

Legislative Journal

WEDNESDAY, NOVEMBER 16, 1983

SESSION OF 1983

167TH OF THE GENERAL ASSEMBLY

No. 91

**HOUSE OF REPRESENTATIVES**

The House convened at 11:30 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:

Eternal Father, as we approach the season of Thanksgiving, we shout with the Psalmist: "Praise the Lord." For it is at this time of year that we are most conscious of the many blessings which Thou hast so graciously shared with us. We are most grateful and seek to express our gratitude by lives that are lived to the honor and glory of Thy name.

We thank Thee for this Nation of ours, which Thou hast so bountifully blessed and which we pray may continue to be the land of the free and the home of the brave. We thank Thee for the leadership Thou hast shown to our forefathers and pray that Thou wilt continue to guide and direct these stewards of Thine. We thank Thee for Thy indwelling spirit and providential care Thou hast shown to all Thine own and pray that Thou wilt continue to be very near and dear to us and bless us as Thine own. Praise ye the Lord. Amen.

**PLEDGE OF ALLEGIANCE**

(The Pledge of Allegiance was enunciated by members.)

**JOURNAL APPROVAL POSTPONED**

The SPEAKER. Without objection, the approval of the Journal of Tuesday, November 15, 1983, will be postponed until the Journal is in print. The Chair hears no objection.

**HOUSE BILLS  
INTRODUCED AND REFERRED**

**No. 1686** By Representatives PISTELLA, DAWIDA, TIGUE, FISCHER, CLYMER, MOEHLMANN, DEAL, GREENWOOD, MICHLOVIC, SEMMEL, CIVERA, MERRY, O'DONNELL and FATTAH

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for board meetings and hearings conducted by the Pennsylvania Liquor Control Board.

Referred to Committee on LIQUOR CONTROL, November 16, 1983.

**No. 1687** By Representatives PISTELLA, DAWIDA, FISCHER, CLYMER, DEAL, SEMMEL, CIVERA, O'DONNELL and FATTAH

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), making it unlawful for a licensee to permit or encourage certain loitering.

Referred to Committee on LIQUOR CONTROL, November 16, 1983.

**No. 1688** By Representatives PISTELLA, DAWIDA, FISCHER, CLYMER, DEAL, SEMMEL, CIVERA, MERRY, O'DONNELL and FATTAH

An Act amending the "Liquor Code", approved April 12, 1951 (P. L. 90, No. 21), removing limitations from certain participants at public hearings.

Referred to Committee on LIQUOR CONTROL, November 16, 1983.

**No. 1689** By Representatives PISTELLA, DAWIDA, FISCHER, CLYMER, DEAL, NOYE, SEMMEL, O'DONNELL and FATTAH

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

Referred to Committee on LIQUOR CONTROL, November 16, 1983.

**No. 1690** By Representatives PISTELLA, DAWIDA, TIGUE, FISCHER, CLYMER, DEAL, GREENWOOD, MICHLOVIC, SEMMEL, CIVERA, MERRY, O'DONNELL and FATTAH

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), requiring that all records of the board be open to public inspection and review.

Referred to Committee on LIQUOR CONTROL, November 16, 1983.

**No. 1691** By Representatives PISTELLA, DAWIDA, FISCHER, CLYMER, DEAL, SEMMEL, CIVERA, O'DONNELL and FATTAH

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further providing for certain suspensions and revocations, and for the effect of certain appeals; and making editorial changes.

Referred to Committee on LIQUOR CONTROL, November 16, 1983.

**No. 1692** By Representatives SPENCER and L. E. SMITH

An Act amending the act of November 1, 1971 (P. L. 495, No. 113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," increasing the salary of county officers holding two or more offices.

Referred to Committee on LOCAL GOVERNMENT, November 16, 1983.

**No. 1693** By Representatives SPENCER, HAGARTY, McVERRY, LASHINGER and FLICK

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, providing for selection of justices of the Supreme Court and judges of the Superior and Commonwealth Courts; and changing and adding other provisions relating to the Judiciary.

Referred to Committee on JUDICIARY, November 16, 1983.

**No. 1694** By Representatives WILSON, DININNI and HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting the charging of fees for transfer of registration where the transfer results from a change in marital status.

Referred to Committee on TRANSPORTATION, November 16, 1983.

**No. 1695** By Representatives PITTS, FLICK, HERSHEY and CIVERA

An Act amending "The Pennsylvania Workmen's Compensation Act," approved June 2, 1915 (P. L. 736, No. 338), further providing for the payment of workmen's compensation premiums.

Referred to Committee on LABOR RELATIONS, November 16, 1983.

**No. 1696** By Representative WILSON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing additional powers for municipal police officers.

Referred to Committee on JUDICIARY, November 16, 1983.

**No. 1697** By Representatives SAURMAN, HAGARTY, HERSHEY, McCLATCHY, MACKOWSKI, NAHILL and SEVENTY

An Act amending the "Public Employe Relations Act," approved July 23, 1970 (P. L. 563, No. 195), providing procedures to be followed when a strike or lockout reaches a certain point.

Referred to Committee on LABOR RELATIONS, November 16, 1983.

**No. 1698** By Representatives D. R. WRIGHT, SHOWERS, MORRIS, MADIGAN, STEWART, LLOYD, DeWEESE, GRUITZA, ZWIKL, BLAUM, TIGUE, CAWLEY, LIVENGOOD, STUBAN, LUCYK, STEIGHNER, F. E. TAYLOR, OLASZ, MANDERINO, CLARK, COLE, RUDY and GRIECO

An Act creating a task force on rural affairs; providing powers and duties for the task force; making an appropriation; and establishing a termination date.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, November 16, 1983.

**No. 1699** By Representative CIMINI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for use of speed timing devices.

Referred to Committee on TRANSPORTATION, November 16, 1983.

**No. 1700** By Representatives PUNT, COY, MORRIS, DIETZ, GEIST, NOYE, BOWSER, PETRARCA, HALUSKA, BROUJOS, SEMMEL, DEAL, KOSINSKI, ITKIN, FISCHER, ARTY, COLAFELLA, JOHNSON, DeLUCA, ZWIKL, KASUNIC, BOOK, MADIGAN and STAIRS

An Act providing for the control of rabies; granting powers and imposing duties on the Department of Health; requiring rabies vaccinations; providing for preexposure immunization; imposing a penalty; and making a repeal.

Referred to Committee on HEALTH AND WELFARE, November 16, 1983.

**No. 1701** By Representative CLARK

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for a unicameral General Assembly.

Referred to Committee on STATE GOVERNMENT, November 16, 1983.

**No. 1702** By Representatives PETRARCA, CESSAR, HAYES, PIEVSKY, DOMBROWSKI, BURD, SALOOM, LESCOVITZ, COLAFELLA, MRKONIC, DIETZ, VAN HORNE, CLARK and OLASZ

An Act prohibiting the payment of certain counsel fees.

Referred to Committee on TRANSPORTATION, November 16, 1983.

**No. 1703** By Representatives PETRARCA, BURD, OLASZ, SEVENTY, STEWART, LESCOVITZ, MRKONIC, CLARK, STAIRS, BOWSER, FISCHER,

LETTERMAN, LIVENGOOD,  
VAN HORNE, DOMBROWSKI, DEAL,  
J. L. WRIGHT, DeLUCA, LAUGHLIN,  
KUKOVICH, BURNS, COLAFELLA,  
WILSON, PIEVSKY and SALVATORE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the motor vehicle emission inspection program; and making a repeal.

Referred to Committee on TRANSPORTATION, November 16, 1983.

**No. 1704** By Representatives BELOFF, WIGGINS,  
DONATUCCI and McMONAGLE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the lawful carrying of firearms.

Referred to Committee on JUDICIARY, November 16, 1983.

**HOUSE RESOLUTIONS  
INTRODUCED AND REFERRED**

**No. 155** By Representatives WILSON, LAUGHLIN  
and BURNS

Requesting that the Consumer Affairs Committee of the House of Representatives study and investigate the possibility of requiring smoke detectors in all public buildings, particularly dormitories having sleeping areas.

Referred to Committee on RULES, November 16, 1983.

**No. 156**  
(Concurrent) By Representatives MANMILLER, DININNI  
and PICCOLA

A Resolution memorializing Congress to hold oversight hearings on Federal Communications Commission regulations and to establish a National Public Safety Telecommunications Policy.

Referred to Committee on RULES, November 16, 1983.

**SENATE BILLS FOR CONCURRENCE**

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

**SB 25, PN 25**

Referred to Committee on LABOR RELATIONS,  
November 16, 1983.

**SB 1060, PN 1344**

Referred to Committee on TRANSPORTATION, November 16, 1983.

**LEAVES OF ABSENCE GRANTED**

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

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

Mr. PIEVSKY. Thank you, Mr. Speaker.

I ask leaves for the gentleman from Philadelphia, Mr. WILLIAMS, for the day; the gentleman from Philadelphia, Mr. EVANS, for the day; and the gentleman from Washington, Mr. SWEET, for the day. Thank you, Mr. Speaker.

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

The Chair recognizes the minority whip. Does the gentleman have any requests for leaves?

Mr. HAYES. Mr. Speaker, I request leaves for the gentleman from Luzerne, Mr. STEVENS, for the day; the gentleman from Tioga, Mr. SPENCER, for the day; the lady from Montgomery, Mrs. HAGARTY, for the day; and the gentleman from Dauphin, Mr. DININNI, for the day.

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

**MASTER ROLL CALL RECORDED**

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

The following roll call was recorded:

**PRESENT—190**

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

Donatucci	Letterman	Reber	
Dorr	Levi	Reinard	Irvis,
Duffy	Levin	Richardson	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—13

Dawida	Hoeffel	Pratt	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty			

LEAVE ADDED—1

Rappaport

**BILL REREPORTED FROM COMMITTEE**

**HB 1332, PN 2149 (Amended)**

By Rep. PIEVSKY

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

APPROPRIATIONS.

**BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED**

**HB 1397, PN 2150 (Amended)**

By Rep. GALLAGHER

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), requiring public hearings prior to closing schools.

EDUCATION.

**HB 1596, PN 2151 (Amended)**

By Rep. GALLAGHER

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for credits for non-school service.

EDUCATION.

**HB 1608, PN 2013**

By Rep. COHEN

An Act amending the "Milrite Act," approved July 1, 1978 (P. L. 584, No. 109), providing for the establishment, operation and functions of area labor management committees; extending the existence of the council; making appropriations; and making a repeal.

LABOR RELATIONS.

**CALENDAR**

**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 98, PN 2119**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for disability annuities.

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 98, PN 2119**, 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**

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

**HB 286, PN 2122.**

\* \* \*

The House proceeded to second consideration of **HB 1616, PN 2021**, entitled:

An Act amending the "State Public School Building Authority Act," approved July 5, 1947 (P. L. 1217, No. 498), providing for the financing of projects through loans by the Authority and authorizing the use of facsimile signatures.

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 1616, PN 2021**, 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 1617, PN 2022**, entitled:

An Act amending "The Pennsylvania Higher Educational Facilities Authority Act of 1967," approved December 6, 1967 (P. L. 678, No. 318), providing for the financing of projects through loans by the authority.

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 1617, PN 2022**, 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 1450, PN 1761.**

\* \* \*

The House proceeded to second consideration of **HB 1476, PN 2125**, entitled:

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), prohibiting the levying of tax on amusement devices.

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

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 1476, PN 2125, 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 1556, PN 1926**, entitled:

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

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

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 1556, PN 1926, 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 1672, PN 2126**, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for provisions relating to crime victims' compensation; reestab-

lishing and continuing the Crime Victim's Compensation Board; and making an editorial change.

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

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 1672, PN 2126, 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 1235, PN 2124; SB 652, PN 731; and SB 835, PN 1353.**

**BILLS ON THIRD CONSIDERATION**

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

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

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

**BILL TABLED**

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

Mr. MORRIS. Mr. Speaker, I move that HB 854, PN 964, be placed on the tabled calendar.

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

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 854, PN 964, be removed from the table and placed on the active calendar.

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

\* \* \*

The House proceeded to third consideration of **HB 1629, PN 2076**, entitled:

A Supplement to the act of (P. L. , No. ), entitled "An act providing for the capital budget for the fiscal year 1983-1984," itemizing public improvement, furniture and equipment and transportation assistance projects to be constructed or acquired by the Department of General Services or the Department of Transportation, together with their estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired by the Department of General Services or the Department of Transportation; stating the estimated useful life of the projects; and making an appropriation.

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

### BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 1629, PN 2076, be recommitted to the Committee on Appropriations.

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

### FILMING PERMISSION GRANTED

The SPEAKER. Permission has been granted to PPTN to film for 10 minutes on the floor of the House beginning now.

### WELCOMES

The SPEAKER. Representative Mary Ann Arty has a fine young nursing student as her guest, Donna Gentile.

And Representative Bruce Smith has Pastor Robert Witter and Dwight Mattingly, who is the principal of the Parkville Christian Academy, here.

### BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1565, PN 2040**, entitled:

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

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

Mr. McMONAGLE offered the following amendments No. A3829:

Amend Sec. 2 (Sec. 2.1), page 2, line 22, by inserting after "of"

the Commissioner of Professional and Occupational Affairs, the Director of the Bureau of Consumer Protection in the Office of Attorney General, or his designee, and

Amend Sec. 2 (Sec. 2.1), page 3, line 12, by inserting after "member."

Five members of the board shall constitute a quorum.

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

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

Mr. McMONAGLE. Mr. Speaker, all this does is make the commissioner of Professional and Occupational Affairs a voting member and the director of the Bureau of Consumer Protection or his designee a voting member, and five members of the board shall constitute a quorum, which is not now in the bill. This is what we did in all the other sunset bills, and we are just making all the boards the same. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. NOYE. Thank you, Mr. Speaker.

I am sort of speaking for Mr. Dorr, who brought this matter to the attention of the caucus the other day, and he is not on the floor at the present time. There was some serious discussion about this amendment, and Mr. Dorr, who has been working on these bills, really does not see a need for this in this particular bill and has asked members of our caucus to oppose its passage. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Somerset, Mr. Lloyd. Does the gentleman wish to be recognized on the McMonagle amendment?

Mr. LLOYD. I do, but I thought the gentleman, Mr. Noye, was not finished.

The SPEAKER. I think he has.

Does the gentleman, Mr. Dorr, wish to be recognized on the McMonagle amendment?

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

Mr. DORR. Thank you, Mr. Speaker.

I appreciate the caucus chairman's remarks, and I would concur with him. I think that while we need to have consumer protection on these boards and commissions, what we are in fact doing is loading up the boards and commissions so they begin to be nonworkable. Frankly, if you think about it, the director of the Bureau of Consumer Protection is not going to sit on these boards; he is going to send some deputy.

I do not want to belabor the House with this, because it is going to be a perennial issue on each of these sunset bills, but I think I do want to make the point at least once. When we put the director of the Bureau of Consumer Protection onto these

licensing boards, what we are going to do is to set up a conflict of interest which will make it impossible for one or the other, if not both, of these consumer-protecting agencies to act for the consumer, because the bodies will have been acting, one or the other, first, and by reason of that, the director of the Bureau of Consumer Protection will have set himself up in a conflict-of-interest situation to deal either on one board or the other. I think it is a serious enough issue that the members ought to think carefully about this and not just knee-jerk reaction on saying, well, it is a consumer-type thing, because in fact, in my judgment, we are doing the opposite by setting up that kind of conflict of interest. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair now recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

I rise to support the McMonagle amendment. I think it is important for the members to know what this amendment does and does not do. I am not sure that the members have been able to follow the debate up until now, so, if they should have the amendment, what this amendment does is to put the Bureau of Consumer Protection director, who is an appointee of the Attorney General, on this board. The other things that are in it really are technical kinds of corrections. That is the change.

In addition to that, it clarifies some language with regard to the status of the commissioner of the Bureau of Occupational and Professional Affairs. Let me explain to you the way it works now. At the present time on this board there are eight members. Seven of them are appointed by the Governor with the advice and consent of the Senate. The eighth member is Stanley Miller, the commissioner of Professional and Occupational Affairs. All eight of those people vote, although at the present time there is a question as to whether Mr. Miller legally has the right to vote. This amendment resolves that question by giving him the right to vote. That creates a balanced board of eight members and the possibility for a four-four tie. So one objective of Mr. McMonagle's amendment to put the Bureau of Consumer Protection director on the board is to avoid the possibility of ties.

Secondly, Mr. Dorr indicated that somehow this is bad, because the profession will not be able to control the regulation and licensing of the profession. Well, in the first place, there are some people to whom this amendment represents a compromise, because they do not think the professions ought to govern themselves anyway. However, Mr. Dorr is wrong when he says that this amendment will take away the control by the professionals, because in fact there would be nine members of the board, five of whom would be landscape architects, two of whom would be public members, one of whom would be the commissioner of Professional and Occupational Affairs, and the final one of whom would be the director of the Bureau of Consumer Protection.

Furthermore, since this legislation has been proposed, this House has passed, if not unanimously, virtually unanimously, sunset bills dealing with the C.P.A.'s and the Real Estate

Board. Both of those pieces of legislation had this identical provision in them, and everybody here voted for it. Furthermore, we have received no written position from the Attorney General advising us of any problem that he has with this. On top of that, I have discussed this amendment with a gentleman who is a constituent of mine, who was the director of the Bureau of Consumer Protection until early this year. He told me that his off-the-top-of-his-head judgment was that it was a good idea.

