

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, MARCH 13, 1984

SESSION OF 1984

168TH OF THE GENERAL ASSEMBLY

No. 17

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

Heavenly Father, in the midst of this day we approach Thee with hearts that are filled to overflowing with Thy divine presence, indwelling spirit, and everlasting love.

We humbly pray that we may always remember our debt and responsibility to Thee as well as to our fellowmen. We beseech Thee that Thou wilt prick our consciences to acknowledge the obligations and opportunities of service we face. And by the power of Thy spirit, direct us in the accomplishment of the same.

To Thee, O God, be glory, honor, and praise, world without end. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, March 12, 1984, will be postponed until the Journal is in print. The Chair hears no objection.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair has given permission for J. Arthur Davis and Bill Simone to take still photographs on the floor of the House, and they may begin at any time they wish.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of HB 293, PN 2583, entitled:

An Act creating the Pennsylvania Community Development Finance Corporation.

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 293, PN 2583, 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 365, PN 2584, entitled:

An Act providing for the Pennsylvania Development Corporation; and making an appropriation.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 365, PN 2584, 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 637, PN 705, entitled:

An Act requiring a detailed analysis and review of State rules and regulations delineating their impact on small businesses, small organizations and individuals; providing for exemptions; and imposing additional duties on various State agencies.

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 637, PN 705, 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 bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

**HB 1535, PN 2585; HB 1636, PN 2586; and HB 1939, PN 2570.**

\* \* \*

The House proceeded to second consideration of **SB 408, PN 1747**, entitled:

An Act amending the act of December 5, 1972 (P. L. 1280, No. 284), entitled "Pennsylvania Securities Act of 1972," reducing the waiting period prior to offering certain investments; exempting certain registered promoters; limiting the forfeit of certain mutual fund fees; reducing the time period for certain registration statements to be on file with the commission; further providing for the effectiveness of certain registration statements and amendments thereto; eliminating certain withdrawals for mutual funds; and further providing for fees to be assessed by the Pennsylvania Securities Commission.

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 SB 408, PN 1747, 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 1850, PN 2413**, entitled:

An Act amending the "Pennsylvania Cancer Control, Prevention and Research Act," approved December 18, 1980 (P. L. 1241, No. 224), extending the expiration date of the act.

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 1850, PN 2413, 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 1634, PN 2063.**

\* \* \*

The House proceeded to second consideration of **HB 292, PN 2582**, entitled:

An Act amending the act of November 20, 1968 (P. L. 1075, No. 329), referred to as the "Public Television Network System Law," changing the name of the commission; broadening its powers and duties; providing for its termination; and making an editorial change.

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 292, PN 2582, 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.

### FILMING PERMISSION GRANTED

The SPEAKER. The Chair has given permission for the photographer from WHP-TV to take television tapes, beginning now, on the floor of the House.

### BILLS ON SECOND CONSIDERATION CONTINUED

The House proceeded to second consideration of **HB 347, PN 391**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for six-year terms for Senators and four-year terms for members of the House of Representatives.

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 347, PN 391, 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:

**SB 437, PN 1746.**

\* \* \*

The House proceeded to second consideration of **SB 639, PN 1154**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, changing a definition; and further providing for creditable nonstate service.

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 SB 639, PN 1154, 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.

**MASTER ROLL CALL RECORDED**

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

The following roll call was recorded:

**PRESENT—195**

Afflerbach	Durham	Levin	Rieger
Alderette	Evans	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	Foster, Jr., A.	McIntyre	Scheetz
Belfanti	Freeman	McMonagle	Schuler
Beloff	Freind	McVerry	Semmel
Blaum	Fryer	Mackowski	Serafini
Book	Gallagher	Madigan	Seventy
Bowser	Gallen	Maiale	Showers
Boyes	Gamble	Manderino	Sirianni
Brandt	Gannon	Manmiller	Smith, B.
Broujos	Geist	Markosek	Smith, L. E.
Bunt	George	Mayernik	Snyder, D. W.
Burd	Gladeck	Merry	Snyder, G. M.
Burns	Godshall	Michlovic	Spitz
Caltagirone	Greenwood	Micozzie	Stairs
Cappabianca	Gruitza	Miller	Steighner
Carn	Gruppo	Miscevich	Stewart
Cawley	Hagarty	Moehlmann	Stuban
Cessar	Haluska	Morris	Sweet

Cimini	Harper	Mowery	Swift
Civera	Hasay	Mrkonic	Taylor, E. Z.
Clark	Hayes	Murphy	Taylor, F. E.
Clymer	Herman	Nahill	Telek
Cohen	Hershey	O'Brien	Tigue
Colafella	Hoeffel	O'Donnell	Trello
Cole	Honaman	Olasz	Truman
Cordisco	Hutchinson	Oliver	Van Horne
Cornell	Itkin	Perzel	Vroon
Coslett	Jackson	Peterson	Wachob
Cowell	Jarolin	Petrone	Wambach
Coy	Johnson	Phillips	Wargo
Deluca	Kasunic	Piccola	Weston
DeVerter	Kennedy	Pievsky	Wiggins
DeWeese	Klingaman	Pistella	Williams
Daley	Kosinski	Pitts	Wilson
Davies	Kowalshyn	Pott	Wogan
Dawida	Kukovich	Pratt	Wozniak
Deal	Lashinger	Praston	Wright, D. R.
Dietz	Laughlin	Punt	Wright, J. L.
Dininni	Lehr	Rappaport	Wright, R. C.
Dombrowski	Lescovitz	Reber	
Donatucci	Letterman	Reinard	Irvis,
Dorr	Levi	Richardson	Speaker
Duffy			

**ADDITIONS—3**

Noye                      Petrarca                      Wass

**NOT VOTING—2**

Stevens                      Zwinkl

**EXCUSED—3**

Grieco                      Marmion                      Spencer

**LEAVES ADDED—2**

Stevens                      Zwinkl

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 1518, PN 1852, 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.

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 1518, PN 1852, be returned to the tabled calendar.

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

**MEMBERS' PRESENCE RECORDED**

The SPEAKER. The gentleman, Mr. Petrarca, the gentleman, Mr. Noye, and the gentleman, Mr. Wass, will have their names added to the master roll.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 910, PN 1048**, entitled:

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

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

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

The question is, shall the bill pass finally?

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

**YEAS—197**

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

NAYS—0

NOT VOTING—3

EXCUSED—3

Cohen	Stevens	Zwikel
Grieco	Marmion	Spencer

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.

**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 leave of absence for the gentleman from Lehigh, Mr. **ZWIKL**, for today.

The **SPEAKER**. Without objection, leave will be granted. The Chair hears none.

Does the minority whip have any requests for leaves?

Mr. **HAYES**. Yes, Mr. Speaker. I request leave for the gentleman from Luzerne, Mr. **STEVENS**, for the day.

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

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

**SB 58, PN 58** By Rep. **LAUGHLIN**

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the transportation of property of unusual value, including money and securities, in armored motor vehicles.

**CONSUMER AFFAIRS.**

**SB 201, PN 1802 (Amended)**

By Rep. **GEORGE**

An Act providing for safe drinking water; imposing powers and duties on the Department of Environmental Resources in relation thereto; and appropriating certain funds.

**CONSERVATION.**

**DAFFODIL DAY PROGRAM**

The **SPEAKER**. You will have noticed by this time that the House is decorated very beautifully - on each desk, a bouquet of daffodils. It is particularly appropriate that we should welcome spring on a day like this, as it is outside, blustery and wintry. But spring will come, and with spring will come a hope for new life, and basically that is the reason that the American Cancer Society on this day has graciously decorated each one of our desks with a new hope of spring and life, as exemplified by the daffodils.

The Chair asks at this time that the gentleman, Mr. Cole, step forth and preside temporarily over this brief ceremony.

Mr. COLE. Thank you, Mr. Speaker.

