

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, MAY 21, 1984

SESSION OF 1984

168TH OF THE GENERAL ASSEMBLY

No. 36

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

O God, our Heavenly Father, we know that Thou hast formed us in Thine own image and bought us with a price; therefore, we belong to Thee and are truly Thine.

Challenge us to never forget the tie which binds us unto Thee, and enable us to deepen and enrich that tie with each passing day. Guide us in the fellowship and brotherly love which binds us the one to the other, and quicken us in spirit to always cultivate and foster the kindred fellowship we enjoy.

Gracious Lord, as Thou dost remind us to always remember that all is Thine and we are Thy grateful stewards, we pray that Thou wilt continually lead us in ways which will be productive to Thee and the extension of Thy kingdom. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Wednesday, May 16, 1984, will be postponed until the Journal is in print. The Chair hears no objection.

JOURNAL APPROVED

The SPEAKER. The Journal for Monday, April 30, 1984, however, is in print. Unless the Chair hears objection, the Journal will be printed as approved. The Chair hears no objection.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 273 and HB 1164 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.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2181 By Representatives PICCOLA and MANMILLER

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

Referred to Committee on TRANSPORTATION, May 21, 1984.

No. 2182 By Representatives CORNELL, MOEHLMANN, REBER, BUNT, NAHILL, POTT, BOWSER, VROON, FARGO, MADIGAN, NOYE, GEIST, WOGAN, McVERRY, HAGARTY and HERMAN

An Act amending the "Real Estate Tax Sale Law," approved July 7, 1947 (P. L. 1368, No. 542), increasing the rate of interest charged for late payment of taxes.

Referred to Committee on LOCAL GOVERNMENT, May 21, 1984.

No. 2185 By Representatives FLICK, COLAFELLA, BOYES, MACKOWSKI, WOGAN, VROON, FARGO, GEIST, E. Z. TAYLOR, HERMAN, MILLER, McVERRY and CESSAR

An Act amending the "Municipal Police Pension Law," approved May 29, 1956 (1955 P. L. 1804, No. 600), further providing for the calculation of contributions and benefits.

Referred to Committee on LOCAL GOVERNMENT, May 21, 1984.

No. 2186 By Representatives STEIGHNER, GEIST, HUTCHINSON, BURD, LETTERMAN, E. Z. TAYLOR, FREEMAN, DAVIES, LIVENGOOD, D. R. WRIGHT, BATTISTO, MACKOWSKI, VAN HORNE, RYBAK, KOSINSKI, MORRIS, PRATT, DONATUCCI, CIVERA, BOOK, PISTELLA, ARTY, HAGARTY, JAROLIN, HERMAN, DURHAM, SEMMEL, STEWART, COLAFELLA, RUDY, MICHLOVIC, STEVENS,

**ALDERETTE, GRUPPO, McMONAGLE,
LUCYK and F. E. TAYLOR**

An Act amending the "State Highway Law," approved June 1, 1945 (P. L. 1242, No. 428), providing for raised reflective markers on certain highways.

Referred to Committee on TRANSPORTATION, May 21, 1984.

No. 2187 By Representatives DORR, GALLAGHER,
B. SMITH and FISCHER

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), insuring the powers and duties of municipal law enforcement officers.

Referred to Committee on EDUCATION, May 21, 1984.

No. 2188 By Representatives DORR, ZWIKL,
B. SMITH, A. C. FOSTER, JR. and
MILLER

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), adding a definition of "charitable organization."

Referred to Committee on FINANCE, May 21, 1984.

No. 2189 By Representatives DORR and PICCOLA

An Act declaring and adopting the song "Dear Old Pennsylvania," by Emory A. Gobrecht, as the State song of the Commonwealth.

Referred to Committee on STATE GOVERNMENT, May 21, 1984.

**HOUSE RESOLUTION
INTRODUCED AND REFERRED**

No. 227 By Representatives LINTON, IRVIS,
FATTAH, FREEMAN, WAMBACH,
RICHARDSON, McHALE,
AFFLERBACH, PRESTON, DEAL,
R. C. WRIGHT, HARPER, KUKOVICH,
CARN, WILLIAMS, OLIVER,
O'DONNELL, CALTAGIRONE,
DURHAM, ARTY, HAGARTY and
MANDERINO

Providing for the establishment of a select committee to conduct an investigation to ascertain the degree to which minority and women-owned businesses have been utilized in contracts awarded by State agencies and to determine if State agencies are conducting effective contract compliance reviews.

Referred to Committee on RULES, May 21, 1984.

SENATE BILLS FOR CONCURRENCE

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

SB 1309, PN 2003

Referred to Committee on CONSERVATION, May 21, 1984.

SB 1324, PN 1982

Referred to Committee on APPROPRIATIONS, May 21, 1984.

SB 1329, PN 1963

Referred to Committee on CONSUMER AFFAIRS, May 21, 1984.

SB 1340, PN 2002

Referred to Committee on APPROPRIATIONS, May 21, 1984.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair now turns to leaves of absence. Does the gentleman from Philadelphia, Mr. Pievsky, have any leaves?

Mr. PIEVSKY. Thank you, Mr. Speaker.

I ask leave of absence for the gentleman from Cambria, Mr. WOZNIAK, for the entire week; the gentleman from Clarion, Mr. D. R. WRIGHT, for the entire week; and the gentleman from Philadelphia, Mr. RAPPAPORT, for today.

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

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I request leave for the gentleman from Tioga, Mr. SPENCER, for the day, and the gentleman from Allegheny, Mr. MARMION, for the week.

The SPEAKER. The Chair hears no objection. The leaves are so granted.

**COMMUNICATION FROM ATTORNEY
GENERAL**

The SPEAKER. The Chair acknowledges receipt of the following letter from LeRoy Zimmerman, the Attorney General, which the clerk will file.

The following communication was read:

Commonwealth of Pennsylvania
Office of Attorney General
Harrisburg

May 17, 1984

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

Dear Mr. Speaker:

In accordance with Section 3(a) of the Act of September 28, 1978, P.L. 788, No. 152, as amended, I am enclosing the Annual Report of the Attorney General to the General Assembly.

Very truly yours,
LeRoy S. Zimmerman
Attorney General

LSZ/mlm
Enclosure

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

BILL SIGNED BY SPEAKER

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

HB 922, PN 2984

An Act amending the "Race Horse Industry Reform Act," approved December 17, 1981 (P. L. 435, No. 135), providing for monitoring of wagering on video screens and providing for experimental simulcasting.

MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

PRESENT—197

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Marmion Spencer Wozniak Wright, D. R.
Rappaport

ADDITIONS AND DELETION OF SPONSORS

The SPEAKER. The Chair acknowledges receipt of additions and deletions of sponsorships of bills from the majority leader.

The following list was submitted:

ADDITIONS:

HR 225, Lashinger; HB 1007, Serafini; HB 1754, Daley; HB 2162, G. M. Snyder; HB 2169, Fattah, Rudy; HB 2172, Colafella, Burns, Herman, Lashinger, Daley, Micozzie.

DELETION:

HB 923, Gladeck.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair is delighted to announce, at the request of Mrs. Hoover, the wife of the chaplain, that yesterday Mrs. Hoover celebrated 40 long and arduous years of marriage with the chaplain. Your congratulations to Mrs. Hoover will be accepted.

WELCOMES

The SPEAKER. The Chair is delighted to welcome to the hall of the House, as the guests of the Chair and of Representative McHale, Ed Bruchak, who is the principal of Sheckler Elementary School; Tom Abbott, who is a fourth grade teacher there; William Conner, who is a fourth grade teacher; Michael Matchette, who is 9 years of age and in the fourth grade; Krista Egner, who is 10 years of age and in the fourth grade; and Charles Piervallo, who is 11 years of age and in the fifth grade. Welcome to the hall of the House.

The Chair also welcomes, as guests of Representative Ruth Rudy, Steve Marvell and Nancy Clever. Welcome.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1987, PN 3005 (Amended)

By Rep. OLIVER

An Act to provide for the establishment of a Commonwealth Commission on the Bicentennial of the United States Constitution; and making an appropriation.

STATE GOVERNMENT.

SB 1152, PN 2012 (Amended)

By Rep. OLIVER

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to sell and convey 1.268 acres of land situate in Penn Township, Snyder County, Pennsylvania.

STATE GOVERNMENT.

CALENDAR
BILL 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 924, PN 2976.

* * *

The House proceeded to second consideration of HB 1800, PN 2977, entitled:

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, further providing for benefits.

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 1800, PN 2977, 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 ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 1555, PN 1925, entitled:

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

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—192

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

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

NAYS—1

Noye

NOT VOTING—4

Daley, Gruitza, Wilson, Zwickl

EXCUSED—5

Marmion, Rappaport, Spencer, Wozniak, Wright, D. R.

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.

POINT OF ORDER

The SPEAKER. The Chair recognizes the minority leader. Mr. RYAN. Mr. Speaker, I notice that the pages are distributing literature from a lobbying group on the floor. It is my recollection of the rules that this is not permitted.

The SPEAKER. The Chair gave permission under the instruction that this was requested by Representative Murphy.

Mr. RYAN. Does the Speaker suggest that we could distribute literature from anyone as long as a member is requesting it?

The SPEAKER. No.

Mr. RYAN. I mean, I do not really care; I have not even seen it, but we are opening up a big, big door.

The SPEAKER. The gentleman, Mr. Ryan, may be correct. The pages will cease this distribution. The Chair gave permission thinking that this originated from a member. Bring one of them here and let me see.

The Chair apologizes. Apparently this is a lobbyist letter to be sent out from the United Steelworkers of America. The Chair was under the impression this was some literature which Mr. Murphy had prepared. Mr. Murphy did not do so.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I would not want the members or the Speaker to construe my remarks as being against— I do not even know what this subject matter is. I know that over a period of years I have advised friends of mine who are, I guess, termed “special interest people” that they cannot do this. I would just like the Speaker’s thoughts on the matter to be clear to all the members and to any special interest groups.

The SPEAKER. The Chair instructs the pages to stop the distribution.

The Chair agrees with the former Speaker, Mr. Ryan, that the only literature to be distributed on the floor of the House, with the permission of the Chair, is literature originating with a member. The Chair did not notice that this did not originate with a member and apologizes to the member and the members for that misconception. But the former Speaker, Mr. Ryan, is absolutely correct, and the present Speaker concurs with him absolutely. Thank you for bringing that to my attention.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **SB 642, PN 1849**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for offenses relating to theft, fraudulent use and forgery of payment devices; providing for offenses relating to deception to receive certification as certain business enterprises; and making a repeal.

On the question,

Will the House agree to the bill on third consideration?

Mr. PICCOLA offered the following amendment No. A1901:

Amend Sec. 3 (Sec. 4134), page 23, by inserting between lines 21 and 22

(4) Disclosing a credit card or payment device number to an individual who has given reasonable assurance that the number will be used solely for the legitimate business purposes and not to defraud the card holder or any other person.

On the question,

Will the House agree to the amendment?

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

Mr. PICCOLA. Thank you, Mr. Speaker.

Amendment A1901 is a somewhat technical amendment to section 4134 of this bill which clarifies the language and adds a subsection which adds another lawful transfer use to the legislation. The amendment tracks Federal language that is currently in the Federal statute.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

Afflerbach	Fargo	Livengood	Rudy
Alderette	Fattah	Lloyd	Ryan
Angstadt	Fee	Lucyk	Rybak
Arty	Fischer	McCaill	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
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	Müller	Stairs
Cappabianca	Grieco	Miscevich	Steighner
Carn	Gruppo	Moehlmann	Stevens
Cawley	Hagarty	Morris	Stewart
Cessar	Haluska	Mowery	Stuban
Cimini	Harper	Mrkonic	Sweet
Clark	Hasay	Murphy	Swift
Clymer	Hayes	Nahill	Taylor, E. Z.
Cohen	Herman	Noye	Taylor, F. E.
Colafella	Hershey	O'Brien	Telek
Cole	Hoeffel	O'Donnell	Tigue
Cordisco	Honaman	Oiasz	Trello
Cornell	Hutchinson	Oliver	Truman
Coslett	Itkin	Perzel	Van Horne
Cowell	Jackson	Peterson	Vroon
Coy	Jarolin	Petrarca	Wachob
Deluca	Johnson	Petrone	Wambach
DeVerter	Kasunic	Phillips	Wargo
DeWeese	Kennedy	Piccola	Wass
Daley	Klingaman	Pievsky	Weston
Davies	Kosinski	Pistella	Wiggins
Dawida	Kowalshyn	Pitts	Williams
Deal	Kukovich	Pott	Wilson
Dietz	Lashinger	Pratt	Wogan
Dininni	Laughlin	Preston	Wright, J. L.
Dombrowski	Lehr	Punt	Wright, R. C.
Donatucci	Lescovitz	Reber	Zwilk
Dorr	Letterman	Reinard	
Duffy	Levi	Richardson	Irvis,
Durham	Levin	Rieger	Speaker
Evans	Linton	Robbins	

NAYS—0

NOT VOTING—4

Armstrong	Civera	Gruitza	Micozzie
Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

EXCUSED—5

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

On the question,

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

Mr. PICCOLA offered the following amendments No. A1933:

Amend Bill, page 23, by inserting between lines 26 and 27

Section 4. The term payment devices as defined in 18 Pa.C.S. §§ 4106(d) (relating to payment devices) and 4131 (relating to definitions) shall apply only to criminal cases arising under this title, and not to any contractual or regulatory matter relating to payment device transactions between payment device holders, providers of goods and services and banks and other financial institutions.

Amend Sec. 4, page 23, line 27, 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 Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

This amendment, Mr. Speaker, assures that the definition of "credit card" and "payment devices," as we are using it in this bill, applies only to title 18, the Crimes Code, and makes certain that it is not to be applied, in terms of definition, to other commercial legislation, such as the UCC (Uniform Commercial Code).

I urge the support of the 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—194

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

Cohen	Herman	Noye	Taylor, F. E.
Colafella	Hershey	O'Brien	Telek
Cole	Hoeffel	O'Donnell	Tigue
Cordisco	Honaman	Olasz	Trello
Cornell	Hutchinson	Oliver	Truman
Coslett	Itkin	Perzel	Van Horne
Cowell	Jackson	Peterson	Vroon
Coy	Jarolin	Petrarca	Wachob
Deluca	Johnson	Petrone	Wambach
DeVerter	Kasunic	Phillips	Wargo
DeWeese	Kennedy	Piccola	Wass
Daley	Klingaman	Pievsky	Weston
Davies	Kosinski	Pistella	Wiggins
Dawida	Kowalshyn	Pitts	Williams
Deal	Kukovich	Pott	Wilson
Dietz	Lashinger	Pratt	Wogan
Dininni	Lehr	Preston	Wright, J. L.
Dombrowski	Lescovitz	Punt	Wright, R. C.
Donatucci	Letterman	Reber	
Dorr	Levi	Reinard	Irvis,
Duffy	Levin	Richardson	Speaker

NAYS—0

NOT VOTING—3

Gruitza	Laughlin	Zwilk
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EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

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. FREIND offered the following amendments No. A1217:

Amend Title, page 1, line 2, by inserting after "Statutes," further providing for penalties for statutory rape; adding the offense of child molestation;

Amend Bill, page 1, by inserting between lines 8 and 9

Section 1. Section 3122 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 3122. Statutory rape.

(a) Offense.—A person who is 18 years of age or older commits statutory rape, a felony of the second degree, when he engages in sexual intercourse with another person not his spouse who is less than 14 years of age. A person who is convicted of a violation of this section shall be sentenced to a mandatory minimum term of not less than three years of imprisonment.

(b) Authority of court in sentencing.—There shall be no authority in any court to impose on an offender any lesser sentence than the minimum sentence mandated by subsection (a) or to place the offender on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than the minimum sentence mandated by subsection (a). In no case shall the sentence exceed the maximum sentence prescribed by law for a felony of the second degree. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory minimum sentence provided in this section. An offender shall not become eligible for parole until the minimum term of imprisonment has been served.

(c) Appeal by Commonwealth.—If a sentencing court refuses to impose the mandatory minimum sentence as required by subsection (a), the Commonwealth shall have the duty to seek appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the

sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.

Section 2. Title 18 is amended by adding a section to read:
 § 3128. Child molestation.

(a) Offense.—A person 18 years of age or older who has indecent contact with another person under 14 years of age who is not his spouse or causes such other person to have indecent contact with him is guilty of child molestation, a felony of the third degree. A person who is convicted of a violation of this section shall be sentenced to not less than three years imprisonment.

(b) Authority of court in sentencing.—There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsection (a) or to place the offender on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. In no case shall the sentence exceed the maximum sentence prescribed by law for a felony of the third degree. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section. Parole shall not be granted until the minimum term of imprisonment has been served.

(c) Appeal by Commonwealth.—If a sentencing court refuses to impose the mandatory minimum sentence as required by subsection (a), the Commonwealth shall have the duty to seek appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.

Amend Sec. 1, page 1, line 9, by striking out "1" and inserting

3

Amend Sec. 1, page 1, lines 9 and 10, by striking out "of the Pennsylvania Consolidated Statutes"

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

4

Amend Sec. 3, page 20, line 27, by striking out "3" and inserting

5

Amend Sec. 4, page 23, line 27, by striking out "4" and inserting

6

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

This amendment does two things, one of which is basically agreed to and the second of which is admittedly controversial.

The first thing the amendment does is close a glaring loophole in our law. Right now we have no specific law against child molesting. An individual who molests a child but does not involve himself or herself in involuntary or voluntary deviate sexual intercourse or rape can only be prosecuted for misdemeanors, such as corrupting the morals of a child or indecent contact. So the first thing we do is set forth a tight definition for the crime of "child molestation" and make it a third-degree felony. Virtually all of the individuals in the groups with whom we have met and with whom we have had contact support this part of the legislation.

The second part of the amendment is admittedly more controversial. What it does is say that for an individual convicted of statutory rape, when the perpetrator is 18 or above and the victim is younger than 14, or for child molestation, when the victim is younger than 14 and the perpetrator is an adult, we have a minimum mandatory prison sentence of 3 years.

We have right now a glaring inconsistency in our law. This legislature, in the last two terms, has overwhelmingly passed mandatory prison sentences for certain offenses. Two terms before, we put in 5-year prison sentences for repeat offenders of violent crimes, for crimes committed when a firearm was used, and for crimes of violence on public transportation. Last term, virtually unanimously we also passed mandatory prison sentences for involuntary deviate sexual intercourse when the victim was younger than 16 or older than 65 - 5 years; for rape when the victim was younger than 14 or more than 65 - 5 years; and for aggravated assault and battery when the victim was younger than 16 or older than 65 - 2 years.

So what we have right now is a situation saying that if you rape a minor or a senior citizen or if you have involuntary deviate sexual intercourse with a minor or a senior citizen, you have mandatory prison. If you are convicted, you are going to go to jail. But what we do not have is saying that if you molest a minor, you do not have mandatory prison sentencing. And let us face it, whether or not there is penetration is an issue completely lost on a 7- or 8-year-old. The trauma, one way or the other, is still devastating. We all know that child molestation, at least the reporting of it, is on the rise and it has become epidemic, and very frequently the 7-year-olds, the 8-year-olds, the 9-year-olds who are molested, this is going to stay with them for the rest of their life and is going to have a significant adverse impact on them psychologically, many times for the rest of their life. We address this problem and we say that if you molest a child or you have statutory rape of a minor under 14 and you are convicted, you are going to go to jail.

Now, there are some groups that oppose this amendment -

Women Organized Against Rape, for one; the district attorney of Philadelphia, for another. The cosponsor of this amendment, Mario Civera, and I met for 2 hours with Eddie Rendell last Friday and seven members of his staff. We had an excellent meeting. We are, however, in disagreement on this particular issue.

The arguments against the mandatory sentencing go like this: If you have mandatory sentencing, number one, the minor is going to be more reluctant to report it. I counter that argument this way: The major problem you have right now with child molestation is the minors are loath to report it. They generally do not even tell their parents, because in some way they feel guilty and they feel ashamed. The reluctance is not going to increase to a 7- or 8-year-old by saying to himself, well, the legislature passed mandatory prison sentencing so I am not going to report it. The trauma will always be there. That is one of the things that is most disgusting about this crime.

The second issue is, even if it is reported, the mother of the child or the relatives are going to be loath to bring a prosecution when the perpetrator is daddy or another relative or, as frequently happens, a boyfriend who is not related by blood but is living there and is the breadwinner.

