

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, MAY 9, 1983

SESSION OF 1983

167TH OF THE GENERAL ASSEMBLY

No. 37

HOUSE OF REPRESENTATIVES

The House convened at 1 p.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:

Almighty and everlasting God, we know that we are always in Thy providential love and care, for Thou art always by our side to guide, direct, and strengthen us in Thy way. We pray that Thou wilt ever assure us of Thy presence so that whether we travel on the mountain peaks of life or traverse the valleys of despair, we may be confident of Thy continued blessing.

O God, we especially ask Thy blessing upon these stewards of Thine and beseech Thee to grant them Thy constant counsel and Thy abiding peace. As grateful and appreciative children of Thine, we praise Thy glorious and most righteous name. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNALS APPROVED

The SPEAKER. The Journals for Wednesday, April 27, and for Monday, May 2, 1983, are now in print. Unless the Chair hears objection, these Journals will be approved. The Chair hears no objection.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Wednesday, May 4, 1983, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 957 By Representatives FLICK, BOWSER, NOYE, PITTS, COY and VROON

An Act amending the act of June 28, 1895 (P. L. 408, No. 289), entitled, as amended, "A supplement to the twenty-fourth section of an act, entitled 'An act to provide revenue by taxation,

approved the seventh day of June, one thousand eight hundred and seventy-nine,' approved the first day of June, one thousand eight hundred and eighty-nine, amending the twenty-fourth section, by providing for the payment by the State Treasurer of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities, towns, townships and boroughs, within this Commonwealth," further providing for payment of tax proceeds.

Referred to Committee on LOCAL GOVERNMENT, May 9, 1983.

No. 958 By Representatives FLICK, BOWSER, NOYE, PITTS, COY and VROON

An Act amending the act of June 28, 1895 (P. L. 408, No. 289), entitled, as amended, "A supplement to the twenty-fourth section of an act, entitled 'An act to provide revenue by taxation, approved the seventh day of June, one thousand eight hundred and seventy-nine,' approved the first day of June, one thousand eight hundred and eighty-nine, amending the twenty-fourth section, by providing for the payment by the State Treasurer of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities, towns, townships and boroughs, within this Commonwealth," further providing for payment of tax proceeds.

Referred to Committee on LOCAL GOVERNMENT, May 9, 1983.

No. 959 By Representatives DeWEESE, BROUJOS, BOOK, NOYE, WARGO, KENNEDY, GAMBLE, BELFANTI, MARKOSEK, LIVENGOOD, PETRARCA, KOSINSKI, CARN, TRUMAN, KASUNIC, DALEY, JAROLIN and DOMBROWSKI

An Act requiring the superintendent of every public school and the chief administrator of every private secondary school to make available, upon request, lists of graduating seniors to armed forces recruiters; and providing a penalty for the misuse of any such lists.

Referred to Committee on EDUCATION, May 9, 1983.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 91 By Representatives GEIST, IRVIS, POTT, J. L. WRIGHT, GRIECO, McVERRY, BELFANTI, COY, COSLETT, PISTELLA, LASHINGER, MARMION, COWELL, JACKSON, MORRIS, PRATT, WASS, KUKOVICH, GODSHALL, NAHILL, BELOFF, BUNT, CLYMER,

E. Z. TAYLOR, MICHLOVIC, BOYES, PUNT, NOYE, FARGO, TRELLO, HERMAN, HERSHEY, MERRY, McCALL, DeLUCA, ITKIN, JOHNSON, CESSAR, HARPER, DIETZ, CIMINI, MRKONIC, SIRIANNI, CIVERA, FLICK, HALUSKA, ARTY, B. SMITH, VROON, R. C. WRIGHT, PETERSON, BOWSER, BALDWIN, JAROLIN, KOSINSKI, COHEN and ROBBINS

Relating to the observance of National Nursing Home Week in Pennsylvania.

Referred to Committee on RULES, May 9, 1983.

COMMUNICATION FROM SECRETARY OF ADMINISTRATION

The SPEAKER. The Chair acknowledges receipt of the Executive Board's annual report to the General Assembly, which will be submitted for the record.

The following communication was read:

Commonwealth of Pennsylvania
Governor's Office
Harrisburg
April 28, 1983

Honorable K. Leroy Irvis
House of Representatives
139 Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Representative Irvis:

The enclosed Annual Report to the General Assembly is forwarded to you in compliance with Act 225 of 1974. A copy has also been forwarded to The Honorable Henry G. Hager, President Pro Tempore, Senate of Pennsylvania.

In 1982, the Executive Board made no changes reportable under Act 225 of 1974 which resulted in changes to annual, sick, holiday or other leave benefits. Changes were effected, however, for Liquor Store Clerks as a result of a contract between the Commonwealth and the United Food and Commercial Workers ratified and effective on July 21, 1982.

The changes negotiated for Liquor Store Clerks are detailed in the enclosed report. Members of my staff and I are available to discuss any of the information contained in the report.

Sincerely,
Murray G. Dickman
Secretary of
Administration

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

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair now turns to leaves of absence.

The Chair recognizes the majority whip on leaves of absence.

Mr. O'DONNELL. Mr. Speaker, we request leave for the gentleman from Cambria, Mr. HALUSKA, for today; the gentleman from Lehigh, Mr. ZWIKL, for the entire week; and the gentleman from Monroe, Mr. BATTISTO, for the entire week. Thank you.

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

The Chair recognizes the minority whip on leaves of absence.

Mr. HAYES. Mr. Speaker, I request a leave for the lady from Philadelphia, Mrs. WESTON, for the week, and the gentleman from Delaware, Mr. CIVERA, for the day.

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

MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

PRESENT—196

Afflerbach	Fattah	Lucyk	Rudy
Alderette	Fee	McCall	Ryan
Angstadt	Fischer	McHale	Rybak
Armstrong	Flick	McIntyre	Saloom
Arty	Foster, W. W.	McMonagle	Salvatore
Baldwin	Foster, Jr., A.	McVerry	Saurman
Barber	Freeman	Mackowski	Scheetz
Belardi	Freind	Madigan	Schuler
Belfanti	Fryer	Maiale	Semmel
Beloff	Gallagher	Manderino	Serafini
Blaum	Gallen	Manmiller	Seventy
Book	Gamble	Markosek	Showers
Bowser	Gannon	Marmion	Sirianni
Boyes	Geist	Mayernik	Smith, B.
Brandt	George	Merry	Smith, L. E.
Broujos	Gladeck	Michlovic	Snyder, D. W.
Bunt	Godshall	Micozzie	Snyder, G. M.
Burd	Greenwood	Miller	Spencer
Burns	Grieco	Miscevich	Spitz
Cappabianca	Gruitza	Moehlmann	Stairs
Carn	Gruppo	Morris	Steighner
Cawley	Hagarty	Mowery	Stevens
Cessar	Harper	Mrkonic	Stewart
Cimini	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	Vroon
Deluca	Kasunic	Phillips	Wachob
DeVerter	Kennedy	Piccola	Wambach
DeWeese	Klingaman	Pievsky	Wargo
Daley	Kosinski	Pistella	Wass
Davies	Kowalyshyn	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	Lloyd		

ADDITIONS—2

Caltagirone McClatchy

NOT VOTING—0

EXCUSED—5

Battisto Haluska Weston Zwikl
Civera

WELCOMES

The SPEAKER. The Chair is delighted to welcome to the hall of the House today two very special guests. Representative Thomas Fee has as his special guests two young women who are seniors in high school in their respective cities of their respective countries. They are here as visiting students. They are in the balcony - Miss Bettina Koster, who is from the West German city of Osnabruck, near Munster; and Miss Sophie Leruth, who is from Belgium. She is from Les Bons Villers, near Brussels.

As guests of Representative Karl W. Boyes we have the American government students from McDowell High School - Joseph Pessin, Dave Brugger, Sheila Mahoney, and Jill Brown - with their faculty advisers, Jack and Rhoda McIntire.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Caltagirone, who requests that his name be added to the master roll. His name will be so added.

CALENDAR

BILLS AGREED TO
ON SECOND CONSIDERATION

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

HB 224, PN 257; HB 529, PN 596; HB 667, PN 744; HB 413, PN 474; HB 573, PN 641; and HB 753, PN 836.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 479, PN 947**, entitled:

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

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

DECISION OF CHAIR REVERSED

The SPEAKER. The Chair rescinds its announcement that this bill 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 479, PN 947**, be recommitted to the Committee on Appropriations for a fiscal note.

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

* * *

The House proceeded to third consideration of **HB 379, PN 946**, entitled:

An Act providing for the licensing and regulating of public adjusters and public adjuster solicitors.

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

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

The question is, shall the bill pass finally?

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

YEAS—197

Afflerbach	Fargo	Lloyd	Rudy
Alderette	Fattah	Lucyk	Ryan
Angstadt	Fee	McCall	Rybak
Armstrong	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	Gannon	Marmion	Smith, B.
Brandt	Geist	Mayernik	Smith, L. E.
Broujos	George	Merry	Snyder, D. W.
Bunt	Gladeck	Michlovic	Snyder, G. M.
Burd	Godshall	Micozzie	Spencer
Burns	Greenwood	Miller	Spitz
Caltagirone	Grieco	Miscevich	Stairs
Cappabianca	Gruitza	Moehlmann	Steighner
Carn	Gruppo	Morris	Stevens
Cawley	Hagarty	Mowery	Stewart
Cessar	Harper	Mrkonc	Stuban
Cimini	Hasay	Murphy	Sweet
Clark	Hayes	Nahill	Swift
Clymer	Herman	Noye	Taylor, E. Z.
Cohen	Hershey	O'Brien	Taylor, F. E.
Colafella	Hoeffej	O'Donnell	Telek
Cole	Honaman	Olasz	Tigue
Cordisco	Hutchinson	Oliver	Trello
Cornell	Irkin	Perzel	Truman
Coslett	Jackson	Peterson	Van Horne
Cowell	Jarolin	Petrarca	Vroon
Coy	Johnson	Petrone	Wachob
Deluca	Kasunic	Phillips	Wambach
DeVerter	Kennedy	Piccola	Wargo
DeWeese	Klingaman	Pievsky	Wass
Daley	Kosinski	Pistella	Wiggins
Davies	Kowalshyn	Pitts	Williams
Dawida	Kukovich	Pott	Wilson
Deal	Lashingier	Pratt	Wogan
Dietz	Laughlin	Preston	Wozniak
Dininni	Lehr	Punt	Wright, D. R.

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

NAYS—0

NOT VOTING—1

McClatchy

EXCUSED—5

Battisto	Haluska	Weston	Zwikl
Civera			

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 8, PN 1017**, entitled:

An Act amending the act of April 2, 1980 (P. L. 63, No. 26), entitled "An act consolidating, revising and amending the divorce and annulment laws of the Commonwealth and making certain repeals," further providing for grounds for annulment of voidable marriages.

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

BILL RECOMMENDED

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

Mr. RAPPAPORT. Mr. Speaker, I am going to move to recommit this bill. It is not for the purpose of holding it but for the purpose of a technical amendment we want to discuss in committee. I expect to have it out again either today or tomorrow.

Mr. Speaker, I move that HB 8, PN 1017, be recommitted to the Committee on Judiciary.

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

MEMBER'S PRESENCE RECORDED

The SPEAKER. The gentleman, Mr. McClatchy's name will be added to the master roll.

BILL ON THIRD CONSIDERATION POSTPONED

The House proceeded to **HB 60, PN 69**, on third consideration postponed, entitled:

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), further providing for paving and curbing sidewalks.

On the question recurring,
Will the House agree to the bill on third consideration?
Mr. FRYER offered the following amendments No. A0533:

Amend Sec. 1, page 1, line 7, by striking out "(b)"
Amend Sec. 1, page 1, line 10, by inserting after "amended" where it appears the first time

July 2, 1953 (P.L.354, No.83) and

Amend Sec. 1 (Sec. 1402), page 1, line 13, by striking out "***" and inserting

(a) The township supervisors may construct sidewalks or curbs, or sidewalks and curbs, of suitable material, along the roads or highways, in such townships, upon the petition of owners of property representing a majority in number of feet front of the properties abutting on the roads or highways where such sidewalks or sidewalks and curbs are to be constructed. Whenever any such petition is filed with the supervisors, the owner of the property shall be given notice by the supervisors to construct such sidewalk or sidewalk and curb; and in case of the failure of the owner to complete such sidewalk or sidewalk and curb within a period of sixty days after the receipt of such notice, the supervisors may construct such sidewalk or sidewalk and curb as herein provided. Whenever any sidewalks or sidewalks and curbs are constructed by the supervisors, the expense of the construction of such sidewalk or sidewalk and curb shall be paid by the abutting property owners in proportion to their frontage. If such owners fail to so pay the expenses of the construction of such sidewalk or sidewalk and curb, the township supervisors may recover the amount by action of assumpsit, or may file municipal liens therefor against the abutting properties, in the manner provided by law for the filing and collection of municipal liens.

