

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, MAY 22, 1984

SESSION OF 1984

168TH OF THE GENERAL ASSEMBLY

No. 37

HOUSE OF REPRESENTATIVES

The House convened at 11 a.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:

Almighty and Everlasting God, we bow before Thee in the quiet moments of this day in complete recognition that we need to give Thee the honor and the praise due Thy holy name. Heavenly Father, teach us the truth of Thy Word, impart to us the knowledge and revelation of Thy will and Thy way, fill us with the desire to serve Thee with the talents we possess, use us to reveal the pathway Thou wouldst have us trod, and save us for the honor and glory of Thy great power.

This we ask that Thy name may be glorified, Thy kingdom may come, and Thy will may be done. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, May 21, 1984, will be postponed until the Journal is in print. 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 1987 and SB 1152 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. 2190 By Representatives WASS, MANMILLER, HAYES, LLOYD, JACKSON, ANGSTADT, CESSAR, LEVI, AFFLERBACH, RUDY, COY, ALDERETTE, REINARD, KOWALYSHYN, HALUSKA, OLIVER, MILLER, PUNT and MADIGAN

An Act amending the "Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act," approved July 15, 1976 (P. L. 1036, No. 208), increasing loan limit percentages for fire and ambulance equipment.

Referred to Committee on LOCAL GOVERNMENT, May 22, 1984.

No. 2191 By Representatives GEORGE, IRVIS, WACHOB, HASAY, B. SMITH, WOZNIAK, JAROLIN, PETRONE, COHEN, RYBAK, MORRIS, PISTELLA, DUFFY, GREENWOOD, DeLUCA, TRELLO, HERMAN, LETTERMAN, SHOWERS, STEIGHNER, FEE and PRATT

An Act requiring conversion of certain nuclear power facilities to coal-fired facilities under certain circumstances.

Referred to Committee on CONSERVATION, May 22, 1984.

No. 2192 By Representative HUTCHINSON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the term of investigating grand juries.

Referred to Committee on JUDICIARY, May 22, 1984.

No. 2193 By Representative HUTCHINSON

An Act amending the "Municipality Authorities Act of 1945," approved May 2, 1945, (P. L. 382, No. 164), requiring water authorities to appoint an ombudsman.

Referred to Committee on LOCAL GOVERNMENT, May 22, 1984.

No. 2194 By Representatives SHOWERS, FRYER, LEVI, DUFFY, RUDY, DeLUCA, GAMBLE, BROUJOS, SAURMAN, BALDWIN and BELFANTI

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 571, No. 254), providing for appeal by persons suffering catastrophic losses to their property.

Referred to Committee on LOCAL GOVERNMENT,
May 22, 1984.

SENATE MESSAGE

HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 173, PN 1966; SB 672, PN 1943; and SB 994, PN 1909.**

COMMUNICATION LOBBYIST LIST PRESENTED

The SPEAKER. The Secretary of the Senate and the Chief Clerk of the House have filed with the Speaker, in accordance with Act No. 712, a list of lobbyists who have registered under the Lobbying Registration and Regulation Act, which the clerk will file.

The following communication was read:

Senate of Pennsylvania
May 22, 1984

To the Honorable, the Senate of the
Commonwealth of Pennsylvania
To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from April 30, 1984 through May 21, 1984 inclusive for the 168th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:
Mark R. Corrigan
Secretary of the Senate
John J. Zubeck
Chief Clerk
House of Representatives

(For list, see Appendix.)

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Morris, for the purpose of correcting a vote.

Mr. MORRIS. Mr. Speaker, apparently my vote on HB 1754 on final passage yesterday was not recorded. I would wish to be recorded in the negative.

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

LEAVES OF ABSENCE GRANTED

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

Does the gentleman from Philadelphia, Mr. Pievsky, have any leaves of absence for today?

Mr. PIEVSKY. Yes, thank you, Mr. Speaker.

I ask leave of absence for the gentleman from Philadelphia, Mr. RAPPAPORT, for today.

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

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

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Tioga, Mr. SPENCER, for the day.

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

FILMING PERMISSION GRANTED

The SPEAKER. The Chair gives permission for Mackenzie Carpenter of public TV to film on the floor of the House for this day's session.

CALENDAR

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 273, PN 306**, entitled:

An Act providing for the regulation of travel promoters; requiring that certain bonds be secured for the benefit of customers; requiring bank deposits; and providing penalties.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 273, PN 306, 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.

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 1164, PN 1352.

WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House, as the guests of the Beaver County delegation, Ms. Kelly McBride and Mr. Drew Grivna. Welcome to the hall of the House.

STATEMENT BY MR. GEIST

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

Mr. GEIST. Thank you, Mr. Speaker.

Would it be appropriate at this time to talk about a resolution we would like to submit?

The SPEAKER. If you wish, the Chair will recognize you. The Chair recognizes Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

We have a resolution that we are about to put in memorializing Congress to preserve Conrail as a total entity. For anyone who would like to cosponsor that resolution, it is available for signatures at the bill clerk's desk.

The SPEAKER. The Chair thanks the gentleman.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members who were not on the floor of the House, although the Senate will not be in next week, the House will convene next week on Tuesday at 1 o'clock. The House will be in session on Tuesday at 1 o'clock, next week.

WELCOME

The SPEAKER. We have, as guest pages from Mr. Robbins' district, Lisa Connors and Lisa Toplansky, here with their chaperone, Miss Tammy McElhinny. The two children are seventh graders in his legislative district. Welcome to the hall of the House, children.

MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

PRESENT—194

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

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

ADDITIONS—3

Bunt	Reber	Saurman
------	-------	---------

NOT VOTING—0

EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1317, PN 3016 (Amended)

By Rep. GEORGE

An Act providing for the certification of professional geologists.

CONSERVATION.

BITUMINOUS COAL QUEEN PRESENTED

The SPEAKER. The Chair takes this opportunity to turn the gavel over to Lieutenant DeWeese, who takes great pride in introducing to this House a bevy of beautiful girls. I think he may have secured one of the most beautiful he has had in the last 5 years. Mr. DeWeese.

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

I would like to introduce the 1984 Bituminous Coal Queen, from the hills of southwestern Pennsylvania, from Crucible, Pennsylvania, Cumberland Township, the daughter of Mr. and Mrs. Davidson, Vanessa Davidson, our Coal Queen.

Miss DAVIDSON. Thank you, and good afternoon.

I am very pleased and honored to be here today, and on behalf of my parents and myself, I would like to thank all of you for taking the time to make us feel wanted here.

I would like to take a little time to explain what an important part all of you play in the lives of so many young ladies in southwestern Pennsylvania. Each year the King Coal Association holds its annual Coal Show, and that includes the Coal Queen Pageant, which, by the way, is the most prestigious

pageant in our area. It has become the goal of almost every girl in her junior year of high school to be selected as a contestant to represent her individual school. Last year we had 18 schools represented.

In order to compete, the girls must perform a talent of their choice as a portion of the judging. Therefore, we are encouraged to develop a talent which may have otherwise gone unnoticed. Many work for years studying and preparing. Others have even gone on to make careers out of their talent, such as dancing teachers, piano teachers, and professional singers, and at present one of our past Coal Queens is a professional actress in New York City.

And now you are asking, how do all of you enter into our goals? Well, the answer is by caring and by encouraging us to do the very best we can. And if we are fortunate enough, as I have been, to be crowned the Pennsylvania State Bituminous Coal Queen, then we can look forward to receiving your invitation to visit here in Harrisburg. Just knowing that you are willing to take the time out of your very busy schedules to welcome us each year and to let us know that you have an interest in our youth of today is our ultimate reward.

So now I would like to extend an invitation to all of you to come to Carmichaels, the heart of the coal region, this coming August to watch your youth participate in the Coal Queen Pageant and to enjoy the week-long festivities, which through the marvelous efforts of the King Coal Association have become bigger and better. So once again I thank you, and I will be looking forward to seeing you all again in August. Thank you.

Mr. DeWEESE. On behalf of Gaynor Cawley, Joe Petrarca, Al Kukovich, and the rest of us who come here and work each day, I would like to thank you. Representative Kukovich will be in Carmichaels, Pennsylvania, in the next few days, and I am sure the invitation is extended to Bill Lloyd, Ruth Rudy, and the rest of my colleagues and cohorts in the audience.

Thank you very much for your attention.

The SPEAKER. For what purpose does the lady from Philadelphia, Mrs. Harper, rise?

Mrs. HARPER. A point of personal privilege, Mr. Speaker.

The SPEAKER. Will the lady state the point.

Mrs. HARPER. Thank you, Mr. Speaker.

I should like to personally welcome the Coal Queen to the House of Representatives and chastise our members. This is a great honor for this young lady to be elected Coal Queen, and I think next time we should pay a little more attention and honor this particular person. Thank you.

The SPEAKER. The Chair agrees with you on all points and would suggest to the members that what you may consider to be a normal conversation may be considered by our guests to be a bit of rudeness. The Chair is very much tempted, and has resisted the temptation so far, to invite several of you who are the outstanding noisemakers to come and sit here and listen to the rest for about 10 minutes. I think it might cure you. While your personal conversation may

seem to you to be the only important thing going on, when there are 50 of those conversations going on, it does appear here that you are being rude. Now, the Chair knows that you do not mean to be rude, and the Chair has been here for so many years that it is sure of its position, but when we have guests here who have not been here and who come to this microphone, they may not understand that you do not mean to be rude. The Chair would advise you to take the lady, Mrs. Harper's advice to heart.

WELCOMES

The SPEAKER. We have a group of students and guests from the Westbrook Park Elementary School in Upper Darby Township. They are here as the guests of Representative Micozzie. Welcome. We are delighted to have you here.

Representative Ken Brandt has Craig Chapman and Rachel Clark here. They are guest pages.

We have Bob Fiume and John McGran as Representative Corry Stevens' guests. Welcome to the hall of the House.

Dr. and Mrs. Ed Szoke are here with two foreign exchange students, Louise Gratham from South Africa and Shane Martin from Australia. They are here as the guests of Ken Cole. Welcome to the hall of the House.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The gentleman from Montgomery, Mr. Reber's name will be added to the master roll.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1293**, **PN 2469**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing requirements for attendance at religious schools; and making editorial changes.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. COLAFELLA offered the following amendments No. A0402:

Amend Sec. 1 (Sec. 1327), page 4, lines 26 through 30; page 5, line 1, by striking out "Nothing" in line 26, all of lines 27 through 30, page 4, and all of line 1, page 5

Amend Bill, page 5, by inserting between lines 7 and 8

Section 2. Any school which benefits from appropriations made by this Commonwealth for transportation, textbooks or ancillary services shall provide to the Department of Education a listing of the qualification or certification of the teaching and administrative personnel employed by the school.

Amend Sec. 2, page 5, line 8, 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 Beaver, Mr. Colafella.

Mr. COLAFELLA. Mr. Speaker, last year at one of our education meetings, we asked some Department of Education officials what kind of credentials do some faculty members have from these new schools that are being established all over the State, the nonpublic schools, and we were told that the Department of Education does not know. So what is really happening in this State is that new schools are being created all over this State, something like one a week, and this State is pouring out an enormous amount of money to these nonpublic schools and does not know whether faculty members with a seventh grade education or a ninth grade education are really teaching our students.

I find it to be mindboggling that we provide something like \$50 million to nonpublic schools and we do not even know what qualifications the faculty members have. I think that a responsible position is to at least give the Department of Education the opportunity to at least know what qualifications or what credentials these faculty members have, and that is all my amendment says. We simply want to know what qualifications or what educational background they have, and I think a responsible vote is to vote for this amendment. Thank you.

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

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose the amendment, and I oppose it for two reasons. The first is the same drafting problem that we had with a number of other amendments that we considered 2 weeks ago, and it is the language "Any school which benefits from appropriations made by this Commonwealth for transportation, textbooks or ancillary services...." As we indicated 2 weeks ago, no schools benefit; only students benefit. It is unconstitutional in Pennsylvania for a nonpublic school itself to benefit. It was for that reason, when I was called upon by my dear friend, Amos Hutchinson, on the Lashinger amendment for asbestos, that I had to give my opinion that it would not fly, that it was unconstitutional. Because of the drafting of this amendment, it would have no effect whatsoever.

But secondly, if you did not even have that problem, what you are asking for is an absolutely useless exercise in bureaucratic red tape. It has always been the law in Pennsylvania that teachers in nonpublic schools did not have to be certified. That has always been the law. That is still the law. There is, therefore, absolutely no necessity whatsoever to have all of the new nonpublic schools or the existing nonpublic schools send to Harrisburg a list of names which will not be used at all. It is much like the reports that we have right now that the colleges make, which everybody admits that nobody reads. If you are going to have an amendment, let us have it done for a specific reason.

I should point out, however, some statistics. Seventy-five percent of the teachers, over 75 percent, in the archdiocese and diocesan Catholic schools in Pennsylvania are certified. Seventy-five percent of the teachers in the Christian schools

represented by KCEA (Keystone Christian Education Association) are certifiable, have the credentials necessary to be certified but have opted on their own not to request certification. We do not require certification, Mr. Speaker, and therefore there is no reason for this amendment. I ask for its defeat.

The SPEAKER. The Chair thanks the gentleman.

MEMBERS' PRESENCE RECORDED

The SPEAKER. Mr. Bunt and Mr. Saurman will be placed on the master roll.

CONSIDERATION OF HB 1293 CONTINUED

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

The following roll call was recorded:

YEAS—38

Afflerbach	Fattah	Michlovic	Sweet
Alderette	Fischer	Miller	Tigue
Barber	Freeman	Miscevich	Trello
Burd	Haluska	Morris	Truman
Carn	Harper	Oliver	Wachob
Cohen	Hutchinson	Pratt	Wambach
Colafella	Itkin	Richardson	Wiggins
Davies	Kukovich	Robbins	
Deal	Linton	Smith, B.	Irvis,
Evans	McIntyre	Stairs	Speaker

NAYS—155

Angstadt	Duffy	Levi	Punt
Armstrong	Durham	Levin	Reber
Arty	Fargo	Livengood	Reinard
Baldwin	Fee	Lloyd	Rieger
Battisto	Flick	Lucyk	Rudy
Belardi	Foster, W. W.	McCall	Ryan
Belfanti	Foster, Jr., A.	McClatchy	Rybak
Blaum	Freind	McHale	Saloom
Book	Fryer	McMonagle	Salvatore
Bowser	Gallagher	McVerry	Saurman
Boyes	Gallen	Mackowski	Scheetz
Brandt	Gamble	Madigan	Schuler
Broujos	Gannon	Maiale	Semmel
Bunt	Geist	Manderino	Serafini
Burns	George	Manmiller	Seventy
Caltagirone	Gladeck	Markosek	Showers
Cappabianca	Godshall	Mayernik	Sirianni
Cawley	Greenwood	Merry	Smith, L. E.
Cessar	Grieco	Micozzie	Snyder, D. W.
Cimini	Gruitza	Moehlmann	Snyder, G. M.
Civera	Gruppo	Mowery	Steighner
Clark	Hagarty	Mrkonic	Stevens
Clymer	Hasay	Murphy	Suban
Cole	Hayes	Nahill	Swift
Cordisco	Herman	Noye	Taylor, E. Z.
Cornell	Hershey	O'Brien	Taylor, F. E.
Coslett	Honaman	O'Donnell	Telek
Cowell	Jackson	Olasz	Van Horne
Coy	Jarolin	Perzel	Vroon
Deluca	Johnson	Peterson	Wargo
DeVertter	Kasunic	Petrarca	Wass
DeWeese	Kennedy	Petrone	Weston
Daley	Klingaman	Phillips	Williams
Dawida	Kosinski	Piccola	Wilson
Dietz	Kowalshyn	Pievsky	Wogan
Dininni	Laughlin	Pistella	Wright, J. L.
Dombrowski	Lehr	Pitts	Wright, R. C.
Donatucci	Lescovitz	Pott	Zwinkl
Dorr	Letterman	Preston	

NOT VOTING—4

Hoeffel Lashinger Spitz Stewart

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. KUKOVICH offered the following amendments No. A2057:

Amend Bill, page 5, by inserting between lines 7 and 8 Section 2. The act is amended by adding a section to read: Section 1521. Limitation on Refusal to Enroll Student.—No public or private school shall refuse to enroll any student because of race or color.

Amend Sec. 2, page 5, line 8, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

This amendment is very straightforward and would create a new section within the code that basically would disallow any discriminatory practices on enrollment for any minority students. The Supreme Court of this country in 1975 in the Runyon v. McCrary case held that any such private school with State contact would not be allowed to discriminate. This amendment is constitutionally sound, and if we are going to move in the direction that HB 1293 moves us, at the very least we need to have this kind of language in the bill. I would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. FREIND. Thank you, Mr. Speaker.

Mr. Kukovich and I have worked together on this amendment. It merely restates existing Federal and State law but as such can do no harm. I support the amendment and ask for its approval.

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

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

NAYS—0

NOT VOTING—3

Hoeffel Pitts Spitz

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?

Mr. DEAL offered the following amendments No. A0435:

Amend Title, page 1, line 5, by inserting after "thereto," "prohibiting certain discriminating practices;

Amend Bill, page 1, by inserting between lines 9 and 10

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 1332.1. Discriminatory Practices Prohibited.—

(a) Any nonpublic school which benefits from appropriations made by this Commonwealth for transportation, textbooks or ancillary services shall:

(1) Not refuse to enroll any student because of race, color or creed.

(2) Provide due process hearings for the expulsion of any student.

(b) Any violation of this section by a nonpublic school shall result in a forfeiture of any State assistance.

(c) The provisions of this section shall be enforced by the Pennsylvania Human Relations Commission.

Amend Sec. 1, page 1, line 10, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 10 and 11, by striking out "of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949"

Amend Sec. 2, page 5, line 8, by striking out "2" and inserting

3

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

PARLIAMENTARY INQUIRY

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

Mr. DEAL. Mr. Speaker, may I first make a point of parliamentary inquiry?

The SPEAKER. The gentleman may do so.