Finally, with regard to the question of a conflict of interest, at the present time, under any rule of due process, if the director of the Bureau of Consumer Protection had been involved in any kind of a case dealing with a specific licensee, he would be required to not participate in the decision of the board with regard to any discipline that would be visited upon that licensee. What we are trying to accomplish here is to assure that there is communication of the kinds of consumer complaints which are being raised and to assure that the consumer is represented on these boards by somebody who has the technical expertise and the staff to do the job.

So I think that the Consumer Protection Bureau director is a step forward, and I do not think it has the conflict-of-interest problem that Mr. Dorr is talking about. I urge adoption of the amendment to be consistent with what you all voted to do just a few weeks ago. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the McMonagle amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Linton.

Mr. LINTON. Thank you, Mr. Speaker.

I rise in support of the McMonagle amendment. This is consistent with language that we have put in previous bills under the sunset law, and I encourage my colleagues to vote in support of the McMonagle amendment.

From our hearings on sunset, we found that having a member, the director of Consumer Affairs, sitting on the board was critical in making sure that communication was provided for the consumers on those issues that come before the board. So I encourage my colleagues to support the McMonagle amendment and be consistent with what we have done in the past. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—109

Afflerbach	Dombrowski	McCall	Rybak
Alderette	Donatucci	McHale	Serafini
Baldwin	Duffy	McIntyre	Seventy
Barber	Fattah	McMonagle	Snyder, G. M.
Battisto	Fee	Maiale	Spitz
Belardi	Fischer	Manderino	Steighner
Belfanti	Freeman	Markosek	Stewart
Beloff	Fryer	Mayernik	Stuban
Biaum	Gallagher	Michlovic	Taylor, E. Z.
Broujos	Gamble	Miscevich	Taylor, F. E.
Burd	George	Morris	Tigue
Burns	Gruitza	Mrkonic	Trello
Caltagirone	Haluska	O'Donnell	Truman
Cappabianca	Harper	Olasz	Van Horne
Carn	Hasay	Oliver	Wachob

Cawley	Itkin	Perzel	Wambach
Clark	Jarolin	Petrarca	Wargo
Cohen	Kasunic	Petrone	Wiggins
Colafrella	Klingaman	Pievsky	Wilson
Cole	Kosinski	Pistella	Wogan
Cordisco	Kowalyszyn	Pott	Wozniak
Cowell	Kukovich	Preston	Wright, D. R.
Coy	Laughlin	Punt	Wright, R. C.
Deluca	Lescovitz	Rappaport	Zwilk
DeWeese	Levin	Reinard	
Daley	Linton	Richardson	Irvis,
Deal	Lloyd	Rieger	Speaker
Dietz	Lucyk	Rudy	

NAYS—78

Angstadt	Foster, W. W.	Letterman	Reber
Armstrong	Foster, Jr., A.	Levi	Robbins
Arty	Freind	Livengood	Ryan
Book	Gallen	McClatchy	Saloom
Bowser	Gannon	McVerry	Salvatore
Boyes	Geist	Mackowski	Saurman
Brandt	Gladock	Madigan	Scheetz
Bunt	Godshall	Manmiller	Schuler
Cessar	Greenwood	Merry	Semmel
Cimini	Grieco	Micozzie	Sirianni
Civera	Gruppo	Miller	Smith, B.
Clymer	Hayes	Moehlmann	Smith, L. E.
Cornell	Herman	Nahill	Snyder, D. W.
Coslett	Hershey	Noye	Stairs
DeVerter	Honaman	O'Brien	Swift
Davies	Hutchinson	Peterson	Telek
Dorr	Jackson	Phillips	Vroon
Durham	Johnson	Piccola	Wass
Fargo	Lashinger	Pitts	Wright, J. L.
Flick	Lehr		

NOT VOTING—3

Kennedy	Mowery	Showers
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EXCUSED—13

Dawida	Hoeffel	Pratt	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty			

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

On the question,

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

Mr. LLOYD offered the following amendments No. A3896:

Amend Sec. 2 (Sec. 2.1), page 2, line 22, by inserting after "of"

the Commissioner of Professional and Occupational Affairs and

Amend Sec. 2 (Sec. 2.1), page 2, lines 22 and 23, by striking out " , who shall" in line 22 and all of line 23 and inserting with the advice and consent of the Senate. Two of the members of

Amend Sec. 2 (Sec. 2.1), page 2, line 24, by inserting after "board"  
appointed by the Governor with the advice and consent of the Senate

Amend Sec. 2 (Sec. 2.1), page 2, line 26, by inserting after "board,"  
appointed by the Governor

Amend Sec. 2 (Sec. 2.1), page 3, line 2, by inserting after "period."

In the event that any of said members shall die or resign during his term of office, his successor shall be appointed in the same way and with the same qualifications as set forth in this section and shall hold office for the unexpired term.

Amend Sec. 2 (Sec. 2.1), page 3, lines 2 through 4, by striking out "The Commissioner of Professional and" in line 2; all of line 3 and "board." in line 4

Amend Sec. 2 (Sec. 2.1), page 3, line 4, by inserting after "The"

professional and public

Amend Sec. 3 (Sec. 4), page 4, line 21, by inserting after "reinstate"

suspended

Amend Sec. 3 (Sec.4), page 4, by inserting between lines 28 and 29

(4.1) Unless ordered to do so by a court, the board shall not reinstate the license, registration or certificate of a person to practice as a registered landscape architect which has been revoked and such person shall be required to apply for a license, registration or certificate after a five-year period in accordance with section 6, if he desires to practice at any time after such revocation.

Amend Sec. 3 (Sec.4), page 6, lines 5 through 7, by striking out "AND TO THE HOUSE" in line 5; all of line 6 and "GOVERNOR HAS SUBMITTED HIS BUDGET TO THE GENERAL ASSEMBLY," in line 7

Amend Sec. 3 (Sec. 4), page 6, by inserting between lines 9 and 10

(11) To submit annually to the House and Senate Appropriations Committees, fifteen days after the Governor has submitted his budget to the General Assembly, a copy of the budget request for the upcoming fiscal year which the board previously submitted to the department.

Amend Sec. 5, page 7, line 3, by striking out "Section 6" and inserting

Sections 6 and 11

Amend Sec. 5, page 7, line 4, by striking out "is" and inserting  
are

Amend Sec. 5, page 8, by inserting after line 30

Section 11. Penalties.—(a) Whoever practices landscape architecture or holds himself out to be a landscape architect without being licensed and registered as required by this act, or shall present or attempt to use as his own the license or certificate of registration of another, or shall give any false or forged evidence of any kind to the board or to any member thereof in order to obtain a license or registration as a landscape architect, or shall use any expired, suspended or revoked certificate of registration, or shall use the term "architect" instead of the term "landscape architect" or shall otherwise violate the provisions of this act, shall be guilty of a summary offense and upon conviction thereof, shall be sentenced to pay a fine not exceeding three hundred dollars (\$300) or undergo imprisonment not exceeding ninety days, or both.

(b) In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by law, or by a vote of the majority of the duly qualified and confirmed membership or a minimum of four members, whichever is greater, may levy a civil penalty of up to one thousand dollars (\$1,000) on any current licensee who violates any provision of this act or on any person who practices landscape architecture without being properly licensed to do so under this act. The board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).



(c) All fines and civil penalties imposed in accordance with this section shall be paid into the Professional Licensure Augmentation Account.

Amend Sec. 6, page 9, lines 1 and 2, by striking out "The State Board of Landscape Architects is" in line 1 and all of line 2 and inserting

This act, with respect to the State Board of Landscape Architects, shall constitute the legislation required to reestablish an agency under the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Section 7. All other acts and parts of acts are repealed insofar as they are inconsistent with this act.

Amend Sec. 7, page 9, line 3, by striking out "7" and inserting

8

Amend Sec. 7, page 9, line 3, by striking out "December 1, 1983" and inserting

January 1, 1984

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

This is, I believe, an agreed-to amendment. I will briefly describe what is in it.

This is a technical amendment to put into this bill the same kind of corrective language that we put into the other sunset bills. First, if a vacancy arises on the board, it spells out the procedure for filling that vacancy. Secondly, it says that if a person has his license revoked, the only way he can get that license back is to take the test over again, and also he has to wait for 5 years. It also clarifies some language which the Appropriations Committee put in with regard to the budget. It allows the board to impose civil penalties against people who violate the law and also against people who practice without a license. It contains a general repealer language which was inadvertently omitted from the bill originally. Finally, it contains some language specifying that this is in fact the sunset bill.

I urge a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. DORR. Mr. Speaker, I urge the members to support the Lloyd amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—188

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.	McMonagle	Scheetz
Belardi	Freeman	McVerry	Schuler
Belfanti	Freind	Mackowski	Semmel
Beloff	Fryer	Madigan	Serafini
Blaum	Gallagher	Maiale	Seventy

Book	Gallen	Manderino	Showers
Bowser	Gamble	Manmiller	Sirianni
Boyes	Gannon	Markosek	Smith, B.
Brandt	Geist	Mayernik	Smith, L. E.
Broujos	George	Merry	Snyder, D. W.
Bunt	Gladock	Michlovic	Snyder, G. M.
Burd	Godshall	Micozzie	Spitz
Burns	Greenwood	Miller	Stairs
Caltagirone	Grieco	Miscevich	Steighner
Cappabianca	Gruitza	Moehlmann	Stewart
Carn	Gruppo	Morris	Stuban
Cawley	Haluska	Mrkonic	Swift
Cessar	Harper	Nahill	Taylor, E. Z.
Cimini	Hasay	Noye	Taylor, F. E.
Civera	Hayes	O'Brien	Telek
Clark	Herman	O'Donnell	Tigue
Clymer	Hershey	Olasz	Trello
Cohen	Honaman	Oliver	Truman
Colafella	Hutchinson	Perzel	Van Horne
Cole	Itkin	Peterson	Vroon
Cordisco	Jackson	Petrarca	Wachob
Cornell	Jarolin	Petrone	Wambach
Coslett	Johnson	Phillips	Wargo
Cowell	Kasunic	Piccola	Wass
Coy	Kennedy	Pievsky	Wiggins
Deluca	Klingaman	Pistella	Wilson
DeVerter	Kosinski	Pitts	Wogan
DeWeese	Kowalyshyn	Pott	Wozniak
Daley	Kukovich	Preston	Wright, D. R.
Davies	Lashingier	Punt	Wright, J. L.
Deal	Laughlin	Rappaport	Wright, R. C.
Dietz	Lehr	Reber	Zwinkl
Dombrowski	Lescovitz	Reinard	
Donatucci	Letterman	Richardson	Irvis,
Dorr	Levi	Rieger	Speaker
Duffy	Levin		

NAYS—0

NOT VOTING—2

McIntyre Mowery

EXCUSED—13

Dawida	Hoeffel	Pratt	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty			

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

On the question recurring,

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

Mr. BOOK offered the following amendments No. A3906:

Amend Title, page 1, line 15, by inserting after "applicants;" further providing for exemptions from licensing;

Amend Sec. 5, page 7, line 3, by striking out "Section 6" and inserting

Sections 6 and 8(5)

Amend Sec. 5, page 7, line 4, by striking out "is" and inserting

are

Amend Bill, page 8, by inserting after line 30

Section 8. Exemption from Licensure and Registration.—

This act shall not be construed to require licensure and registration in the following cases:

\*\*\*

(5) The practice of landscape architecture by officers and employes of the United States Government, [the State or its political subdivisions] so long as the services are rendered within the scope of government employment;

\*\*\*

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

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

Mr. BOOK. Thank you, Mr. Speaker.

What my amendment will do is it will require landscape architects who are employed by the State to be licensed and regulated. As of right now, that has been an exclusion in the law. State employees are not empowered to be licensed or regulated. What this will do is this will allow these people, architects, to be licensed and regulated under the law.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. McMONAGIE. Mr. Speaker, we have a lot of landscape architects now working for city, municipal, and State Government, and if we are going to have to license them, we are going to have to go through a whole process of getting qualified people. I think it should be the way it is now, that they be exempt. I would oppose this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Book amendment, the Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

I, too, oppose the amendment. Members ought to be aware of the fact that the Legislative Budget and Finance Committee proposed a partial deregulation of landscape architects. This bill proposes to continue them with regulation.

This amendment, rather than doing what the Legislative Budget and Finance Committee suggests, actually goes in the opposite direction by extending regulation to additional people. It seems to me that State Government is capable of hiring those people to do that kind of work who are qualified. We do not need to license them, and I would urge a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

On the Book amendment, the Chair recognizes the gentleman from Allegheny, Mr. Duffy.

Mr. DUFFY. Thank you, Mr. Speaker.

I oppose this amendment. I think that right now within the scope of their duties, they are promoted to perform, and I would let it stay that way. So I oppose this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. DORR. Mr. Speaker, I support the Book amendment. The amendment simply asks that people who are practicing this profession be registered and licensed even though they may be doing that for the State Government. We ask them to do that if they are employed in the private sector, whether that is on their own or whether it is with major corporations or whatever it may be. I see no reason, no justification at all, that we should exempt people employed by government from this kind of licensing and regulation.

If we are going to license—and as the gentleman, Mr. Lloyd, correctly points out, there are people who believe we should not be licensing this profession—but if we are going to do it, then we ought to require that everybody who practices the profession be regulated and licensed. It is only logical, in my view, and I support the amendment.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—92

Alderette	Fargo	Levi	Robbins
Armstrong	Fischer	McClatchy	Ryan
Arty	Flick	McVerry	Salvatore
Belardi	Foster, W. W.	Mackowski	Saurman
Belfanti	Foster, Jr., A.	Madigan	Scheetz
Book	Freind	Manmiller	Schuler
Bowser	Gallen	Markosek	Semmel
Boyes	Gannon	Merry	Serafini
Brandt	Geist	Micozzie	Sirianni
Bunt	Gladeck	Miller	Smith, B.
Burd	Godshall	Mowery	Smith, L. E.
Burns	Greenwood	Nahill	Snyder, D. W.
Cessar	Grieco	Noye	Snyder, G. M.
Cimini	Gruppo	O'Brien	Spitz
Civera	Hayes	Perzel	Stairs
Clymer	Herman	Peterson	Swift
Cornell	Hershey	Phillips	Taylor, E. Z.
Coslett	Honaman	Piccola	Telek
DeVerter	Johnson	Pott	Vroon
Davies	Kennedy	Punt	Wilson
Dietz	Klingaman	Rappaport	Wogan
Dorr	Lashingier	Reber	Wright, J. L.
Durham	Lehr	Reinard	Wright, R. C.

NAYS—97

Afflerbach	Duffy	Livengood	Rudy
Angstadt	Fattah	Lloyd	Rybak
Baldwin	Fee	Lucyk	Saloom
Barber	Freeman	McCall	Seventy
Battisto	Fryer	McHale	Showers
Beloff	Gallagher	McIntyre	Steighner
Blaum	Gamble	McMonagle	Stewart
Broujos	George	Maiala	Stuban
Caltagirone	Gruitza	Manderino	Taylor, F. E.
Cappabianca	Haluska	Mayernik	Tigue
Carn	Harper	Michlovic	Trello
Cawley	Hasay	Miscevich	Truman
Clark	Hutchinson	Moehmann	Van Horne
Cohen	Itkin	Morris	Wachob
Cotafella	Jackson	Mrkonic	Wambach
Cole	Jarolin	O'Donnell	Wargo
Cordisco	Kasunic	Olasz	Wass
Cowell	Kosinski	Oliver	Wiggins
Coy	Kowalshyn	Petrarca	Wozniak
Deluca	Kukovich	Petrone	Wright, D. R.
DeWeese	Laughlin	Pievsky	Zwinkl
Daley	Lescovitz	Pistella	
Deal	Letterman	Pitts	Irvis,
Dombrowski	Levin	Preston	Speaker
Donatucci	Linton	Rieger	

NOT VOTING—1

Richardson

EXCUSED—13

Dawida	Hoeffel	Pratt	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty			

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

On the question recurring,

Will the House agree to the bill on third consideration 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—185

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

NAYS—4

Blaum	Hasay	Lloyd	Tigue
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NOT VOTING—1

Haluska

EXCUSED—13

Dawida	Hoefel	Pratt	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty			

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

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, may I be recorded in the affirmative on HB 1565?

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

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin, for purposes of announcing a Democratic caucus.

Mr. ITKIN. Mr. Speaker, the Democrats will assemble in the majority caucus room at 1 o'clock, and we will need about a half an hour. So I suggest that we report back to the floor at 1:30.

The SPEAKER. Democratic caucus called for 1 o'clock.

TRANSPORTATION COMMITTEE MEETING

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

Mr. HUTCHINSON. Mr. Speaker, I would like to call a meeting of the Transportation Committee off the floor of the House in the rear as soon as we recess for lunch.

The SPEAKER. Transportation Committee meeting at the rear of the hall of the House as soon as we are declared in recess.

REPUBLICAN CAUCUS

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

Mr. NOYE. Thank you, Mr. Speaker.

The Republicans will caucus at 1 o'clock in our caucus room. We will make every effort to keep it to a half an hour, but there is one other bill that I have just been informed you would like to run this afternoon that we have not touched on. So we will try to wrap it up by 1:30.

The SPEAKER. Republican caucus at 1 o'clock; Democratic caucus at 1 o'clock.

We shall be taking up, when we return to the floor, the bank shares bill. That will be the first bill taken up on the agenda when we return from lunch.

**RECESS**

The SPEAKER. This House stands in recess until 1:30.

**RECESS EXTENDED**

The time of recess was extended until 1:45 p.m.

**AFTER RECESS**

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

**CALENDAR CONTINUED****BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1244, PN 1701**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting certain sun screening devices on windshields and windows of motor vehicles.

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

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 1244, PN 1701, be placed on the tabled calendar.

