

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, NOVEMBER 15, 1983

SESSION OF 1983

167TH OF THE GENERAL ASSEMBLY

No. 90

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

Almighty and Everlasting God, it is with heartfelt thanks and eternal praise that we bow before Thee in the quiet moments of this day. We are grateful for the depth of Thy love which lifts us beyond the perils and pitfalls of this life. We appreciate Thy indwelling spirit which enables us to face triumphantly the enticements and allurements which tend to draw us away from Thee and Thy way. We express our gratitude for the strength of Thy power and might which directs and promotes our talents in useful and worthwhile pursuits.

Heavenly Father, we laud and magnify Thee and Thy holy and most righteous name, and we pray that Thy kingdom may come and Thy will may be done in and through the deeds we show to Thee. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, November 14, 1983, will be postponed until the Journal is in print. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1676 By Representatives SCHULER, STEVENS, JACKSON, DEAL, HONAMAN, SCHEETZ, ARMSTRONG, POTT, HERSHEY, BUNT, VROON, DIETZ, NOYE, BRANDT, HALUSKA, SEMMEL, WOGAN, GODSHALL, JOHNSON and HARPER

An Act amending the "Pennsylvania Election Code", approved June 3, 1937 (P. L. 1333, No. 320), increasing the amount that must be received before reporting is required.

Referred to Committee on STATE GOVERNMENT, November 15, 1983.

No. 1677 By Representatives HERMAN, ITKIN, DORR, KLINGAMAN, WASS, SCHEETZ, DIETZ, SAURMAN, SCHULER, CLYMER, BURD, WOZNIAK, MADIGAN, FLICK, HALUSKA, SEMMEL, WOGAN and AFFLERBACH

An Act amending the "Health Care Services Malpractice Act", approved October 15, 1975 (P. L. 390, No. 111), providing an exemption for retired physicians.

Referred to Committee on INSURANCE, November 15, 1983.

No. 1678 By Representatives TRELLO, WILSON, RAPPAPORT, FLICK, AFFLERBACH, POTT, MOEHLMANN and VROON

An Act amending "The Fiscal Code", approved April 9, 1929 (P. L. 343, No. 176), providing additional powers for the investment of moneys; providing for the issuance and refinancing of tax anticipation notes; and further providing for the temporary financing and refinancing of capital projects prior to the sale of bonds.

Referred to Committee on FINANCE, November 15, 1983.

No. 1679 By Representatives BOYES, BROUJOS, ANGSTADT, PISTELLA, MICOZZIE, NOYE, ALDERETTE, VROON, FISCHER, JOHNSON, HERMAN, SEMMEL, FARGO, CIVERA and ROBBINS

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

Referred to Committee on LIQUOR CONTROL, November 15, 1983.

No. 1680 By Representatives STUBAN, PHILLIPS and BELFANTI

An Act authorizing the Department of General Services to convey a tract of land in Mahoning Township, Montour County to the Danville Daycare Center for Child Development Inc.

Referred to Committee on STATE GOVERNMENT, November 15, 1983.

No. 1681 By Representatives RYBAK, KOWALYSHYN, FREEMAN, ZWIKL, AFFLERBACH, McHALE, GRUPPO, SEMMEL, D. W. SNYDER, CIMINI, TRELLO, KUKOVICH, BOOK, VROON, BATTISTO, E. Z. TAYLOR, MILLER, MAIALE, HALUSKA, COY, MAYERNIK, COLAFELLA, McINTYRE, STEIGHNER, DeLUCA, TELEK, PETRONE, FISCHER, PRATT, MRKONIC, WAMBACH, FATTAH, KOSINSKI, CARN, EVANS, WESTON, SALVATORE and JAROLIN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for parking for handicapped persons.

Referred to Committee on TRANSPORTATION, November 15, 1983.

No. 1682 By Representatives BOYES, CAPPABIANCA, BOWSER, DOMBROWSKI, MERRY, HUTCHINSON, DININNI, PETERSON, SWIFT and LEVI

An Act designating a certain interchange on Interstate Route 79 in Erie County as the "Harold G. Reslink Interchange."

Referred to Committee on TRANSPORTATION, November 15, 1983.

No. 1683 By Representatives SALVATORE and WOGAN

An Act providing for the erection of new counties from existing counties or cities; and making repeals.

Referred to Committee on LOCAL GOVERNMENT, November 15, 1983.

No. 1684 By Representatives ITKIN, D. R. WRIGHT, JAROLIN, PISTELLA, DAWIDA, GALLAGHER, CIMINI, McVERRY, FATTAH, LASHINGER, MICHLOVIC, VROON, HOFFEL, SHOWERS, JOHNSON, RUDY, DeLUCA, WOGAN, TRELLO, BUNT, E. Z. TAYLOR, GREENWOOD, PRESTON and COLAFELLA

An act amending the "Custody and Grandparents Visitation Act", approved November 5, 1981 (P. L. 322, No. 115), further providing for the purpose of the act; adding definitions; and providing for partial custody in certain cases.

Referred to Committee on HEALTH AND WELFARE, November 15, 1983.

No. 1685 By Representatives B. SMITH, PISTELLA, J. L. WRIGHT, HASAY, PETRONE, FISCHER, MICOZZIE, MACKOWSKI and CIVERA

An Act amending "The Insurance Company Law of 1921," approved May 17, 1921 (P. L. 682, No. 284), requiring all insurers offering casualty insurance to provide coverage for certain nuclear accidents.

Referred to Committee on INSURANCE, November 15, 1983.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 154 By Representatives STEVENS, RICHARDSON, BELFANTI, HALUSKA, JAROLIN, HERMAN, MICOZZIE, BUNT, CIVERA, AFFLERBACH, STEIGHNER, TELEK, ALDERETTE, PETRONE, OLASZ, KOSINSKI and SEMMEL

Urging the Department of Transportation to produce and distribute additional official transportation maps.

Referred to Committee on RULES, November 15, 1983.

REPORT SUBMITTED

The SPEAKER. Pursuant to Act 142 of 1981, the Sunset Act, the Speaker acknowledges receipt from the House Judiciary Committee of the Sunset Evaluation Review of the Crime Victim's Compensation Board.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

November 15, 1983

MEMO:

Subject: Evaluation Report under the Sunset Act (Act 142 of 1981)

To: Speaker K. Leroy Irvis

From: John J. Zubeck
Chief Clerk

This is to advise you that this office has received an additional report by the House Judiciary Committee on the Sunset Evaluation and Review of the Crime Victim's Compensation Board. This report is on file in this office for public inspection.

Enclosure

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 98;
HB 286;
HB 1235;
HB 1450;
HB 1476;
HB 1556;
HB 1616;
HB 1617;
HB 1672;
SB 302;

SB 652; and
SB 835.

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

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair is about to take up leaves of absence. Are there any leaves of absence from the majority party?

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

Mr. PIEVSKY. Thank you, Mr. Speaker.

I ask leave of absence for the gentleman from Philadelphia, Mr. EVANS, for today; and the gentleman from Philadelphia, Mr. WILLIAMS, for today.

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

Mr. PIEVSKY. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip. Does the gentleman have any leaves of absence?

Mr. HAYES. Thank you, Mr. Speaker.

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

The SPEAKER. Without objection, leave is granted. The Chair hears no objection.

MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

PRESENT—194

Afflerbach	Durham	Linton	Robbins
Alderette	Fargo	Livengood	Rudy
Angstadt	Fattah	Lloyd	Ryan
Armstrong	Fee	Lucyk	Rybak
Arty	Fischer	McCall	Saloom
Baldwin	Flick	McClatchy	Salvatore
Barber	Foster, W. W.	McHale	Saurman
Battisto	Foster, Jr., A.	McIntyre	Scheetz
Belardi	Freeman	McMonagle	Schuler
Blfanti	Freind	McVerry	Semmel
Bluff	Fryer	Mackowski	Serafini
Blaum	Gallagher	Madigan	Seventy
Book	Gallen	Maiale	Showers
Bowser	Gamble	Manderino	Sirianni
Boyes	Gannon	Manmiller	Smith, B.
Brandt	Geist	Markosek	Smith, L. E.
Broujos	George	Mayernik	Snyder, D. W.
Bunt	Gladeck	Merry	Snyder, G. M.
Burd	Godshall	Michlovic	Spencer
Burns	Greenwood	Micozzie	Stairs
Caltagirone	Grieco	Miller	Steighner
Cappabianca	Gruitza	Miscevich	Stevens
Carn	Gruppo	Moehlmann	Stewart
Cawley	Hagarty	Morris	Stuban
Cessar	Haluska	Mowery	Sweet
Cimini	Harper	Mrkonic	Swift
Civera	Hasay	Nahill	Taylor, E. Z.
Clark	Hayes	Noye	Taylor, F. E.
Clymer	Herman	O'Brien	Telek
Cohen	Hershey	O'Donnell	Tigue

Colafella	Honaman	Olasz	Trello
Cole	Hutchinson	Oliver	Truman
Cordisco	Itkin	Perzel	Van Horne
Cornell	Jackson	Peterson	Vroon
Coslett	Jarolin	Petrarca	Wachob
Cowell	Johnson	Petrone	Wambach
Coy	Kasunic	Phillips	Wargo
Deluca	Kennedy	Piccola	Wass
DeVerter	Klingaman	Pievsky	Wiggins
DeWeese	Kosinski	Pistella	Wilson
Daley	Kowalyshyn	Pitts	Wogan
Davies	Kukovich	Pott	Wozniak
Deal	Lashingier	Preston	Wright, D. R.
Dietz	Laughlin	Punt	Wright, J. L.
Dininni	Lehr	Rappaport	Wright, R. C.
Dombrowski	Lescovitz	Reber	Zwikel
Donatucci	Letterman	Reinard	
Dorr	Levi	Richardson	Irvis,
Duffy	Levin	Rieger	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—9

Dawida	Marmion	Pratt	Weston
Evans	Murphy	Spitz	Williams
Hoeffel			

WELCOMES

The SPEAKER. The Chair is delighted to welcome to the hall of the House Kathy Fries, Janet Little, and William Soberick, who is also president of the Berwick Area School Board. They are here as representatives of the American Diabetes Association and are the guests of Representative Ted Stuban.

Representative Durham and Representative Ryan have as their guests the eighth grade students from Old St. Thomas School, and I presume those are the children in the balcony.

Representative Jarolin has his wife, Theresa, and Kathy and Ken Buchkowski, his daughter and son-in-law, as his guests today.

**ANNOUNCEMENT ON
"SAVE THE FLAGS" PROGRAM**

The SPEAKER. As all of you know, Pennsylvania has a proud history of participating in all the wars fought in this country for the protection of its citizens and for the protection of the rights of those citizens. In the War Between the States, no State contributed more for the cause of freedom than did Pennsylvania. The faded flags which are down in the rotunda do not tell you the whole story of the sacrifices of Pennsylvania's men and women during the Civil War.

The Chair now recognizes the gentleman from Chester, Mr. Pitts, and asks for your attention.

Mr. PITTS. Thank you, Mr. Speaker.

On every member's desk is a packet of information concerning the "Save the Flags" program, which is being kicked off today. On behalf of the Capitol Preservation Committee, on which I serve with Representatives Kurt Zwikel, Jim Wright, and Pete Wambach, I am pleased to make this announcement.

Before making the announcement, however, I would like to present to the House representatives of the Civil War Era Reenactment Group from the Delaware Valley, representing the 110th Pennsylvania Volunteer Infantry, under the command of Capt. H. "Skip" Mills. Would they please come to the well of the House? They will give a 2-minute drill, and then I will give an announcement.

(A program was presented.)

Mr. PITTS. As I said, Mr. Speaker, the purpose of my remarks is to announce the beginning of the "Save the Flags" program to preserve the 385 Pennsylvania Civil War flags which have been on display in the Capitol rotunda since 1914. This remarkable collection is intimately related to this House, and proper care of the collection is an appropriate duty of this House. It was the General Assembly, in response to President Abraham Lincoln's request, which pledged Pennsylvania's loyalty and men to the Federal Union cause before the outbreak of the Civil War in April of 1861. I have given you a brief history of that involvement in your packet.

In planning for military involvement, the General Assembly, on May 16, 1861, by joint resolution directed the Governor to assign flags representing the Revolutionary War and the War of 1812 units to Civil War units and to prepare and present new colors to additional regiments being created. The resolution further directed that, and I quote, "after the present unhappy rebellion is ended...they be carefully preserved by the state."

Following the war, on July 4, 1866, the military colors of 215 Pennsylvania units were turned over to the Commonwealth for care and keeping. Representatives of all regiments joined at Independence Hall. They presented their colors to Gen. George Meade, who, in turn, submitted them, on behalf of the troops, to Gov. Andrew Curtin.

These flags, 117 years ago deposited in our safekeeping, have been there ever since. The 385 flags of the regiments, by direction of the General Assembly, have been on display in this Capitol, in the rotunda, since 1914.

Many of these flags were in damaged condition when they were returned to the Commonwealth 117 years ago. No care has been given them. Time, environmental influences, and chemical interactions have taken their toll. Mr. Speaker, the Civil War flag collection, unless given conservation treatment now, will be lost to future generations. The need for care is urgent.

The Capitol Preservation Committee, because of this historic relationship of the General Assembly to the Civil War units, is placing primary reliance on the membership of the House and Senate to carry out a public subscription program to raise funds to restore the war flags. We are asking the help of the members in raising the funds—and it will all be done with private funds—to carry out this program. We have distributed to each of you, and the Senate as well today, the packet defining the project in full. We are asking that, in cooperation with your neighboring colleagues in your home counties, you use your leadership to encourage individuals and organizations to serve as sponsors of flag restoration. We have in the

public information office of each caucus a full supply of necessary information and guidance material on every regimental unit and its history in your county and district. We hope that you will review this material and use it and your best efforts to involve the people of your district in this needy and most worthy of citizen efforts.

Now, at this time we are pleased to recognize the first sponsor in the State. I would like to yield to the majority leader, Mr. Manderino, who has representatives from the Westmoreland County Historical Society here on the floor. He will be presenting the contract and receiving the first donation, a check of \$1,000, which will be used to restore the first flag in our collection.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, on behalf of the Representatives in the Assembly from Westmoreland County, it is a pleasure for me to introduce from the Westmoreland County Historical Society Mr. Jack Burger, who is the treasurer; Mrs. Gene Burger, the curator of textiles; Mr. Ed Hahn, the chief curator; and Mr. Wayne Fager, representing the 11th Pennsylvania Civil War Skirmish Group, Company D. They will be presenting a check in the amount of \$1,000 and receiving the contract from the Commonwealth for the restoration, at least, we hope, of the first of all of the flags that are to be restored in the rotunda.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Mr. Speaker, I might suggest that a representative of the historical society join you at the podium and present that check. That will conclude the ceremony. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman, Mr. Burger, come to the podium? Will the gentleman, Mr. Pitts, come to the podium? The Chair would also like to have Mrs. Gene Burger, Mr. Ed Hahn, and Mr. Wayne Fager come and stand to the left of the Chair.

The Chair now turns the podium over to the majority leader to receive the check officially from the Westmoreland County Historical Society.

Mr. MANDERINO. Thank you, Mr. Speaker.

I present to the representative of the Westmoreland County Historical Society the sponsorship agreement with the Pennsylvania Capitol Preservation Committee, and we receive their check in great thanks and gratitude.