Mr. DEAL. Mr. Speaker, after the Kukovich amendment, which encompasses part of my amendment, I am wondering, Mr. Speaker, since part of it was in Mr. Kukovich's amendment, how do I now insert the part of the amendment that I was interested in that was not included in the Kukovich amendment?

The SPEAKER. The Chair believes that the part you are referring to that you no longer need is "(1) Not refuse to enroll any student because of race, color or creed." Is that the part you wish to omit?

Mr. DEAL. That is right. Or would I have to have it redrawn? I do not know.

The SPEAKER. The perfect way of doing it is to have the amendment redrafted, but the fact of the matter is that if you leave the language in, it simply duplicates an earlier accepted language and does not destroy the meaning of the amendment.

Mr. Freind says it does. The gentleman, Mr. Freind, is correct and the Speaker missed the point. Your amendment controls race, color, and creed; the Kukovich amendment was limited to race and color. Your amendment goes further and it does not really duplicate.

The Chair would suggest to the gentleman that before he offers his amendment, you sit down and talk with Mr. Freind and Mr. Kukovich and see if you cannot iron out the difficulties. The problem may well be that in including the word "creed," you may be nullifying another statute of the Commonwealth of Pennsylvania. If that is your intention, you have a right to do so, but if that is not your intention, then you ought to be able to sit down and get this worked out with Mr. Freind and Mr. Kukovich.

AMENDMENTS PASSED OVER TEMPORARILY

The SPEAKER. We will pass over your amendment temporarily and give you a chance to look at that.

Mr. DEAL. Thank you, Mr. Speaker.

On the question recurring,

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

Mr. DAVIES offered the following amendments No. A1448:

Amend Title, page 1, line 6, by inserting after "schools;" prohibiting certain acts;

Amend Bill, page 5, by inserting between lines 7 and 8

Section 2. The act is amended by adding a section to read: Section 1521. Prohibition Against Advocacy of Terrorism or of Forcible Overthrow of Government.—(a) No agent or employe of any public or nonpublic elementary or secondary school shall:

(i) advocate the use of political terrorism or the techniques of terrorism to any of the students enrolled therein; or

(ii) advocate the forcible overthrow of the Government of the United States or of the Commonwealth to any of the students enrolled therein.

(b) Violation of this section constitutes a misdemeanor of the third degree.

Amend Sec. 2, page 5, line 8, 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 Berks, Mr. Davies.

Mr. DAVIES. Thank you, Mr. Speaker.

This amendment would amend page 5, inserting between lines 7 and 8 a section 2. The act in that section would provide section 1521 with a prohibition against the advocacy of terrorism or of the forcible overthrow of government, and specifies that no agent or employee of any public or nonpublic elementary or secondary school shall advocate the use of political terrorism or the techniques of terrorism to any of the students enrolled therein or advocate the forcible overthrow of the Government of the United States or of the Commonwealth to any of the students enrolled therein. Violation of the section constitutes a misdemeanor of the third degree.

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

Mr. FREIND. Thank you, Mr. Speaker.

Representative Davies was kind enough to sit down with the attorneys representing the various organizations. This is agreed-to language. I support the amendment.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—196

Table with 4 columns of names: Afflerbach, Alderette, Angstadt, Armstrong, Arty, Baldwin, Barber, Battisto, Belardi, Bellanti, Evans, Fargo, Fattah, Fee, Fischer, Flick, Foster, W. W., Foster, Jr., A., Freeman, Freind, Linton, Livengood, Lloyd, Lucyk, McCall, McClatchy, McHale, McIntyre, McMonagle, McVerry, Rieger, Robbins, Rudy, Ryan, Rybak, Saloom, Salvatore, Saurman, Scheetz, Schuler.

Blaum	Fryer	Mackowski	Semmel
Book	Gallagher	Madigan	Serafini
Bowser	Gallen	Maiale	Seventy
Boyes	Gamble	Manderino	Showers
Brandt	Gannon	Manmiller	Sirianni
Broujos	Geist	Markosek	Smith, B.
Bunt	George	Mayermik	Smith, L. E.
Burd	Gladeck	Merry	Snyder, D. W.
Burns	Godshall	Michlovic	Snyder, G. M.
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	Kowalyszyn	Pitts	Wilson
Deal	Kukovich	Pott	Wogan
Dietz	Lashingier	Pratt	Wright, J. L.
Dininni	Laughlin	Preston	Wright, R. C.
Dombrowski	Lehr	Punt	Zwilk
Donatucci	Lescovitz	Reber	
Dorr	Letterman	Reinard	Irisv.
Duffy	Levi	Richardson	Speaker
Durham	Levin		

NAYS—0

NOT VOTING—1

Spitz

EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

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

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Mercer, Mr. Robbins, rise?

Mr. ROBBINS. Mr. Speaker, on amendment A0402 I was recorded in the affirmative and I would like to be recorded in the negative.

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

CONSIDERATION OF HB 1293 CONTINUED

On the question recurring,

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

Mr. DAVIES offered the following amendments No. A1443:

Amend Title, page 1, line 6, by inserting after "schools;" providing for mandatory testing;

Amend Bill, page 5, by inserting between lines 7 and 8 Section 2. The act is amended by adding a section to read:

Section 1521. Mandatory Testing.—Whenever State law or State regulation requires, as a condition for graduation from a public high school, that a school district administer a commercially developed education assessment test to public school children in grade eleven, no private or parochial school may issue a high school diploma to any student who has enrolled therein after having taken said test while enrolled in grade eleven in public school and having failed to achieve a passing grade thereon, until said student achieves a passing grade on an education assessment test approved by the department and administered by the school district. It shall be the duty of each public school from which a student transfers during or after grade eleven to notify any private or parochial school to which that student transfers whether that student has taken and failed an education assessment test mandated by law in grade eleven. It shall also be the duty of each public school to notify any such transferring student, and his or her parents or guardian, of his or her responsibility to achieve a passing score on an education assessment test prior to receipt of a diploma. If the department determines, in an administrative proceeding, that any private or parochial school has issued a diploma in violation of this section, it shall order said diploma to be withdrawn, and may petition the Commonwealth Court to enforce any such order should the school fail to comply therewith. The complaint may be initiated by the department on its own motion or upon receipt of a written complaint from any person including the board of any school district or any public school official.

Amend Sec. 2, page 5, line 8, 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 Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, this is amendment 1443, which on page 5 would again insert section 2, section 1521, which states, concerning mandatory testing, that whenever State law or State regulation requires, as a condition for graduation from a public high school, that a school district administer a commercially developed education assessment to public school children in grade 11, no private or parochial school may issue a high school diploma to any student who has enrolled therein and has taken said test while enrolled in a grade 11 in the public school and has failed to achieve a passing grade thereon until that student achieves a passing grade on the educational assessment test approved by the department and administered by the school district. It shall be the duty of each public school from which a student transfers during grade 11 to notify any private or parochial school that the student has failed that assessment test mandated by law in grade 11. It shall also be the duty of the public school to notify any such transferring student and his or her parents or guardian of his or her responsibility to achieve a passing score on an education assessment test prior to the receipt of a diploma. If the department determines in administrative pro-

ceedings that the private or parochial school has issued a diploma in violation of this section, it shall order the said diploma to be withdrawn and may petition the Commonwealth Court to enforce any such order should the school fail to comply therewith. The complaint may be initiated by the department on its own motion or upon the receipt of a written complaint from any person including the board of any school district or any public school official.

Essentially what this would do is prohibit anyone from establishing a diploma mill if there is someone who fails such a requirement that might well become law in the Commonwealth and would prohibit that type of practice of somebody being able to extract a profit and set up a very lucrative system of circumventing whatever would be put in place either by the Commonwealth by law of the legislature or by the rule of enforcement by the Education Department.

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

Mr. FREIND. Again, this is agreed-to language. I support the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—193

Afflerbach	Evans	Linton	Robbins
Alderette	Fargo	Livengood	Rudy
Angstadt	Fattah	Lloyd	Ryan
Armstrong	Fee	Lucyk	Rybak
Arty	Fischer	McCall	Saloom
Barber	Flick	McClatchy	Salvatore
Battisto	Foster, W. W.	McHale	Saurman
Belardi	Foster, Jr., A.	McIntyre	Scheetz
Belfanti	Freind	McMonagle	Schuler
Blaum	Fryer	McVerry	Semmel
Book	Gallagher	Mackowski	Serafini
Bowser	Gallen	Madigan	Seventy
Boyes	Gamble	Maiale	Showers
Brandt	Gannon	Manderino	Sirianni
Broujos	Geist	Manmiller	Smith, B.
Bunt	George	Markosek	Smith, L. E.
Burd	Gladeck	Mayernik	Snyder, D. W.
Burns	Godshall	Merry	Snyder, G. M.
Callagirone	Greenwood	Michlovic	Spitz
Cappabianca	Grieco	Micozzie	Stairs
Carn	Gruitza	Miller	Steighner
Cawley	Gruppo	Moehlmann	Stevens
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	Hoeffel	O'Donnell	Trello
Cordisco	Honaman	Olasz	Truman
Cornell	Hutchinson	Oliver	Van Horne
Coslett	Itkin	Perzel	Vroon
Cowell	Jackson	Peterson	Wachob
Coy	Jarolin	Perrarca	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	Lashingier	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—2

Baldwin Freeman

NOT VOTING—2

Miscevich Stewart

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. COWELL offered the following amendments No. A1143:

Amend Title, page 1, line 5, by inserting after "thereto," further providing for kindergartens;

Amend Bill, page 1, by inserting between lines 9 and 10

Section 1. Section 503 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended September 21, 1959 (P.L.925, No.373) and October 21, 1965 (P.L.601, No.312), is amended to read:

Section 503. Kindergartens.—(a) The board of school directors in any school district [may] shall establish and maintain kindergartens for children [between the ages of four and six years] five years of age and which may be offered to children four years of age. When established, the kindergartens shall be an integral part of the elementary school system of the district, and be kept open for not less than two and one-half hours each day for the full school term as provided in section 1501.

(b) The number of kindergartens in any one district shall be fixed by the board of school directors, and shall be open during the school year.

(c) If the average attendance in any one kindergarten in any district is ten or less for the school year, the school directors shall, at the close of the school year, discontinue the same.

(d) The board of school directors shall appoint and assign a sufficient number of teachers to such kindergartens, who shall be certified in accordance with the rules and regulations prescribed by the Council of Basic Education.

Amend Sec. 1, page 1, line 10, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 10 and 11, by striking out "of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949"

Amend Bill, page 5, by inserting between lines 7 and 8

Section 3. Section 1 of this act shall apply to the school year commencing September 1, 1985, and thereafter.

Amend Sec. 2, page 5, line 8, by striking out "2" and inserting

4

On the question,

Will the House agree to the amendments?

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, this amendment addresses an issue which has been discussed on the floor of the House on prior occasions. If adopted, this amendment would require all school districts as of September of 1985, some 15 or 16 months from now, to establish and maintain a kindergarten program for children in that school district 5 years of age and would permit them to offer a kindergarten program to children 4 years of age.

We are at a point where only four school districts in the Commonwealth do not have a kindergarten program. It is long overdue that this legislature, as a matter of policy, as a matter of law, address this issue.

The amendment would provide adequate time for those four districts to establish a program. More importantly, this amendment would insure that none of the other 497 districts around the Commonwealth, for fiscal reasons or any other reason in the years ahead, would choose to dismantle the kindergarten programs, the very important kindergarten programs that are currently in place.

I would urge that we adopt this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Freind, on the amendment.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose the amendment for two reasons - one, on the issue itself. This is not a new issue that the legislature has addressed. On a number of occasions in the last 4 or 5 years, we have addressed the issue as to whether or not we, the State, should mandate that each school district has to provide kindergarten, and each time we have rejected that, Mr. Speaker. It is still not the law. The philosophical argument is, even though you may support kindergarten and even though there may only be three or four school districts that still do not offer it, we should not be saying below first grade that you must offer a program, because if we set this precedent, then the next precedent is mandating preschool. So on the philosophy of it, Mr. Speaker, I oppose it.

Secondly, and I guess you could call this a selfish reason, is this: Obviously the amendment is germane and obviously the gentleman, Mr. Cowell, has every right to introduce this amendment, but if this amendment passes, what we are assuring is that in the Senate the bill will go to two committees. It will go to Education, and it will go to Appropriations. I think we all know the tortuous process that this bill has taken, almost 4 years. We do not know how long the Senate is going to remain in session. If you remember, 2 years ago they adjourned until after the November election. I would hate to see anything jeopardize this when we are finally getting a vote on final passage.

For those two reasons, both philosophical and practical, I oppose the amendment, and I urge my colleagues to reject it. Thank you, Mr. Speaker.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I oppose the Cowell amendment. We have hashed out this kindergarten issue before on the floor in an amendment that would have mandated kindergartens.

I have one of those four school districts in my legislative district, Mr. Speaker, and I think it comes down to the basic fundamental argument that if we are going to mandate anything, then the State should reimburse us for those particular mandates, which they are not. We are in our district certainly willing to install a kindergarten under less severe terms than what we are talking about with this particular amendment.

My district, Franklin Regional in Westmoreland County, certainly is not opposed to kindergarten and would like to put one in. However, they have just undertaken a program to reduce their number of school buildings. It would take probably about \$120,000 to initiate the program the first year. What they are saying is, give us some financial help on this or an increase in subsidies or an advance on their subsidies, but they cannot get that the way the current School Code is written, Mr. Speaker. As a result, you would have a very unfair economic situation on these particular four school districts. So for that reason I oppose the Cowell amendment. Thank you, Mr. Speaker.

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

Mr. PITTS. Thank you, Mr. Speaker.

Just briefly, we have all debated and voted on the issue of kindergarten before. I do not think we need to go through that again. But from a practical point of view, this issue concerning the private religious schools has been carefully studied. Leaders from both sides of the aisle and from the various interest groups have met, and we finally, I think, have a compromise that is about to be resolved in both chambers. If we throw this issue in the Senate again, it will have to go for a fiscal note, it will have to go to the standing committee. I do not think we are going to see this issue resolved before the summer break.

I would urge that we defeat this amendment and pass the bill over to the other chamber so they can deal with it immediately. Thank you, Mr. Speaker.

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

Mr. DAVIES. Mr. Speaker, may I ask a question of interrogation by the second former speaker, not the last speaker?

The SPEAKER. You wish to interrogate Mr. Markosek?

Mr. DAVIES. Yes; about a statement.

The SPEAKER. Mr. Markosek, will you stand for interrogation? Mr. Markosek indicates he will so stand. Mr. Davies may proceed.

Mr. DAVIES. Under the school subsidy, Mr. Speaker, is it not true that the WADM (weighted average daily membership) is based on 5 through 12?

Mr. MARKOSEK. Mr. Speaker, I am not exactly sure of the answer to that.

The problem we have in our district is, even with the WADM reimbursement, it does not come until after the

school year starts or roughly a year into the program, as I understand it. So the initial startup cost is what is really detrimental to my particular school district. There is no advance on any of the subsidies that can be gotten under the current School Code. So for that reason there is a very difficult hardship.

Mr. DAVIES. Thank you, Mr. Speaker. I am glad you used the word "advance."

Also, is it not a fact that the transportation costs are also reimbursed for that same program?

Mr. MARKOSEK. Mr. Speaker, is he still interrogating me?

Mr. DAVIES. Yes; that is the second question.

The SPEAKER. Yes, he is.

Mr. MARKOSEK. I am sorry. I did not hear the question.

Mr. DAVIES. Is it not also true that the transportation costs are reimbursed for that same program, 5 through 12?

Mr. MARKOSEK. I believe it is, Mr. Speaker.

Mr. DAVIES. Thank you, Mr. Speaker.

I would like the record to clearly show that those two costs that the gentleman had addressed himself generally to would reflect that information.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

I rise to oppose the Cowell amendment.

As Mr. Cowell noted, there are only four districts in the Commonwealth who do not currently have kindergartens. Each one of those four, as does every school district of the Commonwealth, has elected school directors, elected by the voters of that particular school district. I do not know who we are in Harrisburg to supersede the wishes of the people in those districts.

On this basis alone, I suggest that we reject the amendment and proceed to pass a bill that has been studied by many people, many groups, and let us proceed with the vote on the bill and reject the Cowell amendment.

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

Mr. DUFFY. Thank you, Mr. Speaker.

Recently there were five districts in Pennsylvania that did not have kindergartens. I had one area in my district that the local school board decided to install a kindergarten system. I think this is where the decision should be made. It should be made at the local level.

I oppose the amendment, and I would appreciate everybody on the floor doing the same thing. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Franklin, Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

I rise also in opposition to the amendment.

I think it is clear that we have dealt here with a bill which substantially takes into consideration the needs of the non-public schools in the Commonwealth of Pennsylvania, and to really muddy the waters by involving a requirement for the

public schools in Pennsylvania would serve no good purpose for the passage of this legislation.

Also, I think it is important to remember that we have a bill currently in this session, HB 479, that appears on our tabled bill calendar, which addresses this subject. I think if the subject is to be considered by the legislature, it could best be considered by that bill and not amending this one. For that reason and also for the reasons just mentioned by Mr. Foster, I oppose the amendment and urge my colleagues to do the same.

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

Mr. DALEY. Mr. Speaker, would Mr. Markosek stand for brief interrogation?

The SPEAKER. Mr. Markosek indicates he will stand for interrogation. Mr. Daley may proceed.

Mr. DALEY. Thank you, Mr. Speaker.

Mr. Speaker, you said in your district you have one school district that falls in this category. What has been the basis and criteria used by that school district for failure to have a kindergarten class installed? Could you not hear me?

Mr. MARKOSEK. Repeat that, please?

Mr. DALEY. Okay. You stated, Mr. Speaker, that in your district you have a school district that does not have a kindergarten. What is the basis that you have heard back from that local district, that local school board, as the reason for failure to install that kindergarten class?