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

**BILL REMOVED FROM TABLE**

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

Mr. DONATUCCI. Mr. Speaker, I move that HB 1244, PN 1701, be removed from the tabled calendar and placed on the active calendar.

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

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

**HB 598, PN 2175** (Amended)

By Rep. TRELLO

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), increasing the rate of taxation on certain insurance companies doing business in Pennsylvania; and providing for the distribution of the increased tax revenues.

FINANCE.

**HB 1566, PN 2176** (Amended)

By Rep. TRELLO

An Act providing for the licensing of clubs to conduct games of chance; providing for suspensions and revocations of licenses; providing for fees and appropriations; requiring records; providing for local referendum on gambling by electorate; and prescribing penalties.

FINANCE.

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 58 be removed from the tabled calendar and placed on the active calendar.

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

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 1662 be lifted from the tabled calendar and placed on the active calendar.

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

**BILLS REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 347 and HB 980 be removed from the tabled calendar.

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

**BILLS TABLED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 347 and HB 980 be returned to the tabled calendar.

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

**BILL REREPORTED FROM COMMITTEE**

**HB 1454, PN 2079**

By Rep. HUTCHINSON

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

TRANSPORTATION.

**LEAVE OF ABSENCE GRANTED**

The SPEAKER. The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, I request leave for the gentleman from Philadelphia, Mr. RAPPAPORT, for the remainder of the day.

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

### ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt of the following list of additions and deletions of sponsorships of bills submitted by the majority leader.

#### ADDITIONS:

HR 135, Deal; HR 143, Petrone, Fischer; HB 6, Rudy; HB 382, Gruitza, D. R. Wright; HB 484, Coy; HB 635, Book; HB 636, Book; HB 637, Book; HB 641, Burns; HB 728, Broujos; HB 1131, Cowell; HB 1232, Petrone; HB 1289, Coy; HB 1310, Flick; HB 1368, Markosek; HB 1398, Book; HB 1450, Semmel, Pott, Hershey, Steighner, Hasay; HB 1518, Seventy; HB 1536, D. W. Snyder; HB 1545, Deal; HB 1556, Flick; HB 1572, Deal; HB 1573, Deal; HB 1584, Broujos; HB 1590, Fischer; HB 1632, Angstadt; HB 1635, Fischer, Telek; HB 1636, Fischer, Michlovic, Preston, Salvatore; HB 1639, Linton, Johnson, Clymer, Harper; HB 1640, Clymer, Harper, Johnson; HB 1642, E. Z. Taylor, Civera, Fischer, Kosinski, Colafella, Zwinkl, Micozzie, Hasay, Pratt, Petrone, Pistella, Wargo, Godshall, Noye, Lashinger; HB 1647, Deal, Semmel; HB 1659, Fischer; HB 1665, Fischer, Steighner, Petrone, Rybak, McVerry, Godshall, Semmel, Phillips, Saloom, Wozniak, Belfanti, Johnson, Linton, Perzel, Salvatore, Preston, McIntyre; HB 1672, Baldwin.

#### DELETIONS:

HB 1187, Cimini; HB 1608, Vroon.

### LETTER SUBMITTED FOR THE RECORD

#### REMARKS ON VOTE

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

Mr. PERZEL. Mr. Speaker, I would just like to submit several remarks for the record.

The SPEAKER. If the gentleman will send the remarks to the clerk, the remarks will be submitted for the record.

Mr. PERZEL submitted the following letter for the Legislative Journal:

House of Representatives  
Commonwealth of Pennsylvania  
Harrisburg

November 16, 1983

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

Dear Mr. Speaker:

It has come to my attention that on October 4, 1983, on amendment A1148 (submitted by Representative Noye) to House

Bill 491, I was inadvertently recorded in the positive and would like the record to show that I should have been recorded in the negative.

Representative John M. Perzel

### WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House students from Bishop Hoban High School, Wilkes-Barre. They are the guests of Representative Kevin Blaum, who taught at Bishop Hoban High School for 5 years before coming to the legislature.

### BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 302, PN 1478**, entitled:

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, a franchise tax as 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.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

Mr. CLYMER. Point of order, Mr. Speaker.

The SPEAKER. What is the gentleman's point of order?

Mr. CLYMER. Mr. Speaker, the Republican Caucus just walked into the chamber as the bill was being posted on the board. Could you tell us what bill we are now voting upon?

The SPEAKER. Yes; I will repeat it again. SB 302, PN 1478. The Chair asked the question, shall the bill pass finally, and waited for debate and there was no debate offered.

On final passage, the Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, I just want to make a few comments about the passage of this bill. Nothing really has changed. We are coming in here in 5 minutes and we are supposedly solving a \$450-million to \$500-million problem, and I submit to you that all we are going to do is make it worse.

There are some serious questions about this legislation. For one thing, when the Dale National court decision came down, it was agreed by the bankers and the Department of Revenue that there would be no penalty and there would be no wind-fall. Everyone would wash out and that would be that. But

here we are changing the ground rules. Different banks are going to be affected differently than they paid—some will get a refund; some will not—and there will probably be many court decisions in the future.

Now, the one thing that bothers me is that this tax goes back to January 1, 1983, so there is going to be some difference there. The other thing is that in all probability the Feds, because of the Federal tax law, say that if you get a refund in 1983, you got it. Whether you got it or not, you have to pay the tax on it, which means that about \$150 million of Pennsylvania money is going to go to the IRS (Internal Revenue Service) just in 1 year.

I do not see what the hurry is. I do not see why we are rushing this thing all out. I think there is time for the legislators to have a hand in what is going on. I believe there is a resolution to the problem if we had some input in it. A few of the leaders and the Department of Revenue did all the work, and it has been publicized that this is a PBA (Pennsylvania Bankers Association) bill. It absolutely is not a PBA bill. It was done with the Secretary of Revenue and a few leaders, and we really have not had anything to say about it. But here we are, in 5 minutes we are going to solve the problem, and I submit to you that we are only going to agitate the problem. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, I rise to oppose the bill on the grounds of the reason I opposed a bill a couple weeks ago. Once again I remind you that you were not sent down here by your constituents to ram things through at the last minute so that everybody could go home and have a vacation. And here we go again.

Three weeks ago we rammed something through that no one knew anything about, and here we go again. Last night this bill was not available. At 10:30 last night I was told that the bill as it came from the Reference Bureau was full of mistakes. At 11:30 this morning the bill was not available. Now here we go ramming it through again.

**MOTION TO TABLE**

Miss SIRIANNI. I move, Mr. Speaker, that we table this bill until we come back. I move that we recommit it until we come back and do what we are supposed to do for our constituents.

The SPEAKER. It is moved by the lady, Miss Sirianni, that SB 302, PN 1478, be placed upon the table.

On the question,

Will the House agree to the motion?

The SPEAKER. Does the majority leader wish to be recognized?

Mr. MANDERINO. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the tabling of the bill until we come back will, by its very essence, entail a delay that

will cause this Commonwealth to be unable to make school district payments in December.

Presently, the moneys that have to be paid to the various subsidies across the Commonwealth must be borrowed at the beginning of the fiscal year on tax anticipation notes, which take about a minimum of 4 weeks to process, Mr. Speaker. The reason for the haste on this bill and the reason for moving as quickly as we can is so that we will not, we will not, if we can if at all possible, delay the payments to the school districts on the 15th of December.

The last payment that was made to the school districts was made by borrowing from other funds in the Commonwealth, from the Lottery Fund, by delaying provider payments, and, Mr. Speaker, we cannot go through another round of that; it would be impossible to do that. Either we are going to be delaying school district payments or we are going to try to get this problem solved today.

Mr. Speaker, I ask for a vote against the tabling motion.

The SPEAKER. The Chair thanks the gentleman.

Miss SIRIANNI. Mr. Speaker?

The SPEAKER. The motion to lay on the table is not debatable. There is nothing before the House except the taking of the vote.

Miss SIRIANNI. Mr. Speaker?

The SPEAKER. The motion is not debatable.

Miss SIRIANNI. I do not want to debate.

The SPEAKER. You just want to speak.

Miss SIRIANNI. I would like to answer Mr. Manderino.

The SPEAKER. You may not do that, Miss Sirianni.

Miss SIRIANNI. I do not want to debate, Mr. Speaker.

The SPEAKER. You may not do that, Miss Sirianni.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—62**

Angstadt	Foster, Jr., A.	McVerry	Schuler
Armstrong	Freeman	Madigan	Semmel
Baldwin	Gallen	Manmiller	Showers
Bowser	Gladeck	Merry	Sirianni
Boyes	Godshall	Moehlmann	Smith, L. E.
Burd	Greenwood	Mowery	Snyder, D. W.
Caltagirone	Grieco	O'Brien	Snyder, G. M.
Cimini	Herman	Perzel	Spitz
Clymer	Hershey	Peterson	Stairs
Cole	Jackson	Phillips	Swift
Coslett	Kennedy	Piccola	Taylor, E. Z.
DeVertter	Lashingier	Reinard	Vroon
Dorr	Lehr	Robbins	Wilson
Durham	Levi	Salvatore	Wogan
Fargo	McCall	Scheetz	Wright, R. C.
Fischer	McHale		

**NAYS—125**

Afflerbach	Dombrowski	Levin	Reber
Alderette	Donatucci	Linton	Richardson
Arty	Duffy	Livengood	Rieger
Barber	Fattah	Lloyd	Rudy
Battisto	Fee	Lucyk	Ryan
Belardi	Flick	McClatchy	Rybak
Belfanti	Foster, W. W.	McIntyre	Saloom
Beloff	Freind	McMonagle	Saurman
Blaum	Fryer	Mackowski	Serafini
Book	Gallagher	Maiale	Seventy

Brandt	Gannon	Manderino	Smith, B.
Broujos	Geist	Markosek	Steighner
Bunt	George	Mayernik	Stewart
Burns	Gruitza	Michlovic	Stuban
Cappabianca	Gruppo	Micozzie	Taylor, F. E.
Carn	Haluska	Miller	Telek
Cawley	Harper	Miscevich	Tigue
Cessar	Hasay	Morris	Trello
Civera	Hayes	Mrkonic	Truman
Clark	Honaman	Nahilli	Van Horne
Cohen	Hutchinson	Noye	Wambach
Colafella	Itkin	O'Donnell	Wargo
Cordisco	Jarolin	Olasz	Wass
Cornell	Johnson	Oliver	Wiggins
Cowell	Kasunic	Petrarca	Wozniak
Coy	Klingaman	Petrone	Wright, D. R.
DeLuca	Kosinski	Pievsky	Wright, J. L.
DeWeese	Kowalshyn	Pistella	Zwicl
Daley	Kukovich	Pitts	
Davies	Laughlin	Pott	Irvis,
Deal	Lescovitz	Preston	Speaker
Dietz	Letterman	Punt	

NOT VOTING—2

Gamble Wachob

EXCUSED—14

Dawida	Hoeffel	Rappaport	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty	Pratt		

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

On the question recurring,  
Shall the bill pass finally?

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

Mr. GALLEN. Mr. Speaker, I would like to interrogate the majority leader.

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

Mr. GALLEN. Mr. Speaker, I think that many of us are a little bit, at the least, confused by this bill, and I think at the least we would like a little bit more time.

My question to the majority leader is, what is the problem with coming back here tomorrow or Monday in order to give this bill just a little bit more time so that we can really consider it? I do not know that people in other professions take a week off for Thanksgiving. I think we ought to be in next week and attend to this business. I would like to know the reason why we have to do this now as opposed to doing it tomorrow or Monday.

Mr. MANDERINO. Mr. Speaker, if I thought that anyone was going to understand what is being done any better tomorrow or Monday or any positions were going to change between now and Monday, I would say that there would be nothing wrong with that kind of a delay. But you are dealing with not only the House of Representatives, you are dealing with the Senate; you are dealing with the Governor's Office. I think everyone has agreed to handle this bill today, and I do not think that we unilaterally ought to change those plans.

Mr. GALLEN. Thank you, Mr. Speaker.

The majority leader indicates—it seemed to me—that we do not really know anything about this and we are not going to know any more tomorrow or Monday. I happen to agree with that analysis. I honestly am perplexed by this piece of legislation. I know the reason for it, and I know there is some urgency to it, but I honestly feel that the members of this House should have the opportunity to really become aware. There are conflicting figures all over the place as to how this will affect various entities in the Commonwealth, and I urge a negative vote now.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, I would like to suggest to Mr. Manderino that instead of holding the school districts hostage, we withhold our own pay raises and expense accounts and give the money to the school districts, if that is why it has to be rushed through.

I also would like to suggest to Mr. Manderino that there are people in this room who can understand bills other than himself. That was his reason the last time. He did not think anybody would understand it the next day anyway. What does he think we were sent down here for?

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I did not say that people did not understand the bill. I simply said that maybe too many of us understand the bill.

Mr. Speaker, the positions are not going to change. This is not Mr. Manderino's bill; this is not the bankers' bill; this is not the Governor's bill; this is not the Senate's bill, but it is a bill that all those entities, except for the bankers, have agreed is our best chance to solve the problem that is before us. I am willing to discuss the bill and I am willing to discuss the matter of Mr. Smith's objections to the bill. Perhaps it would be good for the members. I am sure it was discussed in caucus, but a quick review, perhaps, of what we are doing today.

Everyone is aware that presently in the State of Pennsylvania there is no valid tax on banks. The bank tax in the Commonwealth of Pennsylvania that has been in effect for many, many years has been struck down by the courts. The courts, in the particular case that was before the court that struck down the tax, ordered a refund of the taxes that were paid by that particular bank for 10 years.

Mr. Speaker, this bill is in two parts. Part of this bill speaks to an attempt to recoup for the Commonwealth of Pennsylvania those moneys that would be returned to the bank if moneys were returned to the bank in the form of a refund proportionate to the Federal securities that those banks had counted in their net worth when their tax was calculated. That amounts to some \$50 million or \$60 million that this bill attempts to recoup by placing a surtax on the banks in a form that has been proposed by the Governor's Office. The bankers proposed that the same recoupment of \$50 million or \$60 million be made in such a manner that each bank would

pay in the recoupment tax exactly the dollar figure that that bank would receive in their refund. In order to accomplish what the bankers have asked for, we would have to place a different rate of tax on each and every bank, some 358 in the Commonwealth, and there is no one who has looked at that particular proposal who would agree that that could meet the uniformity clause of Pennsylvania's Constitution.

We went through that once before, Mr. Speaker. We had, several years ago, a PURTA (Public Utility Realty Tax Act) tax that was declared to be invalid by the courts, and 17 utilities came to the State and to the legislature and asked that we devise a tax that would recoup for the Commonwealth from each utility exactly the amount that the court case—it was the Mud Flats case, as I remember—exactly the amount of money that they would receive back as a refund. We did exactly what the utilities asked us to do, and a very short period of time later, every utility that asked us to do that was in court suggesting to the court that the tax was not uniform and violated the Constitution of Pennsylvania. That case is to be decided in January of this coming year, and there are many, many people who are looking at that case who say the utilities are entirely right. So to take what the bankers want, as Mr. Smith suggests, and impose that as the tax to recoup the money that we have lost because of the invalid tax would be, I am sure, violative of the uniformity clause and would end up exactly where this tax has ended up.

The second part of the proposal before us is, how do we tax the banks from here on in so that they pay their fair share of revenues to the Commonwealth as an entity doing business in the Commonwealth? And here SB 302 takes the proposals of the banks themselves for a new tax and enacts into law what the bankers have suggested be the manner in which they are taxed. Because what they have suggested, in the eyes of many, may or may not meet the guidelines set down by the Federal court in exempting Federal securities and invalidating property taxes—and it is a property tax we are enacting—we have guarded against failure in that event by imposing and drawing up in this piece of legislation an income tax that parallels, although it does not come under, the corporate net income tax. It is a tax structured to gain revenues from the banks based on their net income in the Commonwealth in the operating year. This tax, however, will never go into effect unless this legislature says it is to go into effect or unless the tax that the bankers have suggested is struck down as being invalid.

Now, it seems to me, Mr. Speaker, we are taking the most reasonable course of action in trying to recoup for the Commonwealth the moneys that the banks should have been paying over the years and may be entitled to in a refund and in structuring a new tax for the future. And I repeat, it is not my tax; it is not my proposal. It is a matter that has been discussed by all the caucuses; it has been discussed by the Governor's Office; it has been discussed by the Budget Secretary, and there is a consensus, although not unanimous, but a consensus of all those groups that this is our best way to solve the problem that is before us.

There is an urgency. We are unable to borrow money at the present time. We are unable to float tax anticipation notes. We are in a cash-flow problem unparalleled in Pennsylvania's history. I suggest that we get on with the business of SB 302 and vote in the affirmative.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. VROON. Mr. Speaker, I realize that we have a problem, but I think it has been overemphasized and overstated and I think the solution to the problem is most unfair.

If we come back here to this House and say we are going to give refunds and then we are going to enact the same kind of tax to equal the refund on an individual basis, we would say that is fair and I think everybody would say that is fair. We would have no problems at all. But because we are not giving this money back dollar for dollar to the banks who have received the refunds and may have to pay a lot more, this is unfair. This will very definitely generate a tremendous number of court cases.

I am just beginning to wonder, Mr. Speaker, if the people who are going to evaluate our tax anticipation notes are not going to know very well that this whole area of revenue is under a cloud, both the refunds and the substitute tax to gain the refunds back. I cannot help but feel that this is going to have a very decided effect on the validity and on the standing of the tax anticipation notes.

