

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, OCTOBER 11, 1983

SESSION OF 1983

167TH OF THE GENERAL ASSEMBLY

No. 81

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:

O God, our Father, we come before Thee in this hour with hearts and lives filled with gratitude. We thank Thee for Thy gracious love, tender mercy, and providential care. We also express our thanks for Columbus and his steadfast determination which led to the discovery of this land of America; for all those stalwart pioneers and statesmen who laid well the foundation stones for this land of freedom; and the dreams and ideals which have guided those who have proceeded us. Now, O God, we pray that Thou wilt fill these stewards of Thine with the same courage, determination, and zeal that they may continue to build upon that foundation which is laid in Thee. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Wednesday, October 5, 1983, will be postponed until printed. The Chair hears no objection.

COMMUNICATION FROM DEPARTMENT OF ENVIRONMENTAL RESOURCES

The SPEAKER. The Chair acknowledges the receipt of the Storm Water Management Guidelines and Model Ordinances from the Secretary of the Department of Environmental Resources, as directed by section 14(b), act of October 4, 1978.

The following communication was read:

Commonwealth of Pennsylvania
Department of Environmental Resources
Harrisburg, Pa. 17120

October 5, 1983

Mr. Clarence Myer, Parliamentarian
House of Representatives
Room 113, Main Capitol Building
Harrisburg, PA 17120

Dear Mr. Myer:

I am pleased to submit to the General Assembly the Storm Water Management Guidelines and Model Ordinances as directed by Section 14(b), Act of October 4, 1978 P.L. 864, No. 167, known as the Storm Water Management Act, and under the procedures provided in the Act of April 7, 1955 P.L. 23, No. 8, known as the Reorganization Act of 1955.

The Storm Water Management Act is a major step towards stabilizing Pennsylvania's flooding problems. Flood control projects designed in years past are losing their effectiveness as new developments increase the rate and quantity of stormwater entering our streams. In Pennsylvania intensity of land use has caused a sharp rise in the number of flooding events. Since 1936 Pennsylvania has suffered 18 major floods accounting for total damages in excess of \$5.8 billion. Although there is tendency to look upon the great floods such as 1936 and 1972 as remote and unprecedented events, the fact is that serious and moderate floods frequently cause extensive localized damage to communities throughout the Commonwealth.

Storm water management is concerned with the planning design and management of the flow and storage of surface waters resulting from large and small storms including consideration of water quality and interaction with groundwater. The implementation of stormwater management plans will stabilize the quantity and velocity of storm water which enters our streams. The plans will help to prevent downstream flooding, stream channel erosion and resulting siltation, provide a balance for existing biological habitat in streams, maintain or increase the flow to groundwater and reduce the amount of nonpoint source pollution.

Approval of these guidelines will give assistance to counties and local governments facing the increasing problems of accelerated stormwater runoff. As the General Assembly itself determined when enacting the Storm Water Management Act, dealing with storm water runoff in a reasonable manner is fundamental to the public health, safety and welfare and the protection of the people of the Commonwealth, their resources and the environment.

Sincerely,
Nicholas DeBenedictis
Secretary
Department of
Environmental Resources

Enclosures

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

ADMINISTRATIVE RULES REPORT NO. 4

These Guidelines have been developed under the provisions of the Pennsylvania Storm Water Management Act. The Guidelines are designed to provide technical guidance, advice and suggestions to counties and municipalities engaged in the preparation and implementation of storm water management plans and programs. It is hoped that, by promoting a better understanding of storm water behavior and control techniques and by offering concepts for developing local management programs, these Guidelines will encourage a more consistent and effective approach to alleviate the problems of accelerated storm water runoff. These Guidelines are, by definition, not Department rules or regulations. They are rather a flexible framework for local planning and management.

The Storm Water Management Act provides for the preparation of watershed storm water plans by counties and implementation of such plans by municipalities, within two years following adoption and approval of these Guidelines, and Model Ordinances. In order to provide financial assistance for the preparation of watershed storm water plans, the General Assembly has authorized the payment of grants to counties. However, funds for such grants will not be available until and unless funds are specifically appropriated for this purpose. Continued grant payments would be dependent upon subsequent additional appropriations. Section 5 of the Act authorizes the Department to extend the two-year time limit for the adoption of watershed plans "for good cause shown". Pursuant to this provision, the Department has adopted the policy that unavailability of adequate State or Federal funds to assist in storm water planning will be considered in determination of "good cause shown." Counties and municipalities may, of course, at any time voluntarily adopt and implement storm water management programs.

The Storm Water Management Act represents a new approach to solving the widespread problem of accelerated storm water runoff. The purpose of these Guidelines is to explain the requirements of the Act, to assist counties and municipalities in their preparation of storm water management plans and ordinances and, in general, to encourage the effective management of storm water throughout the Commonwealth.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1534 By Representatives MISCEVICH, GAMBLE, TRELLO, WOZNAK, DeLUCA, MARMION, MARKOSEK, SEVENTY, MAYERNIK, MRKONIC, OLASZ, DUFFY, VAN HORNE, MICHLOVIC, PETRARCA, SALOOM, DORR, LETTERMAN, DeWEESE, BURD, BOOK, STAIRS, BOWSER, STEWART, D. R. WRIGHT and SWEET

An Act amending the "County and Municipal State Highway Law," approved September 18, 1961 (P. L. 1389, No. 615), further providing for the Commonwealth's maintenance obligations; and making a repeal.

Referred to Committee on TRANSPORTATION, October 11, 1983.

No. 1535 By Representatives RUDY, COLE, STUBAN, AFFLERBACH, GRUITZA, COY, BELFANTI, BALDWIN and SHOWERS

An Act limiting the liability of landowners who permit their land to be used for recreational purposes.

Referred to Committee on BUSINESS AND COMMERCE, October 11, 1983.

No. 1536 By Representatives HASAY, GEORGE, GODSHALL, WACHOB, FEE, BUNT, HERSHEY, REBER, DURHAM, BURD, MARMION, BOOK, KOSINSKI, GAMBLE, LETTERMAN, GLADECK, REINARD, CAWLEY, CORNELL, NAHILL, SAURMAN, PUNT, E. Z. TAYLOR, PICCOLA, MANMILLER, WASS, MICHLOVIC, JAROLIN, GREENWOOD and BURNS

An Act amending the "Solid Waste Management Act," approved July 7, 1980 (P. L. 380, No. 97), requiring the department to close certain landfills.

Referred to Committee on CONSERVATION, October 11, 1983.

No. 1537 By Representatives DORR, SWEET, G. M. SNYDER, GODSHALL, FLICK, VROON, DAVIES and A. C. FOSTER, JR.

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the grading of bad check offenses.

Referred to Committee on JUDICIARY, October 11, 1983.

No. 1538 By Representatives DORR, KOWALYSHYN, G. M. SNYDER, MERRY, SAURMAN, ROBBINS and A. C. FOSTER, JR.

An Act amending the act of July 12, 1972 (P. L. 769, No. 182), entitled "An act relating to certain documents, prescribing the fees for the Department of State and certain public officers, permitting the filing of certain documents appropriating the exclusive right to a corporate name, repealing the excise tax on the capital stock of domestic corporations and repealing inconsistent acts," providing for a fee for certain churches to change their names.

Referred to Committee on BUSINESS AND COMMERCE, October 11, 1983.

No. 1539 By Representatives DORR, KOWALYSHYN, G. M. SNYDER, MERRY, SAURMAN, GODSHALL, ROBBINS and A. C. FOSTER, JR.

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, providing for name changes for religious corporations.

Referred to Committee on BUSINESS AND COMMERCE, October 11, 1983.

No. 1540 By Representatives DORR, McMONAGLE, TRELLO, SEVENTY, LETTERMAN, G. M. SNYDER, D. W. SNYDER, J. L. WRIGHT, SEMMEL, SCHULER,

GODSHALL, E. Z. TAYLOR, BUNT,
DAVIES, FLICK and A. C. FOSTER, JR.

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No.2), excluding certain Federally qualified old age or retirement benefit payments from the definition of "compensation."

Referred to Committee on FINANCE, October 11, 1983.

No. 1541 By Representatives DORR, McMONAGLE, TRELLO, SEVENTY, MISCEVICH, G. M. SNYDER, D. W. SNYDER, SEMMEL, E. Z. TAYLOR, DAVIES, GODSHALL, BUNT, FLICK and A. C. FOSTER, JR.

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No.2), further providing for personal income tax returns and liability.

Referred to Committee on FINANCE, October 11, 1983.

No. 1542 By Representatives DORR, KOWALYSHYN, SWEET, G. M. SNYDER, WASS, SEMMEL, SCHULER, GODSHALL, E. Z. TAYLOR, MERRY, SAURMAN, CLYMER, FLICK and A. C. FOSTER, JR.

An Act providing for execution of deeds by persons 18 years of age or older; and validating certain conveyances.

Referred to Committee on BUSINESS AND COMMERCE, October 11, 1983.

No. 1543 By Representatives DORR, McMONAGLE, TRELLO, SEVENTY, LETTERMAN, G. M. SNYDER, WASS, D. W. SNYDER, SEMMEL, GODSHALL, E. Z. TAYLOR, FLICK and A. C. FOSTER, JR.

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

Referred to Committee on FINANCE, October 11, 1983.

No. 1544 By Representatives DORR, G. M. SNYDER, B. SMITH, NOYE, D. W. SNYDER, WASS, J. L. WRIGHT, MILLER, SCHULER, SEMMEL, DAVIES, GODSHALL, E. Z. TAYLOR, FLICK, SCHEETZ, MERRY, CLYMER, SAURMAN and A. C. FOSTER, JR.

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding the offense of victimizing the elderly.

Referred to Committee on JUDICIARY, October 11, 1983.

No. 1545 By Representatives COLAFELLA, TRELLO, ALDERETTE, DALEY, CIMINI, BOWSER, MORRIS, KOWALYSHYN, STEVENS, PETRONE, HALUSKA, MAYERNIK, MARKOSEK, BOOK, FARGO, COY, OLASZ, GALLAGHER,

GEIST, ITKIN, RUDY, SEMMEL,
PETRARCA, DeLUCA, PRATT,
PRESTON and FISCHER

An Act amending the "Senior Citizens Rebate and Assistance Act," approved March 11, 1971 (P. L. 104, No. 3), providing for an energy credit.

Referred to Committee on FINANCE, October 11, 1983.

No. 1546 By Representative HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the calibration of portable scales.

Referred to Committee on TRANSPORTATION, October 11, 1983.

No. 1547 By Representatives RYBAK, KOWALYSHYN, GRUPPO, SEMMEL, BATTISTO, DeWEESE, HALUSKA, STEIGHNER, JAROLIN and TELEK

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for the appointment of watchers and their powers.

Referred to Committee on STATE GOVERNMENT, October 11, 1983.

No. 1548 By Representatives RYBAK, KOWALYSHYN, SEMMEL, D. W. SNYDER, DeWEESE, HALUSKA, STEIGHNER, JAROLIN, OLIVER, TELEK and NOYE

An Act amending the "Public Official and Employees Ethics Law," approved October 4, 1978 (P. L. 883, No. 170), further providing for the filing of statements or financial interests for county and municipal offices.

Referred to Committee on STATE GOVERNMENT, October 11, 1983.

No. 1549 By Representatives GALLEN, CAWLEY, ANGSTADT, BELARDI, HERMAN, SEMMEL, STEVENS, GEIST, HAYES, B. SMITH, DORR, RYAN, G. M. SNYDER, CESSAR and DAVIES

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for the protection of State property; and imposing restrictions on the utilization of the State Capitol Building.

Referred to Committee on STATE GOVERNMENT, October 11, 1983.

No. 1550 By Representatives GAMBLE, MISCEVICH, DAWIDA, DUFFY and BOWSER

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), changing provisions relating to election of school directors by regions.

Referred to Committee on EDUCATION, October 11, 1983.

No. 1551 By Representatives FATTAH, LINTON, MANDERINO, OLIVER, TRELLO, RIEGER, DALEY, DONATUCCI, PETRARCA, TRUMAN, BELFANTI, WILLIAMS, KOSINSKI, KASUNIC, EVANS, WIGGINS, RYBAK, KOWALYSHYN, WAMBACH, FREEMAN, WOZNAK, O'DONNELL, D. R. WRIGHT, McCALL, RICHARDSON, DOMBROWSKI, RAPPAPORT, GEORGE, JAROLIN, LIVENGOD, FEE, DEAL, SALOOM, DeWEESE, TIGUE, BLAUM, HOEFFEL, MORRIS, CAPPABIANCA, BARBER, STEWART, RUDY, McHALE, AFFLERBACH, HALUSKA, HARPER, LLOYD, BALDWIN, STUBAN, WARGO, CLARK, BATTISTO, COLE, COWELL, MURPHY, COLAFELLA, ALDERETTE, CORDISCO, CALTAGIRONE, MICHLOVIC, VAN HORNE, GAMBLE, MAYERNIK, LESCOVITZ, LUCYK, LETTERMAN, DAWIDA, PRESTON, MARKOSEK and COY

An Act prohibiting persons from refusing to provide property or services to individuals who do not possess credit cards; providing for enforcement of the act; providing remedies; and imposing civil penalties.

