal	Laughlin	Pitts	Wogan
Dietz	Lehr	Pratt	Wozniak
Diminni	Lescovitz	Preston	Wright, D. R.
Dombrowski	Letterman	Punt	Wright, J. L.
Donatucci	Levi	Rappaport	Wright, R. C.
Duffy	Levin	Reinard	
Durham	Linton	Richardson	Irvis,
Evans	Livengood	Rudy	Speaker
Fattah			

NAYS—27

Book	Gladeck	Marmion	Saurman
Bunt	Godshall	Nahill	Scheetz
Burd	Hagarty	Piccola	Schuler
Clymer	Jackson	Pott	Sirianni
Cornell	Kennedy	Reber	Smith, B.
Davies	McIntyre	Rieger	Vroon
Fargo	McVerry	Robbins	

NOT VOTING—2

Dorr	Herman
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EXCUSED—7

Armstrong	Burns	Mowery	Zwikl
Battisto	Gannon	Weston	

A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

RESOLUTION ADOPTED

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

Mr. STUBAN. Mr. Speaker, I offer the following resolution.

The following resolution was read:

House Resolution No. 86**A RESOLUTION**

Memorializing the administration of President Reagan to reduce the percentage of the American market now held by imports.

WHEREAS, The textile and apparel industries, America's largest factory employers, face extinction from ever-increasing imports which have already eliminated hundreds of thousands of jobs; and

WHEREAS, During the last 25 years, 660,000 job opportunities have been lost in the apparel industry alone because of greater levels of import penetration; and

WHEREAS, The present 950,000 jobs in apparel are in serious jeopardy as imports of textiles and apparel continue to increase; and

WHEREAS, Because of the continuing flood of imports, unemployment in the apparel industry is far above the national average so that in 1982, when the national average was 9.7%, unemployment in this industry was 15.4% and five years ago, when the national average was 6.1%, unemployment in apparel was 9.3%; and

WHEREAS, The destruction of jobs in the textile and apparel industries is a national tragedy with widespread consequences because:

- (1) there are more production workers employed in this sector of the economy than the combined total of workers employed in basic steel, auto assembly and chemical industries;
- (2) the overwhelming number of workers employed in this sector are women and minorities with few other skills and limited opportunities for alternative employment;
- (3) other industries which might have offered alternate employment such as electronics, steel and auto have also been severely damaged by imports; and
- (4) a rise in unemployment in this sector of the economy is quickly reflected in rising welfare and relief rolls and other costly social ills; and

WHEREAS, Apparel imports continue to increase only because of the low wages paid in countries such as Hong Kong (\$1.80 per hour), South Korea (63¢ per hour) and Mainland China (16¢ per hour); and

WHEREAS, Past policies, such as cutting taxes or increasing transfer payments, designed to stimulate the economy by increasing consumer demand, would not work in the textile and apparel industries because they will result in purchases of more imports and will provide no benefit to the domestic market; and

WHEREAS, The multifiber agreements entered into by the United States in the past have not resulted in a live-and-let-live policy for the textile and apparel industries but have resulted in a much faster rate growth of imports than of domestic production so that in 1982, a recession year, as the American market for apparel grew at a slow 1.8%, imports expanded by 5.5%, while domestic production fell by 10.2%; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the administration of President Reagan to roll back the percentage of the American market now held by imports to 25% of consumption in order to stem the flood of imports, provide 315,000 American workers with jobs and prevent annihilation of America's textile and apparel industries; and be it further

RESOLVED, That a copy of this resolution be immediately transmitted to President Reagan.

Ted Stuban
George C. Hasay
Edward J. Lucyk
William E. Baldwin
John Showers
Stanley J. Jarolin
Joseph A. Steighner
Kevin Blaum
Peter J. Daley
Robert E. Belfanti, Jr.
Gaynor Cawley
Thomas M. Tighe
Keith R. McCall
Joseph G. Wargo
George Miscevic
Frank A. Serafini
Frank Coslett
William K. Klingaman, Sr.
Lynn B. Herman
Charles P. Laughlin
Fred Belardi
Correale F. Stevens
John F. Cordisco
Kenneth J. Cole
Italo S. Cappabianca
Allen Kukovich
Frank J. Pistella

On the question,

Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the gentleman, Mr. Stuban, on the resolution.

Mr. STUBAN. Mr. Speaker, I would appreciate a "yes" vote here, because I know it is a problem throughout the State, and if you would look, there are possibly a lot of us who are not wearing American-made suits and American-made shirts, and it is our neighbor who is not working.

The SPEAKER. The Chair thanks the gentleman.

On the resolution, the Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, I realize that resolutions are not the most important thing that we address, but we have not even seen a copy of this resolution. I do not even know what it is all about. Would it be fair to ask if we might see a copy of the resolution before we vote on it?

RESOLUTION PASSED OVER TEMPORARILY

The SPEAKER. That would be eminently fair. The Chair was not aware of the fact that the resolution had not been passed out. Are there other members who have not seen this resolution? The Chair notices that there are one or two others.

The Chair thanks the gentleman, Mr. Vroon, for bringing the Chair's attention to that. The clerk is instructed to have the Stuban resolution duplicated and to report to the Chair when that resolution is ready, and at that time we will return to the consideration of the resolution.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 595, PN 948**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, increasing certain fees.

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—192

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

NAYS—3

Afflerbach Hasay Miller
NOT VOTING—1

Miscevich
EXCUSED—7

Armstrong Burns Mowery Zwilk
Battisto Gannon Weston

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 596, PN 949**, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), increasing certain fees.

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—192

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

Dawida	Lashing	Pratt	Williams
Deal	Laughlin	Preston	Wilson
Dietz	Lehr	Punt	Wogan
Dininni	Lescovitz	Rappaport	Wozniak
Dombrowski	Letterman	Reber	Wright, D. R.
Donatucci	Levi	Reinard	Wright, J. L.
Dorr	Levin	Richardson	Wright, R. C.
Duffy	Linton	Rieger	
Durham	Livengood	Robbins	Irvis,
Evans	Lloyd	Rudy	Speaker
Fargo	Lucyk		

NAYS—4

Afflerbach	Fischer	Hasay	Miller
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NOT VOTING—0

EXCUSED—7

Armstrong	Burns	Mowery	Zwift
Battisto	Gannon	Weston	

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 86, PN 95**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to sell and convey a certain lot or tract of land situate in the Borough of Emsworth, Allegheny County, Pennsylvania.

On the question,

Will the House agree to the bill on third consideration?

Mr. GALLEN offered the following amendment No. A0574:

Amend Sec. 1, page 1, line 12, by striking out "of \$1," and inserting

equal to one-half of the fair market value as determined by an independent appraiser selected by the Department of General Services,

On the question,

Will the House agree to the amendment?

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

Mr. GALLEN. Mr. Speaker, as has been the policy for the past few years, when we have Commonwealth land transferred to a municipality or other entity, the Department of General Services feels there should be some payment for this land. Originally this land would have been transferred for \$1, but I think the chief sponsor agrees that one-half the fair market value would be acceptable and would be fair, and, Mr. Speaker, I move for the adoption of the amendment.

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

Mr. MAYERNIK. Thank you, Mr. Speaker.

Today I stand to speak on behalf of Emsworth Borough, which is a small municipality of approximately 3,080 people, having a 29-mill tax base. The borough is in serious danger of losing its present and only recreational facility. Even though

the cost of acquisition, development, and upkeep will be managed and financed by Emsworth Borough, the use of the proposed 6.5 acres of recreational property will be shared by the children and residents of Emsworth as well as the patients at Dixmont State Hospital. Emsworth Borough officials have ideally requested to obtain this property for a nominal fee, and I agree with that, but after consulting with Representative Gallen and General Services, I find this to be impossible; that is, if we intend to have final passage of this bill. So in order for Emsworth Borough to get this badly needed property, I would ask for an affirmative vote to Representative Gallen's amendment as well as HB 86. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. CORDISCO. Will Mr. Gallen stand for interrogation, Mr. Speaker?

The SPEAKER. The gentleman, Mr. Gallen, indicates he will so stand. The gentleman, Mr. Cordisco, is in order and may proceed.

Mr. CORDISCO. Mr. Speaker, correct me on your last statement. You said that in the past some payment was made for a parcel by the particular municipality or individual that was interested in purchasing a piece of land owned by the State. What determines whether one pays half the market value, the market value, or \$1?

Mr. GALLEN. Mr. Speaker, the Secretary of General Services I feel is correct in his feeling that land belonging to the Commonwealth belongs to all of the people of the Commonwealth and it should not be given away. Consequently, Mr. Speaker, he feels that land that the Commonwealth is going to convey should be appraised and that all of the people of the Commonwealth should be reimbursed therefor.

I think there is some arbitrariness about this entire transaction. There are those parcels for which full market value must be obtained, and that would be land that would be transferred to private individuals or others, but land that would be transferred to be used for a public service, for public purpose, can be transferred for less than the market value.

Mr. CORDISCO. Mr. Speaker, I believe I heard most of the argument that is given, but I still have a problem—

The SPEAKER. Does the gentleman wish to interrogate further or make a statement on the amendment?

Mr. CORDISCO. I would like to interrogate further, but it is very difficult to hear at the present time.

Mr. Speaker, correct me again. I seem to be not as knowledgeable as I should be on this particular topic.

Last year—correct me if I am wrong—did we or did we not enact legislation that provided for transfers in the way of \$1?

Mr. GALLEN. Not that I am aware of, no.

Mr. CORDISCO. But there have been cases where the \$1 was acceptable?

Mr. GALLEN. I am not so sure that there have been. We have a situation in a bill that was reported from the State Government Committee today in which land will be conveyed to the Federal Government for no consideration, but that land will be used for the creation of many jobs which we feel will enhance the economy of the Commonwealth.