Finally, Mr. Speaker, I have to ask the question: If there is not any refund, then how can we have an obligation to tax? If this is a wash proposition—let us call it \$500 million in and \$500 million out—if we did not have the problem right now, we would have a proper opportunity to borrow on tax anticipation notes. Because this is a wash, the entire transaction need not be done now; it can be done later. Hence, there really is not any rush at all.

I am going to vote against this bill because we are doing something too much in a hurry and I think we are going to hurt people, and I am especially concerned about small bankers out there who are going to wind up with that hurt. So I urge a negative vote on this. We have another way to do it, and I think we ought to investigate it.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, I suspect that any comments many of us make today will fall on deaf ears, and perhaps it is futile in even attempting to make them. But I guess my concern about this type of legislation again emanates from the way we have begun to do many critical issues in this House of Representatives, and I do not need to elaborate on each and every one of those. I think what we are looking at is another situation where we have known now for several months, at least, that we were going to be faced with the problem, and I guess there are those who would argue that it has taken this long to work out those problems. But quite frankly, today my vote is going



to reflect my objection, really, with the manner in which these kinds of proposals are being handled.

You know, we are sent here with a very heavy responsibility, and least of all do I want to be one of those who is labeled as withholding money from education. I think Miss Sirianni was absolutely correct. If we are going to withhold money from anyone, then it ought to be within this chamber and the other chamber, as well as the executive branch, if that is what it takes to meet the obligations of our local school districts.

But I am here today to tell you that if we continue to operate this way, we are going to continue to pass bad law, we are going to continue to pass laws that the members are uninformed about, and we are going to do a disservice not just to the vested interests but to the 58,000-plus people whom each of us represent. I think it is about time we consider them in our deliberations here on the floor of this House. We were not sent here lightly, and the decisionmaking process is not an easy one. But you and I have far more to do than just make arbitrary decisions in a half-an-hour caucus that affects a half a billion dollars of revenue that is or is not to come into this Commonwealth.

I appreciate the majority leader's comments relative to trying to illuminate us a little bit on what the bill contains, but that is not the same as if that legislation had gone through the committee system where we at least can begin to digest what is taking place within that committee system. And, yes, there will be those saying that, yes, the Appropriations Committee did handle it. Yes, in about a 20-minute session last night, I understand, about 8 o'clock, at which time the amendment was inserted. To me that is absurd, and I think we have a far more responsible direction to take than the one we are proceeding in today.

Mr. Speaker, my vote, as I say, will reflect my dissatisfaction with that kind of procedure. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Lancaster, Mr. Armstrong.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

May I interrogate Mr. Manderino for one question, sir?

The SPEAKER. The gentleman, Mr. Manderino, indicates he will stand for interrogation. The gentleman, Mr. Armstrong, is in order—

Mr. MANDERINO. You can interrogate Mr. Ryan or Mr. Hayes; they were at all the meetings that I was at.

Mr. ARMSTRONG. Okay. Whoever would answer this question, I would appreciate it.

The SPEAKER. Will the gentleman, Mr. Manderino, stand for interrogation?

Mr. MANDERINO. Only if he insists, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Armstrong, insist?

Mr. ARMSTRONG. Well, I do not insist, but I would just like an answer for my own—

The SPEAKER. The gentleman may make a statement, if he wishes, on this.

Mr. ARMSTRONG. The smaller banks are more conservatively run, and they do not get too much into the area of industrial development loans that are tax free, and as a result, they probably buy more Federal securities, Treasury bonds, Treasury notes, et cetera. In this bill, if it is enacted, will they pay more in taxes or will they pay less in taxes than the bigger banks which have a lot of tax refunds?

Mr. MANDERINO. Mr. Speaker, my understanding is that the estimated amount of the refunds and the estimated revenues that will be received from all of the banks in Pennsylvania, this bill was designed to make those two the same. When we asked questions of the administration on how individual banks would be affected, we, of course, ran into the problem of confidentiality of information in the Revenue Department. We were assured that in the checking that had been done by the Revenue Department, there were no very, very large discrepancies; there did not appear in the check that was done to be any bank that was being grossly treated in the adverse column. There was at least one large bank that was being treated adversely. To the best of my knowledge, the discussions did not indicate any of the smaller banks were treated with gross unfairness.

I cannot vouch for the accuracy of that statement that I make. I am taking what was told to me by the Budget Secretary, Mr. Bittenbender, and by the people who met with the leaders, Mr. Scheiner, who was meeting on behalf of, I guess, the Office of Administration, and that is the best answer I can give you.

Mr. ARMSTRONG. All right. Thank you, Mr. Speaker.

Can I make a statement on the bill?

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

Mr. ARMSTRONG. It just happened so quickly, I think we had just better stand back and make some calls to some of our banks and see what they think. I personally have called a couple of banks, and they do not know anything about it. They have no idea what is going on. Their lobbyists have not even gotten in touch with them yet. So I think some of us from the more rural areas had better contact some of our banks and see how they are affected versus some of the bigger banks. I just feel it is such a rush job, not to say that the banks will not be in favor of it or we will not vote for it, but it is so quick I do not think any of us really understand it entirely. I know I do not. So based on that, I am going to vote "no," and hopefully we can stand back and regroup and analyze them more thoroughly. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. DeWEESE. Mr. Speaker, I would like to query the gentleman from Blair, Mr. Hayes.

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

Mr. DeWEESE. There are several of us on this side of the aisle, sir, who would like to be the beneficiaries of your per-

spective regarding this measure. Would you please enlighten us?

Mr. HAYES. I believe that the explanation that has been given to date is proper and correct as to how SB 302 in its amended form came about. This bill has not been written across the street by the Pennsylvania Bankers Association. They do have a point of view, but their point of view has not been accepted in its totality in the current amended form. There have been various viewpoints blended into this legislation.

I think it is unfortunate that we even find ourselves here today, yesterday, or tomorrow, but an action was brought by a financial institution of this Commonwealth, and the court has ruled that changes have to be made in the law, but this legislation, be it perfect or not so perfect, is the result of several conversations participated in by various people - the executive branch, the legislative branch, and those persons who are concerned about how impositions come to bear on various groups of people—in this case, the financial institutions. But I think that the observation by the majority leader is correct. This is not a one-person bill or an executive branch bill or a PBA bill or whatever else people are talking about here this afternoon. It is a fusion of many viewpoints.

Mr. DeWEESE. Would the gentleman from Blair insist that this measure be dealt with today?

Mr. HAYES. I believe that there is an imperative to address this issue, and the issue is before us today, and I do not believe that we should go away today just because it would be more comfortable to do so. We do have a cash-flow problem; we do have pending school subsidy payments to be made; and believe it or not, you just do not sit down and write those out of a checkbook. There is a tremendous amount of time involved in sending out those tens of millions of dollars, and there is no doubt that there is a pending school subsidy crisis on the horizon, which is equally as important as anything that we are considering in SB 302 as amended. It is a very real problem, and it is a matter that we should not look at abstractly or act as though it does not exist. And we also have the credit of the Commonwealth involved with regard to tax anticipation notes. These are very real problems. They have been articulated by others such as the majority leader, and they are not incorrect in their perspective.

Mr. DeWEESE. Thank you.

Mr. Speaker, I would also like to ask one brief question of the minority Policy Committee chairman, Mr. Brandt.

The SPEAKER. Will the gentleman, Mr. Brandt, stand for interrogation? Does the gentleman indicate he will so stand?

Mr. BRANDT. No, Mr. Speaker.

The SPEAKER. The gentleman indicates he will not be interrogated.

Mr. DeWEESE. Then I would like to make a statement.

The SPEAKER. The gentleman, Mr. DeWeese, is in order and may proceed.

Mr. DeWEESE. I am under the impression that Mr. Brandt and other leaders on the Republican side were actively engaged in forging this initiative, and I think that it is unfor-

tunate that we are not going to be able to understand and learn about Mr. Brandt's involvement and his perspective. Thank you very much.

The SPEAKER. The Chair recognizes, for the second time, the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, I just want to make this observation: In the time that I have been here, I have seen many times when we have been a few weeks late on our school subsidy payments and nothing really happened. Those people, if they are in dire circumstances, can go to a bank at home and get money cheaper than we can here at the State level. So nothing is really going to happen if the school districts do not get paid. I do not want to see that happen, but I think it is important enough that we could take that chance with this legislation.

The SPEAKER. The Chair thanks the gentleman.

For the second time on final passage, the Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, I would like to make the observation that if we knew before this minute that the school districts needed the money, why did we wait this long?

The SPEAKER. The Chair thanks the lady.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—104

Arty	Fattah	McHale	Richardson
Barber	Fee	McIntyre	Rieger
Battisto	Foster, W. W.	Mackowski	Ryan
Belfanti	Freeman	Maiale	Rybak
Beloff	Freind	Manderino	Saloom
Blaum	Fryer	Markosek	Saurman
Book	Gallagher	Mayernik	Seventy
Brandt	Gamble	Michlovic	Smith, B.
Broujos	George	Miller	Steighner
Bunt	Gruitza	Miscevich	Taylor, F. E.
Burns	Gruppo	Moehlimann	Telek
Cappabianca	Harper	Morris	Tigue
Carn	Hayes	Mrkonic	Trello
Cessar	Honaman	Nahill	Truman
Civera	Itkin	Noye	Van Horne
Clark	Jackson	O'Donnell	Wachob
Cohen	Jarolin	Olasz	Wambach
Cordisco	Johnson	Oliver	Wass
Cornell	Kasunic	Petrone	Wiggins
Coslett	Klingaman	Piccola	Wilson
Cowell	Kosinski	Pievsky	Wright, D. R.
Deluca	Kowalyshyn	Pistella	Wright, R. C.
Daley	Kukovich	Pitts	Zwickl
Davies	Laughlin	Pott	
Deal	Levin	Preston	Irvis,
Dombrowski	Linton	Reber	Speaker
Donatucci	McClatchy		

NAYS—83

Afflerbach	Durham	Letterman	Salvatore
Alderette	Fargo	Levi	Scheetz
Angstadt	Fischer	Livengood	Schuler
Armstrong	Flick	Lloyd	Semmel
Baldwin	Foster, Jr., A.	Lucyk	Serafini
Belardi	Gallen	McCall	Showers
Bowser	Gannon	McMonagle	Smith, L. E.
Boyes	Geist	McVerry	Snyder, D. W.
Burd	Gladeck	Madigan	Snyder, G. M.
Caltagirone	Godshall	Manmiller	Spitz

Cawley	Greenwood	Merry	Stairs
Cimini	Grieco	Mowery	Stewart
Clymer	Haluska	O'Brien	Stuban
Colafranca	Hasay	Perzel	Swift
Cole	Herman	Peterson	Taylor, E. Z.
Coy	Hershey	Petrarca	Vroon
DeVerter	Hutchinson	Phillips	Wargo
DeWeese	Kennedy	Punt	Wogan
Dietz	Lashinger	Reinard	Wozniak
Dorr	Lehr	Robbins	Wright, J. L.
Duffy	Lescovitz	Rudy	

NOT VOTING—2

Micozzie	Sirianni
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EXCUSED—14

Dawida	Hoeffel	Rappaport	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty	Pratt		

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

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

\* \* \*

The House proceeded to third consideration of **SB 950, PN 1418**, entitled:

An Act amending the act of December 14, 1982 (P. L. 1227, No. 281), entitled "Architects Licensure Law," providing for the reestablishment and continuation of the Architects Licensure Board; further providing for membership on the board; providing for review of the board; further providing for meetings of the board; and making editorial changes.

On the question,

Will the House agree to the bill on third consideration?

Mr. McMONAGLE offered the following amendments No. A3876:

Amend Sec. 1 (Sec. 4), page 1, line 19, by inserting after "Affairs,"

the Director of the Bureau of Consumer Protection in the Office of Attorney General, or his designee,

Amend Sec. 1 (Sec. 4), page 2, line 4, by inserting after "Each"

professional and public

Amend Sec. 1 (Sec. 4), page 3, by inserting between lines 8 and 9

(g) Five members of the board shall constitute a quorum.

On the question,

Will the House agree to the amendments?

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

Mr. McMONAGLE. Mr. Speaker, this is the same as the amendment we offered in this morning's sunset bill. All it does is add another member to the board, the same as before.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—170

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

NAYS—11

Boyes	Herman	Noye	Smith, B.
Dorr	Jackson	Phillips	Stuban
Fargo	Moehlmann	Scheetz	

NOT VOTING—8

Bowser	Merry	Nahill	Saurman
Bunt	Mowery	Reber	Swift

EXCUSED—14

Dawida	Hoeffel	Rappaport	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty	Pratt		

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

On the question,

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

Mr. LLOYD offered the following amendments No. A3880:

Amend Title, page 1, line 9, by inserting after "board"  
 , per diem for members and civil penalties  
 Amend Sec. 1 (Sec. 4), page 2, line 13, by inserting after  
 "expire"

but not longer than six months beyond the expiration of such term. In the event that any of said members shall die or resign during his term of office, his successor shall be appointed in the same way and with the same qualifications as above set forth and shall hold office for the unexpired term

Amend Sec. 1 (Sec. 4), page 2, line 13, by inserting a bracket before "When"

Amend Sec. 1 (Sec. 4), page 2, line 13, by striking out "their"

Amend Sec. 1 (Sec. 4), page 2, line 14, by striking out the bracket before "of"

Amend Sec. 1 (Sec. 4), page 2, line 14, by striking out the bracket after "members"

Amend Sec. 1 (Sec. 4), page 2, line 22, by inserting a bracket after "qualified."

Amend Sec. 1 (Sec. 4), page 2, line 23, by inserting a bracket before "Vacancies"

Amend Sec. 1 (Sec. 4), page 2, line 25, by inserting a bracket after "term."

Amend Sec. 1 (Sec. 4), page 3, line 1, by striking out "be subject to removal and the"

Amend Sec. 1 (Sec. 4), page 3, line 2, by inserting a bracket before "Governor"

Amend Sec. 1 (Sec. 4), page 3, line 4, by inserting after "officials."

] forfeit his seat unless the Commissioner of Professional and Occupational Affairs, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of an immediate family member.

Amend Sec. 2, page 3, line 9, by inserting after "(a)"  
 and (d)

Amend Sec. 2, page 3, line 9, by striking out "is" and inserting  
 are

Amend Sec. 2, page 3, lines 9 and 10, by striking out "and a subsection is added"

Amend Sec. 2 (Sec. 5), page 3, lines 23 and 24, by striking out all of said lines and inserting

(d) [Each member of the board, except the Commissioner of Professional and Occupational Affairs, shall be entitled to receive a per diem in an amount to be determined biennially by the commissioner consistent with fees paid such boards. In addition to the above per diem allowance, each member shall be reimbursed for all reasonable traveling, lodging and other necessary expenses incurred in the performance of duties under this act.] Each professional and public member of the board shall be paid traveling and other necessary expenses and per diem compensation at the rate of sixty dollars (\$60) for each day of actual service while on board business.

Amend Sec. 3 (Sec. 7), page 4, by inserting between lines 29 and 30

(e) The board shall submit annually a report to the Professional Licensure Committee of the House of Representatives and to the Consumer Protection and Professional Licensure Committee of the Senate a description of the types of complaints received, status of cases, board action which has been taken and the length of time from the initial complaint to final board resolution.

Amend Bill, page 6, by inserting between lines 13 and 14

Section 4. Sections 19 and 20 of the act are amended by adding subsections to read:

Section 19. Disciplinary proceedings.

\*\*\*

(c) Unless ordered to do so by a court, the board shall not reinstate the certificate of a person to practice as an architect

which has been revoked, and such person shall be required to apply for a certificate after a period of five years in accordance with section 8 if he desires to practice at any time after such revocation.

Section 20. Penalties.

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(d) In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by law, or by a vote of the majority of the duly qualified and confirmed membership or a minimum of four members, whichever is greater, may levy a civil penalty of up to \$1,000 on any current licensee who violates any provision of this act or on any person who practices the profession of an architect without being properly licensed to do so under this act. The board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

(e) All fines and civil penalties imposed in accordance with this section shall be paid into the Professional Licensure Augmentation Account.

Amend Sec. 4, page 6, line 14, by striking out "4" and inserting

5

Amend Sec. 5, page 6, line 19, by striking out "5" and inserting

6

Amend Bill, page 6, by inserting between lines 21 and 22

Section 7. All other acts and parts of acts are repealed insofar as they are inconsistent with this act.

Amend Sec. 6, page 6, line 22, by striking out "6" and inserting

8

Amend Sec. 7, page 6, line 24, by striking out "7" and inserting

9

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

This is similar to the amendment we adopted this morning. It basically extends throughout this particular licensing board bill the same sunset provisions which we have already put in for the realtors, the C.P.A.'s, and the landscape architects. I ask for a "yes" vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—179

Afflerbach	Duffy	Levin	Richardson
Alderette	Durham	Linton	Rieger
Angstadt	Fee	Livengood	Rudy
Armstrong	Fischer	Lloyd	Ryan
Arty	Flick	Lucyk	Rybak
Baldwin	Foster, Jr., A.	McCall	Saloom
Barber	Freeman	McClatchy	Salvatore
Battisto	Freind	McHale	Schuler
Belardi	Fryer	McIntyre	Semmel
Bellanti	Gallagher	McMonagle	Serafini
Beloff	Gallen	McVerry	Seventy
Blaum	Gamble	Mackowski	Showers
Book	Gannon	Madigan	Sirianni
Bowser	Geist	Maiale	Smith, B.