Mr. BURGER. Because of the efforts of the Westmoreland County Historical Society and Company D, 11th Pennsylvania Skirmish Group right here in Dauphin County, we are happy to present to you a check for \$1,000 to initiate the conservation work on the regimental national colors of the 11th Pennsylvania Volunteer Infantry. It is only fitting that the 11th Pennsylvania, the regiment which saw the first Pennsylvanian killed in the American Civil War and which had over 1,400 Westmoreland County men serve, be selected to be first in the "Save the Flags" program.

The Westmoreland County Historical Society has an additional \$1,000 in trust which, upon completion of the work on the national colors, will be forwarded to the State for additional work and conservation work on the regimental colors, the regimental flag, of the 11th Pennsylvania Volunteer Infantry.

We hope that this effort will inspire other organizations and individuals to join us in this most important project of preserving the valuable and irreplaceable Civil War heritage in the Commonwealth of Pennsylvania. Thank you.

The SPEAKER. Thank you very much.

The Chair wishes to officially thank the Civil War Era Reenactment Group, representing the 110th Pennsylvania Volunteer Infantry, and to read into the record in this year, 1983, the following names: Capt. H. S. Mills, Jr.; Lt. Ed Walsh and his wife, Cindy; 1st Sgt. Jerry Hammel; Cpl. Mike Good; Cpl. Rich Yeager and wife, Camille; Pvt. Al Harris; Pvt. Adam Oler; Pvt. James McGarvey; Pvt. Dan Kinnamon; Pvt. Howard Warren and wife, Judy; Charles Klein; Pvt. Harry Henry; Pvt. Robert Sobeck; Pvt. Justin Gabrowski; Jennifer Van Sant; Morna Walsh; and Kim Warren, and extends the thanks of the House of Representatives to those individuals for their devotion to the cause of freedom and for reminding us over 100 years later that that cause is no safer today than it was more than 100 years ago, that if we intend to remain a free people, we must always be prepared to defend that freedom. Thank you very much for coming.

WELCOME

The SPEAKER. The Chair welcomes to the hall of the House Mrs. Eleanor Walker from Lancaster County, Mrs. Merita Mugler from Delaware County, Mrs. Betsy Morrisey from Montgomery County, Frank Martin from Chester County, Mark Gydish from Lycoming County, Mr. and Mrs. Simon Constantine from Philadelphia County, and Mrs. Estelle Flynn from Bucks County. They are here from the National Head Injury Foundation, and they are here as the guests of Representative Greenwood.

RESOLUTION REPORTED FROM COMMITTEE

HR 138, PN 2140 (Amended)

By Rep. MANDERINO

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

RULES.

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 1629, PN 2076; HB 1630, PN 2081; and HB 1631, PN 2078.

* * *

The House proceeded to second consideration of **HB 693, PN 1693**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding from income the gain from the sale of the principal residence by an individual age fifty-five or over.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that **HB 693, PN 1693**, be recommitted to the Committee on Appropriations for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS AGREED TO ON SECOND CONSIDERATION CONTINUED

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

HB 868, PN 978; and HB 542, PN 609.

* * *

The House proceeded to second consideration of **HB 1579, PN 1972**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for an additional judge in the tenth judicial district.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport, who moves that **HB 1579, PN 1972**, be recommitted to the Committee on Appropriations for a fiscal note.

On the question,

Will the House agree to the motion?

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Rappaport, rise?

Mr. RAPPAPORT. Mr. Speaker, I believe the Speaker may have been in error, and I apologize to the Speaker for that allegation. The bill does need a fiscal note, but it was to come back to the Judiciary Committee and we will request a fiscal note from the Appropriations Committee.

The SPEAKER. The Speaker's calendar is marked differently, but if the gentleman, Mr. Rappaport, says that that is the way it should be done, we will reconsider.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

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

Mr. RAPPAPORT. Mr. Speaker, I move that HB 1579, PN 1972, be recommitted to the Judiciary Committee.

The SPEAKER. HB 1579, PN 1972, will not be reported to the Appropriations Committee and will be recommitted to the Committee on Judiciary.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS AGREED TO ON SECOND CONSIDERATION CONTINUED

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

SB 650, PN 1471.

* * *

The House proceeded to second consideration of **HB 535, PN 2075**, entitled:

An Act amending the act of December 1, 1977 (P. L. 249, No. 83), entitled "An act prohibiting employers from firing employees who lose time from employment in the line of duty as volunteer firemen and providing penalties," providing for inclusion of special police officers along with fire police or auxiliary personnel.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 535, PN 2075, be recommitted to the Committee on Appropriations for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 383, PN 2033**, entitled:

An Act licensing and regulating the practice of social work; providing penalties; and making an appropriation.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 383, PN 2033, be recommitted to the Committee on Appropriations for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS AGREED TO ON SECOND CONSIDERATION CONTINUED

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

HB 126, PN 140.

* * *

The House proceeded to second consideration of **HB 1209, PN 2080**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for parking for handicapped persons; further providing for the use of hearing impairment devices; providing for inspection of motorcycles; and adding provisions relating to motorcycle safety.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 1209, PN 2080, be recommitted to the Committee on Appropriations for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS AGREED TO ON SECOND CONSIDERATION CONTINUED

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

HB 1288, PN 1519.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 400, PN 450**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for defenses relating to spousal relationships.

On the question,

Will the House agree to the bill on third consideration?

Mr. LEVIN offered the following amendments No. A3043:

Amend Title, page 1, lines 2 and 3, by striking out "for defenses relating to" and inserting

for the prohibition of certain sexual

Amend Sec. 1, page 1, line 6, by striking out ", 3103, 3121 and 3123" and inserting
and 3103

Amend Sec. 1 (Sec. 3101), page 1, line 15, by striking out the brackets before and after "who are not husband and wife" and inserting immediately thereafter

except as provided in section 3128 (relating to spousal sexual abuse)

Amend Sec. 1 (Sec. 3103), page 2, line 6, by inserting after "Whenever"

] Except as provided in section 3128 (relating to spousal sexual abuse), whenever

Amend Sec. 1 (Sec. 3103), page 2, lines 13 through 17, by striking out "] Spousal relationships, including persons living as" in line 13, all of lines 14 through 16, and "sexual intercourse," in line 17

Amend Bill, page 2, by inserting between lines 20 and 21

Section 2. Title 18 is amended by adding a section to read:

Amend Bill, page 2, lines 21 through 30; page 2, lines 1 through 10, by striking out all of said lines and inserting
§ 3128. Spousal sexual abuse.

(a) Sexual abuse.—A person commits a felony of the second degree when that person engages in sexual intercourse with that person's spouse:

(1) by forcible compulsion; or

(2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.

(b) Involuntary spousal deviate sexual intercourse.—A person commits a felony of the second degree when that person engages in deviate sexual intercourse with that person's spouse:

(1) by forcible compulsion; or

(2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.

Amend Sec. 2, page 3, line 11, 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 Philadelphia, Mr. Levin.

Mr. LEVIN. Mr. Speaker, I rise with some great concern to offer an amendment in a very, very delicate area, and the delicacy of the area is the thing that gives me such apprehension. As one of the newspaper columnists in the New Castle News wrote, and I read you his first sentence because I believe it is apropos, "The Pennsylvania legislators are stepping into a battleground laden with land mines of controversy and emotionalism." If that was ever true about any subject, it is true about the concept of marital rape.

The fact that this is such a controversial proposal, one so charged in emotionalism, should give us pause, because we are amending a criminal statute. It is not passing a tax measure. It is a criminal act that is going to affect the lives of all the spouses in the Commonwealth of Pennsylvania, and you have to have a little background, for those of you who are new.

Two years ago this bill was presented to this floor and rejected by this floor by returning the bill to the Judiciary Committee. The argument went on, I recall, for hours. I voted to return the bill to the Judiciary Committee, and I did so because I was deeply troubled by the concept of marital rape. I found myself deeply troubled as a trial lawyer with a great deal of experience in domestic relations work with the possibility that this bill, if it passed, could be used to abuse the husbands, because if anyone has ever practiced in this area, they know that the anger, the lacerations that are inflicted on each other are almost beyond description. However, I found myself in a very difficult position. I found that I agreed with the basic philosophy that a woman, whether she was a spouse or not, should be free from abuse, physical or sexual. The problem became, was it possible to reconcile the two concepts?

I have tried to reconcile the two concepts in an amendment that I have presented to you today. I have decided—and you will have to be the judges of whether that amendment is one that is worthwhile for you to vote for—that the concept of rape as defined historically does not fit within the concept of marriage. However, since I felt that the woman was entitled to protection from abuse, I have defined a new crime.

The amendment that you have in front of you basically changes the entire bill in concept. It provides for a crime, and that crime is spousal sexual abuse. It gives a woman who has been abused by her husband physically or sexually the right and protection to use the criminal courts. The definition is basically the same definition with some minor exceptions. The class is very different, however. It is a second-degree felony. Now, lest anyone tell you that a second-degree felony is an insignificant felony, an assault with intent to kill is a second-degree felony and carries with it a 10-year sentence.

I have not treated the matter lightly; I have treated it as a serious criminal offense. I have tried, however, to remove from the battle today the emotional issue of that concept that we have grown historically to know as rape. Rape is not rape. Rape is a criminal act as defined by our criminal statutes. I have tried to take the emotionalism out of the issue and place in the criminal law a remedy for those people who feel they desperately need it. I think it is a worthwhile compromise to be considered, and I hope you will consider it carefully.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I am opposed to the amendment, and I say that after doing quite a bit of soul searching, after a lot of discussion with the experts in the field, the individuals who work at the rape crisis and domestic violence centers, and I would like to run through a list of a half dozen or so reasons why this really is not a compromise and, in essence, would defeat the effectiveness and the purpose of this bill.

First of all, it is imperative that the penalties stay the same, not simply for the philosophical reason of setting up a double standard, but there are a number of problems. Setting up a

new penalty like this, a new statute with a new penalty, will set up new barriers, will create differential of treatment in the law that should not exist, will set up a whole new series of separate case law, and will also raise a potential for abuse. Now, what I mean by that is that many members originally opposed this bill because they were afraid of vindictiveness, of some sort of abuse. I did not consider that, I do not consider that a valid argument because of the nature, the severity, the gravity of this problem. If we reduce the penalty, if we make it similar to an aggravated assault, if we change the name, the severity of that is not as great. If there is a potential for abuse, that could more likely happen under this sort of amendment than under the original concept of the bill. I do not want to have a bill on the books that is going to destroy the concept of what we have been battling for in this issue.

Secondly, if the language in the new section would more closely track the rape law, it might be more acceptable. However, the statement that this amendment makes is that for those who are mentally deranged or for those who are unconscious - perhaps a woman could be knocked unconscious and then later raped - she would not be covered under this section in this amendment. Mr. Speaker, I am concerned that if we set up this double standard in this fashion, we are taking a vote that is not going to help but unfortunately will probably lead to more confusion and more problems.

Mr. Speaker, in the last 2 years there has been a lot more consciousness raising, a lot more awareness of this issue. Books have been written; in September, Time magazine came out with a very comprehensive coverage of the problem, not only of rape and marital rape but of domestic violence. Mr. Speaker, the importance of this bill without this amendment is that it is about time that we make a statement to the people of Pennsylvania that we are going to cut off this continual domestic violence, because if we can do that, we are going to put an end to the perpetuation. For every child who is brought up in a home where this occurs, you have a greater likelihood of another battered spouse, of another abusive parent or an abusive spouse, and it goes on and on endlessly. The deterrent effect that we can have by saying that a stranger rape is the same and will be treated the same as a spousal rape with the same type of violence, the same type of trauma created, is the statement we have got to make to put an end to this problem and the only statement we can make that will put an end to this problem.

I appreciate what Mr. Levin is trying to do, especially since I understand his philosophical perspective. We might disagree slightly on that, but I understand what he is trying to do. Unfortunately, this amendment will create, I think, more problems than it will solve. I implore you to vote "no" on the Levin amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on the amendment, the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

This is indeed a red-letter day in the Pennsylvania House of Representatives when Representative Kukovich and I are in

agreement on an issue involving criminal justice. I rise also in opposition to the Levin-Hagarty amendment and for primarily the same reasons as enunciated by Representative Kukovich.

The purpose of HB 400 is to eliminate the dual treatment of the same act in the law of the Commonwealth of Pennsylvania. The purpose for that elimination is so that the law will act as a deterrent for certain kinds of domestic violence abuse. To adopt this amendment will in essence retain the current law of the Commonwealth of Pennsylvania and treat the same act in two different fashions depending on one's status.

If you wish to retain the current law, you will vote for this amendment. It is my view, however, that we should not retain the current law but adopt the provisions of HB 400 so that this change will act as a deterrent to those who commit domestic violence in the Commonwealth of Pennsylvania.

I urge that the amendment be defeated and that HB 400 be adopted as it currently exists. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mrs. HAGARTY. Thank you, Mr. Speaker.

If I might take a moment to explain exactly what the amendment does, because I think there is some confusion regarding that. Let me begin by saying that if this bill, HB 400, becomes law, the law in Pennsylvania will be that if a man forces his wife to have intercourse, he will be, if convicted, guilty of a felony of the first degree. The maximum sentence will be 20 years in prison, and he will be guilty of, other than murder, the most serious crime that can be committed in the Commonwealth of Pennsylvania. Rape is a felony of the first degree, because the law recognizes that very special, heinous, personal invasion of a woman that occurs when a man forces her to have intercourse and that man is not her spouse. We will be saying that that husband who forces his wife to do that is guilty of that crime. I think we have to begin by understanding we are doing far more than saying it is wrong; we are saying that that husband is guilty of a felony of the first degree.

Understanding that, the reason that Representative Levin and I have offered the amendment is as follows: Let me say that what the amendment does is, first, it says that if a man forces his wife to have intercourse, he is guilty of a crime, but the crime will be called sexual spousal assault, not rape. We are saying it is not the same as our common-law definition of "rape." Secondly, he will not be guilty of a felony of the first degree, but he will be guilty of a felony of the second degree. The reason that is important is, a felony of the second degree is the same crime that a man would be convicted of today if convicted of aggravated assault against his wife; in other words, if he seriously injured her.

It is my contention that the reason forced sexual intercourse within marriage is so offensive is because of the violence. That man can now be convicted of the violence under the aggravated assault statute or the assault statute. What we are doing, and the reason I support the amendment, is we are recogniz-

ing that there is something such as sexual abuse within the context of a marriage; however, we are not saying that it is exactly the same as rape. So I think the members should understand that if you support the Hagarty-Levin amendment, which I urge you to do, you are recognizing in criminal law that it is a crime to force a woman to have intercourse, but you are not going as far as Representative Kukovich would urge and saying that that man could be sent to jail for 20 years for forcing a woman with whom he is married and living with to have intercourse. I say "married and living with" because the criminal law now provides that if a couple is separated, he can be prosecuted for rape. So I think it is important to remember that we are only talking about married people who are still living together in the same home and with what respect and to what degree we wish the criminal law to interfere with that situation. I suggest to you that it is more appropriate, if you believe that the criminal law should play a part in a sexual-force situation with spouses, that it not be the same as our common-law notion of rape of a stranger. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

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

Mr. HUTCHINSON. Thank you, Mr. Speaker.

I agree with Mr. Levin 100 percent. Last time I was against this bill, but I have thought it over a little bit and I have seen his amendment and I could buy it. Rape is an insidious crime to me, and if two people are living together and one accuses the other one of rape, I think it should not even have been brought on this floor.