Referred to Committee on CONSUMER AFFAIRS, October 11, 1983.

No. 1554 By Representatives CORDISCO, PICCOLA, SWEET, WACHOB, CAPPABIANCA and BALDWIN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the payment of mileage fees to witnesses.

Referred to Committee on JUDICIARY, October 11, 1983.

No. 1555 By Representatives BALDWIN, LUCYK, BELFANTI, PETRARCA, ANGSTADT, KUKOVICH, GALLAGHER, MAIALE, SHOWERS, BLAUM and McCALL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, making it unlawful to knowingly or recklessly ignite underground seams of anthracite coal; and providing penalties.

Referred to Committee on JUDICIARY, October 11, 1983.

No. 1556 By Representatives COWELL, TRELLO, WILSON, PISTELLA, SEVENTY, VAN HORNE, GRUITZA, BOYES, POTT, DORR, PETRONE, EVANS, REINARD and FARGO

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

Referred to Committee on FINANCE, October 11, 1983.

No. 1557 By Representatives GREENWOOD, PRATT, CIMINI, REINARD, DeLUCA, POTT, SCHEETZ, SEMMEL, PISTELLA, CIVERA, E. Z. TAYLOR, MAIALE, HERMAN and TRELLO

An Act amending "The Controlled Substance, Drug, Device and Cosmetic Act," approved April 14, 1972 (P. L. 233, No. 64), increasing penalty for manufacture of amphetamine.

Referred to Committee on JUDICIARY, October 11, 1983.

No. 1558 By Representatives GODSHALL, DININNI, HUTCHINSON, LETTERMAN and BUNT

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for reweighing of certain vehicles.

Referred to Committee on TRANSPORTATION, October 11, 1983.

No. 1559 By Representative HUTCHINSON
(BY REQUEST)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the use of audible signals by police vehicles.

Referred to Committee on TRANSPORTATION, October 11, 1983.

No. 1560 By Representatives GALLAGHER, PISTELLA, FREIND, DUFFY, SAURMAN and PRESTON

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), further regulating compensation.

Referred to Committee on LOCAL GOVERNMENT, October 11, 1983.

No. 1561 By Representatives CLARK and PETRARCA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing personal license plates for physicians.

Referred to Committee on TRANSPORTATION, October 11, 1983.

No. 1562 By Representatives HARPER, SALVATORE, EVANS, McMONAGLE, DEAL, LINTON, KOSINSKI, OLIVER, RIEGER, DONATUCCI, McINTYRE, RICHARDSON, WIGGINS, O'DONNELL, FATTAH, BARBER, MAIALE, PIEVSKY, LEVIN, WOGAN, BELOFF, WILLIAMS, TRUMAN, CARN, COHEN and RAPPAPORT

An Act making an emergency appropriation to the Philadelphia School District, to be used for repair and replacement costs incurred as a result of problems caused by asbestos.

Referred to Committee on APPROPRIATIONS, October 11, 1983.

No. 1563 By Representatives HALUSKA, LLOYD, J. L. WRIGHT, PETRARCA, STEWART, MISCEVICH, DeWEESE, STEIGHNER, MARKOSEK, LETTERMAN, LUCYK, McCALL, STAIRS, TELEK, CAWLEY, TIGUE, JAROLIN, WARGO, WOZNIAK, ITKIN, LASHINGER, KOWALYSHYN, RYBAK, AFFLERBACH, DIETZ, KUKOVICH, ALDERETTE, FARGO, DALEY, COWELL, PETRONE, KASUNIC, KOSINSKI, HERMAN, WASS, MRKONIC, LESCOVITZ, SIRIANNI, D. R. WRIGHT, DUFFY, CLARK, VAN HORNE, BALDWIN, FEE, ZWIKL, CIMINI, L. E. SMITH, SWEET, BOOK, FISCHER, DeLUCA, F. E. TAYLOR and WACHOB

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), providing for a Deputy Secretary of Commerce for Coal; and establishing the Coal Advisory Board.

Referred to Committee on MINES AND ENERGY MANAGEMENT, October 11, 1983.

No. 1564 By Representatives MARMION, ANGSTADT, POTT, MERRY and PUNT

An Act repealing a part of the act of September 30, 1983 (No. 39), known as the "Public Official Compensation Law," relating to the unvouchered expense allowances for members of the General Assembly.

Referred to Committee on STATE GOVERNMENT, October 11, 1983.

No. 1565 By Representatives DUFFY, F. E. TAYLOR and VAN HORNE

An Act amending the "Landscape Architects' Registration Law," approved January 24, 1966 (1965 P. L. 1527, No. 535), reestablishing and continuing the State Board of Landscape Architects; increasing per diem reimbursement for board members; providing for removal from the board for nonattendance at meetings; removing the requirement that the board keep a list of all licensed landscape architects; requiring the board to furnish the General Assembly with status reports of pending formal complaints; reducing the experience requirement of applicants; and making editorial changes.

Referred to Committee on BUSINESS AND COMMERCE, October 11, 1983.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 137 By Representatives RIEGER, McINTYRE, O'BRIEN, KOSINSKI, DEAL, BARBER, McMONAGLE and DONATUCCI

Memorializing the Federal Communications Commission to delay granting a certain television station a license in relation to Spanish language broadcasting in Philadelphia.

Referred to Committee on FEDERAL-STATE RELATIONS, October 11, 1983.

No. 138 By Representatives GALLAGHER, COLE, MILLER, FISCHER, MORRIS, COY, LESCOVITZ and COLAFELLA

Providing for the appointment of a select committee to review and investigate the Commonwealth's compliance with Act 93 of 1978.

Referred to Committee on RULES, October 11, 1983.

No. 139 By Representatives D. R. WRIGHT, MANDERINO, WARGO, STEWART, STEIGHNER, MORRIS, STUBAN, COLE, LLOYD, BROUJOS, RUDY, COY, SWEET, LIVENGOD, WOZNIAK, WACHOB, TELEK, GRIECO, MADIGAN, BOWSER, JOHNSON, HAYES, SIRIANNI, WASS, SWIFT, STAIRS, A. C. FOSTER, JR., ROBBINS, MACKOWSKI and LEHR

Urging the Pennsylvania delegation in the United States Congress to gain membership on committees which deal with farm and rural legislative matters.

Referred to Committee on FEDERAL-STATE RELATIONS, October 11, 1983.

SENATE BILL FOR CONCURRENCE

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

SB 942, PN 1294

Referred to Committee on INSURANCE, October 11, 1983.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair turns to leaves of absence and recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, I request leaves of absence for the gentleman from Philadelphia, Mr. RAPPAPORT, for today's session; the gentleman from Union and Snyder, Mr. SHOWERS, for today's session; and the gentleman from Philadelphia, Mr. FATTAH, beginning at 1:30 today. Thank you.

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

The Chair recognizes the minority whip.

Mr. HAYES. Mr. Speaker, I request leaves of absence for the gentleman from Delaware, Mr. GANNON, for today's session; and the gentleman from Crawford, Mr. SWIFT, for today's session.

The SPEAKER. Without objection, the leaves of absence are granted. The Chair hears no objection.

SPEAKER THANKS MR. FRYER

The **SPEAKER**. The Chair wishes to thank his close, personal friend, the gentleman from Boyertown, Mr. Fryer, for so ably presiding last week while the Speaker was home trying to beat off the flu bug. So ably did Mr. Fryer preside that the Speaker got three calls from his friends saying why do you not just stay home permanently; Hefty is doing great. Thank you, Mr. Fryer.

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—199

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

ADDITIONS—0**NOT VOTING—0****EXCUSED—4**

Gannon Rappaport Showers Swift

LEAVE ADDED—1

Fattah

LEAVE CANCELED—1

Rappaport

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 1177, PN 1365; HB 1405, PN 1882; HB 160, PN 414; HB 1301, PN 1890; HB 1305, PN 1891; and HB 1309, PN 1892.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 854, PN 964**, entitled:

An Act authorizing the indebtedness, with the approval of the electors, of \$90,000,000 for the repair, rehabilitation, development and acquisition of land and facilities for community services and public recreational purposes.

On the question,

Will the House agree to the bill on third consideration?

BILL PASSED OVER

The **SPEAKER**. The Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. **MORRIS**. Mr. Speaker, it was my understanding that this bill was going to go over for this week.

The **SPEAKER**. The Chair's calendar is marked in accordance with the majority leader's calendar. The House will stand at ease. Will the gentleman check with the majority leader?

HB 854, PN 964, will go over for today.

MISS PENNSYLVANIA PRESENTED

The **SPEAKER**. The Chair is delighted to welcome to the hall of the House— Would the older men keep quiet and the younger men be allowed to stare? That should take care of everybody except the women, and they know what I am talking about. The Chair is delighted to welcome to the hall of the House a very beautiful young lady, Miss Pennsylvania. She is here as the guest of Mr. Geist and Mr. Baldwin, and I am going to ask Mr. Geist to present her to the floor of the House.

Mr. GEIST. Thank you, Mr. Speaker.

It is certainly a pleasure for me, representing the city of Altoona, the home of the Miss Pennsylvania Pageant, to have the opportunity every year of introducing to you, my fellow members, Miss Pennsylvania. But before we bring her up here to say a few words, I would like to introduce the people who are accompanying her - first of all her parents, Mr. and Mrs. Eshelman.

In Altoona we have an awful lot of volunteers who make this Miss America program work, and one who gives so much and travels every year with Miss Pennsylvania as her escort and friend is Sandy Durbin.

Now, from Representative Baldwin's district, Jennifer Lynn Eshelman.

Miss ESHELMAN. Thank you. I will applaud you. They did not tell me you were so nice. Thank you very much, gentlemen, and good afternoon.

Well, it certainly is an honor and a privilege for me to be here, one which I have been looking forward to greatly. I am a very proud and happy Pennsylvanian and I come from the big metropolis of Higgins, Pennsylvania. I do not know if you heard that correctly - Higgins, Pennsylvania. Yea; somebody did. When asked what the population of Higgins is, my father puts it best. He usually replies, oh, Higgins has about 800 people and a lot of cows. Well, I think that is representative of our agricultural State, and I am proud to be from the little farming valley like Higgins. My family business, formed by my grandfather, is egg packaging and distributing. It was formed 40 years ago. The whole family are ardent Nittany Lions fans, and we are all breathing a little more easily after Saturday's victory. Right. I will second that.

I would like to extend an invitation to all of you to come and visit us sometime in Higgins if you are ever in our area. You will be greeted very warmly and with sincere admiration and appreciation for all the fine work you do to make our State the best State in the Union. Thank you.

The SPEAKER. Thank you very much, Jennifer.

And my congratulations to your mother and father. She is both beautiful and bright, and that is an unusually good combination. Thank you for coming.

LEAVE OF ABSENCE CANCELED

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

Mr. RAPPAPORT. Mr. Speaker, I did not think I was going to be here until later. I was on leave of absence, and I ask to be recorded as being present.

The SPEAKER. The gentleman's name will be recorded on the master roll.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

MRS. MEDGAR EVERS PRESENTED

The SPEAKER. The Chair is honored today to welcome to Pennsylvania Mrs. Medgar Evers. Those of you who fought the battles for civil rights in the 1960's and the 1970's will

remember Medgar Evers. This unassuming and attractive woman, who comes here briefly to Pennsylvania, carries the same banner her husband carried so nobly.

For the purpose of presenting her to the House of Representatives, the Chair turns the gavel over to Representative Richardson.

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

It gives me great honor this afternoon to stand before you to introduce a person who has been, in my estimation, a struggler for peace and justice for all oppressed people of this world and for every human being, as humanity strikes her and as humanity has always been in her forefront of struggle since and before her husband's death.

Mrs. Myrle Evers is the widow of a slain civil rights leader and activist from the NAACP (National Association for the Advancement of Colored People), Mr. Medgar Evers, who was assassinated in Jackson, Mississippi, some 20 years ago in June of 1963. She then moved to California with her three children in 1964, and she returned to college. She received her degree from Pomona College of Psychology in California. She has held a series of interesting jobs, and as a result she is presently editor for Ladies Home Journal, and she is the vice president for advertising for Seligman and Latz, New York. She is on the lecture circuit and she has been moving across this country. She ran for Congress in 1969 in the 24th Congressional District in California, and even though she was defeated, she received the highest amount of votes—Democratic votes, that is—received in that area in the last 16 years, which is a great milestone.