Mr. MARKOSEK. Well, the school district, Mr. Speaker, does not have anything against kindergarten per se. They have a very difficult problem with finances. It is going to cost them about \$120,000 to start the program up. There is no guarantee that the students have to attend kindergarten. You do not have to attend school until you are 8 years old. There are several very fine private kindergartens in that area which are run by various churches, parochial schools, that the students will continue to go to. So there is no guarantee that the school district is going to have the students, but they will be mandated to provide the program, pay for all the books and all the costs that are associated there as well as the transportation costs that they have to install. There is no advance, there is no way that they can get any kind of advance on their subsidy. I think if they could get an advance on their subsidy, they would be willing to go along with it. But you are talking about very steep front-end startup costs which would be very detrimental in the particular school district that I represent.

Mr. DALEY. Mr. Speaker, another question briefly. Does that school district have extracurricular activities that they have for the young people?

Mr. MARKOSEK. Yes, Mr. Speaker.

Mr. DALEY. Do they have an athletic program?

Mr. MARKOSEK. Yes, Mr. Speaker.

Mr. DALEY. Do they have football and basketball and those types of athletic programs?

Mr. MARKOSEK. Yes.

Mr. DALEY. Mr. Speaker, I would like to make a comment on the amendment.

The SPEAKER. The gentleman is in order and may make a comment on the amendment.

Mr. DALEY. Mr. Speaker, I think I agree completely with the fact that local school districts should make the decision and keep the determination locally, but I think that we are basking in a state of oblivion here, in fact, if we pass HB 1181, Mr. Speaker, which mandates curriculum requirements in one breath, and in the other breath we have people stand on the floor and say that a local school district should make those decisions. I rise in support of this amendment, and I think it is time that these four school districts set their priorities, and that is to educate the young people and to get back into the 20th century. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. HUTCHINSON. Mr. Speaker, this is a different amendment than you ever voted on before. If you look, it says 5 years and may attend at 4 years. This means more money coming out of wherever in the State to pay for subsidy programs, and there are some school districts that have day-care centers that would like to get the reimbursement. If you read the amendment, it says at 5 years old, or may at 4. Right now, if you are 5 years old after October, you cannot get in kindergarten, but he is making it 4, so that means where they have kindergarten, they will have more students and more money. I say "no" against this amendment.

The SPEAKER. For the second time on the Cowell amendment, the Chair recognizes Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would like to respond briefly to several of the remarks made by opponents of this amendment. First of all, let me begin with Mr. Hutchinson, who was absolutely wrong in his analysis of the amendment. If you would read the amendment and note the language that is currently in the law, it says that any school district may establish and maintain kindergartens for children between the ages of 4 and 6 years. If we would pass the amendment, it would continue to say that they may establish and maintain kindergartens for children 4 years of age but that they must establish and maintain a kindergarten program for children 5 years of age. The issue of the 4-year-old and the treatment of the 4-year-old would not change at all, so Mr. Hutchinson was absolutely wrong in his analysis there.

Secondly, some of the opponents have suggested that this is a fiscal problem which will be presented for some school districts and that we could take care of their opposition if we would advance them dollars. To do that would be to treat those districts that have refused to establish kindergarten programs differently and advantageously as compared to those districts that over many, many years have taken the initiative themselves. There is no reason whatsoever why we should reward any district that has held out to this point and say, we are going to reward you with an advance in contrast to the Plum School District, which Representative Duffy just noted, that voluntarily got into this a year ago, or the other 496 dis-

tricts that voluntarily got into this kindergarten program sometime over the last several generations. So we should not be in a position of treating them favorably. There would be additional burdens imposed on them, but the kindergarten program and the cost of the kindergarten program would be treated exactly the same as we treat the costs for a first grade program and a second grade program and all of those other programs that we mandate as part of the total education program in the public schools of this Commonwealth.

It was also suggested that to pass this amendment would set a precedent, and the next step would be preschool. Well, I think all of us have been around here long enough not to buy that kind of scare tactic. If we are ever going to address the issue of preschool, that will be an issue that the members of this House and Senate will consciously address. This is not setting a precedent; it would be setting State policy, saying that kindergarten programs ought to be and must be an integral part of the total education system in the public schools of this Commonwealth. It has nothing to do with preschool and would not serve as a precedent for preschool programs.

It was also suggested by one of the first speakers to oppose the legislation that we are not really germane to the rest of the bill. This is a Public School Code bill; this is a Public School Code issue. Frankly, I am a little surprised that that gentleman, who has come up with some pretty bizarre amendments—sometimes some of us have thought that they were unrelated to various kinds of Welfare Code bills—I am surprised that he would make that kind of suggestion. This is clearly relevant to the Public School Code.

Finally, some have suggested that we ought to leave this up to the local school districts. Let local school boards elected by local voters decide whether or not they want this kind of program. Well, no one has suggested that we ought to leave it up to local school boards to decide if they want a first grade program or whether they ought to have 12th grade in their schools. What we are really called upon to decide here today is an educational policy issue. Are we going to have the courage as a legislature to make the judgment that kindergarten ought to be an integral part of the total education program offered to all youngsters, regardless of their financial status, regardless of the community in which they live, all youngsters in this Commonwealth? I think that we should answer in the affirmative. I think the people who are educators, people who work with young children, unanimously agree that kindergartens are a very important part of the educational process. We ought to make that kindergarten experience available to every youngster in this Commonwealth. I urge the adoption of the amendment.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, the Franklin Regional School District in Westmoreland County, which I represent, does not have a kindergarten and is certainly not opposed to kindergarten. There have been many of the school board people who do favor kindergarten as well as many of the people in the area

who obviously would like to see a mandated kindergarten in that area so they would not have to pay the private schools. However, there has not been a ground swell of people in my district wanting a kindergarten there, and it is mainly due to the fact of the economic impact.

Now, Representative Cowell has pointed out some very interesting statistics and facts regarding his views on why we should have kindergarten, regardless of the mandate. The Franklin Regional School District is willing to put in a kindergarten, given that we get some additional help from the State. Mr. Cowell's amendment does not have anything in there that would help this particular school district as far as any kind of advance on their subsidies or anything like that. The Franklin Regional School District has even said that they would be willing to put a kindergarten in if it were 2 years down the line. Mr. Cowell's amendment calls for 1 year down the line, which would be a very harsh economic impact on this particular school district, which has just now closed a school and may even have to reopen another school to provide the classroom space for this particular amendment.

So, Mr. Speaker, I recommend that we vote "no" on the Cowell amendment, mainly because it does not provide the subsidies in a proper fashion to meet the mandates that it requires. Thank you.

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

Mr. GAMBLE. Mr. Speaker, I rise to oppose the amendment.

One of the school districts is in my legislative district. I ask you today not to raise the taxes of the school district of Moon Township in Allegheny County. Four hundred and ninety-seven school districts saw fit to invoke the kindergarten program, and I did not get up here and force that on your school districts. I ask that you do not force this tax increase on my school district. Thank you.

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

The following roll call was recorded:

YEAS—44

Afflerbach	DeWeese	Kasunic	Pott
Angstadt	Daley	Kosinski	Pratt
Barber	Davies	Kukovich	Richardson
Battisto	Deal	Lescovitz	Rieger
Belfanti	Fattah	Linton	Rudy
Burns	Fischer	McHale	Wachob
Carr	Freeman	Michlovic	Wiggins
Clark	George	Miller	Wright, R. C.
Cohen	Hagarty	O'Donnell	
Colafella	Harper	Oliver	Irvin,
Cowell	Hoefel	Pistella	Speaker
Deluca	Irkin		

NAYS—151

Alderette	Foster, Jr., A.	McIntyre	Saurman
Armstrong	Freind	McMonagle	Scheetz
Aty	Fryer	McVerry	Schuler
Baldwin	Gallagher	Maekowski	Semmel
Belardi	Gallen	Madigan	Serafini
Blaum	Gamble	Manderino	Seventy
Book	Gannon	Manmiller	Showers
Bowser	Geist	Markosek	Sirianni

Boyes	Gladeck	Mayerink	Smith, B.
Brandt	Godshall	Merry	Smith, L. E.
Broujos	Greenwood	Micozzie	Snyder, D. W.
Bunt	Grieco	Miscevich	Snyder, G. M.
Burd	Gruitza	Moehlmann	Spitz
Caltagirone	Gruppo	Morris	Stairs
Cappabianca	Haluska	Mowery	Steighner
Cawley	Hasay	Mrkonc	Stevens
Cessar	Hayes	Murphy	Stewart
Cimini	Herman	Nahill	Stuban
Civera	Hershey	Noye	Sweet
Clymer	Honaman	O'Brien	Swift
Cole	Hutchinson	Olasz	Taylor, E. Z.
Cordisco	Jackson	Perzel	Taylor, F. E.
Cornell	Jarolin	Peterson	Telek
Coslett	Johnson	Petrarca	Tigue
Coy	Kennedy	Petrone	Trello
DeVerter	Klingaman	Phillips	Truman
Dawida	Kowalyshyn	Piccola	Van Horne
Dietz	Lashinger	Pievsky	Vroon
Diminni	Laughlin	Pitts	Wambach
Dombrowski	Lehr	Preston	Wargo
Donatucci	Letterman	Punt	Wass
Dorr	Levi	Reber	Weston
Duffy	Levin	Reinard	Williams
Durham	Livengood	Robbins	Wilson
Fargo	Lloyd	Ryan	Wogan
Fee	Lucyk	Rybak	Wright, J. L.
Flick	McCall	Saloom	Zwikel
Foster, W. W.	McClatchy	Salvatore	

NOT VOTING—2

Evans	Maiale
-------	--------

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 as amended?

BILL PASSED OVER TEMPORARILY

The SPEAKER. Mark HB 1293 over temporarily. We will await the amendments by Mr. Deal—he had to order a corrective amendment—and Mr. O'Donnell.

* * *

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

Mrs. HAGARTY offered the following amendments No. A2252:

Amend Title, as amended by A1217, by striking out the following material
further providing for penalties for statutory rape;

Amend Bill, as amended by A1217, by striking the following material from Sec. 3122

§ 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.

Amend Bill, as amended by A1217, by striking the following material from Sec. 3128:

(a) Offense.—* * *

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.

On the question,

Will the House agree to the amendments?

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

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, I would like first to clarify where this bill is, SB 642, as a result of Mr. Freind's amendment yesterday, and to do that, I think it is first important to explain to the General Assembly that in the current law in Pennsylvania, child molesting is not a crime. An individual who does that

could be charged with corrupting the morals of a minor, which is a misdemeanor. My amendment, as Steve Freind's amendment, would for the first time in Pennsylvania create a new crime of child molesting and it would make it a felony of the third degree, which is punishable by a maximum sentence of up to 7 years in jail. So if you vote for my amendment, you will be creating for the first time in Pennsylvania a crime of child molesting which will be a felony crime, a very serious crime.

What this amendment does not do is it does not provide for a mandatory sentence for that crime. I think it is important to remember, though, that voting for the amendment creates a new crime and it creates a felony crime in which an individual can be sentenced up to 7 years in jail. The reason I believe it is important to remove the section of Steve Freind's amendment which creates a mandatory section is for several reasons.

First, I urge you to consider again that the Pennsylvania District Attorney's Association, the Pennsylvania Coalition Against Rape, and the various social groups around the State have taken a position against a mandatory sentence. These are law enforcement groups and victim groups. The reason they have done this is because they know that 80 to 85 percent of these cases occur among a household, among family members or members living together in a household. Reporting is tragically low. This will make it lower, they believe, and the reason for that is that typically, after a child tells perhaps a mother about this crime, the mother must then go to a child agency or law enforcement to turn in often a boyfriend or a husband who is providing support, a boyfriend or a husband whom she and the family members love. If she knows that that individual is going to get 3 years in jail, that is not going to happen and this abuse is not going to stop.

The most important thing is to stop child abuse. In order to do that, reporting has to be encouraged. This will not encourage reporting. Not only will it not encourage reporting, but remember that after a report is made, an arrest has to be made; the district attorney's office has to pursue a prosecution. Representative Freind suggested to you yesterday that the district attorney's office would not prosecute these cases if they felt that the 3-year sentence was not appropriate. Now, I ask you, does that make sense to you? Would it not be better to have these cases reported and prosecuted with the person to get a felony record for this crime than to suggest that the district attorney's office will not even prosecute the case? Not only does the district attorney's office have to prosecute the case but a jury has to convict. And let me tell you that a judge, in my opinion, will have to instruct a jury that if this defendant is convicted, he will have to serve 3 years in jail. So if you are talking about a substantial member of a community who has been working, who has provided for a family, that jury is not going to convict. Therefore, I venture to say that what this will do, the way we passed it yesterday without my amendment, is it will reduce incidences of reporting, it will reduce prosecutions, and it will clearly not result in longer sentences.

I urge you to support this amendment, and in so doing you will be creating a crime of child molesting; you will be making

a statement against this serious problem, but you will be providing for a solution that will work, not something that will simply sound good and will have no practical effect. I ask for your support.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Delaware, Mr. Freind, on the lady's amendment.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose the Hagarty amendment. The Hagarty amendment would undo what the House overwhelmingly passed yesterday, and what we did yesterday was not only define the crime of child molestation and make it a third-degree felony; we put in mandatory 3-year minimum, 3-year prison sentences for statutory rape when the victim is younger than 14 and for child molestation.

Now, again, you cannot have it both ways. This legislature last term, I believe unanimously, passed stiff mandatory sentencing for sex offenses. What we said was when you have involuntary deviate sexual intercourse of a minor or a person over 60, 5 years. Keep in mind, as I resaid yesterday, involuntary deviate sexual intercourse does not mean force. Built into the statute is the fact that if the victim is younger than 16, force is already implied in the law, because that individual cannot make a consent. We said for rape, when it is a minor or a senior citizen, 5 years. But what we did was left a ridiculous, glaring loophole in the law. We said if you are going to have oral or anal sex, you are going to go to prison, and if you are going to forceably rape, you are going to go to prison; but if you are going to have intercourse with a child, not necessarily prison, and if you are going to fondle that child, you do not have to go to prison. Any of those four categories, I submit to you, are equally devastating psychologically to a child. So either we support mandatory sentencing for stat rape and child molestation or we repeal what we did last term and get rid of the already existing mandatory sentences for involuntary deviate sexual intercourse and for rape.

Now, I have heard the fact that if we pass this we are going to reduce reporting. We did not jump into this. We, Mario Civera and I, went down and we met with Eddie Rendell for 2 hours. Eddie opposes this amendment. He is a good D.A., and we worked together in the D.A.'s office years ago. But even he admits that when you are making a prediction as to whether or not reporting will increase or decrease, you are only guessing. You see, the counterargument can be made, Mr. Speaker, that in those cases where the parent of the victim knows that if they go forward with the prosecution something will happen, that is going to encourage them to report.

This is not just a theoretical thing. We have two right now in my district. We have a man who has been charged with over 35 counts. They think that he has been doing this for 30 years to children 3 and 4 and 5. He pleaded guilty; he is coming up for sentencing, and they are terrified—terrified—that he is going to get probation and he is going to be back in that same house. And how can their children ever walk on the streets again? They are absolutely terrified about that. Another situation identical in Haverford Township. A situation in

Chester: a nonrelative molesting children, found guilty, 2 years' probation.

Now, Mr. Levin brought up an issue yesterday when I talked about prosecutorial discretion, and by that I do not mean that the D.A. can decide whether or not to prosecute. What frequently happens, particularly on a first offense where it is a relative and if it is reported, is that the counselors work with the parents, the nonviolating parents of the victim, and work with the victim. The victim and his mother generally make a decision whether or not to prosecute, and the D.A. will go along with their decision. Maybe the first time they say, no, we are not going to prosecute this time; it is better that he get help. My amendment does not affect that at all. Or, we are not going to prosecute; we are going to let him go into ARD (accelerated rehabilitative disposition) for the first time. My amendment does not change that. All my amendment says is this: If the decision is made to take this case to trial and you convict someone of statutory rape of a young one or of child molesting of one of our little ones, if he or she is convicted, he or she knows that he is going to jail for 3 years. Perfectly consistent with what we have already done last term; absolutely needed right now.

For those reasons I sincerely ask you to do what you did yesterday. Support mandatory sentencing and oppose this amendment. Thank you, Mr. Speaker.

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

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Hagarty amendment.

Now, we have listened to many arguments on both sides of this issue yesterday saying that if mandatory sentencing remains in this piece of legislation, the victim will not come forward and testify. In Upper Darby Township, in Collingdale, in the past 2 months there was a gentleman who has been molesting children for over a 15-year period. We get these children to come in and testify and go through a whole court routine, the jury, and all of a sudden the judge turns around and issues down a verdict that I am going to put you on probation for 7 years and I am going to keep you out of that community, and that is exactly what happened to one of our convictions that happened a year ago in Delaware County.

Mr. Speaker, child molestation has gone statewide and nationwide, and as I stated yesterday, it is not a sickness; it is a crime and it has to be treated in that manner. I ask you to oppose the Hagarty amendment and leave what was in the bill on SB 642. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Gruitza.

Mr. GRUITZA. Thank you, Mr. Speaker.

Would the lady, Mrs. Hagarty, consent to brief interrogation?

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

Mr. GRUITZA. Mr. Speaker, the statement was made earlier that the judge would be required to instruct the jury of

a 3-year mandatory sentence in the event of a conviction. Is that language located anywhere in this amendment or in the bill as it stands, language requiring that instruction?

Mrs. HAGARTY. No; that is not stated in the bill.

Mr. GRUITZA. Can you provide me with what your basis is for that statement then, or for the judge making that instruction?

Mrs. HAGARTY. It is my belief, and I am not positive, that a judge would have to instruct a jury if a mandatory sentence would result from a conviction of a crime. But perhaps there is another attorney here who will correct me if I am wrong on that, Mr. Speaker.

Mr. GRUITZA. Mr. Speaker, could I speak to that issue then?

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

Mr. GRUITZA. I think that that statement is at least partially incorrect. I do not think that the members should be basing their votes on this amendment based on that, because, in fact, the judges in most cases are reluctant to allow a jury to know what sentence would be made available in the event of a conviction. When a jury retires after hearing the evidence of a case, they are to decide guilt or innocence, and the severity or the laxity of a sentence is not to come into play. So that, at least as far as my understanding goes, should not be considered in this debate. Thank you, Mr. Speaker.