Amend Sec. 1 (Sec. 1402), page 2, lines 19 through 30; page 3, lines 1 through 17, by striking out all of said lines on said pages and inserting

The township supervisors may also provide, by ordinance, for the construction and reconstruction of sidewalks or sidewalks and curbs of suitable materials along the roads or highways in such townships. Whenever any such ordinance is adopted by the supervisors, the owners of abutting properties shall be given notice by the supervisors to construct or reconstruct such sidewalks or sidewalks and curbs at such grades and under such regulations as may be prescribed by ordinance, and in the case of the failure of the owner to complete the construction or reconstruction of such sidewalks or sidewalks and curbs within a period of sixty days after receipt of such notice, the supervisors may construct or reconstruct such sidewalks or sidewalks and curbs as herein provided. Whenever any sidewalks or sidewalks and curbs are constructed or reconstructed by the supervisors, the expense of the construction or reconstruction of such sidewalks or sidewalks and curbs may be paid by the abutting property owners in proportion to their frontage, or the cost of any such construction or reconstruction of sidewalks or sidewalks and curbs may be borne in whole or in part by the township. Where the cost has been apportioned to the property owners as provided above, and where the owner shall fail to pay the expenses of the construction or reconstruction of such sidewalks or sidewalks and curbs, the supervisors may recover the amount by action of assumpsit, or may file municipal liens therefor against the abutting properties, in the manner provided by law for the filing and collection of municipal liens.

(c) All reconstruction of sidewalks or sidewalks and curbs may be provided for in the ordinance providing for the original construction without the necessity of adopting a new ordinance for such reconstruction.

(d) Any ordinance authorizing the construction or reconstruction of sidewalks or sidewalks and curbs may, where appropriate, provide an exemption for the owners of agricultural land. As used in this section, "agricultural land" shall mean land that has been certified by the Secretary of Agriculture as having been

used primarily for agricultural purposes for at least three years immediately preceding the installation of sidewalks or sidewalks and curbs in a right-of-way fronting or crossing such land, and that is presently devoted to agricultural use for the purpose of producing an agricultural commodity as defined in the act of September 20, 1961 (P.L.1541, No.657), known as the "Pennsylvania Agricultural Commodities Marketing Act of 1968," or any farm product as defined in 1 Pa.C.S. § 1991 (relating to definitions), and that was devoted to agricultural use the preceding three years and is not less than ten contiguous acres in area and has anticipated yearly gross income of two thousand dollars (\$2,000) from agriculture.

(e) Where the municipality has established an exemption for the owners of agricultural land, it shall file with the recorder of deeds in the county in which the land is located a notice of record, a certification signed and acknowledged by the landowner or landowners and indexed in name of the owner, indicating that sidewalks or sidewalks and curbs have been installed and that if the use of the land is changed, the owner shall be liable for the assessment cost of installation of the sidewalks or sidewalks and curbs as originally assessed.

(f) When the use of the land is changed from agricultural use, the owner shall, within sixty days, notify in writing the municipality of the change. Notwithstanding the provisions of the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, at that time or at any subsequent time, the municipality shall place a lien against the property in an amount equal to the amount that would have been due had it not been for the provisions of this subsection. If the owner fails to notify the municipality as herein provided, the municipality shall charge as a penalty ten per centum (10%) of the assessment that would have been made had it not been for the provisions of this subsection plus interest at the rate of eight per centum (8%) from the date of the change.

(g) No sidewalks or curbs shall be established and constructed upon any State highway without the consent of the Department of Transportation or upon any county road without the consent of the county commissioners.

On the question,

Will the House agree to the amendments?

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

Mr. FRYER. Mr. Speaker, Representative Snyder and I are withdrawing our amendment A0433 and are offering a new amendment, A0533. These two amendments are the same except that there were drafting errors by the Legislative Reference Bureau. The title of the bill refers only to section 1402(b) of the act. The prior amendment had failed to note that we also were adding subsections (c) through (g).

Mr. Speaker, what the amendment does is add clarifying language to the bill. As you recall, we have in the code presently a 10-percent cap in regard to the market valuation. What we are doing with this bill is we are removing that cap so that it is in uniformity with the Borough Code and Townships of the First Class Code. We are also adding an agricultural amendment which will permit our local supervisors to grant exemptions in those cases that they deem wise.

Mr. Speaker, I urge a "yes" vote on the Snyder-Fryer amendment.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Mr. Speaker, thank you.

Mr. Speaker, the amendments that they have added or anything that they do does not change the opinion that I have of this piece of legislation, and whether or not we are making everything the same as they did for boroughs or municipalities has no bearing on it whatsoever. We are talking about a township, which is completely different.

The fact remains that in the townships you have much more land and areas around these homes, and I still believe that taking the 10-percent cap off only says to township supervisors, well, now we will do this because we do not have to pay anything. I still say that you should keep the 10-percent cap. As long as you have that, if the townships cannot afford it, then they cannot make the residents go ahead and do it either. I believe that all this does is say to the township officials, now you have the right to go out and force people to put the sidewalks in or the curbing, and if they cannot, you put a judgment against their home and then activate it, and then what do you do? You lose it. I believe personally that if the townships cannot afford at least 10 percent of the cost of these curbings, then the people should not have to afford the entire amount.

I have done some checking. I think Mr. Fryer will probably dispute the figures. Now I have learned, though, that my figures are probably very low because I got them from an area of a rural district, and they tell me to move closer to the city where there is a township and ask them what the cost of putting in sidewalks or curbing is. It is very prohibitive at this time to put in the kind of sidewalk that they are demanding. The cost that I found for my legislative district, if it is sidewalk, curbing, and your gutter, it is \$25.50 a foot. Now, that is nice to tell people you are going to do that and the township does not owe 1 cent against it.

I would ask for a negative vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the Fryer amendment, the Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Mr. Speaker, I cannot fight against this amendment or urge that it be turned down, but I wish to point out to those members who have agricultural areas in their district, this is not the amendment we want or the amendment we need. That will be introduced shortly hereafter.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. D. W. SNYDER. Mr. Speaker, Mr. Letterman's comments on this bill could be addressed to HB 60 itself. I think what we are addressing right now is the amendment, and the amendment basically changes the language of the original bill to clarify such things as notice. It also clarifies who will pay the cost and how it will be paid on a proportionate basis according to front footage. The language of HB 60 as it currently stands is vague in certain areas and subject to several forms of interpretation. The amendment was drafted to make the bill easier to understand for the municipalities.

Again I think what must be pointed out is this is a uniformity bill. The amendment language was taken from the First

Class Township Code and the Borough Code in order that the three codes that serve our local municipalities are consistent. I therefore ask adoption of the amendment. We can discuss the merits of the bill on the final vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Venango, Mr. Levi.

Mr. LEVI. Thank you, Mr. Speaker.

I ask for an affirmative vote on this amendment. I think it clears up the language. As the previous speaker said, it makes all the language uniform in all the codes. And the most important thing, this amendment is a "may" provision, and it is not mandatory that the township has to change its way of doing business. They have the option of doing it either way. You must remember, if you are talking about a large piece of agricultural land assessed, it might be considerably more at 10 percent of the assessed value than the actual cost. You must remember, agricultural land is assessed differently than urban affairs. So I ask for an affirmative vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

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

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

I rise to support the Fryer amendment. The amendment is in keeping with the other codes, both the First Class Township and Borough Codes. The thing that is overlooked in the debate to this point is the fact that it is not townships that try to require that their residents install sidewalks. What happens is residents come in and request that sidewalks be installed, and then they want to have them paid for by all the remaining residents of the township. This is to insure that the township does not get stuck with an excessive amount of the costs in such cases. Remember, residents can petition for sidewalks.

The Fryer amendment clears up the language. It adds the protective language for the agricultural community. The 10-percent cap in the present law is absolutely no protection for a large agricultural holding. The amendment is a good one. It addresses the problem. I strongly urge an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, for the second time on the amendment, the gentleman, Mr. Letterman.

Mr. LETTERMAN. Mr. Speaker, I think they all make a good argument at why people move out of those kinds of townships and move out into the country a little farther. They are tired of the bull that they have all been stuck with for so long by all these phony laws. It is about time we start to realize that when you take the 10 percent off—and no matter what any of you say, that is what your language really does—what you are really doing is saying to the people, we cannot afford it as a township but we are going to force you to do it.

It is just a bunch of foolishness to think that you can say that you want to make everything uniform and you want to drill it into our heads that this is what it is going to be. I think it is about time some of us out in the rural districts realized that that is why we are getting so many residents out there, that you guys in the city have chased them all out to us. You are shoving it down their throats and they are tired of it, and I

think the 10-percent cap is just a safeguard that we should continue to keep. Thank you.

A negative vote would certainly be appreciated by most people living out in the country. Thank you.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. DORR. Mr. Speaker, I would like to ask a parliamentary question, if I might.

The SPEAKER. The gentleman is in order.

Mr. DORR. Mr. Speaker, if this amendment is adopted, will it be permissible for us to vote on the Morris amendment, which is about to be introduced, at that time?

The SPEAKER. The answer to the gentleman's question is yes. The Chair understands the gentleman, Mr. Morris, intends to offer his amendment regardless.

Mr. DORR. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes, on the Fryer amendment, the gentleman, Mr. Foster, for the second time.

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

This is simply to clarify a point raised by the gentleman, Mr. Letterman. In the event that a petition is floated in the township by residents requesting that the supervisors install sidewalks, the supervisors are currently bound by the 10-percent cap. Apparently the gentleman, Mr. Letterman, is satisfied that the rest of the township pay for the sidewalks to be installed by a small group that requests them. All this amendment seeks to do is see that the people who ask for sidewalks pay for them themselves, if that is the wish of those residents. I would like to clarify that point and once more ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Snyder, have additional remarks for the second time on the amendment?

Mr. D. W. SNYDER. Yes, Mr. Speaker. Again, I just want to remind the members that we are just changing the language of HB 60 with the amendment. We are not changing the intention of the bill itself. Let us discuss the merits of HB 60 on the final vote. Let us just get this amendment in so we have better language in the bill.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Fryer.

Mr. FRYER. Mr. Speaker, I would remind the members of the House that this bill has been introduced as the result of requests made from several townships which have the problem that they cannot continue their sidewalk and curbing and putting in streets unless this cap is removed which is presently in the Borough Code and in the First Class Township Code. They are requesting this in fairness to all the members of that township. The gentleman from Centre County attacks portions of the law which have been on the books, Mr. Speaker, for many, many years, and it is, frankly, the only way that we have curbs, sidewalks, and streets today. If it were not so, we would not have our streets and curbs.

Once again, this is at the request of townships, and it has the support of the Association of Township Supervisors, who recognize it as a fair proposal and one which we have approached on a bipartisan basis. Mr. Speaker, I would urge a "yes" vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

Does the minority whip, Mr. Hayes, seek recognition? The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

Would the gentleman, Mr. Fryer, consent to brief interrogation?

The SPEAKER. The gentleman, Mr. Fryer, indicates that he will so consent. The gentleman, Mr. Hayes, is in order and may proceed.

Mr. HAYES. Thank you, Mr. Speaker.

On page 2 of the gentleman's amendment, subsection (d), specifically almost at the end of that subsection (d), there are three conditions listed: the land in question has been devoted to agricultural use the 3 preceding years; two, is not less than 10 contiguous acres in area; and three, has anticipated yearly gross income of \$2,000 from agriculture. Now, Mr. Speaker, *must all three of those conditions exist?*

Mr. FRYER. Yes, Mr. Speaker. Just a moment.

The last two must be met. I believe the first one states "or." The attempt there, Mr. Speaker, is to have a bona fide farmer and not a speculator or a lawyer or a doctor who has agricultural land which he has basically for investment purposes. We are addressing this, sir, to the point that we want to have a bona fide farmer who is actually in the agricultural process.

Mr. HAYES. Then of those three conditions, the second and third must be operative in order for the exemption to take place?

Mr. FRYER. As I read it, yes.

Mr. HAYES. I thank the gentleman, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. HAYES. While I agree with the gentleman's intent, that being that we do not have persons who are actively pursuing other vocations and just toying about in the area of agriculture, while I agree with the gentleman's intent, those three conditions, specifically number 2, could eliminate from the prospective exemption many areas of Pennsylvania where people are pursuing in earnest an agricultural endeavor. I realize that there are many who believe agriculture takes place on many, many, many, many, many acres of land, and of course, when considering extensive agriculture, that is true. But when considering intensive agriculture, you may have a situation where a person is pursuing an agricultural enterprise that takes place on much fewer than 10 acres; for instance, greenhouse agriculture, mushroom agriculture, vegetable growing, and a host of other things. I believe if it is the gentleman's intent to provide a prospective exemption for these persons who are legitimately in a bona fide way pursuing an agricultural enterprise, the language had better be changed or for sure you will be catching some people in that language unintentionally.