I do not know who "we" is, but I personally am with Mr. Levin. If Mr. Levin's amendment does not go in, I will vote "no." I will vote "yes" with Mr. Levin, "no" against the bill. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

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

Mrs. HARPER. Thank you, Mr. Speaker.

I rise to oppose the Levin amendment. It has been proven that the majority of men are physically stronger than women, not mentally but physically, and for that reason we need some protection for women who are physically weak.

There is no difference; a rape is a rape, regardless as to whether a man rapes his wife or rapes a woman in the street, and a man deserves punishment for taking advantage of a poor, little, weak woman, and that is being done in the home, in homes as well as in the street. So it is about time we as lawmakers protect those who cannot protect themselves. For that reason, I ask you to defeat the Levin amendment and give women the rightful protection that they need. Thank you.

The SPEAKER. The Chair thanks the lady.

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

Mr. AFFLERBACH. Thank you, Mr. Speaker.

Will the lady, Mrs. Hagarty, stand for brief interrogation, please?

The SPEAKER. The lady indicates she will so stand. The gentleman, Mr. Afflerbach, is in order and may proceed.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

The lady has already indicated why she believes that the penalty should be a second-degree felony rather than a first-degree felony.

My question, however, is, why in the amendment and the definitions of what constitutes spousal sexual abuse is not the provision of committing such an act to one who is unconscious or the provision of committing such an act to one who is so mentally deranged or deficient that such person is incapable of consent? Why are not these two provisions included in the amendment?

Mrs. HAGARTY. Thank you, Mr. Speaker.

They were omitted basically because we believe they are not appropriate within a marital context. We are talking about a couple who is married. A man is married to that woman and living with her, and to suggest that—I think it would be difficult to get into the kinds of things that would happen if a woman were able to say, well, I was unconscious, but, you know, we were both where we were supposed to be, and I was unconscious at the time. It just did not seem appropriate to me within a marital context.

I guess my other concern is, I believe that what we agree on is that domestic violence is abhorrent. It is the violent situation that this amendment is designed to protect against, not the intricacies of law as to whether someone is mentally deficient to consent. It just did not seem appropriate, those other kinds of concerns, within an ongoing marriage, and it seemed that if there were those kinds of problems, there were other avenues other than the criminal law to address a problem with a woman who for some reason had become mentally deficient or was unconscious.

I guess basically it just did not seem appropriate. The situations that I am familiar with where forced intercourse takes place within a marriage are generally or always, at least in my experience as a prosecutor, attended by violence. It is the man who is beating up his wife and at the same time is forcing her to have intercourse. So that is what it is attempting to address.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

I have completed the interrogation. I would like to speak on the amendment.

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

Mr. AFFLERBACH. Mr. Speaker, while I agree that the question of unconsciousness could be difficult to determine, the fact of the matter is that in many marriages people do become mentally ill and do become mentally deranged without ever seeking treatment until that particular ailment reaches a very, very distinct point. I certainly think that an amendment of this nature should include a protection for someone who has a mental derangement or mental illness.

Additionally, I think the question we are really considering here is one of basic human rights. The question is, does one person have a right to violate the body of another person without that person's consent, irrespective of a civil law con-

tract? And that is all that marriage is, a civil law contract. I do not believe that any person has the right to violate the basic human rights of any other person.

This is a very difficult issue for me, because I have known many people who have gone through bitter divorces, and I know the vulnerability that men particularly face during that period of time. I would have no objection to setting up a separate crime under spousal sexual abuse provided that the penalty remains the same as it does for rape, i.e., a first-degree felony, and provided that that new crime also gives protection to someone who is unconscious or someone who is mentally deranged. The amendment does not do that; therefore, I urge opposition to this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Levin amendment, the Chair recognizes the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Levin-Hagarty amendment and to echo some of the concerns voiced by a few of the previous speakers.

The proponents of the amendment indicated that they felt rape was different outside the context of marriage and it was something unique when it occurred in the context of marriage. The basic element of sexual intercourse occurs in both categories, whether in the context of marriage or outside the context of marriage. Rape is rape, and I think all the members on the floor of the House will agree, whether it occurs in either context; sexual intercourse has occurred. Under the two categories, I agree with Mr. Afflerbach that the other two categories, I think, are overlooked in not being included in the Levin-Hagarty amendment.

What the proponents are attempting to do is not create a new category of sexual abuse but admit that such an offense as marital rape exists and grade it out to a second-degree felony. You have heard from Mr. Levin and Mrs. Hagarty of their comparisons, what other crimes, in keeping it at a first-degree felony, we are comparing it to. Well, let me tell you what you are doing. In reducing it to a second-degree felony, you are now comparing—and there is an admission in developing the amendment that marital rape does exist—you are now comparing it to the crimes of burglary, where a person enters another person's home or dwelling place, or aggravated assault. I do not think the members of the House would compare this personal invasion to the invasion of a person's private home, and that is what you are doing in reducing the penalty from a first-degree felony to a second-degree felony.

If you look at the development of the law historically, it continued to progress centuries ago. It moved into the area of being categorized as a felony, and now we are moving backward at a time when this Commonwealth should be moving forward. We appear to be out of step with things that are developing across the country, and I do not think the House wants to do that. I do not think the House wants to be led in that direction today, and I think it would be a mistake. I also think the proponents, and I feel comfortable in speaking for the proponents of the bill as it exists now in saying that the

amendment would be so destructive and so damaging that it would probably render the concept ineffective, the concept of enforcing a marital rape statute.

Mr. Speaker, in opposing the amendment, again I just want to reiterate that rape in either context should be rape. It should be punished as rape is punished outside the context of marriage and not be compared to a situation where a person enters a building or the home of another person and is convicted of the crime of burglary and graded out to the same offense. I do not think you can compare the two, Mr. Speaker.

I would ask the members to oppose the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Levin amendment, the Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Thank you, Mr. Speaker.

I do not think that the physical strength of a woman or a man is really the issue in the matter, as stressed by one of the former speakers in speaking against the Levin amendment. There is a small segment of our society today where physical abuse and domestic violence has seen that abuse forced upon certain men who do not possess that superior physical strength or who by factors in their makeup will not defend themselves in what we would call possibly a normal or, if there is a normality, a regular fashion, so I would take exception to that. That had been stated as a case against the Levin amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, for the second time, the gentleman from Westmoreland, Mr. Kukovich, on the Levin amendment.

Mr. KUKOVICH. Mr. Speaker, there are a couple factors I think that the members should know. First of all, a number of States—five to be exact—have abolished the defense in the exact same way that we are attempting to do it here today. Three other States have set up a separate type of crime, rather similar to what Mr. Levin is trying to do. However, in those three States - Connecticut, Nevada, and California - none has reduced the penalty; none has done that. This would be the only State that has attempted to do that.

I would also suggest that if this would go in, there is a Senate bill being pushed by district attorneys around this State who want to raise aggravated assault to a first-degree felony. We could be caught in this State with having a woman raped being dealt with with a lesser penalty than an aggravated assault. That potential is here.

Mr. Speaker, I am suggesting that for too long there has been a very sorrowful history of differential treatment, especially as it regards sex, especially in the criminal justice area.

If you vote for this amendment, do not kid yourselves, this is not a vote for women, because this amendment will cause the problems that I alluded to earlier and not solve the situation. If you are willing to make that leap of faith and recognize it as a problem in the criminal justice system, then you have to go the whole way and treat everyone the same.

One other point: There has been this fear of abuse. I mentioned in my first statement that if there is any chance for abuse, it is with this amendment. In the other States in the history we currently have, there has been no abuse. The pragmatic effect is that because of the severity of this crime and this charge and this penalty, prosecutors and everyone are going to look at it very carefully.

Once again, Mr. Speaker, I ask the members to vote "no" on this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on the Levin amendment, the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, I would like to interrogate the prime sponsor of the amendment.

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

Mr. RICHARDSON. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask you whether or not your amendment does in fact speak to the problem concerning those individual cases where, what if there was a trumped-up charge, for an example, of someone who may have a vendetta against a male and in fact raises that as a point to use this amendment against his or her spouse based on violence? What statistical information can you share with the members of this House, if there is any, that gives us some idea of the number of cases that we are in fact talking about per Pennsylvania?

Mr. LEVIN. All right. It is a very good question and it is impossible to answer, and I wish the House would listen to why it is impossible to answer.

Mr. Speaker, the reason it is impossible to answer is, this proposal of the bill itself to create a crime of marital rape is an enormous departure from our present existing concept of law.

The SPEAKER. Will the gentleman yield.

WELCOME

The SPEAKER. We have some children here who are about to leave, and I do not want them to leave without our recognizing them. They are the *ninth grade civics class from Southmoreland Senior High School*. They are here with their sponsors, Mrs. Zelmor, Mr. Krempicky, Mr. Miller, and Mr. Charles Moore, and they are the guests of Representative Saloom. We welcome the children.

CONSIDERATION OF HB 400 CONTINUED

The SPEAKER. Now the gentleman, Mr. Levin, may continue.

Mr. LEVIN. There are only approximately 10 States that have passed the so-called marital rape bill. The vast majority have not entertained the bill in any form.

At present, a wife has the right to go into court and accuse her husband of an assault. The general experience of those of us who have practiced in the domestic relations area is that when a wife charges her husband with assault, there are very visible signs of the assault - he has broken her nose or broken

her arm or something of that sort. So the question that Mr. Richardson raises, the apprehension he has, is solved by the fact that she has a demonstrable physical injury to show.

One of the apprehensions I had about the bill in its original form is if you have a marital rape statute, the wife has the privilege of coming in and saying there are no physical signs of abuse, *but this guy raped me*. Now, at that point it is simply a matter of belief, because there is going to be no other evidence.

Now basically, that is the apprehension of many of us who were concerned about the political label "rape" and the media event, the media trials that will follow if he is accused of rape. I tried to cut that down. I did not completely eliminate it, but I cut it down in the amendment by changing the word to "spousal sexual abuse." I do not believe that the media is going to pay any attention to a husband who has been accused of assaulting, beating, and sexually abusing his wife. *It is just another matter. It does not have the sexiness of the rape charge*, and that is the only protection that I was able to put in and still give the women their justifiable right to claim that this man is abusing her.

Mr. RICHARDSON. There are some who feel that if the amendment of Mr. Levin in fact goes in, it somewhat eludes or takes away from the specific point of dealing with marital rape. I am wondering whether or not you can frame the answer to this question in a way to show the direction, particularly with the apprehension of many individuals in this House who are concerned with how do you begin to in one way, shape, or form get into the intimacy of someone's home and then decide on what should go on, when in fact, in looking at statistics and looking at other information that has been made available or not made available, what kinds of numbers of cases are we in fact talking about within the Commonwealth, whether reported or nonreported, that this issue and problem continues to exist?

Mr. LEVIN. There are no statistics. There just simply are no statistics, and your apprehension is a very valid one. That is the problem with the entire bill, and I cannot answer your question, because no one can answer that question.

Mr. RICHARDSON. One final question, because it seems to me that we are supposed to be a responsible body geared at directing ourselves to looking at the most important way to handle a situation like this. I am wondering, why have there not been any public hearings either held on this bill, provision, or amendment dealing with this issue that could have maybe brought more information to light and found a way specifically of dealing with the violent offender who violates the rights of a woman, because I definitely am in favor of making sure that women's rights are protected, and I think that basically we have guys out there who are somewhat sick who would even try to do that to their own wife if she in fact says no, or if anybody says no to them. But I want to know why there have not been public hearings on this issue to in fact bring this to fruition. This is such a controversial bill without a lot of answers being given, and I am just wondering if you have any idea why we have not had any.

Mr. LEVIN. Yes. That is an easy one to answer. We have public hearings when we do not understand the concept, when we need information. What has happened here is that the NOW (National Organization for Women) organization, the women's organizations, have been proposing this bill, not just in the Commonwealth of Pennsylvania but all over the United States. They have an active lobbying effort for it. They have approached, I think, almost everyone on this floor. They did so 2 years ago. Anyone who wanted information, who wanted to hear the arguments, ultimately got them. The concern you are voicing is a concern that cannot be answered by a public hearing, because there is going to be no information. All right?

Mr. RICHARDSON. Thank you very much.

I am finished with my interrogation, and I would like to speak on the amendment, Mr. Speaker.

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

Mr. RICHARDSON. Mr. Speaker, I have been listening intently to the debate on this matter and think that there are a number of major concerns that have been in fact raised. I believe that if we are going to go after any provision that is going to deal with being fair, honest, and direct, it seems to me that we would definitely have to look for something more stringent and more direct to make sure that we do not allow those who will go around and abuse women to feel that they have a right to get away with it.

I am, however, still caught in the dilemma of raising a question I still think needs to be answered, and that is that there is a need for public hearings; there is a need to hear from our constituents based on this issue. I do not know how many letters individuals have gotten themselves as members of this House of Representatives, but I myself have not received large numbers of letters concerning this area. I have just been passed information indicating that 77 reported cases of this kind of rape occurred, and it is related to the 14 centers of domestic violence, which I am glad that someone has been able to give me some of the information. I think that that is some of the concern, but when you do not have these kinds of facts, it leaves a lot of shadow of doubt in a number of the minds of other individuals, and I certainly hope that people will pay attention.

The final point on the amendment is that it seems to me that if we are going to get to the bottom line, if there is a mood in this House of Representatives not to hold public hearings, not to in fact deal with this issue and to deal with it head-on, I will probably stand in position at this time to oppose the Levin amendment and to look at how we can begin to frame a bill, HB 400, in such a way that we will get the maximum results out of the bill by making sure that we do not leave any stone unturned. It seems to me that we have to protect everybody's rights, and I know that there are some women out there who are also sometimes in situations who would feel better to take advantage of somebody as well as the abuse that they receive, but then when it goes back the other way on the male and they have a vendetta against that male, what protects that male

from a person who in fact lies and says they have been raped, and they have not been raped? I think those kinds of issues have to be incorporated into HB 400 if in fact this is going to become law in the Commonwealth of Pennsylvania. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Freind, wish to be recognized? The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to support the Levin-Hagarty amendment. The amendment serves to make more palatable a bill which is of considerable concern to many of us. I think all of us agree that no man has the right to force himself upon a woman, whether or not he is married to that woman. I should point out that before I got up to speak, Matt Ryan told me to watch what I say in view of the fact that I have six children, and I would just like to respond to Mr. Ryan that I have never forced myself on my wife; instead, I paid her each time.

The problem that we have with this type of legislation—There are several problems which this amendment helps to modify. You know, people accuse me, on the prolife bills, of trying to put government into people's bedrooms. Now, the last time I checked, you did not perform abortions in people's bedrooms. But this bill, without the amendment, and even to a degree with the amendment, in fact does that. It places government right in the bedrooms of married couples. I can see this being utilized as a tool to jack up a property settlement—the threat of a rape complaint.

Thirdly, Mr. Speaker, how do you enforce it? Obviously, such a situation takes place in a bedroom between a husband and a wife. How can you possibly enforce realistically a rape prosecution when there are only two individuals? On the other hand, you have the competing interest of trying to protect the wife. Had the groups that are pushing this legislation thought it out, it might have been more appropriate to amend the Domestic Abuse Act so that a spouse forcing himself on his wife sexually could be evicted from the home, as he can right now for physical abuse. Unfortunately, that was not done, and we are stuck right now with HB 400.

HB 400 with the amendment would still stand for the proposition that a husband could not force himself on a wife, but it would modify not the severity but the concerns because of the reasons that I have just outlined. It is, in my opinion, a good amendment to a very dangerous bill, and I would urge my colleagues to support it. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, for the second time on the amendment, the lady, Mrs. Harper.