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

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Hagarty amendment. I think that yesterday many of us were put in a situation where we felt that we needed to correct the problems that resulted from us not having a law on the books to deal with child molestation. However, I think that in so doing we did not necessarily support the best amendment or the best proposal to do that. I think that as the lady, Mrs. Hagarty, stated, in order to really resolve the problem—this is really important—we also increase the number of families or victims who are going to be willing to report such crimes. I am quite sure, Mr. Speaker, that her amendment better addresses that problem. So therefore, I rise in support of the Hagarty amendment and encourage my colleagues to do likewise. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

Will the lady, Mrs. Hagarty, consent to interrogation?

The SPEAKER. The lady indicates she will so stand. The gentleman, Mr. Foster, may proceed.

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

Under the provisions of your amendment, what would be the sentence for one found guilty of child molestation?

Mrs. HAGARTY. Is your question, what would be the sentence?

Mr. A. C. FOSTER. How many years?

Mrs. HAGARTY. Under the current law or under Mr. Freind's and my amendments?

Mr. A. C. FOSTER. Under your amendment.

Mrs. HAGARTY. Seven years would be the maximum punishable sentence.

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

May I address the issue?

The SPEAKER. The gentleman may address the amendment.

Mr. A. C. FOSTER. The lady, Mrs. Hagarty, based her opposition to the gentleman, Mr. Freind's amendment on the basis that if a wife were forced to testify against her husband or if someone were required to testify against their boyfriend in such a case, that individual would be depriving themselves of the income from that individual for 3 years under the Freind amendment, but under the amendment offered by the lady, Mrs. Hagarty, it could go as high as 7 years. Therefore, I think her argument falls on that issue, since it could conceivably go as high as 7 years.

I would urge that we reject the Hagarty amendment, leave the bill in its present form so that anyone who is guilty of child molestation knows doggone good and well that they are due for 3 years without question, and I do not think that is too much to ask for the severity of this crime. I urge we reject the Hagarty amendment.

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

I rise to support the Hagarty amendment, and I would like to reiterate some of the comments I made yesterday. I would like to help those of you who share with me and share with Representative Hagarty the concern that sexual exploitation of children is a serious problem in this Commonwealth and needs to be dealt with seriously. We all agree with that. Representative Hagarty said yesterday that she has prosecuted these cases. I told you yesterday that professionally it used to be my job to go into the homes of families where this has gone on and to remove those children from their parents, go to court, place them in foster homes, place them in adoptive homes, and see to it that they get the counseling and the psychological care that they need. So both Representative Hagarty and I are speaking to you with some experience.

I think that the problem we are having deciding this issue comes from our image of what a child molester is. It is important that you realize that 80 percent—80 percent—of those who come into the agencies with a child abuse problem are cases when that abuse takes place in the home. It is the father and child; it is the father and stepchild; it is the paramour and child. It is taking place in the home. The image of the child molester as the shadowy figure in the playground is really the small minority, and I have no doubt that under Lois Hagarty's amendment those kinds of cases can be dealt with harshly, and they can go to jail for up to 7 years, and perhaps they should. But what we are trying to tell you is that if you have a mandatory minimum 3-year sentence, what is going to happen is that those 80 percent of the cases are going to go

unreported, and those little girls and those little boys are not going to come into a system that can provide help to them. Their parents are not going to be reported, and that terrible incestuous child abuse is going to go on and on and on.

The hardest part of dealing with this problem is to get the problem out of the closet, to get the problem out in the open so it can be confronted and dealt with and the offending parents removed from the child. That is the hardest part of the problem, not the prosecution. If we as this legislature create a mandatory 3-year sentence, I am guaranteeing you that all of the people in the profession who deal with this problem day in and day out are going to have an extraordinarily difficult time getting these children helped.

With the Hagarty amendment, any judge and any jury that finds a serious abusive, repetitive case can sentence that convicted felon to up to 7 years in prison to keep that individual off the streets and out of the opportunity to repeat his offense. But that discretion has to be left to the judges or we will not help the children who need to be helped. For that reason I implore you to support the Hagarty amendment, and you can go home and tell your constituents that you did what the professionals who deal with this problem told you you should do. Thank you.

DEMOCRATIC CAUCUS

The SPEAKER. The majority leader has requested that we declare a recess for the purposes of lunch and caucus.

RULES COMMITTEE MEETING

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. There will be a meeting of the Rules Committee immediately upon the declaration of the recess; a meeting of the Appropriations Committee immediately upon the declaration of the recess. The main caucus room for the Appropriations Committee meeting.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I would ask that our members report to the caucus room at 1:30. There will be a full discussion, hopefully, of the mercantile tax bill—I guess that is what I will call it—the Philadelphia tax bill that was just reported out of the conference committee. It is my understanding that the majority leader intends to call that particular bill up for a vote this afternoon. He indicates that is so. We had a caucus of a sort of the southeastern counties this morning, those counties that are most affected. We have some working knowledge of what it is, but there are still many, many questions unanswered. So I am going to suggest that our members please attend caucus promptly at 1:30. Thank you, Mr. Speaker.

The SPEAKER. A Republican caucus at 1:30. A Democratic caucus at 1:30. Lunch to be taken between 12:30 and

1:30. The recess will be at an end at 2 o'clock. A Rules Committee meeting immediately on the declaration of the recess. An Appropriations Committee meeting in the majority caucus room immediately on the declaration of the recess.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, the half-hour allotment for caucus, it may be that I will have to come back to the Speaker and ask for an extension of time.

The SPEAKER. The Chair understands that. Certainly.

RECESS

The SPEAKER. The House stands in recess until 2 p.m.

RECESS EXTENDED

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

AFTER RECESS

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

COMMUNICATION FROM GOVERNOR

REORGANIZATION PLAN NO. 1 PRESENTED

The Secretary to the Governor presented the following communication from His Excellency, the Governor:

REORGANIZATION PLAN No. 1.

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

May 22, 1984

To the General Assembly of
the Commonwealth of Pennsylvania:

By the authority vested in me by the Reorganization Act of 1955, Act of April 7, 1955, P. L. 23, I transmit herewith Reorganization Plan No. 1 of 1984. The purpose of this plan is to transfer to the Department of Agriculture from the Pennsylvania State Police routine inspection and enforcement responsibilities regarding the safe use, storage, sale and keeping of flammable liquids.

Presently, the State Fire Marshal Law imposes upon the Pennsylvania State Police both the law enforcement duty to investigate arson and receive and review reports concerning the origin of fires and the administrative responsibility to establish and enforce standards for the safe handling of flammable liquids. These routine administrative responsibilities to regulate the use, storage and handling of flammable liquids include the adoption of regulations governing flammable liquids, the inspection of facilities utilizing flammable liquids, the issuance of compliance orders for violations of regulations and the enforcement of compliance orders.

In 1981, I appointed an Interagency Committee on Arson to recommend measures to better control the serious problem of arson in Pennsylvania. One of the major recommendations of this Interagency Committee was to transfer the routine administrative responsibilities regarding flammable liquids from the State Police to another state agency. This recommendation of the Interagency Committee reiterated a 1976 proposal of the Governor's Commission on Fire Prevention and Control.

I believe it is imperative that we take all possible steps to improve our capacity to reduce arson in Pennsylvania. Every year arson claims numerous lives, results in millions of dollars of property damage and increases insurance premiums for many Pennsylvanians. In 1983 alone, there were 3,417 reported cases of arson in this state. Although we have made impressive strides in fighting arson, and in fact were successful in reducing reported cases of arson 13.4 percent between 1982 and 1983, much remains to be accomplished. By relieving highly trained and competent law enforcement officers from routine inspection responsibilities, this Reorganization Plan will make additional resources available for the critical functions of investigating suspicious fires, thereby resulting in increased criminal prosecutions and furtherance of our efforts to combat arson in Pennsylvania.

In order to implement the recommendation of the Interagency Committee on Arson to transfer routine inspection responsibilities away from the State Police, the Governor's Office of Policy Development evaluated the various administrative options for the reassignment of responsibility to regulate the storage, use and handling of flammable liquids.

The principal goals in reassigning this function were, if possible, to coordinate flammable liquids inspections with current inspection programs in order to minimize burdens upon regulated businesses, and to identify an agency with effectively functioning field offices and local support necessary to efficiently and economically conduct the needed inspections. The Department of Agriculture was selected to perform these functions because the Department is presently responsible for the inspection and audit of weighing and measuring devices at service stations, where the majority of flammable liquids inspections occur. Consolidating these regulatory functions under the authority of the Department of Agriculture will reduce the number of inspection visits to the affected businesses and improve the business climate by minimizing governmental intrusion into their day-to-day operations. Relieved of this regulatory responsibility, the Pennsylvania State Police could allocate additional resources to the investigation of arson.

Following a careful evaluation of the advantages of the proposed reorganization, the State Police Commissioner, the Secretary of Agriculture, the State Fire Commissioner and I have concluded that transferring administrative responsibility for the regulation of flammable liquids to the Department of Agriculture will promote the public health, safety and welfare by providing a realignment of regulatory and law enforcement responsibilities which will permit both the Department of Agriculture and the Pennsylvania State Police to better utilize their available resources.

Pursuant to this Plan, the State Police will retain the responsibility to investigate the origin, cause and other circumstances of every fire by which any property or life has been destroyed, damaged or endangered, to receive and review reports concerning the cause of fires, and to inspect, upon request, referral or complaint, buildings and premises in order to identify and remedy potential hazards which make such sites especially liable to fire and endangering property.

I therefore transmit to you Reorganization Plan No. 1 of 1984 and urge its approval by members of the General Assembly in order to accomplish this important administrative reform in fiscal year 1984-85.

Dick Thornburgh
Governor

REORGANIZATION PLAN NO. 1 OF 1984

Transferring certain regulatory and enforcement functions relating to certain flammable substances from the Pennsylvania State Police to the Department of Agriculture.

Section 1. Transferring certain functions of the Pennsylvania State Police.

The functions, powers and duties of the Pennsylvania State Police with regard to the adoption and enforcement of rules and regulations governing the having, using, storage, sale and keeping of gasoline, naphtha, kerosene, fuel oil or any substance of the like character, the inspection of buildings and premises, the issuance of orders and the initiation of proceedings to enforce such rules and regulations and the appointment of assistants for the purpose of performing these functions, as set forth in the act of April 27, 1927 (P. L. 450, No. 291) referred to as the State Fire Marshal Law, are hereby transferred from the Pennsylvania State Police to the Department of Agriculture. The Pennsylvania State Police shall retain all functions, powers and duties relating to the investigation into the origin or circumstances of any fire in this Commonwealth and the appointment of assistants for such purposes as set forth in the State Fire Marshal Law.

Section 2. Transfer of records and property.

There are hereby transferred to the Department of Agriculture, to be used and expended in connection with the functions, powers and duties transferred by section 1, any contract obligations, records, files, property, supplies and equipment now being used or held in connection with such functions, powers and duties.

Section 3. Validity of existing rules and regulations.

All rules and regulations promulgated by the Pennsylvania State Police prior to the approval of this reorganization plan under the authority of section 1 of the act of April 27, 1927 (P. L. 450, No. 291), referred to as the State Fire Marshal Law, shall continue in force until modified or abolished by the Department of Agriculture.

Section 4. Suspensions.

The act of April 27, 1927 (P. L. 450, No. 291), referred to as the State Fire Marshal Law, and any other laws setting forth the functions, powers and duties of the Pennsylvania State Police, are hereby suspended insofar as they conflict with this reorganization plan.

(Editorial Note: Final action on this plan must occur within 30 calendar days following its date of transmittal to the General Assembly excluding days on which either House is not in session because of an adjournment of more than ten days to a day certain.)

BILLS REREPORTED FROM COMMITTEE

HB 403, PN 453

By Rep. PIEVSKY

An Act making an appropriation to the Office of Attorney General for the payment of certain moral claims against the Commonwealth.

APPROPRIATIONS.

HB 588, PN 3023 (Amended)

By Rep. PIEVSKY

An Act amending the act of June 18, 1974 (P. L. 359, No. 120), referred to as the "Municipal Police Education and Training Law," including first class cities within the act; and making appropriations.

APPROPRIATIONS.

HB 729, PN 2913

By Rep. PIEVSKY

An Act amending the act of June 18, 1974 (P. L. 359, No. 120), referred to as the Municipal Police Education and Training Law, extending the length of time to complete training; and further providing for reimbursement of certain expenses.

APPROPRIATIONS.

HB 1256, PN 3024 (Amended)

By Rep. PIEVSKY

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to convey to Canaan Township 2.307 acres of land, more or less, situate in Canaan Township, Wayne County, Pennsylvania.

APPROPRIATIONS.

HB 1580, PN 2615

By Rep. PIEVSKY

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for radiation emergency response.

APPROPRIATIONS.

HB 2099, PN 2956

By Rep. PIEVSKY

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for industrial cogeneration and small power productions.

APPROPRIATIONS.

SB 298, PN 832

By Rep. PIEVSKY

An Act to require inspections and insurance in connection with amusement rides and attractions; giving powers to owners, lessees and operators; and providing for injunctions and penalties.

APPROPRIATIONS.

SB 709, PN 2027 (Amended)

By Rep. PIEVSKY

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

APPROPRIATIONS.

SB 928, PN 2028 (Amended)

By Rep. PIEVSKY

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for compensation plans for school administrators; providing for collective bargaining in cases of professional employee termination; and further providing transportation for certain extracurricular activities.

APPROPRIATIONS.

SB 1139, PN 1706

By Rep. PIEVSKY

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

APPROPRIATIONS.

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

HB 2136, PN 3025 (Amended)

By Rep. PIEVSKY

An Act establishing certain fees to be charged by the Clerk of Quarter Sessions of Philadelphia.

APPROPRIATIONS.

RESOLUTIONS REPORTED FROM COMMITTEE**HR 222, PN 2941**

By Rep. PIEVSKY

Memorializing the United States Congress to enact the Industrial Competitiveness Act.

RULES.

HR 223, PN 2942

By Rep. PIEVSKY

Recognizing the anniversary of the birth of Major-General Arthur St. Clair of Westmoreland County.

RULES.

HR 225, PN 3015

By Rep. PIEVSKY

Memorializing the President and the United States Congress to restore certain funding levels for rural residents.

RULES.

HR 227, PN 2995

By Rep. PIEVSKY

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.

RULES.

HR 229, PN 3011

By Rep. PIEVSKY

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

RULES.

REMARKS ON VOTE

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

Mr. LUCYK. Mr. Speaker, on May 2, HB 2051, amendment A1501, I learned that through an electronic malfunction or some other reason I had been recorded in the negative. I would like the record to show that I would like to be recorded in the affirmative.

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, there has been a resignation from the Appropriations Committee. Representative Jim McIntyre has resigned. His replacement will be Chaka Fattah from Philadelphia County.

REMARKS ON VOTES

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

Mr. STEWART. To correct the record, Mr. Speaker.

The SPEAKER. The gentleman may state the correction.

Mr. STEWART. On amendment A0402 to HB 1293, I wish to be recorded in the negative, and on amendment A1443 to the same bill, I wish to be recorded in the affirmative.

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

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 1045, PN 1754, entitled:

An Act amending the act of February 11, 1976 (P. L. 14, No. 10), entitled "Pennsylvania Rural and Intercity Common Carrier Surface Transportation Assistance Act," granting additional power to the department to dispose of certain lands.

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—191

Table listing names of members who voted 'YEAS' for SB 1045, including Afflerbach, Alderette, Angstadt, Armstrong, Arty, Baldwin, Barber, Battisto, Belardi, Belfanti, Blaum, Book, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Caltagirone, Cappabianca, Cawley, Cessar, Cimini, Civera, Clymer, Cohen, Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, Coy, Deluca, DeVerter, DeWeese, Daley, Davies, Dawida, Deal, Dietz, Fargo, Fattah, Fee, Fischer, Flick, Foster, W. W., Foster, Jr., A., Freeman, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Godshall, Greenwood, Grieco, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayes, Herman, Hershey, Hoeffel, Honaman, Hutchinson, Itkin, Jackson, Jarolin, Johnson, Kasunic, Kennedy, Klingaman, Kosinski, Kowalyszyn, Kukovich, Levin, Linton, Livengood, Lloyd, Lucyk, McCall, McClatchy, McHale, McIntyre, McMonagle, McVerry, Mackowski, Madigan, Maiale, Manderino, Manmiller, Markosek, Mayernik, Merry, Michlovic, Micozzie, Miller, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Noye, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Peterson, Phillips, Piccola, Pievsky, Pistella, Pitts, Pott, Rieger, Robbins, Rudy, Ryan, Rybak, Saloom, Salvatore, Saurman, Scheetz, Schuler, Semmel, Serafini, Seventy, Showers, Sirianni, Smith, B., Smith, L. E., Snyder, D. W., Snyder, G. M., Spitz, Stairs, Steighner, Stevens, Stewart, Stuban, Swift, Taylor, E. Z., Taylor, F. E., Telek, Tigue, Trello, Truman, Van Horne, Vroon, Wachob, Wambach, Wargo, Wass, Weston, Williams, Wilson, Wogan.

Table listing names of members who voted 'NAYS' for SB 1045: Dininni, Dombrowski, Donatucci, Dorr, Duffy, Durham, Evans, Lashinger, Laughlin, Lehr, Lescovitz, Letterman, Levi, Pratt, Preston, Punt, Reber, Reinard, Richardson, Wright, J. L., Wright, R. C., Zwick, Irvis, Speaker.

NAYS—0

NOT VOTING—6

Table listing names of members who did not vote for SB 1045: Carn, Clark, Misceovich, Petrarca, Sweet, Wiggins.

EXCUSED—5

Table listing names of members who were excused for SB 1045: 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 return the same to the Senate with the information that the House has passed the same without amendment.

The House proceeded to third consideration of SB 1220, PN 1663, entitled:

An Act amending the act of December 22, 1983 (P. L. 306, No. 84), entitled "Board of Vehicles Act," further providing for the definitions of "franchise" and "importer," and for the cancellation of certain franchises.