Secondly, Mr. Speaker, while this amendment is much longer than the first amendment offered by the gentleman,

Mr. Fryer, the very first part of subsection (d), which is what the gentleman and I are discussing at the present time, still has that questionable language which states the local municipality may exempt agricultural land. If it is the House's intention to make sure that agricultural land is kept in productivity, then we are going to have to change that language at the outset in subsection (d). If we want to exempt agricultural land, you cannot leave that word "may" in there. For sure, there will be some local governments, for reasons unrelated to our intention, not providing that type of exemption, and good agricultural land, which may spread for many hundreds and, yes, thousands of feet, may come under the heel of this particular amendment. For those two reasons, I think some more work has to be done, and I would ask for opposition to the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Fryer, has spoken twice already. Well, the gentleman is the Speaker pro tempore, so we will recognize him for a third time in this one situation.

Mr. FRYER. I thank the Speaker.

The SPEAKER. They are booing the Speaker, not the Speaker pro tempore.

Mr. FRYER. The Speaker pro tempore is quite accustomed to it. I thank the Speaker for his wisdom in granting me this.

I would say this: The gentleman, Mr. Hayes, has stated that the local authorities may grant this exemption. He is absolutely correct. That was fully our intent, to give that power to the local area, not that it be decided up here in Harrisburg on a blanket exemption, because we have nearly 2,000 townships of the second class. Why should those local governing authorities not have the say on whether or not it should be granted? That is why I say the word "may" is correct. It should not be "shall."

I have listened many times, many times, to the brilliant gentleman on the other side when he has expounded on the virtue of having local control, of having the local people decide. We agree with that argument. I cannot understand why there is an inconsistency here today that on the other hand the move should be made that we on the State level have the overall wisdom. We do not cover that because of the many reasons. I say, we say that that power belongs there on the local level with our elected supervisors. I trust them. I hope you do likewise and hope that each individual decision is based on its individual merits.

I urge support of the amendment, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, for the second time on the amendment, the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Mr. Speaker, it was your hand that opened that floodgate. But apart from that, the next amendment which will be offered is not a "may" amendment as far as exempting agricultural areas. It is a "shall" amendment, and that is the one that we want to help the farmers.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lehigh, Mr. Afflerbach, on the amendment.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

I rise in support of the remarks of the gentleman, Mr. Hayes, and urge a negative vote on this amendment for the following reason.

The gentleman, Mr. Fryer, asks why we should not allow the local officials to utilize a "may" provision. I would suggest that the record of local officials in safeguarding agricultural land and open-space land has not been that exemplary. This legislature went on record as long ago as 1965 with the passage of Act 515 authorizing local officials, if they so desired, to provide preferential tax treatment to farmland and open-space land. After 9 years only a very few counties enacted that preferential treatment. In fact, so few enacted preferential treatment to protect open-space land that this Assembly, in 1974, passed Act 319 to mandate that the local officials must provide special tax treatment to keep open-space land.

The amendment Mr. Fryer offers now makes no provision for any of that land which was taken in as woodland or simply open space under Act 319. I suggest that if the Assembly supports his amendment today, we are taking a step backward and away from our previous concern about maintaining open space. There will be an amendment offered which will guarantee that the State will protect that open space with respect to this bill. At that time I will urge support of that amendment, but presently I urge defeat of this amendment. 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—32

Baldwin	DeWeese	Nahill	Smith, B.
Barber	Duffy	O'Brien	Snyder, D. W.
Broujos	Flick	O'Donnell	Spencer
Burns	Foster, Jr., A.	Perzel	Wogan
Caltagirone	Fryer	Reber	Wright, J. L.
Cawley	Gallen	Reinard	
Clymer	Hoeffel	Rybak	Irvis,
Cornell	Itkin	Salvatore	Speaker
Deluca	Levi		

NAYS—161

Afflerbach	Fischer	Lucyk	Richardson
Alderette	Foster, W. W.	McCall	Rieger
Angstadt	Freeman	McClatchy	Robbins
Armstrong	Freind	McHale	Rudy
Arty	Gallagher	McIntyre	Ryan
Belardi	Gannon	McMonagle	Saloom
Belfanti	Geist	McVerry	Saurman
Beloff	George	Mackowski	Scheetz
Blaum	Gladeck	Madigan	Schuler
Book	Godshall	Maiale	Semmel
Bowser	Greenwood	Manderino	Serafini
Boyes	Grieco	Manmiller	Showers
Brandt	Gruitza	Markosek	Sirianni
Burd	Gruppo	Marmion	Smith, L. E.
Cappabianca	Hagarty	Mayernik	Snyder, G. M.
Carn	Harper	Merry	Spitz
Cessar	Hasay	Michlovic	Stairs
Cimini	Hayes	Micozzie	Steighner
Clark	Herman	Miller	Stevens
Cohen	Hershey	Miscevich	Stewart
Colafella	Honaman	Moehlmann	Stuban
Cole	Hutchinson	Morris	Sweet
Cordisco	Jackson	Mowery	Swift

Coslett	Jarolin	Mrkonic	Taylor, E. Z.
Cowell	Johnson	Murphy	Taylor, F. E.
Coy	Kasunic	Noye	Tigue
DeVerter	Kennedy	Olasz	Trello
Daley	Klingaman	Oliver	Truman
Davies	Kosinski	Peterson	Van Horne
Dawida	Kowalshyn	Petrarca	Vroon
Deal	Kukovich	Petrone	Wachob
Dietz	Lashinger	Phillips	Wambach
Dininni	Laughlin	Piccola	Wargo
Dombrowski	Lehr	Pievsy	Wass
Donatucci	Lescovitz	Pistella	Wiggins
Dorr	Letterman	Pitts	Williams
Durham	Levin	Pott	Wilson
Evans	Linton	Preston	Wozniak
Fargo	Livengood	Punt	Wright, D. R.
Fattah	Lloyd	Rappaport	Wright, R. C.
Fee			

NOT VOTING—5

Bunt	Pratt	Sevnty	Telek
Gamble			

EXCUSED—5

Battisto	Haluska	Weston	Zwinkl
Civera			

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 RECOMMENDED

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

Mr. FRYER. Mr. Speaker, I move that HB 60 be recommitted to the Committee on Local Government for further work.

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

The SPEAKER. The Chair has recognized the gentleman, Mr. Fryer. He may debate the question, shall his motion be accepted or rejected? The Chair recognizes him.

Mr. FRYER. Mr. Speaker, we have a case here in which we have a Borough Code and we have a Townships of the First Class Code in which is language. Now this bill, as a result, will be completely different than the others. In other words, we will lack uniformity. If there is one thing I have tried to stress in local government, it is the need for uniformity, that we do not say one thing in one code and something in another code. Therefore, I would suggest that the bill be recommitted so that this can be gone over in committee in a bipartisan manner and hopefully arrive at an agreement that will be suitable to the majority of the members of this House.

The SPEAKER. The Chair thanks the gentleman.

Strictly on the motion, the Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Mr. Speaker, I oppose the motion.

The SPEAKER. That is being strictly on the motion.

The question recurs, will the House adopt the motion made by the gentleman, Mr. Fryer, to recommit HB 60 to the Local Government Committee? Those in favor will vote "aye"; those opposed will vote "no."

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

The following roll call was recorded:

YEAS—142

Angstadt	Durham	Levi	Rudy
Armstrong	Fargo	Livengood	Ryan
Arty	Fee	Lucyk	Rybak
Barber	Flick	McClatchy	Salvatore
Belardi	Foster, W. W.	McVerry	Saurman
Blaum	Foster, Jr., A.	Mackowski	Scheetz
Book	Freind	Manderino	Schuler
Bowser	Fryer	Marmion	Semmel
Boyes	Gallagher	Mayermik	Serafini
Brandt	Gallen	Merry	Seventy
Broujos	Gamble	Michlovic	Sirianni
Burd	Geist	Micozzie	Smith, B.
Burns	George	Miscevich	Smith, L. E.
Caltagirone	Greenwood	Moehlmann	Snyder, D. W.
Cappabianca	Grieco	Mowery	Snyder, G. M.
Cawley	Gruitza	Mrkonic	Spencer
Cessar	Hagarty	Murphy	Spitz
Cimini	Hasay	Nahill	Steighner
Clark	Hayes	Noye	Stevens
Clymer	Herman	O'Brien	Stuban
Cohen	Honaman	O'Donnell	Sweet
Colafiglia	Hutchinson	Olasz	Swift
Cole	Itkin	Perzel	Taylor, F. E.
Cordisco	Jackson	Peterson	Telek
Cornell	Jarolin	Petrarca	Tigue
Coslett	Johnson	Petrone	Van Horne
Cowell	Kasunic	Piccola	Wachob
Deluca	Kennedy	Pievsky	Wargo
DeVerter	Klingaman	Pistella	Wilson
DeWeese	Kowalshyn	Pott	Wogan
Daley	Kukovich	Preston	Wright, D. R.
Davies	Lashinger	Punt	Wright, J. L.
Deal	Laughlin	Reber	Wright, R. C.
Dombrowski	Lehr	Reinard	
Dorr	Lescovitz	Richardson	Irvis,
Duffy	Letterman	Robbins	Speaker

NAYS—53

Afflerbach	Freeman	McIntyre	Saloom
Alderette	Gladeck	McMonagle	Showers
Baldwin	Godshall	Madigan	Stairs
Belfanti	Gruppo	Maiale	Stewart
Beloff	Harper	Manmiller	Taylor, E. Z.
Carn	Hershey	Markosek	Trello
Coy	Hoeffel	Miller	Truman
Dawida	Kosinski	Morris	Vroon
Dietz	Levin	Oliver	Wambach
Dininni	Linton	Phillips	Wass
Donatucci	Lloyd	Pitts	Wiggins
Evans	McCall	Rappaport	Williams
Fattah	McHale	Rieger	Wozniak
Fischer			

NOT VOTING—3

Bunt	Gannon	Pratt
------	--------	-------

EXCUSED—5

Battisto	Haluska	Weston	Zwilk
Civera			

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

RESOLUTIONS ADOPTED

Mr. COWELL called up **HR 59, PN 720**, entitled:

Memorializing the Pennsylvania Congressional and Senatorial delegations, the United States Department of Agriculture and the President of the United States to oppose certain sales of land owned by the Federal Government.

On the question,
Will the House adopt the resolution?

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

Mr. DAVIES. Mr. Speaker, would the maker of the resolution stand for brief interrogation?

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

Mr. DAVIES. As I had indicated prior under its consideration at the time in committee, I said I would submit a list on the resolution to the gentleman. Would he care to comment on the parcels of property as listed in the resolution as to their importance, as to their philosophical stand on this matter? I specifically speak to tract numbers— I do not know whether it is necessary to belabor the point and go through all of them, but, for example, tract No. 1001, or any of those that I have submitted as a listing of concern that we do have some problems with as far as the resolution is concerned.

Mr. COWELL. Mr. Speaker, my only comment would be that the list that was submitted is tentative. The Department of Agriculture, it is my understanding, has not finally determined exactly what parcels they would attempt to sell.

The point which I would emphasize, however, is that any list, any parcels that might be sold, would violate the basic principle that this resolution is trying to address; that is, that the members of this legislature, and particularly the legislators in the affected areas and some of the citizens in those affected areas, do not wish to see the Federal Government begin a process of breaking up the national forest system and selling it away piece by piece. That is a principle that we tried to address in this resolution, and therefore, any list, any particular plots or parcels, would sort of be a moot point.

Mr. DAVIES. Mr. Speaker, in pursuing that further, is it not true that the whole thing is tentative? That is why I am kind of also submitting the interrogation relative to these parcels. And would you kindly list those where the citizens and what citizens are in protest, over what particular tract, so that in trying to resolve this and interceding with the Department of Agriculture, I can have greater clarity and understanding as far as the Federal-State Relations Committee is concerned. I would like to pursue it in that direction.

Mr. COWELL. Mr. Speaker, I do not care to get into a debate about which citizens are protesting about which particular parcels. The point to the resolution is that if this resolution is approved, the members of this legislature would object to the sale of any of those parcels.

Mr. DAVIES. Well, Mr. Speaker, again, what are the specific parcels that do address the concerns of the resolution? In other words, what are those that may be used for the purposes stated therein as far as the resolution is concerned? Is it not true that one of these is a cemetery? Another tract is a solid waste dump? Another tract happens to be front properties

that would have more useful utility by the owners who now hold the adjacent title to those properties? I cannot understand why some of these small parcels, where these are actually items which will be better utilized by those property owners who now hold properties adjacent to it— And we are not addressing ourselves to the large parcel of land, some 400 acres of tract No. 3002, nor are we addressing ourselves to the largest portion of that tract which is under forest lease and could affect some of the intent of the resolution. To improve the management, for example, would not be enhanced as far as Federal ownership, and I would like to know the rationale of why you contend that it would be enhanced by the continuation of the ownership.

Mr. COWELL. Mr. Speaker, I would not care to ascribe to the citizens of the area or to the sportsmen and conservationists from around the State particular motives for opposing the sale of any particular parcel. The gentleman might best speak with some of those individuals to find out why they are communicating with many legislators to express their opposition to this kind of sale.