Ladies and gentlemen, you can see by the beautiful daffodils on your desks that the House has been officially recognized as the official campaign kickoff for the American Cancer Society's fundraiser for 1984.

You should be proud that last year here in the House, the cancer control program for Pennsylvania, which was initiated in 1976 and passed by the House members for three terms, finally became law, and we are now privileged to have a long-awaited cancer control plan in Pennsylvania. I want to take this opportunity to personally thank the leadership on both sides of the aisle for being a part of this for these long 7 years to achieve this purpose, and to you, the House members should take pride as the leaders in establishing this plan. As you know, we were unsuccessful in the other chamber for three sessions to make this a reality.

The facts are there: one out of four of us will have cancer; one out of five of us will die of cancer. In Pennsylvania, these alarming statistics: going from an increase since 1977 to 1983 of 43,000 people being diagnosed as cancer victims in 1977 to an increase of 10,000 in 1983, a total of 53,000 cancer victims in Pennsylvania. We have over 25,000 people a year dying of this dreadful disease, so it is only fitting that Pennsylvania becomes a leader in the United States with a cancer control program which is in its first year's obligation and operation thanks to you.

Today we are privileged to have here many people from the American Cancer Society, the individual units, who are over here on our left and we will introduce very shortly.

First, I would like to make a presentation to the American Cancer Society for the outstanding work that they do throughout our communities. This citation is to the American Cancer Society, and it reads as follows:

Whereas, The volunteers and staff of the Pennsylvania Division of the American Cancer Society have distinguished themselves in the fight to eliminate cancer. Their efforts have made the American Cancer Society the preeminent organization in cancer control in Pennsylvania; and

Whereas, Through American Cancer Society supported research programs, significant advances have been made in the detection and treatment of cancer. With these advances, forty-eight percent of all cancer patients can be cured today. Through the public and professional education programs conducted by the American Cancer Society, thousands of Pennsylvanians have received life-saving information needed to prevent and cure cancer in its early stages. Cancer patients and their families get the understanding and support they need to win their battle against cancer and to live life to the fullest; and

Whereas, The people of Pennsylvania have generously supported the programs and goals of the American Cancer Society because they too have the hope that cancer will be conquered.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania pays tribute to the Pennsylvania Division of the American Cancer

Society for their dedicated service to the elimination of cancer, notes with pride and admiration their devotion to their cause; and further directs that a copy of this citation be delivered to the American Cancer Society, Pennsylvania Division.

It is signed by the Speaker of the House, Leroy Irvis.

At this time to receive this citation from the House members, I would like to introduce a person who is called Miss Hope of Pennsylvania. Her name happens to be Ann Hopewood. Very appropriate. Ann Hopewood is the American Cancer Society's State Nurse of Hope. She is a licensed practical nurse from Lebanon, a volunteer at the Good Samaritan Hospital oncology unit. She is the society's official representative of volunteers at a variety of functions throughout the State.

At this time I would like Miss Hope, Ann Hopewood, to come forward to address the Assembly and also to receive the Pennsylvania House citation on behalf of the members of the House.

Miss HOPWOOD. Thank you, Mr. Speaker.

It is Hopwood, not Hopewood. But for this year here, it is okay to add the "E."

Good morning, ladies and gentlemen. I would like to say to you that I am glad to see that there are a great group of diehards here in the city of Harrisburg.

It is indeed an honor and a privilege for me to be here today and to share with you the excitement and hope of the American Cancer Society with our symbol of hope, the daffodil. Each year, the first spring flower to make its appearance is the beautiful daffodil. It brings with it the promise of sunshine, warmth, and cheer. How very fitting then that this flower was chosen to represent hope - hope in finding a cure for cancer, hope to our cancer patients that after the winter of surgery or chemotherapy, there is a spring and summer with promises of the future.

This very special event, Daffodil Day, continues to surpass previous years' sales, and the proceeds realized from their sale enable us to continue the progress we are making in our uphill battle with cancer. They help to support research, they allow us to do public and professional education programs, and to provide our much-needed patient service and rehabilitation. There will be more than 2 million daffodils distributed in Pennsylvania this year. They are our symbol of hope, a hope to eliminate cancer from our society.

We have made great strides in our battle. Research holds many promising answers. However, cancer remains the second leading cause of death in our great State. In 1982 there were 52,000 Pennsylvanians diagnosed as having cancer. Our rate of new cancer cases is among the highest in the Nation. The American Cancer Society, with its thousands of volunteers, provides our fellow Pennsylvanians with the life-saving information necessary to prevent, detect, and cure cancer in its early stages when the cure rate is the highest.

We have removed some of the fears and myths associated with this dreaded disease. We have helped people maintain a quality of life during chemotherapy treatment, and we have assisted in returning many of our cancer patients to normal,

productive lives. We are at a point in time where 48 percent of all cancer patients can be cured. Our hope for a 100-percent cure rate will be realized through the ongoing research here in Pennsylvania as well as other parts of the Nation. The American Cancer Society supports nearly 700 key cancer researches with the hope that our dream will come to pass one day soon - the elimination of cancer from the face of the Earth.

I am very proud and honored to be included in the ranks of such a prestigious group as the American Cancer Society family and to be able to serve as a volunteer through the Nurse of Hope program. This special and unique program affords nurses throughout the State the chance to use their knowledge, compassion, and dedication to help mankind in a special way. It is because of this program that a special dream of mine has come true - to be given the opportunity to help my fellowman in a special way, especially my cancer patients. Through my many appearances and public education lectures done this year, I have been able to instill hope where there was fear or despair, and enlightenment where there was ignorance. All programs offered by the American Cancer Society are provided free of charge and can be secured through a local ACS unit. The cancer patients and their families, those of today and tomorrow, continue to depend on the ACS in their very supportive and worthwhile services.

The breath of spring and hope are here today. The daffodils are our thanks to the thousands of Pennsylvanians who have supported the American Cancer Society and give hope to those we can help. We thank the General Assembly and the administration for supporting the Pennsylvania cancer control plan, which will help us in achieving our goal of eradicating cancer. We will not rest until this battle is won and the victory is ours.

At this time, Mr. Speaker, I would like to introduce another living symbol of hope, Cathy Inkrote. After undergoing 3 years of chemotherapy, Cathy is winning her battle against cancer. At her last monthly checkup there was no sign of cancer. On behalf of the American Cancer Society, Cathy would like to present you, Speaker Irvis, with a special bundle of daffodils to thank you for having us here today.

The SPEAKER. The Chair thanks the gentleman, Mr. Cole, for presiding.

The Chair is very much moved by the courage of the young woman who presented the Speaker with the bouquet of daffodils. The Speaker will long remember this event and trusts that it will be the beginning of a tradition in the House of Representatives. You have honored us by your presence and we are all grateful for the work that you have done.

The Chair would like to recognize the gentleman who represents the area that Miss Hope represents and comes from in this Commonwealth, Mr. Jackson.

Mr. JACKSON. Mr. Speaker, as you know, I am just a little old country boy from Lebanon County. When I replaced the Honorable Jack Seltzer, I thought automatically I would be Speaker of the House like he was, except a Representative who was the Speaker at that time - Matt - politely informed me that I was not going to be Speaker.

So I am sitting here today minding my own business, and lo and behold, a young lady from my district is being introduced as Miss Hope. She is from my district; she is a personal friend of mine. I just want you ladies and gentlemen to know that we have a lot more going for us than Lebanon bologna; we have Miss Hope.

### WELCOMES

The SPEAKER. The Chair at this time would be remiss if it did not introduce some of the people who make this vital work go forward.

To the left of the Chair, Sally Flick, who is a Pennsylvania Division Childhood Cancer Committee member, the Lancaster Unit; Kaye Raffensperger, member of the Pennsylvania Division Special Events Subcommittee, a member from the Perry Unit; Genevieve Bromley, the Daffodil Day chairperson, the Cumberland Unit; Caroline Wilkinson, Daffodil Day volunteer from the Dauphin Unit; Jan Rhodes, Crusade chairperson from Dauphin County; Carole Williams, Philadelphia Division volunteer; Frank Spells, Daffodil Day treasurer, York Unit; and Patricia Morley, Philadelphia Division volunteer.