Her latest book written on her husband's life is entitled "For Us, the Living," and if any of you have not had an opportunity to read it, certainly you should get it. It has also been made into a movie for the American Playhouse of the Public Broadcasting System. She is presently director of consumer affairs for Atlantic Richfield, based in Los Angeles, and her three children are now grown.

Ladies and gentlemen of the House, it gives me a great honor today to stand before you to introduce our, we feel, civil rights activist person, Mrs. Myrle Evers. Welcome her, please.

Mrs. EVERS. Thank you.

Mr. Speaker, honorable and distinguished members of the House of Representatives of the Commonwealth of Philadelphia—Pennsylvania, forgive me. Let us not have any political battles here because someone from California came and tried to make a State out of a major city, if you will. I was in that city of Philadelphia on Friday, deeply involved in carrying forth the goals and objectives not only of Medgar Evers but of people here in Pennsylvania and throughout this country who are concerned about equal and fair representation, who are concerned about building an even stronger America, because just as we addressed problems and concerns in the 1950's and the 1960's, many of those are still here with us today. But the public, the consumer, the individual, looks to those of you, the elected officials, to be sure to guard their rights, to stand for them and to represent them. Today we are

living in challenging times as perhaps never before. I feel that it is my personal responsibility to continue to be a good citizen of this country, to represent my people, and to represent all of America. I am sure that those of you who are here today are certainly committed to the same thing.

I am most appreciative for the opportunity of being presented to you, and I do indeed deem it an honor. I will say to you that even though Philadelphia is not a State, there were those who said to me on Friday, you and the Dodgers can go back to California, but I am here in the State of Pennsylvania in Harrisburg, and I look forward to working with many people in the districts that you represent - working for better understanding, consumer education, and moving forward in this great State and in this Nation to a better society. Thank you so very much.

The SPEAKER. It is we who are honored by your presence, Mrs. Evers.

Those of you who grew up after the 1960's, those of you who take your rights for granted, would do well to look up the story of Medgar Evers, who was assassinated for no other reason than that he believed that this Nation, under God, was established for freedom and for justice for all. You and I have sworn the oath to support that concept; her husband died for that concept.

We are honored indeed, Mrs. Evers, to have you here. Thank you for coming.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 539, PN 1858**, entitled:

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No.21), providing for early inspection and licensing at the option of personal care boarding homes.

On the question,

Will the House agree to the bill on third consideration?

Mr. PETERSON offered the following amendments No. A2531:

Amend Title, page 1, line 5, by removing the period after "homes" and inserting
; and further providing for costs for county and non-public nursing facilities.

Amend Bill, page 2, by inserting between lines 9 and 10

Section 2. Section 443.1(2) and (3) of the act, amended July 9, 1976 (P.L.993, No.202), is amended to read:

Section 443.1. Medical Assistance Payments for Institutional Care.—The following medical assistance payments shall be made in behalf of eligible persons whose institutional care is prescribed by physicians:

(2) The cost of skilled nursing and intermediate nursing care in State-owned geriatric centers, institutions for the mentally retarded, institutions for the mentally ill, and in county homes which meet the State and Federal requirements for participation under Title XIX of the Federal Social Security Act and which are approved by the department. This cost in county homes shall be as specified by the regulations of the department adopted under Title XIX of the Federal Social Security Act and certified to the

department by the Auditor General; elsewhere the cost shall be determined by the department; the allowable cost for depreciation and interest for county homes shall, however, be determined without regard as to when a county home obtained a certificate of need or a letter of nonreviewability from the Department of Health if there was no intermediate care or skilled nursing facility located within a county as of January 1, 1983;

(3) Rates on a cost-related basis established by the department for skilled nursing home or intermediate care in a non-public nursing home, when furnished by a nursing home licensed or approved by the department and qualified to participate under Title XIX of the Federal Social Security Act; the allowable cost for depreciation and interest for non-public nursing homes shall, however, be determined without regard as to when a non-public nursing home obtained a certificate of need or a letter of nonreviewability from the Department of Health if there was no intermediate care or skilled nursing facility located within a county as of January 1, 1983;

Amend Sec. 2, page 2, line 10, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Thank you, Mr. Speaker.

My amendment is presented because last August the Department of Welfare made a change which I agree with but which I think we need an exception for. In history we have always allowed the constructions of new nursing homes to be assisted by repayment of interest and depreciation to those who build them. Last August, as many other States have done, the department ceased to allow that because of the cost that was involved.

My amendment forces the department to make an exception in any county that has no facility, public or private. That would mean that any county in the Commonwealth which at this time does not have a nursing home facility, someone in the public sector or the private sector could build one and receive the depreciation and interest payment that all other nursing homes in the past have had, or ones that were under construction before last August. I ask for your support.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—188

Afflerbach	Fee	Lucyk	Robbins
Alderette	Fischer	McCall	Rudy
Angstadt	Flick	McClatchy	Ryan
Armstrong	Foster, W. W.	McHale	Rybak
Arty	Foster, Jr., A.	McIntyre	Saloom
Baldwin	Freeman	McMonagle	Salvatore
Battisto	Freind	McVerry	Saurman
Belardi	Fryer	Mackowski	Scheetz
Beloff	Gallagher	Madigan	Schuler
Blaum	Gallen	Maiale	Semmel
Book	Gamble	Manderino	Serafini
Bowser	Geist	Manmiller	Seventy
Boyce	George	Markosek	Sirianni
Brandt	Gladeck	Marmion	Smith, B.
Broujos	Godshall	Mayernik	Smith, L. E.
Bunt	Greenwood	Merry	Snyder, D. W.

Burd	Grieco	Michlovic	Snyder, G. M.
Burns	Gruitza	Micozzie	Spencer
Caltagirone	Gruppo	Miller	Spitz
Cappabianca	Hagarty	Miscevich	Stairs
Carn	Haluska	Moehlmann	Steighner
Cawley	Harper	Morris	Stevens
Cessar	Hasay	Mowery	Stewart
Cimini	Hayes	Mrkonic	Suban
Civera	Herman	Murphy	Sweet
Clark	Hershey	Nahill	Taylor, E. Z.
Clymer	Hoeffel	Noye	Taylor, F. E.
Cole	Honaman	O'Brien	Tigue
Cordisco	Hutchinson	Olasz	Trello
Cornell	Itkin	Oliver	Van Horne
Coslett	Jackson	Perzel	Vroon
Cowell	Jarolin	Peterson	Wachob
Coy	Johnson	Petrarca	Wambach
Deluca	Kasunic	Petrone	Wargo
DeVerter	Kennedy	Phillips	Wass
DeWeese	Klingaman	Piccola	Weston
Daley	Kosinski	Pievsky	Wiggins
Davies	Kowalyszyn	Pistella	Wilson
Dawida	Kukovich	Pitts	Wogan
Dietz	Lashinger	Pott	Wozniak
Dininni	Lehr	Pratt	Wright, D. R.
Dombrowski	Lescovitz	Preston	Wright, J. L.
Donatucci	Letterman	Punt	Wright, R. C.
Dorr	Levi	Rappaport	Zwinkl
Duffy	Levin	Reber	
Durham	Linton	Reinard	Irvis,
Evans	Livengood	Rieger	Speaker
Fargo	Lloyd		

NAYS—3

Colafella	Laughlin	O'Donnell
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NOT VOTING—8

Barber	Cohen	Richardson	Truman
Belfanti	Deal	Telek	Williams

EXCUSED—4

Fattah	Gannon	Showers	Swift
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The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

Afflerbach	Evans	Lloyd	Robbins
Alderette	Fargo	Lucyk	Rudy
Angstadt	Fee	McCall	Ryan
Armstrong	Fischer	McClatchy	Rybak
Arty	Flick	McHale	Saloom
Baldwin	Foster, W. W.	McIntyre	Salvatore
Barber	Foster, Jr., A.	McVerry	Saurman
Battisto	Freeman	Mackowski	Scheetz
Belardi	Freind	Madigan	Schuler
Belfanti	Fryer	Maiale	Semmel
Beloff	Gallagher	Manderino	Serafini
Blaum	Gallen	Manmiller	Seventy
Book	Gamble	Markosek	Siranni
Bowser	Geist	Marmion	Smith, B.
Boyes	George	Mayernik	Smith, L. E.

Brandt	Gladeck	Merry	Snyder, D. W.
Broujos	Godshall	Michlovic	Snyder, G. M.
Bunt	Greenwood	Micozzie	Spencer
Burd	Grieco	Miller	Spitz
Burns	Gruitza	Miscevich	Stairs
Caltagirone	Gruppo	Moehlmann	Steighner
Cappabianca	Hagarty	Morris	Stevens
Carn	Haluska	Mowery	Stewart
Cawley	Harper	Mrkonic	Suban
Cessar	Hasay	Murphy	Sweet
Cimini	Hayes	Nahill	Taylor, E. Z.
Civera	Herman	Noye	Taylor, F. E.
Clark	Hershey	O'Brien	Telek
Clymer	Hoeffel	O'Donnell	Tigue
Colafella	Honaman	Olasz	Trello
Cole	Hutchinson	Oliver	Van Horne
Cordisco	Itkin	Perzel	Vroon
Cornell	Jackson	Peterson	Wachob
Coslett	Jarolin	Petrarca	Wambach
Cowell	Johnson	Petrone	Wargo
Coy	Kasunic	Phillips	Wass
Deluca	Kennedy	Piccola	Weston
DeVerter	Klingaman	Pievsky	Wiggins
DeWeese	Kosinski	Pistella	Williams
Daley	Kowalyszyn	Pitts	Wilson
Davies	Kukovich	Pott	Wogan
Dawida	Lashinger	Pratt	Wozniak
Deal	Laughlin	Preston	Wright, D. R.
Dietz	Lehr	Punt	Wright, J. L.
Dininni	Lescovitz	Rappaport	Wright, R. C.
Dombrowski	Letterman	Reber	Zwinkl
Donatucci	Levi	Reinard	
Dorr	Levin	Richardson	Irvis,
Duffy	Linton	Rieger	Speaker
Durham	Livengood		

NAYS—0

NOT VOTING—3

Cohen	McMonagle	Truman
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EXCUSED—4

Fattah	Gannon	Showers	Swift
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House two guests of Representative Amos Hutchinson - Keith Gjebre and Samuel Pollina.

LETTER SUBMITTED FOR THE RECORD

The SPEAKER. The Chair has a very somber job right now. About 30 years ago the Chair became friendly with Thomas A. Harper. As time went on, Thomas Harper, a bright young attorney, became the employee of the present Speaker as well as his friend and went on from being a staff member to judge of the court of common pleas of Allegheny County. Tommy Harper died last month. His wife, Gladys, has sent me a personal letter thanking the Chair and thanking the members for remembering Tommy Harper and asking that this letter be placed in the record.

The clerk is instructed by the Chair to place the letter officially in the record.

The following letter was submitted for the Legislative Journal:

Mrs. Thomas A. Harper
5260 Center Avenue, No. 502
Pittsburgh, Penna. 15232

September 26, 1983

Hon. K. Leroy Irvis, Speaker
House of Representatives
Commonwealth of Pennsylvania
Harrisburg, PA 17120

Dear Mr. Irvis:

The Resolution you presented to the House of Representatives on 6 July 1983 in tribute to my late husband, Thomas A. Harper, is gratefully acknowledged. I delayed responding because I wanted to wait until the House was back in session.

I am certain that you will agree that your association with Thomas over a great number of years confirms that he did what he did because he was truly committed to the achievements of the goals and purposes for which both you and he stood.

You will be pleased to know that when the Court of Common Pleas held its memorial services for Thomas, your name was mentioned as one of his dearest friends. When the Court issues the bound transcript of the proceedings, I will arrange for you to have a copy.

I would appreciate it very much if you will have this letter read on the record.

Please keep in touch.

Sincerely yours,
Gladys C. Harper

GCH:ee

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 223, PN 255**, entitled:

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for the waiver of certain late filing fees by the board; and further providing for the surrender of club licenses.

On the question,

Will the House agree to the bill on third consideration?

Mr. D. W. SNYDER offered the following amendments No. A2485:

Amend Title, page 1, line 16, by inserting after "laws,"

further providing for special occasion permits;

Amend Bill, page 1, by inserting between lines 21 and 22

Section 408.4(a) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, amended July 11, 1980 (P.L.558, No.117), is amended to read:

Section 408.4. Special Occasion Permits.—(a) Upon application of any hospital, church, synagogue, volunteer fire company, bona fide sportsmen's club in existence for at least ten years or volunteer ambulance company or association and upon payment of a fee of fifteen dollars (\$15) per day, the board shall issue a special occasion permit good for a period of not more than three consecutive days. Special occasion permits may also be issued to a museum operated by a nonprofit corporation in a city of the third class or a nonprofit corporation engaged in the per-

forming arts in a city of the third class for a period of not more than six nonconsecutive days at a fee of fifteen dollars (\$15) per day.