In the past 4 years, we really demanded that appraisals be made and that all land be conveyed for its value or for a good portion thereof.

Mr. CORDISCO. Mr. Speaker, was the armory at New Brighton transferred for \$1?

Mr. GALLEN. That is possible. I am not sure. It is possible that it was, yes. I cannot remember that bill particularly.

Mr. Speaker, there are these situations when the Commonwealth conveys something because it is of negative value to the Commonwealth in that the Commonwealth must carry insurance on it. It may be falling down, but use can be made of that property. So as a consequence, conveying it for \$1 may mean taking something, an albatross, off the shoulders of the Commonwealth in those instances, and that is a decision that will be made by the Department of General Services as to whether or not something has a negative value to the Commonwealth at the current time.

Mr. CORDISCO. Mr. Speaker, I would like to interrogate the chief sponsor of the bill.

The SPEAKER. The gentleman, Mr. Cordisco, has indicated he has terminated his interrogation of Mr. Gallen, and he asks that Mr. Mayernik stand for interrogation. Mr. Mayernik indicates he will so stand.

Mr. CORDISCO. Mr. Speaker, is it an agreement that basically you have between representing your municipality and the people who were referred to by Mr. Gallen previously? Is this in accord as to what you are attempting to do, or was it your intention to pass it at that time for the transfer of \$1?

Mr. MAYERNIK. It was initially my intention to pass it for \$1, but what has transpired since then is I have been notified by General Services that it will not meet the Governor's approval for \$1. So in order to get the bill through—and they need the land—it will have to go for half the fair market value. That is my understanding at this time.

Mr. CORDISCO. I would like to make a statement, Mr. Speaker.

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

Mr. CORDISCO. Mr. Speaker, I can appreciate the position of the chief sponsor of this bill and I can also appreciate the need for his community. What I cannot appreciate and what seems to be taking place here today is that we are arbitrarily deciding to pay one price for one parcel and another price for another parcel in various parts of this State. It seems to me at the present time that that decision is being made not on what is a benefit to the taxpayers or what is benefiting that community but what is benefiting the Governor and his apparent deficit at this present time.

I personally, Mr. Speaker, intend to vote “no” on this particular amendment. I will not urge my fellow members to do so because of the need of the chief sponsor, but I do believe that this General Assembly should definitely review the procedure and the actions that have been taking place up to this point in time, and I do not believe that that discretion should be left within the department. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GLADECK. Mr. Speaker, I would like to speak to the amendment, if I may.

We passed a bill last year that affected my district and I believe it established a precedent in this regard, and for the information of the members of the House, it was one-half of the fair market value that was assessed to my bill. It seems to me that a precedent has been established, so it is not a question of whether or not we are doing it just in this instance, because it has been done before, and I think that we should all be aware of that. I think that Representative Gallen is certainly correct in offering this amendment. I would urge your support of it. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. WAMBACH. Thank you, Mr. Speaker.

I would like to interrogate the gentleman, Mr. Gallen.

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

Mr. WAMBACH. Mr. Speaker, I see that the amendment here says “...as determined by an independent appraiser...” Who will pay that fee?

Mr. GALLEN. It is my understanding the municipality; whoever receives the property in question.

Mr. WAMBACH. It does not say that in your amendment, Mr. Speaker.

Mr. GALLEN. That is the procedure of the Department of General Services.

Mr. WAMBACH. Mr. Speaker, that is not a procedure of the Department of General Services.

Are you retaining the language here that keeps it restrictive as to the—

Mr. GALLEN. Mr. Speaker, I will interrupt you for just a second. The bill itself stipulates—the bill, not the amendment—that the cost will be paid by.

Mr. WAMBACH. Where does that say that? What line? Section 3; I found it. That says, “Costs and fees incidental to this conveyance shall be borne by the grantee.” That includes then the independent appraisal?

Mr. GALLEN. Correct.

Mr. WAMBACH. Also, within the deed of conveyance they have a reverter clause, if not used for recreational and public purposes. Section 2 calls for a reversionary clause if the borough does not use it for recreational and public purposes. What happens then if in fact in line 10, on page 3, the title thereto shall immediately revert and revest in the Commonwealth of Pennsylvania?

Mr. GALLEN. That is correct. It would revert to the Commonwealth, and the Commonwealth would pay nothing for it. That is the reason for the one-half market value instead of the full market value that the Commonwealth is conveying the land for.

Mr. WAMBACH. In other words, 20 years from now when this borough decides that the land is surplus to their needs, then in fact the land will revert back to the Commonwealth without any part of the purchase price originally paid for the land to go to the borough of Emsworth?

Mr. GALLEN. That is exactly right. That is the reason for half the market value.

Mr. WAMBACH. What is the reason for half the market value, Mr. Speaker?

Mr. GALLEN. Well, the municipality is getting a consideration by being able to purchase the property at half the fair market value. That is a consideration already given by the Commonwealth. Okay? And they are going to use it for a public purpose with which the Commonwealth agrees. Now, if they opt not to use it for that public purpose, the land reverts to the Commonwealth.

Mr. WAMBACH. Then are we saying that every future land conveyance that comes before this General Assembly will have at least half of the market value in them?

Mr. GALLEN. I do not know where we have been. That is the way bills have been passed for the past number of years.

Mr. WAMBACH. I am sorry, Mr. Speaker. That is not a correct statement. What has happened in this legislature over the last few years, over the last 7, 8 years that I have been involved in land conveyances with the Department of General Services—

The SPEAKER. Will the gentleman yield.

The floor is not open for argument. The gentleman has asked to interrogate. The gentleman, Mr. Gallen, has answered. If the gentleman is through with his interrogation, the Chair will recognize him for argument. Is the gentleman finished with interrogation?

Mr. WAMBACH. I think I am. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Wambach, for a statement on the amendment.

Mr. WAMBACH. Thank you, Mr. Speaker.

Ever since I have been involved in land conveyances for the Department of General Services, when I was over in the department, consistently bills would come before us under rule 32 of the House of Representatives. It is the only rule of the House, by the way, that a department must comply with, or should comply with—I will put it that way.

What has happened in the past has been conveyances for \$1 with an implied purpose of reversionary clauses to be placed in there that was done at my direction as the departmental liaison, because what had happened in the past without the reversionary clause and the dollar was that the boroughs and townships and cities of the State were in fact getting the land, using it for about a year and a half, and then putting it on the market.

Now, we insisted on reversionary clauses to stop that kind of practice. The reversionary clause in and of itself is the protection that the Commonwealth has that this land will be used for recreational and public purposes by that borough. The fair market value of that property has nothing to do with that guarantee. The guarantee is in fact in the stipulation in the deed of conveyance, which stipulates that it shall be for recre-

ational and public purposes. Failure of that borough to do that, as the original language of this bill stipulates, will result in the land going back to the Commonwealth. Now, that is a safeguard, without the borough putting out a price for the property of half the market value. That is not going to stop them for recreational and public purposes. That is the express interest in the bill. What is going to stop them for other than recreational and public purposes is the restriction within the deed of conveyance, and I think that the situation that it involves, particularly with our municipalities, is that they should be in fact granted lands of the Commonwealth, if they have reversionary clauses, for specific purposes, and in the failure to comply with the specific purposes, then the land itself should and does, under the original printer's number of this bill, revert back to the Commonwealth.

Fair market value does not come into play in regards to recreational or any kind of restrictions in a deed to a municipality. If this in fact was a public conveyance to a private person to add on to their farmlands or whatever, I would demand fair market value. That is what it should be, fair market value. But anything short of that to our municipalities, who are in fact striving to exist in a lot of cases, if they have the restricted language in the deed of conveyance, then in fact we should acquiesce and offer to Emsworth, which has a recreational and public purpose, that land for their citizens. Anything short of that from Emsworth coming back, the land automatically reverts to the Commonwealth.

I think we should vote down this amendment and help our municipalities across this State, providing that reversionary clauses stay within the language of the bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

May I interrogate Mr. Gallen, please?

The SPEAKER. The gentleman, Mr. Gallen, indicates he will so stand for interrogation. The gentleman, Mr. Letterman, is in order and may proceed.

Mr. LETTERMAN. Mr. Speaker, do you know if we also transfer mineral rights with this land?

Mr. GALLEN. I think unless it is so stated that the mineral rights are also conveyed, they are not conveyed.

Mr. LETTERMAN. In other words, you are saying they do transfer mineral rights if it is not stated?

Mr. GALLEN. No; I said the opposite.

Mr. LETTERMAN. The opposite? Okay.

Mr. Speaker, may I make a statement, please?

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

Mr. LETTERMAN. Mr. Speaker, I am not absolutely sure about the legislation that would transfer mineral rights, but I thought that we passed a piece of legislation that said the State could not transfer any mineral rights whatsoever, that we would retain all mineral rights. But even if we make the request, I think that bill would require us to hold on to mineral rights, would it not?

Mr. GALLEN. You are correct. We passed legislation in the last session which said that the Commonwealth retains the mineral rights.

Mr. LETTERMAN. The thing that seems to be bothering everybody—and I hear a lot of people talking about transfer of land. I have been in the process, as you know, for over 4 years trying to process a shrine that absolutely nobody in this country will take care of. The people who are taking care of it as an organization under the Catholic Diocese of Altoona have been trying to get this.

The SPEAKER. Will the gentleman yield.

The gentleman has strayed too far from the subject matter. The gentleman will keep his arguments as to the positive or negative effects of the Gallen amendment.

Mr. LETTERMAN. I am getting back to that.

The SPEAKER. Please get back to it very quickly.

Mr. LETTERMAN. The thing is that they require you to pay the appraisal fee and they require you to pay for the land to be surveyed. If a department wishes to turn that over for \$1, then are you telling me that the Department of General Services has the right to require half of the money for the assessed value?