Mrs. HARPER. Thank you, Mr. Speaker.

Representative Freind just brought out a point of paying his wife for sexual relations, and that is a true fact. I know women who have stayed with their husbands and endured physical abuse because of financial reasons, because they could not go out and get a job. In fact, I know someone in my family lived with her husband and endured sexual abuse,

rape, just to stay there to raise her two children and have her husband take care of them, because she could not raise them alone. That is why we need some protection for women, so they will not have to stay and endure this physical abuse. We need protection for women who cannot help themselves. We need HB 400. I oppose the amendment, and I will vote for the bill. Thank you.

The SPEAKER. The Chair thanks the lady.

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

Mrs. TAYLOR. Mr. Speaker, I take this opportunity to rise in support of the Levin-Hagarty amendment. I do so because I think this amendment is giving us the balance that is needed by recognizing that spousal abuse is to be punished by law, and on the other hand, Mr. Speaker, it does clarify that rape with an unknown outside of the marriage is different than sexual intercourse within a marriage. I believe that is something that has to be recognized, and I do not think that the use of the term "rape" as it is applied outside of the marriage is the same as that which is within the marriage vows and the civil ceremony of the marriage.

I thank you very much. I would urge my colleagues to vote in support of the Levin-Hagarty amendment.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—106

Alderette	Fargo	Klingaman	Punt
Armstrong	Fee	Lehr	Reber
Baldwin	Fischer	Letterman	Rieger
Barber	Flick	Levi	Robbins
Battisto	Foster, W. W.	Levin	Ryan
Beloff	Freind	Lloyd	Saloom
Book	Fryer	Lucyk	Salvatore
Bowser	Gallen	McCall	Saurman
Burd	Gamble	McClatchy	Scheetz
Carn	Gannon	McIntyre	Schuler
Cessar	Geist	Mackowski	Semmel
Cimini	George	Madigan	Sirianni
Clark	Gladeck	Maiale	Smith, B.
Clymer	Godshall	Manderino	Smith, L. E.
Colafella	Grieco	Merry	Snyder, D. W.
Cornell	Gruitza	Miller	Spencer
Coslett	Gruppo	Mrkonic	Stairs
Coy	Hagarty	Nahill	Swift
DeVerter	Haluska	Noye	Taylor, E. Z.
Davies	Hasay	O'Brien	Taylor, F. E.
Deal	Hayes	Olasz	Telek
Dietz	Herman	Perzel	Truman
Dininni	Hershey	Peterson	Wargo
Donatucci	Hutchinson	Phillips	Wiggins
Dorr	Johnson	Pievsky	Wogan
Duffy	Kasunic	Pitts	Wright, R. C.
Durham	Kennedy		

NAYS—85

Afflerbach	Dombrowski	Manmiller	Seventy
Angstadt	Fattah	Markosek	Showers
Arty	Foster, Jr., A.	Mayernik	Snyder, G. M.
Belardi	Freeman	Michlovic	Steighner
Belfanti	Gallagher	Micozzie	Stevens
Blaum	Greenwood	Moehlmann	Stewart
Boyes	Harper	Morris	Stuban
Brandt	Honaman	Mowery	Sweet
Broujos	Itkin	O'Donnell	Tigue

Bunt	Jackson	Oliver	Van Horne
Burns	Jarolin	Petrarca	Wachob
Caltagirone	Kosinski	Petrone	Wambach
Cappabianca	Kowalyszyn	Piccola	Wass
Cawley	Kukovich	Pistella	Wilson
Civera	Lashinger	Pott	Wozniak
Cohen	Laughlin	Preston	Wright, D. R.
Cole	Lescovitz	Rappaport	Wright, J. L.
Cordisco	Linton	Reinard	Zwinkl
Cowell	Livengood	Richardson	
Deluca	McHale	Rudy	Irvis,
DeWeese	McMonagle	Rybak	Speaker
Daley	McVerry	Serafini	

NOT VOTING—3

Miscevich	Trello	Vroon
		EXCUSED—9

Dawida	Marmion	Pratt	Weston
Evans	Murphy	Spitz	Williams
Hoeffel			

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. The Chair has been advised by the gentleman from Westmoreland, Mr. Kukovich, that he wishes to make a motion.

Mr. KUKOVICH. Mr. Speaker, I would like to move the bill to the third consideration postponed calendar, and I am filing with you right now a motion on behalf of Representative Harper and myself to reconsider the amendment.

The SPEAKER. The House will stand at ease.

BILL PLACED ON THIRD CONSIDERATION POSTPONED CALENDAR

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

Mr. KUKOVICH. Mr. Speaker, I move that HB 400 be placed on the third consideration postponed calendar.

The SPEAKER. It is moved by the gentleman, Mr. Kukovich, that HB 400 as amended by the Levin amendment be placed on third consideration postponed.

On the question,

Will the House agree to the motion?

The SPEAKER. Does the gentleman from Philadelphia, Mr. Levin, wish to speak on the motion?

Mr. LEVIN. Is it permissible to speak on the motion?

The SPEAKER. You may speak on the motion. The Chair recognizes the gentleman.

Mr. LEVIN. I would like to oppose the motion. The motion is a delaying tactic to give him another shot after an hour's debate on an amendment. Everyone on the floor understood the amendment. We voted in a significant majority for it. Let us defeat this motion and pass the bill with the amendment in it and be done with this issue.

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

Mr. KUKOVICH. I would just like to ask for the common courtesy that is granted to all other members on all other issues and vote in favor of the motion.

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

Mr. RICHARDSON. Mr. Speaker, I just want to reiterate what has been said already and ask the members to support the motion to ask that the bill be put on the postponed calendar for the opportunity of many of us who have many major concerns concerning this issue. I think it is too important of an issue to allow it to be skirted over, and I think that the most important thing to do would be to have public hearings, and I would like to make that request at the time. But I will support the motion now and ask that it be placed on the postponed calendar.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. RAPPAPORT. Mr. Speaker, I, too, would urge an affirmative vote. This is a very important issue, and I think we should see this bill in print with the amendment in it before we vote it on final passage.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. VROON. Mr. Speaker, I also support the motion. I feel this is a highly emotional issue. We ought to have time to cool off and to consider it at our leisure and to be very serious about it. I certainly think this requires more time. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the motion, the Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, I quite agree with Mr. Rappaport and everyone else, but I also would like to say that this ought to apply to all other bills, too.

The SPEAKER. The Chair thanks the lady.

Those in favor of the motion of the gentleman, Mr. Kukovich, to place HB 400 as amended by the gentleman, Mr. Levin, on the third consideration postponed calendar will vote "aye." Those opposed to the motion will vote "no."

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

The following roll call was recorded:

YEAS—108

Angstadt	Flick	McHale	Showers
Arty	Foster, Jr., A.	McVerry	Sirianni
Baldwin	Freeman	Maiale	Smith, B.
Battisto	Gallagher	Manderino	Snyder, D. W.
Belardi	George	Manmiller	Snyder, G. M.
Belfanti	Greenwood	Markosek	Steighner
Blaum	Gruitza	Mayernik	Stevens
Boyes	Haluska	Michlovic	Stewart
Broujos	Harper	Morris	Stubart
Bunt	Herman	O'Donnell	Sweet
Burns	Honaman	Oliver	Swift

Caltagirone	Hutchinson	Petrarca	Taylor, F. E.
Cappabianca	Itkin	Petrone	Tigue
Cawley	Jarolin	Piccola	Trello
Clark	Kasunic	Pievsky	Van Horne
Cohen	Kosinski	Pistella	Vroon
Colafella	Kowalshyn	Pott	Wachob
Cole	Kukovich	Preston	Wambach
Cordisco	Lashinger	Rappaport	Wass
Cowell	Laughlin	Reinard	Wilson
Coy	Lehr	Richardson	Wozniak
Deluca	Lescovitz	Rudy	Wright, D. R.
DeWeese	Linton	Rybak	Wright, J. L.
Daley	Livengood	Scheetz	Zwilk
Davies	Lloyd	Schuler	
Dombrowski	Lucyk	Serafini	Irvis,
Durham	McCall	Seventy	Speaker
Fattah	McClatchy		

NAYS—84

Afflerbach	Duffy	Kennedy	Phillips
Alderette	Fargo	Klingaman	Pitts
Armstrong	Fee	Letterman	Punt
Barber	Fischer	Levi	Reber
Beloff	Foster, W. W.	Levin	Rieger
Book	Freind	McIntyre	Robbins
Bowser	Fryer	McMonagle	Ryan
Brandt	Gallen	Mackowski	Saloom
Burd	Gamble	Madigan	Salvatore
Cessar	Gannon	Merry	Saurman
Cimini	Geist	Micozzie	Semmel
Civera	Gladeck	Miller	Smith, L. E.
Clymer	Godshall	Mochlmann	Spencer
Cornell	Grieco	Mowery	Stairs
Coslett	Gruppo	Mrkonic	Taylor, E. Z.
DeVerter	Hagarty	Nahill	Telek
Deal	Hasay	Noye	Truman
Dietz	Hayes	O'Brien	Wargo
Dininni	Hershey	Olasz	Wiggins
Donatucci	Jackson	Perzel	Wogan
Dorr	Johnson	Peterson	Wright, R. C.

NOT VOTING—2

Carn	Miscevich
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EXCUSED—9

Dawida	Marmion	Pratt	Weston
Evans	Murphy	Spitz	Williams
Hoeffel			

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

REMARKS ON VOTES

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

Mr. VROON. Mr. Speaker, I was not in my seat when the vote was taken on the Levin amendment A3043 to HB 400. I wish to be recorded in the negative.

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

The Chair recognizes the gentleman from Philadelphia, Mr. Salvatore, who wishes to make a statement on an error in voting.

Mr. SALVATORE. Mr. Speaker, on SB 308, on July 14, I was recorded in the affirmative on amendment A2311, amendment A2317, amendment A2316, amendment A2349, and the constitutionality of amendment A2309, and I want to

be voted in the negative. And I was voted erroneously on final passage on SB 308. I was voted in the negative and I want to be voted in the affirmative. Thank you, Mr. Speaker.

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

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Oliver, who wishes to make an announcement of a meeting.

Mr. OLIVER. Thank you, Mr. Speaker.

At the call of the recess, there will be a brief meeting at the rear of the House of the State Government Committee.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1398, PN 2141 (Amended)

By Rep. MRKONIC

An Act requiring the superintendent of every public school district and principal of every parochial, licensed private, and non-public school to make available, upon request, lists of graduating seniors to armed forces recruiters; and providing a penalty for the misuse of any such lists.

MILITARY AND VETERANS AFFAIRS.

HB 1468, PN 1781

By Rep. MRKONIC

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, exempting recipients of the Congressional Medal of Honor from all title and registration fees.

MILITARY AND VETERANS AFFAIRS.

HB 1520, PN 1854

By Rep. MRKONIC

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, changing provisions relating to the State Veterans' Commission.

MILITARY AND VETERANS AFFAIRS.

HB 1569, PN 1949

By Rep. MRKONIC

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing a tax exemption to surviving spouses of certain veterans.

MILITARY AND VETERANS AFFAIRS.

HB 1662, PN 2102

By Rep. GALLAGHER

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for the transfer of employer contributions to certain other public pension systems.

EDUCATION.

WELCOME

The SPEAKER. The Chair welcomes the legislative committee and members of the West Shore Chamber of Commerce to the hall of the House. They are here as the guests of the Cumberland County delegation.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Salvatore, rise?

Mr. SALVATORE. Mr. Speaker, I missed one amendment, amendment A2341 on SB 308 also. I would like to be recorded in the negative instead of in the affirmative.

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the rules of the House be suspended so that SB 302, PN 324, may be removed from the table, given second reading, and recommitted to the Appropriations Committee.

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

The following roll call was recorded:

YEAS—186

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

NAYS—0

NOT VOTING—8

Arty	Kennedy	Mowery	Wargo
George	Madigan	Mrkonic	Wozniak

EXCUSED—9

Dawida	Marmion	Pratt	Weston
Evans	Murphy	Spitz	Williams
Hoefel			

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 302, PN 324, be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL ON SECOND CONSIDERATION

Under suspension of the rules, the House proceeded to second consideration of **SB 302, PN 324**, entitled:

An Act amending Title 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, making editorial and technical amendments relating to inheritance and estate taxes.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 302, PN 324, be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair now recognizes the majority caucus chairman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I would suggest that the House now break for lunch and that the Democrats go into caucus at 1:30 to return to the floor at 2:15. This will be a very important caucus. We will be considering amendments and SB 942—that is the no-fault bill—which will be debated later on this afternoon; and also SB 650, which is the wiretapping bill, which will be considered by the House tomorrow. So lunch now, caucus at 1:30, and return to the floor at 2:15, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

FINANCE COMMITTEE MEETING

The SPEAKER. The gentleman from Allegheny, Mr. Trello, has asked the Chair to announce that there is a meeting of the Finance Committee in room 401 at 1:15 this afternoon. Finance Committee meeting at 1:15 this afternoon.

ANNOUNCEMENT BY MR. GREENWOOD

The SPEAKER. For what purpose does the gentleman from Bucks, Mr. Greenwood, rise?

Mr. GREENWOOD. To remind the members of a meeting, Mr. Speaker.

The SPEAKER. The gentleman may make the announcement.

Mr. GREENWOOD. Thank you.

I would like to remind the members that immediately upon the lunch recess in room 22 of the Capitol Annex, the Pennsylvania Head Injury Foundation will be presenting a brief 5-minute film, a very poignant film, about head injuries. We will be providing a free lunch, so I hope you will join us for some discussion about a very important part of the no-fault debate. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

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

Mr. NOYE. Thank you, Mr. Speaker.

I would ask the Republicans to report to the caucus room at a quarter to 2 - caucus for Republicans at a quarter to 2. We will talk about the wiretap bill and any other questions on the no-fault bill—a quarter of 2. Thank you, Mr. Speaker.

RECESS

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

RECESS EXTENDED

The time of recess was extended until 2:30 p.m.; further extended until 2:45 p.m.; further extended until 3 p.m.; further extended until 3:15 p.m.; further extended until 3:30 p.m.

AFTER RECESS

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

REMARKS ON VOTES

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

Mr. SALVATORE. Mr. Speaker, I guess I must have been sleeping one more time. On October 4 at 2 a.m. in the morning, I guess I was sleeping and on amendment A1148 to HB 491 I want to be recorded in the negative instead of in the affirmative. Also, on final passage on that particular piece of legislation I wanted to be voted in the affirmative, and I was recorded in the negative. Thank you ever so much.

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

EDUCATION COMMITTEE MEETING

The SPEAKER. Does the gentleman from Bucks, Mr. Gallagher, wish to make an announcement about a committee meeting? The Chair recognizes the gentleman.

Mr. GALLAGHER. Thank you, Mr. Speaker.

The Education Committee is still in recess and will reconvene tomorrow morning at 10 a.m. in room 401. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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, November 14, 1983

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, November 29, 1983 unless sooner recalled by the President Pro Tempore and when the House of Representatives adjourns this week it reconvene on Tuesday, November 29, 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 REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

SB 763, PN 1476 (Amended)

By Rep. MORRIS

An Act imposing regulations and licensing requirements on auctioneers, apprentice auctioneers, auction houses and auction companies; imposing powers and duties on the State Board of Auctioneer Examiners; and making repeals.

AGRICULTURE AND RURAL AFFAIRS.