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—195

Table listing names of members who voted 'YEAS' for SB 1220, including Afflerbach, Alderette, Angstadt, Armstrong, Arty, Baldwin, Barber, Battisto, Belardi, Belfanti, Blaum, Book, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Caltagirone, Cappabianca, Cawley, Cessar, Cimini, Civera, Clark, Fargo, Fattah, Fee, Fischer, Flick, Foster, W. W., Foster, Jr., A., Freeman, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Godshall, Greenwood, Grieco, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Linton, Livengood, Lloyd, Lucyk, McCall, McClatchy, McHale, McIntyre, McMonagle, McVerry, Mackowski, Madigan, Maiale, Manderino, Manmiller, Markosek, Mayernik, Merry, Michlovic, Micozzie, Miller, Misceovich, Moehlmann, Morris, Mowery, Mrkonic, Robbins, Rudy, Ryan, Rybak, Saloom, Salvatore, Saurman, Scheetz, Schuler, Semmel, 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, Tigue, Truman, Van Horne, Vroon, Wachob, Wambach, Wargo, Wass, Weston, Williams, Wilson, Wogan.

Clymer	Hayes	Murphy	Taylor, E. Z.
Cohen	Herman	Nahill	Taylor, F. E.
Colafella	Hershey	Noye	Telek
Cole	Hoeffel	O'Brien	Tigue
Cordisco	Honaman	O'Donnell	Trello
Cornell	Hutchinson	Olasz	Truman
Coslett	Itkin	Oliver	Van Horne
Cowell	Jackson	Perzel	Vroon
Coy	Jarolin	Peterson	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	Zwikel
Dorr	Letterman	Reinard	
Duffy	Levi	Richardson	Irvis,
Durham	Levin	Rieger	Speaker
Evans			

NAYS—0

NOT VOTING—2

Carn	Petrarca
------	----------

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 return the same to the Senate with the information that the House has passed the same without amendment.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 1608, PN 2985**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

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

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Mr. Speaker, the Senate made two minor changes to this bill. It provided that the MILRITE (Make Industry and Labor Right in Today's Economy) Council be subject to sunset review, and the Senate amendments also placed the \$500,000 appropriation in the Department of Commerce, with the control of the grants remaining in the MILRITE Council.

I would urge support of these amendments and a "yes" vote on concurrence in this bill.

The SPEAKER. It has been moved by the gentleman, Mr. Cohen, that the House do concur in the amendments inserted by the Senate to HB 1608.

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

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

YEAS—196

Afflerbach	Evans	Livengood	Robbins
Alderette	Fargo	Lloyd	Rudy
Angstadt	Fattah	Lucyk	Ryan
Armstrong	Fee	McCall	Rybak
Arty	Fischer	McClatchy	Saloom
Baldwin	Flick	McHaie	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	Suban
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	Kowalshyn	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	Zwikel
Donatucci	Letterman	Reinard	
Dorr	Levi	Richardson	Irvis,
Duffy	Levin	Rieger	Speaker
Durham	Linton		

NAYS—1

Hutchinson

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 and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1745, PN 2243**, entitled:

An Act establishing a system for the collection of municipal liens and tax claims in cities of the second class through the sale of real property encumbered by such liens and claims; abolishing the office of solicitor for liens for delinquent taxes, rates, claims and charges in cities of the second class; authorizing the treasurer to conduct treasurer's sales and granting the treasurer certain powers in connection therewith; providing a structure for the conduct of the sale; setting up a system whereby the properties at treasurer's sale are acquired, administered, maintained and resold for the benefit of cojurisdictional taxing bodies; providing for the redemption of the property within 90 days of sale; providing a means for establishing title to real property taken at treasurer's sale; providing for cooperation among cojurisdictional taxing bodies; and preserving rights not specifically repealed.

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

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

The question is, shall the bill pass finally?

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

YEAS—194

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

Cowell	Itkin	Perzel	Vroon
Coy	Jackson	Peterson	Wachob
Deluca	Jarolin	Petrarca	Wambach
DeVerter	Johnson	Petrone	Wargo
DeWeese	Kasunic	Phillips	Wass
Daley	Kennedy	Piccola	Weston
Davies	Klingaman	Pievsky	Wiggins
Dawida	Kosinski	Pistella	Williams
Deal	Kowalshyn	Pitts	Wilson
Dietz	Kukovich	Pott	Wogan
Dininni	Lashingier	Pratt	Wright, J. L.
Dombrowski	Laughlin	Preston	Wright, R. C.
Donatucci	Lehr	Punt	Zwikl
Dorr	Lescovitz	Reber	
Duffy	Letterman	Reinard	Irvis,
Durham	Levin	Richardson	Speaker

NAYS—1

Levi

NOT VOTING—2

Carn

Spitz

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.

RESOLUTIONS

Mr. **MICHLOVIC** called up **HR 216, PN 2959**, entitled:

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

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

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

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

NAYS—1

Levi

NOT VOTING—3

Pratt

Spitz

Tigue

EXCUSED—5

Marmion
Rappaport

Spencer

Wozniak

Wright, D. R.

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

* * *

Mr. DeWEESE called up **HR 218, PN 2893**, entitled:

Commemorating the 40th anniversary of D-Day.

On the question,

Will the House adopt the resolution?

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

Mr. BOOK. Mr. Speaker, I would just like to make a comment on the resolution. I want to say that I am very proud to support this resolution, HR 218. I was part of D-day; I was in D-plus-10, and I would like to say that if we ever had to have this happen again, I would hope that our youth would show the same patriotism and the same spirit that we had at that time. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

Belfanti	Freind	McVerry	Schuler
Blaum	Fryer	Mackowski	Semmel
Book	Gallagher	Madigan	Serafini
Bowser	Gallen	Maiale	Seventy
Boyes	Gamble	Manderino	Showers
Brandt	Gannon	Manmiller	Sirianni
Broujos	Geist	Markosek	Smith, B.
Bunt	George	Mayernik	Smith, L. E.
Burd	Gladeck	Merry	Snyder, D. W.
Burns	Godshall	Michlovic	Snyder, G. M.
Caltagirone	Greenwood	Micozzie	Stairs
Cappabianca	Grieco	Miller	Steighner
Carn	Gruitza	Miscevich	Stevens
Clawley	Gruppo	Mochlmann	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	Irkin	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	Lashinger	Pratt	Wright, J. L.
Dininni	Laughlin	Preston	Wright, R. C.
Dombrowski	Lehr	Punt	Zwilk
Donatucci	Lescovitz	Reber	
Dorr	Letterman	Reinard	Irvis,
Duffy	Levi	Richardson	Speaker
Durham	Levin		

NAYS—0

NOT VOTING—1

Spitz

EXCUSED—5

Marmion
Rappaport

Spencer

Wozniak

Wright, D. R.

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

* * *

Mr. DEAL called up **HR 220, PN 2910**, entitled:

Congratulating Sydney Maree on achieving United States citizenship and wishing him success in the 1984 Summer Olympics.

On the question,

Will the House adopt the resolution?

The SPEAKER. On the adoption of the resolution, the Chair recognizes the gentleman from Philadelphia, Mr. Deal.

Mr. DEAL. Mr. Speaker, I would not want to slow up the pace of this House, but this resolution was drawn for a special person, and I would hope, Mr. Speaker, if I would be permitted, to add to this resolution and enter into the record the remarks that were made by this young man, Sydney Maree, on the date that he became naturalized as an American

citizen. I would like to share with you those remarks because I think this young man epitomizes that which America stands for.

These were his remarks, Mr. Speaker:

We come from the four corners of the earth, from diverse social, cultural, and political traditions, as immigrants, expatriates, or refugees from other lands, all in search of the American dream of life, liberty, and the pursuit of happiness.

Some of us have endured hardship, deprivation, and persecution in our former homelands, not for things we did or were guilty of, but because of who we were or what we believed in.

Now we can reflect on those bitter memories with mixed feelings of sorrow and joy: sorrow, that such needless suffering will continue for others less fortunate than ourselves; joy, that as American citizens we need never tolerate such injustices or indignities again without cause.

Today we find reassurance in the fact that for more than 200 years the Government of the United States has been a government of laws and not of men, and that the supreme law of the land is embodied in the United States Constitution, guaranteeing life, due process, and equal protection for all.

These enduring principles provide us with the fundamental right to vote, to acquire an education, and to seek gainful employment in all sectors of the economy, values that cannot be taken for granted, especially by those of us who seldom enjoyed such basic freedoms in the past.

But even freedom is meaningless unless it is accompanied by a willingness and resolve to be responsible in its daily exercise. So it is fitting that today on Law Day, the day we are naturalized, we proudly renew our commitment to democracy by reaffirming our belief in the rule of law and the benefits that are derived thereunder.

As new citizens, we wish to give as much as or more than we will take from this promised land of freedom and opportunity, whose Founding Fathers were immigrants like ourselves, and whose contributions we can only hope to emulate.

Every new citizen brings with him- or herself a unique array of talents and strengths, and it is through this diversity that we can make our most profound contribution to the national interest.

The wealth of opportunities that await our harvest in this country is not only unknown elsewhere in the world, but it is equally available to each and every one of us under mandate of law. We can and fully intend to use them.

In conclusion, I would like only to add, on behalf of all newly naturalized citizens, how tremendously privileged we all feel to finally be able to greet you as "fellow Americans."

He closed, Mr. Speaker, by saying, "Thank you, America. Thank you very, very much."

That is the end of the remarks of Sydney Maree, who became a naturalized citizen on May 1.

Mr. Speaker, as we pass this resolution today on behalf of Sydney Maree, I just want to share with you quickly that Sydney Maree, though he was born in South Africa, having been denied an opportunity to participate with his white fellow men, was denied an opportunity to utilize—

The SPEAKER. Will the gentleman yield?

Now, some of you have been asking the Chair whether or not you are going to be here tomorrow. The answer is, you certainly are if you keep up this noise, because it means we are going to be working on today's calendar yet tomorrow. Now, please be sensible. We cannot proceed with this sort of background noise.

You may now continue, Mr. Deal.

Mr. DEAL. Mr. Speaker, I hope this body would bear with me for just a moment, because the speech that was made by Sydney Maree and the tribute that this House would be paying to this newly naturalized citizen says so much about our American system, and what Sydney Maree said is something that sometimes many of us take for granted, and that is why I wanted to take just a couple of minutes to make sure his remarks were included in the record here in Pennsylvania.

Mr. Speaker, this young man, having been born in South Africa, was denied an opportunity to become involved with white persons in South Africa, and even when he came here to America to participate in 1979 was denied in New Jersey because he was from South Africa. At that time the papers had tagged him as a person without a home. We are so grateful now that Sydney Maree has a home and that that home is America.

I just want to close by sharing with you, as in the resolution, that this young man will soon be participating in the Olympics. This young man has been able to run the mile in 3:48.83. He has also set a new record for the 1500 meters of 3:31.24.

Mr. Speaker, it is indeed an honor to have joined you in making the presentation of this resolution in the House of the Pennsylvania legislature to a great individual who has spoken to and about a great country, this, the United States of America. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks Mr. Deal.

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

Mr. FLICK. Thank you, Mr. Speaker.

I would like to concur with the remarks that my colleague has made, and I would like to ask that my name be added to the resolution with the two fine dignitaries from the House, Speaker Irvis and Mr. Deal. Sydney Maree is a constituent of mine, and I am delighted that he has become a citizen of the United States, and through the efforts of Representative McClatchy and myself, we have presented him with a State flag, which he will be taking with him to the Olympics, and we certainly wish him the very best, and we urge a complete 100-percent vote in favor of this resolution. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair would ask the majority leader, when he adds names to resolutions or to bills, to please add Mr. Flick's name to HR 220.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—5

Gannon	Moehlmann	Nahill	Pratt
Micozzie			

EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

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

* * *

Mr. NOYE called up **HR 217, PN 2892**, entitled:

Urging the Insurance Department to investigate the availability and the reasonableness of the cost of liability insurance regarding asbestos removal and encapsulation in the Commonwealth's public schools.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Afflerbach	Evans	Linton	Rieger
Alderette	Fargo	Livengood	Robbins
Angstadt	Fattah	McHale	Rudy
Armstrong	Fee	Lucy	Ryan
Arty	Fischer	McCall	Rybak
Baldwin	Flick	McClatchy	Saloom
Barber	Foster, W. W.	McHale	Salvatore
Battisto	Foster, Jr., A.	McIntyre	Saurman
Belardi	Freeman	McMonagle	Scheetz
Belfanti	Freind	McVerry	Schuler
Blaum	Fryer	Mackowski	Semmel
Book	Gallagher	Madigan	Serafini
Bowser	Gallen	Maiale	Seventy
Boyes	Gamble	Manderino	Showers
Brandt	Gannon	Manmiller	Sirianni
Broujos	Geist	Markosek	Smith, B.
Bunt	George	Mayernik	Smith, L. E.
Burd	Gladeck	Merry	Snyder, D. W.
Burns	Godshall	Michlovic	Snyder, G. M.
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	Mrkonc	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
DeVerter	Kasunic	Phillips	Wass
DeWeese	Kennedy	Piccola	Weston
Daley	Klingaman	Pievsky	Wiggins
Davies	Kosinski	Pistella	Williams
Dawida	Kowalyshyn	Pitts	Wilson
Deal	Kukovich	Pott	Wogan
Dietz	Lashingner	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		

NAYS—0

NOT VOTING—1

Spitz

EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

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

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Pratt. For what purpose do you rise, sir?

Mr. PRATT. Can I please have my vote on HR 220 in the affirmative?

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

SENATE BILLS FOR CONCURRENCE

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

SB 1284, PN 2005

Referred to Committee on PROFESSIONAL LICENSURE, May 22, 1984.

SB 1357, PN 2016

Referred to Committee on APPROPRIATIONS, May 22, 1984.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED**HB 1916, PN 3026 (Amended)**

By Rep. COLE

An Act amending the act of April 29, 1982 (P. L. 355, No. 99), entitled "An act establishing a Vietnam Herbicides Information Commission; imposing powers and duties on the commission; granting additional powers and duties to the Department of Health and making an appropriation," designating dioxin as a specific herbicide to be studied by the commission; extending the life of the commission; extending the deadline for making its final report; empowering the commission to initiate an epidemiological study; revising content requirements of report forms; and making an editorial change.

FEDERAL-STATE RELATIONS.**SB 1285, PN 1791**

By Rep. COLE

An Act amending the act of July 17, 1968 (P. L. 368, No. 181), entitled "Susquehanna River Basin Compact Law," authorizing the Susquehanna River Basin Commission to determine the rate of interest on bonds; and removing the interest-cost restriction on the sale of bonds by the commission.

FEDERAL-STATE RELATIONS.**CONSIDERATION OF SB 642 RESUMED**

The SPEAKER. Turn back to page 2. Let us go back to the Hagarty amendment to SB 642, PN 1849.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. For the second time on the Hagarty amendment, the Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker. I will be brief. I thought before we broke we were wrapping up the debate, and I just wanted to summarize.

Again, what we did yesterday is make mandatory minimum sentences for statutory rape and child molestation 3 years. We also defined the crime of child molestation and made it a third-degree felony. The Hagarty amendment will gut all of that and will only keep the definition of child molestation, making it a third-degree felony.

The argument has been that people will be reticent to report this crime if there is a mandatory minimum, particularly if they are relatives. The question that I have—and I would appreciate if you would pay attention to this, because it is a critical issue—if that is true, why have we not had all of those "experts," all of those D.A.'s, for the last year storming the barricades to ask us to repeal the mandatory sentencing that we passed last term? Obviously, that has not had an effect on reporting, or they would be asking us to repeal that legislation, and you are not doing that.

Now, regardless of how you vote on the Hagarty amendment, whether it goes up or down, all of us are against child molestation and child abuse. But if you pass the Hagarty amendment, here is the situation you will have. You will have a situation in view of last term's mandatory sentencing where, if you have oral or anal sex with a minor, even with his or her consent, that is 5 years. If you forcibly rape a minor, that is 5 years. But if instead of having oral or anal sex, even with consent, with a minor, if you have sexual intercourse with a 7- or 8- or 9-year-old, there is no mandatory minimum. And if you fondle and molest a minor, there is no mandatory minimum.

I submit to you that that would be a masterpiece of inconsistency. If you are going to be consistent, you cannot have it both ways. You either confirm what we did yesterday when we extended mandatory minimums, or on the other hand, not only do you pass the Hagarty amendment, but you repeal the mandatory minimums we have right now for rape and involuntary deviate sexual intercourse. I think we made an excellent step yesterday. I hope we keep it today, and I sincerely hope that we will reject the Hagarty amendment and then pass the bill. Thank you, Mr. Speaker.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from Mercer, Mr. Gruitza.

Mr. GRUITZA. Thank you, Mr. Speaker.

Earlier I spoke to an issue that was raised by Mrs. Hagarty, and I did not want to give anybody a misimpression in the House. I support Mrs. Hagarty's amendment, and I think that you can support Mrs. Hagarty's amendment and feel very comfortable that you are supporting law enforcement.

After my discussion and my comments, I called home to our local district attorney to discuss this issue to get the feelings of at least the people who work with this subject. The assistant D.A. whom I spoke with also would support Mrs. Hagarty's amendment, the reason being that it is their feeling that on matters such as these, the court should have some discretion to be able to deal on a case-by-case basis with the individuals who are involved.

So while I did learn that sentencing is not discussed with the jury and that is not correct, I would still want to support Mrs. Hagarty's amendment. I think it is a sound amendment and a sound proposal for this type of bill. Thank you.

AMENDMENTS DIVIDED

The SPEAKER. On the Hagarty amendment, the Chair recognizes the gentleman from Montgomery, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to place before the House a motion to divide the Hagarty amendment to, hopefully, expedite the proceedings.

The SPEAKER. Where would the gentleman suggest the Hagarty amendment be divided?

Mr. REBER. Mr. Speaker, the division would take place, deleting from the Hagarty amendment, starting with the word "Amend" on the fourth line, all the way through section 3122, paragraph (c), ending with the word "section," period, underlined.

The SPEAKER. What would the gentleman suggest be done with the language beginning, "Amend Bill, as amended by A1217..."?

Mr. REBER. That would be included in the language to be deleted. That would be the area to be deleted from the amendment, divided out from the amendment.