* * *

Amend Sec. 1, page 1, line 22, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 22 and 23, by striking out "of April 12, 1951 (P.L.90, No.21), known as the Liquor Code"

Amend Sec. 2, page 3, line 13, by striking out "2" and inserting

3

Amend Sec. 3, page 5, line 9, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

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

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

Under the Liquor Control Act, six groups may apply for a special occasion permit - churches and synagogues, volunteer fire companies, museums, hospitals, sportsmen's clubs, and performing arts. The purpose of this amendment is to add to the organizations that are permitted to apply for a special occasion permit, and that would be the volunteer ambulance company or association. I appreciate your support.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

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

DeLuca	Kennedy	Phillips	Wass
DeVerter	Klingaman	Piccola	Weston
DeWeese	Kosinski	Pievsky	Wiggins
Daley	Kowalshyn	Pistella	Williams
Davies	Kukovich	Pitts	Wilson
Dawida	Lashinger	Pott	Wogan
Deal	Laughlin	Pratt	Wozniak
Dietz	Lehr	Preston	Wright, D. R.
Dininni	Lescovitz	Punt	Wright, J. L.
Dombrowski	Letterman	Rappaport	Wright, R. C.
Donatucci	Levi	Reber	Zwinkl
Dorr	Levin	Reinard	
Duffy	Linton	Richardson	Irvis,
Durham	Livengood	Rieger	Speaker

NAYS—0

NOT VOTING—1

Cohen

EXCUSED—4

Fattah	Gannon	Showers	Swift
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The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—189

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

DeVerter	Klingaman	Phillips	Wiggins
DeWeese	Kosinski	Piccola	Williams
Daley	Kowalshyn	Pievsky	Wilson
Davies	Kukovich	Pistella	Wogan
Dawida	Lashinger	Pott	Wozniak
Deal	Laughlin	Pratt	Wright, D. R.
Dietz	Lehr	Preston	Wright, J. L.
Dininni	Lescovitz	Punt	Zwinkl
Dombrowski	Letterman	Rappaport	
Donatucci	Levi	Reber	Irvis,
Dorr	Levin	Reinard	Speaker
Duffy	Linton	Richardson	

NAYS—8

Armstrong	Flick	Micozzie	Spitz
Civera	Johnson	Pitts	Wass

NOT VOTING—2

Saurman	Wright, R. C.
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EXCUSED—4

Fattah	Gannon	Showers	Swift
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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 291, PN 1374**, entitled:

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), defining and exempting privately-owned private golf courses from the licensing quota; and further regulating sales by such golf courses.

On the question,

Will the House agree to the bill on third consideration?

Mr. D. W. SNYDER offered the following amendments
No. A2486:

Amend Title, page 1, line 16, by inserting after "laws," "

further providing for special occasion permits and

Amend Title, page 1, line 18, by striking out the semicolon after "quota"

Amend Bill, page 5, by inserting between lines 5 and 6

Section 1. Section 408.4(a) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, amended July 11, 1980 (P.L.558, No.117), is amended to read:

Section 408.4. Special Occasion Permits.—(a) Upon application of any hospital, church, synagogue, volunteer fire company, bona fide sportsmen's club in existence for at least ten years or volunteer ambulance company or association and upon payment of a fee of fifteen dollars (\$15) per day, the board shall issue a special occasion permit good for a period of not more than three consecutive days. Special occasion permits may also be issued to a museum operated by a nonprofit corporation in a city of the third class or a nonprofit corporation engaged in the performing arts in a city of the third class for a period of not more than six nonconsecutive days at a fee of fifteen dollars (\$15) per day.

* * *

Amend Sec. 1, page 5, line 6, by striking out "1" and inserting

2

Amend Sec. 1, page 5, lines 7 and 8, by striking out "OF APRIL 12, 1951 (P.L.90, No.21), KNOWN AS THE LIQUOR CODE"

Amend Sec. 2, page 6, line 13, by striking out "2" and inserting

3

Amend Sec. 3, page 9, line 28, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

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

Mr. D. W. SNYDER. Thank you again, Mr. Speaker.

This is what you call covering your bases to make sure that the amendment gets approved somewhere in law. It is the same amendment we just passed on HB 223.

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—199

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

Durham

NAYS—0

NOT VOTING—0

EXCUSED—4

Fattah

Gannon

Showers

Swift

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?

Mr. MANMILLER, for Miss Sirianni, offered the following amendments No. A3009:

Amend Title, page 1, line 18, by striking out "and"

Amend Title, page 1, line 19, by removing the period after "courses" and inserting

; and extending the time period for special occasion permits.

Amend Bill, page 5, by inserting between lines 5 and 6

Section 1. Section 408.4(a) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, amended July 11, 1980 (P.L.558, No.117), is amended to read:

Section 408.4. Special Occasion Permits.—(a) Upon application of any hospital, church, synagogue, volunteer fire company, bona fide sportsmen's club in existence for at least ten years and upon payment of a fee of fifteen dollars (\$15) per day, the board shall issue a special occasion permit good for a period of not more than [three] five consecutive days. Special occasion permits may also be issued to a museum operated by a nonprofit corporation in a city of the third class or a nonprofit corporation engaged in the performing arts in a city of the third class for a period of not more than six nonconsecutive days at a fee of fifteen dollars (\$15) per day.

Amend Sec. 1, page 5, line 6, by striking out "1" and inserting

2

Amend Sec. 1, page 5, lines 7 and 8, by striking out "OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR CODE"

Amend Sec. 2, page 6, line 13, by striking out "2" and inserting

3

Amend Sec. 3, page 9, line 28, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Manmiller.

Mr. MANMILLER. Mr. Speaker, the amendment simply extends the 3-day period to a 5-day period.

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—173

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

NAYS—22

Armstrong	Godshall	O'Donnell	Spitz
Coslett	Johnson	Peterson	Stevens
Evans	Levi	Pitts	Vroon
Fischer	Mackowski	Richardson	Wass
Foster, Jr., A.	Miller	Scheetz	Wiggins
Fryer	Moehlmann		

NOT VOTING—4

Durham	McMonagle	Oliver	Wright, R. C.
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EXCUSED—4

Fattah	Gannon	Showers	Swift
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The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mrs. DURHAM offered the following amendments No. A2941:

Amend Title, page 1, line 16, by inserting after "laws," "further providing for special occasion permits;

Amend Bill, page 5, by inserting between lines 5 and 6

Section 1. Section 408.4(a) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, amended July 11, 1980 (P.L.558, No.117), is amended to read:

Section 408.4. Special Occasion Permits.—(a) Upon application of any hospital, church, synagogue, volunteer fire company, bona fide sportsmen's club in existence for at least ten years or volunteer ambulance company or association and upon payment of a fee of fifteen dollars (\$15) per day, the board shall issue a special occasion permit good for a period of not more than three consecutive days. Special occasion permits may also be issued to a museum operated by a nonprofit corporation in a city of the third class or a nonprofit corporation engaged in the performing arts in a city of the third class for a period of not more than six nonconsecutive days at a fee of fifteen dollars (\$15) per day. Each applicant eligible for a special occasion permit shall be entitled to apply for and be granted two special occasion permits per year.

Amend Sec. 1, page 5, line 6, by striking out "1" and inserting

2

Amend Sec. 1, page 5, lines 7 and 8, by striking out "OF APRIL 12, 1951 (P.L.90, No.21), KNOWN AS THE LIQUOR CODE"

Amend Sec. 2, page 6, line 13, by striking out "2" and inserting

3

Amend Sec. 3, page 9, line 28, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

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

Mrs. DURHAM. Thank you, Mr. Speaker.

I am offering this amendment today as a result of a request by two volunteer fire companies in my district. Basically, what the amendment would do would be allow the fire companies to have a special permit twice a year instead of once a year.

The SPEAKER. The Chair thanks the lady.

Does the gentleman from Indiana, Mr. Wass, wish to be recognized to debate the amendment?

Mr. WASS. Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER. The lady, Mrs. Durham, indicates she will stand for interrogation. The gentleman, Mr. Wass, is in order and may proceed.

Mr. WASS. Mr. Speaker, in light of Representative Sirianni's amendment which just passed, is it your intent to insist on your amendment at this time?

Mrs. DURHAM. Mr. Speaker, as I said previously, I am doing this because two volunteer fire companies in my district would like to have occasions and have them legally. For example, if you have a corn boil in the fall and you have a New Year's Eve party, that will be an occasion twice in the same year. So therefore, to let our volunteer fire companies operate within the law, I must insist upon my amendment.

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

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

Mr. WASS. Mr. Speaker, as I discussed the liberalization of the special permits among my tavern owners, there is a

deep concern about how liberal we will get to the place where it will infringe upon their business also. I think as we try to do all we can for our fire companies and our ambulance companies, I think we should be a little cautious to what extent we are going to permit these volunteer groups to have these special permits.

I would encourage a "no" vote.

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—146

Afflerbach	Donatucci	Letterman	Richardson
Alderette	Dorr	Linton	Rieger
Angstadt	Durham	Livengood	Robbins
Armstrong	Evans	Lucyk	Rudy
Arty	Fargo	McCall	Ryan
Baldwin	Fee	McClatchy	Rybak
Barber	Flick	McHale	Saloom
Belardi	Freeman	McIntyre	Schuler
Belfanti	Freind	McMonagle	Semmel
Blaum	Fryer	McVerry	Serafini
Book	Gallagher	Mackowski	Seventy
Bowser	Gallen	Maiale	Smith, B.
Boyes	Gamble	Manderino	Snyder, D. W.
Broujos	George	Markosek	Snyder, G. M.
Burns	Gladeck	Marmion	Spencer
Caltagirone	Greenwood	Mayernik	Stairs
Cappabianca	Grieco	Merry	Steighner
Carn	Gruppo	Michlovic	Stevens
Cawley	Hagarty	Micozzie	Stewart
Cessar	Haluska	Miscevich	Stuban
Cimini	Harper	Morris	Sweet
Civera	Hasay	Mowery	Taylor, E. Z.
Clark	Hoeffel	Mrkoncic	Taylor, F. E.
Cohen	Hutchinson	Murphy	Tigue
Colafella	Itkin	O'Donnell	Trello
Cole	Jackson	Olasz	Truman
Cordisco	Jarolin	Oliver	Van Horne
Coslett	Johnson	Petrarca	Wargo
Cowell	Kasunic	Petrone	Wiggins
Coy	Kennedy	Pievsky	Williams
DeLuca	Kosinski	Pistella	Wilson
DeWeese	Kowalshyn	Pott	Wozniak
Daley	Kukovich	Pratt	Wright, J. L.
Davies	Lashinger	Punt	Zwinkl
Dawida	Laughlin	Rappaport	
Deal	Lehr	Reber	Irvis,
Dombrowski	Lescovitz	Reinard	Speaker

NAYS—45

Beloff	Geist	Manmiller	Scheetz
Brandt	Godshall	Miller	Sirianni
Bunt	Hayes	Moehlmann	Smith, L. E.
Clymer	Herman	Nahill	Spitz
Cornell	Hershey	Noye	Telek
DeVertter	Honaman	Peterson	Vroon
Dietz	Klingaman	Phillips	Wambach
Dininni	Levi	Piccola	Wass
Duffy	Levin	Pitts	Weston
Fischer	Lloyd	Preston	Wogan
Foster, W. W.	Madigan	Salvatore	Wright, D. R.
Foster, Jr., A.			

NOT VOTING—8

Battisto	Gruitza	Perzel	Wachob
Burd	O'Brien	Saurman	Wright, R. C.

EXCUSED—4

Fattah Gannon Showers Swift

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I want to draw the attention of the House membership to HB 291. The House has addressed this question on a number of occasions. I am surprised to see it back in front of the House in a separate vehicle.

The House has made a decision, again, on a number of occasions not to grant this exception to the quota system for privately-owned private golf courses. I want to restate my position as to why this creates public policy problems here in the Commonwealth and also to raise some concerns about the way that this amendment to the Liquor Code has been drafted which makes it somewhat different from the other amendment, which allowed privately-owned public golf courses to gain this exception to the quota system under the Liquor Code.

What we are doing is saying to facilities that restrict their membership, that are not open to the public, to you and to me for playing golf, and granting them essentially—

The SPEAKER. The gentleman will yield.

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman from Erie, Mr. Dombrowski, rise?