The SPEAKER. Is the gentleman reinterrogating the gentleman, Mr. Gallen?

Mr. LETTERMAN. Yes.

The SPEAKER. Will the gentleman stand for reinterrogation? He indicates he will.

Mr. GALLEN. Mr. Speaker, I would guess that the Commonwealth has the right to ask for the entire value and in fact does not have to convey the land unless we pass such a bill saying they must convey the land.

Mr. LETTERMAN. Mr. Speaker, what I said is, if a department within the government would agree to turn the land over for \$1, then does General Services still retain the right to require one-half?

Mr. GALLEN. You have me mystified. There is nothing in the law which specifies one-half market value. We are not really restricted by that. If General Services were to agree that this property is of so little value or is of negative value to the Commonwealth and they would love to convey it to have somebody who is taking care of it continue to take care of it, General Services can agree to that. We can pass such a bill and pass it for a \$1 consideration.

Mr. LETTERMAN. Okay. Thank you. That is what I wanted to get at.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

Just briefly, I would request a negative vote on Mr. Gallen's amendment.

From what I understand, this parcel of land will be transferred to a township that is just going to use it for a recreational basis. I do not think the township has any way of making any profit, and I do not see why it should cost them any money to provide recreation for its residents. I am going to ask for a negative vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Thank you, Mr. Speaker.

I rise in support of the Gallen amendment. What we are doing here is nothing different than what we have been doing for the last several years. We just did it a couple of weeks ago in Northumberland County for the borough of Danville. We did the same thing on a piece of land in Snyder County for Penn Township. We did it in my district last year on a piece of land from the Department of Public Welfare to a private non-profit housing authority where we set the conveyance at half the fair market value. Mr. Gallen is just putting in an amendment which makes this bill consistent with the bills that we have been dealing with since the department instituted a policy of conveying surplus lands that have some value to the Commonwealth. About 2 or 2 1/2 years ago they instituted this policy, and I think we are wrong if we deviate from that. I rise in support of that.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northumberland, Mr. Belfanti, on the amendment.

Mr. BELFANTI. Mr. Speaker, would Representative Gladeck stand for interrogation?

The SPEAKER. Will the gentleman, Mr. Gladeck, stand for interrogation? The gentleman indicates he will so stand. The gentleman, Mr. Belfanti, is in order and may proceed.

Mr. BELFANTI. Mr. Speaker, the parcel of ground that was transferred in your district last legislative session, was that parcel of ground used for recreational purposes?

The SPEAKER. Will the gentleman yield.

The gentleman, Mr. Gladeck, is not obliged to answer that question. What reference does that have to the amendment before the House? The Chair finds it has no reference whatsoever. The gentleman, Mr. Belfanti, will confine his interrogation to the matter before the House.

Mr. BELFANTI. Thank you, Mr. Speaker.

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

Mr. GALLEN. Mr. Speaker, we have for the past 3 years—and I do not know that to which Representative Wambach was referring earlier—really utilized rule 32. Prior to that, rule 32 was there and was not utilized. All land that is transferred must be appraised; all land must be appraised.

I want to go back to my earlier statement and enlighten the House this way: Land and property in the Commonwealth that is owned by the Commonwealth belongs to everybody in the Commonwealth. Land in Butler County belongs to the people of Philadelphia, if it is owned by the State. There has to be consideration given if this land is to be conveyed to a municipality, no matter the purpose. And, Mr. Speaker, I think it is a protection for the people of the Commonwealth that this is done. I think that there have been horror stories in the past about land that was conveyed for \$1 and given away not only to municipalities but to individuals, corporations, and others, ostensibly for a good purpose. I think this is a protection for the Commonwealth.

Mr. Speaker, I think the amendment is good. We have been operating this way for the past 3 years. I do not think that we should revert. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—144

Angstadt	Fischer	Lloyd	Rieger
Arty	Flick	McClatchy	Robbins
Belardi	Foster, W. W.	McIntyre	Rudy
Beloff	Foster, Jr., A.	McMonagle	Ryan
Book	Freind	McVerry	Saloom
Bowser	Fryer	Mackowski	Salvatore
Boyes	Gallen	Madigan	Saurman
Brandt	Gamble	Maiale	Scheetz
Bunt	Geist	Manmiller	Schuler
Burd	Gladeck	Markosek	Semmel
Caltagirone	Godshall	Marmion	Serafini
Cessar	Greenwood	Mayernik	Seventy
Cimini	Grieco	Merry	Showers
Civera	Gruitza	Micozzie	Sirianni
Clymer	Gruppo	Miller	Smith, B.
Cohen	Hagarty	Moehlmann	Smith, L. E.
Colafella	Haluska	Morris	Snyder, D. W.
Cole	Harper	Mrkonic	Snyder, G. M.
Cornell	Hasay	Murphy	Spencer
Coslett	Hayes	Nahill	Spitz
Cowell	Herman	Noye	Stairs
Deluca	Hershey	O'Brien	Steighner
DeVerter	Honaman	Olasz	Stevens
DeWeese	Itkin	Oliver	Swift
Davies	Jackson	Perzel	Taylor, E. Z.
Dawida	Jarolin	Peterson	Telek
Deal	Johnson	Petrone	Trello
Dietz	Klingaman	Phillips	Truman
Dininni	Kukovich	Pistella	Vroon
Donatucci	Lashinger	Pitts	Wargo
Dorr	Lehr	Pott	Wass
Duffy	Lescovitz	Punt	Williams
Durham	Levi	Rappaport	Wilson
Evans	Levin	Reber	Wogan
Fargo	Linton	Reinard	Wright, J. L.
Fattah	Livengood	Richardson	Wright, R. C.

NAYS—50

Afflerbach	Daley	Lucyk	Stewart
Alderette	Dombrowski	McCall	Stuban
Baldwin	Fee	McHale	Taylor, F. E.
Barber	Freeman	Manderino	Tigue
Belfanti	Gallagher	Michlovic	Van Horne
Blaum	George	Miscevich	Wachob
Broujos	Hoefel	O'Donnell	Wambach
Cappabianca	Hutchinson	Petrarca	Wiggins
Carn	Kasunic	Piccola	Wozniak
Cawley	Kosinski	Pievsky	Wright, D. R.
Clark	Kowalshyn	Pratt	
Cordisco	Laughlin	Preston	Irvis,
Coy	Letterman	Rybak	Speaker

NOT VOTING—2

Kennedy	Sweet
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EXCUSED—7

Armstrong	Burns	Mowery	Zwilk
Battisto	Gannon	Weston	

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—193

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

NAYS—0

NOT VOTING—3

Reinard	Schuler	Showers
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EXCUSED—7

Armstrong	Burns	Mowery	Zwilk
Battisto	Gannon	Weston	

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.

WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House the sister of Representative Denny O'Brien, Patti O'Brien, and her friend, Michelle Manacchio, both from Philadelphia.

Which one is Patti? Would you remain for the rest of the session? I think as long as you are here, I can depend on your brother to remain in his seat and be quiet.

REQUEST FOR RECESS

The SPEAKER. The Chair has been requested to at this time declare a recess. There are other bills which will be voted on at the end of the recess, and hopefully, we shall be deciding on the auto emissions report.

This House will stand in recess until 4:30, with the possibility of an announcement that the recess will continue.

REMARKS ON VOTE

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

Mr. REINARD. Mr. Speaker, on final passage of HB 86, my switch did not work. I want the record to show that I would have voted in the affirmative.

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

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 89 By Representative MANDERINO

Urging the Governor and his representatives on the Turnpike Commission to proceed with previously authorized highway projects.

Referred to Committee on RULES, May 3, 1983.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader, who asks that the Committee on Rules meet immediately in his office on the declaration of the recess.

GAME AND FISHERIES COMMITTEE MEETING

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

I would appreciate if all members of the Fish and Game Committee would meet in the back of the room immediately upon recess.

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, with your permission, I would like to speak to Mr. Manderino for a moment.

The SPEAKER. The House will stand at ease; the members will remain in place.

Does the minority leader require recognition at this time?

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I have just had an opportunity to meet with the majority leader, Mr. Manderino. He advises me that his information is that the Senate is intending to come back in at 5 o'clock, hopefully to take up the conference committee report on the emissions control bill. I suggested to him, or he suggested to me—it is not important—that there is really little we can do until the Senate has acted, and it is my understanding that the majority leader is going to ask that we recess until 5:30, which I think is a prudent way of handling this. It is also my understanding that the majority caucus will not meet until sometime after 5:30, when we have found out what exactly the Senate is doing, and I believe that that is the course of action we too should follow on this side of the aisle.

In short, we will be coming back here at 5:30. We will be taking up other matters in addition to the emissions control bill. I am going to suggest that it is probably going to be a long night; there is a good expectation that it could be a late night. But there will be important votes taken at 5:30. We will thereafter break for caucus if the Senate has passed the emissions control conference committee report. So I think the members should be prepared to come back on the floor at 5:30, should be prepared thereafter to go to caucus, and then come back and take up what matters are properly before us at that time. I thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, we ask the members, as the minority leader did, to be patient. We will be running the bills that have not been run at 5:30 and that are on the calendar. We are trying to clear the calendar of those matters that are in a position for a vote this week today so that tomorrow can be a nonvoting session, and we will simply be moving bills to get them into position for a vote next week. So we may be here late tonight, but we will be in a nonvoting session tomorrow.

The SPEAKER. The Chair thanks the gentleman.

TRANSPORTATION COMMITTEE MEETING

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

Mr. HUTCHINSON. Mr. Speaker, I would like to call a meeting of the Transportation Committee off the floor of the House in the rear.