The SPEAKER. We are puzzled. Is it the intention of the gentleman to offer to the hall of the House only this language, "Amend Title, as amended by A1217, by striking out the following material further providing for penalties for statutory rape;"?

Mr. REBER. That is correct. And then continuing at the bottom of the page, "Amend Bill, as amended by A1217, by striking the following material from Sec. 3128:" et cetera, et cetera, the intent being, Mr. Speaker, to allow Mr. Freind's position to continue, allowing statutory rape to be a mandated minimum sentence.

The SPEAKER. The Chair is of the opinion that the amendment, although complicated by the division, is in order from a parliamentary point of view.

Let us see if we can make it clear. As divided on the suggestion of Mr. Reber, the House would be voting on these words. Pay attention, please. "Amend Title, as amended by A1217, by striking out the following material further providing for penalties for statutory rape;

"Amend Bill, as amended by A1217, by striking the following material from Sec. 3128: (a) Offense..." and so on. Then turn to the next page, "A person who is convicted of a violation of this section shall..." and ending with the words "with this section if it finds that the sentence was imposed in violation of this section." Is that correct, Mr. Reber?

Mr. REBER. Mr. Speaker, the language you read would be what we would propose to have remaining after the division is made. That is correct.

If I might explain just a few seconds further, Mr. Speaker, it is the intent to continue the intent of Mr. Freind; in short, to permit statutory rape to carry the mandatory minimum as was voted by the House last week. By taking the language as sug-

gested out, that would continue and then would narrow the Hagarty amendment remaining thereafter. Assuming an affirmative vote to remove that material, we would then simply have the Hagarty amendment as it relates to child molestation, and then we can go from there.

The SPEAKER. In effect, the gentleman's suggestion, which the House will have before it, is that we would not be considering the language on statutory rape. That is what the effect would be. We would not be considering the language offered by Mrs. Hagarty's amendment concerning statutory rape. We would be considering all the other language of Mrs. Hagarty's amendment. The question is, will the House adopt that language?

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

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, I support the Reber motion. Representative Freind has argued that we should not make a distinction between rape and statutory rape, and since we have a mandatory sentence for rape of young people, that statutory rape should also contain a mandatory sentence. I believe there is some logic in that argument, and for that reason, if we support this amendment, we will be keeping the mandatory sentence for statutory rape.

I would like the House to have an opportunity to vote separately on whether or not we should have a mandatory sentence for child molesting, which is simply defined as "indecent contact" and is quite, you know, vague from that standpoint and is actually a new crime in Pennsylvania for the first time. So for those reasons I support the Reber motion.

The SPEAKER. Those in favor of the amendment as now drafted by Mrs. Hagarty, which deals solely with child molestation, will vote "aye"; those opposed will vote "no."

PARLIAMENTARY INQUIRY

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

Mr. FREIND. First, a parliamentary inquiry.

The SPEAKER. State the point.

Mr. FREIND. In other words, the amendment we are going to vote on begins on the third line from the bottom on the first page?

The SPEAKER. No. It begins with the first words of the first line, "Amend Title, as amended by A1217, by striking out the following material further providing for penalties for statutory rape;

"Amend Bill, as amended by A1217, by striking the following material from Sec. 3128: (a)..." and all the language on the back, on the second page. That is what we will be voting on. We will in effect, Mr. Freind, be eliminating from discussion of the amendment the crime of statutory rape. That is what the division does. From a parliamentary point of view, it is acceptable. It may well be a nightmare on the floor, but it is acceptable parliamentarily.

Mr. FREIND. Time out. Mr. Speaker, I am sorry, but nobody said I was real swift. In other words, the amendment as drafted before being divided, the first thing it does is strike out the statutory rape provisions. Is that correct? The amendment we have in front of us.

The SPEAKER. It amends the title. That is the first part.

Mr. FREIND. And that first part, if passed, would delete the mandatory sentencing for statutory rape. Is that correct?

The SPEAKER. No, it would not, because the House has not acted on that.

BILL PASSED OVER TEMPORARILY

The SPEAKER. Mark the bill over temporarily. When the craftsmen are ready to submit the amendments that they wish, we will go back to it.

CONSIDERATION OF HB 1293 RESUMED

On the question recurring,

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

Mr. O'DONNELL offered the following amendment No. A1601:

Amend Sec. 1 (Sec. 1327), page 4, lines 6 through 12, by striking out "The notarized statement of the" in line 6, all of lines 7 through 11 and "sufficient evidence thereof." in line 12

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the majority whip on that question.

Mr. O'DONNELL. I would like to call the members' attention to page 4 of the bill. You may recall in this bill that we are sending out certain fairly minimal standards for nonpublic schools, and that is probably an appropriate policy. The concern that I have with the bill is that on page 4, beginning on line 6, it indicates that a mere statement by the school that they are in compliance with the standards the legislature has set forward is a sufficient and complete compliance, that that disposes of the issue of compliance. I do not think that is very practical. I realize that this is a very delicate area constitutionally in terms of the entanglement of the State with nonpublic schools, but I believe that even though we are setting very minimal standards for nonpublic schools—and I think that is appropriate—I really think that we ought to have a stronger mechanism available to make sure that there is compliance with those standards, and my amendment would take the language out that says a mere notarized statement is in and of itself sufficient evidence of compliance.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind, on the O'Donnell amendment. Have you taken on another battle?

Mr. FREIND. Not by choice today, Mr. Speaker.

The SPEAKER. I can believe you.

The Chair recognizes the gentleman.

Mr. FREIND. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment.

The requirement for a notarized statement is precisely what is in existing law. That is the only lever that the State has with respect to supervision of the nonpublic schools. The problem with the way that it is working out under existing law and regulations is the requirement is too broad. Many of the principals of the nonpublic schools do not feel that in conscience they can sign that notarized statement, because it says that the school is in sync, not just with the laws but with all of the regs. And as we said before, the thrust of HB 1293, as HB 1181, is to take the standards for the public schools and the nonpublic schools and put it in the hands of the legislature for us mandating what they have to do.

Now, the way we have it drafted gives us a statewide standard. The principal has to sign that notarized affidavit saying that the school is in sync with the provisions of this law, and this law says 180 days of school, this law says the basic core curriculum requirements, and this law, as you know, for the first time puts in the graduation requirements. If in fact that is a violation, that is the lever for enforcement, because the district attorney would prosecute on the basis that students are in fact truant since they are going to a school that does not adhere to the laws as set forth by the Commonwealth. If you take this out, the fears of a lot of people will in fact be realized. I mean, one of the charges about HB 1293 is that it lessens the standards. It does not do that at all; it strengthens the standards and does nothing to lessen State supervision. But if you adopt the O'Donnell amendment, you are taking out the lever of enforcement, so there would be no supervision whatsoever by the State, and no one has argued that there should not be any supervision. For that reason, I sincerely hope that we will reject the O'Donnell amendment.

MR. FRYER REQUESTED TO PRESIDE

The SPEAKER. The Chair has asked his good friend, the Speaker pro tempore from Boyertown, to take the gavel for a few moments.

THE SPEAKER PRO TEMPORE (LESTER K. FRYER) IN THE CHAIR

CONSIDERATION OF HB 1293 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the majority whip for the second time on the issue.

Mr. O'DONNELL. Mr. Speaker, if this language is removed, it is my belief that the Department of Education will still have a regulatory function and will still have regulatory tools. As a matter of fact, under title 22 there is a whole series of regulations which are currently available which are supposed to be implemented in this regard beginning in the next school year that begins in September. I think what I do not want to do is use the principal of the school and his statement as the regulatory device. I think that is not the appropriate way to go, to put that person on the line. I think the right way to go is with the residual tools that the Department of Education has.

Now, admittedly, this is a very murky area of law, and the difficulty in this House addressing this issue is that you are being called upon to make reference to materials that are outside the four corners of the bill and the amendment that you have before you. That is a very difficult situation, and I can appreciate that. Accordingly, I would suggest that the way to deal with this issue, very straightforwardly, is to take the plain meaning of the language in this bill, decide if you want it or you do not. If you want the language left in, vote "no" on the amendment. If you want the language out, then you vote "yes" on the amendment. The language that is at issue is whether or not a notarized statement shall constitute a sufficient compliance with the regulations, a notarized statement on behalf of the nonpublic school. If you feel that language is not the appropriate language, then vote for the amendment. Thank you.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I stand in opposition to Mr. O'Donnell's amendment.

In auditing schools, I can remember back when all we ever had was a principal of a public school signing a document saying that he had all his kids attending 180 days also. There is absolutely no difference and no need for this amendment whatsoever.

I would ask for a "no" vote on the amendment and vote for the bill. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I concur with my colleague from across the aisle and ask the members to reject the O'Donnell amendment and get on with voting for the full bill. Thank you very much.

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

The following roll call was recorded:

YEAS—36

Afflerbach	Colafella	Hutchinson	O'Donnell
Alderette	DeWeese	Ikin	Richardson
Angstadt	Davies	Kukovich	Sweet
Barber	Dawida	Levin	Tigue
Caltagirone	Deal	Linton	Truman
Cappabianca	Donatucci	McMonagle	Wachob
Carn	Evans	Michlovic	Wass
Clark	Fattah	Miscevich	Wiggins
Cohen	Harper	Murphy	Williams

NAYS—157

Armstrong	Freeman	McClatchy	Ryan
Arty	Freind	McHale	Rybak
Baldwin	Fryer	McVerry	Saloom
Battisto	Gallagher	Mackowski	Salvatore
Belardi	Gallen	Madigan	Saurman
Belfanti	Gamble	Maiale	Scheetz
Blaum	Gannon	Manderino	Schuler
Book	Geist	Manmiller	Semmel
Bowser	George	Markosek	Serafini
Boyes	Giladeck	Mayernik	Seventy
Brandt	Godshall	Merry	Showers
Broujos	Greenwood	Micozzie	Sirianni
Bunt	Grieco	Miller	Smith, B.

Burd	Gruitza	Moehlmann	Smith, L. E.
Burns	Gruppo	Morris	Snyder, D. W.
Cawley	Hagarty	Mowery	Snyder, G. M.
Cessar	Haluska	Mrkonic	Spitz
Cimini	Hasay	Nahill	Stairs
Civera	Hayes	Noye	Stevens
Clymer	Herman	O'Brien	Stewart
Cole	Hershey	Olasz	Stuban
Cordisco	Hoeffel	Oliver	Swift
Cornell	Honaman	Perzel	Taylor, E. Z.
Coslett	Jackson	Peterson	Taylor, F. E.
Cowell	Johnson	Petrarsky	Telek
Coy	Kasunic	Petrone	Trello
DeLuca	Kennedy	Phillips	Van Horne
DeVerter	Klingaman	Piccola	Vroon
Dietz	Kosinski	Pievsky	Wambach
Diminni	Kowalyshyn	Pistella	Wargo
Dombrowski	Lashinger	Pitts	Weston
Dorr	Laughlin	Pott	Wilson
Duffy	Lehr	Pratt	Wogan
Durham	Lescovitz	Preston	Wright, J. L.
Fargo	Letterman	Punt	Wright, R. C.
Fee	Levi	Reber	Zwikl
Fischer	Livengood	Reinard	
Flick	Lloyd	Rieger	Irvis,
Foster, W. W.	Lucyk	Robbins	Speaker
Foster, Jr., A.	McCall	Rudy	

NOT VOTING—4

Daley	Jarolin	McIntyre	Steighner
-------	---------	----------	-----------

EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

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

On the question recurring,

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

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The Chair is still awaiting the Deal amendment to HB 1293, so we will pass over that bill temporarily.

COMMITTEE MEETING CANCELED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Sweet, for an announcement.

Mr. SWEET. Thank you, Mr. Speaker.

The Judiciary Committee meeting that was scheduled for tomorrow at the luncheon recess is canceled and will be rescheduled.

CONSIDERATION OF SB 642 RESUMED

PART OF AMENDMENTS WITHDRAWN

The SPEAKER pro tempore. The Chair recognizes the lady from Montgomery, Mrs. Hagarty.

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, for clarification purposes, I am going to at this time withdraw from consideration by the House everything on the amendment I have offered beginning with the word "Amend," the first word in that amendment, and

ending with the last line reading "violation of this section." That section of my amendment will be withdrawn from the House's consideration.

Therefore, the effect of that will be that the amendment adopted yesterday by the House, Freind's amendment, will remain as to statutory rape. There will still be a mandatory 3-year sentence for statutory rape. The only portion of my amendment which I will be asking the House to consider then will be whether or not we should adopt a mandatory 3-year sentence for the new crime of child molesting. Thank you.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Berks, Mr. Fryer, for presiding.

CONSIDERATION OF SB 642 CONTINUED

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Olasz, rise?

Mr. OLASZ. Mr. Speaker, I want to speak on the Hagarty amendment.

POINT OF ORDER

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

Mr. RICHARDSON. I rise to a point of order, Mr. Speaker, because I do not think that anybody really clearly understood—

The SPEAKER. Mr. Richardson, the Chair will state it for the House, and even though there may be confusion, that is not unusual on the floor of this House.

The lady, Mrs. Hagarty, is offering now an amendment which begins, "Amend Bill, as amended by A1217, by striking the following material from Sec. 3128: (a) Offense.—* * * and all the language on page 2. That is all that is currently before the House.

On the question,

Will the House agree to the amendments as divided?

The SPEAKER. Mr. Freind, you have spoken how many times on this?

Mr. FREIND. I have not spoken on it yet, Mr. Speaker.

The SPEAKER. I was hoping you had by the time I returned from the doctor, but go ahead.

Mr. FREIND. I believe, Mr. Speaker, the gentleman, Mr. Olasz, was ahead of me.

The SPEAKER. I want to get you out of the way first.

We will recognize you, Mr. Freind.

Mr. FREIND. I am trying, Mr. Speaker. I am not smoking on the floor and it is kind of tough. Well, actually I did catch six drags when you were not there. Mr. Fryer did not say anything.

What we are doing with this amendment is we are only dealing with child molestation.

In the amended bill right now, we have the new definition for child molestation, which is good. We make it a third-degree felony, which is good. We also have the mandatory minimum 3-year sentence for statutory rape, which is good. What this amendment will do, however, is remove what we did yesterday. It will remove the 3-year minimum mandatory sentence for child molestation, which, in my opinion, is bad.

I have in front of me an article from the Iowa Law Review of 1981. One of the points that it makes is that studies indicate that for children, intercourse is no more traumatic than other sexual intrusions, and that in fact child molestation is every bit as devastating psychologically to that child as involuntary deviate sexual intercourse or sexual intercourse. The distinction as to whether or not there has been penetration, I submit to you, is lost on a 7- or an 8- or a 9-year-old.

The proponents of this amendment who want to remove the mandatory minimum sentencing say that the reason—and I know they firmly believe it—will be that if we keep the mandatory minimum sentencing, it is going to deter people reporting it, but I have already told you a situation right in my neighborhood where it has been going on for 30 years, and only after 30 years has it been reported. And this was not a relative; this was a neighbor. Take the Philadelphia Inquirer today, on page 5, where the director of the Minnesota Children's Theatre was arraigned for sexual molestation and abuse - going on for 20 years, Mr. Speaker, and only now has it come to the fore.

One of the arguments that I heard is that we should let the, quote, "experts" decide and let the courts decide. Certainly we should weigh the opinion of the so-called experts, and we have done that, but we are the ones who are elected to make the policy decisions; we are the ones who have to stand on the dime. For more than two centuries we let the courts have complete discretion on sentencing, and finally we said for the first time, 4 or 5 years ago, they have not done a good job; we are going to take over, and we have taken over now for statutory rape, for rape, and for involuntary deviate sexual intercourse. Because of the nature of the crime, child molestation, I say we have to take over for that crime, too.

I sincerely hope that we will keep what we did yesterday and that we will defeat the Hagarty amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. OLASZ. Mr. Speaker, I am speaking against the Hagarty amendment.

I rather reluctantly take the floor. It is a very difficult decision for a lot of my colleagues to make, but I want to relate an incident that has happened to a constituent of mine in my district. Some years ago this housewife found her husband molesting their child. Ultimately they became divorced. The court ruled the husband had rights to weekends with the child. The child comes back home and tells the mother, Daddy takes me back in the bedroom. She went to the court to try to have these visitation rights canceled out. The court has ruled,

without hearing testimony from the child's psychiatrist, that the husband is still entitled to have the child on weekends.

I submit this as one of the reasons why we should be against the Hagarty amendment. Thank you, Mr. Speaker.

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

Mr. RICHARDSON. Thank you, Mr. Speaker.

Mr. Speaker, there are a number of issues that really come to mind in the Hagarty amendment, particularly as it relates to child molestation. I wanted to bring the point out yesterday in our discussion on the Freind amendment, and somehow we passed over this and did not get back to it, but it seems to me that if we are really concerned about trying to deal with the problem, then it seems to me that there has to be a specific definition to the words and understanding of what "sexual intercourse" really is. For an example, on one hand we talk about— And we did this same thing with child abuse, and seemingly no members on the floor understood what we were talking about. It is very difficult to try to frame this in such a manner that makes you understand where people in the community who have serious problems are really coming from.

For an example, what about that child who comes before the court and, because they may dislike or do not like an individual, says something to a court officer or to someone in law enforcement that they have been in fact molested by a parent, but it is not true. What if the individual person, who then later comes to find out that the person who in fact testified, meaning that child, was just angry at her parent, and because someone either touched her breast or touched another part of her body in a private area, it was used as an opportunity to then take that person to court and indicate that that person had committed statutory rape? I do not see any covering of that in this law, which is why I lean towards the amendment dealing specifically with the Hagarty amendment. If you are to say automatic 3-year sentencing, mandatory sentencing, for an individual person who in fact may not even have committed a crime and you find that when you go to court that that in fact is true, you run into the gamut of saying to yourself later on that we in fact did make a mistake.

Now, I know that logic is not the place here on the floor of the House to try and reason with those individual persons when it comes down to an issue that is one of emotion, because it does not fall into any category. But it does make sense to me that regardless of what you say, you have those kinds of borderline cases which may need the kind of discretion by a judge to make the mitigating circumstance included in a decision about whether or not there is a problem. I am against child molestation. I am against any child being molested. I am against anybody who would go out and have that problem with the father or the mother in the household where the mother allows the husband to continue to molest because she is afraid. She does not want to say anything and she does not have any place to go and she is afraid that she will lose that household or she will lose that husband in that household. I say that it is a psychological problem with the family; it is a psychological problem that needs some immedi-

ate attention, and we are just talking about those kinds of cases.