Again, I want to go back to the point that I emphasized earlier, however. This resolution is intended to state that this legislature, if a majority of us support this resolution, opposes the breakup of those national forest lands in Pennsylvania and opposes the sale of any such parcels, any such parcels, under a tentative plan that has been talked about by the U.S. Department of Agriculture.

That is the issue that we are addressing with this resolution. I do not think we are going to get anywhere in trying to talk about any particular plot and why somebody may or may not like that to be sold.

Mr. DAVIES. Mr. Speaker, I am finished with the interrogation. May I speak on the merits of the resolution?

The SPEAKER. The gentleman is recognized and may now speak on the merits of the resolution.

Mr. DAVIES. Again, Mr. Speaker, it is not my wish to oppose the two larger parcels that are being proposed in this resolution to protect the interests of both those groups that the gentleman spoke to, but I am speaking about those particular parcels which have no relative use as far as the matter of any of the groups that have raised an objection to it, and therefore, I oppose it. I think that the Federal Government is no less of will to determine on their own what the review of real property and holdings of the Federal Government should be. I think that is in their area and they should make that decision. I think that if it does improve the management in not retaining those, as far as the matter is, and it is going to save the taxpayers money and also realize money from the sale of the same, and if it does expedite the sale of the unneeded property, I say that the resolution would be, of course, a matter of interceding in that. And since this is, again, only a tentative matter, I think that again we are going in the wrong direction as far as the matter of opposing those other tracts other than the two large tracts that have been mentioned. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the resolution, the Chair recognizes the gentleman from Butler, Mr. Steighner.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, the intent of this resolution is not to necessarily challenge those tracts of land that are being proposed in the national forest for sale but rather the dangerous precedent that this proposal sets in this country. To begin to attempt to sell off land of our national forest simply to balance the Federal budget or simply under the guise that these areas are difficult to manage, I think, is a grave mistake.

In addition, under questioning before the House Conservation Committee within the last 2 weeks in Dubois, Mr. Butt, the supervisor for the Allegheny National Forest, under questioning announced that even before this proposal has been solidified, even before the United States Congress has received the legislation, various oil interests have already inquired about the possibility of purchasing that land. I think we have a right and I think we have a responsibility to our children to keep that land, and not simply under the guise of difficult areas to manage or an attempt to balance that Federal budget should we be attempting to sell off these parcels. I would ask for support of the resolution.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Elk, Mr. Wachob, on this resolution.

Mr. WACHOB. Thank you, Mr. Speaker.

I, too, rise as Mr. Steighner and Mr. Cowell did to ask for support of this resolution.

The issue is not, as Mr. Davies has mentioned, whether we sell off a bit here and a bit there, and it is true that at least on a couple of those tracts some of the uses that are currently being implemented there are not what you would think would be natural uses of our valuable Federal land, but I think the overriding Federal issue and the overriding issue before this House here is should we as the Pennsylvania legislature give approval to selling off some of our vast national treasuries all across this country as they are trying to do not only in Pennsylvania but throughout many other States where there are large tracts of Federal land? I think that is the issue.

As Representative Steighner so poignantly pointed out, there are severe budget problems, and one of the ways, possibly just one of the ways, to alleviate any sort of a deficit, whether it be at the Federal or State level, is to sell off large tracts of public-owned land. Whether the sales of those lands are being objected to by residents of Elk County or Forest County or Warren County or what have you or whether the sale is being objected to by residents of Allegheny County should be of no less significance. Those are all of our lands to use as we see fit. One of the reasons for the creation of the national forest was for just such a purpose, for all of the people to use, not just the people who happen to be able to privately own large pieces of land.

I would strongly urge the members of this House to object, through the passage of this resolution, to the sale of any of our publicly held lands. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Berks, Mr. Davies, for the second time on the resolution.

Mr. DAVIES. Mr. Speaker, again, would either one of the past two gentlemen who spoke to this just indicate to me particularly what portions again they are interested in?

As I stated before in my particular concern, I am not talking about the two largest portions of it. I want them to address the rest of the portions in it rather than use a shotgun approach and try to say we are opposed to the sale of all of this land. Spell out those that are going to be used for those specific purposes that the resolution addresses itself to. That is my concern.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Elk, Mr. Wachob, for the second time.

Mr. WACHOB. Thank you, Mr. Speaker.

I believe what the supporters of this resolution and what the sponsors of this resolution are trying to say is that we object to any sale of publicly held national forest land and that by just singling out and just trying to take bits and pieces does not make it any better. We object to the sale of that land.

Mr. DAVIES. And, Mr. Speaker, you object to the sale of it, even though the local citizenry approves the sale and wants the sale of certain of those parcels that are here enlisted? In other words, you are saying, no, no, we are not going to give up one piece, because if we do, this will begin some sort of a rockslide or whatever it is of sale or whatever? Some of these people actually have utilization for these pieces as private citizenry. They want it. They do not want it to remain where you are saying you want it to stay philosophically or otherwise. That is the part I want to know, why you object to the sale of those small parcels that are not now being used in any manner, shape, or form for the purposes stated in the resolution, sir. That is all I want an answer to.

Mr. WACHOB. To the best of my knowledge, Mr. Speaker, I have not heard from any of those people who desire the sale of this land to go through.

Mr. DAVIES. I thought previously, Mr. Speaker, you said that there were some people who were concerned about the utilization of the parcels of land, or was that the previous speaker?

Mr. WACHOB. It is possible that I said that, that there were some people concerned about it, and certainly there were some people inquiring about it. But on the other hand, I have received inquiries from, I guess it is a camp there for the retarded that happens to have the camp reside on a portion of the land and does not wish the sale of that land to go through. That is where their camp is, and for whatever financial interest they have, obviously it is to their benefit to be using national forest lands instead of having to own that land privately themselves, and they object to the sale of that land. That is the interest I was speaking of, who had a concern in a tract.

Mr. DAVIES. All right, Mr. Speaker, I would agree to that. Now, if you would only identify that as a matter of question for me, I would be glad to include that in any resolution, that rather than hit all of them, we would take those and we

would specifically spell out those, rather than deny the other citizenry those concerns that they have. Is that not the only fair way to deal with it? For example, either a cemetery or a dump that is not being used for recreation or the purposes you said you addressed yourself to in the resolution?

Mr. WACHOB. Mr. Speaker, I am not 100 percent sure what all of the different tracts are being used for currently, but if they are being used for a cemetery and if they are being used for landfills, then to me it does not appear that we need the sale of this land just to legitimize that kind of a contract.

Mr. DAVIES. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. HUTCHINSON. Mr. Speaker, I do not know whether this resolution is worth the paper it is written on or the stamp that is going to send it to Washington, but last week they made a lot of us who did not want something heed it, and I think we have the right to send them anything we want to. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MISCEVICH. Mr. Speaker, it is my intention to inform the body that I feel this resolution does not go far enough. I think it is headed in the right direction, but I feel that our DER (Department of Environmental Resources), our Department of Agriculture, and our Conservation Committee should all be notified if there is a piece of this property in Pennsylvania that is going to be up for sale.

We had gone through a similar experience where a consent decree had been signed in this State and it led to many months of chaos in this body right here, and I think that we should be informed of any transaction of land that has to deal with Pennsylvania so that we could take action on it ourselves per se. It would clarify what Mr. Davies is saying is wrong with some of the problems.

The SPEAKER. The Chair thanks the gentleman.

Mr. DAVIES. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Davies, has already spoken twice on the resolution.

Mr. DAVIES. No, Mr. Speaker, it is a matter of interrogation rather than speaking, and I think those were—

The SPEAKER. That, Mr. Davies, in the opinion of the Chair, is speaking on the resolution, and the Chair does not recognize the gentleman.

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

The following roll call was recorded:

YEAS—134

Afflerbach	Fargo	Linton	Reber
Alderette	Fattah	Livengood	Richardson
Arty	Fee	Lloyd	Rieger
Baldwin	Flick	Lucyk	Rudy
Barber	Foster, W. W.	McCall	Rybak
Belardi	Foster, Jr., A.	McHale	Saloom
Belfanti	Freeman	McIntyre	Serafini
Beloff	Fryer	McMonagle	Seventy
Blaum	Gallagher	Maiale	Showers

Bowser	Gamble	Manderino	Snyder, D. W.
Broujos	George	Manmiller	Spitz
Caltagirone	Gladeck	Markosek	Steighner
Cappabianca	Godshall	Mayernik	Stewart
Carn	Greenwood	Michlovic	Stuban
Cawley	Grieco	Micozzie	Sweet
Cimini	Gruitza	Miller	Taylor, E. Z.
Clark	Hagarty	Miscevich	Taylor, F. E.
Cohen	Harper	Morris	Tigue
Colafella	Hasay	Mrkonic	Trello
Cole	Herman	Murphy	Truman
Cordisco	Hershey	O'Donnell	Van Horne
Cowell	Hoeffel	Olasz	Wachob
Coy	Hutchinson	Oliver	Wambach
Deluca	Itkin	Peterson	Wargo
DeWeese	Jarolin	Petrarca	Wass
Daley	Kasunic	Petrone	Wiggins
Dawida	Kosinski	Phillips	Williams
Deal	Kowalshyn	Piccola	Wogan
Dininni	Kukovich	Pievsky	Wozniak
Dombrowski	Laughlin	Pistella	Wright, D. R.
Donatucci	Lescovitz	Pratt	Wright, R. C.
Duffy	Letterman	Preston	
Durham	Levi	Punt	Irvis,
Evans	Levin	Rappaport	Speaker

NAYS—61

Angstadt	Gallen	Marmion	Scheetz
Armstrong	Geist	Merry	Schuler
Book	Gruppo	Moehlmann	Semmel
Boyes	Hayes	Mowery	Sirianni
Brandt	Honaman	Nahill	Smith, B.
Burd	Jackson	Noye	Smith, L. E.
Burns	Johnson	O'Brien	Snyder, G. M.
Cessar	Kennedy	Perzel	Spencer
Clymer	Klingaman	Pitts	Stairs
Cornell	Lashinger	Pott	Stevens
Coslett	Lehr	Reinard	Swift
DeVerter	McClatchy	Robbins	Telek
Davies	McVerry	Ryan	Vroon
Dietz	Mackowski	Salvatore	Wilson
Dorr	Madigan	Saurman	Wright, J. L.
Freind			

NOT VOTING—3

Bunt	Fischer	Gannon
------	---------	--------

EXCUSED—5

Battisto	Haluska	Weston	Zwikl
Civera			

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

* * *

Mr. KUKOVICH called up **HR 61, PN 764**, entitled:

Memorializing Congress to enact legislation relating to the regulation of natural gas and pipelines.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—187

Afflerbach	Evans	Lloyd	Ryan
Alderette	Fargo	Lucyk	Rybak
Angstadt	Fattah	McCall	Saloom
Armstrong	Fee	McHale	Salvatore
Arty	Flick	McIntyre	Saurman
Baldwin	Foster, W. W.	McMonagle	Scheetz
Barber	Foster, Jr., A.	McVerry	Schuler
Belardi	Freeman	Maiale	Semmel
Belfanti	Freind	Manderino	Serafini
Beloff	Fryer	Manmiller	Seventy

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

NAYS—7

Gladeck	McClatchy	Madigan	Vroon
Godshall	Mackowski	Noye	

NOT VOTING—4

Bunt	Fischer	Gannon	O'Donnell
------	---------	--------	-----------

EXCUSED—5

Battisto	Haluska	Weston	Zwikl
Civera			

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

* * *

Mr. RIEGER called up **HR 74, PN 980**, entitled:

Designating the month of May as High Blood Pressure Month.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Afflerbach	Fargo	Lucyk	Rudy
Alderette	Fattah	McCall	Ryan
Angstadt	Fee	McClatchy	Rybak
Armstrong	Flick	McHale	Saloom
Arty	Foster, W. W.	McIntyre	Salvatore
Baldwin	Foster, Jr., A.	McVerry	Saurman
Barber	Freeman	Mackowski	Scheetz
Belardi	Freind	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.
Burd	Greenwood	Micozzie	Snyder, G. M.
Burns	Grieco	Miller	Spencer
Caltagirone	Gruitza	Miscevich	Spitz
Cappabianca	Gruppo	Moehlmann	Stairs
Carn	Hagarty	Morris	Steighner
Cawley	Harper	Mowery	Stevens
Cessar	Hasay	Mrkonic	Stewart
Cimini	Hayes	Murphy	Stuban
Clark	Herman	Nahill	Sweet
Clymer	Hershey	Noye	Swift
Cohen	Hoeffel	O'Brien	Taylor, E. Z.
Colafella	Honaman	O'Donnell	Taylor, F. E.
Cole	Hutchinson	Olasz	Telek
Cordisco	Itkin	Oliver	Tigue
Cornell	Jackson	Perzel	Trello
Coslett	Jarolin	Peterson	Truman
Cowell	Johnson	Petrarca	Van Horne
Coy	Kasunic	Petrone	Vron
Deluca	Kennedy	Phillips	Wachob
DeVertter	Klingaman	Piccola	Wambach
DeWeese	Kosinski	Pievsky	Wargo
Daley	Kowalshyn	Pistella	Wass
Davies	Kukovich	Pitts	Wiggins
Dawida	Lashinger	Pott	Williams
Deal	Laughlin	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

NAYS—0

NOT VOTING—4

Bunt	Fischer	Gannon	McMonagle
------	---------	--------	-----------

EXCUSED—5

Battisto	Haluska	Weston	Zwilk
Civera			

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

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, just for the purpose of making a comment on the high blood pressure resolution we just passed, I thought it was especially appropriate that Mr. Rieger be the prime sponsor, and I thought it was probably a bad pick when they picked the month of May for High Blood Pressure Month when we have the budget facing us in June.