Mr. DOMBROWSKI. Point of order, Mr. Speaker.

The SPEAKER. The gentleman will state his point of order.

Mr. DOMBROWSKI. Is the gentleman, Mr. Lashinger, going to offer an amendment to this bill?

The SPEAKER. No. The gentleman is debating the bill on final passage.

Mr. DOMBROWSKI. You withdrew your amendment. Thank you.

The SPEAKER. The gentleman may proceed.

Mr. LASHINGER. Thank you, Mr. Speaker.

We are granting these restrictive facilities a special exception, one that we labored over for quite a period for privately-owned public golf courses. Without the language that was in the other Liquor Code amendment—and again, I know this is confusing—for privately-owned public golf courses, if a person has a retail liquor license now at one of those facilities—and let me use a portion of Montgomery County as an

example, where the high end on a retail liquor license is \$150,000 to \$200,000; in Upper Merion Township the last retail liquor license was sold for \$175,000—it will allow a golf course, a privately-owned private golf course, to spin off that retail liquor license, gain one of these what essentially have become free licenses under this Liquor Code, and still be privately-owned private golf courses.

I think the legislation as it is designed runs to the benefit of just some specific facilities, and I think this legislature has already given its opinion as to how we should deal with privately-owned private golf courses, and that is to allow them to buy and to sell and to compete with other private retail liquor licensees in the Commonwealth who are forced to compete. The legislature at some time somewhere down the pike is going to have to make a decision under the existing antiquated Liquor Code as to whether we want this buying and selling of liquor licenses to continue as it now exists in the Commonwealth, but that is not going to be decided today. I think the decision that we are facing today has already been faced by this House, and that decision was not to put privately-owned private golf courses on equal footing with public facilities. Based on that, Mr. Speaker, I would ask the House to oppose HB 291.

The SPEAKER. The Chair thanks the gentleman.

Does the majority leader ask for recognition on this bill?

Mr. PRATT. Could you give us a minute, Mr. Speaker?

The SPEAKER. Certainly. The House will stand at ease.

WELCOME

The SPEAKER. The Chair would like to welcome to the hall of the House the fourth grade students of the Forbes Road Elementary School in Fulton County. They are here under the direction of their teachers, Miss Sarah Shaw and Mr. Stephen Hoover. Mr. Stephen Hoover is the son of our Chaplain Hoover, and we are delighted to have them here. They are here as the guests of Representative Dietz from Bedford County.

I have to remind Mr. Stephen Hoover that I remember when he was in the fourth grade.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Chester, Mr. Flick, rise?

Mr. FLICK. Mr. Speaker, on the vote on HB 223, I inadvertently cast my vote in the negative. I wish to be recorded in the affirmative. Thank you.

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1454, PN 1924 (Amended)

By Rep. HUTCHINSON

An Act providing for the State Board of Vehicle Manufacturers, Dealers and Salespersons; and providing penalties.

TRANSPORTATION.

CONSIDERATION OF HB 291 CONTINUED

The SPEAKER. On HB 291, PN 1374, as amended by the gentleman, Mr. Snyder, the lady, Miss Sirianni, and the lady, Mrs. Durham, the Chair is advised that the majority leader may be offering amendments to this bill.

DECISION OF CHAIR REVERSED

BILL PASSED OVER

The SPEAKER. The Chair therefore rescinds its announcement that the bill was agreed to on third consideration as amended, and the bill will go over.

* * *

The House proceeded to third consideration of **HB 452, PN 513**, entitled:

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), increasing certain penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. D. W. SNYDER offered the following amendments No. A2487:

Amend Title, page 1, line 16, by inserting after "laws," "

further providing for special occasion permits; and

Amend Bill, page 1, by inserting between lines 19 and 20

Section 1. Section 408.4(a) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, amended July 11, 1980 (P.L.558, No.117), is amended to read:

Section 408.4. Special Occasion Permits.—(a) Upon application of any hospital, church, synagogue, volunteer fire company, bona fide sportsmen's club in existence for at least ten years or volunteer ambulance company or association and upon payment of a fee of fifteen dollars (\$15) per day, the board shall issue a special occasion permit good for a period of not more than three consecutive days. Special occasion permits may also be issued to a museum operated by a nonprofit corporation in a city of the third class or a nonprofit corporation engaged in the performing arts in a city of the third class for a period of not more than six nonconsecutive days at a fee of fifteen dollars (\$15) per day.

* * *

Amend Sec. 1, page 1, line 20, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 20 and 21, by striking out "of April 12, 1951 (P.L.90, No.21), known as the Liquor Code"

Amend Sec. 2, page 2, line 23, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

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

Mr. D. W. SNYDER. Mr. Speaker, again, this is the same amendment that was put in HB 223 and HB 291 dealing with

volunteer ambulance associations and special occasion permits.

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—3

DeWeese Dawida Harper
EXCUSED—4

Fattah Gannon Showers Swift

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?

The SPEAKER. Be advised that the lady, Mrs. Durham, intends to offer an amendment to HB 452, PN 513. The amendment is not yet ready.

BILL PASSED OVER

The SPEAKER. Without objection, HB 452 will go over for today. The Chair hears none.

* * *

The House proceeded to third consideration of **HB 1156, PN 1697**, entitled:

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), referred to as the "Second Class County Assessment Law," providing for the right to appeal before the board for persons suffering catastrophic loss to their property.

On the question,
Will the House agree to the bill on third consideration?
Mr. ITKIN offered the following amendments No. A3078:

Amend Sec. 1 (Sec. 10), page 2, line 24, by removing the period after "board and inserting
within the remainder of the county fiscal year in which the catastrophic loss occurred, or within six (6) months of the date on which the catastrophic loss occurred, whichever time period is longer.

Amend Sec. 1 (Sec. 10), page 2, line 25, by striking out "consider reassessing" and inserting
reassess

Amend Sec. 1 (Sec. 10), page 3, line 8, by striking out "AFFECTING" and inserting
due to mine subsidence, fire, flood or other natural disasters which affects the physical state of the

Amend Sec. 1 (Sec. 10), page 3, line 8, by inserting after "PROPERTY"
and

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

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

Mr. ITKIN. Mr. Speaker, this amendment does a number of things but does not change the basic intent of the bill, which is to give assessment relief to people who have suffered catastrophic losses to their property. What this amendment will do is put a time limit on the period in which the individual may appeal for reassessment by either making it within the county fiscal year or 6 months, whichever is longer.

The second thing is that it changes the bill from a "may" bill on the part of the reassessment board to a "shall" bill, so that the board must consider such reassessment and, if there has been a catastrophic loss, must provide the tax credit indicated in the legislation.

Finally, the amendment tightens up the definition of a catastrophic loss to restrict it to a loss caused by fire, flood, mine subsidence, or other natural occurrences which affect the physical status of the property involved. This is to prevent appeals to the board on things like the neighborhood is running down; therefore, I should get a reassessment on my taxes.

So I support this amendment, and I urge the members of the House to vote for the amendment and then the bill. 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—196

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

NAYS—0

NOT VOTING—3

Broujos	McIntyre	Merry
Fattah	Gannon	Showers
		Swift

EXCUSED—4

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—193

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

NAYS—0

NOT VOTING—6

Cowell	Nahill	Truman	Williams
Hagarty	Telek		

EXCUSED—4

Fattah	Gannon	Showers	Swift
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

REMARKS ON VOTES

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

Mr. COWELL. Mr. Speaker, on HB 1156, PN 1697, I failed to vote. I would like to be recorded in the affirmative.

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

Does the gentleman from Cambria, Mr. Telek, wish to be recorded on the record?

Mr. TELEK. I was out of my seat on HB 1156. I wish to be recorded in the affirmative.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 421, PN 1114**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for political activities by district justices; and eliminating cross-filing by candidates for the offices of judge, justice of the peace and school directors.

On the question,

Will the House agree to the bill on third consideration?

Mr. BATTISTO offered the following amendments No. A2288:

Amend Title, page 1, line 13, by striking out "judge, justice of the peace and school directors" and inserting
justice and judge of the appellate courts

Amend Sec. 3 (Sec. 910), page 3, line 19, by striking out the bracket before "unless"

Amend Sec. 3 (Sec. 910), page 3, line 20, by inserting after "record,"

but not to include the office of justice or judge of the Supreme Court, the Superior Court and the Commonwealth Court,

Amend Sec. 3 (Sec. 910), page 3, line 22, by striking out the bracket after "peace"

Amend Sec. 4 (Sec. 976), page 5, line 10, by striking out the bracket before "except"

Amend Sec. 4 (Sec. 976), page 5, line 11, by inserting after "record,"

but not to include the office of justice or judge of the Supreme Court, the Superior Court and the Commonwealth Court,

Amend Sec. 4 (Sec. 976), page 5, line 13, by striking out the bracket after "peace"

Amend Sec. 5 (Sec. 993), page 7, line 3, by striking out the bracket before "unless"

Amend Sec. 5 (Sec. 993), page 7, line 4, by inserting after "record"

, but not to include the office of justice or judge of the Supreme Court, the Superior Court and the Commonwealth Court,

Amend Sec. 5 (Sec. 993), page 7, line 6, by striking out the bracket after "peace"

Amend Sec. 5 (Sec. 993), page 7, line 9, by striking out the bracket before "unless"

Amend Sec. 5 (Sec. 993), page 7, line 10, by inserting after "record"

, but not to include the office of justice or judge of the Supreme Court, the Superior Court and the Commonwealth Court,

Amend Sec. 5 (Sec. 993), page 7, line 12, by striking out the bracket after "peace"

Amend Sec. 5 (Sec. 998), page 7, line 25, by striking out the bracket before "unless"

Amend Sec. 5 (Sec. 998), page 7, line 27, by inserting after "record"

, but not to include the office of justice or judge of the Supreme Court, the Superior Court and the Commonwealth Court,

Amend Sec. 5 (Sec. 998), page 7, line 29, by striking out the bracket after "peace"

Amend Sec. 5 (Sec. 998), page 8, line 11, by striking out the bracket before "unless"

Amend Sec. 5 (Sec. 998), page 8, line 12, by inserting after "record"

, but not to include the office of justice or judge of the Supreme Court, the Superior Court and the Commonwealth Court,

Amend Sec. 5 (Sec. 998), page 8, line 14, by striking out the bracket after "peace"

Amend Sec. 6 (Sec. 1004), page 8, lines 25 and 26, by striking out the bracket before "except"

Amend Sec. 6 (Sec. 1004), page 8, line 26, by inserting after "record,"

but not to include the office of justice or judge of the Supreme Court, the Superior Court and the Commonwealth Court,

Amend Sec. 6 (Sec. 1004), page 8, line 28, by striking out the bracket after "peace"

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Monroe, Mr. Battisto, on his amendment.

Mr. BATTISTO. Thank you, Mr. Speaker.

SB 421 in its present form eliminates cross-filing. My amendment would allow district justices, school directors, and judges of the court of common pleas to cross-file. It would prohibit statewide judges, that is, judges of appellate courts, to cross-file. The rationale is the following: School directors, justices of the peace, and judges of the court of common pleas are, if you will, local dispensers of justice or directors. They deal very directly with a small geographical area. In your wisdom some 10 years ago or so, you said that that made sense to allow them to cross-file to prohibit them from the pressures of local political parties. I think that makes a lot of sense. On the other hand, statewide judges are farther removed from the people whose cases they hear. Therefore, they can be more independent.

When confusion arises over cross-filing, I believe if you are really honest with yourselves, it has arisen because of cross-filing at a statewide level. As a mayor, I dealt with this. Many people came to me and said, I am very confused by the number of people running for Commonwealth Court or for Superior Court. They do not know these people. Therefore,

sometimes they fail to vote. If five Republicans and five Democrats file for a particular Superior Court position, there are 10 under each label. Therefore, confusion arises. People do not know these justices, but they know their local officials. Therefore, I submit to you that an intelligent compromise would be to allow the local judges and the local school directors to cross-file. Do not go back on reform and intelligent reform, but prohibit the statewide judges from cross-filing. I ask an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Battisto amendment, the Chair recognizes the gentleman from Berks, Mr. Fryer.

Mr. FRYER. Mr. Speaker, I oppose the amendment. It seems to me that we were told at the time when cross-filing was thrust upon us that this was good government and it was reform and everything would be so much nicer once we instituted this. Now, what did we have? What we had was a doubling of the length of the ballot. It confused the electorate, and it completely disrupts our two-party system.

Mr. Speaker, I see nothing wrong in a man or woman running for office and designating the party that they belong to. I think that every member of that party is proud, for one reason or another. It seems to me that under the umbrella of reform, we are trying to spread the notion that politics is bad; we should ignore the political parties, and then we will have, as they say, good, clean government.