And without staff, even the brave work of volunteers would fail, and some of the staff working here today have come with the volunteers - Trey Philpotts, Nancy Wolfe, Charlene Lippi, Gail Snyder, and Charlotte Reinhold. And the Chair is particularly proud to present one of the Speaker's children—I think those of you who know me know that I refer to the young people who have been on my staff as my children, my family. The young woman came to me when I was majority leader a number of years ago. She was a college student, and I think we gave her her first full-time job. She rose from being a beginner to a senior staff person, and she was responsible for almost 90 percent of the work that was done in restructuring this House of Representatives by organizing the Bipartisan Management Committee. For several years she was the deputy director of the Bipartisan Management Committee. The Chair did not want to lose her services but has understood all along that this young woman's dedication to human life and human dignity was such that we could not expect to hold her forever. She left this hall of the House to take a position as director for public relations and public affairs for the Pennsylvania Division of the American Cancer Society. We welcome back, and we wish the best to, Deborah Medvick, who organized this day.

### STATEMENT BY MR. FISCHER

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Fischer.

Mr. FISCHER. Mr. Speaker, I ask for unanimous consent to make a brief statement.

The SPEAKER. Without objection, unanimous consent is granted. The Chair hears no objection.

Mr. FISCHER. Mr. Speaker, I think, like all of us, that the daffodils look very beautiful, but there is an element of

sadness as I look around and I watch, between the daffodils, smoke rising.

There is an element within all this that is not only sad but very tragic. All of you who are listening to me are friends of mine, and I think if you watch the daffodil long enough while the smoke goes past it, the daffodil is going to wilt, just like the insides of people wilt when you put that smoke in there. I hope that this will be a day not only when we commemorate the cause that brought the daffodils to us, but I hope it will be a day in which all of us resolve to stop the smoke in here and throughout the places with which we come in contact.

We set an example. We set an example by obeying the rules of the House, and we set an example by showing people safe ways and healthy ways to live. Maybe this would be a good day to use the daffodil as a symbol of the day on which we quit making the smoke. I would hope from this point on all of us would begin to realize we would function a lot better if there was not any smoke and if we did not smoke, and I hope that we will begin to set that example from this point forward in this House chamber and with all the people whom we come and influence. It is no accident that the people who run, the people who swim, the people who exercise vigorously very seldom smoke, because smoke simply makes it impossible for you to function well. I do not want to see any of you live any the less or any the less well. Let us stop today.

The SPEAKER. The Chair thanks the gentleman.

The gentleman's remarks are well taken. All of us, including the Speaker, have had the dread disease of cancer strike either relatives or friends. We have had it strike down members of this General Assembly. We are very proud of the American Cancer Society's effort to bring this under control, and eventually we shall do so.

Again, the Speaker repeats, he trusts that this will be the beginning of a tradition, that the American Cancer Society will return to the House year by year, and he trusts that the figure of 48 percent curability will eventually rise to 100 percent prevention. When that day comes, man will have conquered one of his most vicious, one of his most debilitating enemies that he has ever faced in his history of his long climb.

The House will stand at ease for a few moments so our guests may now leave.

**WELCOME**

The SPEAKER. Representative Robert Wright has here as a guest Keith Reeves, who is a high school student from Chester. He is working on a senior project.

**CALENDAR CONTINUED**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1795, PN 2483**, entitled:

An Act prohibiting the Department of Environmental Resources from issuing any permit pertaining to mining, water quality, air quality, solid waste and other areas unless an onsite inspection is first conducted.

On the question,  
Will the House agree to the bill on third consideration?  
Mr. MADIGAN offered the following amendments No. A0495:

- Amend Sec. 1, page 1, line 10, by inserting after "significant" detrimental
- Amend Sec. 2, page 2, line 1, by inserting after "significant" detrimental
- Amend Bill, page 2, by inserting between lines 4 and 5 Section 3. Applicability of act.
- This act shall apply to all permits the Department of Environmental Resources is authorized to issue under current law.
- Amend Sec. 3, page 2, line 5, by striking out "3" and inserting

4

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

The SPEAKER. The Chair recognizes the gentleman from Bradford, Mr. Madigan.

Mr. MADIGAN. Thank you, Mr. Speaker.

This is a clarifying amendment to this particular bill. In the bill, the phrase "significant environmental impact" is used. As written, this could mean positive or negative impact. The first part of my amendment clarifies that there should be concern only if there is a significant detrimental environmental impact. It merely adds the word "detrimental."

Also, I was concerned that section 2 of the bill would require permits for activities that DER (Department of Environmental Resources) is currently not authorized to issue. The second part of the amendment clarifies that the act would apply only to permits DER is currently authorized to issue.

I urge adoption of this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

We are in agreement with that amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

**YEAS—193**

Afflerbach	Evans	Lloyd	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	Semmel
Belfanti	Freind	Madigan	Serafini
Beloff	Fryer	Maiale	Seventy
Blaum	Gallagher	Manderino	Showers
Book	Gallen	Manmiller	Sirianni
Bowser	Gamble	Markosek	Smith, B.
Boyes	Gannon	Mayernik	Smith, L. E.
Brandt	Geist	Merry	Snyder, D. W.
Broujos	George	Michlovic	Snyder, G. M.
Bunt	Gladeck	Micozzie	Spitz

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

NAYS—0

NOT VOTING—5

Cohen	Gruitza	Harper	Schuler
DeWeese			

EXCUSED—5

Grieco	Spencer	Stevens	Zwilk
Marmion			

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. MACKOWSKI offered the following amendments No. A0571:

Amend Title, page 1, line 2, by striking out "any permit" and inserting

certain permits

Amend Bill, page 2, by inserting between lines 4 and 5 Section 3. Applicability.

The provisions of this act shall not apply to permits or interim permits issued by the Department of Environmental Resources for oil and gas drilling and production.

Amend Sec. 3, page 2, line 5, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Thank you, Mr. Speaker.

Mr. Speaker, my amendment simply asks that this body consider the fact that these permits should not necessarily be

held up for an onsite inspection at an oil and gas site. Now, the reason I say that is, number one, an onsite inspection of a well to be drilled means there is a piece of ground and where that stake is is where we intend to drill. That is already on file in requesting a permit to begin with, and as a consequence, if each one of these operations—and I hasten to point out there were some 8,000 wells drilled last year. Now, that would require 8,000 inspections by DER, who we do not feel has adequate staff. It would increase their budget substantially and would prove nothing whatsoever.

I can agree that an onsite inspection during the drilling procedure is one thing, particularly if there is a complaint from a neighbor, and so forth, as to any type of contamination. I do not disagree with that at all, but to have an onsite inspection prior to the drilling operation is a complete waste of taxpayers' money.

The SPEAKER. The Chair thanks the gentleman.

On the Mackowski amendment, the Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is not a simple amendment at all, even though I do not have a copy of it in front of me. This amendment in reality will destroy the intent of the legislation, which is very simply that whenever someone will venture into some type of project or act and where irreparable harm could come to the environment, especially our water supplies, that in good, moral sense there should be an onsite inspection just to merely see where they are drilling. And so, Mr. Speaker, I believe that we would best serve all of those people who have already suffered water losses, and those who could possibly suffer greater losses, if we voted "no" on this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Mr. Speaker, I do not disagree with onsite inspections if and when there is any danger. Now, prior to getting a permit, under current law, you must file a plat. The plat is done by a registered engineer or surveyor indicating the location of that well, and it is all there. Now, if we are going to have to hold up a drilling operation for an inspector to get there for the number and volume of wells we hope will be drilled in the next year or so to provide the energy we so desperately need, then I think this is not only a needless expense as far as the State is concerned, but you may have rotary rigs, you may have a lot of tools, you have people waiting to start this project. All we are saying is, come in and look at it while it is in operation, but do not hold the project up to say, see that piece of grass down there? That is where we are going to drill a well. It is ridiculous and costly.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair has given permission to photographers from the Patriot-News to take still photographs of the House of Representatives on Daffodil Day. They arrived a little late, so the bright lights will be going on. We will turn them off as soon as possible.