SB 968, PN 1477 (Amended)

By Rep. MORRIS

An Act amending the act of September 29, 1961 (P. L. 1745, No. 708), entitled, as reenacted and amended, "The Auctioneers' License Act," reestablishing the State Board of Auctioneer Examiners; and making a repeal.

AGRICULTURE AND RURAL AFFAIRS.**RULES SUSPENDED**

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

Mr. PHILLIPS. Mr. Speaker, I ask that the rules be suspended for the consideration of a condolence resolution.

On the question,

Will the House agree to the motion?

Motion was agreed to.

CONDOLENCE RESOLUTION ADOPTED

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Phillips, who offers the following condolence resolution.

The clerk will read the condolence resolution.

The following resolution was read:

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

WHEREAS, Gunnery Sergeant Charles R. Ray tragically lost his life while serving active duty in Beirut, Lebanon on October 23, 1983; and

WHEREAS, The thirty-three year old United States Marine had volunteered for duty in Beirut where he had served approximately five months. Prior to his service in Beirut, he had served as an instructor at Camp Lejeune, North Carolina. A former resident of Sunbury, Gunnery Sergeant Ray enlisted in the United States Marine Corps on March 17, 1968 and served two tours of duty in Vietnam and several years in Japan, where he met his wife of nine years, Akiko Watanabe; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania notes with sadness the passing of Gunnery Sergeant Charles R. Ray; and extends its heartfelt condolences to his wife, Akiko; and his parents, Lucian and June Ray; and be it further

RESOLVED, That a copy of this document be transmitted to the Family of Gunnery Sergeant Charles R. Ray, 813 North Fourth Street, Sunbury, Pennsylvania 17801.

We hereby certify that the foregoing is an exact copy of a Resolution introduced in the House of Representatives by the Honorable Merle H. Phillips, and unanimously adopted by the House of Representatives on the 14th day of November, 1983.

K. Leroy Irvis
Speaker

ATTEST:

John J. Zubeck
Chief Clerk

On the question,
Will the House adopt the resolution?

The SPEAKER. Those in favor of the adoption of the condolence resolution will rise and remain standing.
(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 327, PN 2128**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

WELCOMES

The SPEAKER. The Chair is delighted to welcome to the hall of the House two young women - Carol Still from Atlanta, and Linda Aaron, who is from King of Prussia. They are here as the guests of Representative Gladeck.

Mr. Richard Fuller, who is chief counsel for the House of Representatives in Washington, D.C., the Subcommittee on Hospitals and Health Care of the House Veterans Affairs Committee, is here as the guest of Representative Emil Mrkonic and the members of the Military and Veterans Affairs Committee.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 942, PN 1294**, entitled:

An Act repealing the act of July 19, 1974 (P. L. 489, No. 176), entitled "Pennsylvania No-fault Motor Vehicle Insurance Act."

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

BILL RECOMMENDED

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I rise for the purpose of making a motion.

The SPEAKER. Will the gentleman state the motion.

Mr. MICHLOVIC. Mr. Speaker, I would like to make a motion to recommit SB 942, with all the amendments, to the House Committee on Insurance for the purpose of further study and reporting it back in better condition.

The SPEAKER. The Chair thanks the gentleman.

There are no amendments yet offered, so the gentleman's motion would be to recommit the bill to the Insurance Committee. Is that correct?

Mr. MICHLOVIC. Yes, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The SPEAKER. On that motion, the Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, I agree with the gentleman, Mr. Michlovic, to recommit SB 942 back to the Committee on Insurance. My reason for so doing, Mr. Speaker, is the simple fact that the proposed amendments have not had the scrutiny of that committee. Once again we are short-circuiting the system, the committee system, to discuss very complex and detailed legislation. I am afraid that if we do not do that, the members are not going to understand completely what is attempted to be done, and for that reason I would ask the members to recommit SB 942.

The reason I think Mr. Michlovic incorporated the amendments in his motion was so that the committee might have the benefit of other members' thinking as it relates to the No-fault Act. Presently, I understand there are a number of members who have come to me, and others I know of, who have developed amendments, and as far as I can tell, neither caucus has had the opportunity to caucus on those. I just do not believe that that is going to provide for the people of this Commonwealth—

The SPEAKER. Will the gentleman yield.

The gentleman will have to limit himself to the reasons for recommitting the bill and absent any remarks on the proposed amendments, which are not yet before this House.

Mr. DeVERTER. Yes, Mr. Speaker.

It is for the previous reasons stated then that I would ask the members to seriously consider the recommittal motion as offered by Mr. Michlovic. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northampton, Mr. Kowalyszyn.

Mr. KOWALYSHYN. Thank you, Mr. Speaker.

I want to ask the members to consider the situation with regard to the amendment that bears the name of Representative Spencer and myself, which has been caucused upon in both the Democratic and Republican caucuses, and not to prejudge the amendment before we have a full debate here on the floor.

This amendment that—

The SPEAKER. Will the gentleman yield.

Mr. Kowalyszyn, you simply cannot be permitted to debate an amendment which is not before the House. You are limited in your debate to remarks as to why the motion should be agreed to or should be defeated. Please limit yourself to those remarks.

Mr. KOWALYSHYN. I want to ask the members of the House to defeat this motion to recommit the bill, because there are available amendments which have received much attention and work, and I am asking that you please give these amendments the opportunity to be presented. It is for that reason that I ask that you defeat this motion to recommit.

The SPEAKER. The Chair thanks the gentleman.

On the motion, the Chair recognizes the gentleman from Berks, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, I rise to support the motion to recommit, not with the idea of killing a much-needed amendment to our automobile insurance law—I really feel that it does need amending—but I feel that it is improper to try to debate any major amendment to this law without its first being considered by the Insurance Committee. I support the motion, Mr. Speaker.

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, too, would urge that we approve the motion to recommit. There is being circulated now a 17-page amendment that most people will not even have the time to read, let alone come to understand. Equally as important, other folks throughout Pennsylvania who have an interest in this particular issue ought to have an equal opportunity to see this material, to read it, to come to better understand it, and for those who may wish to offer an opinion to the members of this House, to have such an opportunity to do so in a meaningful way. All of that kind of opportunity would effectively be precluded if we move swiftly to consider this amendment right now. I think the proper way to consider this issue, the best way to come out with a piece of legislation that ultimately will serve all Pennsylvanians well, would be to recommit this and let this issue be further discussed in the Insurance Committee. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I support the recommittal motion because I have amendments that are going to be people amendments, not just private-interest amendments. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Chester, Mr. Vroon, on the motion.

Mr. VROON. Mr. Speaker, I must oppose the motion to recommit. Recommitting would put this back into committee, and there is nobody in the Insurance Committee who has not had this thing over and over again and is not saturated up to here with all of this material. In addition to which, every member of this House has been liberally supplied with all the information that he needs with which to make a valid judgment.

If we have not been able to come to a valid judgment by this time, I do not think it is going to help any to go through the same old thing and then have it all reported out almost identically to what it is now anyway.

Let us get with it. We have a limited number of legislative days left to us this year. This is a very urgent matter. We ought to get with it. There is not anything, I assure you, to be gained by going back to committee and then delaying,

delaying, and delaying this issue until well into next year, and that is what would happen. I certainly do oppose this motion.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, I must disagree with Representative Vroon, and I must take up one point for recommittal. The Insurance Committee, for the first time since no-fault went into action or into law, was faced with a position of repeal of no-fault, not of amending no-fault. We are looking at the repeal of the current no-fault law, and I must disagree with Representative Vroon. The House Insurance Committee had no input at all regarding the amendment for abolishment of no-fault, and I think there are a lot of important amendments out there on both sides of the aisle that deserve the attention of the House Insurance Committee regarding the fact of abolishing no-fault. I would support and ask for your support of the recommittal of this bill.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Chester, Mr. Vroon, for the second time on the motion.

Mr. VROON. Mr. Speaker, I was misquoted by the previous speaker. I did not say that we had discussed the exact content in the exact form that we are looking at now, but I am trying to convey the impression that all of us have been thoroughly saturated with this subject matter. There is not anything in any one of these amendments that we have not all been very thoroughly acquainted with, discussed backwards and forwards and then some. That is the point I am trying to make. There is nothing new to be discussed in committee and there is not anything new to be said in committee. I do not see any purpose in it at all. I urge a rejection of this motion.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northampton, Mr. Kowalyshyn, for the second time on the motion.

Mr. KOWALYSHYN. I agree wholeheartedly with what Mr. Vroon has just said. The no-fault motor vehicle insurance law, which was passed in 1974 and went into effect in 1975, for these past 8 years there have been 107 proposals made to reform the legislation.

Mr. Speaker, the House has been saturated with information and 107 proposals for the last 8 years, and they have all, each single one of them, come to naught. I urge that you do not recommit this bill and permit an opportunity to present an alternative automobile insurance system, which is the result of some of the best thinking not only in this State but in the country, and also many groups that have a legitimate interest have been contacted and have participated in the discussions. I ask that you please permit discussion of the amendment that Representative Spencer and I have so that it can be considered on the merits. You can make your decision. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. Thank you, Mr. Speaker.

I support the motion to recommit this bill, Mr. Speaker. Contrary to Mr. Vroon's position in this regard, this bill, no-fault, was originally passed in haste, and now is no time to try to change it in haste. Therefore, I support the recommittal motion.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—102

Afflerbach	Fischer	Livengood	Saloom
Angstadt	Foster, W. W.	Lloyd	Saurman
Armstrong	Foster, Jr., A.	Lucyk	Scheetz
Barber	Freeman	McCall	Schuler
Belfanti	Fryer	McHale	Semmel
Beloff	Gallen	McMonagle	Seventy
Book	Gamble	Mackowski	Showers
Bowser	Geist	Madigan	Smith, B.
Broujos	Godshall	Markosek	Smith, L. E.
Cimini	Greenwood	Mayernik	Snyder, G. M.
Civera	Grieco	Michlovic	Stairs
Clymer	Gruppo	Micozzie	Steighner
Cohen	Haluska	Morris	Stewart
Coslett	Harper	Nahill	Stuban
Cowell	Hasay	Noye	Telek
Coy	Herman	O'Donnell	Truman
Deluca	Honaman	Oliver	Van Horne
DeVerter	Itkin	Peterson	Wachob
DeWeese	Jackson	Petrone	Wargo
Davies	Jarolin	Phillips	Wass
Deal	Kennedy	Punt	Wiggins
Dietz	Klingaman	Reinard	Wilson
Donatucci	Lehr	Richardson	Wozniak
Dorr	Letterman	Rieger	Wright, J. L.
Duffy	Levi	Rudy	Zwikel
Fattah	Linton		

NAYS—90

Alderette	Dombrowski	Levin	Robbins
Arty	Durham	McClatchy	Ryan
Baldwin	Fargo	McVerry	Rybak
Battisto	Fee	Maiale	Salvatore
Belardi	Flick	Manderino	Serafini
Blaum	Freind	Manmiller	Sirianni
Boyes	Gallagher	Merry	Snyder, D. W.
Brandt	Gannon	Miller	Spencer
Bunt	George	Moehlmann	Stevens
Burd	Gladeck	Mowery	Sweet
Burns	Gruitza	Mrkonic	Swift
Caltagirone	Hagarty	O'Brien	Taylor, E. Z.
Cappabianca	Hayes	Olasz	Taylor, F. E.
Carn	Hershey	Perzel	Tigue
Cawley	Hutchinson	Petrarca	Trello
Cessar	Johnson	Piccola	Vroon
Clark	Kasunic	Pievsky	Wambach
Colafrella	Kosinski	Pistella	Wogan
Cole	Kowalshyn	Pitts	Wright, D. R.
Cordisco	Kukovich	Pott	Wright, R. C.
Cornell	Lashinger	Preston	
Daley	Laughlin	Rappaport	Irvis,
Dininni	Lescovitz	Reber	Speaker

NOT VOTING—2

McIntyre	Miscevich
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EXCUSED—9

Dawida	Marmion	Pratt	Weston
Evans	Murphy	Spitz	Williams
Hoefel			

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

QUESTION OF INFORMATION

Mr. SAURMAN. Mr. Speaker, a point of personal inquiry?

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Saurman. What is it, Mr. Saurman?

Mr. SAURMAN. Mr. Speaker, this issue is so important and so vital to every citizen of the Commonwealth of Pennsylvania, I wonder if the chairman of the Insurance Committee would be kind enough to notify each member when he is going to consider this so that we all have an opportunity to sit in. I think that there is a great lack of understanding of no-fault insurance, and perhaps if we know when that meeting is being held, all of us could avail ourselves of that opportunity. It would be much appreciated. Thank you.

The SPEAKER. The Chair thanks the gentleman.

I am sure the gentleman, Mr. Kowalshyn, will take the request to heart and will notify the members when there is any hearing to be held or any discussion to be held in committee.

WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House Mr. Al Spivey of Philadelphia, who is here as the guest of Representative Fattah.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 758, PN 1944**, entitled:

An Act amending the "State Lottery Law," approved August 26, 1971 (P. L. 351, No. 91), providing for repayment of interest on money borrowed from the State Lottery Fund.

On the question,

Will the House agree to the bill on third consideration?

Mrs. ARTY offered the following amendments No. A3371:

Amend Title, page 1, line 6, by inserting after "appropriation,"

adding a definition; and

Amend Bill, page 1, by inserting between lines 10 and 11

Section 1. Section 3 of the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, is amended by adding a definition to read:

Section 3. Definitions.—As used in this act:

(6) "Elderly" shall mean a person who files a claim for property tax rebate or rent rebate in lieu of property taxes and inflation dividend and was sixty-five years of age or over, or whose spouse (if a member of the household) was sixty-five years of age or over, during a calendar year in which real property

taxes, rent and inflation costs were due and payable or was a widow or widower and was fifty years of age or over during a calendar year or part thereof in which real property taxes, rent and inflation costs were due and payable, or was a permanently disabled person eighteen years of age or over or a single person and fifty years of age or older during a calendar year or part thereof in which real property taxes, rent and inflation costs were due and payable. For the purposes of this act, the term "widow" or "widower" shall mean the surviving wife or the surviving husband, as the case may be, of a deceased individual and who has not remarried except as provided in subsections (c) and (d) of section 4 of the act of March 11, 1971 (P.L.104, No.3), known as the "Senior Citizens Rebate and Assistance Act." For the purposes of this act, the term "permanently disabled person" shall mean a person who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to continue indefinitely, except as provided in subsections (c) and (d) of section 4 of the "Senior Citizens Rebate and Assistance Act."

Amend Sec. 1, page 1, line 11, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 11 and 12, by striking out "of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law,"

Amend Sec. 2, page 2, line 12, by striking out "2" and inserting

3

Amend Sec. 3, page 2, line 14, by striking out "3" and inserting

4

Amend Sec. 4, page 2, line 16, by striking out "4" and inserting

5

On the question,

Will the House agree to the amendments?

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

Mrs. ARTY. Thank you, Mr. Speaker.

I submit this amendment based on information that has been related to me on several occasions, particularly very recently.