The SPEAKER. A Transportation Committee meeting in the rear of the hall of the House.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the minority leader and I think that it would be a prudent course of action for those members who desire to dine that the dining be done between now and 5:30, but return here at 5:30.

The SPEAKER. The Chair agrees with the statement made by the majority leader and the minority leader. Those members who wish to have dinner have been best advised to eat it between now and 5:30. Those who wish to have dinner are best advised to eat it between now and 5:30 and be back on the floor at 5:30. The Chair will be here at 5:30, and we will begin rolling bills at 5:31.

RECESS

The SPEAKER. This House stands in recess until 5:30.

AFTER RECESS

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 903 By Representatives COWELL, PISTELLA, COHEN, RUDY, HARPER, MARKOSEK, GALLAGHER, KOSINSKI, FATTAH, EVANS, KUKOVICH, SWEET, ITKIN, E. Z. TAYLOR, COY, D. R. WRIGHT, ARTY, HOFFEL, DAWIDA, WACHOB, PRATT, MICHLOVIC, FISCHER, GANNON, STEIGHNER, DeLUCA, PUNT, COLAFELLA and PRESTON

An Act providing for the creation of a multipurpose program for displaced homemakers; further providing for powers and duties of the Department of Education; and making an appropriation.

Referred to Committee on EDUCATION, May 3, 1983.

No. 904 By Representatives FREEMAN, COHEN, STEWART, DEAL, WAMBACH, RICHARDSON, DONATUCCI, McINTYRE, STEIGHNER, RYBAK, KOWALYSHYN, AFFLERBACH, WOZNIK, GRUITZA, DeWEESE, BELFANTI, DeLUCA, PISTELLA, KASUNIC, DALEY, KOSINSKI, OLASZ, DUFFY, DAWIDA, LINTON, McHALE, EVANS, FATTAH, MICHLOVIC, WACHOB, MORRIS, KUKOVICH, GALLAGHER, LETTERMAN, VAN HORNE and SALOOM

An Act requiring that certain employers call back laid-off employees before imposing mandatory overtime on fully employed workers.

Referred to Committee on LABOR RELATIONS, May 3, 1983.

No. 905 By Representative McCLATCHY

An Act to further provide for the expenses of the Executive and Judicial Departments of the Commonwealth for the fiscal period July 1, 1982 to June 30, 1983.

Referred to Committee on APPROPRIATIONS, May 3, 1983.

No. 906 By Representatives POTT and W. W. FOSTER

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), further providing for definitions, for administrative matters; further providing for the rate, payment and collection of contributions, for employer's reserve accounts, for interest, refunds and adjustments; further providing for eligibility for benefits and for the rate and amount of benefits; establishing the Interest and Solvency Fund; providing for shared work benefits; making editorial changes and corrections; and making repeals.

Referred to Committee on LABOR RELATIONS, May 3, 1983.

No. 907 By Representatives DOMBROWSKI, IRVIS, GEORGE, PISTELLA, SPENCER, McMONAGLE, MICHLOVIC, SEVENTY, LETTERMAN, LIVENGOOD, STEIGHNER, TELEK, POTT, NAHILL, GEIST, CORNELL, DeVERTER, A. C. FOSTER, JR., FEE, PRATT, MILLER, PERZEL, CLARK and CESSAR

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding certain interest from the personal income tax.

Referred to Committee on FINANCE, May 3, 1983.

No. 908 By Representatives HARPER, BARBER, KUKOVICH, WIGGINS, PETRARCA, DEAL, DeLUCA, LINTON, RYBAK, FATTAH, PERZEL, DAWIDA, KOSINSKI and MICHLOVIC

An Act amending "The First Class City Permanent Registration Act," approved March 30, 1937 (P. L. 115, No. 40), further providing for cancellation or suspension of registration.

Referred to Committee on URBAN AFFAIRS, May 3, 1983.

No. 909 By Representatives HARPER, LESCOVITZ, McMONAGLE, KOSINSKI, CARN, OLIVER, TRUMAN, PRESTON, WIGGINS, DONATUCCI, LEVIN, WARGO, BATTISTO, DUFFY, BLAUM, MORRIS, GRUITZA, D. R. WRIGHT, COHEN, LAUGHLIN, FATTAH and RICHARDSON

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the attire for teachers and students and for a discipline code.

Referred to Committee on EDUCATION, May 3, 1983.

No. 910 By Representatives FREEMAN, McHALE, RYBAK, KOWALYSHYN, AFFLERBACH, ZWIKL, HUTCHINSON, SEMMEL, GRUPPO, D. W. SNYDER, LINTON, DONATUCCI, EVANS, O'DONNELL, MANDERINO and IRVIS

An Act creating a Joint Legislative Committee to facilitate a regional light rail transit system in the Lehigh Valley; providing for a feasibility study; and making an appropriation.

Referred to Committee on TRANSPORTATION, May 3, 1983.

No. 911 By Representatives CLYMER, CAWLEY, BURNS, REINARD, HARPER, CIMINI, POTT, GODSHALL, MILLER, PRATT, SIRIANNI, HERSHEY, DAWIDA, BUNT, BURD, KOSINSKI, SCHEETZ, BOOK and SCHULER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing civil immunity for school personnel who report student drug and alcohol abuse; and providing for the transfer of students who attack school personnel.

Referred to Committee on JUDICIARY, May 3, 1983.

No. 912 By Representatives CLYMER, CAWLEY, MILLER, SIRIANNI, HERSHEY, BUNT, MERRY and SCHEETZ

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further defining "basic contribution rate"; and further providing for employer payments and member contributions to the fund.

Referred to Committee on STATE GOVERNMENT, May 3, 1983.

No. 913 By Representatives RICHARDSON, FATTAH, LINTON, DEAL, EVANS, TRUMAN, WILLIAMS, CARN and PISTELLA

An Act requiring the inspection of used motor vehicles prior to sale at retail and a one-year warranty upon all essential parts thereof.

Referred to Committee on TRANSPORTATION, May 3, 1983.

No. 914 By Representatives RICHARDSON, LINTON, KOSINSKI, DEAL, EVANS, CARN and TRUMAN

An Act imposing a tax on employers in counties served by metropolitan transportation authorities; providing penalties; and making a repeal.

Referred to Committee on TRANSPORTATION, May 3, 1983.

No. 915 By Representatives RICHARDSON, FATTAH, DeWEESE, EVANS, TRUMAN and CARN

An Act amending the act of May 31, 1893 (P. L. 188, No. 138), referred to as the "Legal Holiday Law," providing that the nineteenth day of May shall be known as Malcolm X Day and observed as a holiday.

Referred to Committee on STATE GOVERNMENT, May 3, 1983.

No. 916 By Representatives RICHARDSON, KUKOVICH, WIGGINS, FATTAH, DeWEESE, DEAL, EVANS, TRUMAN, WILLIAMS and CARN

An Act authorizing the Department of Public Welfare to administer a clothing stamp program; providing for the issuance and use of clothing coupons; providing for participating retail and wholesale clothing concerns, for the redemption of coupons and for administrative and judicial review; providing penalties and making an appropriation.

Referred to Committee on HEALTH AND WELFARE, May 3, 1983.

No. 917 By Representatives RICHARDSON, FATTAH, LINTON, DeWEESE, DEAL, EVANS, TRUMAN and CARN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, making operation of weapons training camps to foment racial violence an offense.

Referred to Committee on JUDICIARY, May 3, 1983.

No. 918 By Representatives RICHARDSON, KUKOVICH, PISTELLA, FATTAH, LINTON, DeWEESE, DEAL, EVANS, TRUMAN, WILLIAMS and CARN

An Act declaring it to be the policy of the Commonwealth to encourage employee acquisition and operation of plants and businesses threatened with shutdown.

Referred to Committee on BUSINESS AND COMMERCE, May 3, 1983.

No. 919 By Representatives RICHARDSON, KUKOVICH, PISTELLA, FATTAH, DeWEESE, DEAL, EVANS, TRUMAN and CARN

An Act amending "The Insurance Department Act of one thousand nine hundred and twenty-one," approved May 17, 1921 (P. L. 789, No. 285), further providing for licensing examinations for agents and brokers and duties of the Insurance Commissioner relating thereto.

Referred to Committee on PROFESSIONAL LICENSURE, May 3, 1983.

No. 920 By Representatives RICHARDSON, KOSINSKI, STEVENS, DeWEESE, DEAL, TRUMAN and CARN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, prohibiting defendants in small claims cases from countersuing for the purpose of forcing the case into a higher court.

Referred to Committee on JUDICIARY, May 3, 1983.

No. 921 By Representatives RICHARDSON, KOSINSKI, STEVENS, DeWEESE, DEAL, TRUMAN and CARN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the collection of judgments in small claims cases.

Referred to Committee on JUDICIARY, May 3, 1983.

No. 922 By Representatives DOMBROWSKI, MERRY, BOWSER, SEVENTY, TRELLO, OLASZ, DeLUCA, PRESTON and CAPPABIANCA

An Act amending the "Race Horse Industry Reform Act," approved December 17, 1981 (P. L. 435, No. 135), further providing for the number of horse racing corporations.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, May 3, 1983.

No. 923 By Representatives McMONAGLE, RIEGER, PUNT, PIEVSKY, McINTYRE, MANDERINO, SALVATORE, DONATUCCI, SEVENTY, OLASZ, STEWART, PISTELLA, LINTON, GRUPPO, FEE, MILLER, BELOFF, COY, McCALL, GLADECK, GEORGE, WOGAN, EVANS and O'BRIEN

An Act amending Title 1 (General Provisions) of the Pennsylvania Consolidated Statutes, further defining the term "physician"; and making editorial changes.

Referred to Committee on PROFESSIONAL LICENSURE, May 3, 1983.