**CONSIDERATION OF HB 1795 CONTINUED**

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

Mr. WASS. Mr. Speaker, thank you.

I rise in support of the Mackowski amendment. Mr. Speaker, as we read and follow the intent of HB 1795, we certainly are in agreement that such legislation is necessary, but I believe that it is overkill when we make demands upon the department for onsite inspections before permitting in the area of Mr. Mackowski's amendment.

Mr. Mackowski has pointed out that the only thing a preinspection would point out to an inspector from DER is where the stake is or where the well is going to be drilled. Prior to getting a permit from DER for the drilling of a gas or an oil well, certain provisions must be established with DER. So I believe that this will just add an excessive burden to the personnel of DER without any justification.

So I rise in support and ask my colleagues to support the Mackowski amendment.

The SPEAKER. The Chair thanks the gentleman, Mr. Wass.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

I rise in opposition to this amendment for one reason. The destroying of drinking water in the State of Pennsylvania by the oil and gas people is horrendous. They drill so close together that in Kane, Pennsylvania, there is no drinking water left. Now, if that is an indication that DER is doing a good job in checking these out, predrilling, I would like to know why Kane, Pennsylvania, does not have any fresh water to drink, and I would like to know how many of you would like to live in an area that does not have fresh water to drink. I think you had better take this under consideration and realize that gas and oil people drill as many holes as they can possibly drill, one on top of another if they can possibly do it, and they do not care if they destroy every bit of drinking water that is in Pennsylvania or the United States as long as they get gas or oil.

So I am asking you to vote in opposition to this amendment. I see nothing the matter with a presite inspection to determine whether or not these wells are too close together. I have been in the gas fields and the oil fields with a lot of people in my 14 years here in the legislature, and every time we ever go there, somebody is hiding something from us. They do something; they fix it all up and make it look real sweet, but do not go there unexpectedly, because you are not going to find them just as nice as they are when you are expected to be there. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Mackowski amendment, the Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Thank you, Mr. Speaker.

In response to the last speaker, speaking about this inspection protecting water supplies, I think what Representative Mackowski said is absolutely correct. It is not going to do

anything. The present bill requiring the inspection will not do anything to protect water supplies. The fact that a DER representative goes out and looks at the well, he will not learn anything that he has not on the plat plan, because wetlands have to be noted, streams, springs, those sorts of things. The fact is, with the absence of an oil and gas drilling act in the Commonwealth, DER really does not have anything to say about that anyway. So I think to have them go out and make this kind of an inspection is really, as Representative Mackowski said, a waste of taxpayers' dollars. One of the problems is, in the department presently there is no permit fee for an oil and gas well, and so the department has to fund all of this effort out of taxpayers' dollars, and really, nothing is going to be gained by inspecting where a stake has been driven under present law.

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—72**

Armstrong	Dorr	McClatchy	Robbins
Arty	Durham	McVerry	Ryan
Book	Fargo	Mackowski	Salvatore
Bowser	Flick	Madigan	Saurman
Boyes	Foster, W. W.	Manmiller	Scheetz
Brandt	Foster, Jr., A.	Merry	Schuler
Bunt	Freind	Micozzie	Semmel
Burns	Gallen	Moehlmann	Smith, B.
Cessar	Gannon	Mowery	Smith, L. E.
Cimini	Geist	Nahill	Snyder, D. W.
Civera	Gruppo	Noye	Snyder, G. M.
Clymer	Hagarty	O'Brien	Swift
Cornell	Honaman	Perzel	Taylor, E. Z.
Coslett	Johnson	Peterson	Vroon
Davies	Kennedy	Phillips	Wass
Dietz	Lashinger	Pitts	Wilson
Dininni	Lehr	Pott	Wogan
Donatucci	Levi	Reinard	Wright, J. L.

**NAYS—117**

Afflerbach	Fee	Linton	Rieger
Alderette	Fischer	Livengood	Rudy
Angstadt	Freeman	Lloyd	Rybak
Baldwin	Fryer	Lucyk	Saloom
Barber	Gallagher	McCall	Serafini
Battisto	Gamble	McHale	Seventy
Belardi	George	McIntyre	Showers
Belfanti	Gladeck	McMonagle	Sirianni
Beloff	Godshall	Manderino	Stairs
Blaum	Greenwood	Markosek	Steighner
Broujos	Gruitza	Mayernik	Stewart
Caltagirone	Haluska	Michlovic	Stuban
Cappabianca	Hasay	Miller	Sweet
Carn	Hayes	Miscevich	Taylor, F. E.
Cawley	Herman	Morris	Telek
Clark	Hershey	Mrkonc	Tigue
Colaflera	Hoeffel	Murphy	Trello
Cole	Hutchinson	O'Donnell	Truman
Cordisco	Itkin	Olasz	Van Horne
Cowell	Jackson	Oliver	Wachob
Coy	Jarolin	Petrarca	Wambach
Deluca	Kasunic	Petrone	Wargo
DeVerter	Klingaman	Pievsky	Williams
Daley	Kosinski	Pistella	Wozniak
Dawida	Kowalyszyn	Pratt	Wright, D. R.
Deal	Kukovich	Preston	Wright, R. C.
Dombrowski	Laughlin	Punt	
Duffy	Lescovitz	Rappaport	Irvis,

Evans	Letterman	Reber	Speaker
Fattah	Levin	Richardson	

## NOT VOTING—9

Burd	Harper	Piccola	Weston
Cohen	Maiale	Spitz	Wiggins
DeWeese			

## EXCUSED—5

Grieco	Spencer	Stevens	Zwilk
Marmion			

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?

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Wass, who offers the following amendment.

Mr. WASS. Mr. Speaker, I withdraw my amendment, based on the amendment of Mr. Madigan.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. MORRIS offered the following amendments No. A0518:

Amend Sec. 1, page 1, line 8, by inserting before "The"

(a) General rule.—

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

(b) Exception for normal agricultural operations.—The provisions of this act shall not apply to a normal agricultural operation. As used in this act, normal agricultural operation means the customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation for market of poultry, livestock and their products and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquicultural crops and commodities and is:

(1) not less than ten contiguous acres in area; or

(2) less than ten contiguous acres in area but has an anticipated yearly gross income of at least \$10,000.

Amend Sec. 2, page 1, line 16, by striking out "No" and inserting

Except as to a normal agricultural operation, no

On the question,

Will the House agree to the amendments?

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

Mr. MORRIS. Thank you, Mr. Speaker.

The way the bill is written, it could apply to a farmer spreading manure or many other simple, normal agricultural activities like that. This amendment takes the normal agricultural operations out of the bill.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Clearfield, Mr. George, on this amendment.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, we can agree with that amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. Reber, on the Morris amendment.

Mr. REBER. Mr. Speaker, I would like to ask the maker of this amendment a short interrogation for clarification purposes.

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

Mr. REBER. Mr. Speaker, I want to make sure that in the event a particular farmer or individual engaged in some type of normal agricultural activity might also be generating some type of sludge, heavy metal or the like, as an ancillary type of operation. I am sure it is your concern that this does not exempt regulation or inspection where in fact there are heavy-metal sludge applications to farmlands being carried out. Would that be a fair statement?

Mr. MORRIS. Yes, it would, Mr. Speaker. The use of municipal sludge on a farm is not generally considered a normal operation. It requires a DER permit anyway.

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

The SPEAKER. The Chair thanks the gentleman.

On the Morris amendment, the Chair recognizes the gentleman from Bucks, Mr. Wright.