Boyes	George	Manderino	Smith, L. E.
Brandt	Gladeck	Manmiller	Snyder, G. M.
Broujos	Godshall	Markosek	Spitz
Burd	Greenwood	Mayernik	Stairs
Burns	Grieco	Michlovic	Steighner
Caltagirone	Gruitza	Micozzie	Stewart
Cappabianca	Gruppo	Miller	Suban
Carn	Haluska	Miscevich	Swift
Cawley	Harper	Moehlmann	Taylor, E. Z.
Cessar	Hasay	Morris	Taylor, F. E.
Cimini	Hayes	Mowery	Telek
Civera	Herman	Mrkonic	Tigue
Clark	Hershey	Nahill	Trello
Clymer	Honaman	Noye	Truman
Cohen	Hutchinson	O'Brien	Van Horne
Colafrella	Itkin	O'Donnell	Vroon
Cole	Jackson	Olasz	Wachob
Cordisco	Jarolin	Oliver	Wambach
Cornell	Johnson	Perzel	Wargo
Coslett	Kasunic	Peterson	Wass
Cowell	Kennedy	Petrarca	Wiggins
Coy	Klingaman	Petrone	Wilson
DeLuca	Kosinski	Phillips	Wogan
DeVerter	Kowalyshyn	Piccola	Wozniak
DeWeese	Kukovich	Pievsky	Wright, D. R.
Daley	Lashinger	Pistella	Wright, J. L.
Davies	Laughlin	Pitts	Wright, R. C.
Deal	Lehr	Pott	Zwinkl
Dietz	Lescovitz	Preston	
Dombrowski	Letterman	Punt	Irvis,
Donatucci	Levi	Reinard	Speaker
Dorr			

NAYS—8

Bunt	Foster, W. W.	Reber	Saurman
Fargo	Merry	Robbins	Scheetz

NOT VOTING—2

Fattah	Snyder, D. W.
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EXCUSED—14

Dawida	Hoeffel	Rappaport	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty	Pratt		

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—187

Afflerbach	Durham	Levin	Rieger
Alderette	Fargo	Linton	Robbins
Angstadt	Fattah	Livengood	Rudy
Armstrong	Fee	Lloyd	Ryan
Arty	Fischer	Lucyk	Rybak
Baldwin	Flick	McCall	Saloom
Barber	Foster, W. W.	McClatchy	Saiatore
Battisto	Foster, Jr., A.	McHale	Saurman
Belardi	Freeman	McMonagle	Scheetz
Belfanti	Freind	McVerry	Schuler
Beloff	Fryer	Mackowski	Semmel
Blaum	Gallagher	Madigan	Serafini

Book	Gallen	Maiale	Seventy
Bowser	Gamble	Manderino	Showers
Boyes	Gannon	Manmiller	Sirianni
Brandt	Geist	Markosek	Smith, B.
Broujos	George	Mayernik	Smith, L. E.
Bunt	Gladeck	Merry	Smith, L. E.
Burd	Godshall	Michlovic	Snyder, D. W.
Burns	Greenwood	Micozzie	Snyder, G. M.
Caltagirone	Grieco	Miller	Spitz
Cappabianca	Gruitza	Miscevich	Stairs
Carn	Gruppo	Moehlmann	Steighner
Cawley	Haluska	Morris	Stewart
Cessar	Harper	Mowery	Suban
Cimini	Hasay	Mrkonic	Swift
Civera	Hayes	Nahill	Taylor, E. Z.
Clark	Herman	Noye	Taylor, F. E.
Clymer	Hershey	O'Brien	Telek
Cohen	Honaman	O'Donnell	Trello
Colafrella	Hutchinson	Olasz	Truman
Cole	Itkin	Oliver	Van Horne
Cordisco	Jackson	Perzel	Vroon
Cornell	Jarolin	Peterson	Wachob
Coslett	Johnson	Petrarca	Wambach
Cowell	Kasunic	Petrone	Wargo
Coy	Kennedy	Phillips	Wass
DeLuca	Klingaman	Piccola	Wiggins
DeVerter	Kosinski	Pievsky	Wilson
DeWeese	Kowalyshyn	Pistella	Wogan
Daley	Kukovich	Pitts	Wozniak
Davies	Lashinger	Pott	Wright, D. R.
Deal	Laughlin	Preston	Wright, J. L.
Dietz	Lehr	Punt	Wright, R. C.
Dombrowski	Lescovitz	Reber	Zwinkl
Donatucci	Letterman	Reinard	
Dorr	Levi	Richardson	Irvis,
Duffy			Speaker

NAYS—2

McIntyre	Tigue
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NOT VOTING—0

EXCUSED—14

Dawida	Hoeffel	Rappaport	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty	Pratt		

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

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

\* \* \*

The House proceeded to third consideration of **SB 966, PN 1419**, entitled:

An Act amending the act of May 23, 1945 (P. L. 913, No. 367), entitled, as amended, "Professional Engineers Registration Law," reestablishing the State Registration Board for Professional Engineers; and making a repeal.

On the question,

Will the House agree to the bill on third consideration?

Mr. McMONAGLE offered the following amendments No. A3878:

Amend Sec. 2 (Sec. 4.1), page 2, line 18, by inserting after "Affairs,"

the Director of the Bureau of Consumer Protection in the Office of Attorney General, or his designee,

Amend Sec. 2 (Sec. 4.1), page 2, line 18, by inserting after "members"

appointed by the Governor

Amend Sec. 2 (Sec. 4.1), page 2, line 19, by inserting after "members"

appointed by the Governor

Amend Sec. 2 (Sec. 4.1), page 3, line 4, by striking out "Four" and inserting

Five

Amend Sec. 2 (Sec. 4.1), page 3, line 9, by inserting after "Affairs"

and the Director of the Bureau of Consumer Protection in the Office of Attorney General, or his designee

On the question,

Will the House agree to the amendments?

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

Mr. McMONAGLE. Mr. Pistella told me to say something more original. This is the same amendment as all the other sunset amendments. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—178

Table listing names of members who voted 'YEAS' (178 total). Includes names like Afflerbach, Alderette, Angstadt, etc.

Table listing names of members who voted 'NAYS' (8 total). Includes names like Deluca, DeVerter, DeWeese, etc.

NAYS—8

Table listing names of members who did not vote (3 total). Includes names like Dorr, Fargo, etc.

NOT VOTING—3

Table listing names of members who were excused (14 total). Includes names like Lucyk, Merry, Stuban, etc.

EXCUSED—14

Table listing names of members who were excused (14 total). Includes names like Dawida, Dininni, Evans, etc.

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

On the question,

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

Mr. LLOYD offered the following amendments No. A3879:

Amend Sec. 1, page 1, line 21, by inserting after "4"

(i) and

Amend Sec. 1, page 1, line 23, by striking out "is" and inserting

are

Amend Sec. 1, page 1, line 23, by inserting after "amended" where it appears the second time

and the section is amended by adding a subsection

Amend Sec. 1 (Sec. 4), page 2, by inserting between lines 3 and 4

(i) Suspension and Revocation of Licenses; Registrations and Certificates; Reinstatements.—To suspend or revoke the license and registration of any professional engineer or professional land surveyor or the certificate of any engineer-in-training, who is found guilty by the board, by a majority vote of all its members, of the practice of any fraud, deceit or misrepresentation in obtaining his license, certification or registration, or of gross negligence, incompetency or misconduct in the practice of engineering, or in the practice of land surveying, or of violation of the code of ethics of the engineering profession, and to reinstate suspended licenses, registrations and certificates in any cases where a majority of all the members of the board shall determine the same to be just and proper. Unless ordered to do so by a court, the board shall not reinstate the license, certificate or registration of a person to practice as a professional engineer or professional land surveyor or an engineer-in-training which has been revoked, and such person shall be required to apply for a license, certificate or registration after a period of five years in accordance with section 2 if he desires to practice at any time after such revocation. Misconduct in the practice of engineering or land surveying shall include, but not be limited to conviction for a criminal offense such as extortion, bribery or fraud or entry of a plea of nolo contendere to a charge thereof for conduct relating to the practice of engineering or land surveying, or has violated any provision of this act or any regulation promulgated by the board. For the purposes of this subsection, the code of ethics is as follows:

It shall be considered unprofessional and inconsistent with honorable and dignified bearing for any professional engineer or professional land surveyor:

(1) To act for his client or employer in professional matters otherwise than as a faithful agent or trustee, or to accept any remuneration other than his stated recompense for services rendered.

(2) To attempt to injure falsely or maliciously, directly or indirectly, the professional reputation, prospects or business of anyone.

(3) To attempt to supplant another engineer or land surveyor after definite steps have been taken toward his employment.

(4) To compete with another engineer or land surveyor for employment by the use of unethical practices.

(5) To review the work of another engineer or land surveyor for the same client, except with the knowledge of such engineer or land surveyor, or unless the connection of such engineer or land surveyor with the work has terminated.

(6) To attempt to obtain or render technical services or assistance without fair and just compensation commensurate with the services rendered: Provided, however, the donation of such services to a civic, charitable, religious or eleemosynary organization shall not be deemed a violation.

(7) To advertise in self-laudatory language, or in any other manner, derogatory to the dignity of the profession.

(8) To attempt to practice in any field of engineering in which the registrant is not proficient.

(9) To use or permit the use of his professional seal on work over which he was not in responsible charge.

(10) To aid or abet any person in the practice of engineering or land surveying not in accordance with the provision of this act or prior laws.

The board shall appoint, with the approval of the Governor, such hearing examiners as shall be necessary to conduct hearings as may be required under this subsection.

The board shall have the power to adopt and promulgate rules and regulations setting forth the functions, powers, standards and duties to be followed by the hearing examiners.

The hearing examiners shall have the power to conduct hearings in accordance with the regulations of the board, and to issue subpoenas requiring the attendance and testimony of individuals or the production of, pertinent books, records, documents and papers by persons whom they believe to have information relevant to any matter pending before the examiner. Such examiner shall also have the power to administer oaths.

The hearing examiner shall hear evidence submitted and arguments of counsel, if any, with reasonable dispatch, and shall promptly record his decision, supported by findings of fact, and a copy thereof shall immediately be sent to the board and to counsel of record, or the parties, if not represented.

If application for review is made to the board within twenty days from the date of any decision made as a result of a hearing held by a hearing examiner, the board shall review the evidence, and if deemed advisable by the board, hear argument and additional evidence. As soon as practicable, the board shall make a decision and shall file the same with its finding of the facts on which it is based and send a copy thereof to each of the parties in dispute.

Amend Sec. 1 (Sec. 4), page 2, by inserting between lines 13 and 14

(o) Status of Complaints.—The board shall submit annually a report to the Professional Licensure Committee of the House of Representatives and to the Consumer Protection and Professional Licensure Committee of the Senate a description of the types of complaints received, status of cases, board action which has been taken and the length of time from the initial complaint to final board resolution.

Amend Sec. 2 (Sec. 4.1), page 2, lines 20 through 27, by striking out “and full corporate” in line 20, all of lines 21 through 24 and “Electrical Engineers” in line 25

Amend Sec. 2 (Sec. 4.1), page 2, lines 26 and 27, by striking out “be members of the same society” and inserting specialize in any one of the five major disciplines of engineering: civil, mining and metallurgical, mechanical, electrical and chemical

Amend Sec. 2 (Sec. 4.1), page 3, line 3, by removing the period after “years” and inserting , or until his successor has been appointed and qualified but not longer than six months beyond the six-year period. In the event that any of said members shall die or resign during his term, his successor shall be appointed in the same way and with the same qualifications and shall hold office for the unexpired term.

Amend Sec. 2 (Sec. 4.1), page 3, line 6, by inserting a period after “members”

Amend Sec. 2 (Sec. 4.1), page 3, lines 6 and 7, by striking out “and shall elect a secretary who need not be a member of the board.”

Amend Sec. 2 (Sec. 4.1), page 3, lines 9 and 10, by striking out “thirty dollars (\$30)” and inserting

sixty dollars

Amend Sec. 2 (Sec. 4.1), page 3, line 11, by removing the comma after “board” and inserting a period

Amend Sec. 2 (Sec. 4.1), page 3, lines 11 through 14, by striking out “and the secretary shall receive such reasonable” in line 11 and all of lines 12 through 14, and inserting

Members shall also receive the amount of reasonable traveling, hotel and other necessary expenses incurred in the performance of their duties.

Amend Sec. 2 (Sec. 4.1), page 3, line 20, by striking out “unexcused”

Amend Sec. 2 (Sec. 4.1), page 3, lines 20 through 22, by striking out “be subject to removal.” in line 20, all of lines 21 and 22 and inserting

forfeit his seat unless the Commissioner of Professional and Occupational Affairs, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of a family member.

Amend Sec. 3, page 3, line 23, by striking out “SECTION 9” and inserting

Sections 9 and 11

Amend Sec. 3, page 3, line 24, by striking out “IS” and inserting

are

Amend Bill, page 4, by inserting between lines 21 and 22

Section 11. Penalties.—(a) Whoever shall engage in the practice of engineering or the practice of land surveying without being licensed and registered as required by this act, or exempted therefrom, as provided in this act, or shall present or attempt to use, as his own, the license or certificate of registration of another, or shall give any false or forged evidence of any kind to the board, or to any member thereof, in order to obtain a license or registration as a professional engineer or professional land surveyor or a certificate as an engineer-in-training, or shall use any expired, suspended or revoked certificate of registration, or shall otherwise violate the provisions of this act, shall be guilty of a summary offense and upon conviction thereof for a first offense, shall be sentenced to pay a fine not exceeding five hundred dollars, or suffer imprisonment, not exceeding three months, or both and for a second or subsequent offense shall be guilty of a felony, and upon conviction thereof, shall be sentenced to pay a fine of not less than two thousand dollars but not more than five thousand dollars or to imprisonment for not less than one year but not more than two years, or both.

(b) In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by law, or by a vote of the majority of the duly qualified and confirmed membership or a minimum of four members,

whichever is greater, may levy a civil penalty of up to one thousand dollars on any current licensee who violates any provision of this act or on any person who practices the profession of an engineer without being properly licensed to do so under this act. The board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

(c) All fines and civil penalties imposed in accordance with this section shall be paid into the Professional Licensure Augmentation Account.

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

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

This once again is an amendment worked out on both sides of the aisle to extend the same sunset provisions to all the licensing boards, similar to the other two we passed before today. I ask for a "yes" vote.

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

The following roll call was recorded:

YEAS—188

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

Dombrowski	Letterman	Reinard	
Donatucci	Levi	Richardson	Irvis,
Dorr	Levin	Rieger	Speaker
Duffy	Linton		

NAYS—0  
NOT VOTING—1

Harper

EXCUSED—14

Dawida	Hoefel	Rappaport	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty	Pratt		

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

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

Mr. DORR offered the following amendments No. A3892:

Amend Title, page 1, line 15, by inserting after "Engineers;" providing for certain land surveyors;

Amend Sec. 3, page 3, line 23, by striking out "SECTION 9" and inserting

Sections 9 and 10

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

are

Amend Bill, page 4, by inserting between lines 21 and 22

Section 10. Status of Existing Licensees and Registrants Preserved.—Any person, licensed or legally authorized to practice as a professional engineer or surveyor in this Commonwealth at the time this act takes effect, shall thereafter continue to possess the same rights and privileges with respect to the practice of engineering or land surveying without being required to be licensed anew under the provisions of this act, subject, however, to the following:

(a) Any person licensed to practice as a professional engineer at the time of the effective date of this act, upon application to the board within two years of the effective date of this act, shall be granted a certificate of registration to practice land surveying.

(a.1) Any person licensed to practice as a professional engineer limited to the practice of surveying at the time of the effective date of this act may continue the practice of land surveying thereunder and upon application to the board at any time shall be granted a certificate of registration to practice land surveying.

(b) All actions shall be subject to the power of the board as provided in this act to suspend or revoke the license of any such person for any of the causes set forth in this act, and subject to the power of the board to require any such person to register biennially with the board as provided in this act.

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

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

Mr. DORR. Thank you, Mr. Speaker.

The amendment is an attempt to clarify a long-existing licensing situation under the engineers law. Back in the middle 1940's when people were returning from World War II service, there was a specific kind of license issued which made individuals who qualified thereunder professional engineers



but limited their practice to surveying. This clarifies that provision of law, which will now allow those persons who are in fact licensed professional engineers to receive their land surveying license in lieu thereof, even though they are professional engineers under current law, limited to the practice of surveying.

I would ask for support for the amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—183

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

NAYS—5

Bowser	Fischer	Mackowski	Stairs
Coslett			

NOT VOTING—1

Gannon

EXCUSED—14

Dawida	Hoeffel	Rappaport	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty	Pratt		

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

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

Mr. DORR offered the following amendments No. A3927:

Amend Sec. 1 (Sec. 4), page 2, line 4, by inserting after "BOARD.—"

(1)

Amend Sec. 1 (Sec. 4), page 2, lines 7 through 10, by striking out "AND TO THE HOUSE AND SENATE" in line 7, all of lines 8 and 9 and "ASSEMBLY," in line 10

Amend Sec. 1 (Sec. 4), page 2, by inserting between lines 12 and 13

(2) To submit annually to the House and Senate Appropriations Committees, fifteen days after the Governor has submitted his budget to the General Assembly, a copy of the budget request for the upcoming fiscal year which the board previously submitted to the department.

Amend Bill, page 5, lines 8 and 9, by striking out all of said lines

Amend Sec. 9, page 5, line 10, by striking out "9" and inserting

8

Amend Sec. 9, page 5, line 10, by striking out "immediately" and inserting

January 1, 1984

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

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

Mr. DORR. Mr. Speaker, the amendment requires the board that licenses engineers to submit to the General Assembly information regarding their budget requests. We have done this with respect to most, if not all, of the sunset bills so that the General Assembly has detailed information regarding the requests of those licensing boards. I again ask for support for this amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, the gentleman, Mr. Dorr, is correct. This was an oversight in the bill. This will conform this bill to all the others, and I ask for a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—188

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

NAYS—0

NOT VOTING—1

Mayernik

EXCUSED—14

Dawida	Hoeffel	Rappaport	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty	Pratt		

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

On the question recurring,

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

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

The gentleman is withdrawing his amendment. Is that it?