The SPEAKER. The Chair anticipates that when we have the budget facing us, there will be a higher blood pressure month. There may even be some heart attacks in that one.

* * *

Mr. MANDERINO called up **HR 89, PN 1034**, entitled:

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

On the question,

Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, initially let me apologize for the quality of my voice. I believe I am in the initial stages of laryngitis, which may be a blessing, but in any event—I could tell also, Mr. Speaker, the direction from which that cheering seemed to be predominantly coming. Mr. Petrarca, thank you.

Mr. Speaker, with respect to this particular resolution, I believe the resolution is founded primarily in politics rather than in a good-faith effort to urge the Governor or the Governor's Office to do something.

I am going to guess, Mr. Speaker, that there has been made available to at least the leadership on the other side of the aisle certain correspondence between Julius Uehlein of the Pennsylvania AFL-CIO, Secretary Larson, our Secretary of Transportation, and other correspondence that was passed back and forth here a week ago during the emissions control debate. At that time, Mr. Speaker, Mr. Uehlein of the AFL-CIO was calling to the attention of the administration and of the House that there was a large project being delayed by the failure on the part of the Governor and/or his representatives to ask that a bond issue, the very bond issue which is the subject of this resolution, be put into place. Correspondence came back to the gentleman from the AFL-CIO—which I believe he was satisfied with, judging from his last correspondence—indicating that this is not the time to enter into a bond issue. The Turnpike Commission and the executive branch of government have been advised by their consultants that this is the improper time to do a bond issue, that the Turnpike Commission today could not pass the financial feasibility portion of the prerequisites to issuing a bond issue and probably will not be in a position to do so until February.

In a letter to Julius Uehlein, the Secretary stated that the aim and goal of all of us is to create jobs and that this is an important part of that overall project and program to create jobs. However, the truth of the matter is—and it is pointed out in this letter—that the two members of the Turnpike Commission, Mr. Greenblat and Mr. Camiel, have refused to vote in favor of a resolution offered by the Governor's representative that this program go into the design stage and that there is money sufficient to put it into the design stage presently available to the Turnpike Commissioners. They have failed to do that.

They go on to point out in this correspondence that if the activity takes place now and the design stage, the engineering design begin, then these construction jobs and construction itself would be available approximately a year from now. Without going into the design stage, however, which is a lengthy proceeding, this cannot happen.

I think therefore, Mr. Speaker, that the passage of this resolution is a mistake. If it passed and if the Governor reacted to it and indeed put the bond in place, if he had that ability, it probably would be a disservice to the people of the Commonwealth.

In response to this letter from Secretary Larson to the AFL-CIO, Mr. Uehlein sent the following response, and I am reading now the second paragraph of it, although that is not

taking it out of context. "I was very pleased to receive your response which I feel indicates that the Governor, as well as you, as Secretary of Transportation, are moving to produce the jobs on the Turnpike which I feel are extremely important." And then in his last paragraph he goes on to say that the AFL-CIO will continue to support emissions control legislation and urge the legislature to act.

Under all of these circumstances, Mr. Speaker, I think it would be a mistake for us to sanction what probably would be improper as to timing and perhaps restrictive as to bond ratings, in that we do not have the proper financial resources now to support that bond issue through the Turnpike Commission. For all of these reasons, I would ask that a negative vote be cast on this particular resolution. Or as an alternative—and I would not make this motion myself—if any of the members from the other side would like to check out the information that I have just given them, I think it would not be inappropriate for one of them to ask that this matter be placed upon the table so that they would have an opportunity to check the information that I have just given them on the floor. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, in November of 1978 this legislature authorized a number of projects on the turnpike that this resolution concerns itself with. It authorized six lanes on the turnpike in the Philadelphia area. It authorized an interchange at I-95 in the Philadelphia area. It authorized a midcounty interchange in the Norristown area, and it authorized climbing lanes in the Beaver County area on the turnpike.

We authorized what today is \$185 million in projects. The wherewithal to build those construction projects is there. The need for those projects has never been denied. It has always been accepted by this administration, yet since 1978 in November on 12 different occasions there were abstentions to the vote to begin these projects and put these projects into implementation.

We talked here on emissions about the number of jobs that \$400 million or \$500 million would create in the construction industry, the number of people we would put back to work in that industry. Well, the scope and magnitude of the projects that have been authorized since 1978 on the turnpike would create about 15,000 construction jobs, mostly in the areas where the project and the projects are scheduled.

Mr. Speaker, the resolution simply says that the Governor is being asked to bring to bear all the powers of his office—and they are considerable, as demonstrated in the I/M (inspection and maintenance) program passage—in order to resolve the impasse on the commission so that authorization will be given to proceed as rapidly as possible.

Now, we have issued for any number of reasons bonds of the Commonwealth since 1978, and protestations to the contrary by the minority leader, I will not believe that there was never an opportune time since 1978 to proceed in the bond market on turnpike issues to build these projects. If we are concerned, as Mr. Ryan had indicated to us through the I/M

debate, with construction workers and revitalizing that industry that is sorely in need of help at this time, then we ought to approve this resolution that tells the Governor to bring the power of his office to bear on getting the impasse solved at the commission so that these 15,000 construction jobs and the much-needed projects for safety on the turnpike can go ahead forthwith or as rapidly as possible.

Mr. Speaker, I urge all interested in jobs in the Commonwealth in the construction industry, especially in the area of Mr. Ryan's home, to vote in favor of this resolution. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, maybe I was too hasty when I said that this resolution urged the Governor to take some positive action in connection with the letting of the bond. Mr. Manderino seems to think that the resolution is simply saying, Governor, do everything you can in your power to get this work done. If that is the case, I have no problem, but I think the resolution then should be amended.

The tie-up right now, according to the information I have from the chief counsel of PennDOT, and evidently information that satisfies the head of the AFL-CIO that it is accurate, is that the two commission members, Greenblat and Camiel, refuse to allow other moneys of the Turnpike Commission to be used to put this entire project into the design stage. The memorandum that I have access to, and which I very frankly would be pleased to share, indicates that we are not in a position today in Pennsylvania in the Turnpike Commission to authorize the bond issue, that the commission will not be in a position to enter the bond market until January or February of 1984, until they have reached a bonding capacity of \$75 million, which they believe will take place about February of 1984.

There is nothing to prevent us—when I say "us," I am referring now to the Commonwealth—there is nothing to prevent the Turnpike Commission from having a meeting today authorizing that the design construction take place. All it requires is that Commissioners Greenblat and Camiel go along with a resolution that has been suggested any number of times by Mr. Sims, and then we can go immediately into the design stage. We cannot go into the bond market until next winter in any event, winter of 1984, February of 1984, and I think the resolution really should more properly be directed to the two commissioners, Greenblat and Camiel.

On that subject, it may very well be that this resolution should be aimed at the Senate of Pennsylvania and have the Senate of Pennsylvania finally confirm the appointees to the Turnpike Commission rather than have that commission labor on without its full complement. I understand that there have been vacancies unfilled because of the failure of the Senate to confirm—

The SPEAKER. Will the gentleman yield.

For what purpose does the gentleman from Westmoreland, Mr. Hutchinson, rise?

Mr. HUTCHINSON. Is the majority leader going too far afield? I do not know how much leeway he is allowed, but I do think he is going a little too far.

The SPEAKER. The Chair thanks the gentleman, Mr. Hutchinson. The Chair is well aware that the gentleman, Mr. Ryan, knows the rules as well as the Chair and I am sure will abide by them as the Chair would.

Mr. RYAN. Thank you, Mr. Speaker.

I thank the gentleman, Mr. Hutchinson, for his Freudian slip, calling me the majority leader. I appreciate that.

Mr. Speaker, I have pretty much covered this resolution. I do not think it is offered in good faith. I intend to vote "no."

I am going to ask one of my associates, however, to introduce a resolution based on these facts that I have given you today asking that the commissioners of the Turnpike Commission go along with the recommendations of Mr. Sims and the chief counsel to PennDOT and get this design stage under way with existing funds. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Cambria, Mr. Stewart, on the resolution.

Mr. STEWART. Thank you, Mr. Speaker.

For the record, I believe the minority leader's laryngitis is cured.

The minority leader made mention that there may be some politics involved in this resolution and there probably is, but I would suggest to the members of the House that any of the political game playing with the Governor's Office and the Turnpike Commission, the preponderance has been on the Governor's Office side. This administration has consistently exhibited a reluctance to deal with the Turnpike Commission on any matter - floating bonds, studying new projects, whatever - and the Governor has also refused to cooperate with this General Assembly in regard to the Turnpike Commission.

Last session we passed with 161 yeas votes here in the House and the Senate passed with 48 yeas votes in the Senate a bill that asked the Turnpike Commission to study various projects throughout the State. The Governor vetoed that bill for no apparent reason and appointed a toll road task force, which just recently came out with many of the recommendations, many suggestions that were reasons that the Governor gave for vetoing the bill in the first place.

So I urge the House to not delay any further in the concept of this administration cooperating with the Turnpike Commission on construction of existing authorized projects and studying the feasibility of new projects. Any delay wastes money, wastes jobs, and prohibits economic development in this Commonwealth. I urge a positive vote.

The SPEAKER. The Chair thanks the gentleman.

On the resolution, the Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, very briefly, I am certain the members of the House are not used to having a resolution debated as much as this one has been today, and certainly the minority leader has mentioned many times that resolutions memorializing Congress and the Governor really do not go very far at any rate. But, Mr. Speaker, I believe that this one certainly does speak to the issue of the needs of the transportation safety section in this State in that a number of accidents have occurred in the area of the Beaver Falls exchange

and in Beaver County itself, relative to these climbing lanes. One truck even went over a very large bridge and endangered the entire structure because of that.

I realize that the passage of this resolution is certainly not going to expedite to any great degree the passage of those bonds, but nonetheless, Mr. Speaker, at least it is an effort on the part of this House to let the Governor know that we are concerned about those projects and to get them off and moving. It might be there is politics involved, Mr. Speaker. Maybe it comes because the Governor will not be able to name his bond counsel in this situation because he does not have control of the turnpike. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I recognize that I am asking you to recognize me for the third time.

I am going to ask our members to support this resolution, because on a closer reading, it in fact does say, as Mr. Manderino pointed out, that we are urging the Governor to bring to bear all the powers of his office in order to resolve the impasse on the commission. I think that is a proper thing for the Governor to do, and I would hope that he will bring this power to bear on these two commissioners who evidently are tying up the design of this construction.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. We thank the minority leader for his gracious support of the resolution, but briefly, the facts should go into the record.

There is a trustees' opinion rendered way back in early 1979 by Morgan, Lewis and Bockius, who were the trustees for the turnpike, indicating that design should not go forth without approval of the projects. The whole problem and the nub of the issue is whether or not the Governor's Office is going to finally approve the bonds. We know that it will take at least 12 months to get the money from the bond market if approval was given today. We are simply saying that the Governor has a lot to do with the approval that has been held up since 1978.

Maybe Mr. Ryan hit square on the issue when he talked about the confirmation of the Governor's appointees, and we are saying if that is the problem, Governor, then you have got to pull your horns in a little, too, if the jobs are so important. If the jobs are so important there and you have had 4 years to try to resolve the problem and you have not been able to resolve it, and if we can get the jobs without resolving the problem, if we can start the project without solving that problem of who is supposed to serve on the commission, if the commission can operate day to day as it is operating now, then certainly we can get these projects built. I ask everyone for an affirmative vote on the resolution.

The SPEAKER. The Chair thanks the gentleman.

On the resolution, the Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, I am not sure whether my information is absolutely accurate, but it has been our indication all along that the bonds cannot be issued because of the lack of revenue by the Turnpike Commission, and that is the long and short of it.

We certainly should urge the Governor to do everything he can, but there is a problem with the revenue coming from the Turnpike Commission. Now, if the Turnpike Commission wants to raise its toll rates, certainly then the bond issue can go forward despite all the arguments pro and con of nominations or whatever. I think that is the central issue. I think what we are talking about also is that we can proceed with the design process without the bonds, but the bonding problem of the revenues to support those bonds is essential and has not been properly addressed by the Turnpike Commission. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. OLASZ. Mr. Speaker, I am glad that Mr. Ryan, whom I have some respect for, had an opportunity to reread the resolution, because I believe it was just a little over a week ago when Mr. Ryan did in fact read from a lengthy list of union officials, and at that time the minority leader also expressed his concern for the loss of jobs, had not the emissions bill passed. So I find it rather ironic that just a few minutes ago he was speaking against something that would create jobs. So I am thankful that he had an opportunity to reread it and will ask support from his membership for the resolution. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Will the gentleman, Mr. Hutchinson, give the Chair the indulgence of recognizing the gentleman, Mr. Alderette? I think this may be the gentleman's first chance at this.