No. 924 By Representatives WAMBACH, D. R. WRIGHT, J. L. WRIGHT, GEORGE, LLOYD, TIGUE, FREEMAN, COWELL, LINTON, COY, HALUSKA, WOGAN, BELFANTI, COLE, CORDISCO, GRUPPO, DeWEESE, SHOWERS, GREENWOOD, DAWIDA, CIVERA, SERAFINI, KOSINSKI, HAYES, MORRIS, HOEFFEL, BALDWIN, LASHINGER, STEIGHNER, KUKOVICH, RIEGER, McHALE, BATTISTO, MRKONIC, CALTAGIRONE, PISTELLA, MANMILLER, MICHLOVIC, ZWIKL, POTT, PUNT, D. W. SNYDER, AFFLERBACH, LETTERMAN, COLAFELLA, CAWLEY, TELEK, GANNON, COHEN, B. SMITH, RICHARDSON, KASUNIC, JOHNSON, McINTYRE, MANDERINO, WOZNIAC, STEWART, KOWALYSHYN, RYBAK, EVANS, FATTAH, WIGGINS, CARN, TRUMAN, OLIVER, McMONAGLE, GRUITZA, JAROLIN, DALEY, F. E. TAYLOR, STUBAN, LUCYK, CAPPABIANCA, McCALL, GALLAGHER, ALDERETTE,

RAPPAPORT, WACHOB, SWEET, DOMBROWSKI, FEE, SALOOM, LESCOVITZ, CLARK, PETRARCA, LAUGHLIN, BROUJOS, MAYERNIK, MARKOSEK, SEVENTY, DeLUCA, TRELLO, MISCEVICH, PRESTON, MURPHY, COLE, VAN HORNE, McINTYRE, MILLER, DUFFY, WARGO, IRVIS, BLAUM, ARTY, FLICK, WILLIAMS, BARBER, RUDY, PICCOLA, DININNI, WASS, RYAN, REINARD, COSLETT, GEIST, GRIECO and NOYE

An Act providing protection for employees who report a violation or suspected violation of State, local or Federal law; providing protection for employees who participate in hearings, investigations, legislative inquiries or court actions; and prescribing remedies and penalties.

Referred to Committee on LABOR RELATIONS, May 3, 1983.

No. 925 By Representative PERZEL

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for sponsorship of dart tournaments.

Referred to Committee on LIQUOR CONTROL, May 3, 1983.

No. 926 By Representative PERZEL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for sentencing of persons who commit more than two rapes.

Referred to Committee on JUDICIARY, May 3, 1983.

No. 927 By Representative PERZEL

An Act relating to the motor vehicle warranties, providing for the timely repair of defective vehicles and for legal remedies for vehicle purchasers.

Referred to Committee on TRANSPORTATION, May 3, 1983.

No. 928 By Representative PERZEL

An Act amending the act of August 7, 1963 (P. L. 549, No. 290), referred to as the "Pennsylvania Higher Education Assistance Agency Act," requiring persons who receive assistance to be United States citizens.

Referred to Committee on EDUCATION, May 3, 1983.

No. 929 By Representative PERZEL

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding certain earnings on savings accounts from the declaration of estimated tax.

Referred to Committee on FINANCE, May 3, 1983.

No. 930 By Representative PERZEL

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

Referred to Committee on STATE GOVERNMENT, May 3, 1983.

No. 931 By Representative PERZEL

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further providing for package or case quantity of containers of malt or brewed beverages.

Referred to Committee on LIQUOR CONTROL, May 3, 1983.

No. 932 By Representatives CAPPABIANCA, SERAFINI, CORDISCO, DOMBROWSKI, BELARDI, CAWLEY, TIGUE, BLAUM, KASUNIC, JAROLIN and F. E. TAYLOR

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the furnishing of services at a just and reasonable rate.

Referred to Committee on CONSUMER AFFAIRS, May 3, 1983.

No. 933 By Representatives MORRIS, PITTS, E. Z. TAYLOR, HAGARTY, FLICK, HERSHEY and VROON

An Act amending the "Mental Health Procedures Act," approved July 9, 1976 (P. L. 817, No. 143), providing for public hearings in certain cases.

Referred to Committee on HEALTH AND WELFARE, May 3, 1983.

No. 934 By Representatives CALTAGIRONE, KOSINSKI, VAN HORNE, KUKOVICH and LASHINGER

An Act creating and establishing a Racing and Wagering Board; defining its powers and duties; providing for the continuation of the State Horse Racing Commission and the State Harness Racing Commission; prohibiting certain wagering; and authorizing fixing of racing dates.

Referred to Committee on FINANCE, May 3, 1983.

No. 935 By Representatives CALTAGIRONE, KOSINSKI, VAN HORNE, KUKOVICH and LASHINGER

An Act providing for the establishment and incorporation as bodies corporate and politic of "Regional Off-Track Betting Authorities" for certain regions of counties and cities located therein; prescribing the rights, powers and duties of the authorities; authorizing the authorities to acquire, maintain and operate off-track betting facilities and to borrow money and issue bonds therefor; providing for payment of the bonds and prescribing the rights of holders thereof; conferring the right of eminent domain on the authorities; and providing for disposition of moneys of the authority and for reports.

Referred to Committee on FINANCE, May 3, 1983.

No. 936 By Representatives CALTAGIRONE, KOSINSKI, VAN HORNE, KUKOVICH and LASHINGER

An Act providing for off-track pari-mutuel betting on horse races under the jurisdiction of the Racing and Wagering Board; providing for approval of plans of operation of regional off-track betting authorities and suspension of such approval; prescribing limitations on off-track betting; providing for disposition of off-track pools and the tax thereon; authorizing agreements with other states; and providing for reports, accounts and investing chains.

Referred to Committee on FINANCE, May 3, 1983.

No. 937 By Representatives NOYE, OLASZ, LETTERMAN, W. W. FOSTER, HASAY, PUNT, GEIST, PHILLIPS and B. SMITH

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for prohibited offensive weapons.

Referred to Committee on JUDICIARY, May 3, 1983.

No. 938 By Representatives PHILLIPS, WACHOB, G. M. SNYDER, BELFANTI, CESSAR, KUKOVICH, CORNELL, ARTY, J. L. WRIGHT, BOWSER, REBER, FARGO, BUNT, VROON, HERMAN, ANGSTADT, POTT, GANNON, CIMINI, STAIRS, GRIECO, BELARDI, LETTERMAN, McCALL, FISCHER, STEVENS, SHOWERS, GRUPPO, MORRIS, BURD, McINTYRE, COLAFELLA, PETRARCA, MACKOWSKI, TRELLO, MICOZZIE, JOHNSON, NOYE and COSLETT

An Act establishing the Emergency Medical Assistance Fund; further providing for powers and duties of the Departments of Health and Transportation; and increasing certain fines.

Referred to Committee on LOCAL GOVERNMENT, May 3, 1983.

No. 939 By Representatives FREIND, J. L. WRIGHT, HALUSKA, GLADECK, LETTERMAN, SAURMAN, WOGAN, PHILLIPS, KOSINSKI, DAWIDA, CIMINI, RYBAK, FLICK, SCHEETZ, NOYE, CIVERA, COHEN, PUNT, DURHAM, HOEFFEL, MAIALE, BUNT, PRATT, PITTS, LASHINGER, F. E. TAYLOR, MRKONIC, MORRIS, O'DONNELL, BELARDI, MERRY, GREENWOOD, AFFLERBACH, B. SMITH, MADIGAN, HERSHEY, FISCHER, CLYMER and O'BRIEN

An Act reenacting and amending the act of July 27, 1967 (P. L. 186, No. 58), entitled "An act imposing liability upon parents for personal injury, or theft, destruction, or loss of property caused by the wilful, tortious acts of children under eighteen years of age, setting forth limitations, and providing procedure for recovery," further providing for the liability of parents.

Referred to Committee on JUDICIARY, May 3, 1983.

No. 940 By Representatives FREIND, J. L. WRIGHT, HALUSKA, GLADECK, GREENWOOD, LETTERMAN, SAURMAN, WOGAN, PHILLIPS, OLIVER, PUNT, MILLER, KOSINSKI, DAWIDA, CIMINI, RYBAK, SCHEETZ, FLICK, NOYE, CIVERA, HOEFFEL, COHEN, O'DONNELL, MAIALE, REBER, BUNT, PRATT, PITTS,

LASHINGER, F. E. TAYLOR,
MRKONIC, MORRIS, JOHNSON,
BELARDI, MERRY, AFFLERBACH,
MADIGAN, DeLUCA, HERSHEY,
FISCHER, OLASZ, CLYMER and
O'BRIEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the assignment of summary offenders to public service projects.

Referred to Committee on JUDICIARY, May 3, 1983.

No. 941 By Representatives FREIND,
J. L. WRIGHT, GLADECK,
LETTERMAN, SAURMAN, PHILLIPS,
KOSINSKI, PUNT, CIMINI, RYBAK,
SCHEETZ, FLICK, NOYE, CIVERA,
O'DONNELL, MAIALE, BUNT, PITTS,
F. E. TAYLOR, MRKONIC, MORRIS,
JOHNSON, BELARDI, MERRY,
AFFLERBACH, B. SMITH, MADIGAN,
HERSHEY, OLASZ, CLYMER and
O'BRIEN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, extending direct criminal contempt of court powers to district justices and judges of the traffic court of Philadelphia.

Referred to Committee on JUDICIARY, May 3, 1983.

No. 942 By Representatives CIMINI, PETRARCA,
DUFFY and STEIGHNER

An Act proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, removing provisions relating to retention election of justices and judges.

Referred to Committee on JUDICIARY, May 3, 1983.