It would seem that in our State Lottery Law, a claimant is described as a person who is a widow or widower over the age of 50 who meets the eligibility levels. Mr. Speaker, this effectively discriminates against those persons who are over 50 years of age and who meet the eligibility requirements but who may, for whatever reason, never have chosen to marry or indeed may have been a victim of our own divorce reform, which occurred in this chamber several years ago. It is with that in mind and the fact that there are many people right now in our Commonwealth who are being absolutely disenfranchised because they are not a widow, they are not a widower; they are over 50; they meet the eligibility requirements, but they have never married or are now divorced. It is for that reason that I ask the members of this House to support my amendment and to correct this inequity.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—183

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

NAYS—6

Gruitza	Jarolin	O'Donnell	Sirianni
Itkin	Manderino		

NOT VOTING—5

Cornell	Miscevich	Pitts	Truman
Freind			

EXCUSED—9

Dawida	Marmion	Pratt	Weston
Evans	Murphy	Spitz	Williams
Hoeffel			

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—190

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

NAYS—0

NOT VOTING—4

Greenwood	Itkin	Nahill	Truman
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EXCUSED—9

Dawida	Marmion	Pratt	Weston
Evans	Murphy	Spitz	Williams
Hoeffel			

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.

SENATE MESSAGE

HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 279, PN 1394.**

SENATE MESSAGE

AMENDED HOUSE BILL
RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 258, PN 2127**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILLS ON THIRD
CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1454, PN 2079**, entitled:

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

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

BILL RECOMMENDED

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

Mr. HUTCHINSON. Mr. Speaker, I move that **HB 1454, PN 2079**, be recommitted to the Committee on Transportation.

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

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **HB 501, PN 2055**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), providing for the continued existence of residential finance authorities; and making a repeal.

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

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, HB 501, when it was before the House, was amended on the floor. At that time you may recall Representatives Murphy and Michlovic offered an amendment, which was approved by the House members by a very substantial margin. The action of the Senate was to eliminate that amendment which had been approved on the House floor. For that reason, I would ask that we nonconcur and send this to a conference committee.

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

Mr. CESSAR. Thank you, Mr. Speaker.

I would say to the members of this General Assembly that the deletion of the amendment which was offered on the floor had been proper. Therefore, I am asking all members on this side to concur as the bill has been brought over by the Senate.

The SPEAKER. It has been requested by the gentleman, Mr. Cessar, that the House do concur in amendments inserted by the Senate to HB 501, PN 2055.

The gentleman, Mr. Cowell, suggests that the vote be in the negative; the gentleman, Mr. Cessar, requests that the vote be in the affirmative.

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

Mr. COWELL. Mr. Speaker, for the information of the members, just to clarify, this legislation pertains only to Allegheny County and will have no impact on any other county in the State.

Secondly, the amendment which was approved by the House and which was deleted by the Senate was offered at the suggestion of and with the concurrence of our county commissioners in Allegheny County. They have also indicated, in correspondence to members of our delegation, that they would wish that we would nonconcur and seek Senate agreement to the language originally approved by the House. So once again, I would reiterate that I would hope we would nonconcur.

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

I, too, urge nonconcurrence on this piece of legislation. As the gentleman, Mr. Cowell, has indicated, it applies only to Allegheny County. Representative Tom Murphy and I had placed an amendment, a very important amendment, in the bill. It was taken out in the Senate, and I would urge your nonconcurrence. Thank you, Mr. Speaker.

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

Mr. RAPPAPORT. Mr. Speaker, I hear with great interest the urgings of the various members from Allegheny County.

However, I have not heard an explanation of the amendment or what it does, and I would be grateful if somebody could explain it to us so we would know what we are voting on.

The SPEAKER. The gentleman, Mr. Cessar, will attempt to make that explanation.

Mr. CESSAR. Thank you, Mr. Speaker.

Basically, the Michlovic amendment said in effect that the impacted communities in Allegheny County, of which there are 90 out of 130, would be given special preference for the money allocated for rehabilitation and the purchase of homes on a low-income basis. Mr. Speaker, the amendment further said that 75 percent of all of those funds would be for those 90 communities which were in the impact area, and for 6 weeks, 75 percent of the total could only be used in those impact areas. Mr. Speaker, I think that is totally unfair, when we have additional communities—

The SPEAKER. Will the gentleman yield.

Mr. Cessar, the Chair will not permit an argument over the amendment. You are limited to explaining it on the floor, and all members are going to be limited to just that - an explanation and nothing else.

Mr. CESSAR. Thank you, Mr. Speaker. I apologize to the Chair.

The SPEAKER. That is perfectly all right. All of us make mistakes. Mr. Hutchinson told us that earlier, and he should know.

Mr. CESSAR. Mr. Speaker, it is my contention that all of Allegheny County should be treated equally rather than just those impact communities to be given that special preferential treatment. Therefore, Mr. Speaker, with the deletion of the amendment, I certainly would hope that this House would concur in something that I do believe is fair and equitable for all the people of Allegheny County.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

I just want to emphasize that in the amendment 75 percent of the funds would go for the first 6 weeks, and that amendment had to do with distribution of the moneys in Allegheny County. Without that amendment, the prior year Allegheny County had held this fund, the distribution of funds went to predominantly affluent areas in Allegheny County, and it was our feeling, Representative Murphy's and mine, that this money ought to be targeted to our revitalized areas, to the impact areas in Allegheny County, of which most legislative districts have numerous impact areas. For that reason we felt it would be better targeted toward the specific areas, and that is why the amendment is important and that is why I urge your nonconcurrence, so we can get some form of it back in the bill. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Allegheny, Mr. Pott, is recognized.

Mr. POTT. Thank you, Mr. Speaker.

I urge concurrence in the amendments inserted by the Senate into HB 501. The Senate opened up the bill for participation by all Allegheny County municipalities, not just a selected few. I fear, Mr. Speaker, that if we do nonconcur in these amendments, this vitally needed legislation for Alle-

gheny County will languish in a conference committee for a long time. I would suggest that those who desire the amendments offered in this House of Representatives by Representative Michlovic introduce special legislation in the form of a separate bill and send that to the Senate and not hold this vitally needed legislation for Allegheny County hostage to a discriminatory amendment offered here in the House of Representatives. I urge concurrence in the Senate amendments.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. ITKIN. Mr. Speaker, I would ask all the members of the House to support nonconcurrence and to vote "no" on the Senate amendments. I think it is important that Allegheny County be able to decide where to put the money in its own county.

This is a bill specifically for Allegheny County. It is what the county commissioners want to do. It is what the delegation on this side of the aisle would like to see done, and I hope that all members of the House, especially on this side of the aisle, would vote in the negative and support our county's position on this matter.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—114

Afflerbach	Durham	Levi	Richardson
Angstadt	Fargo	Levin	Rieger
Armstrong	Fischer	McClatchy	Robbins
Arty	Flick	McIntyre	Ryan
Barber	Foster, W. W.	McMonagle	Salvatore
Belardi	Foster, Jr., A.	McVerry	Saurman
Beloff	Freind	Mackowski	Scheetz
Book	Gallen	Madigan	Schuler
Bowser	Gamble	Manmiller	Semmel
Boyes	Gannon	Mayernik	Serafini
Brandt	Geist	Merry	Sirianni
Broujos	Gladeck	Micozzie	Smith, B.
Bunt	Godshall	Miller	Smith, L. E.
Burd	Greenwood	Moehlmann	Snyder, D. W.
Burns	Grieco	Mowery	Snyder, G. M.
Cessar	Gruppo	Nahill	Spencer
Cimini	Hagarty	Noye	Stairs
Civera	Hasay	O'Brien	Stevens
Clark	Hayes	Perzel	Swift
Clymer	Herman	Peterson	Taylor, E. Z.
Cornell	Hershey	Phillips	Telek
Coslett	Honaman	Piccola	Vroon
DeVerter	Jackson	Pitts	Wass
Davies	Johnson	Pott	Wiggins
Deal	Kennedy	Punt	Wilson
Dietz	Klingaman	Rappaport	Wogan
Dininni	Kosinski	Reber	Wright, J. L.
Donatucci	Lashinger	Reinard	Wright, R. C.
Dorr	Lehr		

NAYS—79

Alderette	Fee	McCall	Seventy
Baldwin	Freeman	McHale	Showers
Battisto	Fryer	Maiale	Steighner
Belfanti	Gallagher	Manderino	Stewart
Blaum	George	Markosek	Stuban
Caltagirone	Gruitza	Michlovic	Sweet
Cappabianca	Haluska	Miscevich	Taylor, F. E.

Carn	Harper	Morris	Tigue
Cawley	Hutchinson	Mrkonjc	Trello
Cohen	Itkin	O'Donnell	Truman
Colafella	Jarolin	Olasz	Van Horne
Cole	Kasunic	Oliver	Wachob
Cordisco	Kowalyszyn	Petrarca	Wambach
Cowell	Kukovich	Petrone	Wargo
Coy	Laughlin	Pievsky	Wozniak
Deluca	Lescovitz	Pistella	Wright, D. R.
DeWeese	Linton	Preston	Zwinkl
Daley	Livengood	Rudy	
Dombrowski	Lloyd	Rybak	Irvis,
Duffy	Lucyk	Saloom	Speaker
Fattah			

NOT VOTING—1

Letterman

EXCUSED—9

Dawida	Marmion	Pratt	Weston
Evans	Murphy	Spitz	Williams
Hoeffel			

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

Ordered, That the clerk inform the Senate accordingly.

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **HB 690, PN 2037**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for bids for purchases; further providing for exceptional children, for reimbursements for certain special education services and for the performance of maintenance.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Bucks, Mr. Gallagher.

Mr. GALLAGHER. Mr. Speaker, I request that we non-concur in HB 690, primarily because of the Senate amendments that were sent to the Senate from this House committee.

The SPEAKER. On the question, shall the House concur in amendments inserted by the Senate to HB 690, the chairman of the Education Committee, Mr. Gallagher, has asked that the vote be in the negative.

On that question, the Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

I wonder if the gentleman, Mr. Gallagher, would be kind enough, please, to explain for the record what the changes were. I am having a little difficulty hearing the request.

The SPEAKER. The gentleman, Mr. Gallagher, has been requested to explain his reasons for asking for a negative vote and to explain the amendments inserted by the Senate.

Mr. GALLAGHER. Mr. Speaker, the amendments by the Senate took out the language that the House bill originally was constructed for the city and school district of Philadelphia. It includes all school districts in the State on maintenance on their construction by their own maintenance men. It interferes with the other school districts. It was designed just for the city of Philadelphia, and it interferes with the entire State. So we want to correct that language, and we ask for nonconcurrency in the language inserted by the Senate.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. BURNS. Mr. Speaker, I just want to agree with Mr. Gallagher's perception of what happened in the Senate and ask that we go along with the chairman's recommendation to nonconcur in this bill.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—0

NAYS—190

Afflerbach	Durham	Levin	Robbins
Alderette	Fargo	Linton	Rudy
Angstadt	Fattah	Livengood	Ryan
Armstrong	Fee	Lloyd	Rybak
Arty	Fischer	Lucyk	Saloom
Baldwin	Flick	McCall	Salvatore
Barber	Foster, W. W.	McClatchy	Saurman
Battisto	Foster, Jr., A.	McHale	Scheetz
Belardi	Freeman	McIntyre	Schuler
Belfanti	Freind	McMonagle	Semmel
Beloff	Fryer	McVerry	Serafini
Blaum	Gallagher	Mackowski	Seventy
Book	Gallen	Madigan	Showers
Bowser	Gamble	Maiale	Sirianni
Boyes	Gannon	Manderino	Smith, B.
Brandt	Geist	Manmiller	Smith, L. E.
Broujos	George	Markosek	Snyder, D. W.
Bunt	Gladeck	Mayernik	Snyder, G. M.
Burd	Godshall	Merry	Spencer
Burns	Greenwood	Michlovic	Stairs
Callagiron	Grieco	Micozzie	Steighner
Cappabianca	Gruitza	Miller	Stevens
arn	Gruppo	Miscevich	Stewart
awley	Hagarty	Moehlmann	Stuban
Cessar	Haluska	Morris	Sweet
Cimini	Harper	Mowery	Swift
Civera	Hasay	Mrkonic	Taylor, E. Z.
Clymer	Hayes	Nahill	Taylor, F. E.
Cohen	Herman	Noye	Telek
Colafella	Hershey	O'Brien	Tigue
Cole	Honaman	Olasz	Trello
Cordisco	Hutchinson	Oliver	Truman
Cornell	Itkin	Perzel	Van Horne
Coslett	Jackson	Peterson	Vroon
Cowell	Jarolin	Petrone	Wachob
oy	Johnson	Phillips	Wambach
Deluca	Kasunic	Piccola	Wargo
DeVertter	Kennedy	Pievsky	Wass
DeWeese	Klingaman	Pistella	Wiggins
Daley	Kosinski	Pitts	Wilson
Davies	Kowalyszyn	Pott	Wogan
Deal	Kukovich	Preston	Wozniak
Dietz	Lashinger	Punt	Wright, J. L.

Dininni	Laughlin	Rappaport	Wright, R. C.
Dombrowski	Lehr	Reber	Zwinkl
Donatucci	Lescovitz	Reinard	
Dorr	Letterman	Richardson	Irvis,
Duffy	Levi	Rieger	Speaker

NOT VOTING—4

Clark	O'Donnell	Petrarca	Wright, D. R.
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EXCUSED—9

Dawida	Marmion	Pratt	Weston
Evans	Murphy	Spitz	Williams
Hoeffel			

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

Ordered, That the clerk inform the Senate accordingly.

HB 501 RECONSIDERED

The SPEAKER. The Chair is in receipt of a motion for reconsideration, signed by the gentleman, Mr. Cowell, and the gentleman, Mr. Itkin, whereby they move to reconsider the vote by which HB 501 was concurred in on November 15, 1983.

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

Mr. POTT. A point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. Will the gentleman from Allegheny, Mr. Pott, state the point of parliamentary inquiry.

Mr. POTT. Mr. Speaker, after the House concurred in those amendments inserted by the Senate, the Speaker instructed the clerk by using the language "the House does concur, and the clerk shall inform the Senate." Does that instruction of the clerk remove the legislation from the possession of the House?

The SPEAKER. No, it does not.

Mr. POTT. When does the legislation—

The SPEAKER. When it physically leaves the House, then and then only, and I will ascertain whether or not it has. I do not believe it has; otherwise, I would not have entertained the motion for reconsideration. The House will stand at ease.

Mr. POTT. Thank you, Mr. Speaker.