Mr. Hutchinson has graciously allowed Mr. Alderette to speak.

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

Mr. ALDERETTE. Thank you, Mr. Speaker.

I would like to thank Mr. Ryan for reconsidering his position. The turnpike runs through my district and there is a great safety consideration there.

What we are doing here is asking the Governor if he would please help us move things along, and I would ask for all of your support so that we can work together and get this Commonwealth moving along with jobs and everything that is necessary. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—193

Afflerbach	Fargo	Lucyk	Rudy
Alderette	Fattah	McCall	Ryan
Angstadt	Fee	McClatchy	Rybak
Armstrong	Flick	McHale	Saloom
Arty	Foster, W. W.	McIntyre	Salvatore
Baldwin	Foster, Jr., A.	McMonagle	Saurman
Barber	Freeman	McVerry	Scheetz
Belardi	Freind	Mackowski	Schuler
Belfanti	Fryer	Madigan	Semmel
Beloff	Gallagher	Maiale	Serafini
Blaum	Gallen	Manderino	Seventy
Book	Gamble	Manmiller	Showers
Bowser	Geist	Markosek	Sirianni

Boyes	George	Marmion	Smith, B.
Brandt	Gladeck	Mayernik	Smith, L. E.
Broujos	Godshall	Michlovic	Snyder, D. W.
Burd	Greenwood	Micozzie	Snyder, G. M.
Burns	Grieco	Miller	Spencer
Caltagirone	Gruitza	Miscevich	Spitz
Cappabianca	Gruppo	Moehlmann	Stairs
Carn	Hagarty	Morris	Steighner
Cawley	Harper	Mowery	Stevens
Cessar	Hasay	Mrkonic	Stewart
Cimini	Hayes	Murphy	Stuban
Clark	Herman	Nahill	Sweet
Clymer	Hershey	Noye	Swift
Cohen	Hoeffel	O'Brien	Taylor, E. Z.
Colafella	Honaman	O'Donnell	Taylor, F. E.
Cole	Hutchinson	Olasz	Telek
Cordisco	Itkin	Oliver	Tigue
Cornell	Jackson	Perzel	Trello
Coslett	Jarolin	Peterson	Truman
Cowell	Johnson	Petrarca	Van Horne
Coy	Kasunic	Petrone	Vroon
Deluca	Kennedy	Phillips	Wachob
DeVerter	Klingaman	Piccola	Wambach
DeWeese	Kosinski	Pievsky	Wargo
Daley	Kowalshyn	Pistella	Wass
Davies	Kukovich	Pitts	Wiggins
Dawida	Lashinger	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—2

Merry Wright, J. L.

NOT VOTING—3

Bunt Fischer Gannon

EXCUSED—5

Battisto Haluska Weston Zwilk
Civera

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

BILLS ON THIRD CONSIDERATION CONTINUED

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 recurring,
Will the House agree to the bill on third consideration?
Mr. RYAN offered the following amendment No. A0742:

Amend Sec. 1, page 1, line 18, by removing the period after "committee" and inserting
, unless the Commonwealth is reimbursed for the use of the residence by the group sponsoring the event. Reimbursement shall include such items as food, beverage, heat and electricity, the charges which shall be determined by the Department of General Services. The moneys received shall go into the General Fund.

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

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, if you will bear with me one moment.

JUDICIARY COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport, who wishes to announce a committee meeting.

Mr. RAPPAPORT. Upon the call of the recess, there will be a meeting of the Judiciary Committee at the rear of the House.

There will also be a meeting of the Judiciary Committee tomorrow morning at 10 o'clock in room 633.

The SPEAKER. The Chair thanks the gentleman.

RULES COMMITTEE MEETING

The SPEAKER. The Chair has been advised by the majority leader that there will be a Committee on Rules meeting immediately on the declaration of the recess in the majority leader's office.

CONSIDERATION OF HB 182 CONTINUED

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, Mr. DeWeese, as the prime sponsor of HB 182, I think, has again as a motive a political advantage. Now, what HB 182 does, for the benefit of any of the members who have not bothered to read it, it in effect says that the Governor and the Lieutenant Governor cannot use the official residences for political purposes of a fundraising nature—I think that is simply stated—without it being made available to members of any party, or the other party, I suppose it is.

Now, what my amendment does, Mr. Speaker, is it says that they cannot do this unless the Commonwealth is reimbursed for the use of the residence by the group sponsoring the event. Reimbursement shall include such items as food, beverage, heat, and electricity, the charges to be determined by the Department of General Services.

Now, for as many years as I have been up here, through Republican and Democratic chief executives, I believe that the mansions have been used for various purposes including this particular purpose, and I really wonder, if Mr. DeWeese is sincere in his thinking—and I am guessing his thinking to be that public buildings, or publicly financed buildings, should not be used for political purposes—why the amendment is as narrow as it is. Is there much difference between a publicly financed firehouse or municipal building, perhaps Congressional offices, perhaps legislators' offices at home, being used for political purposes? Is there much difference between them and the Governor's Mansion or the Lieutenant Governor's Mansion? I think not.

The Governor today, Governor Thornburgh, when he has a so-called political event at the mansion—and I have attended some—keeps scrupulous account of the amount of money that represents taxpayers' money in the use of taxpayers' electric, the people who work at the mansion, beverages, food, heat, and the like, and this money is, I am told—and I believe Mr. DeWeese knows this to be so—repaid to the General Fund.

Really, what difference is there, once a man is elected Governor or Lieutenant Governor, between that home and his residence in his home district? This is the Governor's home; this is the Lieutenant Governor's home. If he chooses to use it for that purpose and the taxpayer is not picking up that tab, why should we say that it cannot be done?

I would ask that my amendment be adopted, Mr. Speaker, which puts into law the practice that is currently being carried on by the Governor and the Lieutenant Governor—and I am not so sure the Lieutenant Governor has used his home for that purpose. That way the taxpayer is indeed protected. I would ask for a "yes" vote on the amendment regardless of which way you would vote on the bill on final passage.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, would the gentleman from Delaware, the minority leader, consent to interrogation?

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

Mr. RAPPAPORT. Mr. Speaker, the gentleman is no doubt aware that the Ethics Commission has ruled that we may not have political meetings in our legislative offices under the theory that the rent is paid for by the Commonwealth and that it is the appearance of impropriety. Is it the gentleman's position that should this resolution pass with the gentleman's amendment in it, the rule of the Ethics Commission should thereby be changed and we would be permitted to do this as long as we reimbursed for the utilities, et cetera?

Mr. RYAN. Mr. Speaker, it is my understanding that what the Ethics Commission does is issue an advisory opinion that does not have the force of law. So I think there is a distinction and there is a difference. I am not bothered by what the gentleman is suggesting, and if he is of a mind to introduce such legislation, I, of course, would have no objection to it. I do not know that that is responsive.

Mr. RAPPAPORT. Mr. Speaker—and I do not intend to further bother the gentleman—would the gentleman consider this action to be a precedent that the Ethics Commission should take into account and perhaps change the rule?

Mr. RYAN. Yes and no. To go back a moment, Mr. Speaker, I have not read that Ethics Commission advisory opinion in some time. My recollection of what it said, though, was that you cannot use the equipment, the telephones, in your local office for political purposes. I do not know, and I would be interested in hearing what the gentleman would have to say on this, what if your office happens to be located in your home? Does the Ethics Commission address that?

Mr. RAPPAPORT. Mr. Speaker, it is my understanding that in response to an inquiry from a member, forgetting about for the moment the residence problem, which raises different issues, but assuming we have a regular office apart from our home and apart from any other offices that we may maintain, or business premises, it cannot be used for the purpose of political meetings, physically used for the purpose of political meetings or a fundraiser. The issue I am trying to raise with the gentleman is whether he considers this, assuming it passes, as precedent for the proposition that legislators in their offices, provided they make the proper reimbursements, should have the same privilege as the Governor and the Lieutenant Governor.

Mr. RYAN. Mr. Speaker, I would have to think that one out a little bit further. What I am bothered by, frankly, is the distinction that in the one case—that is, the case before us today—we are dealing with the principal residence of both of these gentlemen, whoever they may be. Be it Milton Shapp, be it Ernie Kline, Dick Thornburgh, Bill Scranton, it is their home. I have no problem saying to you, Mr. Speaker, that if your legislative office is in your home, the Ethics Commission in their advisory opinion is wrong if they are saying you cannot have a fundraiser or a political meeting in your home. Now, that is what this bill is trying to do - say you cannot have it in your home. If you are saying that your office is separate and apart, it is something that is totally away from your home, I would have to think that out a little bit further. But it does not necessarily offend me, because by the same token, we are using firehouses and we are reimbursing them, and they are publicly funded in many cases. We are using any number of other buildings that are publicly funded, and we are paying them for their use. But I would want to think that out a little bit further, Mr. Speaker.

Mr. RAPPAPORT. Mr. Speaker, I thank the gentleman for his usual enlightening remarks.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the Ryan amendment, the Chair now recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Mr. Speaker, I rise to oppose this amendment for several reasons. First, Mr. Ryan indicated in his remarks that labor is reimbursed under prevailing practice, such as the people who clean up after the parties, the people who serve the food, but nowhere in Mr. Ryan's amendment, A742, is there any mention of any reimbursement to the Commonwealth for labor. The text of this amendment just includes reimbursement for items such as food, beverage, heat, and electricity, not labor.

Secondly, the real importance of this bill is that there be no subsidy, direct or indirect, paid for by the taxpayers for these political fundraising events. There should be no appearance of a government representing only one party or a government representing only one small set of financial contributors. That is the purpose behind Mr. DeWeese's bill.

Finally, on today's calendar HR 54 directs the Joint State Government Commission to appoint a task force to study ways in which the Commonwealth can reduce competition

with private enterprise. I think one good way that we can reduce competition with private enterprise is to pass Mr. DeWeese's bill and see that the hotels and motels in the Harrisburg area get this business.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the Ryan amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

A couple points in response to Mr. Ryan. First of all, there should be a distinction drawn between the use of the mansion and the use of some other public facilities. I think the importance of using the mansion is that it is obviously a draw. I do not think, as in Mr. Ryan's hypothetical, that people will pay \$1,000 or more to go to a local fire hall. I think they are more likely to do that as a draw to get into the Governor's Mansion.

Secondly, the guts of his amendment talk about repayment. That sort of begs the question. As one who has been a complainant in these cases—and I should put on the record that I am precluded from discussing pursuant to the Ethics Act the elements of the investigation—I can speak generally about the issue, and the amounts that have been paid back are very small, nominal amounts compared to huge amounts, potentially hundreds of thousands of dollars that can be raised.

Finally—and Mr. Cohen alluded to this—the fact that what we are talking about, the rationale behind Mr. DeWeese's bill, and in a careful reading of the Cessar opinion, which is what originally prompted me to file the complaint, is the appearance of a conflict of interest. If we are concerned in this chamber, as I think we were when we passed the Ethics Act and created the commission, with restoring people's faith in government, I think that has been somewhat hampered by the Governor's actions with the mansion in December and January of this year. I think HB 182 without this amendment will help us to restore that faith, and I would ask for a negative vote on the Ryan amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would urge that we reject the Ryan amendment, because I really think that it undoes what HB 182 is all about. With the Ryan amendment we are back to square 1. I think we ought to be prepared to vote for or against HB 182 as it was offered by Representative DeWeese a couple of weeks ago.

The purpose of that bill is to really speak to the question of ethical conduct and standards of conduct. The argument was made that, well, we give the Governor this home; we give the Lieutenant Governor a home, and they ought to be able to do with it as they please. I reject that argument. We give them a home to live in, as we give the Governor an office in this building to work out of, but we do not give any Governor, we do not give any Lieutenant Governor, and hopefully we do not give any public official a public hall to use for their own personal financial benefit or the financial benefit of some political committee, and that is what this legislation is all

about. We give the man a home; we give the lady a home, but we do not give them a public hall to rent out using the prestige of that facility.

As Representative Kukovich said, if the Governor were living in an apartment building down there on Front Street somewhere, maybe a two- or three-story building, do any of us believe that that building would be used as a site for a fundraiser, and would it be as successfully used if that were the case? Would it be the draw for folks to pay a little bit more to come to the fancy mansion, the residence of the Governor? I think not. I think the building, the style of the building, the general environment, the prestige that goes with it, is really what this issue is about, and Representative DeWeese, I think, correctly states that that prestige ought not to be used for the financial benefit of an individual or a political committee or to the benefit of political supporters.