Mr. J. L. WRIGHT. Mr. Speaker, within the last couple of days Representative Cole, as chairman of the Federal-State Relations Committee, put out a report on the effects of pollution from Pennsylvania into the Chesapeake Bay, and some of the subjects addressed were manure spreading and other chemicals used by agricultural people. I am wondering if Mr. Cole would pass some judgment for us on the amendment that is being proposed here now.

The SPEAKER. Did the gentleman, Mr. Cole, hear the question raised by Mr. Wright?

The gentleman, Mr. Wright, is asking if you would give your opinion as to the effect of the Morris amendment on this bill, inasmuch as you have made a study of the impact of sludge or manure spreading as a pollutant.

Mr. COLE. Yes, Mr. Speaker, we know this for a fact. However, the agricultural leaders in the communities as well as at the State level are now setting up an education program to combat this pollution that takes place in the agricultural communities. As we know, in every organization people abuse certain things, and this is what is happening. We know it is only a small percentage of those farmers who are not properly managing such activities as even applying commercial fertilizers to the land. We know in some areas fertilizer is overused. That is a poor management practice and costing farmers more money than what they should spend in regard to fertilizing their fields.

If the spreading of sludge manure is done by the recommended practices in the farming community, this should not be a great harm to pollution, but what we are finding in small, isolated instances is that many times these applications are applied to the fields and they are not plowed under in the recommended time. So I think if the farming community does

their proper management in these areas, it is not a major contribution to pollution, if the practices are followed.

The SPEAKER. Is the gentleman, Mr. Wright, satisfied with the answer?

Mr. J. L. WRIGHT. I think I am. Are you recommending passage of this amendment?

Mr. COLE. Yes, Mr. Speaker, I am; also, that the agricultural community continue the education program to those farmers who are not complying with the proper management procedures.

The SPEAKER. The Chair thanks both gentlemen.

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

Mr. DAVIES. Mr. Speaker, only one question of interrogation to the maker of the amendment.

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

Mr. DAVIES. Mr. Speaker, we do have a guarantee that these normal practices—and not having the language in front of me—would in no way encourage the current concern with EDB (ethylene dibromide). That in no way would be part of the normal practices in your amendment.

Mr. MORRIS. Mr. Speaker, I am afraid I do not understand the question. I will just say no.

The SPEAKER. Is the gentleman, Mr. Morris, stating that the answer to the question is no?

Is the gentleman, Mr. Davies, satisfied with the answer?

Mr. DAVIES. 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—188

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

Cole	Itkin	Perzel	Truman
Cordisco	Jackson	Peterson	Van Horne
Cornell	Jarolin	Petrarca	Vroon
Coslett	Johnson	Petrone	Wachob
Cowell	Kasunic	Phillips	Wambach
Coy	Kennedy	Piccola	Wargo
Deluca	Klingaman	Pistella	Wass
DeVerter	Kosinski	Pitts	Weston
Daley	Kowalshyn	Pott	Wiggins
Davies	Kukovich	Pratt	Williams
Dawida	Lashingier	Preston	Wilson
Deal	Laughlin	Punt	Wogan
Dietz	Lehr	Rappaport	Wright, D. R.
Dininni	Lescovitz	Reber	Wright, J. L.
Donatucci	Letterman	Reinard	Wright, R. C.
Dorr	Levi	Richardson	
Duffy	Levin	Rieger	Irvis,
Durham	Linton	Robbins	Speaker
Evans	Livengood		

NAYS—4

Cawley	Freeman	Lloyd	Wozniak
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NOT VOTING—6

Cohen	Dombrowski	Maiale	Pievsky
DeWeese	Harper		

EXCUSED—5

Grieco	Spencer	Stevens	Zwick
Marmion			

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the minority leader on final passage.

Mr. RYAN. Mr. Speaker, I have been asked and was unable to give the answer—and Mr. McClatchy has evidently just stepped off the floor—as to the cost of this particular bill. I am wondering if Mr. Pievsky can advise the House whether or not there has been a fiscal note on it, and if so, what is the cost?

The SPEAKER. The Chair thanks the gentleman.

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

Mr. PIEVSKY. Mr. Speaker, there is no fiscal note to this bill.

Mr. RYAN. Would the gentleman advise the House as to whether or not there are fiscal implications with the bill? What occurs to me is the immediate additional cost of staffing the Department of Environmental Resources.

Mr. PIEVSKY. Unless the department is able to handle it on their own, I do not know if there is any fiscal impact on this bill or not, and there has not been a request to have a fiscal note prepared.

Mr. RYAN. It is my understanding, Mr. Speaker, that there are fiscal implications with the bill. I do not know what they are. It has been suggested to me that there are perhaps

major fiscal implications. When I say "suggested," some of our members believe that to be the case, and I just do not know how to answer their objections as to the absence of a fiscal note.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I think that the question arises as to fiscal impact because it appears that the onsite inspection will certainly have to cost money. The fact of the matter is, though, that an onsite inspection has to be made now; it just simply is not made before the permit is issued. The bill simply says, before you issue the permit, you must do that onsite inspection. It is just the timing of the issuing of the permit, which should not have any great fiscal impact; in fact, none at all.

The SPEAKER. The Chair thanks the gentleman.

Is the minority leader satisfied with the explanation?

Mr. RYAN. Mr. Speaker, not being totally familiar with the process in the gas and oil fields and the inspections by DER, I would yield at this time to Mr. Wass, who I see has risen to the occasion.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. WASS. Mr. Speaker, may I interrogate Mr. Manderino, please?

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

Mr. WASS. Mr. Speaker, you made a statement that is of great interest to me, but I did not know it existed. In Indiana County we have many gas well drilling activities. Did you say that at this time DER is required to make an onsite visit of every well?

Mr. MANDERINO. Mr. Speaker, it is my understanding that onsite inspections are made by DER. The permits are issued in some cases prior to the onsite inspection, and this bill really makes the onsite inspection take place before a permit is issued.

Mr. WASS. Mr. Speaker, again, if you will, are you saying as this bill speaks to every well will have to have an onsite inspection, is that law today in DER? I am concerned that it does have an impact. To the best of my knowledge, I do not believe that onsite inspections are mandatory.

Mr. MANDERINO. Mr. Speaker, it is my understanding that the Department of Environmental Resources has indicated that with present personnel they are able to make the onsite inspections.

Mr. WASS. Mr. Speaker, if I may, I have concluded my interrogation.

The SPEAKER. The gentleman may state his argument.

Mr. WASS. Mr. Speaker, could this bill be held over until after lunch?

The SPEAKER. Does the majority leader have an objection to the bill being passed over? The majority leader objects to it being passed over.

Mr. WASS. Thank you.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, during the most recent interval, I had two telephone calls - one from a staff person from DER, I believe; another one from I think it was the Budget Office - and I have a fiscal note. The Budget Office evidently gave information to our Appropriations Committee indicating that only those permits issued under the Dam Safety and Encroachments Act would be affected by the legislation, and they estimate that an additional \$450,000 would be required to hire an additional 15 staff positions to conduct these onsite inspections involving waterway encroachments. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, it is not surprising to me that the Department of Environmental Resources would like to get more money for their budget to fund more positions so that people will have less to do.

### MOTION TO RECOMMIT

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Under those circumstances then, perhaps there is some disagreement between the majority and minority leaders. It may be that we should follow our rules and let this bill go to Appropriations where it could be determined what, if any, costs are involved. Under those circumstances, I would move that the bill be recommitted to the Appropriations Committee for the fiscal note that our rules require.

The SPEAKER. The Chair thanks the gentleman.

It has been moved by the minority leader that HB 1795, PN 2483, be recommitted for a fiscal note to the Appropriations Committee.

On the question,

Will the House agree to the motion?

The SPEAKER. On the motion, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the motion, I would think, would be out of order. This bill is on final passage. Our rules require that when a bill needs to go to Appropriations, it goes before second consideration.