Whether or not you have mandatory minimum sentencing, you are still going to have that reluctance. And keep in mind that nothing says that if this is reported, there has to be a prosecution. Whenever there is this type of a crime, right off the bat, once it is reported, there is counseling. There is counseling with a specialist, with a therapist, and with the people from the district attorney's office. There is prosecutory discretion, and there is discretion given to the parent or the relative of the victim as to whether or not to prosecute. Frequently the decision is made not to prosecute, particularly when it is a relative, on the basis that it is better to get him or her psychiatric help than prosecute. This amendment will not change that in any way, not in any way, Mr. Speaker. Whether or not there is mandatory minimum sentencing, there will still be that prosecutory discretion.

We checked with Delaware County Children and Youth, and Delaware County Children and Youth supports this amendment. By law, a law that we passed, Children and Youth gets all child molestation cases that involve a parent, a relative, or anyone who is in loco parentis - such as a teacher, a day-care-center worker, a teacher in a nursery school. They get 700 complaints a year in Delaware County. About 350 of the complaints are legitimate. By law, the legitimate complaints must be turned over to the district attorney. Of those 350 that are turned over to the district attorney, without mandatory minimum sentencing, only 10 percent are prosecuted. The other 90 percent of the time it is the decision of the parent or the guardian of the minor, working with the counselors, that it would be better, in the interests of the child and the relative, to have the perpetrator be required to seek counseling and treatment. We are not going to change that at all, Mr. Speaker. What we are saying is this though: If the decision is made to prosecute this case and an individual is convicted of statutory rape of a minor, under 14, or child molestation, he or she is going to go to jail for 3 years.

One of the reasons why Children and Youth supports this is because they believe there right now is a reluctance for people to report these crimes and to go forward with the prosecution, because even if you do, nothing is going to happen. In Delaware County recently we had several cases of child molestation where it was not even a relative, and the individual got probation. And the parents think, why put my kid through that agony to go on the stand and testify if nothing is going to happen? Delaware County Children and Youth believes that if the word is put out, like we have already put the word out on firearms and violent crimes and involuntary deviate sexual intercourse and rape, if we put the word out that if you are convicted you are going to jail, victims and parents of victims are going to be more willing to come forward and see that the individual is prosecuted.

If we have already said overwhelmingly, Mr. Speaker, that people who commit violent crimes or use a firearm or commit a violent crime on public transportation or rape or involve themselves in involuntary deviate sexual intercourse, if that crime is so bad that it requires mandatory sentencing, then we have to be consistent here and say that when you molest one of our little ones and you are convicted, you are going to go to jail.

At the risk of sounding trite, we are dealing with our most precious asset. We are dealing with our children; we are dealing with our future, and I hope that the members today speak loud and clear. I sincerely urge you to overwhelmingly adopt this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support this amendment. After a lot of time and work that we have put into HB 601, which is presently the amendment that is in front of us today, child molesting throughout the State has become not a sickness but a crime. People often mistake the idea, well, he molested a child; he is sick. That is not the case here. It is a crime, and the General Assembly should approach it in that manner.

For the reason of so many arguments that the victim will be hesitant in testifying or coming forward because his or her daddy is going to go to jail for 3 years, presently, the way the law is written, for a misdemeanor of the first degree, in an average family of average income, what we face today, if it happens in an average household, 9 times out of 10 that crime is not going to be reported of child molesting. But if it happens on the second occasion, whether it would be mandatory sentencing or whether it remains the way it is today, it is going to be reported, because there is a serious problem within that family.

If you take the State of California, for instance, in Manhattan Beach at a day-care center, a woman who is 71 years of age, who had a day-care center for many, many years and had hundreds of children pass through that day-care center and was handed civic awards, was all of a sudden last year found molesting children, not 1 but 700. No longer can our society go by and just stand by and say, the gentleman or the woman is sick. It has to be treated as a crime, and this is what this amendment does.

You know, we are talking about the children who, when we all run on election day and we all go out to get our votes to come back to this chamber, we pinch their cheek and we give them lollipops. They are the persons whom we are talking about and whom we are trying to protect.

Mr. Speaker, I hope, in all due conscience, that you will support this amendment and protect our children. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, I rise reluctantly to oppose this amendment today. No one has worked harder than I in my legislative career here for tough criminal sentences. I initially opposed lenient sentencing guidelines. I cosponsored mandatory sentencing bills for violent repeat offenders, and I thoroughly believe that child molesters should go to jail. They are criminals. They are not merely sick. I do not believe that they should be counseled and sent back home. I think that there is no sentence that is severe enough for a child molester. A child molester clearly destroys the life of a young, innocent person who had security and faith in the adult world. On the other hand, I do not believe that a mandatory sentence of 3 years is the answer to the criminal problem of child molesting. I say this and I am shared in this belief for several reasons.

First, I would like to tell the General Assembly that I have been informed that the executive committee of the District Attorney's Association of Pennsylvania opposes this amendment. This morning we received a letter by the Pennsylvania Coalition Against Rape indicating that they oppose this amendment. Let me tell you why these groups, who care about criminal prosecutions and care about children, oppose this.

Child molesting in an overwhelming number of the cases involves a family. The most important thing is for that crime to be reported so it can stop. Often a spouse, more frequently than not, is the one who reports this crime. That spouse may, in many instances, be dependent upon and the rest of her family may be dependent upon the support of this abuser. If she knows for sure that that abuser is going to receive 3 years in jail, I venture to say, and the people who work with this crime believe, that reporting will drop so that there will be no opportunity for this man to go to jail, get help, or any other remedy you can think of.

Secondly, I want you to think about what this does to the child who is involved. As an assistant district attorney, I prosecuted cases of child abuse. Children are terrified of sending the adult to jail. They believe that they can be punished. This is an authority figure in their life. They are frightened of the process, and I found in prosecuting these cases that the first question a child asked was, is he going to go to jail? As a district attorney today you can say to that child, that is not up to you; that is up to the judge; we do not know. Therefore, that child does not have to fear that their brothers and sisters might be mad at them for taking their father away, that their mother might be mad at them for taking their father away, and that they are the one who put that father in jail. It is a tremendous burden that we are putting on a child, and true, and Representative Freind will tell you, it is a tremendous burden anyway. I believe that is right, but I believe further that it is more frightening for that child to know for sure, if they proceed in this type of case, that their father will go to jail.

This is not a crime where there is a victim and a perpetrator like robbery, where there is reason to punish that person, there is reason to put them away immediately, and that it is unlikely that that victim is going to encounter that perpetrator

again. Another victim may. But when we think of a child who is living in this situation, the most important thing to do is to get that abuser who is living in that house out of the house. Then the criminal justice system should put him in jail. But if we do anything to lessen the likelihood of bringing this to the attention of law enforcement and child agencies, we do a real disservice.

MOTION TO RECOMMIT

Mrs. HAGARTY. Mr. Speaker, I agree with Mr. Freind that child molestation should be a felony. We should have a separate crime of child molestation, but we should not provide for a mandatory sentence in that instance. Therefore, I am going to make a motion at this time, because I believe that the Judiciary Committee should consider creating a separate crime of child molestation. I believe we should consider looking at New Jersey's law, in which they provide a whole separate sexual offender incarceration program. Because I think that we should address this problem and address it with broader ranging legislation than simply saying a mandatory sentence is going to solve it, and because I believe that we should have a separate offense of child molestation, I am going to move at this time to recommit the bill and this amendment to the Judiciary Committee. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The question is on the motion to recommit to the Judiciary Committee SB 642, PN 1849.

On the question,

Will the House agree to the motion?

The SPEAKER. Does the gentleman from Dauphin, Mr. Piccola, wish to debate the motion?

Mr. PICCOLA. Yes, Mr. Speaker.

The SPEAKER. This is a debatable motion, but only on whether or not the motion should be voted "aye" or "nay."

The Chair recognizes Mr. Piccola.

LETTER SUBMITTED FOR THE RECORD

Mr. PICCOLA. Thank you, Mr. Speaker.

In support of the Hagarty motion, I would like to submit for the record a letter from the district attorney of Dauphin County, Richard A. Lewis, and indicate to the House that it is my belief that there is no question that child molestation should become a felony in this State. But the question of mandatory sentencing or no mandatory sentencing is an issue that I think is unsettled, and we should permit the House Judiciary Committee to make a judgment on this issue. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Richard A. Lewis
 District Attorney
 Dauphin County
 Harrisburg, Pennsylvania 17108-1109
 May 18, 1984

The Honorable Jeffrey E. Piccola
 Representative
 21-A Capitol Annex
 Commonwealth of Pennsylvania
 Harrisburg, Pennsylvania 17120

In re: Proposed Amendment to Senate Bill 642

Dear Jeff:

It has come to my attention that a proposed amendment to Senate Bill 642 will be offered in the House during the week of May 21, 1984. This amendment will create a new crime of Child Molestation and set a mandatory minimum sentence of three years for that crime as well as for the already existing crime of Statutory Rape.

While I welcome the addition of an adequate Child Molestation Statute, I must respectfully disagree with the attempt to make it a mandatory minimum sentence of three years. I have no objection to the crime being a felony but creating another mandatory sentence brings its own special problems. For example, a mandatory sentence of three years means that a father who incidentally touches his child will have to suffer the same severe sentence as a stranger who sexually molests a child. Both deserve punishment, but not necessarily the same amount of incarceration.

Accordingly, I am very much in favor of the creation of a new Child Molestation felony, but without a mandatory sentencing provision. This would allow the sentencing Judge to distinguish between a wide variety of sexual contact and conduct and punish appropriately.

Thank you for your attention to this matter.

Yours truly,
 Richard A. Lewis
 District Attorney

RAL/fp

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

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Very briefly, Mr. Speaker.

I oppose the motion to recommit. I think we know this issue. This legislature has never had any hesitation in the past to overwhelmingly support mandatory sentencing. I think it is an issue right now that is prevalent throughout our State, and I think we have to deal with it. I think the time is now. I hope that we will defeat this motion to recommit.

The SPEAKER. The Chair thanks the gentleman.

On the motion, the Chair recognizes the gentleman from Delaware, Mr. Civera.

Mr. CIVERA. Mr. Speaker, I rise to oppose this motion.

HB 601, which is the amendment that is in front of us right now, has been in the Judiciary Committee since March of 1983. I think that committee had ample time to have any decision on child molestation and they never addressed it. All we are doing is delaying the issue, Mr. Speaker. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Greenwood.

Mr. GREENWOOD. Thank you, Mr. Speaker.

I rise to support the motion to recommit. I would like the House to know that I have, I think, a unique perspective on this issue. Prior to coming to serve in the legislature, I served with the Children and Youth Agency as a social worker in Bucks County. I have spent a lot of time working with the victims of sexual child abuse; I have spent a lot of time working with their families; and in the significant amendments to the act since I have been in the legislature, I have taken an active role.

I will speak directly to the issue of why we should recommit, and that is because we should not deal with this very important issue in this fashion without committee consideration.

Representative Hagarty made reference to the New Jersey program. I visited their program in Avenel. I have had a tour of the facility and I have spoken to the director and I know about their success there. In their program where they treat compulsive and repetitive offenders—

The SPEAKER. The gentleman will yield.

You are going too far afield now. Make your argument either for or against the motion and let us get to the vote.

Mr. GREENWOOD. Well, then, Mr. Speaker, I will be brief and argue that we should recommit this bill and we should do that so that this issue can be addressed comprehensively with public hearings by the Judiciary Committee, because I think this is an important issue but it needs to be dealt with in a comprehensive fashion.

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Sweet, on the motion.

Mr. SWEET. Mr. Speaker, I, too, would add, for all of the reasons cited by Representative Hagarty, Representative Greenwood, and the like, an urge and a plea to the members of the House that we recommit this to the Judiciary Committee. The Judiciary Committee is very, very interested in the problem, will study the matter carefully, and will make some kind of determination and try to get this back before the membership.

But there are all sorts of people on the floor buzzing, talking about dividing the amendment, taking this section and not that section, and trying to, in effect, rewrite the Crimes Code here on the floor of the House. We may want to do that someday, but I would urge that we first recommit this and give the Judiciary Committee a chance to deal with a very important problem that all of us are concerned about. So I support the motion to recommit.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Cordisco, on the motion.

Mr. CORDISCO. Mr. Speaker, as a member of the Judiciary Committee and one who is fully aware as to the transactions that take place in those particular meetings, I am fully aware that no—and I repeat, no—mandatory sentencing bill will ever be voted out of that particular committee. The only opportunity you are going to get to vote on this particular issue is here today. As you have seen by the speakers before me, most of them are members of that particular committee and have supported the motion to recommit.

I think the issue is very plain, and I think it was well expressed by Representative Freind. It is whether you are going to allow this particular crime to go unpunished because of the lax position in the courts. It is my opinion that today we have to vote on this particular issue and the legislature is going to say to the courts that, yes, if you are not going to do your job, then it is necessary for us to intercede and force mandatory sentencing.

(A statement by Mr. Cordisco at this point was voluntarily stricken from the record.)

I think the issue here before us is mandatory sentencing, and from a personal position, I support that particular issue and ask this House to vote against the motion to recommit. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to recommitment.

If the amendment does not suit the people, I wish they would vote "no." But to recommit the bill just makes a big problem for the rest of us who have amendments drawn to this piece of legislation. I would ask for a "no" vote on the recommitment motion for that reason.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. DAVIES. Mr. Speaker, parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. DAVIES. Would an interrogation be proper at this time to clarify my own personal concern with such a very important matter, or would I have to withhold that interrogation until after this particular motion is before us?

The SPEAKER. If the interrogation is on reasons for or against recommitment, the interrogation would be in order. If the interrogation is on the substance of the amendment, the interrogation would be out of order.

Mr. DAVIES. All right then.

Mr. Speaker, with trepidation and with possible correction from the Chair, I will put it forth, and then if it is improper, would of course—

The SPEAKER. To whom does the gentleman wish to address the interrogation?

Mr. DAVIES. The question would be to either one of the two makers of the amendment.

The SPEAKER. Mr. Freind is standing. I assume he will answer the interrogation. The gentleman, Mr. Davies, may proceed.

Mr. DAVIES. Mr. Speaker, because of the importance and the significance of this particular amendment, has this amendment in this form been before either one of the caucuses for consideration?

Mr. FREIND. Mr. Speaker, I was not at the caucus when it was considered, but this amendment was turned in here for circulation close to a month ago. So everyone has known it was coming. I think we may have discussed it in caucus; I am not sure.

Mr. DAVIES. Thank you, Mr. Speaker.

The SPEAKER. Thank you, gentlemen.

PARLIAMENTARY INQUIRY

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

Mr. LLOYD. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state the inquiry.

Mr. LLOYD. Is there any motion which I can make which would put before the House immediately the Hagarty amendment and put the Freind amendment behind the Hagarty amendment in the order of voting?

The SPEAKER. No, there is no such motion.

Mr. LLOYD. Thank you, Mr. Speaker.

Then I would like to be recognized on the motion.

The SPEAKER. On the motion, the gentleman, Mr. Lloyd, is recognized.

Mr. LLOYD. Mr. Speaker, I sympathize with those people who are opposed to recommitment because they want to accomplish some things with amendments to this bill. It is my understanding, however, especially from consulting the Senate calendar, that there are a number of bills which amend the Crimes Code which are very likely to come out of the Judiciary Committee in the House and to which various amendments can be offered.

Also, Mr. Speaker, while there was a retraction of some things which were said on this floor, it was not clear to me what was retracted and I know that there are people down in the press who were writing it down. I would just like to state for the record, Mr. Speaker, that I think there are legitimate reasons for those who want to vote to recommit, and I do not think that that ought to be construed as an endorsement of child molestation whatsoever. I would hope the people in the press who were listening to that comment made earlier would consider that when they are writing their reports. Thank you, Mr. Speaker.

The SPEAKER. The Chair agrees completely with the gentleman, Mr. Lloyd, on the unfortunate selection of words by the gentleman, Mr. Cordisco. Quite obviously, quite obviously, there are people on the floor who will vote for or against the motion not based on whether or not any of us wish to encourage child molestation. Only an idiot would consider that there are members on this floor who would encourage child molestation. The gentleman, Mr. Cordisco, is not an idiot.

Mr. CORDISCO. Thank you, Mr. Speaker.

The SPEAKER. Therefore, we are speaking to those people who may be writing the story, who may seek, in writing that story, a large and blazing headline, but we state here officially that the vote on this floor on this amendment or on the

motion does not reflect the belief of any member about child molestation. That is beyond question.

The question recurs, shall the bill be recommitted to the Committee on Judiciary? Those in favor will vote "aye"; those opposed will vote "no."

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

The following roll call was recorded:

YEAS—65

Afflerbach	Gallen	McMonagle	Saurman
Barber	Greenwood	McVerry	Scheetz
Battisto	Hagarty	Maiale	Seventy
Bowser	Haluska	Manderino	Showers
Boyes	Harper	Michlovic	Snyder, D. W.
Clark	Hoeffel	Moehlmann	Sweet
Cohen	Hutchinson	Murphy	Swift
Colafella	Itkin	Nahill	Truman
Cornell	Jackson	O'Donnell	Van Horne
Cowell	Kukovich	Oliver	Wambach
DeWeese	Lescovitz	Piccola	Wiggins
Dawida	Levin	Pievsky	Williams
Deal	Linton	Pistella	Zwikl
Evans	Livengood	Preston	
Fattah	McCall	Reber	Irvis,
Freeman	McHale	Richardson	Speaker
Fryer	McIntyre	Rieger	

NAYS—130

Alderette	Dorr	Lehr	Rudy
Angstadt	Duffy	Letterman	Ryan
Armstrong	Durham	Levi	Rybak
Arty	Fargo	Lloyd	Saloom
Baldwin	Fee	Lucyk	Salvatore
Belardi	Fischer	McClatchy	Schuler
Belfanti	Flick	Mackowski	Semmel
Blaum	Foster, W. W.	Madigan	Serafini
Book	Foster, Jr., A.	Manmiller	Sirianni
Brandt	Freind	Markosek	Smith, B.
Broujos	Gallagher	Mayernik	Smith, L. E.
Bunt	Gamble	Merry	Snyder, G. M.
Burd	Gannon	Micozzie	Spitz
Burns	Geist	Miller	Stairs
Caltagirone	George	Miscevich	Steighner
Cappabianca	Gladeck	Morris	Stevens
Carn	Godshall	Mowery	Stewart
Cawley	Grieco	Mrkonic	Stuban
Cessar	Gruppo	Noye	Taylor, E. Z.
Cimini	Hasay	O'Brien	Taylor, F. E.
Civera	Hayes	Olasz	Telek
Clymer	Herman	Perzel	Tigue
Cole	Hershey	Peterson	Trello
Cordisco	Honaman	Petrarca	Vroon
Coslett	Jarolin	Petrone	Wachob
Coy	Johnson	Phillips	Wargo
Deluca	Kasunic	Pitts	Wass
DeVerter	Kennedy	Pott	Weston
Daley	Klingaman	Pratt	Wilson
Davies	Kosinski	Punt	Wogan
Dietz	Kowalyszyn	Reinard	Wright, J. L.
Dombrowski	Lashinger	Robbins	Wright, R. C.
Donatucci	Laughlin		

NOT VOTING—2

Dininni Gruitza

EXCUSED—5

Marmion Spencer Wozniak Wright, D. R.
Rappaport

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

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

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

Mr. DAVIES. Mr. Speaker, not having the other part of the code in front of us, and the fact that the rest of the bill addresses credit considerations, might I have the definition under the current code of what "indecent contact" is as stated in the amendment on section—

The SPEAKER. The gentleman is seeking to interrogate someone and I assume it is Mr. Freind. Mr. Freind indicates he will attempt to answer the gentleman's question. The gentleman may proceed.

Mr. DAVIES. Yes, either maker of the amendment, Mr. Speaker.

The SPEAKER. Mr. Freind will stand for interrogation.

Mr. DAVIES. Mr. Speaker, I would like to know what the full definition is of "indecent contact." I believe that is what is used in the language of the amendment.

Mr. FREIND. Yes, Mr. Speaker. We used "indecent contact" because that is already a definition in existing law, and here is the definition: "any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire in either person." And as I say, that is existing law and has been for a considerable period of time.

Mr. DAVIES. The second question, Mr. Speaker: In section 2 of section 3122, why is the language couched in the male only? Does this then in any way only refer to those actions across sexual lines, within the same sex, or any such comingling as far as the terminology is concerned between male and female and the like?

Mr. FREIND. No, Mr. Speaker, it has no reference to sex. It can be male or female, either the perpetrator or the victim. That is just the way it was drafted, and most legislation is drafted in that language. It does not express a preference for either sex.

Mr. DAVIES. In other words then, we are to assume that it is an imperfect gender as far as the language is concerned and that again, only someone familiar with the law in itself would be cognizant of the fact, somebody who either practices law or deals with the law, as far as the interpretation of the same by a nonlegal person.

Mr. FREIND. Is that a question, Mr. Speaker?

Mr. DAVIES. Yes, it was stated as a question, sir.