I happen to believe that the events surrounding this particular incident last fall have done more to undermine the Ethics Commission and the prestige and the authority of the Ethics Commission than anything else that could have occurred. I happen to believe that in 1978 when the Republican candidate for Governor was arguing with a lot of people in this chamber, on the same side of the argument I should say, that we needed a strong code of conduct; we needed strong standards expressed in an ethics law; we needed to impose on ourselves and public officials maybe requirements that were a bit overly restrictive, more so than we impose on the average citizen, I believe that Governor Thornburgh would have said in 1978 as Candidate Thornburgh, it is wrong to use the Governor's Mansion.

We found, unfortunately, 4 years later the Governor had a different attitude, and maybe any Governor would have had a different attitude during those 4 years, but I believe that this man, Richard Thornburgh, Candidate Thornburgh in 1978, would have said it is wrong. I believe that in 1978 Candidate Thornburgh would have said, right or wrong, if the Ethics Commission suggests that you ought not to use the mansion, whether you like that decision or not, you abide by that recommendation or that advisory opinion.

Unfortunately this Governor, deliberately or unintentionally—I will not ascribe motives—deliberately or unintentionally, by ignoring the recommendation of the Ethics Commission and saying we are not going to accept your recommendation or your advice that this mansion ought not to be used, in that single act did more to undermine the Ethics Commission, something that I thought he supported, something I hope he does still support, did more to undermine it than the act of any one of us could have accomplished, because by using the prestige of that office to simply, in a sense, thumb your nose at the Ethics Commission basically said the Ethics Commission does not count. It can issue all the opinions that its wants, and public officials, legislators, Governors, whatever, can pick and choose the decisions they like, pick and choose the decisions they care to abide by or care to ignore. I do not think that that was the intention of the Governor and his committee when they did that back in the fall, but I think that was unfortunately the impact of that action. I think we ought to

take that possibility away. I think we ought to say that because of the image that is at stake, because of the potential abuse—

The SPEAKER. Will the gentleman yield.

POINT OF ORDER

The SPEAKER. For what purpose does the lady from Delaware, Mrs. Durham, rise?

Mrs. DURHAM. A point of order, Mr. Speaker.

The SPEAKER. The lady will state her point of order.

Mrs. DURHAM. I believe that the speaker who has the floor is not sticking to the intent of the amendment, and I would urge you to urge him to speak to the merits of the amendment.

The SPEAKER. The Chair thanks the lady.

The gentleman is instructed by the Chair that he is strictly limited to discussing the amendment, and the Chair would say that the gentleman probably has in his enthusiasm for his subject matter strayed too far from the amendment. Will the gentleman please come back to the amendment.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I apologize. I thought I was speaking to the most important reason to object to the amendment, but I will try to be a bit more specific and wrap it up.

Mr. Speaker, this amendment that is offered by Representative Ryan would in effect gut the DeWeese bill. I think that is what is really before us. I think we ought to vote for or against the DeWeese bill on its own merit. I do not think we ought to water it down so everybody can save face and vote for it in the end, and I think that is what some folks may have in mind. If you disagree with the DeWeese bill, let us set this amendment aside. Let us not water the bill down. Have the courage to say DeWeese is wrong and vote against him, if that is what you really feel. On the other hand, I hope you will agree with Representative DeWeese, set aside this amendment, and ultimately support HB 182 as it was introduced. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on the Ryan amendment, the gentleman from Westmoreland, Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

I have a problem with the minority leader's amendment. I am against that amendment and I am also against the bill. We have too darn many do-gooders here. Thank you.

The SPEAKER. The Chair thanks the gentleman, Mr. Hutchinson, and the Chair will not assume that those who applauded are the opposite of do-gooders, that that applause was simply to end the debate.

The Chair has been advised by the sponsor of the bill that he has prepared a 3-minute per oratio, and the Chair recognizes him now for his 3-minute per oratio.

Mr. DEWEESE. Mr. Speaker, naturally I wanted to save these remarks and hurl them on final passage, but I think as Mr. Cowell asserted, this amendment essentially guts the bill. Therefore, I will make my observations clear, keen, and coherent.

Not too many days ago Representatives Lucyk and Jarolin and Kosinski and I were discussing Russian literature. We came across a quote from a premier Soviet novelist, and he said that next to the right to create, the right to criticism, the right to criticize, is the most precious, the most dear, the most rich that liberty of thought and speech can offer. As Mr. Ryan speculated in his initial remarks, I have come here to criticize, not to criticize and not to be political but to inherently try to elevate and enhance the system. He danced delightfully on the periphery of an ad hominem attack when he came out and said that I was here to be political. That is not the case. I am not here, Mr. Ryan, to fustigate; I am here to try to make things better for Governor Kukovich or Governor Rendell or Governor Freeman or Governor Freind or Governor Sirianni.

There is something inherently repugnant in my mind about the cigar smoke wafting up into the candlelight and these millionaires paying \$1,000 apiece to gain access, and that is what Mr. Cowell and Mr. Kukovich alluded to, access. It acts like a big magnet. It just sucks them right in from Philadelphia, from everywhere.

Are we going to do what we think is proper, egalitarian, high-minded? Or are we going to follow the lead of His Excellency and pursue contributions from those multitudinous supplicants from the lofty-domed bond houses of Philadelphia? Or their more pedestrian but no less greasy purveyors of bituminous products?

A long time ago Sam Hayes gave us a challenge, the man from Blair County. That day was when we were all sworn in. It was a very effusive afternoon. Everyone was saying multitudinous nice things about everybody else. Some of us on the back benches, and that is where I reside and probably always will, but nevertheless some of us on the back benches thought that things were a little syrupy, and then Mr. Hayes got up and said, we must all be sons of liberty. Do you remember that? Sons of liberty; i wrote it down. Sons of liberty, Mr. Hayes. Sons of liberty, my colleagues, were the radicals of the 1760's and 1770's. They were boys like Bob Freeman and Al Kukovich and Steve Freind and Carmel Sirianni—she is a lady, but—people who were not afraid to stand up and knock them around a little bit. Well, the sons of liberty would not go to the Governor's Mansion at \$1,000 a head.

Mr. Speaker, with this amendment, with this amendment, we have crossed the Rubicon. We can either embrace the idealism, the spirit of Lincoln, farmer, prairie lawyer. We can embrace the spirit of rough-and-tumble Andy Jackson. We can embrace the spirit of our roots, good old boys, and middle-class Americans, middle-class Pennsylvanians. Or we can do what they have been doing for 2,000 years. I remember that Duke Marmion and I one night were talking about what they did 2,000 years ago. They hurled the moneychangers from the temple. Two thousand years later their modern-day avatars, reincarnated and transmigrated to the Susquehanna, are going to be ejected from the Governor's Mansion. That is what this bill is all about.

My final comment, my final comment, Mr. Speaker, in the middle 15th century, in the middle 15th century, a man whom I compare to His Excellency was doing relatively the same

thing. His name was Cosimo de Medici. Do you remember the family, the de Medici family? The great bankers, the great money people of the Renaissance? They called him Cosimo the Magnificent. Anyway, it came to be known that if you went to Cosimo's palace, there were three golden balls, three golden balls, outside the door, and for 100 years that became known as the symbol of money, the symbol of wealth, the symbol of power, the symbol of the elite. Are we going to hang three golden balls above the executive mansion?

The SPEAKER. Will the gentleman yield?

Is there anyone who wishes to amend the number of balls? The Chair apologizes. The Chair thought he heard that there was someone willing to offer that amendment.

The gentleman may continue.

For what purpose does the gentleman from Lancaster, Mr. Brandt, rise?

Mr. BRANDT. On the Speaker's urging, maybe amend the number, but how about the metal also.

The SPEAKER. You may now return to Cosimo of the de Medicis.

Mr. DeWEESE. Speaking of ad hominem.

Mr. Speaker, and I especially ask my rough-and-tumble cohorts on the other side of the aisle, those of you who do not necessarily go along all the time, those of you who have some spirit of independence and some vision, to use a rather trite and glib word, I ask you, I ask you, to put a stop to this political pawnbrokery. We must not hock the people's house.

The SPEAKER. Now you have heard a per oratio. You know what it is.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—96

Angstadt	Freind	McVerry	Salvatore
Armstrong	Gallen	Mackowski	Saurman
Arty	Gannon	Madigan	Scheetz
Belardi	Geist	Manmiller	Schuler
Blaum	George	Marmion	Semmel
Book	Gladeck	Merry	Serafini
Bowser	Godshall	Micozzie	Sirianni
Boyes	Greenwood	Miller	Smith, B.
Brandt	Grieco	Moehlmann	Smith, L. E.
Burd	Gruppo	Mowery	Snyder, D. W.
Cessar	Hagarty	Nahill	Snyder, G. M.
Cimini	Hasay	Noye	Spencer
Clymer	Hayes	O'Brien	Spitz
Cornell	Herman	Perzel	Stairs
Coslett	Hershey	Peterson	Stevens
DeVerter	Honaman	Phillips	Swift
Davies	Jackson	Piccola	Taylor, E. Z.
Dietz	Johnson	Pitts	Telek
Dininni	Kennedy	Pott	Vroon
Dorr	Klingaman	Punt	Wass
Durham	Lashingner	Reber	Wilson
Fargo	Lehr	Reinard	Wogan
Flick	Levi	Robbins	Wright, J. L.
Foster, W. W.	McClatchy	Ryan	Wright, R. C.

NAYS—98

Afflerbach	Duffy	Lloyd	Rieger
Alderette	Evans	Lucyk	Rudy
Baldwin	Fattah	McCall	Rybak
Barber	Fee	McHale	Saloom
Belfanti	Foster, Jr., A.	McIntyre	Seventy
Beloff	Freeman	McMonagle	Showers

Broujos	Fryer	Maiale	Steighner
Caltagirone	Gallagher	Manderino	Stewart
Cappabianca	Gamble	Markosek	Stuban
Carn	Gruitza	Mayernik	Sweet
Cawley	Harper	Michlovic	Taylor, F. E.
Clark	Hoeffel	Miscevich	Tigue
Cohen	Hutchinson	Morris	Trello
Colafella	Itkin	Mrkonic	Truman
Cole	Jarolin	Murphy	Van Horne
Cordisco	Kasunic	O'Donnell	Wachob
Cowell	Kosinski	Olasz	Wambach
Coy	Kowalyshyn	Oliver	Wargo
Deluca	Kukovich	Petrone	Wiggins
DeWeese	Laughlin	Pievsky	Williams
Daley	Lescovitz	Pistella	Wozniak
Dawida	Letterman	Pratt	Wright, D. R.
Deal	Levin	Preston	
Dombrowski	Linton	Rappaport	Irvis,
Donatucci	Livengood	Richardson	Speaker

NOT VOTING—4

Bunt	Burns	Fischer	Petrarca
------	-------	---------	----------

EXCUSED—5

Battisto	Haluska	Weston	Zwilk
Civera			

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. 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. Thank you, Mr. Speaker.

After listening to the per oratio, this is going to seem as a rather mundane amendment, but I do think that the question here is one of access. In committee I initially opposed reporting this bill to the House for full consideration because I have a very strong personal belief in the fact that an individual should be able to utilize their residence as they see fit within any legal means, and certainly the mansion and the Lieutenant Governor's home are their residences. By the same token, I recognize that when I placed the cloak of public office upon myself, there were certain private things I have had to give up, and I suspect that should be the case in this event, because the question is, as I stated, one of access.

Certainly the Governor or the Lieutenant Governor is not likely to make their home available to an opposing candidate or an opposing party for use in political fundraising, and I think we should make it crystal clear in this legislation that any similar building or buildings funded in whole or in part with public funds should also not be used for political fund-

raising unless they are accessible to opposing candidates and opposing parties.

That is essentially what my amendment provides, that any building or buildings funded in whole or in part with public funds shall not be used for political fundraising unless they are accessible to opposing parties and opposing candidates. Now, this essentially would mean that the Farm Show Arena, which of course is a public building and is rented to anyone who cares to rent it, could be used for political fundraising. On the other hand, the homes of the State college presidents could not be used, and indeed the home of the grounds keeper of Valley Forge State Park could also not be used, and that is only fair, because the legacy of America is such that the poor should expect no better treatment than that afforded to the wealthy.

That is the intent of the amendment. I suggest we take this bill and strengthen it by applying it to all public buildings in the manner stated. I urge support for the 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—174

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

NAYS—17

Barber	Deal	Jackson	Rappaport
Beloff	Evans	McCall	Richardson
Blaum	Fattah	Mackowski	Sirianni
Broujos	Fryer	Mrkonic	Wiggins
Cawley			

NOT VOTING—7

Armstrong	Burns	Gannon	Spitz
Bunt	Fischer	Hutchinson	

EXCUSED—5

Battisto	Haluska	Weston	Zwinkl
Civera			

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

Does the lady from Susquehanna, Miss Sirianni, wish to debate this bill on final passage?

Miss SIRIANNI. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady.

Miss SIRIANNI. Mr. Speaker, I would like to just make one comment. In the district in which I reside, there is not a building large enough to hold a political meeting for either party unless it is held in the public school. Now, would you be eliminating both parties from an opportunity to show their candidates to the people?

The SPEAKER. The lady wishes to direct that question to whom?