This amendment, if you adopt it, will completely disrupt this bill. I say it is not good for judges; it is not good for school directors; it is not good for district justices, but above all, Mr. Speaker, it is not good for the people of this Commonwealth.

I do not see what we had wrong in our past elections. We had people from one party who were in the minority who were elected by the electorate of that majority party. It seems to me, Mr. Speaker, that we should strengthen the political system. We should have the two-party system. After all, Mr. Speaker, possibly this will finally get down to the point, if the so-called reformers carry the day, that we might even set up a civil service commission, and then we would go through the process, and you, ladies and gentlemen, would obtain your seats here in the House. Now, that would be a real merit system, but where would the people be in this process? Why should not the people, when they go in to vote, see who this person is? Instead, they see a person as a Democrat, as a Republican. I think this confuses the electorate, Mr. Speaker, and I call for the defeat of the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Battisto amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

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

In 1968 a bunch of no-gooders came down here—or do-gooders, whatever you want to call them—and changed our Constitution. One of the judges sitting on the bench of Allegheny County, who was then a county commissioner, told me when I was a freshman—and maybe I still am a freshman—that the Con Con (Constitutional Convention) was the worst

thing he ever attended or ever did; they really screwed up the State of Pennsylvania. There was not a judge sitting on our bench who was for retention, but they had to vote for the total package. I myself am against retention, good or bad, for the whole State of Pennsylvania, and I want everybody to vote “no.” Thank you very much.

The SPEAKER. The Chair must have missed something about the Battisto amendment. You mean you think this is about retention? The Chair missed it then.

The Chair understands; you are against it anyway.

Mr. HUTCHINSON. I am against it anyhow - cross-filing.

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

Mr. SALVATORE. Mr. Speaker, I rise in support of the amendment. I think it is the commonsense approach to this very controversial issue, and I would hope my colleagues would support me on this issue.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Schuylkill, Mr. Baldwin, on the amendment.

Mr. BALDWIN. Thank you, Mr. Speaker.

I rise in support of this amendment also. I think that the real problem with cross-filing has occurred at the appellate court level, where in the last election we had so many people on the ballot that no one knew who was running, let alone what party they were in, and I support the idea of taking away cross-filing at that level. However, at the school board directors level, the court of common pleas, and district magistrates, the voters know the candidates. They have an opportunity to know a lot about them, including their party affiliation, if they are interested in that point, and I do not think we have to limit people to running on one particular ticket in those offices.

I think the purpose of the reform was good. There are certain offices where politics maybe should not be as involved as they are in other offices, and I support this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to urge support for this amendment. First of all, we ought not to confuse this with the issue of retention, which, in fact, is a constitutional issue. As you note, we are not changing the Constitution; we are changing the Election Code, and the amendment before us deals only with the issue of cross-filing. Retention is a totally separate issue, and we ought not to judge this amendment on the basis of whether we support or oppose retention of judges or retention of anybody else in particular.

Secondly, I think we need to recognize how local politics works, particularly in the case of our school directors. I think a lot of us have found that sometimes it is difficult to persuade people to run for offices at the local level, particularly for school director and sometimes even our local courts, because of two major factors: one, the time required. Our

election calendar in Pennsylvania requires people to campaign for almost a full year, no matter how popular they may be. And secondly, it usually requires a good bit of money, particularly when we require them to run through a primary campaign and a general election campaign. I think all of us have run into potentially good candidates who have expressed concerns about running for office on those two grounds.

This amendment and the current law that we have provides candidates for these particular offices that would be affected by this amendment to reduce the amount of time that they will have to campaign and, secondly, to reduce the amount that they would have to spend on a campaign if in fact they can demonstrate broad support in their community or in their particular judicial district during the primary election. Rather than remove people from the election process, this amendment and in fact the current law encourages people to participate more fully and gives them a chance to participate more fully and more directly at primary time.

So frequently I think a lot of people in this room have probably run into people of the other party who have suggested in a primary, I would like to help you but I cannot; I have to wait until the general election. I think that rather than penalize a good candidate for school board, for instance, or a strong candidate for common pleas court by telling them that although you may have broad support in this community, you are going to have to run through two extensive campaigns that will cost you twice as much money probably and require a year of campaigning rather than a couple months of extensive campaigning, rather than penalize those people and rather than tell voters that we are going to make you wait until later on, we ought to respect the opportunity for the strong candidate to in effect demonstrate support among both parties in a primary election. The people in fact have an opportunity to speak, and this certainly in no way denies them or erodes their right to speak in terms of the candidates they will select. This is not a move in the direction of merit selection or anything of that sort. It simply says to all the people in a community, regardless of political affiliation, we are going to let you choose or attempt to choose candidates, the best candidates, for these offices at primary time. If in fact a candidate can win both nominations, more power to him or more power to her. They have demonstrated strong support throughout that community, bipartisan support, and I think we ought to maintain the system as it has been for these particular offices affected by the Battisto amendment.

Finally, I think the community is in fact well served, because I do not think our communities and particularly our school districts are best served, I do not think our courts at the local level are best served when people get elected to that school board or get elected to that court only because they carry a particular political designation of Republican or Democrat. Some people argue forcefully, very vocally, for a strong party system, a strong two-party system. When we talk about running for the legislature, when we talk about running for Congress or Governor, I think that is terribly important, but I do not think it is as important when you talk about

school board candidates or judicial candidates at the local level and what particular political party designation they may be carrying.

I think we do a disservice to the voters when anyone suggests that they are confused. I think to suggest that they are confused when they are voting for these local offices might suggest they are equally confused when they are voting for us. I think most of us would suggest that people tend to know what they are doing for all of these races, be it a statewide race, be it the race for the local school board. I think we ought to recognize that people can make informed decisions, and we ought to let the strong candidate who can demonstrate broad support, bipartisan support, do so by allowing them to cross-file in a primary election. I urge support for this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. HUTCHINSON. Mr. Speaker, if it is so good, why do we not make it for everybody? Up until about 1940 or 1941 we were all allowed to do it - the mayor, on down the line, legislators, and everybody else. So if it is so good, why does somebody not put an amendment in to allow everybody to cross-file, not just one little group? Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Montgomery, Mr. Bunt, is recognized on the question.

Mr. BUNT. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to this amendment. As a former election official in Montgomery County, I think I can speak firsthand concerning this bill and this amendment.

This amendment seeks to make a joke out of the election system as cross-filing has done. I think cross-filing for school directors, for district justices, has made a lottery system out of this election process. I think that most people are not aware, the public, that is, of the political philosophy and the party of the candidates. I think that that is very important for the people to be able to decide upon. I think and I agree with Representative Hutchinson that if we are truly going to have cross-filing to put all offices out of the political spectrum, perhaps maybe it would not be such a joke to include the members of the General Assembly. For this very reason, Mr. Speaker, I rise in opposition and urge all members to vote "no" on this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GALLEN. Mr. Speaker, I may choke on these words. I never thought I would say them on the floor of this House, but, Mr. Speaker, Representative Fryer is right.

The SPEAKER. Would the gentleman repeat that for the record?

Mr. GALLEN. I said it once; it does not bear repetition, Mr. Speaker.

I feel that cross-filing for any office has caused an erosion of our bipartisan system. I urge a negative vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. DUFFY. Thank you, Mr. Speaker.

I rise in opposition to this amendment. I am a firm believer in party discipline. I think over the years, with the exoneration of the school directors, judges, and whatnot, that we have weakened this party system, and the only way we are going to get back to good party discipline where the endorsement for a judgeship means something is to eliminate cross-filing. Now, I have been trying to get people to run for various offices in our local community for years. I think it weakened our system when we eliminated the school directors from filing and running as party persons, whether Democrat or Republican.

I think this is the right move. Eliminate cross-filing altogether, defeat this, and let us vote for the bill. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Allegheny, Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, I, too, rise in opposition to the amendment. I think today is the time to take the common pleas court judges, the district justices, and the school directors off the pedestal that they do not belong on and put them into the political system with the rest of us. They get into their trousers one leg at a time; they pull their dresses over their heads once. We all do the same thing; we serve the people of Pennsylvania in one capacity or another. We should all be on the same level. Remove them from the pedestal. Vote "no."

The SPEAKER. The Chair thanks the gentleman.

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

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, we do not all do the same thing. Some of us make laws and some of us dispense justice. There is a very, very great difference, and I think we should understand that.

The distinguished Mr. Fryer and Mr. Gallen talked about eroding the two-party system. I subscribe to that system as strongly as they do, very honestly. The fact of the matter is, cross-filing does not erode the system. People know the school directors; they know whether you are a Democrat or a Republican. I have worked with a school district. I have worked as a mayor. They know you locally. They might not know the statewide offices. It has nothing to do with eroding the two-party system. That is rhetoric and that is erroneous. The fact of the matter is, do we recognize the fact that we are legislators and we are supposed to take heat, we are supposed to be involved in partisan politics, but judges are not supposed to be? They are dispensers of justice. Statewide judges should, simply because of the confusion of a cluttered ballot. I urge an affirmative vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Battisto amendment for the second time, the Chair recognizes the gentleman, Mr. Fryer.

Mr. FRYER. Mr. Speaker, I had not planned to speak again on this amendment. However, the gentleman from Allegheny, Mr. Cowell, made such brilliant remarks that I felt I should try to dull them a bit.

He stated, I believe, that by this cross-filing method the candidate would demonstrate support in both parties. Now, Mr. Speaker, I would submit that the candidate can demonstrate that strength in the general election. It would also, Mr. Cowell went on to relate, save campaigning time. As I understand the process, the process is to get the best possible candidate and to let the people decide. It should not be for the purpose of saving campaign time.

I might also add, Mr. Speaker, that by filing for the two party nominations, what happens many times is because the people are confused, the candidate receives the two nominations. Now, what have we done there but we have removed the general election at which that person hopefully would have a candidate so that the voter would have a choice.

It seems to me, Mr. Speaker, that underlying the argument as expressed indicates that the proponents basically do not trust the intelligence of the voter, and I find that very, very difficult to accept. In fact, I daresay under the political process there are many members sitting here in these seats today who, one, do not represent the majority party in their district. Now, if the political system is such that the voter votes blindly, then would we not have the registration in each legislative district elect the member of that party? No, we do not, because we have the proof right here in the halls of this House.

I say it has been a noble experiment but it is an experiment that has failed, and let us now make the move to return sanity to our elections. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

For the second time on the Battisto amendment, the Chair recognizes the gentleman, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I am very pleased that Representative Fryer supports letting candidates demonstrate support in both parties and that he also supports letting the people decide. I guess that the only place where we would really differ is whether or not it is necessary to wait for that demonstration of support and letting the people decide until the general election or whether that can in some cases be done in a very definitive manner in the primary election. I guess where we would disagree is with Representative Fryer's conclusion that the problem is that in some cases people are confused, and it seems that that tends to be the cases where people get both nominations. Then he goes on to criticize those who would not trust the intelligence of the voters.

I think it is belittling the voters to suggest that they only give both nominations to a candidate because they are confused. I think it is very possible—I think it is very likely, in fact—that in most cases the voters of various districts, including school districts or judicial districts, make very informed, very conscious decisions to support through their votes in the Republican and the Democratic primaries, and perhaps some third party as well, a particular candidate because of that candidate's particularly good qualities, record, or what have you, whatever reason a voter has used to make that informed decision. I think that we should not assume that there is confusion

reigning out there because some people get both nominations. I think we ought to conclude that some people get both nominations because in fact they are demonstrating broad support and because in fact the people are prepared to make a decision in the primary election rather than the general election. I think it is very appropriate that they be permitted to do that; therefore, I would urge support for the Battisto amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. Saurman, on the Battisto amendment.