Mr. FREIND. No, it is not imperfect drafting; it is absolutely proper drafting. It is the way all of the language in the Crimes Code and virtually all of the other codes are drafted. The fact that it says "he" does not mean it has to be a male. That has basically been the way the drafting of our laws have been since longer than any of us can remember, Mr. Speaker.

Mr. DAVIES. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Bucks, Mr. Greenwood.

Mr. GREENWOOD. Thank you, Mr. Speaker.

There are some comments that I wanted to make before when I was speaking on the issue of recommitment and needed to stay more focused on that, and I would like to speak now.

As I said earlier, I want you to know that I am a former caseworker who worked with sex abuse, and so I know of what I speak. I have heard a lot of comments from my colleagues in the House who are saying things like, we have listened to Lois Hagarty, we have listened to Jim Greenwood, we have listened to Representative Sweet; we understand their arguments, but how do you go home and say that you voted against this amendment, because our constituents are not here to listen to the arguments against this measure? So I would like to give you a simple answer to that, and this is what you can tell your constituents if you do what I think is the correct and courageous thing and vote down this amendment.

A lot has been said about the fact that mandatory sentences are going to reduce the reporting of sexual abuse, and you better believe that that is true. If we have mandatory sentencing for sexual abuse in this Commonwealth, I guarantee you that the reporting of sexual abuse is going to dramatically decrease, and what is going to happen is that the offense is going to go on and on over periods of years with these children with no opportunity for intervention. And that is wrong and we should not set that up to happen.

So I am asking you, please, do the courageous thing; vote this amendment down. Let us get the Judiciary Committee to address this issue as it needs to be addressed. New Jersey has done a fine job with it. We need a law like New Jersey has; we can do that, and I think we can end up with a product and a measure, a new statute on the books, that we can all be proud of. Please vote against this amendment and let us address this issue the way it should be.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LEVIN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment. It should be clear to the members by now that those people who are active in law enforcement believe this amendment will be counterproductive. Ed Rendell is certainly a name to be reckoned with in terms of mandatory sentences. He is a strong advocate of mandatory sentences. As Mr. Freind advised you, he met with the district attorney of Philadelphia to try and convince him that his position was correct. He was unable to do so, because it is the considered opinion of the district attorneys of the Commonwealth of Pennsylvania, those people who by and large deal with this problem, that this legislation will be counterproductive. It will not help; it will hurt.

The other part of Mr. Freind's argument that I find rather remarkable but somewhat consistent with his other attack is he is quite willing to shift, if you heard his argument, from the court to the district attorney's office the question of whether or not there shall be a prosecution. Those of us who want to

do something effective about crime should rethink that position. It is self-defeating, it seems to me, to pass harsher sentences and then tell district attorneys, as Mr. Freind just did, that they do not have to bring them, that they have the discretion that we are denying to the court.

What this bill does is say to a judge that he cannot exercise his judgment under special circumstances, but Mr. Freind has said that the district attorneys can, by not bringing the action at all. That is not what we are asking when we are asking for tougher punishment and tougher penalties. So I would suggest to you on two points, if we have a little special courage today, this should be rejected.

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

Mr. SWEET. Mr. Speaker, Mr. Greenwood and Mr. Levin have made the argument quite well. This is not a good idea. Do not believe me; do not believe members of the Judiciary Committee; believe those who are charged with law enforcement in this State. The executive committee of the Pennsylvania District Attorney's Association has warned that this will not help protect children but in fact will hurt prosecutions of these kinds of cases.

Please do not do the easy thing. The easy thing is to vote in favor of this amendment, go home, and say that you have done something to stop this horrible, heinous crime. The fact is, this is not going to do anything but stir around a lot of discussion. It is a serious problem, it is a very serious crime, there are some very responsible ways to deal with this problem and deal with it effectively, and that is what we ought to be about today, either in committee or on the floor of the House.

Do not make this a vote, as the Speaker said, on whether you think you are for or against this crime; obviously we are all against it. Do not make it on whether you are for or against lawyers, or for or against the Judiciary Committee. Make this vote based on what you think is right, and what I think is right in this instance is the serious considered opinion of the prosecutors of this Commonwealth, and that is that this is a bad idea. I urge a "no" vote.

AMENDMENTS DIVIDED

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

Mr. MURPHY. Mr. Speaker, it seems to me that most of the comments on this bill have fallen in the second section, so therefore, I am going to make a motion to divide the amendment at section 2.

The SPEAKER. Where does the gentleman indicate that he wishes to divide at section 2?

Mr. MURPHY. Beginning with the sentence "Section 2...."

The SPEAKER. If the gentleman indicates that he wishes to divide the amendment in the following manner, it will be acceptable. He would draw a line under the words "violation of this section." Thereafter the amendment would be "Section 2. Title 18 is amended by adding a section to read:...." Is that where the gentleman intends to divide?

Mr. MURPHY. Yes, Mr. Speaker.

The SPEAKER. In that case, the amendment would correctly divide there.

It is the opinion of the Chair that the gentleman's request is acceptable under parliamentary procedure, and the amendment therefore before the House currently—listen carefully now—would begin "Amend Title, page 1, line 2, by inserting after 'Statutes,' further providing for penalties for statutory rape; adding the offense of child molestation;..." and would end with these lines: "...with this section if it finds that the sentence was imposed in violation of this section." That will be all that will be before the House under the divided amendment.

On the question,

Will the House agree to Part I of the amendments?

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind, on that question.

Mr. FREIND. Yes, thank you, Mr. Speaker.

I rise to support this section of the amendment. What this section does is just deal with statutory rape, and this section says if there is statutory rape and you are convicted of it, when the victim is younger than 14, there is a 3-year minimum prison sentence.

I support this for the reasons I have said before. Maybe it is my fault to look for consistency and logic. I hear all of the debate against mandatory sentencing, but we have already said, if you rape and it is a minor, 5 years. We have already said, involuntary deviate sexual intercourse on a minor, 5 years. And keep in mind, when I say "involuntary deviate sexual intercourse," that does not require force, because the law says the mere fact that his victim is younger than 16 takes away the requirement of force. We have already said that. Now, we are being inconsistent when we say, but if there is stat rape or if you molest but you do not penetrate, that is okay; there is no mandatory prison sentencing.

I think we either go one way or the other, Mr. Speaker. We either adopt both sections of this amendment or we repeal what we did last term when we said that for sex crimes on minors and senior citizens, that individual is going to jail. So, yes, I urge support of this first section of the amendment. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Wright, on the divided amendment.

Mr. R. C. WRIGHT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state the inquiry.

Mr. R. C. WRIGHT. The way that we propose to divide this amendment, it appears as though to me the first section will include language stating that we are adding an offense of child molestation, when in fact that first section does not even mention child molestation. Is that correct?

The SPEAKER. The gentleman is correct. Let us take a look and see what that means for us.

We are advised, and we believe the advice, that if the House were to adopt this half of the amendment and it did not in fact refer to child molestation, then that would be simply stricken at the Reference Bureau level. It would not impede the House from voting on this part of the amendment.

The Chair thanks the gentleman for pointing out that inconsistency.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes, on this part of the amendment, the gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Just a point of clarification I would like the Chair to clear up. Are we dealing with section 1 or section 2 at this time?

The SPEAKER. We are doing section 1.

Mr. FREEMAN. Thank you.

The SPEAKER. Section 1 only.

PARLIAMENTARY INQUIRY

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

Mr. REBER. Thank you, Mr. Speaker.

First of all, a point of parliamentary inquiry.

The SPEAKER. The gentleman will state the point.

Mr. REBER. Mr. Speaker, would a motion to challenge the constitutionality of this amendment as drafted, or in the alternative the amendment as now being proposed to be divided, be timely to be made at this time or should we wait until we dispose of this?

The SPEAKER. No. The motion to challenge the constitutionality would be in order.

CONSTITUTIONAL POINT OF ORDER

Mr. REBER. In that event then, Mr. Speaker, I would like to be recognized on the motion, and I so make such a motion to challenge the constitutionality of the amendment now being considered.

The SPEAKER. It has been moved by the gentleman, Mr. Reber, that the part of the amendment we are currently discussing—let us get that straight; we are discussing only section 1—be declared constitutional. The gentleman, Mr. Reber, has not suggested whether it be unconstitutional or not, but the motion is in the positive.

Those who believe this section of the amendment to be constitutional will vote "aye"; those who believe it to be unconstitutional will vote "no."

On the question,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—181

Afflerbach	Evans	McCall	Ryan
Alderette	Fargo	McClatchy	Rybak
Angstadt	Fee	McHale	Saloom
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	Seventy
Belfanti	Fryer	Manderino	Showers
Blaum	Gallagher	Manmiller	Sirianni
Book	Gallen	Markosek	Smith, B.
Bowser	Gamble	Mayernik	Smith, L. E.
Boyes	Gannon	Merry	Snyder, D. W.
Brandt	Geist	Michlovic	Snyder, G. M.
Broujos	George	Micozzie	Spitz
Bunt	Gladeck	Miller	Stairs
Burd	Godshall	Miscevich	Steighner
Burns	Grieco	Moehlmann	Stevens
Caltagirone	Gruppo	Morris	Stewart
Cappabianca	Hagarty	Mowery	Stuban
Carn	Haluska	Mrkonic	Swift
Cawley	Harper	Murphy	Taylor, E. Z.
Cessar	Hayes	Nahill	Taylor, F. E.
Cimini	Herman	Noye	Telek
Civera	Hershey	O'Brien	Tigue
Clark	Hoeffel	O'Donnell	Trello
Clymer	Honaman	Olasz	Truman
Colafella	Hutchinson	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	Weston
Deluca	Kosinski	Pievsky	Wiggins
DeVerter	Kowalshyn	Pistella	Williams
Daley	Lashingner	Pitts	Wilson
Davies	Laughlin	Pott	Wogan
Dietz	Lehr	Pratt	Wright, J. L.
Dininni	Lescovitz	Preston	Wright, R. C.
Dombrowski	Levi	Punt	Zwikl
Donatucci	Linton	Reinard	
Dorr	Livengood	Rieger	Irvis,
Duffy	Lloyd	Robbins	Speaker
Durham	Lucyk	Rudy	

NAYS—11

DeWeese	Greenwood	Kukovich	Richardson
Dawida	Hasay	Levin	Sweet
Deal	Itkin	Reber	

NOT VOTING—5

Cohen	Gruitza	Letterman	Serafini
Fattah			

EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendments was sustained.

On the question recurring,
Will the House agree to Part I of the amendments?

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

Mr. DAVIES. Mr. Speaker, an interrogation of, I believe, the former gentleman who stated the position relative to the

organized district attorneys of the Commonwealth. I believe it was Mr. Sweet who gave us their opposition. Could I interrogate him?

The SPEAKER. Mr. Sweet, the gentleman, Mr. Davies, seeks to interrogate you, sir. The gentleman, Mr. Sweet, indicates that he will stand for interrogation. The gentleman, Mr. Davies, is in order and may proceed.

Mr. DAVIES. Mr. Speaker, do you have knowledge to the fact of how that organization of district attorneys stands on this section as it stands alone with the correction to be made by the Legislative Reference Bureau?

Mr. SWEET. Mr. Speaker, it is my understanding from several sources that the position of the District Attorney's Association's executive committee is that they support the redefinition of this crime to create a crime of child molestation and make it a felony 3 charge. Their objections were to the mandatory nature of the sentencing. I know that both through staff advice that I have been given as to an executive committee meeting of that body and also because of public statements made by Edward Rendell, who, along with his duties as Philadelphia's district attorney, is also the legislative chairman of the Pennsylvania District Attorney's Association.

Mr. DAVIES. And, Mr. Speaker, then if I am to be within the matter of the local concern with it, I would have to address that question directly to the district attorney of my county if I want to have a complete understanding of how that particular office would stand on this issue?

Mr. SWEET. Yes.

Mr. DAVIES. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Will the House agree to Part I of the amendments?

The following roll call was recorded:

YEAS—179

Alderette	Fee	McCall	Rybak
Angstadt	Fischer	McClatchy	Saloom
Armstrong	Flick	McHale	Salvatore
Arty	Foster, W. W.	McIntyre	Saurman
Baldwin	Foster, Jr., A.	McMonagle	Scheetz
Battisto	Freeman	McVerry	Schuler
Belardi	Freind	Mackowski	Semmel
Belfanti	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	Micozzie	Snyder, D. W.
Bunt	Gladeck	Miller	Snyder, G. M.
Burd	Godshall	Miscevich	Spitz
Burns	Grieco	Moehlmann	Stairs
Caltagirone	Gruppo	Morris	Steighner
Cappabianca	Hagarty	Mowery	Stevens
Cawley	Haluska	Mrkonic	Stewart
Cessar	Harper	Murphy	Stuban
Cimini	Hayes	Nahill	Sweet
Civera	Hayes	Noye	Swift
Clymer	Herman	O'Brien	Taylor, E. Z.
Cohen	Hershey	O'Donnell	Taylor, F. E.
Colafella	Hoeffel	Olasz	Telek
Cole	Honaman	Perzel	Tigue
Cordisco	Hutchinson	Peterson	Trello

Cornell	Jackson	Petrarca	Truman
Coslett	Jarolin	Petrone	Van Horne
Cowell	Johnson	Phillips	Vroon
Coy	Kasunic	Piccola	Wachob
Deluca	Kennedy	Pievsky	Wambach
DeVerter	Klingaman	Pistella	Wargo
Daley	Kosinski	Pitts	Wass
Davies	Kowalshyn	Pott	Weston
Deal	Lashinger	Pratt	Williams
Dietz	Laughlin	Preston	Wilson
Dininni	Lehr	Punt	Wogan
Dombrowski	Lescovitz	Reber	Wright, J. L.
Donatucci	Levi	Reinard	Wright, R. C.
Dorr	Linton	Rieger	Zwinkl
Duffy	Livengood	Robbins	
Durham	Lloyd	Rudy	Irvis,
Fargo	Lucyk	Ryan	Speaker
Fattah			

NAYS—16

Afflerbach	Dawida	Kukovich	Michlovic
Barber	Evans	Letterman	Oliver
Carn	Greenwood	Levin	Richardson
DeWeese	Itkin	Maiale	Wiggins

NOT VOTING—2

Clark	Gruitza
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EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

The question was determined in the affirmative, and Part I of the amendments was agreed to.

On the question,

Will the House agree to Part II of the amendments?

The SPEAKER. The question recurs, will the House adopt the amendment now offered by the gentleman, Mr. Freind, which begins, "Section 2. Title 18 is amended by adding a section to read: § 3128. Child molestation..." and ends with the words on page 2, "Amend Sec. 4, page 23, line 27, by striking out '4' and inserting 6."

Mr. Freind, do you wish to be recognized again, or have you spoken often enough on this?

Mr. FREIND. Gee, when you phrase it that way, Mr. Speaker.

Just to explain again what this section does, Mr. Speaker, very briefly.

We have already passed minimum mandatory for statutory rape. This section does two things. The first thing it does, everyone supports. We closed the loophole, and we put into law the crime of child molestation with a tight definition. Then we say, if you are convicted of child molestation, there is a 3-year minimum prison sentence, the same as for statutory rape.

For the reasons I have said before, I urge your support of this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Murphy, on the amendment.

Mr. MURPHY. Mr. Speaker, I ask that the amendment be defeated, because I think the second part, rather than having a tight definition, is vague. It can eliminate entirely any discretion in cases where there ought to be treatment rather than

a penalty. Finally, Mr. Speaker, I believe that we ought to leave this discretion to the courts in determining how to treat people who have been involved with this kind of crime.

It is my suggestion that we defeat this amendment, and we will have another amendment before us from Representative Hagarty I think that treats this crime both fairly and in a reasonable way with some compassion. Thank you, Mr. Speaker. I urge defeat of this part of the amendment.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

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

The SPEAKER. Will the gentleman make the point.

Mr. FREIND. If Representative Hagarty is here, I wish she would listen to this in an effort to possibly expedite this.

There will be an amendment introduced, if this passes, by Representative Hagarty, which will just have the definition of "child molestation." Can we divide now to just take that section and vote on it, or is that indivisible? In other words, divide it at the end of section 3128, the last line, and end with the word "degree"?

The SPEAKER. No, that may not be done, because under the rules a divided amendment must be allowed to stand, each one of its sections, in relationship to something it may attach to. If we did as you request, the words "A person who is convicted of a violation..." would have nothing to attach itself to. We may not do that.

Mr. FREIND. Thank you, Mr. Speaker.

The SPEAKER. Those in favor of the second part of the amendment, which is now before us, will vote "aye"; those opposed, "no."

We are now on the second portion of the amendment standing by itself.

On the question recurring,

Will the House agree to Part II of the amendments?

The following roll call was recorded:

YEAS—131

Afflerbach	Dininni	Laughlin	Rudy
Alderette	Dombrowski	Lehr	Ryan
Angstadt	Dorr	Lescovitz	Rybak
Armstrong	Duffy	Levi	Saloom
Arty	Durham	Livengood	Salvatore
Baldwin	Fischer	Lloyd	Schuler
Belardi	Flick	Lucyk	Semmel
Belfanti	Foster, W. W.	McCall	Serafini
Blaum	Foster, Jr., A.	McClatchy	Seventy
Book	Freeman	McHale	Sirianni
Bowser	Freind	Mackowski	Smith, B.
Brandt	Gallagher	Madigan	Smith, L. E.
Broujos	Gannon	Manmiller	Snyder, D. W.
Bunt	Geist	Markosek	Snyder, G. M.
Burd	George	Mayernik	Spitz
Burns	Gladeck	Micozzie	Stairs
Caltagirone	Godshall	Miller	Steighner
Cappabianca	Grieco	Morris	Stevens
Cawley	Gruppo	Mrkonjic	Stewart
Cessar	Haluska	Nahill	Suban

Cimini	Hasay	Noye	Taylor, E. Z.
Civera	Hayes	O'Brien	Taylor, F. E.
Clymer	Herman	Olasz	Telek
Colafella	Hershey	Perzel	Tigue
Cole	Honaman	Peterson	Vroon
Cordisco	Jarolin	Petrarca	Wambach
Coslett	Johnson	Phillips	Wargo
Coy	Kasunic	Piccola	Wass
Deluca	Kennedy	Pitts	Weston
DeVerter	Klingaman	Pott	Wilson
Daley	Kosinski	Pratt	Wogan
Davies	Kowalshyn	Punt	Zwinkl
Dietz	Lashingar	Reinard	

NAYS—62

Barber	Gallen	Manderino	Saurman
Battisto	Gamble	Michlovic	Scheetz
Boyes	Greenwood	Miscevich	Showers
Carn	Hagarty	Moehlmann	Sweet
Cohen	Harper	Mowery	Swift
Cornell	Hoefel	Murphy	Trello
Cowell	Itkin	O'Donnell	Truman
DeWeese	Jackson	Oliver	Van Horne
Dawida	Kukovich	Petrone	Wachob
Deal	Letterman	Pievsky	Wiggins
Donatucci	Levin	Pistella	Williams
Evans	Linton	Preston	Wright, J. L.
Fargo	McIntyre	Reber	Wright, R. C.
Fattah	McMonagle	Richardson	
Fee	McVerry	Rieger	Irvis,
Fryer	Maiale	Robbins	Speaker

NOT VOTING—4

Clark	Gruitza	Hutchinson	Merry
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EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

The question was determined in the affirmative, and Part II of the amendments was agreed to.

On the question recurring,

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

PARLIAMENTARY INQUIRY

The SPEAKER. On that question, the Chair now recognizes the lady from Montgomery, Mrs. Hagarty.

Are the lady's amendments ready and been circulated?

Mrs. HAGARTY. Mr. Speaker, they are ready, although I have to ask a point of parliamentary inquiry to determine whether this is the proper amendment at this point.

The amendment that I have drafted amends the bill itself. My concern is that if my amendment passes, I believe that Representative Freind's amendment will be in addition to this, and therefore, the effect that I wish, which is to supersede his amendment in its entirety but for one section, will not occur.

My question then is, should I wait until I have ordered a new amendment, and if that comes down, that amendment will be drafted to the bill with Representative Freind's amendment in it, and then I think that would be the proper amendment.

The SPEAKER. The Chair has long admired the lady's perspicacity, and the lady has not disappointed the Chair. That is precisely what you should do.

Mrs. HAGARTY. Thank you, Mr. Speaker.

May I ask then for this to be held over until that amendment is down from the Reference Bureau?

The SPEAKER. We shall hold the bill over until your amendment is prepared.

Mrs. HAGARTY. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Herman. Is the gentleman's amendment ready? Is your amendment affected by any of the language inserted so far, Mr. Herman? You are not certain about that.

The Chair recognizes the gentleman from Centre, Mr. Letterman. Mr. Letterman, do you have an amendment that is affected by the language we have inserted?