No. 943 By Representatives CIMINI, MRKONIC,
PETRARCA, MISCEVICH, DUFFY and
GRIECO

An Act making an appropriation to the Department of General Services for the construction of the Pennsylvania Veterans Memorial at the Indiantown Gap Military Reservation.

Referred to Committee on APPROPRIATIONS, May 3, 1983.

No. 944 By Representatives COHEN, WACHOB,
LASHINGER, WAMBACH and DeWEESE

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), further providing for the rate for home health care services.

Referred to Committee on HEALTH AND WELFARE, May 3, 1983.

No. 945 By Representatives COHEN, LASHINGER,
LETTERMAN, STEVENS, HARPER,
KUKOVICH, RICHARDSON, KOSINSKI,
TIGUE and WIGGINS

An Act amending the "State Lottery Law," approved August 26, 1971 (P. L. 351, No. 91), providing for a sports betting lottery; and establishing the State Sports Betting Lottery Fund.

Referred to Committee on FINANCE, May 3, 1983.

No. 946 By Representatives HUTCHINSON,
DININNI, PETRARCA, WAMBACH,
MOWERY and NOYE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, redefining "abandoned vehicles"; and further providing for removal of vehicles.

Referred to Committee on TRANSPORTATION, May 3, 1983.

No. 947 By Representatives ITKIN, FISCHER,
GALLAGHER, PRESTON, IRVIS,
COWELL, PISTELLA, PETRONE,
SEVENTY, DAWIDA and O'DONNELL

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the duties of the school director district reapportionment commission and clarification of the number of the school director districts within a first class A school district.

Referred to Committee on EDUCATION, May 3, 1983.

No. 948 By Representatives CIMINI, OLIVER,
DeWEESE, GALLEN, CESSAR, GRIECO,
JOHNSON and LEVI

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for absentee ballots.

Referred to Committee on STATE GOVERNMENT, May 3, 1983.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 81 By Representatives RICHARDSON,
FATTAH, WIGGINS, KUKOVICH,
J. L. WRIGHT, LASHINGER,
R. C. WRIGHT, LINTON, DeWEESE,
DEAL, EVANS, TRUMAN and CARN

Directing the Education Committee to investigate racial segregation and unlawful discrimination within the State System of Higher Education and State-related universities.

Referred to Committee on RULES, May 3, 1983.

No. 82 By Representatives RICHARDSON,
FATTAH, WIGGINS, KOSINSKI,
KUKOVICH, J. L. WRIGHT,
LASHINGER, R. C. WRIGHT, STEVENS,
LINTON, DeWEESE, DEAL, EVANS,
TRUMAN and CARN

Directing the Judiciary Committee to investigate the distribution and use of certain drugs in State prisons.

Referred to Committee on RULES, May 3, 1983.

No. 83 By Representatives RICHARDSON,
J. L. WRIGHT, FATTAH, WIGGINS,
KUKOVICH, LASHINGER,
R. C. WRIGHT, STEVENS, LINTON,
DeWEESE, DEAL and TRUMAN

Directing the Education Committee to investigate educational programs within the Philadelphia School District.

Referred to Committee on RULES, May 3, 1983.

No. 84 By Representatives MAIALE, PETRARCA, OLASZ, SALOOM, STEWART, DeLUCA, MARKOSEK, MAYERNIK, SWEET, PRESTON, VAN HORNE, DALEY, COHEN, MARMION, McMONAGLE, McINTYRE, EVANS, CARN, LINTON, BOWSER, MANDERINO, BURD, BOOK, STAIRS and O'DONNELL

Providing for an investigation of the Pennsylvania Liquor Control Board relating to certain alleged misconduct.

Referred to Committee on RULES, May 3, 1983.

No. 85 By Representatives DEAL, IRVIS, MANDERINO, WAMBACH, EVANS, WIGGINS, CARN, WILLIAMS, DeWEESE, OLIVER, RICHARDSON, KUKOVICH, BARBER, PISTELLA, DeLUCA, PRESTON and HARPER

Establishing a Special Committee to Investigate the Pennsylvania State Police.

Referred to Committee on RULES, May 3, 1983.

No. 87 By Representatives KOWALYSHYN, MANDERINO, IRVIS, RYAN, HAYES, GEORGE and RYBAK

Providing for the appointment of a special committee to investigate waterborne pollutants.

Referred to Committee on RULES, May 3, 1983.

No. 88 By Representatives SAURMAN, HAGARTY, WASS, DALEY, MARMION and MERRY

Memorializing Congress to pass legislation requiring the installation of collision-avoidance lights on all passenger cars.

Referred to Committee on FEDERAL-STATE RELATIONS, May 3, 1983.

SENATE RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following resolution for concurrence:

SR 9, PN 200

Referred to Committee on FEDERAL-STATE RELATIONS, May 3, 1983.

SENATE MESSAGE

SENATE CONCURRENCE IN HOUSE RESOLUTION

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 31, PN 324**.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate, May 2, 1983

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, May 9, 1983 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, May 9, 1983 unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

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

Mr. PETRARCA. Mr. Speaker, on HB 22 I was not recorded as voting. I would like the record to show I would have voted in the affirmative. Thank you.

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

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House, as the guests of Representative Donatucci of Philadelphia, Mr. Frank Argenzio, Jr., and Mr. Joseph Ianni.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 182, PN 205**, entitled:

An Act prohibiting the use of the Governor's and Lieutenant Governor's Mansions for political fundraising events; and providing a penalty.

On the question,

Will the House agree to the bill on third consideration?

Mr. AFFLERBACH offered the following amendments No. A0599:

Amend Title, page 1, line 2, by inserting after "Mansions" and certain other buildings

Amend Sec. 1, page 1, line 15, by inserting after "Gap;"

or

Amend Sec. 1, page 1, by inserting between lines 15 and 16

(3) any building or buildings maintained in whole or in part with public funds, which are not equally accessible for use by opposing political parties or candidates;

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

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

Mr. AFFLERBACH. Mr. Speaker, the amendment is really quite self-explanatory. What it does is extend the provision of the bill to prohibit the use of any building or buildings maintained in whole or in part with public funds which are not equally accessible to opposing parties or opposing candidates to be used for political fundraisers.

Now, essentially what adoption of this amendment would mean is this: A candidate or a political party could rent the Farm Show Arena, because that is equally accessible to all candidates and all parties. It would, however, prohibit a State college president from using his residence to hold a political fundraiser. It would also prohibit the use of any such public-funded building, be it the cottage of the grounds keeper at Valley Forge State Park, from being used to hold a fundraiser. And that, of course, is only fair, since the legacy of America is that the poor should expect to be treated exactly as the wealthy. I urge adoption of the amendment.

The SPEAKER. The Chair thanks the gentleman.

The House will stand at ease.

Would the minority leader, Mr. Ryan, come to the podium, please.

(Conference held at Speaker's podium.)

The SPEAKER. The House will return to order.

The Chair has decided that it would be unwise to continue this bill at this late time, and with the gentleman, Mr. Afflerbach's approbation, the Chair will ask that this bill be passed over.

AMENDMENTS WITHDRAWN

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

Mr. AFFLERBACH. Mr. Speaker, I will withdraw the amendments at this time.

The SPEAKER. The Chair thanks the gentleman.

BILL PASSED OVER

The SPEAKER. Without objection, HB 182 will be passed over. The Chair hears no objection.

* * *

The House proceeded to third consideration of **HB 550, PN 617**, entitled:

An Act designating the Leighton-Weissport Bridge, Route 209, Carbon County, as the Thomas J. McCall Memorial Bridge.

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

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

The question is, shall the bill pass finally?

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

YEAS—195

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

NAYS—0

NOT VOTING—1

McClatchy

EXCUSED—7

Armstrong	Burns	Mowery	Zwikl
Battisto	Gannon	Weston	

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.

STATEMENT BY MR. McCALL

The SPEAKER. The Chair at this time recognizes the gentleman from Carbon, Mr. McCall, who speaks under unanimous consent.

Mr. McCALL. Mr. Speaker, I would just like to thank the House for bestowing this great honor on myself and my family. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair wishes it read into the record for the members of the House who served with your father, it is not the House which has bestowed honor; it was your father who bestowed honor on the House and on this Commonwealth which he loved and served so ably.

HOUSE SCHEDULE

The SPEAKER. The pages are about to pass out to each member a copy of the committee of conference report on auto emissions. When those copies have been distributed, the House will stand in recess until 8:30. The purpose of the recess will be to give the Democratic Party and the Republican Party an opportunity to caucus briefly; then we shall be back on the floor. At 8:30 we shall expect to take up the business of the calendar, and we expect that one of those pieces of business will be the auto emissions committee of conference report.

There has been a request from each of the leaders that we have immediate caucuses. The Republicans are to report immediately to the Republican caucus room. Democrats are to report immediately to the Democratic caucus room.

RECESS

The SPEAKER. The House stands in recess until 8:30.

AFTER RECESS

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

SENATE MESSAGE**HOUSE BILL
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 520, PN 581**, with information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

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

HB 520, PN 581

An Act amending the act of August 7, 1963 (P. L. 549, No. 290) referred to as the "Pennsylvania Higher Education Assistance Agency Act," creating an Educational Loan Assistance Fund within the State Treasury for the deposit of funds received by the agency; and establishing debt service reserve accounts within the Educational Loan Assistance Fund.

WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House Mr. James Bender from North Hills, Allegheny County. He is the guest of Representative Dave Mayernik.

CONSIDERATION OF HR 86 RESUMED

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

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

Mr. STUBAN. Thank you, Mr. Speaker.

I believe that the resolution was discussed earlier today. It has been distributed. I believe that it is a resolution that is going to look forward to putting people back to work. I believe that the House tonight is going to have a lot of business before it. I believe the business before the House is to put people back to work in Pennsylvania. We start with this resolution tonight, look forward to the conference bill maybe being accepted and putting people back to work. I ask for a positive vote on this resolution.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

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

Mr. GANNON. Mr. Speaker, to have my name added to the master roll.