Mr. Speaker, our information is that it does not require a fiscal note. That is the determination that was made by staff after inquiry on what inspections are presently being done by the department, what available staff there is in the department. Mr. Speaker, I would ask that all members vote against the recommittal motion.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—93

Angstadt	Flick	Levi	Robbins
Armstrong	Foster, W. W.	McClatchy	Ryan
Arty	Foster, Jr., A.	McVerry	Salvatore
Book	Freind	Mackowski	Saurman

Bowser	Gannon	Manmiller	Scheetz
Boyes	Geist	Merry	Schuler
Brandt	Gladeck	Micozzie	Semmel
Bunt	Godshall	Miller	Serafini
Burd	Greenwood	Moehlmann	Sirianni
Burns	Gruppo	Mowery	Smith, B.
Cessar	Hagarty	Nahill	Smith, L. E.
Cimini	Hasay	Noye	Snyder, D. W.
Civera	Hayes	O'Brien	Snyder, G. M.
Clymer	Herman	Perzel	Spitz
Cornell	Hershey	Peterson	Stairs
Coslett	Honaman	Phillips	Swift
DeVerter	Jackson	Piccola	Taylor, E. Z.
Davies	Johnson	Pitts	Vroon
Dietz	Kennedy	Pott	Wass
Dininni	Klingaman	Punt	Wilson
Dorr	Lashinger	Reber	Wogan
Durham	Lehr	Reinard	Wright, J. L.
Fargo	Letterman	Rieger	Wright, R. C.
Fischer			

NAYS—100

Afflerbach	Duffy	Lucyk	Rudy
Alderette	Evans	McCall	Rybak
Baldwin	Fattah	McHale	Saloom
Barber	Fee	McIntyre	Seventy
Battisto	Freeman	McMonagle	Showers
Belardi	Fryer	Maiale	Steighner
Belfanti	Gallagher	Manderino	Stewart
Beloff	Gallen	Markosek	Stuban
Blaum	Gamble	Mayernik	Sweet
Broujos	George	Michlovic	Taylor, F. E.
Caltagirone	Gruitza	Miscevich	Telek
Cappabianca	Haluska	Morris	Tigue
Carn	Hoefel	Mrkonic	Trello
Cawley	Hutchinson	Murphy	Truman
Clark	Itkin	O'Donnell	Van Horne
Colafella	Jarolin	Olasz	Wachob
Cole	Kasunic	Oliver	Wambach
Cordisco	Kosinski	Petrarca	Wargo
Cowell	Kowalyszyn	Petrone	Wiggins
Coy	Kukovich	Pievsky	Williams
Deluca	Laughlin	Pistella	Wozniak
Daley	Lescovitz	Pratt	Wright, D. R.
Dawida	Levin	Preston	
Deal	Linton	Rappaport	Irvis,
Dombrowski	Livengood	Richardson	Speaker
Donatucci	Lloyd		

NOT VOTING—5

Cohen	Harper	Madigan	Weston
DeWeese			

EXCUSED—5

Grieco	Spencer	Stevens	Zwinkl
Marmion			

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—179

Afflerbach	Evans	Linton	Rudy
Alderette	Fargo	Livengood	Ryan
Angstadt	Fattah	Lloyd	Rybak
Armstrong	Fee	Lucyk	Saloom
Arty	Fischer	McCall	Salvatore
Baldwin	Flick	McHale	Scheetz
Barber	Foster, W. W.	McIntyre	Schuler
Battisto	Foster, Jr., A.	McMonagle	Semmel

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

NAYS—13

Boyes	Jackson	Mackowski	Noye
Bunt	Kennedy	Moehlmann	Saurman
Dorr	McClatchy	Mowery	Smith, B.
Godshall			

NOT VOTING—6

Cohen	Harper	Piccola	Sirianni
DeWeese	Maiale		

EXCUSED—5

Grieco	Spencer	Stevens	Zwinkl
Marmion			

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

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

\* \* \*

The House proceeded to third consideration of **HB 1856, PN 2558**, entitled:

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), further providing for vacancies in office.

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

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

The question is, shall the bill pass finally?

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

YEAS—190

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

NAYS—0

NOT VOTING—8

Cohen	Donatucci	Maiale	O'Brien
DeWeese	Harper	Nahill	Perzel

EXCUSED—5

Grieco	Spencer	Stevens	Zwikl
Marmion			

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

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

\* \* \*

The House proceeded to third consideration of **HB 1119, PN 1278**, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for the powers and duties of the Department of Community Affairs.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—194

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

NAYS—0

NOT VOTING—4

Cohen DeWeese Harper Maiale

EXCUSED—5

Grieco Spencer Stevens Zwikl  
Marmion

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

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

#### STATEMENT BY MINORITY LEADER

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, after a brief discussion with you, as Speaker of the House, and with your permission, I am going to lay on the table for a while, unless there is unanimity in the sponsorship of this particular bill, a bill that would create a commission of 20 persons, made up of diverse representatives of the Commonwealth and its executive and legislative branches, on the bicentennial of the United States Constitution. I will leave a copy of the bill on the desk, or, Mr. Speaker, if I could make a recommendation, it may be that by leaving it here on the desk anyone interested can look it over and at a later time I would move that all of the members of the House be joined as sponsors to the resolution.

I have taken the liberty, Mr. Speaker, of inserting your name as the prime sponsor.

The SPEAKER. The Chair thanks the gentleman.

Unless there be objection, the Speaker will direct that all present members here seated will have their names affixed to the bill. Is there objection? It is unanimously agreed to. All names will be affixed thereto. The Chair thanks the minority leader.

#### STATEMENT BY MR. D. R. WRIGHT

The SPEAKER. The Chair recognizes the gentleman from Clarion, Mr. Wright, to make an announcement.

Mr. D. R. WRIGHT. Mr. Speaker, it occurred to me that on Daffodil Day it might be appropriate for me to make just a comment.

This afternoon I intend to introduce the mastectomy consent bill. Breast cancer is on the rise and there is a good deal of concern about the treatment of it. All of you have received a letter from me and a copy of the bill. There are now 80 cosponsors of that legislation, and if there are those who would like to be a sponsor of that legislation, they can call 7-2651 and be put on the bill. I will introduce it this afternoon. Thank you.

The SPEAKER. The Chair thanks the gentleman, and the Chair wishes to thank the gentleman for pinch hitting for him this morning to try to save what little is left of the Speaker's voice. There is not much left of it, but you helped save what there was of it for Daffodil Day.

#### HEALTH AND WELFARE COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Hoeffel.

Mr. HOEFFEL. Mr. Speaker, there will be a meeting of the Health and Welfare Committee tomorrow at 10 a.m. in the majority caucus room.

The SPEAKER. The Chair thanks the gentleman.

#### STATEMENT BY MR. TRELLO

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

Mr. TRELLO. Mr. Speaker, it has come to my attention that Secretary Black, from Adult Services, has issued a directive to discontinue the Meals-on-Wheels program as far as the volunteer service is concerned, and the funding would go towards competitive bidding in regards to buying the meals. The volunteers in my district, whom I met with yesterday and Friday, will not work for an organization that is working for profit. These are volunteers who deliver meals to the people who are shut in regardless of the weather. I am introducing a resolution that will mandate a special committee to investigate the Secretary's mandate on the directive for the Meals-on-Wheels program, and I am going to be introducing it tomorrow. Anybody wishing to cosponsor this resolution, please call my office.

The SPEAKER. The Chair thanks the gentleman.

#### LIQUOR CONTROL SUBCOMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Jarolin.

Mr. JAROLIN. Mr. Speaker, I would like to announce a meeting of the Liquor Control Subcommittee on the investigation of alcohol abuse at the rear of the chambers immediately upon a recess.

The SPEAKER. The Chair thanks the gentleman.

#### STATEMENT BY MR. A. C. FOSTER

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

Mr. A. C. FOSTER. Mr. Speaker, I have in my possession a resolution which would memorialize Congress to pass a prayer-in-public-schools amendment. Anyone interested in cosponsoring that, I would be happy to have their support.