Mr. Herman, we will pass you to Mr. Letterman. You check the bill with the amendment inserted and see whether or not your amendment will apply. If not, do the same as Mrs. Hagarty and have your amendment redrawn.

Mr. Herman, we are now informed by the Parliamentarian, who has had a chance to look at your amendment, that your amendment is acceptable. It in no way will be affected by the language of the amendment already introduced. We will return to you after we get through with Mr. Letterman.

On the question recurring,

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

Mr. LETTERMAN offered the following amendments No. A1730:

Amend Title, page 1, line 6, by inserting after "ENTERPRISES;"

further providing for municipal regulation of firearms and ammunition;

Amend Bill, page 23, by inserting between lines 26 and 27

Section 4. Section 6120 of Title 18 is amended to read:

§ 6120. Limitation on municipal regulation of firearms and ammunition.

(a) General rule.—No county, municipality or township may in any manner regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this Commonwealth.

(b) Definition.—For the purposes of this section the term "firearms" shall not include "air rifles" as defined in section 6304 (relating to sale and use of air rifles).

Amend Sec. 4, page 23, line 27, by striking out "4" and inserting

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On the question,

Will the House agree to the amendments?

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, all my amendment does is allow ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this Commonwealth to go through without municipalities, townships, or counties regulating them.

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—194

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

NAYS—1

Wilson

NOT VOTING—2

Gruitza Sweet

EXCUSED—5

Marmion Spencer Wozniak Wright, D. R.
Rappaport

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. HERMAN offered the following amendments No. A1716:

Amend Title, page 1, line 6, by striking out "making a repeal" and inserting

defining the offense of unlawful duplication of keys

Amend Bill, page 23, by inserting between lines 26 and 27

Section 4. Title 18 is amended by adding a section to read:

§ 5111. Unlawful duplication of keys.

(a) Offense defined.—A person commits an offense if he, without authorization from the owner, duplicates, manufactures or otherwise produces a key from a key which has imprinted on it both of the following:

(1) The words "Do not duplicate" or "Unlawful to duplicate."

(2) A symbol or other marking indicating ownership by the Commonwealth, an institution of the State System of Higher Education, a State-related institution, the Pennsylvania State University, a political subdivision or a municipal authority of this Commonwealth.

(b) Grading of offense.—An offense under this section is a summary offense for the first offense. For the second or subsequent offense, the offense is a misdemeanor of the third degree.

Amend Sec. 4, page 23, line 27, by striking out "4" and inserting

5

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Centre, Mr. Herman.

Mr. HERMAN. Thank you, Mr. Speaker.

What this amendment would do is make it an offense for a person who would duplicate a key which provides or indicates ownership by the Commonwealth, a State-owned or State-related institution, or political subdivision or municipal authority of the Commonwealth.

Currently there is an investigation being conducted at Penn State University in which there was a group of vandals who had duplicated dormitory keys as well as administration building keys and thereby entered those buildings and, without authorization, either stole property or had taken equipment from those buildings. Consequently, it was brought to my attention that there is no penalty providing for the duplication of such keys.

At any rate, Mr. Speaker, I am sure that not only Penn State University is confronted with this problem, but also I extend this amendment to all the State-related universities as well as the State-owned colleges in the Commonwealth and also other municipalities, and the measure also provides for penalties if such an occurrence were to happen. I would urge and encourage your vote. Thank you.

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

Mrs. DURHAM. Would Mr. Herman stand for inter-rogation?

The SPEAKER. Mr. Herman indicates he will so stand. The lady, Mrs. Durham, is in order and may proceed.

Mrs. DURHAM. Mr. Speaker, I am reading from your amendment, and it says "without authorization from the owner." Who is the authorized owner of a key from Penn State?

Mr. HERMAN. What the amendment would do, if you would read that, is it also says that it has to have imprinted on it the words "Do not duplicate" or "Unlawful to duplicate." Those words are imprinted on all Penn State University keys at the moment, and this would indicate ownership by that university.

Mrs. DURHAM. I guess I did not make myself clear. If I am sent to a key store to get a key duplicated and it has the words on there "Do not duplicate," where would I go to get a letter so that I would be authorized to have the key duplicated?

Mr. HERMAN. I would imagine that you could go to the president of the university or to the main administrative office to provide such information, or if it was not Penn State University, if it was one of the other related institutions, a borough or municipality, for instance, I am sure the mayor or the borough manager could provide that authorization for you.

Mrs. DURHAM. Thank you, Mr. Speaker.

The SPEAKER. Does the lady wish to speak on the amendment?

Mrs. DURHAM. Yes. Thank you, Mr. Speaker.

The SPEAKER. The lady is in order.

Mrs. DURHAM. I support the intent of the amendment, but I have some difficulty with the language "the authorized owner." I am not so sure that the president of Penn State University is the authorized owner. I would suggest, since the bill is being held over anyway, that Mr. Herman rephrase this, maybe to say by authorized personnel from an appropriate municipality or whatever, because I think we are going to wind up with difficulties with this language. Thank you.

AMENDMENTS WITHDRAWN

The SPEAKER. Did the gentleman, Mr. Herman, consider the suggestion of the lady?

Mr. HERMAN. I am sorry, Mr. Speaker. I was distracted.

The SPEAKER. The lady suggested that the word "owner" is open to too wide an interpretation. She suggested that inasmuch as the bill is going to be held over temporarily that you reconsider your amendment and perhaps draft language which will be a little more clear, a little more accurate, as to whom you mean when you say "owner."

Mr. HERMAN. Mr. Speaker, I will work with Mrs. Durham during the interim.

The SPEAKER. The gentleman, Mr. Herman, withdraws his amendment.

On the question recurring,

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. SB 642 will go over, therefore, temporarily.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wilson, for correction of a vote.

Mr. WILSON. Mr. Speaker, thank you very much.

On the Letterman amendment to SB 642, my switch went red when it should have been green. I should have been in the affirmative. Thank you.

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

WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House, as the guest of Representative Richardson, a young man of great talent whom the Speaker had the privilege to speak to several weeks ago, Mr. Ralph Lewis Stevenson, president of Concepts In Communications.

REMARKS ON VOTES

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

Mr. FLICK. To correct the record. Last Wednesday when the vote was taken on amendment A2031 to SB 58, my vote was not recorded. Had it been recorded, it would have been in the negative. When the vote was taken on the bill, SB 58, my vote was not recorded. Had it been recorded, it would have been in the affirmative. Thank you, Mr. Speaker.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1748, PN 2915**, entitled:

An Act providing for a community services block grant program; and further providing for powers and duties of the Department of Community Affairs.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that **HB 1748, PN 2915**, be recommitted to the Committee on State Government.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—189

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

NAYS—0

NOT VOTING—8

Civera	Freind	Gruitza	Mrkonic
Cohen	Gannon	Micozzie	Telek
EXCUSED—5			
Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

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

* * *

The House proceeded to third consideration of **HB 70, PN 79**, entitled:

An Act authorizing dry cleaners and laundries in cities of the first class to dispose of certain unclaimed goods to certain institutions.

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

Mr. DAWIDA offered the following amendments No. A2092:

Amend Title, page 1, line 1, by inserting after "first", second and third

Amend Sec. 1, page 1, line 7, by inserting after "first", second or third

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Allegheny, Mr. Dawida.

Mr. DAWIDA. Mr. Speaker, the members will recall that last week I offered an amendment with some substantial disagreement to it. I have withdrawn that amendment and with Representative Caltagirone offer this very simple amendment which does not make any substantive changes to the bill other than to add second- and third-class cities to the purview of the bill. I urge your consideration and affirmative 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—190

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

Dorr	Levi	Richardson	
Duffy	Levin	Rieger	Irvis,
Durham	Linton	Robbins	Speaker

NAYS—1

McHale

NOT VOTING—6

Civera	Freind	Gruitza	Micozzie
Dininni	Gallen		

EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. VROON. Mr. Speaker, may I interrogate Mr. Dawida, please?

The SPEAKER. Mr. Dawida indicates he will stand for interrogation. Mr. Vroon is in order, and he may proceed.

Mr. VROON. Mr. Speaker, after this amendment having been passed, does this bill now call for the prerogative of the person who does the cleaning to sell or otherwise dispose of cleaning which is left in his establishment for more than 60 days?

Mr. DAWIDA. No. I withdrew that. This is just for the 6 months, the current law.

Mr. VROON. This is still 6 months, the way it was originally drawn, only now it applies to the second- and third-class cities as well as the first-class cities?

Mr. DAWIDA. That is correct that 6 months is the time limit and not 60 days as I offered last week.

Mr. VROON. How is it left as to notification of the person who owns the goods?

Mr. DAWIDA. The notification will be the current law in existence.

Mr. VROON. Is that a certified letter?

Mr. DAWIDA. Yes.

Mr. VROON. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on final passage, the gentleman from Berks, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, I would like to interrogate the gentleman, Mr. Dawida.

The SPEAKER. Mr. Dawida indicates he will stand for further interrogation. Mr. Gallen may proceed.

Mr. GALLEN. Mr. Speaker, I would appreciate if the gentleman would explain exactly what this bill now does.

Mr. DAWIDA. After 6 months, under current law, if a dry cleaner meets certain notification regulations, they can dispose of the garments. Representative Salvatore thought that it would be appropriate if they could dispose of those garments in certain charitable ways rather than just by selling them, and I think that is a fine idea. All I did was add cities of the second class, and Representative Caltagirone wanted cities of the third class.

Mr. GALLEN. But that is not a total explanation. Mr. Speaker, it includes just those municipalities. Is that correct?

Mr. DAWIDA. Yes.

Mr. GALLEN. Okay. Now, in many dry-cleaning establishments a person goes in and they give their name and they leave their phone number, no address. How are they expected to notify these people?

Mr. DAWIDA. The same way they do currently. They would have to call them if that is all they had.

Mr. GALLEN. Suppose their phone number has been changed.

Mr. DAWIDA. This bill does not have anything to do with that. If you want to do something about that, this bill and my amendment have nothing to do with whatever you are trying to get at.

Mr. GALLEN. So what this bill does is allow those garments to be disposed of in a charitable way if they have been left there more than 6 months.

Mr. DAWIDA. That is correct.

Mr. GALLEN. Okay.

Now, how about those people who leave their winter dry cleaning at the dry cleaners and they neglect to pick it up in the springtime? There are many clothes that are deliberately left at dry cleaners for periods in excess of 6 months.

The SPEAKER. Is the gentleman arguing the validity of the amendment or interrogating the gentleman, Mr. Dawida?

Mr. GALLEN. I am trying to get something clear. I am still interrogating.

The SPEAKER. Ask the question.

Mr. GALLEN. Those garments that are, quote, "stored," unquote, at the dry cleaners for the season, many of them would be left there more than 6 months without any problem at all. Does this bill have anything to do with that?

Mr. DAWIDA. No. If you want to do something about that, I would suggest offering a bill. But this bill has nothing to do with anything you have just mentioned.

Mr. GALLEN. Thank you, Mr. Speaker.

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

Mr. DORR. Mr. Speaker, would the gentleman, Mr. Dawida, consent to further interrogation?

The SPEAKER. Mr. Dawida indicates he will stand for further interrogation. Mr. Dorr may proceed.

Mr. DORR. Mr. Speaker, you just indicated to the gentleman, Mr. Gallen, that under current law, after following certain procedures, the dry cleaner can sell the goods or otherwise dispose of them. Is that under current statutory law, Mr. Speaker?

Mr. DAWIDA. Yes.

Mr. DORR. Does this bill amend that law in any way?

Mr. DAWIDA. Only in that it gives another alternative for dry cleaners in cities of the first, second, and third class to dispose of those goods through a charitable method; that is, giving it to a charity such as the Salvation Army or something like that.

Mr. DORR. Then, if I understand you correctly, you are indicating that this bill does not intend to limit the discretion of the store owner but rather give them an additional optional way to dispose of the goods. They can still go ahead and sell them even after the passage of this act.

Mr. DAWIDA. Yes.

Mr. DORR. 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—195

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

Duffy Levin Rieger Speaker
Durham

NAYS—0

NOT VOTING—2

Hutchinson Madigan

EXCUSED—5

Marmion Spencer
Rappaport

Wozniak

Wright, D. R.

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

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

BILLS ON THIRD CONSIDERATION POSTPONED

The House proceeded to **HB 2114, PN 2857**, on third consideration postponed, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1984 to June 30, 1985 and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1984.

On the question recurring,

Will the House agree to the bill on third consideration?

(Amendment A2067, offered by Mr. Murphy on May 16, 1984, was withdrawn.)

Mr. MURPHY offered the following amendments No. A2112:

Amend Title, page 1, line 5, by inserting after "1984"
; and providing for investments in Pennsylvania industries

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

Section 3. (a) The board shall, within six months of the effective date of this act, detail a program of investment for the economic redevelopment and capitalization of Pennsylvania industries. Recognizing the initial duty of the fund to prudent investments which protect the pensions of retirees, the General Assembly requires the board to invest an equity interest in venture capital limited partnerships and participate in private placement separate accounts. Investments in venture capital limited partnerships and private placement separate accounts shall:

(i) Enhance the general welfare of the State and its citizens through economic development.

(ii) Limit the liability of the retirement fund only to the extent of the investment.

(iii) Provide that the management of the venture capital limited partnership and the private placement separate account rests solely with the general partner or manager who shall be a professional investment manager.

(b) Investments made pursuant to this section for venture capital limited partnerships shall not be less than 1% nor more than 2% of the value of the fund. Investments for private placement separate accounts shall not be less than 1% of the value of the fund. The value of the fund shall be the total book value of the fund on the effective date of this section.

(c) The investments authorized by this section shall be made by the board over a three-year period. The board shall file an annual report on these investments with the General Assembly. Included in the report shall be information on how the board exercised its stewardship on behalf of Pennsylvania industries over the past three years. This report shall also detail how the board intends to use fund assets for the benefit of jobs in Pennsylvania.

Amend Sec. 2, page 2, line 10, 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 Allegheny, Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment addresses the investment of the pension funds, how they invest the money. We discussed this briefly last week.

As you know, over the past 2 or 3 years we have undertaken major economic revitalization efforts in this Commonwealth with the Ben Franklin Partnership, with the recent bond issue on the ballot totaling well into a couple of hundreds of millions of dollars. Yet, our efforts pale beside the amount of money in the pension funds, totaling more than \$7 billion. It is important that those funds be used wisely, keeping to the prudent-person rule, but used wisely in regard to Pennsylvania industries.

This amendment requires the pension board, within 6 months of the effective date of this act, to detail a program of investment for the economic revitalization and capitalization of Pennsylvania industries.

It also requires the board to establish a venture capital fund or to put 1 percent of its assets into a venture capital fund and not more than 2 percent. There was some concern that there was no cap. There is a 2-percent cap in this.

The language dealing with venture capital is very similar to language that we passed earlier in legislation that dealt with 30-years-and-out and the increase in the pension for teachers.

I urge your support of this amendment. It is critical to the Commonwealth of Pennsylvania that we invest pension funds in thriving Pennsylvania industries, in new industries. More than 20 States in the country are now doing this. It is not a new idea. Their return on investment far exceeds what our pension funds are now getting on their investments. So I urge your support of this amendment and the amendment, very similar, to the following bill. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Murphy amendment, the Chair recognizes the gentleman from Cumberland, Mr. Mowery.

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

Even though the amendment offered by Representative Murphy has been improved over last week with a 2-percent cap, I would recommend that we vote against this. It should be considered in separate legislation. I think with the recent bond issue and other improvements we have made, I think we have broadened the investment privileges of the Retirement

Board in the past year. I think that this should be considered separately, and I would suggest that we vote against this amendment.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would urge that we adopt the Murphy amendment. As Representative Murphy indicated, the language in this amendment is quite similar to another amendment which we successfully added to another bill that passed the House and was sent over to the Senate. In fact, it is almost exactly the same.

We recognize that amending an appropriations bill will have limited impact. The impact of this amendment and the rest of the legislation or the rest of this bill will be limited to the next fiscal year. But despite that limited impact, it is important that we do this because it is important that we send a message, a message from this legislature to the managers of this particular retirement fund, that we want them to, we encourage them, and if we can we will require them, if we must we will require them, to make these kinds of investments.

The MILRITE (Make Industry and Labor Right in Today's Economy) Council is far along the road of establishing a venture capital fund and a separate placement account, both important instruments to fill funding gaps, capitalization gaps that exist here in Pennsylvania. Those funds will be created and will be predicated on investments from public as well as private pension funds. It is very important that our two large public pension funds in this Commonwealth participate. It is important that we encourage them to participate, and it is important that we therefore pass this amendment to require them to participate for the next year. I urge the adoption of the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. DAWIDA. Mr. Speaker, very briefly, I urge a "yes" vote on this amendment.

The concepts of venture capital, of entrepreneurship that we are encouraging in this amendment are what made Pennsylvania great. It is an issue, I think, that reaches across the boundary lines between Democrat and Republican. It is simply a matter of the well-being and the future of Pennsylvania, and we cannot afford to sit back and do nothing.

This amendment does not go far enough. It does not really go far enough. But under this situation, I think it is the best we can do and get passed. I urge the serious consideration of every member here to vote "yes" for the future of Pennsylvania.

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

Mr. VROON. Mr. Speaker, I rise to reluctantly oppose this amendment, not because I oppose the principle but because I believe it is extremely important to very carefully define the guidelines of this kind of investment.

Venture capital, Mr. Speaker, is just another way of expressing risk capital, and the risk involved in venture capital is very, very broad. I would say that on the average, having had considerable experience in this area in the past, 1 venture out of 100 involving risk capital of this kind is successful. That means that the loans made for that kind of venture in 99 times out of 100 would probably have to be written off. I do not want to see any part of our pension funds having to be written off. I think that is far too risky.

On the other hand, the MILRITE Council is absolutely correct in their approach. They have very carefully defined guidelines. We also recognized the advisability of having venture capital loans available when we passed the bond issue and when the people voted for it. We are about to formulate enabling legislation for this very particular subject.

I think it is very important. Let us do it that way. Let us not do it in a hurry and open up our pension funds to a considerable amount of unneeded exposure.

Mr. Speaker, I reluctantly ask for a negative vote on this. Let us get with the enabling legislation and do it right. Thank you.

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

Mr. DORR. Mr. Speaker, I rise to support the amendment.

I think that the work has been done. Over a period of about 4 years now we have been discussing the issue of venture capital. It is an extremely important one to the economic climate of Pennsylvania, and the development of the concept of the use of pension funds for venture capital has certainly been discussed broadly and widely.

I believe that the amendment now offered by the gentleman from Allegheny is conservative in its nature. It is limited by law in that the amendment now contains a cap of 2 percent on those pension funds that can be invested in this type of investment. I further believe that the pension boards themselves will be conservative in their selection of venture capital investments, probably limiting it to broad types of mutual-fund types of investments which are themselves conservative and are spread with a base that can be supported from one loss to the next gain.

I do not think the gentleman from Chester's indication was correct, that there are 99 losses out of 100. Although it certainly is risk capital, I think it is a conservative risk capital and that we can certainly afford to have these two public pension funds of the Commonwealth invest up to 2 percent of their funds in this sort of investment. So I recommend adoption of the amendment.

PARLIAMENTARY INQUIRY

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

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

Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER. The gentleman will state the point.

Mr. RICHARDSON. I would just like to know whether or not there is another amendment to this particular legislation. I only have the amendment A2114, and I would just like to know, are both of them the same as HB 2115, because that is the one I have the amendment to.

The SPEAKER. The amendment currently before the House is A2112.

Mr. RICHARDSON. Okay, Mr. Speaker, thank you very much. They gave me the correct one. I just wanted to make sure that it was saying the same thing but just to another bill.

I would like to interrogate the sponsor of the amendment.

The SPEAKER. The gentleman, Mr. Murphy, indicates he will stand for interrogation. Mr. Richardson may proceed.

Mr. RICHARDSON. Mr. Speaker, could you tell us presently whether or not in your amendment there is any provision specifically to make sure that the present moneys that are being invested now within the Commonwealth of Pennsylvania would in fact be stopped until your board went into action?

Mr. MURPHY. That their investments be stopped? No; there is nothing in there that says that they should stop investing.

Mr. RICHARDSON. Okay. Could you tell us whether or not in your amendment the present money that is being used under our system, particularly the retirement fund— We have a number of funds that are being used in the State of Pennsylvania to support the apartheid government in South Africa. Our question is whether or not this at all at this time would allow us the opportunity to have a board decide specifically where those pension funds and retirement funds should in fact be spent before any more money is spent and invested in other areas other than where they are being invested now.

Mr. MURPHY. Mr. Speaker, while this amendment does not deal specifically with—

Mr. RICHARDSON. I cannot hear the gentleman.