The SPEAKER. Your name will be so added, Mr. Gannon.

CONSIDERATION OF HR 86 CONTINUED

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

Mr. VROON. Mr. Speaker, I am going to be the devil's advocate on this particular resolution.

I know that resolutions do not count for much here. You said it once before, Mr. Speaker, and I echo what you said. These resolutions do not amount to a row of pins.

Nevertheless, I do not want to vote for something that brings us back into a protectionist era when we try to keep all the jobs here and we seem to forget that over the last decade in the United States we established 22 million jobs because of world trade. That is a lot of jobs. The number of jobs that have been mentioned here tonight is very small by comparison. So I would say that it is to our better interest to keep on this policy of world trade and not try to go back into a protectionist era just because there are spots that are temporarily dislocated. These will adjust themselves in due time, but I for one just cannot put my vote behind this particular kind of resolution.

The SPEAKER. The Chair thanks the gentleman.

On the resolution, the Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, as I said before, it is not that I oppose the concept of the resolution. It is again that I struggle with the method of bringing the resolution to the floor and circumventing the normal process of this body, the accepted and proper committee process of this body. When the resolution itself says that it has taken 25 years for this problem to build up, I do not know why this can be so imperative at this hour of the evening, that the resolution in its body does admit that there was a 25-year period for the loss of the 660,000 jobs it speaks to, and if this item is not an immediate House deliberation, we were not remiss in addressing this concern during the previous administration, because this problem has been that old.

Again, it is not that I oppose it in principle, but I do question the motives and the method by which the resolution is being taken and considered at this time. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—189

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

Evans	Levin	Richardson	
		NAYS—4	
Merry	Saurman	Spencer	Vroon
		NOT VOTING—4	
Cessar	Greenwood	Pott	Wachob
		EXCUSED—6	
Armstrong	Burns	Weston	Zwikl
Battisto	Mowery		

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

RESOLUTIONS REPORTED FROM COMMITTEE

HR 54, PN 622 (Concurrent)

By Rep. MANDERINO

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

RULES.

HR 74, PN 980

By Rep. MANDERINO

Designating the month of May as High Blood Pressure Month.

RULES.

HR 75, PN 981

By Rep. MANDERINO

Amending House Rule 43 by adding a subcommittee.

RULES.

HR 80, PN 1018

By Rep. MANDERINO

Urging that the House Judiciary Subcommittee on Crime and Corrections investigate conditions at State and county prisons.

RULES.

HR 89, PN 1034

By Rep. MANDERINO

Urging the Governor and his representatives on the Turnpike Commission to proceed with previously authorized highway projects.

RULES.

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. PIEVSKY presented the Report of the Committee of Conference on SB 1, PN 833.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The clerk of the Senate, being introduced, informed that the Senate has adopted the Report of the Committee of Conference on the subject of the differences existing between the two Houses on SB 1, PN 833.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair has given permission for the gentleman, Mr. Bowman, to take video tape pictures for 10 minutes on the floor.

**SUPPLEMENTAL CALENDAR A
REPORT OF COMMITTEE
OF CONFERENCE CONSIDERED**

Mr. PIEVSKY called up for consideration the following Report of the Committee of Conference on **SB 1, PN 833**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for expenditures for the motor vehicle emission inspection program; establishing a credit program for certain inspection fees; further providing for certain bonding requirements; providing a penalty; establishing a new program for monitoring vehicle emission and vehicle safety inspections; and making a repeal.

On the question,
Will the House adopt the report of the committee of conference?

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

YEAS—120

Angstadt	Fattah	Livengood	Rudy
Arty	Fee	Lloyd	Ryan
Barber	Flick	McClatchy	Rybak
Belfanti	Freeman	McHale	Salvatore
Beloff	Gallagher	McIntyre	Saurman
Book	Gallen	McMonagle	Scheetz
Bowser	Gannon	McVerry	Schuler
Boyes	Geist	Mackowski	Showers
Brandt	Gladeck	Maiale	Smith, L. E.
Broujos	Godshall	Manmiller	Spencer
Bunt	Greenwood	Markosek	Spitz
Caltagirone	Grieco	Marmion	Stewart
Cappabianca	Hagarty	Michlovic	Stuban
Cessar	Haluska	Micozzie	Taylor, E. Z.
Cimini	Harper	Moehlmann	Telek
Civera	Hayes	Morris	Truman
Clymer	Herman	Nahill	Vroon
Cohen	Hershey	O'Brien	Wambach
Cole	Hoeffel	O'Donnell	Wargo
Cordisco	Honaman	Oliver	Wiggins
Cornell	Itkin	Peterson	Williams
Cowell	Jackson	Phillips	Wilson
DeVerter	Jarolin	Piccola	Wogan
DeWeese	Johnson	Pievsky	Wozniak
Deal	Kasunic	Pitts	Wright, D. R.
Dietz	Kennedy	Rappaport	Wright, J. L.
Dininni	Klingaman	Reber	Wright, R. C.
Dombrowski	Kosinski	Reinard	Irisv,
Donatucci	Lashinger	Richardson	Speaker
Durham	Levin	Rieger	
Evans	Linton		

NAYS—74

Afflerbach	Fischer	Madigan	Semmel
Alderette	Foster, W. W.	Manderino	Serafini
Baldwin	Foster, Jr., A.	Mayernik	Seventy
Belardi	Freind	Merry	Sirianni
Blaum	Fryer	Miller	Smith, B.
Burd	Gamble	Miscevich	Snyder, D. W.
Carn	George	Mrkonic	Snyder, G. M.
Cawley	Gruitza	Murphy	Stairs
Clark	Gruppo	Noye	Steighner
Colafella	Hasay	Olasz	Stevens
Coslett	Hutchinson	Perzel	Sweet
Coy	Kowalshyn	Petrarca	Swift
Deluca	Kukovich	Petrone	Taylor, F. E.
Daley	Laughlin	Pistella	Tigue
Davies	Lehr	Pratt	Trello
Dawida	Lescovitz	Preston	Van Horne
Dorr	Letterman	Punt	Wachob

Duffy	Levi	Saloom	Wass
Fargo	Lucyk		
NOT VOTING—3			
McCall	Pott	Robbins	
EXCUSED—6			
Armstrong	Burns	Weston	Zwikl
Battisto	Mowery		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

LETTER SUBMITTED FOR THE RECORD

Mr. **MANDERINO** submitted the following letter for the Legislative Journal:

Legislative Reference Bureau
Post Office Box 1127
Harrisburg, Pennsylvania 17120

May 3, 1983

Honorable James J. Manderino
House Majority Leader
House of Representatives
Room 110 Main Capitol
Harrisburg, Pennsylvania 17120

Re: Conference Report on S.B.#1, P.N. 833

Dear Representative Manderino:

In accordance with your inquiry, this is to advise that the reference to paragraph (4) on page 2, line 12, of the Conference Report on Senate Bill No. 1, P.N. 833, is in error and, in fact, should be a reference to paragraph (5).

Please be informed that this error will be corrected by the Legislative Reference Bureau in editing Senate Bill No. 1 for printing as a slip law.

Respectfully yours,
Carl L. Mease
Assistant Director

CLM:dml

REMARKS SUBMITTED FOR THE RECORD

The **SPEAKER**. The Chair recognizes the gentleman from Allegheny, Mr. Cessar, who submits the following remarks for the record.

Mr. **CESSAR**. Yes, Mr. Speaker. Thank you.

The **SPEAKER**. The Chair thanks the gentleman.

Mr. **CESSAR** submitted the following remarks for the Legislative Journal:

Mr. Speaker, I am supporting the conference report, and I ask that every member from Allegheny County join in doing so.

There is not one of us from the affected areas of Pennsylvania who have not fought long and well against a law of a Congress which we believed was unfair and discriminatory in its application only to selected communities and citizens.

Since 1978 when the Governor of this State quietly entered into a consent decree with the Federal court, this legislature has had few options: obey the law and a Federal court order without question; or to use our right to seek remedy through court appeal; or seek a change in law by the Congress.

I was an organizer of the bipartisan group which filed suit in Federal court challenging the law. We had our day in court. We lost the case, and the law of the land was spelled out firmly and clearly.

We then went to the court of last resort—the Congress of the United States. We asked that statutory changes be made. Our appeal was rejected.

Since the time when we completed our appeal to the courts and Congress, it has only been a question of when and how this General Assembly would meet the duty.

I wish to thank each and every member of this House representing areas unaffected by these new standards of auto emission. You have been patient, understanding, and generous. That has been fully and repeatedly demonstrated during lengthy hours of debate in this House, by your votes, and finally, by the contents of this report of the conference committee.

Representative Manderino is quite correct. It is a "fair compromise." I am certain that if the membership of the Allegheny County delegation studies the investment in highway and bridge work for their communities, which approval of this conference report will make possible, that they will—if they are fair—agree that it is most generous.

Mr. Speaker, I submit for the record the listing of projects in Allegheny County which will be initiated and paid for upon approval of this conference report.

The leadership of this House and the Senate, representing both parties, and the State administration have acted appropriately to keep costs of auto emission inspections and repair to a minimum for those who are of lower income. I also submit to my colleagues from Allegheny County that the Commonwealth has also demonstrated concern and generosity in the use of the State and Federal funds which approval of this conference report makes available.

Once again, Mr. Speaker, I express respect and thanks to every member of the House representing unaffected areas for their patience, understanding, and fairness.

(For project listing, see Appendix.)

REMARKS ON VOTES

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

Mr. POTT. Mr. Speaker, I was discussing a matter with the majority leader at the time the vote was taken on the Conference Committee Report on SB 1. I would have voted strongly in the affirmative on that issue.