Mr. L. E. SMITH. It was incorporated into Representative Lloyd's amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

For what purpose does the gentleman from Cumberland, Mr. Mowery, rise?

Mr. MOWERY. I would like to make an inquiry on the bill itself, when you are there, sir.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Cumberland, Mr. Mowery.

Mr. MOWERY. I would like to ask Representative Dorr a question, please.

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

Mr. MOWERY. As the bill is now amended, does this allow for out-of-State engineers and surveyors to now automatically be given a license in the State of Pennsylvania?

Mr. DORR. Mr. Speaker, the bill does not change existing law with regard to reciprocity. It is my recollection that in the existing law there are certain requirements that must be met before persons from out of State can receive their license by reciprocity. It would not be an automatic process.

Mr. MOWERY. In other words, this bill does not make it any broader than as the law now exists?

Mr. DORR. That is my recollection. Yes.

Mr. MOWERY. All right. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

YEAS—189

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	Mayernik	Snyder, D. W.
Bunt	Gladeck	Merry	Snyder, G. M.
Burd	Godshall	Michlovic	Spitz
Burns	Greenwood	Micozzie	Stairs
Caltagirone	Grieco	Miller	Steighner
Cappabianca	Gruitza	Miscevich	Stewart
Carn	Gruppo	Moehlmann	Suban
Cawley	Haluska	Morris	Swift
Cessar	Harper	Mowery	Taylor, E. Z.
Cimini	Hasay	Mrkonic	Taylor, F. E.
Civera	Hayes	Nahill	Telek
Clark	Herman	Noye	Tigue

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

NAYS—0

NOT VOTING—0

EXCUSED—14

Dawida	Hoefel	Rappaport	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty	Pratt		

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

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

\* \* \*

The House proceeded to third consideration of **SB 967, PN 1420**, entitled:

An Act amending the act of January 14, 1952 (1951 P. L. 1898, No. 522), entitled, as amended, "Funeral Director Law," reestablishing the State Board of Funeral Directors; specifying fee establishment procedures; requiring annual financial estimates; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. McMONAGLE offered the following amendments No. A3877:

Amend Sec. 3 (Sec. 19), page 3, line 22, by inserting after "ex officio,"

the Director of the Bureau of Consumer Protection in the Office of Attorney General, or his designee,

Amend Sec. 3 (Sec. 19), page 4, line 3, by striking out "Four" and inserting

Five

Amend Sec. 3 (Sec. 19), page 4, line 8, by inserting after "Affairs"

and the Director of the Bureau of Consumer Protection in the Office of Attorney General, or his designee

On the question,

Will the House agree to the amendments?

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

Mr. McMONAGLE. It is the same amendment as all the other ones, Mr. Speaker. No harm done.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—172

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

NAYS—13

Boyes	Fargo	Moehlmann	Saurman
DeVerter	Herman	Noye	Scheetz
DeWeese	Jackson	Saloom	Smith, B.
Dorr			

NOT VOTING—4

Lucyk	Petrone	Stuban	Taylor, F. E.
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EXCUSED—14

Dawida	Hoefel	Rappaport	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty	Pratt		

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

On the question,

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

Mr. LLOYD offered the following amendments No. A3889:

Amend Title, page 1, line 10, by inserting after "Directors;" providing for the establishment of fees; requiring reports to legislative committees; providing for civil penalties and revocations;

Amend Bill, page 1, by inserting between lines 14 and 15

Section 1. Sections 3(c), (g) and (h) and 4 of the act of January 14, 1952 (1951 P.L.1898, No.522), known as the Funeral Director Law, amended July 31, 1968 (P.L.1008, No.295), are amended to read:

Section 3. Application for License; Qualifications of Applicants.—\*\*\*

(c) (1) In addition thereto, each applicant shall have successfully completed a course of actual class work in didactic and laboratory studies in a school of embalming for a period to be fixed by the board at not less than nine hundred (900) hours nor more than twenty-four hundred (2400) hours, and shall have completed two years as a resident trainee.

[Each applicant applying during the period from the first day of September, one thousand nine hundred fifty-three, to the thirty-first day of August, one thousand nine hundred fifty-five, shall have successfully completed one year of academic work at a college or university accredited by the Department of Public Instruction, and a course of actual class work in didactic and laboratory studies in a school of embalming for a period to be fixed by the board at not less than nine hundred (900) hours nor more than twenty-four hundred (2400) hours, and shall have completed one year as a resident trainee.]

(2) Each applicant [applying after the thirty-first day of August, one thousand nine hundred fifty-five,] shall have successfully completed two years of academic work at a college or university accredited by the Department of [Public Instruction] Education, and a one year course at a mortuary college or university accredited by the American Board of Funeral Service Education, Inc. and shall have completed one year as a resident interne.

(3) No more than an average of one hundred (100) hours of embalming or mortuary school training shall be given or required in any calendar month of any one year.

\*\*\*

(g) Any person applying for examination and licensure before the first day of January, one thousand nine hundred fifty-three, may offer, in lieu of the foregoing educational requirements, fifteen or more years' experience as an apprentice to a licensed funeral director; and such person, until he shall have taken and passed the examination, shall be considered a resident interne.

(h) Any person, having the qualifications prescribed by subsection (b) of this section, registered as a student trainee under the provisions of existing law or enrolled as a student in a school of embalming prior to the first day of January, one thousand nine hundred fifty-three, and who has continuously thereafter served as a student trainee or continued his studies in a school of embalming, or either, shall be entitled to take the examination for license to practice as a funeral director after he has had practical experience in the business or profession of funeral directing for two years continuously as a resident interne and has completely embalmed at least twenty-five (25) bodies.]

Section 4. Registration of Student Trainees.—(a) Every applicant, upon entering the school of embalming, shall register with the board annually, in such manner as may be provided by the board, and shall pay such registration fee as shall be fixed by

[the department] regulation. The [secretary of the] board shall keep a separate register of applicants in training, containing their names, ages, residences, where they attended school, the licensee' funeral directors with whom they are associated or the embalming school they are attending, and such other information as the board may direct and as provided for by this act.

(b) Any applicant, registered as a student of any licensed funeral director or embalming school, who changes his preceptor or school, shall immediately re-register and pay such additional fee as may be fixed by the department. Every funeral director with whom a resident interne is registered shall immediately notify the board of the termination of such relation.

(c) The preceptor to the resident interne must comply with the qualifications and duties as set forth by the rules and regulations of the board, which is given the authority to set standard and limit the number of student trainees with each preceptor.

Section 2. Section 11 of the act, amended July 31, 1968 (P.L.1008, No.295) and March 3, 1976 (P.L.32, No.16), is amended to read:

Section 11. Refusal; Suspension; Revocation.—(a) The board, by a majority vote thereof, may refuse to grant, refuse to renew, suspend or revoke a license of any applicant or licensee, whether originally granted under this act or under any prior act, for the following reasons:

(1) The practice of any fraud or deceit in obtaining or attempting to obtain a license.

(2) Violation of the health laws of this Commonwealth.

(3) The conviction of a crime involving moral turpitude, in this or any other State or Federal court or pleading guilty or nolo contendere to any such offense.

(4) The use of misleading advertising.

(5) Gross incompetency, negligence or misconduct in the carrying on of the profession.

(6) Violation of or non-compliance with the provisions of this act or the rules and regulations of the board.

(7) Loaning, borrowing or using a license of another, or of knowingly aiding or abetting in any way the granting of improper licenses.

(8) Soliciting patronage other than by legitimate advertisement, or paying a commission or agreeing to pay a commission to any person or persons for soliciting or for business secured, or paying any gratuity to any person with intent to have such person aid in securing business, or other similar unprofessional conduct.

(9) Gross immorality.

(10) Conviction of the violation of any statute, rule or regulation of any state concerning the conduct of the profession beyond the boundaries of this Commonwealth.

(11) Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration or recommending or causing a dead human body to be disposed of in any particular crematory, mausoleum or cemetery.

(12) Failure by a corporation to comply with the provisions of section 8(b) or (c).

(b) Unless ordered to do so by a court, the board shall not reinstate the license of any person whose license has been revoked under this act. Any person whose license has been revoked may reapply for a license at the end of a five-year period but must meet all of the licensing qualifications of this act for the license applied for, to include the examination requirement.

Amend Sec. 1, page 1, line 15, by striking out "1" and inserting

3

Amend Sec. 1, page 1, lines 15 and 16, by striking out "of January 14, 1952" in line 15 and all of line 16

Amend Sec. 1 (Sec. 16), page 2, lines 2 through 4, by striking out all of said lines and inserting

assembly, a copy of the budget request for the upcoming fiscal year which the board previously submitted to the department.

Section 4. Section 17 of the act, amended March 3, 1976 (P.L.32, No.16), is amended to read:

Section 17. Penalties.—(a) Any person violating any of the provisions of this act or any rule or regulation of the board promulgated pursuant thereto shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000), or undergo imprisonment not exceeding one (1) year, or both.

(b) In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by law, or by a vote of the majority of the duly qualified and confirmed membership or a minimum of four members, whichever is greater, may levy a civil penalty of up to one thousand dollars (\$1,000) on any current licensee who violates any provision of this act or on any person who practices as a funeral director without being properly licensed to do so under this act. The board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

Section 5. Section 18 of the act is amended to read:

Section 18. Disposition of Fees.—All fees, fines and penalties specified and imposed under this act or any rule or regulation of the board promulgated pursuant thereto shall be paid into [the State Treasury through the Department of Revenue] the Professional Licensure Augmentation Account.

Amend Sec. 2, page 2, line 5, by striking out "2" and inserting

6

Amend Sec. 2 (Sec. 18.1), page 2, by inserting between lines 22 and 23

(c) All fines and civil penalties imposed in accordance with this act shall be paid into the Professional Licensure Augmentation Account.

Amend Sec. 3, page 2, line 23, by striking out "3" and inserting

7

Amend Sec. 3 (Sec. 19), page 3, line 22, by striking out "ex officio, two members" and inserting

two members appointed by the Governor

Amend Sec. 3 (Sec. 19), page 3, line 23, by inserting after "members"

appointed by the Governor

Amend Sec. 3 (Sec. 19), page 3, lines 28 through 30; page 4, lines 1 and 2, by striking out all of said lines on said pages and inserting

(b) Professional and public members shall be appointed by the Governor with the advice and consent of the Governor for terms of five years. A member may continue to serve for a period not to exceed six months beyond the expiration of his term, if a successor has yet to be duly appointed and qualified according to law. If a member dies or resigns during his term of office, a successor shall be appointed as provided in this section and shall serve for the remainder of his predecessor's unexpired term.

Amend Sec. 3 (Sec. 19), page 4, lines 5 and 6, by striking out all of said lines and inserting

and may elect a secretary from among its members.

Amend Sec. 3 (Sec. 19), page 4, lines 8 and 9, by striking out "thirty dollars (\$30)" and inserting

sixty dollars (\$60)

Amend Sec. 3 (Sec. 19), page 4, line 10, by striking out "actual" and inserting

reasonable

Amend Sec. 3 (Sec. 19), page 4, lines 18 through 20, by striking out all of said lines and inserting

consecutive meetings shall forfeit his seat unless the Commissioner of Professional and Occupational Affairs, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of an immediate family member.

Section 8. The act is amended by adding a section to read:

Section 19.1. Report to Committees.—The board shall submit annually a report to the Professional Licensure Committee of the House of Representatives and to the Consumer Protection and Professional Licensure Committee of the Senate a description of the types of complaints received, status of cases, board action which has been taken and the length of time from the initial complaint to final board resolution.

Amend Sec. 4, page 4, line 21, by striking out "4" and inserting

9

Amend Sec. 5, page 4, line 24, by striking out "5" and inserting

10

Amend Sec. 6, page 4, line 28, by striking out "6" and inserting

11

Amend Sec. 7, page 5, line 2, by striking out "7" and inserting

12

Amend Sec. 8, page 5, line 5, by striking out "8" and inserting

13

Amend Sec. 9, page 5, line 7, by striking out "9" and inserting

14

On the question,

Will the House agree to the amendments?

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

Mr. SALOOM. Mr. Speaker, SB 967 just reestablishes the State Board of Funeral Directors required by the sunset law. The bill is five pages long, not even five pages long; the amendment to the bill is six pages long. This is a complete surprise to the funeral profession throughout the State of Pennsylvania.

I am asking for a defeat of this amendment. I was in contact with many associations throughout the State. In fact, just last Thursday night I met with four county funeral directors associations. The executive director was there from the State Association of Funeral Directors, and he advised the membership at that time that there were no apparent amendments to be offered to this bill. There have been hearings in the Senate and in the House on this bill, and it has been written with the consent of funeral directors with the Consumer Advocate, and I would ask for a defeat of any amendments to it at this particular time. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

This amendment is in fact putting into this bill exactly the same things which we have put into every other bill. I will go through and explain those one by one so that nobody has any apprehension about that.

Some members got letters from the funeral directors in their areas saying, vote against any substantive amendment. It is my understanding, from talking to the funeral directors in my area, that what they were against was an amendment which had been circulated in the Senate which would have dealt with the question of whether cemetery owners could be in the funeral business. There was also a proposal circulated in the Senate which would have required the itemization of funeral expenses. Those two amendments are not being offered. They are not part of this package. This is a package which should come as no surprise to anybody who has followed the action on sunset with professional licensing, because these same amendments have been discussed on both sides of the aisle for all the bills.

Specifically what this amendment does is to make clear that if you are convicted for a crime of moral turpitude, in a State court that can already be considered as a factor for whether or not you ought to be licensed. This amendment would say that they would also look to see if you were convicted of a similar kind of crime in another State, or if you pleaded no contest to a crime of moral turpitude.

It also includes language saying that if you had your license revoked and you want to get your license back, it requires you to go through the education process as a new licensee, and it says that you cannot come back and do that the next day; you have to wait for 5 years. That is something that the administration asked for.

It clarifies the budget language, once again in the way that the Thornburgh administration asked us to do.

It gives the board the power to impose civil penalties for people who try to poach on the funeral directors and practice without a license. That is something else that the administration asked us to do.

It also requires that all the fines and fees go back into the fund used to finance the board and not go to the General Fund. Unless the funeral directors are different from everybody else, every professional association has wanted that, and the administration is agreeable to that as well.

It contains language which says that if your term is up, you get to serve for 6 more months but not more than that. That is also agreed to by both sides of the aisle.

There is language in this dealing with vacancies—if a vacancy occurs, how you fill the vacancy—that you fill the vacancy in the same way that you filled the original position.

There is language in here dealing with hiring of secretaries. The administration said that the Bureau of Professional and Occupational Affairs provides the secretary. There is no need for the board to be able to go out and hire another secretary. At the administration's request, that is included.

There also is an increase in the per diem, so that these people on this board get the same per diem as everybody else. If they do not want that, fine, you can vote against the amendment.

There also is language here sought by the administration dealing with unexcused meetings. The people who do not show up for a meeting for three times in a row lose their seat, unless they have an excuse.

And finally, there is language here dealing with requiring that the board report back to the legislature on the kinds of complaints it gets and how long it takes to resolve those complaints, and that is something that has been put in every other bill.

Virtually everything in here is a result of requests from the various professions and from the administration, and it is worked out on a bipartisan basis. This is not the substantive amendment that the funeral directors were opposed to. I urge a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. SALOOM. Mr. Speaker, again, I am urging the members of the House to defeat this amendment. If the amendment does have some of the provisions that are already in the bill, he is completely rewriting the bill and he is trying to do it by amendment form here on the floor. Like I said before, the Senate had hearings, the House committee had hearings on this legislation, and I would ask you to pass it now in its form without any further amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. TRELLO. Mr. Speaker, it appears to me that the amendment is attempting to revise the whole act of the funeral directors bill. I think something that serious should be considered by a full committee and then brought to the floor of the House. I also urge the defeat of the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Thank you, Mr. Speaker.

Mr. Speaker, as the son of a funeral director, if the facts were as stated by the gentlemen from Westmoreland and Allegheny, I would be equally concerned. The fact is that this amendment does not rewrite the bill. As Mr. Lloyd explained, it has five or six technical amendments which have been put into every other sunset bill that this House has passed, as you all know, having voted on them. There is nothing substantive in here. The Funeral Directors Association has been in touch with the members of the committee throughout the process, has raised no objections to these particular amendments, and in fact has expressed concern only about the two points that Mr. Lloyd raised and indicated are not in this amendment.