The SPEAKER. Would you state the question, Mr. Richardson.

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

I would just like to know whether or not in your amendment any of the funds, whether they be to the pension fund or to the retirement fund, whether or not any of the moneys that are presently being invested to support the apartheid government in South Africa, whether or not any of these funds, as you see it in your board, in making up this new board, will help us decide on new venture capital and also maybe a redirection of where we are presently investing the money.

Mr. MURPHY. Mr. Speaker, clearly my amendment attempts to redirect the investments of the pension funds into Pennsylvania companies, into Pennsylvania. It does not deal directly with the question of South Africa, but it would at least give us the opportunity to look more closely at the investment policies of the pension funds.

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

I would like to know if I am in order to be recognized on the amendment?

The SPEAKER. The gentleman is in order and may speak on the amendment.

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

I would like to rise to support the Murphy amendment, and I do so for several reasons. One is that we have had an opportunity in this House of Representatives to offer several pieces of legislation affecting the whole question of South Africa and the problem dealing in the question of the apartheid government in South Africa and the fact that many of our own pension funds in fact are being invested there presently, as well as into the retirement fund. It seems to me that it does not make good government for us to continue to invest our moneys elsewhere when in fact we could be investing them right here within the Commonwealth of Pennsylvania to help with our own venture capital and at the same time help to bring jobs to those citizens here within the Commonwealth of Pennsylvania who so desperately need them.

Thirdly, Mr. Speaker, I would say that I support the amendment for the purpose of trying to at least bring to the attention, and we would like to commend the Murphy amendment for bringing to the attention, the fact that there has to be some new direction for the Commonwealth of Pennsylvania. After the same old, tired old system of seeing us invest money in the areas where we are not in fact getting our due share and at the same time not doing anything about the unemployment rate within this Commonwealth, it seems to me that we need to have a board or some commission of some sort that would be willing to sit down and specifically deal with the question of how we direct those funds so that more of the masses of people can get a benefit out of it.

I appreciate the amendment, and I ask the members of the House to support it.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. POTT. Thank you, Mr. Speaker.

Will the gentleman, Mr. Murphy, consent to interrogation?

The SPEAKER. Mr. Murphy indicates he will so stand. Mr. Pott may proceed.

Mr. POTT. Thank you, Mr. Speaker.

What are the present assets of the State Employees' Retirement Fund?

Mr. MURPHY. It is my understanding they approach \$4 billion.

Mr. POTT. Four billion? Am I correct that you are mandating a minimum of \$40 million to be invested in venture capital?

Mr. MURPHY. That is correct, Mr. Speaker.

Mr. POTT. Is it also my understanding that you are mandating a maximum of \$80 million?

Mr. MURPHY. That is correct.

Mr. POTT. Does the State Employees' Retirement Fund at the present time have an unfunded past service liability?

Mr. MURPHY. It is my impression that they do, Mr. Speaker, but I do not know what it is.

Mr. POTT. If assets of the fund between \$40 million and \$80 million were put into venture capital and the fund got minimal economic return, would this not then add to the unfunded past service liability that the General Fund budget would then be responsible for funding?

Mr. MURPHY. Mr. Speaker, theoretically you are correct. I will not accept your assumptions though. I think your question goes to the heart of what has been put forth as, I think, unfair myths concerning venture capital. To talk of 99 out of 100 investments being losses, to talk of minimal returns, to talk of a lot of losses in venture capital belies the fact of what truly has been happening in the venture capital market and with other pension funds from other States where there have been substantial returns, generally running higher than what the normal pension board investments would be. So while you are theoretically correct, in reality experience in other States demonstrates you are incorrect in assuming that we would have either lower returns or we would face absolute losses.

Mr. POTT. Mr. Speaker, does your amendment authorize the investment in common stocks in venture capital corporations or just partnerships?

Mr. MURPHY. Partnerships and private placements.

Mr. POTT. Is a private placement an investment in common stock?

Mr. MURPHY. No; it would not be.

Mr. POTT. It would not be?

Mr. MURPHY. Not directly.

The SPEAKER. Would the gentleman, Mr. Pott, want to redirect his question?

Mr. POTT. Thank you, Mr. Speaker.

I was attempting to get your definition of "private placement," whether it is into common stock of venture capital corporations or whether it is into subordinated debentures or convertible debentures.

Mr. MURPHY. The pension fund would not be investing directly in private stock in a private company. It would invest through managers or in conjunction with other funds.

Mr. POTT. Through professional venture capital managers as opposed to having the members of the pension board decide which venture capital?

Mr. MURPHY. Yes, Mr. Speaker.

Mr. POTT. Thank you, Mr. Speaker.

With those restrictions in the amendment, I believe that there is some protection of the pension fund's assets. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Armstrong.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

I supplement my income by selling stocks, and once in a while I get involved with venture capital myself, but venture capital is exactly that; it is for the venturesome. It is either you make a lot of money or you lose it all. It seems like there is no in-between. Right now it seems like the in thing to do. There has been a lot of money made in the last couple of years when the stock market was hot, particularly the new-issue market, and it seemed like the in thing to do. The market has cooled off substantially from that.

In most cases with venture capital, when you invest there is absolutely no marketability. If you want out, you cannot get out. There is, in investing with trusts or pensions, what we call the prudent-man rule, or prudent-person rule I guess we should say, and that is that you only invest in something that a prudent person would invest in, and that is obviously something that works out well. If it does not, then you were not very prudent.

We have standards in which we invest, which we call investment grade; like BAA bonds and on up are considered investment grade. Anything below that is not investment grade, and I do not know of any venture capital that would even get a BAA rating.

Finally, if this does not work out, the money we put in venture capital, there will probably be one group of people who will be yelling more than anybody else, and that is probably the legislators for perhaps squandering a lot of money, and I do not think we should be in that position. So I urge that we vote against this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Murphy, for the second time on his amendment.

Mr. MURPHY. Thank you, Mr. Speaker.

Briefly, I think it is important for the members to know that fully 70 percent of the venture capital available in this country in 1983 was invested in two States, Massachusetts and California. Less than 5 percent of the venture capital available in this country was invested in Pennsylvania. There is a reason for that. Massachusetts and California today have succeeded in attracting many thousands of Pennsylvanians to their State to start new companies. One outstanding example is a company called Genetech, started by Herbert Boyer, an individual whom we subsidized through 8 years of education at the University of Pittsburgh. He went to California and founded Genetech and founded it on venture capital money that came from Pennsylvania from a private investor. We need that venture capital in this State to keep the people whom we are paying for to get an education who have good ideas and need that money to start a company. If we cannot attract venture capital from other private sources, we have to do it on our own first, and this is the way to do it.

You should know that last year the Public School Employees' Retirement Fund wrote off \$48 million in stock losses. That is more than we are asking them to put in in the venture capital fund. This is a critical part of Pennsylvania's effort to revitalize our economy. If you do not do it, you are doing nothing other than making it more difficult for people to find employment and start new companies in this State. I urge your support of this amendment. Thank you.

The SPEAKER. For the second time, the Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, I am not arguing against the idea of venture capital, and I am not arguing that we should not do this. All I am arguing is that let us do it the MILRITE Council way, and that approach is stated specifically to be a sort of mutual fund approach. We put out investments in a

mutual fund on venture capital projects, and the risk is far less extreme that way than to do it this way.

Now let us take a situation involving this particular method. If you say that this can be invested on a private placement basis, this can be invested 100 percent in private, unlisted stock of the venture involved. That means there is no liquidity whatsoever. If you ever want to change that investment, ever want to sell that investment, you cannot do so. You are locked in. And if that turns out to be a failure, then you have lost everything. You have not even been able to bail out partially or entirely. There are so many loopholes the way this is constructed. I say let us do it right; let us do it, but let us do it the MILRITE Council way, which is very carefully predicated on safeguards for the whole fund. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, for the second time, the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I was pleased to hear Mr. Vroon endorse the MILRITE approach. I want to emphasize, as I indicated earlier, that passage of this amendment will make more possible what MILRITE Council is trying to do. The participation by our two large public pension funds in this State will be absolutely critical to the success of the MILRITE effort.

Earlier Mr. Vroon suggested that we ought not to consider this amendment and we ought to allow the bond package and the enabling legislation to deal with this issue. I think it is important to note that there is nothing in the bond package that will deal with this particular issue. This is an opportunity, one of a couple that we have, to encourage and to facilitate the participation by our public pension funds in these efforts to fill some funding gaps that clearly exist in this State. I urge the adoption of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

As a member of the MILRITE Council, I would like to rise in support of the Murphy amendment.

The statistic that Mr. Murphy gave delineating the investment of venture capital in the States of Massachusetts and California is 100 percent accurate. We in Pennsylvania should take a long, hard look at venture capital companies and ideas that leave our State because they cannot be financed within our borders. Therefore, I would urge an affirmative vote on this amendment.

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

The following roll call was recorded:

YEAS—158

Afflerbach	Fattah	Lucyk	Ryan
Arty	Fee	McCall	Saloom
Baldwin	Fischer	McHale	Salvatore
Barber	Foster, Jr., A.	McIntyre	Saurman
Battisto	Freeman	McMonagle	Semmel
Belardi	Freind	McVerry	Serafini
Belfanti	Fryer	Mackowski	Seventy
Blaum	Gallagher	Madigan	Showers

Bowser	Gallen	Maiale	Sirianni
Broujos	Gamble	Manderino	Smith, L. E.
Burd	Gannon	Manmiller	Snyder, D. W.
Burns	Geist	Markosek	Snyder, G. M.
Caltagirone	George	Mayernik	Stairs
Cappabianca	Greenwood	Merry	Steighner
Carn	Grieco	Michlovic	Stevens
Cawley	Gruitza	Micozzie	Stewart
Cessar	Gruppo	Miller	Stuban
Cimini	Hagarty	Miscevich	Sweet
Civera	Haluska	Murphy	Taylor, E. Z.
Clark	Harper	Nahill	Taylor, F. E.
Cohen	Hasay	O'Brien	Telek
Colafella	Hayes	O'Donnell	Tigue
Cole	Herman	Olasz	Trello
Cordisco	Hoefel	Oliver	Truman
Coslett	Hutchinson	Perzel	Van Horne
Cowell	Itkin	Peterson	Wachob
Deluca	Jarolin	Petrarca	Wambach
DeWeese	Johnson	Petrone	Wargo
Daley	Kasunic	Phillips	Wass
Davies	Kosinski	Piccola	Weston
Dawida	Kukovich	Pievsky	Wiggins
Deal	Lashingner	Pistella	Williams
Dietz	Lehr	Pott	Wilson
Dininni	Lescovitz	Pratt	Wogan
Dombrowski	Letterman	Preston	Wright, J. L.
Donatucci	Levi	Reber	Wright, R. C.
Dorr	Levin	Reinard	Zwikl
Durham	Linton	Richardson	
Evans	Livengood	Rieger	Irvis,
Fargo	Lloyd	Rudy	Speaker

NAYS—37

Alderette	DeVerter	Kennedy	Pitts
Angstadt	Duffy	Klingaman	Punt
Armstrong	Flick	Kowalshyn	Robbins
Book	Foster, W. W.	Laughlin	Rybak
Boyes	Gladeck	McClatchy	Scheetz
Brandt	Godshall	Moehlmann	Schuler
Bunt	Hershey	Morris	Smith, B.
Clymer	Honaman	Mowery	Swift
Cornell	Jackson	Noye	Vroon

NOT VOTING—2

Mrkonic	Spitz
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EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

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 **HB 2115, PN 2858**, on third consideration postponed, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1984 to June 30, 1985 and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1984.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. MURPHY offered the following amendments No. A2114:

Amend Title, page 1, line 6, by inserting after "1984" ; and providing for investments in Pennsylvania industries

Amend Bill, page 1, by inserting after line 19

Section 2. (a) The board shall, within six months of the effective date of this act, detail a program of investment for the economic redevelopment and capitalization of Pennsylvania industries. Recognizing the initial duty of the fund to prudent investments which protect the pensions of retirees, the General Assembly requires the board to invest an equity interest in venture capital limited partnerships and participate in private placement separate accounts. Investments in venture capital limited partnerships and private placement separate accounts shall:

(1) Enhance the general welfare of the State and its citizens through economic development.

(2) Limit the liability of the retirement fund only to the extent of the investment.

(3) Provide that the management of the venture capital limited partnership and the private placement separate account rests solely with the general partner or manager who shall be a professional investment manager.

(b) Investments made pursuant to this section for venture capital limited partnerships shall not be less than 1% nor more than 2% of the value of the fund. Investments for private placement separate accounts shall not be less than 1% of the value of the fund. The value of the fund shall be the total book value of the fund on the effective date of this section.

(c) The investments authorized by this section shall be made by the board over a three-year period. The board shall file an annual report on these investments with the General Assembly. Included in the report shall be information on how the board exercised its stewardship on behalf of Pennsylvania industries over the past three years. This report shall also detail how the board intends to use fund assets for the benefit of jobs in Pennsylvania.

Amend Sec. 2, page 2, line 1, 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 Allegheny, Mr. Murphy.

Mr. MURPHY. Mr. Speaker, this is exactly the same language that we just adopted to HB 2114. May I just say that there is a particularly important reason to adopt this amendment. The Public School Employees' Retirement Fund in the past year had a very critical vote on the takeover attempt of Gulf Oil, and they voted their stock in favor of Mesa Petroleum, which ultimately led to the takeover of Gulf Oil, not by Mesa but by another company. That is going to cost the Pittsburgh region a couple thousand jobs in the long run. The Public Employees' Pension Fund voted in favor with Gulf, and I have some real concerns that that kind of investment decision was made at the jeopardy of thousands of jobs in this Commonwealth. So I believe that we should have this language to begin to watch those kinds of investments and urge your support of 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—162

Table listing names of members who voted YEAS, including Afflerbach, Angstadt, Arty, Baldwin, Barber, Battisto, Belardi, Belfanti, Blaum, Bowser, Boyes, Broujos, Burd, Burns, Caltagirone, Cappabianca, Carn, Cawley, Cessar, Cimini, Civera, Clark, Cohen, Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, DeLuca, DeWeese, Daley, Davies, Dawida, Deal, Dietz, Dininni, Dombrowski, Donatucci, Dorr, Duffy, Durham, Evans, Fargo, Fattah, Fee, Fischer, Foster, Jr., A., Freeman, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Greenwood, Grieco, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayes, Herman, Hoeffel, Hutchinson, Itkin, Jarolin, Johnson, Kasunic, Kosinski, Kukovich, Lashinger, Lehr, Lescovitz, Letterman, Levin, Linton, Livengood, Lloyd, Lucyk, McCall, McHale, McIntyre, McMonagle, McVerry, Mackowski, Madigan, Maiale, Manderino, Manmiller, Markosek, Mayernik, Merry, Michlovic, Micozzie, Miller, Misceovich, Mrkonic, Murphy, Nahill, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Peterson, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pott, Pratt, Preston, Reber, Reinard, Richardson, Rieger, Rudy, Ryan, Saloom, Salvatore, Saurman, Semmel, Serafini, Seventy, Showers, Sirianni, Smith, L. E., Snyder, D. W., Snyder, G. M., Stairs, Steighner, Stevens, Stewart, Stuban, Sweet, Taylor, E. Z., Taylor, F. E., Telek, Tighe, Trello, Truman, Van Horne, Wachob, Wambach, Wargo, Wass, Weston, Wiggins, Williams, Wilson, Wogan, Wright, J. L., Wright, R. C., Zwick, and Irvis, Speaker.

NAYS—34

Table listing names of members who voted NAYS, including Alderette, Armstrong, Book, Brandt, Bunt, Clymer, Coy, DeVerter, Flick, Foster, W. W., Gladeck, Godshall, Hershey, Honaman, Jackson, Kennedy, Klingaman, Kowalyszyn, Laughlin, Levi, McClatchy, Moehlmann, Morris, Mowery, Noye, Pitts, Punt, Robbins, Rybak, Scheetz, Schuler, Smith, B., Swift, Vroon, and Irvis, Speaker.

NOT VOTING—1

Spitz

EXCUSED—5

Table listing names of members who were excused: Marmion, Rappaport, Spencer, Wozniak, and Wright, D. R.

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

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

NAYS—0

NOT VOTING—1

Lehr

EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

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

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1754, PN 2251**, entitled:

An Act to facilitate vehicular traffic across the Commonwealth by providing for the construction, operation and maintenance of turnpike extensions and improvements; conferring powers and imposing duties on the Pennsylvania Turnpike Commission; *** and authorizing the issuance of turnpike revenue refunding bonds.

On the question,

Will the House agree to the bill on third consideration?

Mr. POTT offered the following amendments No. A1943:

Amend Title, page 1, line 3, by inserting after "improvements;"

providing for the reorganization of the Pennsylvania Turnpike Commission;

Amend Table of Contents, page 2, lines 1 through 22, by striking out all of said lines and inserting

Section 3. Reorganization of the Pennsylvania Turnpike Commission.

Section 4. Extensions and improvements authorization.

Section 5. Status of turnpike revenue bonds.

Section 6. Exercise of commission powers deemed essential government function.

Section 7. Commission powers and duties enumerated.

Section 8. Expenses and bonding of commission members.

Section 9. Acquisition of property rights by commission.

Section 10. Procedural requirements of acquisition.

Section 11. Entry and possession of property condemned.

Section 12. Issuance of turnpike revenue bonds.

Section 13. Obligation proceeds restricted and lien created.

Section 14. Trust indenture authorized.

Section 15. Commission and obligations tax exempt.

Section 16. Collection and disposition of tolls and other revenue.

Section 17. Revenue refunding bonds.

Section 18. Permissible combinations by commission.

Section 19. Rights of obligation holders and trustees.

Section 20. Termination of commission.

Section 21. Construction of act.

Section 22. Status of current commission members.

Section 23. Repeals.

Section 24. Effective date.

Amend Sec. 2, page 3, line 4, by inserting after "Act,"

as modified and expanded pursuant to section 3.

Amend Sec. 2, page 4, line 15, by striking out "3" and inserting

4

Amend Sec. 2, page 4, line 27, by striking out "3" and inserting

4

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

Section 3. Reorganization of the Pennsylvania Turnpike Commission.

(a) Reorganization.—The Pennsylvania Turnpike Commission, as created by the act of May 27, 1937 (P.L.774, No.211), is

hereby reorganized. The commission shall consist of nine members, one of whom shall be the Secretary of Transportation, who shall serve by virtue of his office. The Secretary of Transportation may authorize the Deputy Secretary for Highway Administration to act in his place, including the power to vote on any issue. The eight remaining members shall be residents of the Commonwealth at the time of their appointment and qualification and shall also at such time have been qualified electors therein for a period of at least one year next preceding their appointment and shall be appointed as follows:

(1) Four members shall be appointed by the Governor, no more than two appointees shall be from the same political party.

(2) One member shall be appointed by the caucus of the majority party of the Senate.

(3) One member shall be appointed by the caucus of the majority party of the House of Representatives.

(4) One member shall be appointed by the caucus of the minority party of the Senate.

(5) One member shall be appointed by the caucus of the minority party of the House of Representatives.

(b) Terms of members; limitations.—The appointed members of the commission shall be appointed for terms coextensive with those of their respective appointing authorities and until their successors shall be duly appointed and qualified, except that each appointee may be removed from the commission at any time by the authority that appointed the appointee. No member of the commission may be a member of the General Assembly at the same time that he is a member of the commission.

(c) Salaries.—Each appointed member of the commission shall receive an annual salary of \$12,000 except the chairman of the commission who shall receive an annual salary of \$18,000. Each member of the commission shall be reimbursed for necessary expenses incurred in the performance of his duties.

(d) Oath and chairperson.—Immediately after such appointment, the members of the commission shall enter upon their duties. Each appointed member of the commission before entering upon his duties shall take the oath prescribed by Article VIII of the Constitution of the Commonwealth. The commission shall elect one of the appointed members as chairperson of the commission and shall also elect a secretary and treasurer who shall not be members of the commission.

(e) Quorum.—Five members of the commission or a majority of the members duly appointed shall constitute a quorum. All actions must be taken by a majority vote of the members of the commission present at a meeting of the commission. No vacancy in the commission shall impair the right of a quorum of the commissioners to exercise all the rights and perform all the duties of the commission.

(f) Bonds.—Before the issuance of any turnpike revenue bonds under the provisions of this act, each appointed member of the commission and the secretary and treasurer shall execute a bond in the penalty amount to be set by the commission in its discretion. The bonds shall be approved by the Governor and be conditioned upon the faithful performance of the duties of their office. The bonds shall be filed in the office of the Secretary of the Commonwealth.

(g) Executive director.—The members of the commission shall appoint an executive director of the commission, who shall not be a member of the commission, and who shall serve at the pleasure of the members of the commission, with the general powers and duties of management and supervision of the business of the commission.