Miss SIRIANNI. To Mr. DeWeese, who made me Governor.

Mr. DeWEESE. I would defer to Representative Afflerbach.

The SPEAKER. The gentleman, Mr. Afflerbach, will attempt to answer the question.

Mr. AFFLERBACH. Yes. The answer to the question is this: If the public school building is being used simply to present candidates to the public, it could continue to be used for that. Under the amendment I have just offered, which was approved, the building could not be used for political fundraising unless it was accessible to opposing candidates and opposing parties.

Miss SIRIANNI. Mr. Speaker, could the gentleman advise me where we could hold such functions then to raise money?

Mr. AFFLERBACH. I can only advise the lady that I have found any number of places throughout the Commonwealth to hold fundraising activities, and certainly I would not be hesitant to approach a school district and ask whether or not I could rent their building with the stipulation that they would have to make the building available to my opponent.

Miss SIRIANNI. At the same time, sir?

Mr. AFFLERBACH. Well, at the same time would certainly be interesting, but no, not at the same time. I do not think that is the intent of the amendment at all. The intent is simply to relate to the fairness doctrine as it applies to public broadcasting across the airwaves, and of course, there the courts have ruled on any number of occasions that it need not be even the identical time on a given day.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the lady from Lancaster, Mrs. Honaman, on the final passage of the bill.

Mrs. HONAMAN. Thank you, Mr. Speaker.

We have heard a lot of rhetoric here. I felt like Diogenes with his lamp looking for an honest man or woman. So I think that in the spirit of high morals and ethical conduct, only those in their seats should vote on this bill. Thank you.

The SPEAKER. The lady's remarks are very well taken. The rules of the House require that only those in their seats be allowed to vote, and the rules specifically say that you may not remain in your seat and refuse to vote.

The Chair recognizes the gentleman from York, Mr. Foster, on final passage of the bill.

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

Would the gentleman from Greene, Mr. DeWeese, consent to brief interrogation?

The SPEAKER. The gentleman, Mr. DeWeese, indicates that he will stand for interrogation. The gentleman, Mr. Foster, is in order and may proceed.

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

It was my intention, Mr. Speaker, to support the bill, but I would like to clarify one thing with the gentleman, Mr. DeWeese.

On page 2 of the bill, is it your intent that the fine be \$1,000? Initially when I looked at that, I thought it was \$10,000, but is it \$1,000?

Mr. DeWEESE. The fine would not exceed \$1,000. We are not, naturally, trying to make a pecuniary weight around a violator's neck. What we want to do is cause the onus of public opinion to weigh him down or her down and make sure that they do not go along with something like that.

Mr. A. C. FOSTER. Thank you, Mr. Speaker. I am on interrogation, but do you feel that the mere imposition of a \$1,000 fine is sufficient? After all, simply have your fundraiser and pay the fine. I am not sure there is going to be a great public outcry on it, but if we are going to prevent this, I think it ought to be by an appropriate penalty.

Mr. DeWEESE. We are talking, Mr. Speaker, about the potentates of Pennsylvania. If Mr. Thornburgh and Mr. Scranton or their Democratic supplanters decide to have fundraisers, I am not worried about the \$1,000. If they want to disobey the law, let the general public think what it wants to think. Here again, I am not worrying about the money; at least that was not my intention when I introduced this measure.

Mr. A. C. FOSTER. Would you support an attempt to raise it to \$10,000?

Mr. DeWEESE. Mr. Speaker, I am quite satisfied the way the figure is right now.

Mr. A. C. FOSTER. You know, Mr. Speaker, we have various penalties in this Commonwealth; we have fines, for example, on speeding. Would you agree that if we had a \$1 fine on speeding, that would be adequate? Five dollars?

Mr. DeWEESE. Mr. Speaker, on page 2, line 1, part (b), we affirm in the bill that the funds will be returned. Therefore, that would obviate the need to have the fundraiser. Therefore, I do not see that your line of questioning is relevant to the essence of the measure.

Mr. A. C. FOSTER. Mr. Speaker, you do not think that a \$10,000 fine would be a greater deterrent?

Mr. DeWEESE. Mr. Speaker, if the person or persons violate this statute, all the money that they raise will be returned. So it seems inconsequential to me what the fine is - 5 cents, \$5, \$5 million. Every dime that is taken in will be returned.

Mr. A. C. FOSTER. When you say all of the moneys will be returned, all of the funds that are raised?

Mr. DeWEESE. At that particular event, according to line 1 on page 2.

Mr. A. C. FOSTER. Mr. Speaker, would you agree to hold the bill over for an amendment?

Mr. DeWEESE. With all due respect, no, sir. With all due respect. With an abundance of respect.

The SPEAKER. Has the gentleman, Mr. Foster, concluded his interrogation?

Mr. A. C. FOSTER. Yes. I would like to speak briefly.

The SPEAKER. The Chair recognizes the gentleman. The gentleman is in order and may proceed.

Mr. A. C. FOSTER. Mr. Speaker, if that be the gentleman's decision, I submit then that the bill is not adequate to do what it purports to do, and I would urge a negative vote.

The SPEAKER. The Chair thanks the gentleman.

Now the Chair recognizes the gentleman from Berks, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, I am happy that this bill came to the floor today for a couple of reasons. Number one, it was the first time I have seen the majority leader get such a belly laugh in a long time. I think he has enjoyed this activity.

Also, Mr. Speaker, as far as Representative Sirianni's question with regard to use of buildings in her district, I think her opposition could probably use a phone booth in order to have a meeting.

Mr. Speaker, the reason I am happy, though, that this bill came up is that it highlights somewhat the total triteness of this session so far. We have spent almost an hour debating a bill which is absolutely of no substance; a bill, Mr. Speaker, which will go nowhere; a bill which was obvious political posturing—

Mr. GRUITZA. Mr. Speaker?

The SPEAKER. Would the gentleman yield.

Mr. GRUITZA. I would like to question the relevancy of his line of—

The SPEAKER. The Chair believes—it has listened to Mr. Gallen—that Mr. Gallen is giving reasons why the bill should be defeated. He has said it is trite, that it has wasted our time, that it will go nowhere, and therefore, it should be defeated. I

think that is what Mr. Gallen was saying. If that is what he said, Mr. Gruitza, then he is still, whether you disagree with him, on the question of the bill and how you should vote.

The phone booth, we would suggest, would have to be probably enlarged to take three people.

Mr. Gallen, you may continue.

Mr. GALLEN. Mr. Speaker, I think with your emphasis on my remarks, I do not have to add anything. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on the passage of the bill, the gentleman from Lehigh, Mr. Snyder.

Mr. D. W. SNYDER. Mr. Speaker, would the gentleman from Lehigh, Mr. Afflerbach, stand for one brief question?

The SPEAKER. The gentleman, Mr. Afflerbach, says he will stand for interrogation. The gentleman from Lehigh, Mr. Snyder, is in order and may proceed.

Mr. D. W. SNYDER. Mr. Speaker, in order to clarify the bill as amended, the amended-in subsection (3) now says "in whole or in part with public funds." Does "public funds" include any money from any government source at all? In other words, local government, county, city, State, and Federal?

Mr. AFFLERBACH. In my interpretation and that of the courts, "public funds" includes money from any governmental unit - Federal, State, or local.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lycoming, Mr. Grieco, on final passage.

Mr. GRIECO. Thank you, Mr. Speaker.

Every 4 years the citizens of Pennsylvania elect a Governor. Sometimes he or she could be a Democrat; sometimes he or she could be a Republican. It does not make any difference; he is our leader. He is our leader. Personally, I think this is a political bill. We should bury it and forget about it, because whether he is a Democrat or Republican, he is our Governor. It is his home. Let him or her use that home as he or she sees fit.

I ask for a "no" vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on final passage, the gentleman from Allegheny, Mr. Olasz.

Mr. OLASZ. Mr. Speaker, I have listened to the debate for the last few minutes. I think every one of us in this House should stop and pause for a moment, because if this bill rises or falls solely on a partisanship vote, then I think what Mr. Hutchinson said is very true. The whole ethics bill is nothing but a mockery, because whichever party is in power, they are going to pass whatever bill they want, and that is where the ethics will lie. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. The gentleman, Mr. Gallen, said this bill was not substantive. He asserted that I was attitudinizing. I would only say to Mr. Gallen that this bill is symbolic, symbolic. A lot of things, Mr. McClatchy, are symbolic in govern-

ment, and I ask for an affirmative vote on this measure. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. McCLATCHY. I do not know how I got into this, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The request has been made and it must be respected that only those members in their seats be permitted to vote. If there are challenges, the Chair will await those challenges.

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.

(Members proceeded to vote.)

Mr. MANDERINO. Mr. Speaker, would you ask all members in their seats to vote?

The SPEAKER. All members are required by the rules of this House to vote if he or she is in his or her seat.

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—104

Afflerbach	Fee	McHale	Scheetz
Alderette	Freeman	McMonagle	Serafini
Angstadt	Fryer	McVerry	Seventy
Baldwin	Gallagher	Maiale	Showers
Belardi	Gamble	Manderino	Steighner
Belfanti	George	Markosek	Stewart
Broujos	Greenwood	Mayernik	Stuban
Caltagirone	Gruitza	Michlovic	Sweet
Cappabianca	Gruppo	Miller	Taylor, F. E.
Carn	Harper	Miscevich	Tigue
Cawley	Herman	Morris	Trello
Clark	Hoefel	Mrkonic	Truman
Cohen	Itkin	Murphy	Van Horne
Colafella	Jarolin	O'Donnell	Wachob
Cole	Kasunic	Olasz	Wambach
Cowell	Kosinski	Oliver	Wargo
Coy	Kowalyshyn	Petrarca	Wiggins
Deluca	Kukovich	Petrone	Williams
DeWeese	Laughlin	Pievsky	Wilson
Daley	Lescovitz	Pistella	Wozniak
Dawida	Letterman	Preston	Wright, D. R.
Deal	Levin	Rappaport	Wright, J. L.
Dombrowski	Linton	Reinard	Wright, R. C.
Donatucci	Livengood	Rieger	
Duffy	Lloyd	Rudy	Irvis,
Evans	Lucyk	Rybak	Speaker
Fattah	McCall		

NAYS—75

Arty	Foster, W. W.	McClatchy	Ryan
Blaum	Foster, Jr., A.	Mackowski	Saloom
Book	Freind	Madigan	Salvatore
Bowser	Gallen	Manmiller	Saurman
Boyes	Geist	Marmion	Schuler
Brandt	Gladeck	Merry	Semmel
Burd	Godshall	Micozzie	Sirianni
Cessar	Grieco	Moehlmann	Smith, B.
Clymer	Hagarty	Mowery	Smith, L. E.
Cornell	Hasay	Nahill	Snyder, D. W.
Coslett	Hayes	Noye	Snyder, G. M.
DeVerter	Hershey	O'Brien	Spencer

Davies	Honaman	Peterson	Stairs
Dietz	Hutchinson	Phillips	Swift
Dininni	Jackson	Pitts	Taylor, E. Z.
Dorr	Kennedy	Pott	Telek
Durham	Klingaman	Punt	Vroon
Fargo	Lehr	Reber	Wass
Flick	Levi	Robbins	

NOT VOTING—19

Armstrong	Cimini	Lashinger	Richardson
Barber	Cordisco	McIntyre	Spitz
Beloff	Fischer	Perzel	Stevens
Bunt	Gannon	Piccola	Wogan
Burns	Johnson	Pratt	

EXCUSED—5

Battisto	Haluska	Weston	Zwinkl
Civera			

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.

DEMOCRATIC CAUCUS

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

Mr. ITKIN. Mr. Speaker, the Democrats will caucus at about 3:30.

REPUBLICAN CAUCUS

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

Mr. NOYE. Mr. Speaker, Republicans will caucus at 3:30 and we will be brief, so be there promptly.

HOUSE SCHEDULE

The SPEAKER. The Chair will remain open. The Chair will return for reports of committees at 4:30. There will be no further votes taken during this day's session, but the Chair will remain open until 4:30 to take reports of committees.

RECESS

The SPEAKER. This House stands in recess until 4:30.

AFTER RECESS

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

RESOLUTIONS REPORTED FROM COMMITTEE

HR 85, PN 1041 By Rep. MANDERINO Establishing a Special Committee to Investigate the Pennsylvania State Police.

RULES.

HR 91, PN 1098

By Rep. MANDERINO

Relating to the observance of National Nursing Home Week in Pennsylvania.

RULES.

BILL REREPORTED FROM COMMITTEE**HB 8, PN 1102 (Amended)**

By Rep. RAPPAPORT

An Act amending the act of April 2, 1980 (P. L. 63, No. 26), entitled "An act consolidating, revising and amending the divorce and annulment laws of the Commonwealth and making certain repeals," further providing for grounds for annulment of voidable marriages.

JUDICIARY.

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 York, Mr. Snyder.

Mr. G. M. SNYDER. Mr. Speaker, I move that this House do now adjourn until Tuesday, May 10, 1983, at 11 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:46 p.m., e.d.t., the House adjourned.