Mr. SAURMAN. Mr. Speaker, just one thought. Many times there is not a major primary battle, and therefore, the vote is very light for one party or the other. When it is that light, a very small majority of that party can in fact elect a candidate who has cross-filed, so they do not really have that opportunity to vote for their choice if it is a light primary. They have it in the general, and I think that that should be kept in mind. 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—68

Alderette	Durham	McVerry	Rudy
Angstadt	Fischer	Maiale	Rybak
Arty	Foster, Jr., A.	Salvatore	Stairone
Baldwin	Freeman	Markosek	Serafini
Battisto	Freind	Michlovic	Seventy
Beloff	Greenwood	Micozzie	Snyder, G. M.
Bowser	Gruppo	Miscevich	Stairs
Boyes	Haluska	Morris	Stewart
Caltagirone	Harper	Murphy	Sweet
Cappabianca	Itkin	O'Brien	Tigue
Cawley	Jarolin	O'Donnell	Trello
Civera	Kasunic	Oliver	Wachob
Cohen	Kowalshyn	Petrone	Wambach
Cordisco	Linton	Pistella	Wargo
Cowell	Lucyk	Pott	Weston
Daley	McCall	Pratt	Wogan
Dombrowski	McHale	Richardson	Wozniak

NAYS—127

Afflerbach	Flick	Levin	Robbins
Armstrong	Foster, W. W.	Livengood	Ryan
Barber	Fryer	Lloyd	Saloom
Belardi	Gallagher	McClatchy	Saurman
Belfanti	Gallen	McIntyre	Scheetz
Blaum	Gamble	McMonagle	Schuler
Book	Geist	Mackowski	Semmel
Brandt	George	Madigan	Sirianni
Broujos	Gladeck	Manmiller	Smith, B.
Bunt	Godshall	Marmion	Smith, L. E.
Burd	Grieco	Mayernik	Snyder, D. W.
Burns	Gruitza	Merry	Spencer
Cessar	Hagarty	Miller	Spitz
Cimini	Hasay	Moehlmann	Steighner
Clark	Hayes	Mowery	Stevens
Clymer	Herman	Mrkonic	Stuban
Colafrilla	Hershey	Nahill	Taylor, E. Z.
Cole	Hoeffel	Noye	Taylor, F. E.
Cornell	Honaman	Olasz	Telek
Coslett	Hutchinson	Perzel	Truman
Coy	Jackson	Peterson	Van Horne
DeLuca	Johnson	Petrarca	Vroon
DeVerter	Kennedy	Phillips	Wass
DeWeese	Klingaman	Piccola	Wiggins
Dawida	Kosinski	Pievsky	Williams

Deal	Kukovich	Pitts	Wright, D. R.
Dietz	Lashinger	Preston	Wright, J. L.
Dininni	Laughlin	Punt	Wright, R. C.
Donatucci	Lehr	Rappaport	Zwikel
Dorr	Lescovitz	Reber	
Duffy	Letterman	Reinard	Irvis,
Fargo	Levi	Rieger	Speaker
Fee			

NOT VOTING—4

Carr	Davies	Evans	Wilson
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EXCUSED—4

Fattah	Gannon	Showers	Swift
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. FREEMAN offered the following amendment No. A2739:

Amend Sec. 1 (Sec. 813), page 1, lines 21 and 22; and page 2, lines 1 and 2, by striking out "DELIVER POLITICAL SPEECHES, MAKE OR" in line 21, and all of line 22, page 1, and all of lines 1 and 2, page 2, and inserting
attend political functions and gatherings and make political contributions.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

My amendment deals specifically with section 813 of the bill. Although I favor the intent in section 813 to restore the political rights of the district justices, I feel it goes a bit too far in its present form.

Under section 813, district justices would be entitled to deliver political speeches, make or solicit political contributions, attend political parties, gatherings, engage in political conventions, and even hold party office and participate in other political campaign activities. I feel this goes too far in that it turns a judicial office into an overtly political office and opens the door to political abuse. In essence, it turns our district justices into political creatures.

What my amendment does is modify section 813. The modification is as such: What it would allow district justices to do is simply to attend political functions and gatherings and make political contributions. By doing this, it strikes a balance between restoring political rights for district justices while still keeping the office judicial and somewhat nonpartisan.

I urge a "yes" vote on my amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Freeman amendment, the Chair recognizes the gentleman from Allegheny, Mr. Clark.

Mr. CLARK. Mr. Speaker, as the maker of the amendment in committee who inserted this language, I would urge a negative vote.

There is a very distinct reason that I did this. It is simply that if we take cross-filing away from district justices, they will be put in the unique position, because of the Supreme Court's actions, that they will not be able to engage in politics and not be able to cross-file. So what I did is draft language that would permit them to engage in the political process. If this amendment is adopted, it will not permit them to engage in the political process as we had foreseen after cross-filing is gone, so that in essence they will not be able to do anything politically except attend a function and make a contribution. I feel it is important, specifically with someone who gets a 6-year term, that they be able to campaign for office not only in the year that they are up for reelection. They should be able to play a role in the political process and engage in political activities once the cross-filing is removed. I would appreciate a negative vote on the Freeman amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—30

Battisto	Cordisco	Haluska	Marmion
Beloff	Cowell	Kowalyszyn	O'Donnell
Broujos	Deluca	Levin	Pott
Caltagirone	Dawida	Linton	Richardson
Cappabianca	Deal	McHale	Rybak
Carn	Evans	McVerry	Wachob
Cohen	Freeman	Markosek	Wambach
Cole	Greenwood		

NAYS—166

Afflerbach	Foster, Jr., A.	McMonagle	Salvatore
Alderette	Freind	Mackowski	Saurman
Angstadt	Fryer	Madigan	Scheetz
Armstrong	Gallagher	Maiale	Schuler
Arty	Gallen	Manderino	Semmel
Baldwin	Gamble	Manmiller	Serafini
Belardi	Geist	Mayermik	Seventy
Belfanti	George	Merry	Sirianni
Blaum	Gladeck	Michlovic	Smith, B.
Book	Godshall	Micozzie	Smith, L. E.
Bowser	Grieco	Miller	Snyder, D. W.
Boyes	Gruitza	Miscevich	Snyder, G. M.
Brandt	Gruppo	Moehlmann	Spencer
Bunt	Hagarty	Morris	Spitz
Burd	Harper	Mowery	Stairs
Burns	Hasay	Mrkoncic	Steighner
Cawley	Hayes	Murphy	Stevens
Cessar	Herman	Nahill	Stewart
Cimini	Hershey	Noye	Suban
Civera	Hoeffel	O'Brien	Sweet
Clark	Honaman	Olasz	Taylor, E. Z.
Clymer	Hutchinson	Oliver	Taylor, F. E.
Colafella	Jackson	Perzel	Telek
Cornell	Jarolin	Peterson	Tigue
Coslett	Johnson	Petrarca	Trello
Coy	Kasunic	Petrone	Truman
DeVerter	Kennedy	Phillips	Van Horne
DeWeese	Klingaman	Piccola	Vroon
Daley	Kosinski	Pievsy	Wargo
Davies	Kukovich	Pistella	Wass
Dietz	Lashinger	Pitts	Weston
Dominni	Laughlin	Pratt	Wiggins
Dombrowski	Lehr	Preston	Williams
Donatucci	Lescovitz	Punt	Wogan
Dorr	Letterman	Rappaport	Wozniak
Duffy	Levi	Reber	Wright, D. R.

Durham	Livengood	Reinard	Wright, J. L.
Fargo	Lloyd	Rieger	Wright, R. C.
Fee	Lucyk	Robbins	Zwikl
Fischer	McCall	Rudy	
Flick	McClatchy	Ryan	Irvis,
Foster, W. W.	McIntyre	Saloom	Speaker

NOT VOTING—3

Barber	Itkin	Wilson
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EXCUSED—4

Fattah	Gannon	Showers	Swift
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The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. TRELLO offered the following amendments No. A2318:

Amend Title, page 1, line 13, by striking out “, justice of the peace”

Amend Title, page 1, line 13, by striking out “directors” and inserting

director

Amend Sec. 2 (Sec. 909), page 2, line 21, by striking out the bracket before “, unless”

Amend Sec. 2 (Sec. 909), page 2, line 22, by inserting a bracket before “judicial”

Amend Sec. 2 (Sec. 909), page 2, line 22, by inserting after “candidate”

] district justice

Amend Sec. 2 (Sec. 909), page 2, line 24, by striking out the bracket after “party”

Amend Sec. 3 (Sec. 910), page 3, line 19, by striking out the bracket before “unless”

Amend Sec. 3 (Sec. 910), page 3, line 19, by inserting a bracket before “judge”

Amend Sec. 3 (Sec. 910), page 3, line 22, by inserting after “peace”

district justice,

Amend Sec. 4 (Sec. 976), page 5, line 10, by striking out the bracket before “, except”

Amend Sec. 4 (Sec. 976), page 5, line 10, by inserting a bracket before “judge”

Amend Sec. 4 (Sec. 976), page 5, line 13, by inserting after “peace”

district justice

Amend Sec. 5 (Sec. 993), page 7, line 3, by striking out the bracket before “unless”

Amend Sec. 5 (Sec. 993), page 7, line 3, by inserting a bracket before “judge”

Amend Sec. 5 (Sec. 993), page 7, line 6, by inserting after “peace”

district justice

Amend Sec. 5 (Sec. 998), page 7, line 25, by striking out the bracket before “, unless”

Amend Sec. 5 (Sec. 998), page 7, line 26, by inserting a bracket before “judge”

Amend Sec. 5 (Sec. 998), page 7, line 29, by inserting after “peace”

district justice

Amend Sec. 5 (Sec. 998), page 8, line 11, by striking out the bracket before “, unless”

Amend Sec. 5 (Sec. 998), page 8, line 12, by inserting a bracket before “judge”

Amend Sec. 5 (Sec. 998), page 8, line 14, by inserting after “peace”

district justice

Amend Sec. 6 (Sec. 1004), page 8, lines 25 and 26, by striking out the bracket before “, except”

Amend Sec. 6 (Sec. 1004), page 8, line 26, by inserting a bracket before “judge”

Amend Sec. 6 (Sec. 1004), page 8, line 28, by inserting after “peace)”

district justice,

On the question,

Will the House agree to the amendments?

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

Mr. TRELLO. Mr. Speaker, this amendment deals strictly with district justices, period. I believe that they should be allowed to cross-file for a number of reasons, two of them being that their term is not as long as the appellate court judges' and the common pleas court judges', and number two, they do not have retention. Furthermore, their salary is about one-fourth of what the other judges' is, and for that reason I think they should maintain the right to cross-file. I would respectfully ask your support for the 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—81

Alderette	Dawida	McCall	Pistella
Angstadt	Deal	McHale	Pott
Barber	Dininni	McVerry	Pratt
Battisto	Dombrowski	Maiale	Richardson
Belardi	Durham	Manderino	Rudy
Belfanti	Belfanti	Fischer	Saloom
Beloff	Foster, Jr., A.	Markosek	Serafini
Book	Freeman	Marmion	Seventy
Bowser	Gamble	Mayernik	Snyder, G. M.
Boyes	Greenwood	Michlovic	Spencer
Caltagirone	Gruitza	Micozzie	Stairs
Cappabianca	Haluska	Miscevich	Stewart
Carn	Hasay	Moehlmann	Sweet
Cawley	Itkin	Morris	Telek
Cessar	Jarolin	Murphy	Tigue
Civera	Johnson	Olasz	Trello
Cohen	Kasunic	Oliver	Wachob
Colafella	Lashingner	Petrone	Wambach
Cole	Laughlin	Phillips	Weston
Cordisco	Livengood	Piccola	Wozniak
Cowell			

NAYS—110

Afflerbach	Freind	Levin	Saurman
Armstrong	Fryer	Lloyd	Scheetz
Arty	Gallagher	Lucyk	Schuler
Baldwin	Gallen	McClatchy	Semmel
Blaum	Geist	McIntyre	Sirianni
Brandt	George	McMonagle	Smith, B.
Broujos	Gladeck	Mackowski	Smith, L. E.
Bunt	Godshall	Madigan	Snyder, D. W.
Burd	Grieco	Merry	Spitz
Burns	Gruppo	Miller	Steighner
Cimini	Hagarty	Mowery	Stuban
Clark	Harper	Mrkonic	Taylor, E. Z.
Clymer	Hayes	Nahill	Taylor, F. E.
Cornell	Herman	Noye	Truman
Coy	Hershey	Peterson	Van Horne
Deluca	Hoeffel	Petrarca	Vroon
DeVerter	Honaman	Pievsy	Wargo

DeWeese	Hutchinson	Pitts	Wass
Daley	Jackson	Preston	Williams
Davies	Kennedy	Punt	Wilson
Dietz	Klingaman	Rappaport	Wogan
Donatucci	Kosinski	Reber	Wright, D. R.
Dorr	Kowalshyn	Reinard	Wright, J. L.
Duffy	Kukovich	Rieger	Wright, R. C.
Fargo	Lehr	Robbins	Zwikl
Fee	Lescovitz	Ryan	
Flick	Letterman	Rybak	Irvis,
Foster, W. W.	Levi	Salvatore	Speaker

NOT VOTING—8

Coslett	Linton	O'Donnell	Stevens
Evans	O'Brien	Perzel	Wiggins

EXCUSED—4

Fattah	Gannon	Showers	Swift
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—153