Well, then you have those cases of those who are out on the streets on a daily basis where they may run into a problem where a person who is older may do the same identical thing. You have a very serious problem, and I do not think that in this particular analyzation that has been done under the Hagarty amendment that it in any way infringes on us still getting to that person who is a child molester and continues to go out and reign havoc on little, young children who cannot fend for themselves.

But, you know, one other thing exists today that did not exist back in the days when we were coming up. The young children today or the young women today and even the young men are much larger in size for their age. Many who may be 13 or 14 years of age, you may not even recognize that they are in fact that age anymore, and in fact I have seen it happen on occasion where even men in this House of Representatives may look at someone until they tell them their age, would not realize that the age of that individual child is what it is until someone tells them. I think that to put yourself in a position of not understanding the real, true meaning of what it means to be a child molester in dealing with child molestation, you begin not to recognize or understand the implications that are being implied by saying that you automatically will apply a 3-year maximum and mandatory sentence on the individual.

I really hope that there will be some seriousness around the Hagarty amendment for what is being said in her amendment and the fact that we have to somehow lean ourselves towards not the example that was given by Representative Olasz but to realize—and I have asked this question—how many cases are we in fact talking about that exist like that that go to the court, that would have a number of young people who would go to the court, where the court would say, still go back home with the father until I get a psychological report? Is that 1 case out of 100? Is that 1 case out of 10? Is that one case out of five? I do not think it is a fair comparison to draw that analogy unless there can be some rule of thumb that can automatically speak directly to that issue.

Mr. Speaker, I would like to ask at this point whether or not I would be in order to ask Mr. Freind a question.

The SPEAKER. The gentleman is in order. Mr. Freind indicates he will stand for interrogation. The gentleman may proceed.

Mr. RICHARDSON. Mr. Speaker, this is your bill. I would like to know whether or not there are any statistics that you have at all at your disposal or that we may be able to share in this House of Representatives that speak to the amount of cases of child molestation in the Commonwealth of Pennsylvania, and whether or not there are other cases that speak directly to the kinds of mitigating circumstances that have been alluded to either by Mr. Olasz or even in response to the inquiry that I raised about those youngsters who in fact may wind up in a situation where they have lied to the court about an individual adult.

Mr. FREIND. Mr. Speaker, the statistics I have, which I gave yesterday, are with respect to Delaware County Children and Youth. The law requires any sex crime against a child that involves a parent, a relative, or anyone in the place of a parent— And keep in mind, we are not just talking about relatives here; we are talking about day care, nursery schools, the Minnesota Theatre situation. Delaware County gets 700 a year of these. Three hundred and fifty are found to be founded, legitimate. By law, Children and Youth in each county must turn them over to the district attorney's office. In Delaware County the decision is made only 10 percent of the time to prosecute. Now, when I say that decision is made, I am not saying the D.A. makes that decision. The counselors, the guardian or parent of the child, and the child, for whatever reason, make the decision that in this case, on this occasion, there should be no prosecution. And of course, our amendment, what we did yesterday, does not affect that. And a number of things can take place. You can charge them with a lesser offense and permit them to go into ARD where the court can order him or her for psychiatric treatment. That option is still available.

Total flexibility, Mr. Speaker. All we are saying is that when the decision is made by the parent or the guardian and the child and the D.A. to prosecute and it results in a conviction, that individual who molested a child and is convicted of it is going to go to jail for 3 years.

Mr. RICHARDSON. So in other words, the answer to my question is "no"?

Mr. FREIND. The answer to your question is just as I have given it, Mr. Speaker. Yes, we have statistics.

Mr. RICHARDSON. Okay. What I am asking for, I thought you only gave Delaware County. Could you give us then what those statewide figures are, sir? I did not hear them. I am sorry.

Mr. FREIND. No; statewide, Mr. Speaker, I do not have the statistics. And to be honest with you, Mr. Speaker, not only would they be difficult to get; they would be basically irrelevant.

Mr. RICHARDSON. Well, they are not irrelevant to me, because I am asking the question.

Mr. FREIND. Okay. The reason why we did not obtain those statistics was we felt you are dealing with a policy issue.

Mr. RICHARDSON. But you cannot make me decide what question I want to ask, Mr. Speaker.

Mr. FREIND. I am not trying to, Mr. Speaker.

Mr. RICHARDSON. What I am asking is a question I am asking for myself. If you do not have the information, fine. Thank you very much.

Mr. FREIND. You are welcome.

Mr. RICHARDSON. Mr. Speaker, I would like to continue to speak then to the members.

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

Mr. RICHARDSON. What I am trying to get at, Mr. Speaker, is specifically that point. Anybody who makes a statement that it is irrelevant as to whether or not there is any

case law or fact that exists other than in Delaware County evidently is not aware of the fact that there may be some of us who would like to know what it is in Philadelphia, what it is in Pittsburgh, what it is in Allegheny County, what it is in Cambria County, what it is in Lackawanna County, because it may be of some interest to some of us who live in those counties that, in fact, there are some problems. Just as you have done your research in your county and your area and you have gotten your facts, it is okay, but it does not seem that it is all right on the other side of the coin.

I am saying that I believe it is important to know how many cases like this we are talking about, because there is such an obsession in your mind in thinking that this is something that has to happen so immediately and so fast without any real study, without any real inquiry, without any real delving into this particular problem. We have already cast in stone that this is a final decision that has to be made without doing any real kind of homework. But one of the things that I do not see is I do not see the same time being taken, which is why I support the Hagarty amendment, the same time being taken to go into studying and looking into these problems that presently exist with a thorough analysis and analogy of why this problem continues and why it has been allowed to continue for so long. We fight hard to make sure we certify children as adults for heinous crimes, but at the same time I do not see us working as hard as we possibly can to in fact place into some order, some direction that is going to make sure that we curb juvenile delinquency and at the same time write some new juvenile laws within this Commonwealth that are going to correct some of the problems that presently exist. It is easy to just say if a child is 13, cite him as an adult.

At the same time we are talking about making something mandatory, it seems to me that we would try to have as many facts as we possibly could to make sure that we are insuring those persons within this Commonwealth that we are looking into the law. To make a carte blanche decision on saying that there is no need for facts I believe is erroneous, and I do not allow those individual persons who sit on the floor to accept that as the gospel, because it does mean something. You take facts for everything else and you use them on the floor for your benefit, but when it comes down to dealing with problems that do affect the masses of people, we want to make a heavy decision because it is in the best interests of those who are involved.

I support the Hagarty amendment. I will let you cite for yourself. Think about where you stand in relationship to making something mandatory that you do not have a lot of facts about and whether or not you could be in that same situation and not realize the importance of where it is. There are many judges who have challenged the mandatory sentencing just based on the fact that there are some other issues that are involved, such as mitigating circumstances that always are included in any other case. If you are poor in this Commonwealth, if you are poor in this country, you do not get the same type of treatment that you do if you have money and you can put it on the table. I am saying that I think you

cannot just make a blanket decision in saying that everybody is in the same category without having some analogy or some understanding of what the basic problem really is so that there can be more people who will lean toward the specific problem as it exists and not because it is just an emotional one today. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

For the second time on the divided amendment, the Chair recognizes the gentleman from Bucks, Mr. Greenwood.

Mr. GREENWOOD. Thank you, Mr. Speaker. This is my second time, and I will be brief.

Mr. Speaker, I think what we have accomplished here is a compromise. Representative Hagarty has removed, withdrawn, a portion of her amendment, so we still have in place, when this bill goes to final passage, a mandatory 3-year jail sentence when you are convicted of statutory rape. That is fine. If we adopt the Hagarty amendment, we still have in place the opportunity to sentence a child molester to 7 years in prison, and maybe sometimes that is appropriate. Maybe in the case that Mr. Freind referred to in today's Inquirer, that is appropriate. But what is not appropriate is to pass a law with a mandatory 3-year sentence and thereby put a chilling effect on the ability of mothers and children to report these offenses to the authorities.

Representative Gruitza mentioned that he, during the lunch break, called home and spoke to his district attorney, and his district attorney said it is a bad amendment. I called home during the lunch break to the gentleman from Bucks County who is the supervisor of Child Protective Services. For many, many years his job has been to take care of these abused children, to go in to the families, to work toward the prosecutions, and to try to begin the healing process. He gets prosecutions. The district attorney brings him prosecutions. When I read him this amendment, he said, do not let him do it; we will not get any more referrals from the schools; we will not get referrals from the homes, from the physicians, because the 3-year sentence may not be appropriate for a father; it may not be appropriate for an 18-year-old babysitter who maybe has an emotional problem. Sometimes a judge, under the Hagarty amendment, can sentence someone who has been convicted of this offense to 7 years - sometimes 5 years, sometimes 3 years, and sometimes, perhaps, less. But the judge needs to have that choice, and for God's sake, the children who are suffering under this abuse need the freedom to report this offense without fear that their father or their brother or their uncle is going to go to jail for 3 years. If we pass the Hagarty amendment, we can help these children. If we do not pass the Hagarty amendment, we hurt them. Thank you.

The SPEAKER. For the second time, the Chair recognizes the gentleman from Montgomery, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

For the record, I would like to clarify the fact that the motion I made earlier, that the Speaker very eloquently and also gently referred to as a beast of a situation, was accomplished by Mrs. Hagarty withdrawing the portion of the amendment that she did withdraw, and I frankly think that is an important thing for consideration by the House.

As an immediate follow-up to the remarks that were made by the previous speaker, Representative Greenwood, I think this body should be very, very much aware and cautious of what we are doing today in relationship to how these particular offenses come to light. These offenses are going to come to light by the particular abused child confiding in somebody - in most instances, their school officials. They may be police officials. One of the first responses that is going to come from that particular official is the fact that we are talking about a crime, if this bill passes, that will subject that individual, in most instances the father, to a mandatory 3-year minimum sentence. The scenario is going to go something like this: Did it really happen? Do you want to really think about that? Are you sure you know what you are doing? Do you really want to press this particular matter? And what that is going to do—and the words have been used by other speakers—is bring about a chilling effect on the consideration for this particular type of abuse. Yes, there are heinous situations, but I would submit to this body that those particular types of situations are adequately considered by the courts, are considered by the courts in the discretion they have for sentencing, and will certainly be magnified by this debate, will certainly be magnified by the fact that the Hagarty amendment proposes this particular crime to carry a third-degree felony sentencing prerogative.

I think the body sitting here today must be cognizant of these facts. I have been involved in defense counsel work as an attorney for 11 years. I have been involved in a number of cases with Representative Hagarty when she was on the other side prosecuting cases. I can honestly submit to this body that I am very concerned when we have the district attorneys' offices, including my own in Montgomery County, very much against this consideration, when we have various women's groups, when we have various groups that deal with abuse in our society against this because of the chilling effect that it is going to have. They are not out there saying that because it sounds very good in print; they are out there saying that because it is a reality.

I think this body is getting carried away, and I think somebody has to say it, and I am going to say it today. This body is getting carried away with mandatory sentencing. We might as well stay in session around the clock, Mr. Speaker, and get the Crimes Code out and start going through every single crime and determine what the mandatory minimum is going to be.

The SPEAKER. Would you like to withdraw that suggestion?

Mr. REBER. No, Mr. Speaker. I think the point is very expressive in this particular area, and whether it be retail theft, communication by telephone harassment, whatever it might be, this body someday is going to continue to be taking up these kinds of considerations if we continue in this fashion.

Changing gears just for one moment, Mr. Speaker, I think there is one other problem, and that is why I was very concerned about having the Hagarty amendment divided and ultimately posed to this body in the form in which it is presently being considered, and that is the fact that child molestation,

as presently defined in the Freind amendment, carries with it the indecent contact element of the crime. Indecent contact is further defined in the Crimes Code at the present time, and I would submit to this body that there are going to be various degrees of indecent contact in relationship to a child molestation case. I do not condone any of the contact that is being talked about, but the circumstances leading up to that contact, the entrapment in many instances that may necessarily bring about that particular contact, is of concern to me, and I think it should be of concern to every member when you are making this vote. I think the Hagarty amendment carries with it sufficient punishment, certainly carries with it sufficient punishment that judicial discretion can carry in relationship to a particular offense.

I would strenuously ask this body to consider what we are doing here today in relationship to mandatory minimums again, because I would submit to this body that it is going to rear its ugly head again and again and again, and I see the day when it is not going to be the proverbial type of offense that gets the headlines such as this particular type of heinous conduct, but I would submit that we should be considerate of the fact that this could cause a very, very bad precedent. Therefore, Mr. Speaker, I thank the body for their indulgence in this matter, and I would support the Hagarty amendment and urge its adoption. Thank you.

The SPEAKER. The Chair recognizes, for the second time, the gentleman from Delaware, Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker. I will be brief.

I rise to oppose the Hagarty amendment, Mr. Speaker. We have reached the point where we are saying that statutory rape now can be a 3-year mandatory minimum sentence, and are we to say here today—and I am sure we are not—that child molestation is not to receive the same type of merit? Mr. Speaker, as I said before in my other talk, if we get these professionals—and they are law enforcement agents—to go through these cases year in and year out, and they get as far as the courtroom and put many hours in trying to convict a child molester, and the judges turn around and say, I am going to order you on probation for 7 years and you are going to stay out of the community for so many years and I do not want you back in there, this is the reason why we are here today asking that mandatory sentences be placed on child molesters. We are not trying to run the judicial system, but we are here trying to protect the constituents who send us here and most of all our children, and I am sure this chamber is very comfortable with that.

I ask you to oppose the Hagarty amendment. Thank you very much.

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

Mr. McVERRY. Thank you, Mr. Speaker.

I rise very briefly to offer a few words in support of Representative Hagarty's amendment. I agree wholeheartedly with her comments and with the comments of Representatives Greenwood and Reber.

I am not a proponent of mandatory sentencing. However, this body has seen fit in the last few years to carve out certain particular matters that we felt should be addressed by mandatory sentencing, and that has in fact gone into effect. I am very fearful that every member of the General Assembly at one time or another henceforth will pick out their favorite crime, so to speak, and determine that we will make a policy decision here away from the real world that every person who crosses that line, irrespective of the severity of that crossing, will go to jail for a specific period of time. I believe that to be a very dangerous policy, because special circumstances arise in every case, and we cannot judge every case here in Harrisburg that is happening in the various counties throughout Pennsylvania or these United States.

As a member of the Pennsylvania Commission on Sentencing, I have had the opportunity to deal with guidelines that this body approved as promulgated by the commission. We as a General Assembly are not giving those guidelines a fair opportunity to work. We are constantly on that commission gathering information from across the State as to sentencing practices and trying to hone the guidelines in such a way that everybody across the Commonwealth will be treated firmly, fairly, swiftly, and equally, and I suggest that you give those guidelines the opportunity to work as they can work with these particular crimes, too.

In following the logic of Representative Freind's argument, I understood him to say that the purpose of his amendment was to correct an inconsistency that was created as a result of our passage of mandatory sentencing for rape and involuntary deviate sexual intercourse last year, and curiously enough, failed to apply a mandatory sentencing to statutory rape. To the extent that the Freind amendment now applies mandatory sentencing to statutory rape, it does in fact correct that inconsistency. However, the Freind amendment goes beyond merely correcting the inconsistency to which he addressed his amendment and it creates a new crime, and for a new crime with a new definition that has not yet been tested throughout the courts of this Commonwealth, he wants to apply a mandatory sentence, and there has never been a case under that particular crime at this time.

The Hagarty amendment actually addresses the Freind amendment so that we can fulfill Mr. Freind's intention. What? To be consistent, but not to add a mandatory sentence for a crime that has not yet been prosecuted in this State as it is defined in the now Freind amendment. So let us take it a step at a time.

We are, by passage of the Hagarty amendment, approving the Freind amendment insofar as it corrects the inconsistency. We are also approving the Freind amendment insofar as it creates a new crime of child molestation with definitions taken from other crimes that, believe it or not, have been sufficient to prosecute violators of that type of offense up to today. Nevertheless, we are creating that new crime.

Give the Commonwealth and the courts the opportunity to put that statutory language into effect; apply it to the people who violate; utilize the sentencing guidelines to determine

whether or not those persons are dealt with fairly, firmly, equally, and swiftly; and if it turns out to not be the case, come back another day and bring those inconsistencies to this chamber and deal with that issue with respect to mandatory sentencing, if appropriate.

I suggest to you that the Hagarty amendment will in fact accomplish what Representative Freind initially set out to do, but will not go beyond correcting the inconsistency, and I ask for an affirmative vote.

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

Mr. RYBAK. Mr. Speaker, like all of you, I have sat back patiently and listened to all the pros and cons of this very, very serious and important issue, and I think we have pounded it to death. I think we have overlooked the real issue involved. We have listened that we have to go cautiously. We have listened to the other side of the coin and said we have got to take the bull by the horns and do something about this situation.

There is no doubt, and it is abundantly clear in life, that molestation of an innocent and defenseless child is wrong, it is a sin, it is a bad mark upon our society and our civilization, and it has reached an alarming, critical, dangerous state. Are we to sit back and be cautious about it, or are we to listen to a district attorney who looks into his crystal ball and says, this is the wrong approach because it is going to disturb the family plan, it is going to further deter reporting of this type of a situation? They are not reporting it now. What are we afraid of? It is time for this legislature to say to the perpetrators who transgress upon these innocent children of ours that what you are doing is wrong and we want you to know clearly and absolutely that if you continue in this conduct, you are going to go to jail for at least 3 years.

Now then, if that type of notice to the perpetrators who are doing this who are still putting us into this situation will save 1 or 2 or 10 children, then I think we have done something. I think we have put out a notice and a direction that this type of conduct must stop if our society is to continue as Christian people ought to be.

I oppose the Hagarty amendment for that reason. I support the Freind amendment, and I think we ought to get to the vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Richardson, for the second time.