The SPEAKER. The Chair thanks the gentleman.

#### BILLS ON THIRD CONSIDERATION CONTINUED

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

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

On the question recurring,

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

Mr. LEVI offered the following amendments No. A2986:

Amend Title, page 1, line 16, by inserting after "laws," providing for the sale of licenses in certain circumstances; and

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

Section 1. The act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, is amended by adding a section to read:

Section 412. Sale of Licenses.—The owner of an establishment who is the holder of a license may sell such license in cases where, through local option, the political subdivision votes to prohibit or restrict the sale of liquor. Such sales shall be permissible where the license is sold to the owner of an establishment within the nearest contiguous political subdivision which permits the sale of liquor.

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

2

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

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

3

On the question,

Will the House agree to the amendments?

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

Mr. LEVI. Thank you, Mr. Speaker.

This amendment was distributed back in October, and this is the first time we have had an opportunity to discuss the bill and the amendment. What this amendment proposes is that in the rural areas where there may be only one or two liquor licenses and the community decides to vote itself dry, then the owner of this license would have an opportunity to go to the next contiguous area and sell it. The next contiguous area that is wet and permits licenses, they could sell it in that area so the person would not have a total loss of their income and the purchase of the license. That is what I am trying to protect, the small, little operator.

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—177

Alderette	Fargo	McClatchy	Ryan
Angstadt	Fee	McHale	Rybak
Armstrong	Fischer	McIntyre	Saloom
Baldwin	Flick	McMonagle	Salvatore
Barber	Foster, W. W.	McVerry	Saurman
Battisto	Foster, Jr., A.	Mackowski	Scheetz
Belardi	Freind	Madigan	Schuler
Belfanti	Fryer	Manderino	Semmel
Beloff	Gallagher	Manmiller	Serafini
Blaum	Gallen	Markosek	Seventy
Book	Gamble	Mayernik	Showers
Bowser	Gannon	Merry	Sirianni
Boyes	Geist	Michlovic	Smith, B.

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

NAYS—7

Afflerbach	Coy	Lloyd	Wozniak
Broujos	Freeman	Rudy	

NOT VOTING—14

Arty	Fattah	Lashinger	Pratt
Brandt	Haluska	Linton	Sweet
Cohen	Harper	Maiale	Wiggins
DeWeese	Honaman		

EXCUSED—5

Grieco	Spencer	Stevens	Zwilk
Marmion			

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?

On final passage, the Chair recognizes the gentleman from Montgomery, Mr. Reber.

Mr. REBER. Mr. Speaker, could the prime sponsor rise for interrogation on this particular piece of legislation?

The SPEAKER. The gentleman from Luzerne, Mr. Jarolin, has indicated to the Chair he will stand for interrogation. The gentleman, Mr. Reber, may proceed.

Mr. REBER. Thank you, Mr. Speaker.

I might preface my remarks by saying that I am certainly not opposed to the intent of this legislation, but in reviewing it I notice some inconsistencies that cause me some trouble.



Specifically, as the bill is amended, it provides for increased fines, and I note on the subsequent-offense aspect of the increased fines it runs from a dollar figure of \$750 to not more than \$1,500. Additionally I note that it totally speaks only about "misdemeanor" and does not speak about what degree or grading of misdemeanor. I believe it is the members' recollection that the codification of the Crimes Code specifically got into the grading of misdemeanor offenses, and it would appear to me that the initial intent is for this to be a third-degree misdemeanor on first conviction and any subsequent offense to be a second-degree misdemeanor. The amendment as drafted does not really address that, and it is some concern to me that in the implementation of ARD (accelerated rehabilitative disposition) programs or ultimate sentencing problems that might occur in various counties, that a problem could develop if we do not delineate what particular type of misdemeanor it is. You will additionally recall that the sentencing guidelines also talk about the various degrees of misdemeanors. So I think what I am saying, Mr. Speaker, is what particular type of misdemeanor is this, or is this merely a technical drafting problem in the manner in which the bill is drafted, or is it correct as is?

Mr. JAROLIN. I would say that it is probably a technical problem, but I think the bill should go as it is.

**MOTION TO RECOMMIT**

Mr. REBER. Mr. Speaker, in light of that response, I just frankly think to be consistent with the way laws have been drafted recently that this ought to be cleaned up. I think it could probably be handled by the Liquor Control Committee, but I am sure the Judiciary Committee could also take a look at it.

As I said before, I am not concerned whatsoever about the intent of the bill; I think it has meritorious intent, but I do think we could run into a serious problem in implementing ARD programs and implementing sentencing procedures in the various counties as this bill is drafted, because it appears to have overlapping sentences, if you will, from second- and third-degree misdemeanors. For that reason, Mr. Speaker, I would simply ask that this be recommitted to the Judiciary Committee to simply clean up the grading of the misdemeanor offenses as drafted in the bill.

The SPEAKER. The Chair thanks the gentleman.

It is moved by the gentleman, Mr. Reber, that HB 452, PN 513, be recommitted to the Committee on Judiciary.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—88**

Armstrong	Foster, W. W.	Mackowski	Saurman
Barber	Freind	Madigan	Scheetz
Beloff	Fryer	Merry	Schuler
Book	Gallen	Miller	Semmel
Bowser	Geist	Moehlmann	Sirianni
Boyes	Gladeck	Mowery	Smith, B.
Brandt	Greenwood	Nahill	Smith, L. E.
Bunt	Gruppo	O'Brien	Snyder, D. W.

Burd	Hagarty	Perzel	Snyder, G. M.
Burns	Hershey	Peterson	Spitz
Cessar	Honaman	Phillips	Stairs
Cimini	Jackson	Piccola	Swift
Clymer	Johnson	Pitts	Taylor, E. Z.
Cornell	Kennedy	Pott	Telek
DeVerter	Klingaman	Punt	Vroon
Davies	Lashingier	Reber	Wass
Deal	Lehr	Reinard	Weston
Donatucci	Levi	Richardson	Wiggins
Durham	Levin	Rieger	Wilson
Fargo	McClatchy	Robbins	Wogan
Fischer	McIntyre	Ryan	Wright, J. L.
Flick	McVerry	Salvatore	Wright, R. C.

**NAYS—101**

Afferbach	Dorr	Letterman	Preston
Alderette	Duffy	Linton	Rappaport
Angstadt	Evans	Livengood	Rudy
Baldwin	Fattah	Lloyd	Rybak
Battisto	Fee	Lucyk	Saloom
Belardi	Foster, Jr., A.	McCall	Serafini
Belfanti	Freeman	McHale	Seventy
Blaum	Gallagher	McMonagle	Showers
Broujos	Gamble	Manderino	Steighner
Caltagirone	George	Manmiller	Stewart
Cappabianca	Godshall	Markosek	Stuban
Carn	Gruitza	Mayernik	Sweet
Cawley	Haluska	Michlovic	Taylor, F. E.
Civera	Hasay	Micozzie	Tigue
Clark	Hayes	Miscevich	Trello
Colafella	Herman	Morris	Truman
Cole	Hoeffel	Mrkonic	Wachob
Cordisco	Hutchinson	Murphy	Wambach
Coslett	Itkin	Noye	Wargo
Cowell	Jarolin	O'Donnell	Williams
Coy	Kasunic	Olasz	Wozniak
Deluca	Kosinski	Oliver	Wright, D. R.
Daley	Kowalshyn	Petrarca	
Dietz	Kukovich	Petrone	Irvis,
Dininni	Laughlin	Pievsy	Speaker
Dombrowski	Lescovitz	Pistella	

**NOT VOTING—9**

Arty	Dawida	Harper	Pratt
Cohen	Gannon	Maiale	Van Horne
DeWeese			

**EXCUSED—5**

Grieco	Spencer	Stevens	Zwilk
Marmion			

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. On final passage, the Chair recognizes, for the second time, the gentleman from Montgomery, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

Would the prime sponsor stand for interrogation?