The SPEAKER. The clerk informs the Chair that the legislation on concurrence is still within the possession of the House and, therefore, subject to any correct motion. The motion to reconsider is in order, and we will proceed with it.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—174

Afflerbach	Fattah	Lloyd	Rybak
Alderette	Fee	Lucyk	Saloom
Angstadt	Fischer	McCall	Salvatore
Baldwin	Flick	McClatchy	Saurman
Battisto	Foster, W. W.	McHale	Schuler
Belardi	Foster, Jr., A.	McIntyre	Semmel

Beloff	Freeman	McMonagle	Serafini
Blaum	Fryer	Madigan	Seventy
Book	Gallagher	Maiale	Showers
Bowser	Gallen	Manderino	Sirianni
Boyes	Gamble	Manmiller	Smith, B.
Brandt	George	Markosek	Smith, L. E.
Broujos	Gladeck	Merry	Snyder, D. W.
Bunt	Godshall	Michlovic	Snyder, G. M.
Burd	Greenwood	Micozzie	Spencer
Burns	Grieco	Miller	Stairs
Caltagirone	Gruitza	Moehlmann	Steighner
Cappabianca	Gruppo	Morris	Stevens
Carn	Hagarty	Mowery	Stewart
Cawley	Haluska	Mrkonic	Stuban
Cimini	Harper	Nahill	Sweet
Civera	Hasay	Noye	Swift
Clark	Hayes	O'Brien	Taylor, E. Z.
Clymer	Herman	O'Donnell	Taylor, F. E.
Cohen	Hershey	Olasz	Telek
Colafella	Honaman	Oliver	Tigue
Cole	Hutchinson	Perzel	Trello
Cordisco	Itkin	Peterson	Truman
Cornell	Jackson	Petrarca	Van Horne
Cowell	Jarolin	Petrone	Vroon
Coy	Johnson	Phillips	Wachob
Deluca	Kasunic	Piccola	Wambach
DeVerter	Klingaman	Pievsky	Wargo
DeWeese	Kosinski	Pistella	Wass
Daley	Kowalyszyn	Pitts	Wilson
Davies	Kukovich	Preston	Wogan
Dietz	Lashingner	Punt	Wozniak
Dininni	Laughlin	Rappaport	Wright, D. R.
Dombrowski	Lehr	Reber	Wright, J. L.
Donatucci	Lescovitz	Reinard	Wright, R. C.
Dorr	Levi	Rieger	Zwinkl
Duffy	Levin	Robbins	
Durham	Linton	Rudy	Irvis,
Fargo	Livengood	Ryan	Speaker

NAYS—8

Cessar	Geist	Mackowski	Pott
Coslett	McVerry	Miscevich	Scheetz

NOT VOTING—12

Armstrong	Belfanti	Gannon	Mayernik
Arty	Deal	Kennedy	Richardson
Barber	Freind	Letterman	Wiggins

EXCUSED—9

Dawida	Marmion	Pratt	Weston
Evans	Murphy	Spitz	Williams
Hoefel			

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

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

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

YEAS—113

Afflerbach	Durham	Lehr	Rieger
Angstadt	Fargo	Levi	Robbins
Armstrong	Fischer	Linton	Ryan
Arty	Flick	McClatchy	Salvatore
Barber	Foster, W. W.	McMonagle	Saurman
Battisto	Foster, Jr., A.	McVerry	Scheetz
Belardi	Freind	Mackowski	Schuler
Beloff	Gallen	Madigan	Semmel
Book	Gamble	Manmiller	Serafini
Bowser	Gannon	Merry	Sirianni
Boyes	Geist	Micozzie	Smith, B.
Brandt	Gladeck	Miller	Smith, L. E.

Bunt	Godshall	Moehlmann	Snyder, D. W.
Burd	Greenwood	Mowery	Snyder, G. M.
Burns	Grieco	Nahill	Spencer
Carn	Gruppo	Noye	Stairs
Cessar	Hagarty	O'Brien	Stevens
Cimini	Hasay	Perzel	Swift
Civera	Hayes	Peterson	Taylor, E. Z.
Clark	Herman	Phillips	Telek
Clymer	Hershey	Piccola	Truman
Cornell	Honaman	Pievsky	Vroon
Coslett	Jackson	Pitts	Wass
DeVerter	Johnson	Pott	Wiggins
Davies	Kennedy	Punt	Wilson
Dietz	Klingaman	Rappaport	Wogan
Dininni	Kosinski	Reber	Wright, J. L.
Donatucci	Lashingner	Reinard	Wright, R. C.
Dorr			

NAYS—80

Alderette	Fee	McCall	Saloom
Baldwin	Freeman	McHale	Seventy
Belfanti	Fryer	Maiale	Showers
Blaum	Gallagher	Manderino	Steighner
Broujos	George	Markosek	Stewart
Caltagirone	Gruitza	Mayernik	Stuban
Cappabianca	Haluska	Michlovic	Sweet
Cawley	Harper	Miscevich	Taylor, F. E.
Cohen	Hutchinson	Morris	Tigue
Colafella	Itkin	Mrkonic	Trello
Cole	Jarolin	O'Donnell	Van Horne
Cordisco	Kasunic	Olasz	Wachob
Cowell	Kowalyszyn	Oliver	Wambach
Coy	Kukovich	Petrarca	Wargo
Deluca	Laughlin	Petrone	Wozniak
DeWeese	Lescovitz	Pistella	Wright, D. R.
Daley	Letterman	Preston	Zwinkl
Deal	Levin	Richardson	
Dombrowski	Livengood	Rudy	Irvis,
Duffy	Lloyd	Rybak	Speaker
Fattah	Lucyk		

NOT VOTING—1

McIntyre

EXCUSED—9

Dawida	Marmion	Pratt	Weston
Evans	Murphy	Spitz	Williams
Hoefel			

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

Ordered, That the clerk inform the Senate accordingly.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 477, PN 538**, entitled:

An Act amending the "Motor Carriers Road Tax Act," approved June 19, 1964 (P. L. 7, No. 1), further providing for exempt vehicles.

On the question,

Will the House agree to the bill on third consideration?

Mr. MICHLOVIC offered the following amendment No. A3823:

Amend Sec. 1 (Sec. 24), page 2, line 10, by inserting after "purposes"

, to a maximum of six trucks, truck tractors or combinations.

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

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, amendment A3823 is an amendment to HB 477, which deals with the Motor Carriers Tax Act, and it is placing certain restrictions on those who would be excluded from that tax. The bill allows those restrictions. My amendment basically increases those restrictions and restricts anybody under this exclusion to a maximum of six trucks, truck tractors, or combinations thereof. I believe it is an agreed-to amendment by the gentleman who offered the bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Michlovic amendment, the Chair recognizes the gentleman from Erie, Mr. Bowser.

Mr. BOWSER. Thank you, Mr. Speaker.

Yes, I have agreed to this amendment. What we are doing with this bill is cleaning up some language that got in inadvertently last year. We are exempting out-of-State farmers hauling their own product into Pennsylvania and only their own product. So the six-truck limit will work. Thank you.

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—192

Table listing names of members who voted 'YEAS' (192 total). Includes names like Afferbach, Durham, Linton, Robbins, etc.

Table listing names of members who did not vote or were excused. Includes names like Coslett, Jarolin, Petrone, Wambach, etc.

NAYS—0

NOT VOTING—2

Miscevich Sirianni

EXCUSED—9

Table listing names of members who were excused. Includes names like Dawida, Marmion, Pratt, Weston, etc.

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—193

Table listing names of members who voted 'YEAS' (193 total). Includes names like Afferbach, Durham, Linton, Rudy, etc.

Cornell	Jackson	Petrarca	Wachob
Coslett	Jarolin	Petrone	Wambach
Cowell	Johnson	Phillips	Wargo
Coy	Kasunic	Piccola	Wass
DeLuca	Kennedy	Pievsky	Wiggins
DeVerter	Klingaman	Pistella	Wilson
DeWeese	Kosinski	Pitts	Wogan
Daley	Kowalshyn	Pott	Wozniak
Davies	Kukovich	Preston	Wright, D. R.
Deal	Lashingier	Punt	Wright, J. L.
Dietz	Laughlin	Rappaport	Wright, R. C.
Dininni	Lehr	Reber	Zwinkl
Dombrowski	Lescovitz	Reinard	
Donatucci	Letterman	Richardson	Irvis,
Dorr	Levi	Rieger	Speaker
Duffy	Levin	Robbins	

NAYS—0

NOT VOTING—1

Miscevich

EXCUSED—9

Dawida	Marmion	Pratt	Weston
Evans	Murphy	Spitz	Williams
Hoeffel			

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.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 544, PN 611 By Rep. LETTERMAN

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), authorizing certain handicapped persons to use semiautomatic rifles for hunting.

GAME AND FISHERIES.

HB 1394, PN 1680 By Rep. LETTERMAN

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for penalties for certain actions under revoked licenses, permits or registrations; extending certain coverage to public property; and providing additional penalties for littering and violations related to possession and display of licenses.

GAME AND FISHERIES.

HB 1395, PN 1681 By Rep. LETTERMAN

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for the designation of waterways patrolmen; and providing for inchoate violations of this title.

GAME AND FISHERIES.

SB 780, PN 1081 By Rep. LETTERMAN

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled "The Game Law," providing for the release of the mailing list for the Pennsylvania Game News.

GAME AND FISHERIES.

RESOLUTIONS

Mr. DININNI called up **HR 77, PN 988**, entitled:

Providing for the appointment of a select committee to thoroughly investigate the operational aspects of the Emaus Orphan House located in Dauphin County.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Dawida	Marmion	Pratt	Weston
Evans	Murphy	Spitz	Williams
Hoeffel			

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

* * *

Mr. LASHINGER called up HR 146, PN 2024, entitled:

Directing the Speaker to appoint a special commission to review the Commonwealth's current requirements governing amateur and professional boxing.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

- Afflerbach Fargo Livengood Rudy
Alderette Fattah Lloyd Ryan
Angstadt Fee Lucyk Rybak
Armstrong Fischer McCall Saloom
Arty Flick McClatchy Salvatore
Baldwin 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 Maiale Showers
Book Gamble Manderino Sirianni
Bowser Gannon Manmiller Smith, B.
Boyes Geist Markosek Smith, L. E.
Brandt George Mayernik Snyder, D. W.
Broujos Gladeck Merry Snyder, G. M.
Bunt Godshall Michlovic Spencer
Burd Greenwood Micozzie Stairs
Burns Grieco Miller Steighner
Caltagirone Gruitza Miscovich Stevens
Cappabianca Gruppo Moehlmann Stewart
Carn Hagarty Morris Stuban
Cawley Haluska Mowery Sweet
Cessar Harper Mrkonic Swift
Cimini Hasay Nahill Taylor, E. Z.
Civera Hayes Noye Taylor, F. E.
Clymer Herman O'Brien Telek
Cohen Hershey O'Donnell Tigue
Colafella Honaman Olasz Trello
Cole Hutchinson Oliver Truman
Cordisco Itkin Perzel Van Horne
Cornell Jackson Peterson Vroon
Coslett Jarolin Petrarca Wachob
Cowell Johnson Petrone Wambach
Coy Kasunic Phillips Wargo
Deluca Kennedy Piccola Wass
DeVerter Klingaman Pievsky Wiggins
DeWeese Kosinski Pistella Wilson
Daley Kowalyszyn Pitts Wogan
Davies Kukovich Pott Wozniak
Deal Lashinger Preston Wright, D. R.
Dietz Laughlin Punt Wright, J. L.
Dininni Lehr Rappaport Wright, R. C.
Dombrowski Lescovitz Reber Zwiki
Donatucci Letterman Reinard
Dorr Levi Richardson
Duffy Levin Rieger
Durham Linton Robbins

NAYS—0

NOT VOTING—1

Clark

Irvis, Speaker

EXCUSED—9

- Dawida Marmion Pratt Weston
Evans Murphy Spitz Williams
Hoeffel

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

* * *

Mr. STUBAN called up HR 148, PN 2048, entitled:

Urging Governor Dick Thornburgh to declare the week of November 20 through 27, 1983 as National Running Week.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—190

- Afflerbach Fargo Livengood Rudy
Alderette Fattah Lloyd Ryan
Angstadt Fee Lucyk Rybak
Armstrong Fischer McCall Saloom
Arty Flick McClatchy Salvatore
Baldwin 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 Maiale Showers
Book Gamble Manderino Sirianni
Bowser Gannon Manmiller Smith, B.
Boyes Geist Markosek Smith, L. E.
Brandt George Mayernik Snyder, D. W.
Broujos Gladeck Merry Snyder, G. M.
Bunt Godshall Michlovic Spencer
Burd Greenwood Micozzie Stairs
Burns Grieco Miller Steighner
Caltagirone Gruitza Miscovich Stevens
Carn Gruppo Moehlmann Stewart
Cawley Hagarty Morris Stuban
Cessar Haluska Mowery Sweet
Cimini Harper Nahill Swift
Civera Hasay Noye Taylor, E. Z.
Clark Hayes O'Brien Taylor, F. E.
Clymer Herman O'Donnell Telek
Colafella Honaman Olasz Tigue
Cole Hutchinson Oliver Trello
Cordisco Itkin Perzel Truman
Cornell Jackson Peterson Van Horne
Coslett Jarolin Petrarca Vroon
Cowell Johnson Petrone Wachob
Coy Kasunic Phillips Wambach
Deluca Kennedy Piccola Wargo
DeVerter Klingaman Pievsky Wass
DeWeese Kosinski Pistella Wiggins
Daley Kowalyszyn Pitts Wilson
Davies Kukovich Pott Wogan
Deal Lashinger Preston Wozniak
Dietz Laughlin Punt Wright, D. R.
Dininni Lehr Rappaport Wright, J. L.
Dombrowski Lescovitz Reber Wright, R. C.
Donatucci Letterman Reinard Zwiki
Dorr Levi Richardson
Duffy Levin Rieger
Durham Linton Robbins

NAYS—0

Irvis, Speaker

NOT VOTING—4

Cappabianca	Cohen	Hershey	Mrkonic
		EXCUSED—9	
Dawida	Marmion	Pratt	Weston
Evans	Murphy	Spitz	Williams
Hoefel			

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

* * *

Mr. COLE called up **HR 150, PN 2074**, entitled:

Establishing a special task force to study export trade from the Commonwealth.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—2

DeWeese	Tigue	EXCUSED—9	
Dawida	Marmion	Pratt	Weston
Evans	Murphy	Spitz	Williams
Hoefel			

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

PARLIAMENTARY INQUIRY

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

Mr. POTT. A point of parliamentary inquiry, Mr. Speaker. The SPEAKER. The gentleman will state the point.

Mr. POTT. Would now be the proper time to move to suspend the rules for immediate consideration of a resolution?

The SPEAKER. In just a moment, as soon as we finish with SR 74. We have a holdup here now. We have been informed by one of the members that he has amendments to this resolution. They are still up in the drafting form.

The gentleman can confer with the majority leader and see what his wishes are in this matter.

BILLS PASSED OVER

The SPEAKER. Without objection, Senate concurrent resolution No. 74 will go over for today's session, and the Chair hears no objection. You should mark your calendar "Amend - Dorr" on SR 74.

All the bills which were previously announced as being over temporarily, without objection, are passed over for today. The Chair hears no objection.

RULES SUSPENDED

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

Mr. POTT. Mr. Speaker, I move that the rules of this House be suspended for the immediate consideration of a resolution in which this House endorses National Family Week, the week from November 20 to November 26.

The SPEAKER. Whoever is against this is against the national family, whatever that is.

It is moved by the gentleman, Mr. Pott, that the rules of the House be temporarily suspended so that the House may immediately act upon a resolution honoring National Family Week. Those in favor will vote "aye"; those opposed, "no."