(h) Rules and regulations.—The commission shall make necessary rules and regulations for its own government and shall have power and authority to acquire, own, use, hire, lease, operate and dispose of personal property, real property and interests in real property, and to make and to enter into all contracts

and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, and to employ engineering, traffic, architectural and construction experts and inspectors and attorneys, and such other employees as may be necessary in its judgment, and to fix their compensation, including the compensation of the executive director, in accordance with comparable salaries as set by the executive board for the Department of Transportation. All contracts and agreements relating to the construction of the turnpike and connecting tunnels and bridges shall be approved by the Department of Transportation.

Amend Sec. 3, page 5, line 4, by striking out "3" and inserting

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Amend Sec. 4, page 8, line 21, by striking out "4" and inserting

5

Amend Sec. 5, page 9, line 11, by striking out "5" and inserting

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Amend Sec. 6, page 9, line 17, by striking out "6" and inserting

7

Amend Sec. 7, page 12, line 17, by striking out "7" and inserting

8

Amend Sec. 8, page 13, line 13, by striking out "8" and inserting

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Amend Sec. 9, page 14, line 14, by striking out "9" and inserting

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Amend Sec. 10, page 16, line 12, by striking out "10" and inserting

11

Amend Sec. 11, page 16, line 30, by striking out "11" and inserting

12

Amend Sec. 12, page 21, line 17, by striking out "12" and inserting

13

Amend Sec. 13, page 21, line 26, by striking out "13" and inserting

14

Amend Sec. 14, page 22, line 30, by striking out "14" and inserting

15

Amend Sec. 15, page 23, line 12, by striking out "15" and inserting

16

Amend Sec. 16, page 25, line 13, by striking out "16" and inserting

17

Amend Sec. 17, page 25, line 24, by striking out "17" and inserting

18

Amend Sec. 18, page 26, line 30, by striking out "18" and inserting

19

Amend Sec. 19, page 27, line 14, by striking out "19" and inserting

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Amend Sec. 20, page 27, line 29, by striking out "20" and inserting

21

Amend Bill, page 28, by inserting between lines 7 and 8 Section 22. Status of current commission members.

On the effective date of this act, the terms of the current members of the commission shall terminate. Any current member of the commission may be reappointed to the commission pursuant to the terms of this act. On the effective date of this act, the members appointed pursuant to the terms of section 3 shall take office and enter upon their duties.

Amend Sec. 21, page 28, line 8, by striking out "21" and inserting

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Amend Sec. 22, page 28, line 11, by striking out "22" and inserting

24

On the question,

Will the House agree to the amendments?

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

Mr. POTT. Thank you, Mr. Speaker.

HB 1754 provides for a massive construction project with numerous additions to the Pennsylvania Turnpike. These additions have been long promised to the citizens of this Commonwealth and are vitally necessary for economic development, increase in property values, reduction in social costs, and increased employment.

One of the estimated costs of HB 1754 is an excessive \$3 billion. The amendment which I am offering today provides for legislative input into the Pennsylvania Turnpike Commission. Specifically, the amendment would expand the Turnpike Commission from its present five-member makeup to a nine-member makeup - four members being appointed by the Governor, no more than two from the same political party; one member each appointed by the caucuses of the majority party and the minority party of the House and the Senate; and the Secretary of Transportation serving on the commission by virtue of his office.

I believe, Mr. Speaker, that when we embark on a massive program of this nature, the four caucuses of this General Assembly should have some input into that project. My amendment gives us as individual members of this General Assembly, each and every one of us, input into the makeup of the Pennsylvania Turnpike Commission. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. Mr. Speaker, I rise to oppose the gentleman's amendment for a variety of reasons. First of all, I would like to cite and commend the individual for the work that he has completed as the chairman of the Governor's Toll Road Task Force. I think that his job was a tough one, and I think he did it admirably. However, that is where we part ways in that one of the recommendations of the task force was to restructure the Turnpike Commission, and that is exactly what this particular amendment does. It not only restructures it, Mr. Speaker, but it takes away the check and balance which we need in this Commonwealth of the confirmation of these appointments by the Senate. If I read the amendment right, there is no provision within the amendment which would require a majority or a two-thirds confirmation by the Senate. That is the first objection to the amendment.

The second reason, Mr. Speaker, is that the turnpike is acknowledged as one of the best, if not the best, highways in this entire country. It has not received or earned this reputation by accident. It has been working as a five-man commission, appointed by the Governor and confirmed by the Senate, for many, many, many years. It is difficult for me, Mr. Speaker, to support any changes which would alter this setup. It has worked successfully; I believe it will continue to work successfully, and we should not in any way change it.

Lastly, Mr. Speaker, I think this amendment is injecting a political argument into the bill. It is no secret, Mr. Speaker, that the Governor has had tough sledding in getting his nominees to the Turnpike Commission confirmed by the Senate. I think this is one way in which those who support the Governor's nominees are circumventing the process - by abolishing the current administration of the turnpike and replacing it with one which does not require Senate confirmation or which would guarantee control of the commission by the Governor's Office.

Mr. Speaker, in recent weeks we have seen the Senate take some positive action toward that direction in that two of the Governor's nominees have been confirmed, leaving only one vacancy, and, Mr. Speaker, I am optimistic that in the forthcoming months that fifth position will be filled. Therefore, Mr. Speaker, I respectfully ask the members to oppose this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. POTT. Thank you, Mr. Speaker.

The gentleman from Lawrence, Mr. Pratt, is correct in that this does change the two-thirds confirmation that the Senate must give to any gubernatorial recommendation for membership on the Turnpike Commission. However, this does something else for the members of the House of Representatives, something they do not presently have under the structure of two-thirds Senate confirmation. What this does for each and every individual member of this House of Representatives is give you and the constituencies which you represent a direct input into the membership of the Turnpike Commission. Through caucus selection, four members of the restructured Turnpike Commission would be appointed by each caucus. It is you, the individual legislator in this House, who will then have input into the Turnpike Commission.

I believe that this amendment goes a long way in removing politics from the Turnpike Commission in that we have four appointments by the Governor, not more than two from any political party, and four appointments, one from each of the four caucuses on this Hill. I would ask you to carefully consider the individual input which this amendment gives you as a legislator and would ask for your support. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, very briefly, I want to ask all of the members of the House to oppose the Pott amendment. I do not know how many of us can come to the

conclusion that placing not only the Democratic Caucus in the House and the Democratic Caucus in the Senate, and the Republican Caucus in the House and the Republican Caucus in the Senate, and then requiring the Governor to make four new appointments, two of which have to come from my party and two from his party, that we are going to depoliticize the process. I am afraid that we will put the Turnpike Commission in such a mire of politics that the great job that the Turnpike Commission has done over the years will no longer be among the achievements of that great road system. For that, Mr. Speaker, and any number of other reasons, at the root of all of which are politics, as Mr. Pott well knows, I ask the members of the House to vote against this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. VROON. Mr. Speaker, I endorse the Pott amendment. I remember very well when we were talking about the restructuring of the PUC (Public Utility Commission) that the very arguments that we were using on behalf of this amendment were being used on behalf of that particular bill at that time. We are going to take it out of politics. Okay? We are going to take it away from that confirmation snarl, and I agree. I think that all of these things ought to be taken out of that confirmation snarl. I think one of the banes of our existence in Pennsylvania is that we have this two-thirds confirmation rule. This would do away with it altogether. I think it is high time that we did that. If this turnpike is running well, it is running well in spite of the fact that we have had practically no effective Turnpike Commission at all. I think that politics has ruined our turnpike in that respect.

You want to say that this turnpike is the best in the country? All right. I am proud of it, too. I am proud of our turnpike just like you are, but I have to face up to certain realities. As long as I can remember, we still have had the old-fashioned style tickets on the turnpike, and over the whole length of the life of the turnpike we have not even changed that yet. All other turnpikes have gone modern and given us an efficient turnpike ticket system. Ours is obsolete by 25 to 30 years. I do not call that good management, and I see the turnpike out in my neck of the woods, from Valley Forge to the New Jersey border, still four lanes, and that is jammed. That is jammed morning and night. I traveled that many, many times during the commuting time. I think it stinks, to be very—If you had to ride it under those conditions, you would also say it stinks, believe me. All right; that is the kind of language you understand, is it not? Okay. All right.

I think that we can use a lot of improvements. Without trying to be derogatory about our Turnpike Commission, we can use a lot of improvements on our turnpike, and I think this is the way to go. Let us take it out of politics altogether and let us balance it out, Democrats and Republicans, as it falls, and let us get going with it. Let us get six lanes on our turnpike from Valley Forge to the New Jersey border where it belongs. Goodness sakes, it has been a long, long time in talking, and it has all been because of politics, and you can

argue which side you want to argue on on that particular score, but it has been politics, all attributable to this asinine two-thirds confirmation deal.

I would certainly think this is a step in the right direction. I urge an affirmative vote on the amendment.

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

Mr. PRATT. For the last time, Mr. Speaker, I heard the previous speaker, Representative Vroon, and I believe Representative Pott also, talk about getting the turnpike out of politics. We talk about getting the turnpike out of politics with this amendment. I might call the attention of the members to page 2 of the amendment, wherein after it talks about certain authorities may appoint members to the commission for a term coextensive with the term of the appointing authority—in other words, the members appointed by the Governor would be for 4 years and those by the House and the Senate would be for 2 years—there is a provision in there that says, besides not requiring a confirmation vote by the Senate, that each appointee may be removed from the commission at any time by the authority that appointed the appointee. In other words, Mr. Speaker, on Monday the Governor could appoint four members and on Wednesday remove them and appoint four more. This could go on ad infinitum throughout the term.

I think we are looking for a chaotic situation if we approve this amendment. I think we have a good administration set up the way we have it now on the turnpike, and I think this amendment is inviting trouble. I think it is going to create a situation which may jeopardize the possibility, even though there is a statement to the contrary in the report of the task force, I think that this particular setup is going to jeopardize the ability of the Turnpike Commission to sell bonds in the future, and I think that that would be a travesty on the turnpike. So, please, vote “no” on this amendment.

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

Mr. HUTCHINSON. Thank you, Mr. Speaker.

Everybody throws politics around like it is a bad word. I am a politician, and whenever politics is quit being played in this House, on the turnpike, or in the Governor's Office, I am going to resign. Thank you very much. Vote “no.”

The SPEAKER. The Chair is always grateful to his personal friend, Amos Hutchinson, for returning the Chair to good humor on most occasions. He has succeeded again. Thank you.

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

Mr. LLOYD. Mr. Speaker, several weeks ago Secretary Larson appeared before the House Transportation Committee and at that time discussed, among other things, the question of toll roads and whether it was necessary to restructure the Turnpike Commission in order to move this legislation. It was my understanding—and I do not want to put words into the gentleman's mouth—that he indicated that he hoped that the confirmation, recent confirmation, of two people over in

the State Senate would allow this kind of legislation to move, and that it would not be necessary to pursue the kind of drastic change which the Pott amendment proposes. In the absence of some clear indication from the Governor's Office that the Secretary was wrong, I think we ought not to pass this amendment and reopen that issue and possibly delay the carrying out of this toll road expansion program.

Secondly, Mr. Speaker, we have heard a lot about the inefficiency of the Turnpike Commission from the Governor, and he says we ought to get rid of the commission and put it under PennDOT (Pennsylvania Department of Transportation); we do not need a five-member board. I am extremely puzzled and I do not understand the reason for expanding the board from five members to nine members. If the logical position is that we do not need a commission at all, how can you go from saying we do not need a commission at all to saying we need a nine-member commission, which is almost a doubling of the size we have now, which will mean salaries for a whole lot of people who the Governor has argued are not necessary in the first place? For all of those reasons, Mr. Speaker, I think we ought to go along with Secretary Larson and we ought to vote "no" on this amendment.

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

Mr. RICHARDSON. Thank you, Mr. Speaker.

I would like to know if I could interrogate either Mr. Pott or Mr. Vroon.

The SPEAKER. Mr. Pott, Mr. Richardson is asking to interrogate you. Mr. Pott indicates he will stand for interrogation. The gentleman, Mr. Richardson, is in order and may proceed.

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

In your amendment, I would like to know if you could point out the four specific areas where you intend to add the new members to the board and where they will be coming from.

Mr. POTT. They would come from the caucuses here on the Hill, but not as members of the caucuses because there is a salary involved and no member of the General Assembly is permitted to receive any other compensation from any other State bureau, agency, department, or commission. So it would be appointment however the caucus decided to appoint. If the caucus decided that the President pro tempore or the Speaker should appoint, that would be. However the caucus themselves, through their rules, would decide to appoint.

Mr. RICHARDSON. Okay. So in other words, it could be persons who work for the caucuses; it could be individual persons who are selected by the caucuses to in fact reflect that—

Mr. POTT. The intent is to give as much flexibility to the varying caucuses on the Hill as possible.

Mr. RICHARDSON. Have you seen the makeup? Have you been over there to the Turnpike Commission at all?

Mr. POTT. Yes, I have.

Mr. RICHARDSON. Has it been your feeling, in terms of how the board operates, that there has been a fair distribution of employment as it relates to people across the board in terms of those in fact who work there presently, and when you talk about new people being added, have you recognized the composition of the board? In other words, your offering of the amendment for the persons whom you are asking on the board—

The SPEAKER. Will the gentleman yield.

Firstly, the Chair had difficulty in following the gentleman because of some background noise. But secondly, I think Mr. Pott is struggling with what your question is. Would you rephrase the question?

Mr. RICHARDSON. Yes, Mr. Speaker.

You evidently see a need to restructure the commission by adding some new members to it. Would you agree?

Mr. POTT. Yes; that is the intent of the amendment.

Mr. RICHARDSON. And therefore, the composition of the commission evidently does not reflect your feeling about who you feel is best serving those constituents or the Commonwealth of Pennsylvania?

Mr. POTT. The appointments are outlined in the amendment by the Governor and by the General Assembly, with the Secretary of Transportation serving by virtue of his office.

Mr. RICHARDSON. Okay: I am trying to lead to a point, Mr. Speaker, and I am only doing this because you have offered this amendment. We have had a tremendous amount of problems in understanding, and this deals with probably a subject matter that does not reflect you at this particular time, but I just wanted to point out whether or not that was your intent, to see a need to change the commission itself. You have answered that question and I have no further questions of you.

Mr. POTT. The purpose of the amendment is to give the General Assembly more input into the Turnpike Commission.

Mr. RICHARDSON. Okay. Thank you very much.

Mr. Speaker, I would like to know if I am in order to speak on the amendment.

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

Mr. RICHARDSON. Under normal circumstances, Mr. Speaker, I think that I probably would be in favor of supporting such an amendment, but I have a problem with trying to recognize who those persons would be and how they will be selected. I would probably prefer to see people coming from the community who would be in fact selected from the outside to be a part of that as well as trying to find out who is in charge of the contract, who is in charge of hiring and firing, because one of the problems that continually is pointed out over and over again is I can drive from Valley Forge all the way to and including being right at the turnpike exit here in Harrisburg, which is exit 19, and we never see any minorities or blacks working on the turnpike at all. It raises a very serious question as to why we continue to roll into the same area of continuing to support those commissions and other boards that are not even being fair at all to those persons who

are in fact less fortunate, who run into a gamut of not only being able to work within the work field but seemingly never get hired to in fact do any of the jobs on the turnpike.

I wanted to see whether or not the gentleman was leaning in that direction in his comments about the flavor and reflection of the board and whether or not he really saw a real turn-around. You see, I believe that there are a lot of problems with the Turnpike Commission and believe that there is a need for much improvement. But I do not know whether or not the moving or granting or putting four additional persons on it will come from the very caucuses where you say we will have more input, whether or not that actually really gives us more input. As a result of that, I would oppose the amendment but still raise the question and leave it in the minds of many of you that if you ride the turnpike from any point, whether it is coming from the west to the east or whether it is coming from the east to the west, or whether it is coming from the east to the central part of the State, we can never ever see any blacks or minorities working on the turnpike, and I am wondering whether or not that is a conspiracy, whether or not it was set up that way, or whether or not it is just poor management. And if it is all those things, I think that we need more of an investigation into how we should change that, and at this point I would oppose the Pott amendment with the offer and hope that perhaps maybe we would get down to really dealing with the serious problems as they do relate to those persons who in fact work there now. Thank you very much, Mr. Speaker.

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

Mr. VROON. Mr. Speaker, this is actually the third time, but it is only an interrogation of Mr. Richardson.

The SPEAKER. Sorry. That is your time limit. You are overdue.

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

The following roll call was recorded:

YEAS—90

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

NAYS—99

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

NOT VOTING—8

Gruitza	Maiale	Serafini	Weston
McVerry	Miller	Spitz	Zwinkl

EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

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

On the question recurring,
Will the House agree to the bill on third consideration?
Mr. POTT offered the following amendments No. A1944:

Amend Title, page 1, line 3, by inserting after "improvements"

and the conversion of existing toll-free roads to toll roads in Pennsylvania

Amend Table of Contents, page 2, by inserting between lines 19 and 20

Section 20. Authority granted to the Secretary of Transportation.

Amend Table of Contents, page 2, line 20, by striking out "20" and inserting

21

Amend Table of Contents, page 2, line 21, by striking out "21" and inserting

22

Amend Table of Contents, page 2, line 22, by striking out "22" and inserting

23

Amend Sec. 3, page 7, by inserting between lines 28 and 29

(d) Conversion to toll roads.—In order to facilitate vehicular traffic across the Commonwealth, and after completion of the turnpike extensions and improvements, the Pennsylvania Turnpike Commission is hereby authorized and empowered to convert the entire length of Interstate 80 in Pennsylvania and Interstate 70 in Pennsylvania from the West Virginia border to the intersection of Interstate 70 and the existing Pennsylvania Turnpike at New Stanton to toll roads and to operate and maintain said Interstate 80 and Interstate 70 in Pennsylvania from the West Virginia border to the intersection of Interstate 70 and the existing Penn-

sylvania Turnpike at New Stanton as toll roads upon the approval by the Congress of the United States or America and the General Assembly of this Commonwealth of special legislation permitting the conversion of said Interstate 80 and Interstate 70 in Pennsylvania from the West Virginia border to the intersection of Interstate 70 and the existing Pennsylvania Turnpike at New Stanton to toll roads. The conversion of Interstate 80 and Interstate 70 in Pennsylvania from the West Virginia border to the intersection of Interstate 70 and the existing Pennsylvania Turnpike at New Stanton shall take place at a time and manner set forth in the plan for the conversion prepared by the Pennsylvania Department of Transportation. The provisions authorizing the commission to construct, operate and maintain the turnpike routes in subsections (b) and (c) shall be subject to:

(1) the prior passage by the Congress of the United States and the General Assembly of this Commonwealth of special legislation permitting the conversion of Interstate 70 in Pennsylvania from the West Virginia border to the intersection of Interstate 70 and the existing Pennsylvania Turnpike at New Stanton and Interstate 80 as aforesaid to toll roads; or

(2) the availability of such other funds as might become available in amounts that would be sufficient to fund to completion any of the individual turnpike extensions and improvements set forth in subsections (b) and (c) so long as no turnpike extension authorized by subsection (c) is undertaken until after all the turnpike extensions and improvements authorized by subsection (b) are completed.

Amend Sec. 3, page 7, line 29, by striking out "(d)" and inserting

(e)

Amend Bill, page 27, by inserting between lines 28 and 29 Section 20. Authority granted to the Secretary of Transportation.

The Secretary of Transportation is hereby authorized and empowered to enter into an agreement with the United States Department of Transportation, the Federal Highway Administration and any other Federal agency pursuant to section 105 of the Federal-Aid Highway Act of 1978 (Public Law 95-599), in order to obtain Federal funds for projects for resurfacing, restoring and rehabilitating toll roads in Pennsylvania.

Amend Sec. 20, page 27, line 29, by striking out "20" and inserting

21

Amend Sec. 21, page 28, line 8, by striking out "21" and inserting

22

Amend Sec. 22, page 28, line 11, by striking out "22" and inserting

23

On the question,

Will the House agree to the amendments?

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

Mr. POTT. Thank you, Mr. Speaker.

As we discussed briefly when discussing the last amendment, we are proposing to embark on a significant expansion project of the Pennsylvania Turnpike. In order to make all of the projects that are included in the legislation developed by Representative Pratt feasible, it is necessary to have a sound source of revenue in order to sell the revenue bonds.

As many of you know, Interstate 80 and Interstate 70 west of New Stanton are in dire need of repair. Even though the Federal Government, with its 4-R (resurfacing, restoration,

rehabilitation, and reconstruction) money, has committed approximately \$15 million per year just to keep those roads in their present dilapidated and deteriorated condition, this is not near enough money.