I would urge the members to conform this bill to the remainder of the licensing laws and vote for the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—140

Afflerbach	Fattah	McHale	Ryan
Armstrong	Fischer	McIntyre	Salvatore
Arty	Flick	McMonagle	Saurman
Baldwin	Foster, W. W.	McVerry	Scheetz
Barber	Foster, Jr., A.	Mackowski	Schuler

Battisto	Freeman	Madigan	Semmel
Belardi	Freind	Maiale	Serafini
Belfanti	Gallen	Manderino	Seventy
Beloff	Gannon	Manmiller	Showers
Blaum	Geist	Merry	Sirianni
Book	Greenwood	Michlovic	Smith, B.
Boyes	Gruitza	Micozzie	Smith, L. E.
Brandt	Gruppo	Miller	Snyder, D. W.
Broujos	Harper	Moehlmann	Snyder, G. M.
Burns	Hasay	Morris	Spitz
Caltagirone	Hayes	Mowery	Stairs
Cappabianca	Herman	Mrkonic	Steighner
Carn	Honaman	Nahill	Stewart
Cawley	Itkin	Noye	Swift
Cessar	Jackson	O'Brien	Telek
Civera	Jarolin	O'Donnell	Tigue
Clymer	Johnson	Oliver	Truman
Cohen	Kennedy	Perzel	Van Horne
Cordisco	Klingaman	Peterson	Vroon
Coslett	Kosinski	Phillips	Wambach
Cowell	Kukovich	Piccola	Wass
Coy	Lashingier	Pievsky	Wiggins
DeVerter	Lehr	Pistella	Wilson
Davies	Letterman	Pitts	Wogan
Deal	Levin	Pott	Wozniak
Dietz	Linton	Reinard	Wright, J. L.
Dombrowski	Livengood	Richardson	Zwikt
Donatucci	Lloyd	Rieger	
Dorr	Lucyk	Robbins	Irvis,
Durham	McCall	Rudy	Speaker
Fargo	McClatchy		

NAYS—47

Alderette	Duffy	Kowalshyn	Reber
Angstadt	Fee	Laughlin	Rybak
Bowser	Fryer	Lescovitz	Saloom
Bunt	Gallagher	Levi	Stuban
Burd	Gamble	Markosek	Taylor, E. Z.
Cimini	George	Mayermik	Taylor, F. E.
Clark	Godshall	Miscevich	Trello
Colafrella	Grieco	Olasz	Wachob
Cole	Haluska	Petrarca	Wargo
Deluca	Hershey	Petrone	Wright, D. R.
DeWeese	Hutchinson	Preston	Wright, R. C.
Daley	Kasunic	Punt	

NOT VOTING—2

Cornell	Gladeck
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EXCUSED—14

Dawida	Hoeffel	Rappaport	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty	Pratt		

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

MOTION TO TABLE

The SPEAKER. Does the gentleman from Westmoreland, Mr. Saloom, rise on final passage?

Mr. SALOOM. I would like to make a motion to table the bill for further study.

The SPEAKER. It is moved by the gentleman, Mr. Saloom, that SB 967, PN 1420, be placed on the table.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—44

Alderette	Fee	Kowalshyn	Reber
Bowser	Fryer	Laughlin	Rybak
Bunt	Gallagher	Lescovitz	Saloom
Cimini	Gamble	Letterman	Seventy
Clark	George	Livengood	Steighner
Colafrella	Gladeck	Lucyk	Stuban
Cole	Godshall	Manderino	Trello
Deluca	Grieco	Miscevich	Wachob
DeWeese	Hutchinson	Olasz	Wargo
Dombrowski	Itkin	Petrarca	Wright, D. R.
Fargo	Kasunic	Petrone	Wright, R. C.

NAYS—142

Afflerbach	Duffy	McClatchy	Rudy
Angstadt	Durham	McHale	Ryan
Armstrong	Fattah	McIntyre	Salvatore
Arty	Fischer	McMonagle	Saurman
Baldwin	Flick	McVerry	Scheetz
Barber	Foster, W. W.	Mackowski	Schuler
Battisto	Foster, Jr., A.	Madigan	Semmel
Belardi	Freeman	Maiale	Serafini
Belfanti	Freind	Manmiller	Showers
Beloff	Gallen	Markosek	Sirianni
Blaum	Gannon	Merry	Smith, B.
Book	Geist	Michlovic	Smith, L. E.
Boyes	Greenwood	Micozzie	Snyder, D. W.
Brandt	Gruitza	Miller	Snyder, G. M.
Broujos	Gruppo	Moehlmann	Spitz
Burd	Haluska	Morris	Stairs
Burns	Harper	Mowery	Stewart
Caltagirone	Hasay	Mrkonic	Swift
Cappabianca	Hayes	Nahill	Taylor, E. Z.
Carn	Herman	Noye	Taylor, F. E.
Cawley	Hershey	O'Brien	Telek
Cessar	Honaman	Oliver	Tigue
Civera	Jackson	Perzel	Truman
Clymer	Jarolin	Peterson	Van Horne
Cordisco	Johnson	Phillips	Vroon
Cornell	Kennedy	Piccola	Wambach
Coslett	Klingaman	Pievsky	Wass
Cowell	Kosinski	Pistella	Wiggins
Coy	Kukovich	Pitts	Wilson
DeVerter	Lashingier	Pott	Wogan
Daley	Lehr	Preston	Wozniak
Davies	Levi	Punt	Wright, J. L.
Deal	Levin	Reinard	Zwikt
Dietz	Linton	Richardson	
Donatucci	Lloyd	Rieger	Irvis,
Dorr	McCall	Robbins	Speaker

NOT VOTING—3

Cohen	Mayernik	O'Donnell
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EXCUSED—14

Dawida	Hoeffel	Rappaport	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty	Pratt		

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

On the question recurring,  
Shall the bill pass finally?

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

YEAS—185

Afflerbach	Duffy	Levin	Robbins
Alderette	Durham	Linton	Rudy
Angstadt	Fargo	Livengood	Ryan
Armstrong	Fattah	Lloyd	Rybak
Arty	Fee	Lucyk	Saloom
Baldwin	Fischer	McCall	Salvatore
Barber	Flick	McClatchy	Saurman
Battisto	Foster, W. W.	McHale	Scheetz
Belardi	Foster, Jr., A.	McIntyre	Schuler
Belfanti	Freeman	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	Stairs
Burns	Greenwood	Michlovic	Steighner
Caltagirone	Grieco	Micozzie	Stewart
Cappabianca	Gruitza	Miller	Stuban
Carn	Gruppo	Miscevich	Swift
Cawley	Haluska	Moehlmann	Taylor, E. Z.
Cessar	Harper	Morris	Taylor, F. E.
Cimini	Hasay	Mowery	Telek
Civera	Hayes	Mrkonic	Tigue
Clark	Herman	Nahill	Trello
Clymer	Hershey	Noye	Truman
Cohen	Honaman	O'Brien	Van Horne
Colafella	Hutchinson	Olasz	Vroon
Cole	Itkin	Oliver	Wachob
Cordisco	Jackson	Perzel	Wambach
Cornell	Jarolin	Peterson	Wargo
Coslett	Johnson	Petrarca	Wass
Cowell	Kasunic	Petrone	Wiggins
Coy	Kennedy	Phillips	Wilson
Deluca	Klingaman	Piccola	Wogan
DeVerter	Kosinski	Pievsky	Wozniak
DeWeese	Kowalyshyn	Pistella	Wright, D. R.
Daley	Kukovich	Pott	Wright, J. L.
Davies	Lashinger	Preston	Wright, R. C.
Deal	Laughlin	Punt	Zwinkl
Dietz	Lehr	Reber	
Dombrowski	Lescovitz	Reinard	Irvis,
Donatucci	Letterman	Richardson	Speaker
Dorr	Levi	Rieger	

NAYS—0

NOT VOTING—4

Freind	O'Donnell	Pitts	Spitz
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EXCUSED—14

Dawida	Hoefel	Rappaport	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty	Pratt		

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

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

REMARKS ON VOTE

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

Mr. FREIND. Mr. Speaker, I was engaged in a fascinating conversation with Representative Spitz and forgot to vote. I would like to be recorded in the affirmative on SB 967.

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

BILLS ON THIRD  
CONSIDERATION CONTINUED

The SPEAKER. HB 126, PN 140. The Chair had intended that this bill would be passed over for today. The gentleman, Mr. Petrarca, insists that this bill be called up.

The House proceeded to third consideration of **HB 126, PN 140**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for ice grips and tire studs.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. PETRARCA. Thank you, Mr. Speaker.

Mr. Speaker, the reason I brought the bill up is, 2 years ago we had, in the previous bill we passed, a provision where the Governor could intervene at any time by executive order and extend the life of the studded tires. Well, when it came up we had a snowstorm, an ice storm, back in Westmoreland County, and the police were tagging motorists who were actually stuck in the ice. So the State Police, on their own, quit writing tickets and they told me, by God, you ought to do something with this bill.

Other people wanted it extended 30 days—15 days in October—but of course, we know the ground is still warm in October. Some people wanted it 30 days, but I wanted a compromise. I wanted a bill that would take care of the motorists out in Pennsylvania and also not extend it too long. I felt that 15 days was a compromise. This will also get the Governor off the hook, because he just turned it over to PennDOT (Pennsylvania Department of Transportation), and of course, PennDOT did not follow through. So 15 days in April is a compromise, and I think everyone needs it. I would appreciate your vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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



YEAS—181

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

NAYS—8

Dorr	Lehr	Piccola	Snyder, G. M.
Foster, Jr., A.	Mowery	Smith, B.	Tigue

NOT VOTING—0

EXCUSED—14

Dawida	Hoeffel	Rappaport	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty	Pratt		

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

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

\* \* \*

The SPEAKER. HB 1391, PN 1677. The Chair had intended that this bill would go over for today. The gentleman, Mr. Morris, insists that the bill be called up.

The House proceeded to third consideration of **HB 1391, PN 1677**, entitled:

An Act amending the "Race Horse Industry Reform Act," approved December 17, 1981 (P. L. 435, No. 135), merging the State Horse Racing Fund and the State Harness Racing Fund into a single State Racing Fund; revising the taxation of funds from pari-mutuel tickets; and further providing for the distribution of revenues.

On the question,

Will the House agree to the bill on third consideration?

Mr. MANDERINO offered the following amendments No. A3765:

Amend Bill, page 5, by inserting between lines 3 and 4

Section 2. Section 221 of the act is amended by adding a subsection to read:

Section 221. Retention percentages for pari-mutuel pools.

\* \* \*

(d) From the moneys retained by the corporations licensed to conduct thoroughbred horse race meetings following distribution as prescribed in subsection (a)(2), (3), (4), (5), (6) and (7), beginning January 1, 1984, an amount equivalent to 0.33% of the amount wagered each racing day at each corporation conducting a licensed thoroughbred horse race meeting is to be used by that corporation, in combination with the moneys assigned it under section 223(c) and (d), for purses for races restricting or preferring entry to registered Pennsylvania-bred thoroughbred horses as described therein. This equivalent amount is to be considered part of any distribution agreement between individual corporations licensed to conduct thoroughbred horse race meetings and horsemen racing at said meetings of those moneys described in section 222(c).

Amend Sec. 2, page 5, line 4, by striking out "2" and inserting

3

Amend Sec. 3, page 11, line 15, by striking out "3" and inserting

4

Amend Sec. 4, page 12, line 1, by striking out "4" and inserting

5

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the amendment that I offer has to do with the distribution of the pari-mutuel pool as retained by the tracks and assigned to horsemen in the thoroughbred tracks in Pennsylvania.

The manner in which the moneys are now divided places part of the moneys to promote Pennsylvania breeding in the horseracing industry. The manner in which breeding Pennsylvania horses is promoted in the horseracing or the thoroughbred industry is different than in the harness industry. Mr. Speaker, it is done by awards to breeders and stallions, et cetera. Once all of the awards and all of the administration expenses are paid, if there is money left, it goes into overnight purses to promote Pennsylvania-bred racing horses. In the past few years, because the thoroughbred industry in Pennsylvania is growing and there are more breeders, there are certainly more awards for stallions and for owners, and the money left for horsemen in purses for Pennsylvania-bred horses has been diminishing.

Mr. Speaker, this amendment simply takes that money already set aside for overnight purses and designates a small portion of the same for races for Pennsylvania-bred horses only. I think that it would continue to promote Pennsylvania-bred horses in Pennsylvania races, and I ask for the adoption of the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, being one who always tries to help our Pennsylvania horse-breeding industry, I would urge the members to vote in favor of the Manderino amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—187

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

NAYS—0

NOT VOTING—2

EXCUSED—14

Mrkonic	Pitts		
Dawida	Hoeffel	Rappaport	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty	Pratt		

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

On the question,

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

Mr. MORRIS offered the following amendments No. A3933:

Amend Bill, page 5, by inserting between lines 3 and 4

Section 2. Section 221 of the act is amended to read:

Section 221. Retention percentages for pari-mutuel pools.

(a) Every licensed corporation shall distribute the moneys in any pari-mutuel pool to the holders of winning tickets under the following requirements:

(1) all tickets shall be presented for payment before the first day of April of the year following the year of their purchase; and

(2) seventeen percent of the moneys plus the breakage from regular wagering pools shall be retained by the licensed corporations for further distribution under section 222; or

(3) nineteen percent of the moneys plus the breakage from regular wagering pools from licensed corporations whose total deposits in all pari-mutuel pools averaged less than \$300,000 per racing day for their previous meeting at the same facility; or

(4) [nineteen] nineteen and seven-tenths percent of the moneys plus the breakage from the exacta, daily double, quinella and other wagering pools involving two horses each racing day shall be retained by the licensed corporations for further distribution under section 222; or

(5) at least [25%] 25.7% but no more than 35% of the moneys plus the breakage from the trifecta or other wagering pools involving more than two horses in one or more races each racing day shall be retained by the licensed corporations for further distribution under section 222; and

(6) except as provided for in subsection (d.1) of section 222, every corporation may retain less than 17% [or], 19% or 19.7% of the moneys in the wagering pools under paragraphs (2), (3) and (4) or less than [25%] 25.7% of the moneys in the wagering pools under paragraph (5) upon approval from the appropriate commission; and

(7) every corporation may retain more than 25% but no more than 35% of the moneys in the wagering pools under paragraph (5) upon approval from the appropriate commission; and

(8) all moneys remaining in the wagering pools described under paragraphs (2), (3), (4), (5), (6) and (7) shall be distributed to the holders of winning tickets.

(b) Breakage shall mean the odd cents of redistributions to be made on all contributions to pari-mutuel pools exceeding a sum equal to the next lowest multiple of ten.

(c) The commissions shall establish by rule or regulation provisions for minus-pools relating to the retention requirements under this section.

Amend Sec. 2, page 5, line 4, by striking out "2" and inserting

Amend Sec. 2, page 5, line 5, by inserting after "amended" where it appears the second time and a subsection is added

Amend Sec. 2 (Sec. 222), page 11, by inserting between lines 14 and 15

(d.1) An amount equivalent to seven-tenths of one percent of the amount wagered at each racing day at thoroughbred and harness horse race meetings as set forth in section 221(a)(4) and (5) shall be paid through the Department of Revenue for the credit to the State Racing Fund.

Amend Sec. 3, page 11, line 15, by striking out "3" and inserting

4

Amend Sec. 4, page 12, line 1, by striking out "4" and inserting

5

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

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

Mr. MORRIS. Mr. Speaker, this simply attempts to insure that the Sire Stakes and the Breeders Fund will receive as much money as they have heretofore.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—182

Table listing names of members who voted 'YEAS' (182 total). Includes names like Afflerbach, Alderette, Angstadt, etc.

Table listing names of members who voted 'NAYS' (3 total). Includes names like Davies, Deal, Dietz, etc.

NAYS—3

Table listing names of members who were 'NOT VOTING' (4 total). Includes names like Jackson, Book, Book, etc.

NOT VOTING—4

Table listing names of members who were 'EXCUSED' (14 total). Includes names like Book, Book, Book, etc.

EXCUSED—14

Table listing names of members who were 'EXCUSED' (14 total). Includes names like Dawida, Dininni, Evans, etc.

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

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

Mr. DORR offered the following amendments No. A3851:

Amend Sec. 2 (Sec. 222), page 9, by inserting between lines 18 and 19

(1) An amount equivalent to seven-tenths of one percent of the amount wagered each racing day at thoroughbred horse race meetings shall be paid by the Horse Racing Commission from the State Racing Fund through the Department of Revenue for credit to the Pennsylvania Breeding Fund, beginning on July 1, 1983.

(2) An amount equivalent to one and seven-tenths percent of the amount wagered each racing day at harness horse race meetings shall be paid by the Harness Racing Commission from the State Racing Fund through the Department of Revenue for credit to the Pennsylvania Sire Stakes Fund, beginning on January 1, 1984.

Amend Sec. 2 (Sec. 222), page 9, line 19, by striking out "(1)" and inserting

(3)

Amend Sec. 2 (Sec. 222), page 9, line 23, by inserting after "commission."

If there are insufficient funds in the State Racing Fund for payment of these expenses, the remaining necessary funds shall be appropriated out of the General Fund.

Amend Sec. 2 (Sec. 222), page 9, line 24, by striking out "(2)" and inserting

(4)

Amend Sec. 2 (Sec. 222), page 9, line 26, by inserting after "act."

If there are insufficient funds in the State Racing Fund for payment of these expenses, the remaining necessary funds shall be appropriated out of the General Fund.

Amend Sec. 2 (Sec. 222), page 9, line 27, by striking out "(3)" and inserting

(5)

Amend Sec. 2 (Sec. 222), page 9, line 29, by inserting after "act."

If there are insufficient funds in the State Racing Fund for payment of these expenses, the remaining necessary funds shall be appropriated out of the General Fund.

Amend Sec. 2 (Sec. 222), page 9, line 30, by striking out "(4)" and inserting

(6)

Amend Sec. 2 (Sec. 222), page 10, line 2, by inserting after "commission."  
If there are insufficient funds in the State Racing Fund for payment of these expenses, the remaining necessary funds shall be appropriated out of the General Fund.