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

The Chair recognizes the gentleman from Beaver, Mr. Laughlin. For what purpose does the gentleman rise?

Mr. LAUGHLIN. Mr. Speaker, I was going to put in a reconsideration motion for that particular vote, because a number of the members did not get a chance to be recorded. I would ask that you either accept the reconsideration or that we revote the bill so as to give those members an opportunity to be recorded on a very important matter.

The SPEAKER. For the information of the gentleman from Beaver, there are only four people who were not recorded with a vote.

Mr. LAUGHLIN. Mr. Speaker, that being a very important vote, I think four is a very important number.

The SPEAKER. If those people will rise to their feet, we will spread their remarks upon the record.

The gentleman from Carbon, Mr. McCall?

Mr. McCALL. Mr. Speaker, I would like to be recorded in the negative.

The SPEAKER. Your remarks will be spread upon the record.

Is there anyone else? The gentleman from Mercer, Mr. Robbins?

Mr. ROBBINS. Mr. Speaker, I would like to be recorded in the affirmative.

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

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 5, PN 798**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for emission control inspections; providing for recording of odometer readings; and changing the penalty for tampering with odometers.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that SB 5, PN 798, be returned to the Committee on Transportation.

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

SB 1 RECONSIDERED

The SPEAKER. The Chair is in receipt of a motion for reconsideration, signed by the gentleman from Beaver, Mr. Laughlin, and the gentleman from Philadelphia, Mr. Pievsky, that the vote by which SB 1 was passed on May 3, 1983, be reconsidered.

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

On the question recurring,
Will the House adopt the report of the committee of conference?

The SPEAKER. The Chair trusts that this time the members will be sufficiently silent so that they will be able to know when the vote is being taken. We are now about to place again the vote on the Committee of Conference Report on SB 1, PN 833.

On the question recurring,
Will the House adopt the report of the committee of conference?

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the lady from Chester, Mrs. Taylor, rise?

Mrs. TAYLOR. Mr. Speaker, a point of inquiry.

The SPEAKER. The lady will state the point.

Mrs. TAYLOR. Does not a motion to reconsider have to have a roll-call vote?

The SPEAKER. If there is objection, the Chair will place it to a roll call. Does the lady object?

Mrs. TAYLOR. Yes, I do. I would like to have that roll-call vote.

The SPEAKER. The objection is noted.

The question before the House is whether or not the House will reconsider, on the motion of the gentleman, Mr. Pievsky, and the gentleman, Mr. Laughlin, the vote which was taken prior to this motion on the Committee of Conference Report on SB 1.

Those in favor of the reconsideration motion will vote "aye"; those opposed to it will vote "no." We are on reconsideration.

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

The following roll call was recorded:

YEAS—148

Afflerbach	Fee	Lucyk	Rudy
Alderette	Foster, Jr., A.	McCall	Ryan
Arty	Freeman	McClatchy	Saloom
Baldwin	Freind	McHale	Salvatore
Belardi	Fryer	McMonagle	Semmel
Belfanti	Gallagher	McVerry	Serafini
Beloff	Gannon	Mackowski	Seventy
Blaum	George	Manderino	Showers
Boyes	Gladeck	Markosek	Smith, B.
Brandt	Greenwood	Mayernik	Snyder, D. W.
Bunt	Grieco	Michlovic	Spitz
Burd	Gruitza	Micozzie	Stairs
Caltagirone	Gruppo	Miller	Steighner
Cappabianca	Hagarty	Moehlmann	Stevens
Cawley	Haluska	Mrkonic	Stewart
Cimini	Harper	Noye	Suban
Civera	Hasay	O'Brien	Sweet
Clark	Hayes	O'Donnell	Swift
Cohen	Hershey	Olasz	Taylor, E. Z.
Colafella	Hoeffel	Oliver	Taylor, F. E.
Cole	Hutchinson	Perzel	Telek
Cordisco	Itkin	Peterson	Tigue
Coslett	Jarolin	Petrarca	Trello
Cowell	Johnson	Petrone	Truman
Coy	Kasunic	Phillips	Van Horne
Deluca	Kosinski	Pievsky	Vroon
DeWeese	Kowalyszyn	Pistella	Wachob
Daley	Kukovich	Pitts	Wargo
Davies	Lashinger	Pott	Wass
Dawida	Laughlin	Pratt	Williams
Deal	Lehr	Preston	Wilson
Dietz	Lescovitz	Punt	Wogan
Dombrowski	Letterman	Rappaport	Wozniak
Dorr	Levi	Reinard	Wright, D. R.
Duffy	Levin	Richardson	
Durham	Linton	Rieger	Irvis,

Evans	Livengood	Robbins	Speaker
Fattah	Lloyd		

NAYS—49

Angstadt	Fischer	McIntyre	Rybak
Barber	Flick	Madigan	Saurman
Book	Foster, W. W.	Maiale	Scheetz
Bowser	Gallen	Manmiller	Schuler
Broujos	Gamble	Marmion	Sirianni
Carn	Geist	Merry	Smith, L. E.
Cessar	Godshall	Miscevich	Snyder, G. M.
Clymer	Herman	Morris	Spencer
Cornell	Honaman	Murphy	Wambach
DeVerter	Jackson	Nahill	Wiggins
Dininni	Kennedy	Piccola	Wright, J. L.
Donatucci	Klingaman	Reber	Wright, R. C.
Fargo			

NOT VOTING—0

EXCUSED—6

Armstrong	Burns	Weston	Zwilk
Battisto	Mowery		

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

On the question recurring,
Will the House adopt the report of the committee of conference?

The SPEAKER. We are now voting on the Committee of Conference Report on SB 1, PN 833.

On the question recurring,
Will the House adopt the report of the committee of conference?

(Members proceeded to vote.)

Mr. RAPPAPORT. The television guy is taking pictures of the board. I ask that he be ejected from the House.

The SPEAKER. The video recorder will no longer take pictures of the voting board. The chief page will instruct the video cameraman his 10 minutes are up.

On the question recurring,
Will the House adopt the report of the committee of conference?

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

YEAS—121

Angstadt	Fattah	Linton	Rudy
Arty	Fee	Livengood	Ryan
Barber	Flick	Lloyd	Rybak
Belfanti	Freeman	McClatchy	Salvatore
Beloff	Gallagher	McHale	Saurman
Book	Gallen	McIntyre	Scheetz
Bowser	Gannon	McMonagle	Schuler
Boyes	Geist	McVerry	Showers
Brandt	Gladeck	Maiale	Smith, L. E.
Broujos	Godshall	Manmiller	Spencer
Bunt	Greenwood	Markosek	Spitz
Caltagirone	Grieco	Marmion	Stewart
Cappabianca	Hagarty	Micozzie	Suban
Cessar	Haluska	Moehlmann	Taylor, E. Z.
Cimini	Harper	Morris	Telek
Civera	Hayes	Nahill	Truman
Clymer	Herman	O'Brien	Vroon
Cohen	Hershey	O'Donnell	Wambach
Cole	Hoeffel	Oliver	Wargo
Cordisco	Honaman	Peterson	Wiggins
Cornell	Itkin	Phillips	Williams

Cowell	Jackson	Piccola	Wilson
DeVerter	Johnson	Pievsy	Wogan
DeWeese	Kasunic	Pitts	Wozniak
Deal	Kennedy	Pott	Wright, D. R.
Dietz	Klingaman	Rappaport	Wright, J. L.
Dininni	Kosinski	Reber	Wright, R. C.
Dombrowski	Lashinger	Reinard	
Donatucci	Letterman	Richardson	Irvis,
Durham	Levi	Rieger	Speaker
Evans	Levin	Robbins	

NAYS—75

Afflerbach	Fischer	Mackowski	Semmel
Alderette	Foster, W. W.	Madigan	Serafini
Baldwin	Foster, Jr., A.	Manderino	Seventy
Belardi	Freind	Mayernik	Sirianni
Blaum	Fryer	Merry	Smith, B.
Burd	Gamble	Michlovic	Snyder, D. W.
Carn	George	Miller	Snyder, G. M.
Cawley	Gruitza	Miscevich	Stairs
Clark	Gruppo	Mrkonic	Steighner
Colafella	Hasay	Murphy	Stevens
Coslett	Hutchinson	Olasz	Sweet
Coy	Jarolin	Perzel	Swift
Deluca	Kowalyshyn	Petrarca	Taylor, F. E.
Daley	Kukovich	Petrone	Tigue
Davies	Laughlin	Pistella	Trello
Dawida	Lehr	Pratt	Van Horne
Dorr	Lescovitz	Preston	Wachob
Duffy	Lucy	Punt	Wass
Fargo	McCall	Saloom	

NOT VOTING—1

Noye

EXCUSED—6

Armstrong	Burns	Weston	Zwinkl
Battisto	Mowery		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye. For what purpose does he rise?

Mr. NOYE. Mr. Speaker, I pressed my button green, in the affirmative. It did not record. I would so like to be recorded on the Conference Committee Report on SB 1.

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair wishes to announce that we shall be in session tomorrow, but it will be a nonvoting session.

COMMITTEE MEETING CANCELED

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

Mr. KOWALYSHYN. Mr. Speaker, if I am in order, I would like to make an announcement.

The SPEAKER. The gentleman may proceed.

Mr. KOWALYSHYN. I would like to ask the members of the Committee on Insurance to please note that the continued meeting of the committee scheduled for tomorrow morning has been canceled and will be rescheduled for next week. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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 Lancaster, Mr. Scheetz.

Mr. SCHEETZ. Mr. Speaker, I move that this House do now adjourn until Wednesday, May 4, 1983, at 11 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 9 p.m., e.d.t., the House adjourned.