What this amendment does is authorize the Secretary of Transportation to enter into an agreement with the United States Department of Transportation to reacquire Interstate 80 and Interstate 70 west. It authorizes the tollings of those two routes upon upgrading and upon approval by the United States Congress. This amendment does not immediately institute tolls on either of those two facilities. It does provide a means for two things: First, adequately financing all of the proposals that Representative Pratt has worked so diligently on. Secondly, it provides a source of funding for upgrading Interstate 70 west and Interstate 80. For those of you who are concerned about the portion of Interstate 70 between Breezewood and the Maryland line, that is not included in this authorization.

I would hope that we attempt to make HB 1754 financially feasible and authorize, upon the passage by the United States Congress of enabling legislation, the means for providing our citizens all of the highways which are included in this legislation.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment.

Mr. Speaker, if this amendment were to be inserted into HB 1754 and signed into law, it would prohibit or it would greatly restrict the flexibility of the turnpike to do any work whatsoever on certain projects which are contained on page 7 of the bill. One of the projects, Mr. Speaker, is the Lehigh Tunnel bypass in northeastern Pennsylvania. As I understand it, the Lehigh Tunnel at the present time is a two-lane tunnel and it is considered a very bad bottleneck. The Turnpike Commission has been working on this particular project for some time now and has expended certain funds to correct the situation.

Mr. Pott's amendment states that before any work whatsoever can be commenced on projects which are affected by his amendment, which includes a project like the Lehigh Valley Tunnel bypass, two things must occur. One, Congress must pass legislation and this General Assembly must pass legislation toward the converting of I-80 and I-70 to toll roads, or in the alternative, we must find or the Turnpike Commission must find alternative sources of funding.

Mr. Speaker, I think that that would set back that particular project as well as all of the other projects which are subject to that provision at least 10 to 15 years. Mr. Speaker, it is only speculative whether or not Congress will change its mind and mood and give the States the right to convert interstates to toll roads. Even if they do agree upon that concept, Mr. Speaker, Congress is very slow in moving.

Secondly, Mr. Speaker, the Federal Government is far from deciding, if we do get consent to convert, whether or not the State of Pennsylvania will be forced to pay back any Federal

moneys which have been expended on I-70 or I-80. To construct them originally, as you know, 90 percent funding was provided by the Federal Government. If it is decided, Mr. Speaker, that the Federal Government is going to require that all of the money be repaid to the Federal Government that was used in the construction of those highways before they are converted to tolls, the toll revenues realized from those roads will not do much but pay back those moneys that are owed to the Federal Government.

Therefore, Mr. Speaker, I think that the amendment is premature, and I would ask all members to vote in the negative. I have introduced separate legislation dealing with this issue. I want to leave it out of this particular bill so that the package can be enacted free from these restrictions. I hope you will support me in this, and I hope in the near future, perhaps next term, we can take up the issue of whether or not we shall convert I-80 or I-70 to toll roads. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Somerset, Mr. Lloyd, on the amendment.

Mr. LLOYD. Thank you, Mr. Speaker.

I would ask for a "no" vote for the following reasons.

Once again, just within the last few weeks, the chairman or the executive director—I am not sure which he is titled—of the Federal Highway Administration, the top highway official under the Secretary of Transportation in Washington, was quoted as saying that the Reagan administration would not, would not support putting tolls on existing interstate highways, that it was possible that the administration might go along with allowing toll money to be mingled with nontoll money, but under no circumstances would this administration support putting tolls on interstate highways. Now, I think there may be some merit to putting tolls on interstate highways, but I do not think we ought to be tying up some of the projects in this bill waiting for some approval from Washington which the President has given indication through his administrators is not going to be forthcoming. It is not fair to those people whose projects either in this bill or in the Governor's Toll Road Task Force bill were not listed as A-number-one, category A priorities. Everybody ought to have a shot to argue what should be done in his area based on the authorization bill sent to the Governor.

Secondly, Mr. Speaker, this amendment is entirely unnecessary, because under the amendment, as it is drafted, before the tolls could actually be put on 70 and 80, it would be necessary for this General Assembly to once again enact a statute. Now, if we are going to have to enact a statute in any event, why should we get into this controversial issue now which is likely to get some people on both sides of the aisle upset and unwilling to vote for a toll road bill because 70 or 80 goes through their districts, why should we do that for no good reason, because the Pott amendment cannot accomplish the purpose of putting tolls on those roads. We have to come back and look again.

So I would suggest, Mr. Speaker, that rather than bring people out of the woodwork to oppose this bill because they

are against the sections on 70 and 80, that we simply defeat the Pott amendment, continue negotiating with the Federal Government to try to find some other solution which the Reagan administration will support, and that we vote "no" on this and get on with final passage.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Washington, Mr. Sweet.

Mr. SWEET. Thank you, Mr. Speaker.

Mr. Speaker, I have been a supporter of the notion of building several of the roadways that are called upon in this legislation for quite some time. I have also supported in theory the notion of some tolls on existing interstates to help support that effort. However, Mr. Speaker, right now those of us who represent the areas affected are really being asked to buy a pig in a poke with this amendment. There is no clear guarantee, Mr. Speaker, that individuals who are in effect commuters, who have been using some of these interstate highways for many years, whose gasoline taxes have been used to support those roadways, for whom a major percentage of the maintenance funds allocated to their counties have gone to maintain and to reconstruct these roadways, will in fact avoid the payment of tolls. While I sympathize, for example, with the construction of the Mon Valley expressway, I do not think that that very vital road, which is important to the economic expansion of all of southwestern Pennsylvania, ought to be built out of the money from the wallets of coal miners and steelworkers and other people who have used that road as a way to commute back and forth to their jobs.

Now, there are various discussions about putting a barrier here or putting a barrier there, but none of that is described in the feasibility study that the Governor's task force commission drafted, and certainly it is not discussed in this legislation.

For those reasons, Mr. Speaker, I have serious doubts about this proposal. I think we ought to go ahead with the legislation; we ought to build those roads we can build, and we ought to allow the Turnpike Commission to develop a financial projection and ultimately fund these roadways. I ask for a "no" vote, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. VROON. Mr. Speaker, just very briefly.

I think this is an idea whose time has come. These interstate roads have been a very heavy burden to the State of Pennsylvania insofar as maintenance is concerned for many long years.

I would not propose that we should just arbitrarily impose tolls except to the extent that it costs us money to maintain these roads. Now, the way the amendment is issued, I think that is a feasibility for our Secretary of Transportation to negotiate that kind of an agreement with the Federal Government. I think we are entitled to recover the cost of maintenance for those toll roads. If we added up all of the costs of the maintenance over the various years that we used these

roads, we would probably exceed the initial cost of the roads in the first place.

I think this is a good idea. I think it is an idea that we ought to pursue. It will not do any harm at all to put this amendment into effect. If the Federal Government does not agree, then there is no harm done, but at least now we are doing something about it. That is why I am voting for the amendment, and I hope you will do likewise. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader on the amendment.

Mr. MANDERINO. Mr. Speaker, very briefly, I rise to oppose the Pott amendment to toll Interstate 70 and Interstate 80. I can well understand Mr. Vroon wanting to place tolls on 70 and 80. Neither 70 or 80 touches Chester County or any of the people whom Mr. Vroon represents. But there are many people, there are many people who use both 70 and 80 for local transportation. Route 70, especially, was not built originally as an interstate highway. Between New Stanton and Washington, Pennsylvania, and the West Virginia line, that particular highway was built as the Edward Martin Highway, as I remember, solely and strictly with State funds, and it was opened and it operated many years as a State highway. It has not been improved in number of lanes since it was originally opened. It is still a four-lane highway. That is what it was when it was built with State funds.

The people of that valley, in the Mon Valley, who must use that road to get to their county courthouse in Washington, Pennsylvania, or to their county courthouse in Greensburg, Pennsylvania, certainly ought not to be asked to pay tolls to get to their county courthouse, especially when the roads were originally built with State funds and their tax dollars paid that, especially not to support a project that might take place in Lehigh Valley in broadening tunnels up there, or a project that might take place in Philadelphia or in that area to widen lanes. And just as Mr. Sweet says, there is no guarantee that the people who are going to pay tolls on 70 and 80 are going to receive any benefit whatsoever from having the roads in their areas tolled. Aside from that, I think that it is very difficult for anyone to accept the proposition that once you have been using a road for 30 and 40 years as a free road—it forms the pattern of going to church; it forms the pattern of getting to a supermarket, to your attorney's office, or to your doctor's office; it is used to get to hospitals—that all of a sudden the State is going to come down and place tolls on that road to support some projects that may or may not be viable, may or may not give the economic development that everyone seems to indicate that it might if we built some new roads in that area and other areas.

Mr. Speaker, I, as Mr. Sweet and the other legislators in that area, have always supported the concept of the Mon Valley expressway as a toll road. That is a road that is not there and is unlikely to be built unless it is built as a toll road. It is my understanding the Beaver Valley expressway is much the same, and several other of the roads will not be built unless they are built as toll roads. I can accept placing tolls on

those roads if that is the only way we are going to get them, but we already have 70 and we already have 80, and I will be dogged if the people in my district where 70 runs right through the heart of the district are going to be in favor of paying tolls on a road that they now ride and now use and pay for with their State tax dollars and originally built with their State tax dollars.

Mr. Speaker, I oppose the amendment, and I ask all members to oppose 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—25

Book	Geist	Kennedy	Pott
Bowser	Godshall	Klingaman	Schuler
Burd	Grieco	McVerry	Stevens
Cessar	Herman	Mackowski	Vroon
Cimini	Hershey	Noye	Wass
Coslett	Honaman	Phillips	Wright, J. L.
Foster, Jr., A.			

NAYS—167

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

NOT VOTING—5

Cohen Gruitza Harper Spitz
DeWeese

EXCUSED—5

Marmion Spencer Wozniak Wright, D. R.
Rappaport

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. LAUGHLIN offered the following amendments No. A1936:

Amend Sec. 3, page 6, by inserting between lines 26 and 27

(7) From a point at or near the intersection of State Route 65 and Crows Run Road in Beaver County, in a southeasterly direction to a point at or near the Perry Highway Interchange of the Pennsylvania Turnpike.

Amend Sec. 3, page 7, lines 17 through 21, by striking out all of lines 17 through 20 and "(2)" in line 21 and inserting

(1)

Amend Sec. 3, page 7, line 24, by striking out "(3)" and inserting

(2)

On the question,

Will the House agree to the amendments?

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

Mr. LAUGHLIN. Mr. Speaker, this amendment is part of the original package that was sent to the Governor some time ago when the original legislation passed, and instead of signing the bill at that time, Mr. Speaker, he vetoed it. I am changing the bill to the extent to make the portion of the road that is involved here as one of those priorities on the list.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Pott, on the amendment.

Mr. POTT. Thank you, Mr. Speaker.

Mr. Laughlin's route, which is sometimes called a midvalley expressway, is presently in HB 1754. It is in as a project to be completed after the main projects of the bill are completed, and those, of course, are a Mon Valley expressway, a Beaver Valley expressway, a Greensburg bypass, the Route 219 corridor, the Route 220 corridor, and the lower end of the Monongahela Valley expressway. What Mr. Laughlin's amendment does is to put this midcounty expressway in Beaver County at the same priority as those other long-promised and vitally needed projects.

The Toll Road Task Force did investigate the economic feasibility of constructing a midcounty expressway, and we found that the revenues to be generated from this midcounty expressway were estimated to be \$940,000 per year. The estimated annual expenses on this expressway were in excess of \$11 million per year. So as we can see, the preliminary studies of this highway indicate that it is of questionable economic feasibility to be built on a toll basis. A toll basis is a road that is supposed to pay for itself. A toll basis road means that we

are going to issue bonds and we are going to pay back the bonds with the tolls that are instituted on that highway.

I certainly respect the gentleman, Mr. Laughlin's desire to provide a highway from the Ohio River to the Pennsylvania Turnpike, and I commend him for his attempt to service his constituency. However, by moving this project from a lower level priority to a higher level priority gives us an automatic \$10-million deficit of cost over revenues. For every penny that we collect on that highway, it is going to cost us 11 cents to operate the highway. It just is not economically feasible to construct this highway as a high-priority toll road.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—32

Alderette	Daley	Laughlin	Pratt
Belfanti	Dawida	Lescovitz	Preston
Blaum	Deal	McMonagle	Richardson
Burd	Duffy	Mrkonic	Trello
Cappabianca	Evans	Olasz	Wargo
Carn	Fischer	Oliver	
Cawley	Freeman	Petrarca	Irvis,
Clark	Kosinski	Petrone	Speaker
Colafella	Kukovich		

NAYS—159

Afflerbach	Foster, W. W.	McCall	Saloom
Angstadt	Foster, Jr., A.	McClatchy	Salvatore
Armstrong	Freind	McHale	Saurman
Arty	Fryer	McIntyre	Scheetz
Baldwin	Gallagher	McVerry	Schuler
Barber	Gallen	Mackowski	Semmel
Battisto	Gamble	Madigan	Serafini
Belardi	Gannon	Maiale	Seventy
Book	Geist	Manderino	Showers
Bowser	George	Manmiller	Sirianni
Boyes	Gladeck	Markosek	Smith, B.
Brandt	Godshall	Mayernik	Smith, L. E.
Broujos	Greenwood	Merry	Snyder, D. W.
Bunt	Grieco	Michlovic	Snyder, G. M.
Burns	Gruppo	Micozzie	Stairs
Caltagirone	Hagarty	Miller	Steighner
Cessar	Haluska	Miscevich	Stevens
Cimini	Hasay	Moehlmann	Stewart
Civera	Hayes	Morris	Stuban
Clymer	Herman	Mowery	Sweet
Cohen	Hershey	Murphy	Swift
Cole	Hoeffel	Nahill	Taylor, E. Z.
Cordisco	Honaman	Noye	Taylor, F. E.
Cornell	Itkin	O'Brien	Telek
Coslett	Jackson	Perzel	Tigue
Cowell	Jarolin	Peterson	Truman
Coy	Johnson	Phillips	Van Horne
Deluca	Kasunic	Piccola	Vroon
DeVerter	Kennedy	Pievsky	Wachob
Davies	Klingaman	Pistella	Wambach
Dietz	Kowalyshyn	Pitts	Wass
Dininni	Lashingier	Pott	Weston
Dombrowski	Lehr	Punt	Wiggins
Donatucci	Letterman	Reber	Williams
Dorr	Levi	Reinard	Wilson
Durham	Levin	Rieger	Wogan
Fargo	Linton	Robbins	Wright, J. L.
Fattah	Livengood	Rudy	Wright, R. C.
Fee	Lloyd	Ryan	Zwikl
Flick	Lucyk	Rybak	

NOT VOTING—6

DeWeese Gruitza	Harper Hutchinson	O'Donnell	Spitz
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EXCUSED—5

Marmion Rappaport	Spencer	Wozniak	Wright, D. R.
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Montgomery, Mr. McClatchy, on final passage.

Mr. McCLATCHY. Mr. Speaker, I rise to oppose the bill, not particularly in opposition to, I think, roads and economic development in the Pittsburgh area, but I just want to caution those from the southeast what would happen if this turnpike extension would come about. Roughly, we would go from 2.4 cents per mile—this is the turnpike rate—to anywhere from 4 to 5 cents a mile. This would cover this new construction and new development. In fact, it is not self-supporting, and this is what would happen; it would raise our rates. Specifically, in the Philadelphia area, if you drove from the Schuylkill out to Harrisburg, our rate would go from \$1.80 to \$3.55, if in fact we had to fund this new extension.

At the present time we do have expansion in the southeast, and we have planned expansion throughout the State. What we have been trying to do is keep that cost down to the present toll rate, 2.4 cents per mile, and we do not renew or create new parts of the system unless it falls within those guidelines. If in fact we went ahead with this western expansion, we would have the new large 50-percent rate increase for the entire turnpike area.

Next, Mr. Speaker, I would also be afraid that it would preclude further expansion and further betterment of the southeastern part of the turnpike. I know that is a parochial argument, but I think those who are voting on the floor of the House today should be aware of, number one, the potential rate increase and the potential preclusion of any new additions and betterments that we might face in the southeast for this large extension in Pittsburgh, and I fully understand where they are coming from and the need for it, but I think we in the southeast should be very careful what we do. Thank you, Mr. Speaker.

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

Mr. ITKIN. Mr. Speaker, I rise, too, reluctantly, being from the Pittsburgh area but with a concern for the fiscal integrity of the Pennsylvania Turnpike Commission, to oppose HB 1754.

HB 1754 is a very noble desire, similar to the great, noble desires in the 1960's that the Commonwealth went through

when we had a fine Secretary of Highways, Secretary Bartlett, who embarked the Commonwealth on a multibillion-dollar highway construction program with the image and the expectations that the economic development that would be generated by this highway development would be a boon to the State. You know what has happened; you know what happened. We ended up with a \$2-billion highway debt and, without the resources to pay for it, and we have been continually imposing additional Motor License Fund taxes in order to pay that debt.

Mr. Speaker, this bill is an embarkation of a similar journey. What we are going to do here is basically mortgage and indebt a well-maintained and financially secure system by attempting to purchase an addition at the cost of the original equipment. I do not know how many of you on the floor of this House realize that the tolls that are being considered for use to pay for the bonds of this construction will also come from those tolls now being charged and will be charged on the existing system. So when in fact the turnpike's tolls should be eliminated or reduced because the obligations have been paid off, that will not occur under HB 1754, because on page 8 of the bill it directs the commission to use those tolls from the existing Pennsylvania Turnpike system when all financing bonds of that system have been redeemed. As a consequence, we will be continually paying for an existing system year in and year out far beyond the time that we have paid for that highway system.

Mr. Speaker, I feel that this bill is a white elephant. I feel that what we will ultimately have is a Commonwealth faced with a commission on the brink of bankruptcy, because I seriously doubt whether the people of this State are going to pay the 5 cents a mile to use the roads. The unfortunate circumstance is that we do not know that for sure. We will then obligate and allow the commission to spend the dollars involved and then find that they do not have the capacity to pay for the system once it is built.

MOTION TO RECOMMIT

Mr. ITKIN. Mr. Speaker, I really do believe that HB 1754 is not of an immediate emergency nature that it should be considered at this time, and I will make a motion that this bill go back to the Transportation Committee for further study.

The SPEAKER. It is moved by the gentleman from Allegheny, Mr. Itkin, that HB 1754, PN 2251, be recommitted to the Committee on Transportation for further study.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the majority leader on the motion.

Mr. MANDERINO. Mr. Speaker, very briefly, I would ask that the members vote against recommitment. This is the second time through the Assembly for this bill. The first time through the Assembly it was vetoed by the Governor and a commission was appointed by the Governor. Much of what is in this bill is a result of that commission.

Mr. Speaker, let us get on with the work of the Assembly, let us enact this into legislation, and let the Turnpike Commission worry about building the new roads.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—41

Bowser	Freind	McClatchy	Saurman
Bunt	Gladeck	McIntyre	Scheetz
Burns	Godshall	Manmiller	Serafini
Civera	Hagarty	Micozzie	Smith, B.
Cornell	Hershey	Miller	Snyder, G. M.
Dininni	Itkin	Moehlmann	Stairs
Donatucci	Jackson	Nahill	Telek
Dorr	Klingaman	Noye	Vroon
Durham	Lehr	Reber	Wilson
Evans	Levin	Ryan	Wright, R. C.
Flick			

NAYS—150

Afflerbach	Dombrowski	Linton	Rieger
Alderette	Duffy	Livengood	Robbins
Angstadt	Fargo	Lloyd	Rudy
Armstrong	Fattah	Lucyk	Rybak
Arty	Fee	McCall	Saloom
Baldwin	Fischer	McHale	Salvatore
Barber	Foster, W. W.	McMonagle	Schuler
Battisto	Foster, Jr., A.	McVerry	Semmel
Belardi	Freeman	Mackowski	Seventy
Belfanti	Fryer	Madigan	Showers
Blaum	Gallagher	Maiale	Sirianni
Book	Gallen	Manderino	Smith, L. E.
Boyes	Gamble	Markosek	Snyder, D. W.
Brandt	Geist	Mayernik	Steighner
Broujos	George	Merry	Stevens
Burd	Greenwood	Michlovic	Stewart
Caltagirone	Grieco	Miscevich	Stuban
Cappabianca	Gruppo	Morris	Sweet
Carn	Haluska	Mowery	Swift
Cawley	Harper	Mrkonic	Taylor, E. Z.
Cessar	Hasay	Murphy	Taylor, F. E.
Cimini	Hayes	O'Brien	Tigue
Clark	Herman	O'Donnell	Trello
Clymer	Hoeffel	Olasz	Truman
Colafella	Honaman	Oliver	Van Horne
Cole	Hutchinson	Perzel	Wachob
Cordisco	Jarolin	Peterson	Wambach
Coslett	Johnson	Petrarca	Wargo
Cowell	Kasunic	Petrone	Wass
Coy	Kennedy	Phillips	Weston
Deluca	Kosinski	Piccola	Wiggins
DeVerter	Kowalyshyn	Pievsky	Williams
DeWeese	Kukovich	Pistella	Wogan
Daley	Lashinger	Pott	Wright, J. L.
Davies	Laughlin	Pratt	Zwikl
Dawida	Lescovitz	Preston	
Deal	Letterman	Punt	
Dietz	Levi	Richardson	Irvis, Speaker

NOT VOTING—6

Cohen	Gruitza	Reinard	Spitz
Gannon	Pitts		

EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

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 the gentleman from Beaver, Mr. Colafella.