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

The following roll call was recorded:

YEAS—193

Afflerbach	Durham	Linton	Rudy
Alderette	Fargo	Livengood	Ryan
Angstadt	Fattah	Lloyd	Rybak
Armstrong	Fee	Lucyk	Saloom
Arty	Fischer	McCall	Salvatore
Baldwin	Flick	McClatchy	Saurman
Barber	Foster, W. W.	McHale	Scheetz
Battisto	Foster, Jr., A.	McIntyre	Schuler
Belardi	Freeman	McMonagle	Semmel
Belfanti	Freind	McVerry	Serafini
Beloff	Fryer	Mackowski	Seventy
Blaum	Gallagher	Madigay	Showers
Book	Gallen	Maiale	Sirianni
Bowser	Gamble	Manderino	Smith, B.
Boyes	Gannon	Manmiller	Smith, L. E.
Brandt	Gaston	Markosek	Snyder, D. W.
Broujos	George	Mayernik	Snyder, G. M.
Bunt	Gladeck	Merry	Spencer
Burd	Godshall	Michlovic	Stairs
Burns	Greenwood	Micozzie	Steighner
Caltagirone	Grieco	Miller	Stevens
Cappabianca	Gruitza	Moehlmann	Stewart
Carn	Gruppo	Morris	Stuban
Cawley	Hagarty	Mowery	Sweet
Cessar	Haluska	Mrkonic	Swift
Cimini	Harper	Nahill	Taylor, E. Z.
Civera	Hasay	Noye	Taylor, F. E.
Clark	Hayes	O'Brien	Telek
Clymer	Herman	O'Donnell	Tigue
Cohen	Hershey	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	Wiggins
DeVerter	Klingaman	Pistella	Wilson
DeWeese	Kosinski	Pitts	Wogan
Daley	Kowalshyn	Pott	Wozniak
Davies	Kukovich	Preston	Wright, D. R.
Deal	Lashinger	Punt	Wright, J. L.
Dietz	Laughlin	Rappaport	Wright, R. C.
Dininni	Lehr	Reber	Zwilk
Dombrowski	Lescovitz	Reinard	
Donatucci	Letterman	Richardson	Irvis,
Dorr	Levi	Rieger	Speaker
Duffy	Levin	Robbins	

NAYS—0

NOT VOTING—1

Miscevich

EXCUSED—9

Dawida	Marmion	Pratt	Weston
Evans	Murphy	Spitz	Williams
Hoefel			

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

RESOLUTION ADOPTED

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

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

The following resolution was read:

House Resolution No. 157

A RESOLUTION

Recognizing and urging participation in National Family Week.

WHEREAS, Since the Nixon administration our government has recognized the week of Thanksgiving as National Family Week; and

WHEREAS, President Reagan has stated "It is the family that gives strength to the fabric of our Nation"; and

WHEREAS, We know that the family unit is being attacked on all sides by an onslaught of antifamily sentiment and we recognize that the home is the place to save society and that no success can compensate for failure in the home; and

WHEREAS, Again this year President Reagan has proclaimed the week of November 20 through November 26 as National Family Week; and

WHEREAS, The House of Representatives wishes to join in and promote the effort to reverse the trend of the disintegrating American family; therefore be it

RESOLVED, That the House of Representatives endorse National Family Week and the ideals it is intended to promote and urge its members and all citizens of Pennsylvania to join in the observance of this special week with the hope that the American family will be strengthened through our efforts.

- George F. Pott, Jr.
- Amos K. Hutchinson
- James M. Burd
- Nicholas A. Colafella
- Victor John Lescovitz
- K. Leroy Irvis
- Jeffrey W. Coy
- Barry L. Alderette
- Keith R. McCall
- Emil Mrkonic
- Eugene G. Saloom
- Harold F. Mowery, Jr.
- John Kennedy
- Raymond T. Book
- Samuel E. Hayes, Jr.
- Richard J. Cessar
- Joseph V. Grieco
- Anthony J. Cimini
- Charles F. Nahill, Jr.
- Matthew J. Ryan
- Joseph A. Petrarca
- Kathrynann W. Durham
- Donald W. Dorr
- Karl W. Boyes
- James R. Merry
- Joseph R. Pitts
- Thomas C. Petrone
- Roger Raymond Fischer
- Richard D. Olasz
- Harry E. Bowser
- Roger A. Madigan
- Terrence F. McVerry
- Tom Swift
- Roger F. Duffy
- Terry E. Van Horne
- John H. Broujos
- Ron Gamble
- Brian D. Clark
- Anthony M. DeLuca
- Howard L. Fargo
- June N. Honaman
- Nicholas B. Moehlmann
- Terry R. Scheetz

George W. Jackson
 Jere W. Schuler
 William W. Foster
 Paul J. Angstadt

On the question,
 Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—3

Hutchinson	McIntyre	Reber
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EXCUSED—9

Dawida	Marmion	Pratt	Weston
Evans	Murphy	Spitz	Williams
Hoeffel			

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

The SPEAKER. For what purpose does the gentleman from Bedford, Mr. Dietz, rise?

Mr. DIETZ. Mr. Speaker, on the resolution that just passed, I noticed that it had about half of the members of the House as cosponsors of that resolution. I would like to ask the prime sponsor of the resolution if he would accept the sponsorship of every member of the House.

The SPEAKER. The gentleman, Mr. Pott, has already agreed that he will accept the sponsorship of all members of the House.

Unless there be a member who objects, and the Chair hears no objection, there will be affixed to the resolution just passed by the House the name of every single member of the House of Representatives. The Chair hears no objection.

Mr. DIETZ. Thank you, Mr. Speaker.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Luzerne, Mr. Tigue, rise?

Mr. TIGUE. Mr. Speaker, I failed to cast a vote on HR 150. If I had voted, I would like to say my vote would have been in the affirmative. Thank you.

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

DECISION OF CHAIR RESCINDED

The SPEAKER. The Chair rescinds its statement on page 10 that Senate concurrent resolution 74 would go over for the day.

The gentleman, Mr. Dorr, who was to offer an amendment, has agreed that he will offer that amendment to HR 142. That means that SR 74 is now available for action by this House.

RESOLUTIONS CONTINUED

Mr. MANDERINO called up **SR 74, PN 1395**, entitled:

Memorializing the Immigration and Naturalization Service to select a site in Pennsylvania as the Computer Application Processing Center.

On the question,
 Will the House concur in the resolution of the Senate?

The following roll call was recorded:

YEAS—192

Afflerbach	Fargo	Livengood	Rudy
Alderette	Fattah	Lloyd	Ryan
Angstadt	Fee	Lucyk	Rybak
Armstrong	Fischer	McCall	Saloom
Arty	Flick	McClatchy	Salvatore
Baldwin	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	Maiale	Showers
Book	Gamble	Manderino	Sirianni
Bowser	Gannon	Manmiller	Smith, B.
Boyes	Geist	Markosek	Smith, L. E.
Brandt	George	Mayernik	Snyder, D. W.
Broujos	Gladeck	Merry	Snyder, G. M.

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

NAYS—0

NOT VOTING—2

Civera Micozzie

EXCUSED—9

Dawida	Marmion	Pratt	Weston
Evans	Murphy	Spitz	Williams
Hoeffel			

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

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

Mr. REBER. Mr. Speaker, on the Pott resolution on which the rules were suspended, HR 157, my switch did not operate. I would like to be recorded in the affirmative. Thank you.

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair now turns to announcements of committee meetings and recognizes the chairman of the Appropriations Committee, the gentleman from Philadelphia, Mr. Pievsky.

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to get the attention of the members of the House Appropriations Committee. There will

be a meeting tonight, a meeting at 8 o'clock tonight in the majority caucus room. That is the Appropriations Committee at 8 o'clock tonight in the majority caucus room. Thank you, Mr. Speaker.

The SPEAKER. You will notice that the chairman called it after the dinner hour. He is saving money.

The Chair will remain open this evening in order to receive reports of committees. If the bill is reported from the Appropriations Committee, the Chair intends to have it read for the first time, if there be no objection. Would the minority leader like to confer with the majority leader on it before the Chair makes that definitive announcement?

The Chair stands corrected. The reading of the bill, if it is reported from committee, will be for the second time. Is there objection?

It will not be necessary for us to read the report of the committee for the second time. It has already been read for the second time. But the Chair will be here to receive the report of the committee so that the bill may appear on the calendar tomorrow.

RULES SUSPENDED

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

Mr. OLASZ. Mr. Speaker, I move that this House suspend its rules temporarily so that I may offer a resolution.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—193

Afflerbach	Durham	Linton	Rudy
Alderette	Fargo	Livengood	Ryan
Angstadt	Fattah	Lloyd	Rybak
Armstrong	Fee	Lucyk	Saloom
Arty	Fischer	McCall	Salvatore
Baldwin	Flick	McClatchy	Saurman
Barber	Foster, W. W.	McHale	Scheetz
Battisto	Foster, Jr., A.	McIntyre	Schuler
Belardi	Freeman	McMonagle	Semmel
Belfanti	Freind	McVerry	Serafini
Beloff	Fryer	Mackowski	Seventy
Blaum	Gallagher	Madigan	Showers
Book	Gallen	Maiale	Sirianni
Bowser	Gamble	Manderino	Smith, B.
Boyes	Gannon	Manmiller	Smith, L. E.
Brandt	Geist	Markosek	Snyder, D. W.
Broujos	George	Mayernik	Snyder, G. M.
Bunt	Gladeck	Merry	Spencer
Burd	Godshall	Michlovic	Stairs
Burns	Greenwood	Micozzie	Steighner
Caltagirone	Grieco	Miller	Stevens
Cappabianca	Gruitza	Miscevich	Stewart
Carn	Gruppo	Moehlmann	Stuban
Cawley	Hagarty	Morris	Sweet
Cessar	Haluska	Mowery	Swift
Cimini	Harper	Mrkoncic	Taylor, E. Z.
Civera	Hasay	Nahill	Taylor, F. E.
Clark	Hayes	Noye	Telek
Clymer	Herman	O'Brien	Tigue
Cohen	Hershey	O'Donnell	Trello
Colafella	Honaman	Olasz	Truman
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	Wiggins
DeVerter	Klingaman	Pievsky	Wilson
DeWeese	Kosinski	Pistella	Wogan
Daley	Kowalyshyn	Pitts	Wozniak
Davies	Kukovich	Pott	Wright, D. R.
Deal	Lashinger	Preston	Wright, J. L.
Dietz	Laughlin	Punt	Wright, R. C.
Dininni	Lehr	Rappaport	Zwikel
Dombrowski	Lescovitz	Reber	
Donatucci	Letterman	Reinard	Irvis,
Dorr	Levi	Rieger	Speaker
Duffy	Levin	Robbins	

NAYS—1

Richardson

NOT VOTING—0

EXCUSED—9

Dawida	Marmion	Pratt	Weston
Evans	Murphy	Spitz	Williams
Hoeffel			

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

RESOLUTION ADOPTED

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Olasz, who offers the following resolution.

The following resolution was read:

House Resolution No. 158

A RESOLUTION

Memorializing the Governor to proclaim the week of November 28 through December 4, 1983 as Veterans' Prayer Week.

WHEREAS, The League of Families of Servicemen Missing in Action is sponsoring a nationwide candlelight prayer service on December 4, 1983 to pray for those servicemen who are listed as missing in action; and

WHEREAS, Various veterans' organizations, such as the Pittsburgh Chapter of American Prisoners of War, the Steel Valley Air Force Association (Chapter 225), the Steel Valley Disabled American Veterans (Chapter 27) and Post 41 of the Polish War Veterans, are joining in this observance by sponsoring a prayer week, from November 28 to December 4, 1983, to pray for American servicemen missing in action or killed in action and for all disabled American veterans; and

WHEREAS, The General Assembly of the Commonwealth of Pennsylvania believes it is fitting for the citizens of this Commonwealth to remember our veterans, especially the disabled or missing or killed in action, by observing this special week of prayer, to be culminated by the nationwide candlelight ceremony on December 4; therefore be it

RESOLVED, That the General Assembly of the Commonwealth of Pennsylvania memorialize the Governor of the Commonwealth to proclaim the week of November 28 through December 4, 1983, as Veterans' Prayer Week, to be observed by prayer for disabled veterans and for American servicemen killed or missing in action and to be culminated by a nationwide candlelight ceremony on December 4.

Richard D. Olasz
 Eugene G. Saloom
 Brian D. Clark
 K. Leroy Irvis
 James J. Manderino
 Thomas R. Caltagirone
 Emil Mrkonic
 H. William DeWeese
 John H. Broujos
 Robert E. Belfanti, Jr.
 George C. Hasay
 Roger F. Duffy
 Steve Seventy
 Joseph G. Wargo
 Terry E. Van Horne
 Thomas J. Fee
 Edward J. Lucyk
 Ted Stuban
 Samuel E. Hayes, Jr.
 John S. Davies
 Charles P. Laughlin
 Stanford I. Lehr
 Stephen F. Freind
 Correale F. Stevens
 Thomas M. Tighe
 Edward J. Haluska
 Paul McHale
 Frank L. Oliver
 William Telek
 Frank J. Pistella
 Joseph Preston, Jr.
 Kenneth J. Cole
 Amos K. Hutchinson
 William Wachob
 George Miscevic
 Gerald F. McMonagle
 Terrence F. McVerry
 Raymond T. Book
 Kurt D. Zwikel
 James J. A. Gallagher
 David R. Wright
 Richard A. Kasunic
 Fred Taylor
 Kevin Blaum
 Joseph A. Petrarca
 Nicholas A. Colafella
 Keith R. McCall
 Victor John Lescovitz
 Anthony M. DeLuca
 Ronald R. Cowell
 Thomas C. Petrone
 Henry Livengood
 William R. Lloyd, Jr.
 Richard J. Cessar
 Fred A. Trello
 Italo S. Cappabianca
 Donald W. Dorr
 Jeffrey W. Coy
 Matthew J. Ryan
 Roy C. Afflerbach
 Joseph A. Steighner
 Fred Belardi
 Frank Coslett
 Robert C. Donatucci
 Frank A. Serafini
 Gaynor Cawley
 John N. Wozniak
 Russell P. Letterman
 David J. Mayernik

Thomas A. Michlovic
 Bernard J. Dombrowski
 Max Pievsky
 William J. Stewart
 David W. Sweet
 Camille George
 Joseph F. Markosek
 Ron Gamble
 Joseph W. Battisto
 George F. Pott, Jr.
 Roger A. Madigan
 James M. Burd
 Michael C. Gruitza
 Leonard Q. Gruppo
 Barry L. Alderette

On the question,
 Will the House adopt the resolution?

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—2

Hutchinson Saloom

EXCUSED—9

Dawida	Marmion	Pratt	Weston
Evans	Murphy	Spitz	Williams
Hoefel			

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

The SPEAKER. Does the gentleman, Mr. Olasz, have another resolution?

Mr. OLASZ. No, Mr. Speaker. I would ask that the Speaker grant the same consideration of the House members as they did to Mr. Pott, so we have unanimous cosponsorship.

The SPEAKER. Without objection, all the names of the members of the House of Representatives will be affixed to the Olasz resolution. The Chair hears no objection.

WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House Mr. Royal Hart of Aliquippa, Pennsylvania, as a guest of the Speaker.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, we shall be in session tomorrow. Session will begin at 11:30. Session will begin at 11:30 tomorrow.

BILL SIGNED BY SPEAKER

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

HB 501, PN 2055

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), providing for the continued existence of residential finance authorities; and making a repeal.

RECESS

The SPEAKER. There are no further votes to be taken in this session of the legislature. The members are excused from the floor.

This House stands in recess until 8 p.m.

AFTER RECESS

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

BILL REREPORTED FROM COMMITTEE

SB 302, PN 1478 (Amended)

By Rep. PIEVSKY

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," establishing the rate of tax on shares of banks, title insurance companies and trust companies; providing for the determination of the value of such shares and the exclusion of obligations of the United States in ascertaining the value of shares on the basis of a ratio of such obligations to total assets; further providing for a franchise tax as an alternative excise income tax on banks, a franchise surtax on banks, an alternative excise income tax on title insurance and trust companies, a franchise tax on title insurance and trust companies; changing the mutual thrift institutions tax and amending the title insurance and trust companies shares tax; and making repeals.

APPROPRIATIONS.

ADJOURNMENT

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

Mr. HERSHEY. Mr. Speaker, I move that this House do now adjourn until Wednesday, November 16, 1983, at 11:30 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 8:05 p.m., e.s.t., the House adjourned.