Amend Sec. 2 (Sec. 222), page 10, lines 3 through 15, by striking out all of said lines

Amend Sec. 2 (Sec. 222), page 10, line 16, by striking out "(iii)" and inserting

(7)

Amend Sec. 2 (Sec. 222), page 10, line 23, by striking out "(iv)" and inserting

(8)

Amend Sec. 2 (Sec. 222), page 11, line 1, by striking out "(v)" and inserting

(9)

Amend Sec. 2 (Sec. 222), page 11, line 7, by striking out "(6)" and inserting

(10)

On the question,

Will the House agree to the amendments?

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

Mr. DORR. Thank you, Mr. Speaker.

Mr. Speaker, in the bill there is a designation of the way that the funds in the Pennsylvania Racing Fund will be distributed. This amendment basically takes the law to current law with regard to the amount paid into the Breeders Fund and the Sire Stakes and puts those two funds, which are generally considered to be within the horseracing industry, ahead of the administration of the State commissions in terms of the distribution from the fund, so that the first funds to be paid out of the Racing Fund will be the two breeders' funds for horses bred in Pennsylvania, and then the next amount to be paid out will be to cover the administration of the Harness Racing and Horse Racing Commissions.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, would the gentleman stand for interrogation, please?

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

Mr. LAUGHLIN. Mr. Speaker, in reading the amendment, are you indicating that the moneys, if not available through the normal revenues of racing in the State, would be taken from the General Fund?

Mr. DORR. Mr. Speaker, yes; that is true, not with regard to the breeders' funds but rather with regard to the amounts of money required to pay the administration of the Harness Racing and Horse Racing Commissions generally. That is what that tier of payouts is for, and if the funds in the Racing Fund do not meet that amount, then, as is the case with the school district money, the Fair Fund money, and the sewer fund money, we would be required under the bill to pay the money out of the General Fund.

Mr. LAUGHLIN. Mr. Speaker, I have completed the interrogation. I would like to make a few remarks.

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

Mr. LAUGHLIN. Mr. Speaker, it would seem that over the last year or so the State of Pennsylvania has taken a great deal of money and has taken it away from people who cannot put food on their tables and are having difficulty paying their mortgages and are having difficulty meeting their normal expenses of living, and here we are suggesting in this legislation that money be taken from the General Fund and utilized in a horseracing circumstance that is normally deriving its funds from the bettors who frequent such sporting activities.

Mr. Speaker, I have no objection to the moneys that are earned in that area being utilized for the purposes of the sport of kings, so to speak, but, Mr. Speaker, when it indicates that we are going to then take money from the General Fund for this purpose, I would ask a negative vote on the amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Adams, Mr. Cole.

Mr. COLE. Mr. Speaker, I want to concur in the remarks that were made by Representative Dorr. Yes, we are talking about moneys possibly out of the General Fund, but we are also talking about the loss of thousands of jobs if we do not come to the aid of this industry. So I urge an affirmative vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. STUBAN. Mr. Speaker, I rise to oppose the amendment, and I do concur that this is a loss in the industry here if we have some problems here, and I believe that is why the legislation is before us today, because the industry is in jeopardy. I believe if we continue to take this amount of money and then guarantee the breeders that we are going to take money out of the General Fund, I believe that is wrong. Somebody here in this House has created a monster here. It is an industry that today we in the State of Pennsylvania are going to subsidize because it is not taking care of itself, and I believe the breeders, without this industry out there, will not survive, so I do not believe we should be paying them.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I rise in opposition to the Dorr amendment.

Contrary to the manner in which the thoroughbred-breeding industry is growing in Pennsylvania, the harness-breeding industry in Pennsylvania that Mr. Dorr is concerned about is not growing, and it is not growing because breeders in Pennsylvania are choosing to move their best stallions outside the State of Pennsylvania. With the exception of one great stallion in Pennsylvania, most of the large farms have already moved their first line from Pennsylvania—that, even in face of all the improvements we have made, Mr. Speaker, over the years to improve the Breeders Fund, to improve the amount of money that the breeders receive.

Mr. Speaker, the last time a bill similar to this went through the Assembly, I took this microphone and indicated at that time that the bill was topheavy in favor of the breeders. The bill before us, without the Dorr amendment, is balanced. It is balanced so far as solving the problems that there are in the industry. To pump more money into the Breeders Fund by simply moving them in front of the administration expenses and moving them in front of other expenses that now have priority only means that you are going to have to pay for those that you are moving in front out of the General Fund.

Mr. Speaker, we do not have to pay into the Breeders Fund out of the General Fund. If they are at the tail end of the list where they are now, I think that is where they should remain, and I ask for a negative vote.

The SPEAKER. The Chair thanks the gentleman.

On the Dorr amendment, the Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Thank you, Mr. Speaker.

I have to oppose this amendment. This is a case of putting the cart before the horse. Regardless of what came out of the earlier interrogation by Mr. Laughlin, it is going to do exactly what Mr. Manderino said; it is going to guarantee ultimately out of the General Fund the payments to these horse breeders. I would like to help the horse breeders, but I do not think that is the thing the State ought to be doing, to that extent. And I might add that from what I hear, the Governor will probably veto the bill if this amendment goes through.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, for the second time, the gentleman, Mr. Dorr.

Mr. DORR. Mr. Speaker, very briefly in response to the gentleman, Mr. Manderino. In fact, since the amendments were made to the law in the Racing Reform Act in the last session, just in my area alone there have been five breeders who have moved into Pennsylvania as a result largely of the benefits that we provided in that act. The breeding industry in the harness racing field as well as the thoroughbred field is in fact growing in Pennsylvania because of the fact that we have been able to substantially indicate to those people that we are interested in having them in Pennsylvania. If we retreat from that—and we are not adding more funds into the Breeding Fund here; we are only preserving what is already there instead of taking away from it. The amendment only preserves what is already in law—and if we retreat from that, then those people will start moving their horses out again, and we will lose horse breeders in Pennsylvania, those jobs that Mr. Cole talked about that are so important to all of us in each of our districts in Pennsylvania.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—23

Cole	Foster, W. W.	Manmiller	Sirianni
DeVerter	Foster, Jr., A.	Mowery	Smith, B.
Davies	Gallen	Noye	Smith, L. E.
Dorr	Geist	Phillips	Snyder, G. M.

Durham Flick	Honaman Lehr	Piccola Serafini	Wright, J. L.
NAYS—160			
Afflerbach	Duffy	Linton	Richardson
Aiderette	Fargo	Livengood	Rieger
Angstadt	Fattah	Lloyd	Robbins
Armstrong	Fee	Lucyk	Rudy
Arty	Fischer	McCall	Ryan
Baldwin	Freeman	McClatchy	Rybak
Barber	Freind	McHale	Saloom
Battisto	Fryer	McIntyre	Salvatore
Belardi	Gallagher	McMonagle	Saurman
Beloff	Gamble	McVerry	Scheetz
Blaum	Gannon	Mackowski	Schuler
Book	George	Madigan	Semmel
Bowser	Gladeck	Maiale	Showers
Boyes	Godshall	Manderino	Snyder, D. W.
Brandt	Greenwood	Markosek	Spitz
Broujos	Grieco	Mayernik	Stairs
Bunt	Gruitza	Merry	Steighner
Burd	Gruppo	Michlovic	Stewart
Burns	Haluska	Micozzie	Stuban
Caltagirone	Harper	Miller	Swift
Cappabianca	Hasay	Miscevich	Taylor, E. Z.
Carn	Hayes	Moehlmann	Telek
Cawley	Herman	Morris	Tigue
Cessar	Hershey	Mrkonic	Trello
Cimini	Hutchinson	Nahill	Truman
Civera	Itkin	O'Brien	Van Horne
Clymer	Jackson	O'Donnell	Vroon
Cohen	Jarolin	Olasz	Wachob
Colafella	Johnson	Oliver	Wambach
Cordisco	Kasunic	Perzel	Wargo
Cornell	Kennedy	Peterson	Wass
Coslett	Klingaman	Petrone	Wiggins
Cowell	Kosinski	Pievsky	Wilson
Coy	Kowalyshyn	Pistella	Wogan
Deluca	Kukovich	Pitts	Wozniak
DeWeese	Lashinger	Pott	Wright, D. R.
Daley	Laughlin	Preston	Zwikl
Deal	Lescovitz	Punt	
Dietz	Letterman	Reber	Irvis,
Dombrowski	Levi	Reinard	Speaker
Donatucci	Levin		
NOT VOTING—6			
Belfanti	Petrarca	Taylor, F. E.	Wright, R. C.
Clark	Seventy		
EXCUSED—14			
Dawida	Hoeffel	Rappaport	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty	Pratt		

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

On the question recurring,

Will the House agree to the bill on third consideration 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—167

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

NAYS—21

Baldwin	Foster, W. W.	Moehlmann	Smith, B.
Clymer	Hutchinson	Mrkonic	Snyder, D. W.
Dombrowski	Itkin	Phillips	Snyder, G. M.
Dorr	Jackson	Robbins	Tigue
Fischer	Lloyd	Scheetz	Trello
Flick			

NOT VOTING—1

Taylor, F. E.

EXCUSED—14

Dawida	Hoeffel	Rappaport	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty	Pratt		

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.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the chairman of the Appropriations Committee. Does the gentleman wish to announce a brief meeting of the Appropriations Committee?

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

Mr. PIEVSKY. Thank you, Mr. Speaker.

There will be a meeting of the Appropriations Committee at the rear of the House, a brief meeting. Thank you, Mr. Speaker. Immediately.

The SPEAKER. An immediate meeting of the Appropriations Committee at the rear of the hall of the House.

REMARKS ON VOTES

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

Mr. PICCOLA. Mr. Speaker, on HB 1391 I was recorded in the affirmative in error. I would like the record to show that I should have voted in the negative.

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

The Chair recognizes the gentleman from Fayette, Mr. Taylor. For what purpose does he rise?

Mr. TAYLOR. To register my vote on HB 1391. I was temporarily out of my seat, and had I been in my seat, I would have voted in the affirmative. Thank you, Mr. Speaker.

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

BILL REREPORTED FROM COMMITTEE

HB 1629, PN 2179 (Amended)

By Rep. PIEVSKY

A Supplement to the act of (P. L. , No. ), entitled "An act providing for the capital budget for the fiscal year 1983-1984," itemizing public improvement, furniture and equipment, transportation assistance and redevelopment assistance projects to be constructed or acquired or assisted by the Department of General Services, the Department of Transportation, the Department of Community Affairs or the Pennsylvania Fish Commission together with their estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services, the Department of Transportation or the Department of Community Affairs; stating the estimated useful life of the projects; and making an appropriation.

APPROPRIATIONS.

STATEMENT BY MR. D. R. WRIGHT

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

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

I would like the attention, at least of the members on my side of the aisle, if I could have that.

It is always painful, Mr. Speaker, to acknowledge the probability that one voted on an important bill under some misapprehension. It was my understanding, based upon information that was given to us, that this bill, SB 302, as it came before us had been agreed to by leaders in each of the four caucuses and it had the participation and consent of the executive branch. That was the basis on which I was willing, at least for today, to swallow the bitter pill. We were presented with a very difficult problem, it seemed to me, and one that needed solution, and if the solution was one which had been agreed to by four caucuses and the executive branch, there was some doubt in my mind as to whether or not I would be able to improve on that even if I had the chance. Then I guess I should have had some inclination of a scent in the wind when I heard one member from the other side after another rise to speak in opposition to SB 302. Then when the vote was taken, it was clear to me that perhaps I had had some misapprehension about the agreement which had been reached.

### INTERROGATION

Mr. D. R. WRIGHT. In order to clarify in my own mind the circumstances surrounding this vote, Mr. Speaker, I would like to have the opportunity to ask a question or two of the minority leader, Mr. Ryan.

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

Mr. D. R. WRIGHT. Mr. Speaker, you have heard my comments and I am sure you understand them. Is it your understanding that this was a bill to which there had been agreement by the four caucuses and by the executive branch?

Mr. RYAN. Mr. Speaker, the gentleman is making reference to the agreement of four caucuses. That part of it is inaccurate. If the gentleman had stated, was it the agreement of the leadership of the four caucuses that this is the best solution to an otherwise touchy problem, I would agree with him wholeheartedly. I think that is what he really intended to ask.

I was not present during the bulk of the debate on that particular bill, SB 302. I was off the floor, although I did arrive back on the floor in time to vote in favor of that particular bill. Had I been present and had an opportunity to enter into the debate, I, too, like Mr. Hayes, would have spoken in favor of the bill. I would have asked that our members vote in a favorable manner for the bill and, as you have stated, would have hoped that the bill would have passed with bipartisan support.

I do not know that that is a complete answer to your question. If it is not, please continue with your interrogation.

Mr. D. R. WRIGHT. Just a word of clarification further.

It would be your understanding then that this was not the Democratic proposal, it was not Mr. Manderino's proposal, but it was something to which an agreement had been reached between the leaders, as you correctly state, between the four caucuses and the executive branch?

Mr. RYAN. Mr. Speaker, you know if I had the opportunity, I would lay this on Mr. Manderino, and I cannot do that.

Mr. D. R. WRIGHT. Okay.

In view, Mr. Speaker, of the clarification of the minority leader, I would then withdraw the motion for reconsideration which is now on your table.

The SPEAKER. The Chair thanks the gentleman.

For what purpose does the gentleman from Chester, Mr. Morris, rise?

Mr. MORRIS. I would just like to add one word to this colloquy. I feel exactly as Mr. Wright feels.

The SPEAKER. The Chair thanks the gentleman.

### REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I inadvertently voted in the negative on SB 950. I would like to change my vote to the affirmative, please.

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

### BILLS AND RESOLUTIONS PASSED OVER

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

### MOTION TO ADJOURN

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

Mr. FREEMAN. Mr. Speaker, I move that this House do now adjourn until Tuesday, November 29, 1983, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

The SPEAKER. It is moved by the gentleman from Northampton, Mr. Freeman, that the House do now adjourn until Tuesday, November 29, 1983, at 1 p.m., unless sooner recalled by the Speaker. The question is on the motion. The motion is not debatable and it is not amendable.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—104

Armstrong	Gruppo	Merry	Semmel
Arty	Haluska	Michlovic	Showers
Blaum	Hasay	Micozzie	Smith, B.
Boyes	Hayes	Moehlmann	Smith, L. E.
Brandt	Honaman	Nahill	Snyder, D. W.
Burns	Irkin	Noye	Snyder, G. M.
Cornell	Jarolin	O'Brien	Spitz
Cowell	Kasunic	O'Donnell	Steighner
Coy	Kennedy	Oliver	Stuban
DeVerter	Klingaman	Perzel	Swift
DeWeese	Kosinski	Peterson	Taylor, E. Z.
Davies	Kowalshyn	Piccola	Taylor, F. E.
Dietz	Kukovich	Pievsky	Tigue
Dombrowski	Lashingier	Pitts	Van Horne

Donatucci	Laughlin	Pott	Vroon
Dorr	Linton	Preston	Wachob
Fee	Lloyd	Reber	Wambach
Flick	Lucyk	Reinard	Wargo
Freeman	McCall	Rieger	Wass
Freind	McClatchy	Robbins	Wilson
Gallagher	McHale	Rudy	Wright, D. R.
Gamble	McIntyre	Ryan	Wright, R. C.
Gannon	McMonagle	Rybak	Zwilk
George	McVerry	Salvatore	
Gladeck	Madigan	Saurman	Irvis,
Greenwood	Manderino	Schuler	Speaker
Gruitza	Markosek		

## NAYS—79

Afflerbach	Clark	Harper	Olasz
Alderette	Clymer	Herman	Petrarca
Angstadt	Cohen	Hutchinson	Petrone
Baldwin	Colafella	Jackson	Phillips
Barber	Cole	Johnson	Punt
Battisto	Cordisco	Lehr	Richardson
Belardi	Coslett	Lescovitz	Saloom
Belfanti	Deluca	Letterman	Scheetz
Beloff	Daley	Levi	Serafini
Book	Deal	Levin	Seventy
Bowser	Duffy	Livengood	Sirianni
Broujos	Durham	Mackowski	Stairs
Bunt	Fargo	Maiale	Stewart
Burd	Fattah	Manmiller	Telek
Caltagirone	Fischer	Mayernik	Trello
Cappabianca	Foster, W. W.	Miller	Wiggins
Carn	Foster, Jr., A.	Miscevich	Wogan
Cawley	Geist	Morris	Wozniak
Cessar	Godshall	Mowery	Wright, J. L.
Cimini	Grieco	Mrkonic	

## NOT VOTING—6

Civera	Gallen	Pistella	Truman
Fryer	Hershey		

## EXCUSED—14

Dawida	Hoeffel	Rappaport	Sweet
Dininni	Marmion	Spencer	Weston
Evans	Murphy	Stevens	Williams
Hagarty	Pratt		

The SPEAKER. The majority required having voted in the affirmative, this House will stand adjourned, but not immediately. The Chair is going to remain open so the Speaker may sign the bills. When the Speaker drops the gavel, this House will be adjourned until Tuesday, November 29, 1983, at 1 p.m., unless sooner recalled by the Speaker.

## REMARKS ON VOTE

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

Mr. GALLEN. Mr. Speaker, I would like to be recorded in the negative on the adjournment motion.

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

## RECESS

The SPEAKER. This House now stands in recess.

## AFTER RECESS

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

## BILL SIGNED BY SPEAKER

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

## SB 279, PN 1394

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled "The Game Law," further providing for applications and permits for menageries; further providing for permits to deal in and possess wildlife; providing for refunds of certain fees; and further providing for penalties.

## ADJOURNMENT

The SPEAKER. There being no further business to be brought before this session of the legislature, this House stands adjourned until Tuesday, November 29, 1983, at 1 p.m., unless sooner recalled by the Speaker.

At 10:59 p.m., e.s.t., the House adjourned.