Mr. COLAFELLA. Mr. Speaker, I rise to support HB 1754. First of all, I would like to commend Representative George Pott and the Governor's Toll Road Task Force who have done an excellent job through the last couple of years having hearings and so on, but this bill contains projects that will improve the economic vitality of Pennsylvania. In Beaver County this is great news, because in Beaver County where we have steel industries that are on the decline and young people having to move out of the area because of new jobs, HB 1754 provides a Beaver Valley expressway, which will mean that there will be more jobs than anything we have been able to do for our area. We live near an international airport, and the only reason why we have not been able to grow, being so close to an international airport, is because we do not have good roads. I think the key to economic growth, not only in Pennsylvania but everywhere, is good roads, and HB 1754 will finally do that for us in Pennsylvania. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Daley, on final passage.

Mr. DALEY. Mr. Speaker, thank you.

I also rise in support of HB 1754, Mr. Speaker. I heard a comment from members of the floor saying that we cannot afford this type of measure at this time because of the indebtedness that the Turnpike Commission would suffer, but can we afford not to?

In southwestern Pennsylvania, as one member has risen to raise the parochial issue, he has stated that those in southeastern Pennsylvania have to bear in mind the impact of southwestern Pennsylvania. But, Mr. Speaker, there is a coincidence here between unemployment levels in southwestern Pennsylvania and these roads that have not been completed. We are talking about roads that have not been finished, the roads that must be finished in order to have southwestern Pennsylvania survive economically. In my district, which is next to the majority leader's, our steel industry, our coal industry, is declining. We have unemployment near 26 percent, just like many of you have, and it is because of the lack of a highway system that we do have in our district and the need for roads like the Mon Valley expressway.

I plead to you for your support. We in southwestern Pennsylvania cannot have our young people migrate south as well as those in southeastern Pennsylvania cannot have their young people migrating south. I ask for your support of HB 1754. Thank you, Mr. Speaker.

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

Mr. POTT. Thank you, Mr. Speaker.

For those of you who may be concerned that your area is not included in Representative Pratt's bill, I would like to remind you that under way on the existing Pennsylvania

Turnpike, and previously authorized by this General Assembly with votes from Representatives from all over Pennsylvania, is authorizing legislation for a third lane in the Philadelphia area, is legislation authorizing a new interchange on the Pennsylvania Turnpike with the Blue Route, and is legislation in place authorizing a new interchange with the Pennsylvania Turnpike and Interstate 95. The estimated cost of those projects, already approved by this General Assembly, approximates \$175 million.

Representative Pratt's bill details an economic plan for an integrated transportation network connecting vitally needed pockets of population, providing vitally needed access between pockets of population. Representative Pratt's bill includes the Monongahela Valley expressway, the long-promised Beaver Valley expressway; for those of you from central Pennsylvania, a new north-south limited-access high-speed highway going from Bradford through Ridgway to DuBois to Ebensburg, Nanty Glo, Johnstown, Somerset, Meyersdale to the Maryland border, a north-south highway; completion of a highway in the Bald Eagle to Milesburg area providing access to the most inaccessible institution of higher learning, Pennsylvania State University. It provides for a Greensburg bypass; it provides for economic improvements in the Scranton area at Keyser Avenue, and a bypass for those of you in the southeast who like to go to the Poconos around that 4-hour delay that you complain about at the Lehigh Tunnel.

I believe when you combine what Representative Pratt is offering in this bill and the previously authorized projects of the Pennsylvania General Assembly, we have a program, a blueprint for economic development and reconstruction of our Pennsylvania Turnpike and the blueprint for an integrated transportation network so long promised and so vitally needed in this Commonwealth. I appreciate every member of the General Assembly considering the impacts of this legislation on the future of Pennsylvania and voting in favor thereof. Thank you.

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

Mr. PRESTON. Thank you, Mr. Speaker.

Will the gentleman, Mr. McClatchy, stand for interrogation?

The SPEAKER. Mr. McClatchy indicates he will stand for interrogation. Mr. Preston is in order and may proceed.

Mr. PRESTON. Mr. Speaker, during your statement you mentioned several times the benefits for Pittsburgh. Can you tell me what percentage of this bill is actually within the city of Pittsburgh?

Mr. McCLATCHY. I have no idea exactly for Pittsburgh. I used the terminology "Pittsburgh" for the western part of the State. It is my understanding that most of the developments in this bill, the turnpike extensions, would be in the western part of the State. I just used Pittsburgh as sort of a connotation for that.

Mr. PRESTON. In other words, instead of saying the southeast area and then saying Pittsburgh, you meant the

SMSA (standard metropolitan statistical area) as concerning the Pittsburgh area?

Mr. McCLATCHY. That is correct.

Mr. PRESTON. Thank you very much.

May I make a brief statement, Mr. Speaker?

The SPEAKER. The gentleman is in order and may make a statement on final passage.

Mr. PRESTON. Mr. Speaker, what we are talking about here is continuing progress within the Commonwealth of Pennsylvania. I think it behooves us to take a step forward in increasing the transportation systems that we currently have. I think it is a shame that we have so many high-speed highways that wind up going exactly nowhere and are not connecting in a positive vein, and I think it is time that we take that step. How much longer can we continue to go through some of the small rural areas and continue to try to get somewhere as far as State College is concerned or to go even from Harrisburg to Erie when we can have a more progressive transportation system, and I think that we need to look at this in this vein instead of just concentrating on, well, the southeast is not getting a fair share. What this is going to do is increase the transportation system for the people who are also trying to get into the southeast area.

I think that it behooves us to look at the overall picture for the State of Pennsylvania and to vote in the affirmative. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Butler, Mr. Burd.

Mr. BURD. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 1754. I think as we look in Pennsylvania and the business climate of our State and the declining businesses in our State, the fact that we have been losing business to other States, one of the things that brings some of that business back is a word that I have been hearing a lot of since I have been in Harrisburg, and that is to improve the infrastructure. The infrastructure of Pennsylvania, especially as it is associated with the roads in Pennsylvania, I look at as a foundation for a new building. If that foundation is not a good foundation, the building will crumble. In this particular case, I see this bill as a way of putting in a foundation that will bring businesses into the State of Pennsylvania and entice those businesses that might be thinking of going elsewhere to do their business.

Basically, it would provide a network of highways for our State that would bring in the goods and services that this Commonwealth needs to exist, and I therefore see this as a way of doing it with a minimal amount of cost to the taxpayers of the Commonwealth in that I look upon it as a user's fee. We keep saying the word "toll" all the time, and it is a toll road, of course, but it is also a user's fee. It is a fee that people will pay to travel a section of highway, because, basically, if it would turn out to be as good as our Pennsylvania Turnpike—which I drive every week for 4 hours to get here, and in 8 years I have never hit a pothole—so if they can do that with the Pennsylvania Turnpike, I feel that through the extensions of what they are anticipating doing, we can provide that infra-

structure in this State that will improve the business climate for our State and also make it a better State to do business in. Thank you, Mr. Speaker.

The SPEAKER. To complete the debate on final passage, the Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. Very briefly, Mr. Speaker, I would like to alleviate any fear that any member has regarding the remarks of the first two speakers regarding this bill, concerning going into debt over the head of the commission, to relive some of the experiences that the State has had in repaying debt service which has taken up most of the PennDOT budget.

Mr. Speaker, there are provisions presently in laws governing the turnpike. Also, the money market would control whether or not the Turnpike Commission is indebted sufficiently to repay it. In other words, Mr. Speaker, the provisions of the present law governing the turnpike would prevent the turnpike from going in debt over its head, first of all. Second of all, the Turnpike Commission would never be able to market additional bonds if those bonds were at any risk of not being repaid. Mr. Speaker, those are two vital safeguards when it comes to raising revenues to complete these projects. Mr. Speaker, if the projects were not financially feasible, they could not be commenced.

Second of all, they are talking about raising the toll rate to 5 cents per mile. I think that that is at the very, very high and exaggerated end of the spectrum. It is speculated that the toll rates may be increased by the year 1990 or 1995 to approximately 3.3 to 3.9 cents per mile, and that is in 1990 or 1995. I think that is a far cry from the exaggerated figure of 5 cents a mile, Mr. Speaker.

Lastly, Mr. Speaker, if you believe in economic development for Pennsylvania, if you believe in bringing Pennsylvania back from its depression, if you believe in progress for Pennsylvania, and if you believe in completing any of these projects in this bill, you will vote for HB 1754. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Lackawanna, Mr. Cawley.

Mr. CAWLEY. Mr. Speaker, I would like to interrogate Mr. Pratt, please.

The SPEAKER. Mr. Pratt indicates he will stand for interrogation. Mr. Cawley is in order and may proceed.

Mr. CAWLEY. Mr. Speaker, I would just like to know if the people who are on this committee, the Governor's task force, communicated with the Representatives from the various areas that were going to be affected?

Mr. PRATT. Mr. Speaker, I believe perhaps Representative Pott would be in a better position than I, since he was chairman of the commission, to answer that question, but let me relate to you my experiences with the commission.

Since I have a project within proposed legislation which greatly affects my particular district, I was very concerned about the activities of the commission, so I followed its activities very carefully. However, it is my recollection, I do not believe that the Governor's Toll Road Task Force directly

communicated with all members of the General Assembly or any particular member of the General Assembly, unless that particular member made his or her interests known to the commission.

Mr. CAWLEY. I would just like to make a statement, Mr. Speaker.

The SPEAKER. The gentleman is in order and may make a statement on final passage.

Mr. CAWLEY. I am going to vote for the bill, but there are some areas being affected in the district that I live in and represent, but I feel that just as PennDOT communicates with the Representatives when there is roadwork being done or bridgework being done, I think in the future the task forces that the Governor has or any other task force that has a project such as this should have communication with the people who are going to be voting on that bill in the future. Thank you.

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

Mr. POTT. A point of clarification, Mr. Speaker. As chairman of the Governor's Toll Road Task Force, we went into many areas in this State. When we went into those areas, the Representatives from the affected areas were notified and were invited to attend the public meeting of the task force that was held in that area. In addition, Mr. Speaker, we held three hearings in three different geographic areas in this State and invited the Representatives and Senators from those specific geographic areas to present testimony. The task force was represented broadly by every geographic region in the Commonwealth, and it made every attempt possible, including the distribution of its report, the request for input from members of this General Assembly, and notifying them of our meetings that were being held in Harrisburg and when they were in the specific areas such as Scranton and Chester County. 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—151

Afferbach	Duffy	Lloyd	Robbins
Alderette	Durham	Lucyk	Rudy
Arty	Evans	McCall	Rybak
Baldwin	Fargo	McHale	Saloom
Barber	Fattah	McMonagle	Salvatore
Battisto	Fee	McVerry	Seventy
Belardi	Fischer	Mackowski	Showers
Belfanti	Foster, W. W.	Madigan	Sirianni
Blaum	Freeman	Maiale	Smith, L. E.
Book	Fryer	Manderino	Snyder, D. W.
Brandt	Gallagher	Manmiller	Stairs
Burd	Gallen	Markosek	Steighner
Caltagirone	Gamble	Mayernik	Stevens
Cappabianca	Geist	Michlovic	Stewart
Carn	George	Micozzie	Stuban
Cawley	Grieco	Miscevich	Sweet
Cessar	Gruitza	Mrkonic	Swift
Cimini	Haluska	Murphy	Taylor, E. Z.
Civera	Harper	Noye	Taylor, F. E.
Clark	Hasay	O'Brien	Telek

Clymer	Hayes	O'Donnell	Tigue
Cohen	Herman	Olasz	Trello
Colafella	Hoefel	Oliver	Truman
Cole	Honaman	Perzel	Van Horne
Cordisco	Hutchinson	Peterson	Wachob
Coslett	Jarolin	Petrarca	Wambach
Cowell	Johnson	Petrone	Wargo
Coy	Kasunic	Phillips	Wass
Deluca	Kennedy	Piccola	Weston
DeVerter	Kosinski	Pievsky	Wiggins
DeWeese	Kowalyszyn	Pistella	Williams
Daley	Kukovich	Pott	Wilson
Davies	Laughlin	Pratt	Wogan
Dawida	Lescovitz	Preston	Wright, J. L.
Deal	Letterman	Punt	Zwinkl
Dietz	Levin	Reinard	
Dininni	Linton	Richardson	Irvis,
Dombrowski	Livengood	Rieger	Speaker
Donatucci			

NAYS—41

Angstadt	Freind	Lashinger	Reber
Armstrong	Gladeck	Lehr	Ryan
Bowser	Godshall	Levi	Saurman
Boyes	Greenwood	McClatchy	Scheetz
Broujos	Gruppo	Merry	Schuler
Bunt	Hagarty	Miller	Semmel
Burns	Hershey	Moehlmann	Smith, B.
Cornell	Itkin	Mowery	Snyder, G. M.
Dorr	Jackson	Nahill	Vroon
Flick	Klingaman	Pitts	Wright, R. C.
Foster, Jr., A.			

NOT VOTING—5

Gannon	Morris	Serafini	Spitz
McIntyre			

EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

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.

CONSIDERATION OF SB 642 RESUMED

On the question recurring,

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

BILL PASSED OVER

The SPEAKER. Without objection, SB 642 will go over for today's session. The Chair hears none.

SB 58 RECONSIDERED

The SPEAKER. The Chair is in receipt of a motion to reconsider the vote by which SB 58 was passed on the 16th day of May, signed by Mr. Vroon.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—186

Afflerbach	Fargo	Levi	Rudy
Alderette	Fattah	Levin	Ryan
Angstadt	Fee	Livengood	Rybak
Armstrong	Fischer	Lloyd	Saloom
Arty	Flick	Lucyk	Salvatore
Baldwin	Foster, W. W.	McCall	Saurman
Barber	Foster, Jr., A.	McClatchy	Scheetz
Battisto	Freeman	McHale	Schuler
Belardi	Freind	McMonagle	Semmel
Belfanti	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	Miller	Stevens
Cappabianca	Gruitza	Miscevich	Stewart
Carn	Gruppo	Moehlmann	Stuban
Cawley	Hagarty	Morris	Sweet
Cessar	Haluska	Mowery	Swift
Cimini	Harper	Mrkonc	Taylor, E. Z.
Civera	Hasay	Murphy	Taylor, F. E.
Clark	Hayes	Nahill	Telek
Clymer	Herman	Noye	Tigue
Cole	Hershey	O'Brien	Trello
Cordisco	Hoefel	O'Donnell	Truman
Cornell	Honaman	Olasz	Van Horne
Coslett	Hutchinson	Oliver	Vroon
Cowell	Itkin	Perzel	Wachob
Coy	Jackson	Peterson	Wambach
Deluca	Jarolin	Petrarca	Wargo
DeVerter	Johnson	Petrone	Wass
DeWeese	Kasunic	Phillips	Weston
Daley	Kennedy	Piccola	Wiggins
Davies	Klingaman	Pievsky	Williams
Dawida	Kosinski	Pistella	Wilson
Dietz	Kowalyszyn	Pott	Wogan
Dininni	Kukovich	Pratt	Wright, J. L.
Dombrowski	Lashinger	Preston	Wright, R. C.
Dorr	Laughlin	Punt	Zwinkl
Duffy	Lehr	Reber	
Durham	Lescovitz	Reinard	Irvis,
Evans	Letterman	Robbins	Speaker

NAYS—0

NOT VOTING—11

Cohen	Donatucci	Micozzie	Rieger
Colafella	Linton	Pitts	Spitz
Deal	McIntyre	Richardson	

EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

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

On the question recurring,

Shall the bill pass finally?

BILL PLACED ON FINAL PASSAGE POSTPONED CALENDAR

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

Mr. VROON. Mr. Speaker, I move that SB 58, PN 58, be placed on the final passage postponed calendar.

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

The SPEAKER. There are no further votes to be taken on the floor. The Chair will declare a recess until the call of the Speaker. The purpose of that is solely to receive a committee of conference report.

ANNOUNCEMENT BY MINORITY LEADER

The SPEAKER. The Chair recognizes the minority leader. Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, there will be a meeting in the minority caucus room tomorrow morning at 10 o'clock for the Republican members of the caucus from the five southeastern counties. I had been requested to bring some people aboard to review what may be pending legislation, or rather what may be a change in the tax structure with the city of Philadelphia that may or may not affect the suburban counties. We will have some people from outside the caucus in to brief us on those proposed changes. I would ask that everyone be there at 10 o'clock.

I also would like to thank the gentleman, Mr. George, for accommodating us by agreeing to release that room a little earlier than he had intended to. Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

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

Mr. ITKIN. Mr. Speaker, the Democratic Caucus has a number of bills to review. We will go into caucus immediately. I suspect that we should be finished in about 45 minutes, so I would urge every member to be prompt so we can start caucus immediately.

REPUBLICAN CAUCUS

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

Mr. NOYE. Thank you, Mr. Speaker.

For those faithful who have remained, there will be a Republican caucus immediately on the announcement of the recess in the caucus room. Thank you.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurring in by the House of Representatives to **HB 1887, PN 2866**.

MOTION INSISTING UPON NONCONCURRENCE IN SENATE AMENDMENTS

Mr. MANDERINO moved that the House insist upon its nonconcurrency in Senate amendments to HB 1887, PN 2866, and that a committee of conference on the part of the House be appointed.

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

APPOINTMENT OF COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on HB 1887, PN 2866: Messrs. LETTERMAN, SALOOM and W. W. FOSTER. Ordered, That the clerk inform the Senate accordingly.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 229 By Representatives SAURMAN, COLE, HAYES, WAMBACH, JAROLIN, NAHILL, CORNELL, BUNT, WASS, HERSHEY, PETERSON, CLYMER, J. L. WRIGHT, REINARD, BURNS, GREENWOOD, SERAFINI and CIVERA

Requesting the Governor to convene a special task force to study teenage drunken driving.

Referred to Committee on RULES, May 21, 1984.

BILLS SIGNED BY SPEAKER

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

SB 897, PN 1726

An Act amending the act of May 24, 1893 (P. L. 129, No. 82), entitled "An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor and regulating and providing for the regulation of the same," eliminating mandatory retirement.

SB 898, PN 1766

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," eliminating certain mandatory retirement.

RECESS

The SPEAKER. There being no further business to be brought before this day's session of the House, except the possibility of a committee of conference report, this House stands in recess until the call of the Chair.

AFTER RECESS

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

SENATE MESSAGE**ADJOURNMENT RESOLUTION
FOR CONCURRENCE**

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

In the Senate, May 21, 1984

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 4, 1984 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, June 4, 1984 unless sooner recalled by the Speaker.

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

On the question,

Will the House concur in the resolution of the Senate?

Mr. MANDERINO offered the following amendment:

Concurrent adjournment resolution should be amended to read as follows:

“RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 4, 1984 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Tuesday, May 29, 1984, unless sooner recalled by the Speaker and when the House adjourns that week it reconvene on Monday, June 4, 1984, unless sooner recalled by the Speaker.”

On the question,

Will the House agree to the amendment?

Amendment was agreed to.

On the question,

Will the House concur in the resolution of the Senate as amended?

Resolution as amended was concurred in.

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.

SENATE MESSAGE**SENATE INSISTS ON AMENDMENTS
NONCONCURRED IN BY HOUSE**

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurring in by the House of Representatives to **HB 1004, PN 2235**, and has appointed Senators HOWARD, STREET and FUMO a committee of conference to confer with a similar committee

of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

CONFERENCE COMMITTEE MEETING

The SPEAKER. A committee of conference being necessary to consider HB 1004 and the conferees for the House having been named by the Speaker, the following announcement is issued: The committee of conference will meet on Tuesday, May 22, at 11 a.m. in the majority caucus room.

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 day's session, Monday, May 21, 1984, the Chair calls upon the gentleman from Allegheny, Mr. DeLuca.

Mr. DeLUCA. Mr. Speaker, I move that this House do now adjourn until Tuesday, May 22, 1984, at 11 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 10:59 p.m., e.d.t., the House adjourned.