The SPEAKER. The gentleman from Luzerne, Mr. Jarolin, indicates that he will stand for interrogation. The gentleman, Mr. Reber, may proceed.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, in the prior interrogation I believe you affirmatively admitted in answering the prior interrogation that there was some technical problem with this bill as drafted. In

light of that fact, could you attempt to remove, by answering this question, that apparent ambiguity existing in this particular criminal statute in relationship to whether in fact a first offense shall be a third-degree misdemeanor and any subsequent offense shall be a second-degree misdemeanor? Would that be a fair characterization?

Mr. JAROLIN. Yes, it would.

Mr. Speaker, if Mr. Reber would like to have this held over for 1 day so he could have the privilege of drafting an amendment, I would be willing to cooperate.

The SPEAKER. Does the gentleman, Mr. Reber, request that the bill be passed over?

Mr. REBER. I would certainly not disagree with the intent of the sponsor to do that to clear up that ambiguity.

The SPEAKER. Mr. Reber, is it your intention to offer an amendment to the bill?

Mr. REBER. I would be glad to meet with the prime sponsor and in conjunction with him prepare an appropriate amendment, certainly.

The SPEAKER. The Chair thanks the gentleman.

#### DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that the House has agreed to the bill on third consideration as amended. The Chair hears no objection.

#### BILL PASSED OVER

The SPEAKER. Without objection, HB 452, PN 513, as amended by the gentleman, Mr. Levi, will be passed over for today's session. The Chair hears no objection.

#### RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader, who announces a meeting of the Committee of Rules immediately upon the recess of the House in the majority leader's office.

#### BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

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

HB 70;  
 HB 294;  
 HB 300;  
 HB 817;  
 HB 923;  
 HB 1297;  
 HB 1580;  
 HB 1605;  
 HB 1612;  
 HB 1628;  
 HB 1781;  
 HB 1817;  
 HB 1852;  
 HB 1866;

HB 1889;  
 HB 1898;  
 SB 525; and  
 SB 538.

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

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 1960** By Representatives LLOYD, D. R. WRIGHT, COLE, SALOOM, HAYES, TELEK, RYBAK, PETRARCA, L. E. SMITH, KUKOVICH, KASUNIC, LASHINGER, SIRIANNI, BELARDI, MICHLOVIC, RUDY, HALUSKA and ALDERETTE

An Act prohibiting land application of sewage sludge.

Referred to Committee on CONSERVATION, March 13, 1984.

**No. 1961** By Representatives STEVENS, BELFANTI, HASAY, JAROLIN, McCALL, LUCYK, COSLETT, BELARDI, TIGUE, CAWLEY, SERAFINI and BLAUM

An Act repealing the act of June 7, 1923, (P. L. 681, No. 279), entitled "An act to enable an incorporated hospital association to acquire by lease or purchase any State owned hospital, specially devoted to the reception, care, and treatment of injured persons, or of any State owned general medical and surgical hospital; and to provide for the regulation and management thereof."

Referred to Committee on HEALTH AND WELFARE, March 13, 1984.

**No. 1962** By Representatives FREEMAN, DURHAM, BATTISTO, ANGSTADT, BELFANTI, GRUPPO, MAIALE, GLADECK, MORRIS, FISCHER, BLAUM, CIVERA, MRKONIC, WAMBACH, LINTON, KUKOVICH, PETRARCA, MICHLOVIC, PRESTON, PRATT, PISTELLA, JOHNSON, McHALE, RYBAK, KOSINSKI, WESTON, KASUNIC, ZWIKL, CLYMER, J. L. WRIGHT, TIGUE, DALEY, SHOWERS and ITKIN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, permitting ambulances to proceed past red lights and stop signs and to exceed the maximum speed limit.

Referred to Committee on TRANSPORTATION, March 13, 1984.

**No. 1963** By Representatives DEAL, IRVIS, MANDERINO, RICHARDSON, SEVENTY, EVANS, BARBER, OLIVER, DeWEESE, PRESTON, WIGGINS, LINTON, WILLIAMS, McMONAGLE,

CARN, WOZNIAK, STEWART,  
TRUMAN, AFFLERBACH, BELFANTI,  
PRATT, LETTERMAN, McINTYRE,  
TRELLO, FATTAH, PISTELLA,  
DeLUCA, PETRONE, HARPER,  
HOEFFEL, BURNS, BOWSER,  
J. L. WRIGHT and CLARK

An Act amending the "Pennsylvania No-fault Motor Vehicle Insurance Act," approved July 19, 1974 (P. L. 489, No. 176), prohibiting the use of traffic violation records in the setting of premium rates.

Referred to Committee on INSURANCE, March 13, 1984.

**No. 1964** By Representatives DEAL, IRVIS,  
MANDERINO, RICHARDSON,  
WILLIAMS, OLIVER, EVANS, BARBER,  
SEVENTY, DAWIDA, HARPER, DUFFY,  
TRUMAN, KOSINSKI, PRESTON,  
WIGGINS, LINTON, McMONAGLE,  
CARN, SALVATORE, TRELLO,  
FATTAH, DeLUCA, PETRONE,  
PISTELLA, BURNS, J. L. WRIGHT,  
CLARK, KUKOVICH, BELFANTI,  
PRATT and McINTYRE

An Act amending the "Pennsylvania No-fault Motor Vehicle Insurance Act," approved July 19, 1974 (P. L. 489, No. 176), providing for uniform insurance rates.

Referred to Committee on INSURANCE, March 13, 1984.

**No. 1965** By Representatives HERMAN, BOOK,  
WOGAN, HAYES, CESSAR, FLICK,  
WILSON and LETTERMAN

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), establishing jurisdiction over certain airports in the Department of Transportation.

Referred to Committee on TRANSPORTATION,  
March 13, 1984.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 191** By Representative RYAN

Continuing existence of the State Real Estate Commission scheduled for termination under the Sunset Act.

Referred to Committee on RULES, March 13, 1984.

### SENATE BILLS FOR CONCURRENCE

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

**SB 897, PN 1726**

Referred to Committee on LOCAL GOVERNMENT,  
March 13, 1984.

**SB 1045, PN 1754**

Referred to Committee on TRANSPORTATION, March 13, 1984.

**SB 1130, PN 1483**

Referred to Committee on APPROPRIATIONS, March 13, 1984.

**SB 1131, PN 1484**

Referred to Committee on APPROPRIATIONS, March 13, 1984.

**SB 1217, PN 1755**

Referred to Committee on TRANSPORTATION, March 13, 1984.

### SENATE MESSAGE

#### AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 1209, PN 2595**; and **HB 1405, PN 2597**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

### RECESS

The SPEAKER. The House will stand in recess awaiting reports of committees. The Speaker will be back at the podium at 1:30 - 1 hour from now. The House stands in recess until 1:30.

### AFTER RECESS

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

### RESOLUTIONS REPORTED FROM COMMITTEE

**HR 184, PN 2600** (Concurrent)

By Rep. MANDERINO

Memorializing Congress to take steps to halt or deter United States industries from establishing plants abroad.

RULES.

**HR 188, PN 2601** (Concurrent)

By Rep. MANDERINO

Directing the Pennsylvania Public Utility Commission to implement contract carriage of natural gas and design an effective program to facilitate the transportation of intrastate and interstate natural gas to Pennsylvania consumers.

RULES.

**HR 190, PN 2622**

By Rep. MANDERINO

Directing the Speaker of the House of Representatives to appoint a special bipartisan committee to study the impact of the recent divestiture of American Telephone and Telegraph, Inc. on Pennsylvania consumers.

RULES.

**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER. There being no further business to be brought before this session of this House this day, the Chair recognizes the gentleman from Lehigh, Mr. Semmel.

Mr. SEMMEL. Mr. Speaker, I move that this House do now adjourn until Wednesday, March 14, 1984, at 11 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 1:31 p.m., e.s.t., the House adjourned.