Afflerbach	Dorr	Levi	Rieger
Alderette	Duffy	Levin	Robbins
Angstadt	Evans	Linton	Ryan
Armstrong	Fargo	Livengood	Saloom
Arty	Fee	Lloyd	Saurman
Barber	Flick	Lucyk	Scheetz
Belardi	Foster, W. W.	McCall	Schuler
Belfanti	Foster, Jr., A.	McClatchy	Semmel
Blaum	Fryer	McIntyre	Seventy
Book	Gallagher	McMonagle	Sirianni
Bowser	Gallen	Mackowski	Smith, B.
Brandt	Gamble	Madigan	Smith, L. E.
Broujos	Geist	Manderino	Snyder, D. W.
Bunt	George	Manmiller	Snyder, G. M.
Burd	Gladeck	Marmion	Spencer
Burns	Godshall	Mayernik	Spitz
Caltagirone	Grieco	Merry	Stairs
Carn	Gruitza	Miller	Steighner
Cessar	Hagarty	Miscevich	Stevens
Cimini	Harper	Moehlmann	Stewart
Civera	Hasay	Mowery	Stuban
Clark	Hayes	Mrkonic	Taylor, E. Z.
Clymer	Herman	Nahill	Taylor, F. E.
Colafella	Hershey	Noye	Telek
Cole	Hoeffel	Olasz	Truman
Cornell	Honaman	Peterson	Van Horne
Coslett	Hutchinson	Petrarca	Vroon
Coy	Jackson	Phillips	Wass
Deluca	Jarolin	Piccola	Wiggins
DeVerter	Johnson	Pievsy	Williams
DeWeese	Kasunic	Pistella	Wilson
Daley	Kennedy	Pitts	Wozniak
Davies	Klingaman	Pratt	Wright, D. R.
Dawida	Kosinski	Preston	Wright, J. L.
Deal	Kukovich	Punt	Zwikl
Dietz	Lashingner	Rappaport	
Dininni	Lehr	Reber	Irvis,
Dombrowski	Lescovitz	Reinard	Speaker
Donatucci	Letterman	Richardson	

NAYS—46

Baldwin	Freind	Micozzie	Salvatore
Battisto	Greenwood	Morris	Serafini
Beloff	Gruppo	Murphy	Sweet
Boyes	Haluska	O'Brien	Tigue
Cappabianca	Itkin	O'Donnell	Trello
Cawley	Kowalshyn	Oliver	Wachob
Cohen	Laughlin	Perzel	Wambach
Cordisco	McHale	Petrone	Wargo
Cowell	McVerry	Pott	Weston
Durham	Maiale	Rudy	Wogan
Fischer	Markosek	Rybak	Wright, R. C.
Freeman	Michlovic		

NOT VOTING—0

EXCUSED—4

Fattah	Gannon	Showers	Swift
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

STATEMENT BY MR. RAPPAPORT

Mr. RAPPAPORT. Mr. Speaker, may I be recognized for a moment?

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

Mr. RAPPAPORT. Thank you, Mr. Speaker.

Mr. Speaker, many of us are spending a great deal of time working on judicial reform through the constitutional route. One of the major problems that we have been facing in Pennsylvania, particularly in our appellate courts in the last few years, has been the inducement to candidates for judicial office to raise great amounts of money which they then spend on the media. We have now voted to forbid cross-filing, and I think the effect of that is going to be and the reason I voted for it—I know many of the members of this House voted for it—was to eliminate the media candidate from the judicial process, which is right and proper. When judges run, they should not become media stars. That is not the way we should be picking judges, and this bill is a way to eliminate that. I congratulate the House on its passage. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

REMARKS ON VOTE

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I wish to be recorded on the Battisto amendment A2288 to SB 421 in the negative.

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

BILL ON FINAL PASSAGE POSTPONED

The House proceeded to **HB 1004, PN 1888**, on final passage postponed, entitled:

An Act mandating revocation of mercantile license issued by any political subdivision upon certain convictions.

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?

DECISION OF CHAIR REVERSED

The SPEAKER. Without objection, the Chair reverses its decision as to the bill having been agreed to on third consideration as amended. The Chair hears no objection.

On the question recurring,

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

Mr. WILLIAMS offered the following amendments No. A3091:

Amend Sec. 1, page 1, lines 9 and 10, by striking out "person who possesses the license of" and inserting
licensee for committing

Amend Sec. 1, page 1, line 10, by inserting after "offenses"
upon such licensed premises

On the question,

Will the House agree to the amendments?

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

Mr. WILLIAMS. Mr. Speaker, I would like first of all to thank my colleagues, who last week while I was out ill voted on a bill. The bill was a bill to take the mercantile license away from drug pushers who use their premises for the purpose of illegal activity.

I would like to amend that bill, Mr. Speaker, and insert the words "Amend Sec. 1, page 1, lines 9 and 10, by striking out 'person who possesses the license of' and inserting licensee for committing." Also, "Amend Sec. 1, page 1, line 10, by inserting after 'offenses' upon such licensed premises."

In the bill, we did not have the words "upon such licensed premises," which meant that a person could commit the crime off the premises and would lose their mercantile license. What we are trying to do is make sure that persons who commit such offenses and use their premises as a front to commit those offenses would lose their mercantile license. I appreciate your support on my bill, and I also would appreciate your supporting my amendment. Thank you very much.

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—188

Alderette	Fargo	McCall	Ryan
Angstadt	Fee	McClatchy	Rybak
Armstrong	Fischer	McHale	Saloom
Arty	Flick	McIntyre	Salvatore
Baldwin	Foster, W. W.	McMonagle	Saurman
Barber	Foster, Jr., A.	McVerry	Scheetz

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

NAYS—3

Kasunic O'Donnell Truman

NOT VOTING—8

Afflerbach DeWeese Kennedy Miller
Cohen Davies Lehr Mrkonic

EXCUSED—4

Fattah Gannon Showers Swift

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. D. W. SNYDER. Mr. Speaker, will Mr. Williams, the sponsor of the last amendment, subject himself to interrogation?

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

Mr. D. W. SNYDER. Mr. Speaker, with the passage of the amendment, if a person is arrested for a violation as discussed in HB 1004 on the premises, does the owner of the license have to be involved with that offense or is it just a question of the offense occurring on his premises?

Mr. WILLIAMS. The owner is the only person who is involved. We are not dealing with employees. The owner is the only person. The owner would have to be the one who uses his premises for the purpose of selling drugs. In New York, that is one of the styles they are using now. I had a store that I closed down in Philadelphia, and the owner of the store had been arrested 18 times but the store kept operating because they had no measures at all for closing the store. We are only after the owner of the store, the licensee, whoever holds the license.

Mr. D. W. SNYDER. So thus, Mr. Speaker, if the owner of the business is convicted of an offense, then the license is revoked.

Mr. WILLIAMS. That is correct.

Mr. D. W. SNYDER. And only in that situation.

Mr. WILLIAMS. Only in that situation.

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—192

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

Coy	Kosinski	Pistella	Wiggins
DeLuca	Kowalyshyn	Pitts	Williams
DeVerter	Kukovich	Pott	Wilson
DeWeese	Lashinger	Pratt	Wogan
Davies	Laughlin	Preston	Wozniak
Dawida	Lehr	Punt	Wright, D. R.
Deal	Lescovitz	Rappaport	Wright, J. L.
Dietz	Letterman	Reber	Wright, R. C.
Dininni	Levi	Reinard	Zwinkl
Dombrowski	Levin	Richardson	
Donatucci	Linton	Rieger	Irvis,
Dorr	Lloyd	Robbins	Speaker
Duffy	Lucyk		

NAYS—5

Daley	Kasunic	Livengood	Saloom
Hutchinson			

NOT VOTING—2

Kennedy	Mowery
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EXCUSED—4

Fattah	Gannon	Showers	Swift
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House Sister Magdeline, Jacky Rose, Sharon Lipko, Joanie Schaeffer, Rick Fedorishka, and a group of sixth and seventh grade students from St. Francis of Assisi School in Minersville. They are on tour of the Capitol and they are in the gallery at this moment.

The Sister will be interested, I think, in knowing that the Speaker has as a hobby woodworking. I have a shop in the basement of my home. My patron saint watching over my shop is St. Francis of Assisi. I am glad that you are here.

HB 982 RECONSIDERED

The SPEAKER. The Chair has before it a reconsideration motion signed by the gentleman from Allegheny, Mr. Itkin, and the gentleman from Allegheny, Mr. Michlovic, whereby they move for reconsideration of the vote by which HB 982 was passed on October 5, 1983.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—190

Afflerbach	Fargo	Lloyd	Ryan
Alderette	Fee	Lucyk	Rybak
Angstadt	Fischer	McCall	Saloom
Armstrong	Flick	McClatchy	Salvatore
Arty	Foster, W. W.	McHale	Saurman
Barber	Foster, Jr., A.	McIntyre	Scheetz
Battisto	Freeman	McMonagle	Schuler
Belardi	Freind	McVerry	Semmel
Belfanti	Fryer	Mackowski	Serafini
Beloff	Gallagher	Madigan	Seventy

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

NAYS—0

NOT VOTING—9

Baldwin	Donatucci	Maiale	Petrarca
Clark	Kennedy	Mowery	Rieger
Cohen			

EXCUSED—4

Fattah	Gannon	Showers	Swift
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The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

BILL PLACED ON FINAL PASSAGE
POSTPONED CALENDAR

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

Mr. ITKIN. Mr. Speaker, I move that HB 982 be placed on the final passage postponed calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

WELCOME

The SPEAKER. The Chair believes that the U R Welcome group from Palmer Township and the Nazareth area probably have left. They were here as the guests of Representative Gruppo of Northampton County. I think they left in the middle of a vote, but we are glad they were able to attend as the guests of Representative Gruppo.

SENATE MESSAGE**ADJOURNMENT RESOLUTION
FOR CONCURRENCE**

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

In the Senate, October 11, 1983

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, October 17, 1983 unless sooner recalled by the President Pro Tempore and when the House of Representatives adjourns this week it reconvene on Monday, October 17, 1983 unless sooner recalled by the Speaker.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILLS SIGNED BY SPEAKER

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

SB 280, PN 299

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," further providing penalties for the damage to or theft of grave markers and flag holders.

SB 522, PN 572

An Act amending the act of November 26, 1975 (P. L. 438, No. 124), entitled, as amended, "Child Protective Services Law," further defining "family or household members."

SB 867, PN 1021

An Act designating Octoraro Creek in Lancaster and Chester Counties, as a component of the Pennsylvania Scenic Rivers System; requiring cooperation and coordination by State agencies in implementing the purposes of the Pennsylvania Scenic Rivers Act; limiting liability; and authorizing the expenditure of moneys to further the purposes of this act.

**COMMUNICATION FROM JOINT STATE
GOVERNMENT COMMISSION**

The SPEAKER. The Chair acknowledges receipt from the Joint State Government Commission of the following report, which will be submitted for the record.

The following communication was read:

General Assembly of the
Commonwealth of Pennsylvania
Joint State Government Commission
Room 108 - Finance Building
Harrisburg 17120

October 11, 1983

To the Honorable, the
House of Representatives
of the General Assembly of the
Commonwealth of Pennsylvania

On behalf of the Joint State Government Commission, I have the honor to transmit herewith the publication Probate, Estates and Fiduciaries Code, Proposed Amendments and Comments—1983.

Copies of this publication for members of the House of Representatives have been placed in their post office boxes.

Respectfully submitted,
Roger A. Madigan
Chairman

(For report, see Appendix.)

REMARKS ON VOTES

The SPEAKER. For what purpose does the gentleman from Lehigh, Mr. Afflerbach, rise?

Mr. AFFLERBACH. Mr. Speaker, I have discovered that for whatever reason my vote did not record on amendment A3091 to HB 1004. Had it recorded, it would have been in the negative.

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

The Chair recognizes the gentleman from Cumberland, Mr. Broujos. For what purpose does the gentleman rise?

Mr. BROUJOS. If it please the Speaker, I would like to be recorded in the affirmative on amendment A3078 to HB 1156.

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

DEMOCRATIC CAUCUS

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

Mr. ITKIN. Mr. Speaker, the Democrats will go into caucus at 3 o'clock. We have several important bills on the calendar to caucus on, including the auto "lemon" bill, the senior citizens pharmaceutical assistance bill, the attendant care bill, the plain language bill, the marital rape bill, and several other pieces of legislation. It is an important caucus, and your attendance is requested.

The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER. Is there an announcement for the Republican Caucus?

The gentleman from Perry, Mr. Noye, is recognized.

Mr. NOYE. Thank you, Mr. Speaker.

Republicans will caucus in the caucus room immediately to cover the bills for tomorrow's session. We ask that you be prompt. Thank you.

The SPEAKER. The Chair thanks the gentleman.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Baldwin.

Mr. BALDWIN. Mr. Speaker, I move that this House do now adjourn until Wednesday, October 12, 1983, at 11 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 2:57 p.m., e.d.t., the House adjourned.