Mr. RICHARDSON. I would like to ask a question of Mr. Freind.

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

Mr. RICHARDSON. Maybe some of you do not believe that this is a very serious issue, but I do, and I have a tendency to believe that if I do not get those points across that are important to us and to our community and to those whom we are trying to defend, they are never going to be said.

Mr. Speaker, I would like to ask you, could you please go through for us the course of action taken now of a case fact history of an individual person who in fact is molested by an adult 18 years of age and older? What is the first thing that happens?

Mr. FREIND. I am not following your question, Mr. Speaker. Could you repeat it?

Mr. RICHARDSON. Fine. What is the normal course of action taken by the law enforcement agencies within this Commonwealth, or any part of the Commonwealth, where a person may be arrested for child molestation? What is the course of action that that person goes through? In other words, could you tell us from A to Z to the court what happens? Is a person arrested? Does the person then have an interview with the D.A.'s office? Is there an interview with the family? What is the course of action that is taken based on a case where a person is arrested for child molestation?

Mr. FREIND. Well, there is no single answer to that, Mr. Speaker. It is going to vary in counties; it is going to vary with particular cases. There can be, for example, a report of child molestation or statutory rape or whatever, and possibly before any papers are drawn, before any arrests are made, there may well be counseling with the parents of the victim. The decision may or may not be made to file a complaint. If the decision is made to file a complaint, the complaint is filed. The decision then may be made as to whether or not to go forward with prosecution, whether or not to permit him to ARD, whether or not upon his return from seeking counseling to drop prosecution, whether or not to have him go into ARD. I mean, you could go on. There is a plethora of different ways you can proceed, keeping in mind that we do nothing with what we have done to destroy that flexibility.

Mr. RICHARDSON. Okay. So in other words, you are saying there are a million steps possibly that could take place that lead into the final decision of getting into this whole question of child molestation?

Mr. FREIND. To get into the final decision as to whether or not to take it to court on that charge; absolutely.

Mr. RICHARDSON. Okay. Fine.

Are there any cases at all where a mother has been in fact arrested for neglect to tell the court or any law enforcement agency that either her husband or her boyfriend is doing something such as molesting her child?

Mr. FREIND. I do not know whether there have been any cases of that or not, Mr. Speaker. I would imagine, however, that—

Mr. RICHARDSON. No; I am just asking you whether or not you as a personal individual know.

Mr. FREIND. I do not know.

Mr. RICHARDSON. Okay.

Now, secondly, I would like to know whether or not you have had any opportunity at all to be a part of this process, whether or not you, when you were a law enforcement agent yourself, ran across these kinds of cases, and as a result of that kind of case that was in front of you, did you turn it over to the D.A.'s office or did you resolve it yourself?

Mr. FREIND. Well, Mr. Speaker, I have been in law enforcement, but I never dealt with child molestation cases, so I have no personal experience. I do, however, have personal experience when my constituents 3 months ago came to me, sobbing, on the situation in my neighborhood where half of the neighborhood had been molested and where the information turned out to be that this man had been doing it for 30 years - children destroyed. They asked me for help. I did something in that case, Mr. Speaker, that I have never done before. I called the district justice and I said, I have never interfered before, but do me a favor; hit him with a really high bail, will you please? And thank God he did that, because those people were terrified, even whether or not he would do it again, to have their kids walk by that street, by his house, with him out in society again.

Mr. RICHARDSON. And for 30 years they allowed it to go on in that community and did not do anything? They should have torn the man's house down. That is what they should have done. They should have gone and taken care of it themselves. But they had to wait 30 years before they got a child molester, Mr. Speaker, and that is exactly my point.

My point is that emotionalism has sparked you into getting involved in this case to the point that you personally called the district justice and had something done because it happened to a constituent of yours personally. But before that, 30 years—

Mr. FREIND. Plural, plural, Mr. Speaker, constituents.

Mr. RICHARDSON. —30 years—in the example that you used, Mr. Speaker—30 years you said this one person had used that as an opportunity to in fact scare, intimidate, and confuse that community to the point that the community did not have any other action to take—

The SPEAKER. Will the gentleman yield.

Is the gentleman through with his interrogation? Does he wish to continue to make a statement?

Mr. RICHARDSON. Excuse me, Mr. Speaker. I would like to finish asking the gentleman a question. I am sorry for—

The SPEAKER. You may continue the interrogation.

Mr. RICHARDSON. On the point—and excuse me for drifting afield on your response—what I want to say is that I believe, and my next question is whether or not you can draw a conclusion as to how you can focus on the individual or individuals who are the bad cases, and are you saying to this House of Representatives that this speaks only to what you consider to be the “bad cases” of child molestation?

Mr. FREIND. Mr. Speaker, I think I understand your question.

It is not up to Steve Freind or Dave Richardson or any of us here to decide which are the bad cases. The beauty of what we have done is we have maintained complete flexibility. We do not take away any of the steps that I have described before. All we are saying is that after you get through all of those steps and the decision is reached to prosecute and you convict that individual, if those steps are taken, then he or she is going to jail. That is what we have done.

Mr. RICHARDSON. My final question is this: If the same group that in fact was in favor of marital rape is now not in favor of your amendment, which is now piggybacking through this Hagarty amendment, which is where all of this discussion is, what do you believe is the rationale, in your opinion—not based on any other issue, but in your opinion—that would make them take such a varying degree of difference on an issue that they were so hard bent on just a couple of months ago in this same chamber?

Mr. FREIND. Well, Mr. Speaker, you know, I purposely did not raise this issue, but I thank you for raising it.

I find it a little inconsistent that those groups which fought so hard to have marital rape a crime, which I in the end supported, are not supporting this. I do not question their motives. Long ago I had given up with some of those groups in trying to understand where they are coming from. They certainly have their right to feel the way they do—

Mr. RICHARDSON. But I asked you, why do you think? That is what I am asking you.

Mr. FREIND. Why do I think? I received the information from WAR (Women Against Rape), and I was the first one who told you about it. The first time we debated this issue yesterday, I did not wait for it to come out. I told you what their objections were. One of their objections is it will increase jury trials. I do not think that will happen, but if it does, that is a shame. That runs with the territory. That is democracy. The other objection is they think it will deter reporting. We have argued that one back and forth, Mr. Speaker. Okay? You can argue that one either way. The other one they say is, what if it is a relative or a breadwinner, or a boyfriend of Mommy's? So what do we do, put an exception in the law and say that it is fair game for the victim if the perpetrator is a relative or earning the paycheck? We discussed that before we drafted this amendment. We said, no, we are not going to put that in the law.

Mr. RICHARDSON. Okay. This is another question.

Here in Harrisburg just last week, a child, whose name will remain anonymous, and a person who is an employee who works for this House, who will remain anonymous, an individual baby 2 years old was in fact molested in the house. Since that time, Mr. Speaker, under the court system presently in place now and even under this amendment that you have in, the individual person has not been arrested. The police know, the courts know, but nothing has happened. What happens in this kind of case, Mr. Speaker?

Mr. FREIND. Mr. Speaker, again, I think you understand this, but let me say it again. We have not attempted to change any of those steps which lead up to the ultimate decision as to whether or not to prosecute. Clearly, that kind of a crime is disgusting; clearly, it ought to be reported; clearly, steps ought to be taken, be they ARD or counseling or prosecution. We have not touched that. All we have said is, if you go to trial and you convict him, you are going to do jail time. That is all we have said.

Mr. RICHARDSON. Thank you very much.

Mr. Speaker, I would like to finalize my interrogation on this by asking to speak on the amendment for the last time.

The SPEAKER. The gentleman may speak, for the second time, on the amendment.

Mr. RICHARDSON. Mr. Speaker, I have tried to give a broader range on my perspective of how I feel about this issue, because I do not think that too many of us really seriously understand the whole question of child abuse, the whole question of child molestation, the whole question of any child being molested. See, as long as it is not your child, you do not even care. As long as it is not someone in your family, it does not matter. But here we have a very serious problem with those persons who are here on the floor of this House who are not even listening today to a debate that may one day affect them personally, individually, and may have implications of saying that we are going to give a mandatory sentence to someone without trying to find out what are all of these, in fact, steps.

Now, those steps that have been laid out for us by Mr. Freind clearly show to me or say to me that there was a personal interest based on something personally that happened to him in his community. But in a broader sense of that issue, which is what I tried to get into with him, all of these steps that he has referred to at this particular point in time only indicate the fact that there is a need for more study. There is a need to find out how we can get to our system faster, because the longer you go through allowing this individual to have counseling and have the D.A. sit down and have this person sit down and try to see what can be worked out, that is not getting that person off the street. That is not putting that person in jail, and it may be years before that person really comes to trial on that particular case and point of child molestation, which means they have the right to continue to do the same kind of child molesting. We do not want that to occur.

If we are able to go and fight against those issues that do affect those individual people within the community, then let us make sure that we take care of that. But we have many cases where the mother in the household knows what is going on and has refused to say anything, or is scared to say anything, or is boxed in such a position that it creates a problem in the household, but none of those circumstances are even being considered today as we discuss this. There are cases where actual family members are involved, and there is no discussion specifically about that, although it has been raised over and over again.

I am saying, to make a decision so hastily without supporting this Hagarty amendment, it gives you the extra leeway in order to realize that instead of just bringing down the hammer without having all these things examined, that we will not put ourselves in a boxed position to be later on challenged in court. But I believe again that it will come up to the same kind of situation that we have now. Judges are challenging a number of those mandatory cases where there are in fact persons who come up to court and they believe that there are some mitigating circumstances and in fact impose a lesser sen-

tence than a 5-year mandatory sentence for carrying a gun. I believe that in that issue or in that regard, Mr. Speaker, the Hagarty amendment should supersede the Freind amendment, and therefore, I ask for an affirmative vote.

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

Mrs. HARPER. Thank you, Mr. Speaker. I am going to be very brief.

I have heard such a long discussion on this bill, but everything that I am hearing concerns the father and the parents, but not the children. We should think about the protection of the children, because certainly child molestation has gotten out of hand, and it is about time for us to come up with some strong legislation to protect our children. Let us vote down the Hagarty amendment, go on with the bill, and protect our children. Thank you.

On the question recurring,

Will the House agree to the amendments as divided?

The following roll call was recorded:

YEAS—76

Baldwin	Flick	McVerry	Saurman
Barber	Gallen	Maiale	Scheetz
Battisto	Greenwood	Manderino	Showers
Bowser	Gruitza	Merry	Snyder, G. M.
Boyes	Hagarty	Michlovic	Stewart
Bunt	Haluska	Miscevich	Sweet
Caltagirone	Hoeffel	Moehlmann	Swift
Cappabianca	Hutchinson	Mrkoncic	Van Horne
Carn	Itkin	Murphy	Wachob
Clark	Jackson	Nahill	Wambach
Colafrilla	Kukovich	O'Donnell	Wass
Cole	Lashingier	Oliver	Weston
Cornell	Laughlin	Pievsky	Wiggins
Cowell	Lescovitz	Pistella	Wright, J. L.
DeWeese	Levin	Pratt	Wright, R. C.
Dawida	Linton	Preston	Zwinkl
Deal	Livengood	Reber	
Evans	Lucyk	Richardson	Irvis,
Fargo	McCall	Robbins	Speaker
Fattah	McHale		

NAYS—121

Afflerbach	Duffy	Kowalshyn	Rieger
Alderette	Durham	Lehr	Rudy
Angstadt	Fee	Letterman	Ryan
Armstrong	Fischer	Levi	Rybak
Arty	Foster, W. W.	Lloyd	Saloom
Belardi	Foster, Jr., A.	McClatchy	Salvatore
Belfanti	Freeman	McIntyre	Schuler
Blaum	Freind	McMonagle	Semmel
Book	Fryer	Mackowski	Serafini
Brandt	Gallagher	Madigan	Seventy
Broujos	Gamble	Manmiller	Sirianni
Burd	Gannon	Markosek	Smith, B.
Burns	Geist	Mayermik	Smith, L. E.
Cawley	George	Micozzie	Snyder, D. W.
Cessar	Gladeck	Miller	Spitz
Cimini	Godshall	Morris	Stairs
Civera	Grieco	Mowery	Steighner
Clymer	Gruppo	Noye	Stevens
Cohen	Harper	O'Brien	Stuban
Cordisco	Hasay	Olasz	Taylor, E. Z.
Coslett	Hayes	Perzel	Taylor, F. E.
Coy	Herman	Peterson	Telek
Deluca	Hershey	Petrarea	Tigue
DeVerter	Honaman	Petrone	Trello
Daley	Jarolin	Phillips	Truman
Davies	Johnson	Piccola	Vroon

Dietz	Kasunic	Pitts	Wargo
Dininni	Kennedy	Pott	Williams
Dombrowski	Klingaman	Punt	Wilson
Donatucci	Kosinski	Reinard	Wogan
Dorr			

NOT VOTING—0

EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

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

WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House a young man who has been honored to receive the John Travers Trophy, which is presented by the Harrisburg Lions Club and the Patriot News. This trophy symbolizes both academic and athletic excellence. The young man's name is Robert Lewis. He is a senior at Harrisburg High School. He is accompanied by his coach, Mr. John Allen, and Mr. Harold Dunbar, a former member of the Harrisburg School Board. They are all here as guests of Representative Wambach.

REMARKS ON VOTE

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

Mr. WASS. Mr. Speaker, my switch malfunctioned on the last vote, the Hagarty amendment, A2252. I would like to be recorded in the negative.

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

CONSIDERATION OF SB 642 CONTINUED

On the question recurring,

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

Mr. HERMAN offered the following amendments No. A2281:

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 or she, without permission from authorized personnel, duplicates, manufactures or otherwise produces a key from a key which has imprinted on it the following:

(1) the words "Do not duplicate" or "Unlawful to duplicate"; and

(2) a symbol or other marking indicating ownership by the Commonwealth, an institution of the State System of Higher Education, a State-related institution, a State-aided institution, 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.

(c) Definition.—For the purposes of this section, a "State-related institution" means the Pennsylvania State University, the University of Pittsburgh, Temple University, Lincoln University and their branch campuses, and any institution which is hereafter designated "State-related" by the Commonwealth.

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 Centre, Mr. Herman.

Mr. HERMAN. Thank you, Mr. Speaker.

What this amendment would do—and I will refresh the memories of those persons who may not have been on the floor yesterday at the time—I have worked with those who objected to some of the language in this bill. I think we are all in agreement on the intent of the bill, and I have redrafted this amendment to clarify the intent of the amendment.

What this amendment would do is set up an offense for any person who, without permission from authorized personnel, duplicates, manufactures, or otherwise produces a key which would contain the words "Do not duplicate" or "Unlawful to duplicate," one of the two. The second provision would be that the key would have to have a symbol indicating ownership from the institution. This bill would apply not only to the State-related institutions but also to the State-owned institutions, State-aided institutions, political subdivisions, and municipal authorities of this Commonwealth.

The intent of this legislation is to make it a crime and set forth penalties for anyone who could possibly duplicate a key unlawfully and thereby enter buildings or dormitories illegally and steal equipment or personal property. I encourage an affirmative vote, Mr. Speaker.

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

Mr. BRANDT. Thank you, Mr. Speaker.

I would just like to comment on this amendment. I am certainly sure that other members of the House have received concerns from the locksmiths of Pennsylvania on this particular issue, and I think that with the concern that Mr. Herman shows, we can also satisfy the concerns of the locksmiths across Pennsylvania, and I concur in voting for this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—189

Afflerbach	Durham	Levi	Robbins
Alderette	Evans	Levin	Rudy
Angstadt	Fargo	Livengood	Ryan
Armstrong	Fee	Lloyd	Rybak
Arty	Fischer	Lucyk	Saloom
Baldwin	Flick	McCall	Salvatore
Barber	Foster, W. W.	McClatchy	Saurman
Battisto	Foster, Jr., A.	McHale	Scheetz

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

NAYS—4

Fattah	Linton	Preston	Richardson
--------	--------	---------	------------

NOT VOTING—4

Deal	Mowery	Sirianni	Vroon
------	--------	----------	-------

EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, my switch did not work, I guess. I would like to be recorded in the affirmative on A2281.

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

CONSIDERATION OF SB 642 CONTINUED

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—188

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

NAYS—9

Dawida	Levin	Oliver	Reber
Greenwood	Michlovic	Preston	Richardson
Itkin			

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 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.

CONSIDERATION OF HB 1293 CONTINUED

On the question recurring,

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

BILL PASSED OVER

The SPEAKER. On page 2, mark HB 1293 over for today's session. There is a limit even to the Speaker's patience. Mark it over.

SUPPLEMENTAL CALENDAR A REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. WILLIAMS called up for consideration the following Report of the Committee of Conference on **HB 1004, PN 3017**, entitled:

An Act to provide revenue for cities of the first class by authorizing and imposing a tax on persons engaging in certain businesses, professions, occupations, trades, vocations and commercial activities therein; providing for its levy and collection at the option of cities of the first class; conferring and imposing powers and duties on cities of the first class and the collector of city taxes in such cities; and prescribing penalties.

On the question,

Will the House adopt the report of the committee of conference?

The SPEAKER. The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, the State of Pennsylvania authorizes localities to tax, and in the city of Philadelphia, two of those taxes are the general business tax and the mercantile tax. The mercantile tax is levied on gross receipts and has been regarded historically as an extremely unfair tax. That unfair tax was extended to apply to transactions that were sales from inside the city to outside the city in the last fiscal year. That made an oppressive tax even worse.

The reaction of the folks paying that tax, which is essentially the business community, was fairly constructive. They began a series of negotiations and conversations among themselves and then made contact with the then city administration. Both mayoral candidates in their campaigns in Philadelphia pledged to the business community that they would support a single business tax, which allocated within the business community on a fair basis, and they both pledged that they would continue those discussions with the business community. The result of those conversations was a proposal that was submitted essentially to members, first, of the Philadelphia delegation proposing that the authorization to tax business transactions within the city of Philadelphia be changed to permit a new and broader reformed tax base

strictly within the city. This legislation does essentially that without setting the rates and leaves those rates to be set by the city council. Thank you.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I intend to vote "no" on this particular conference committee report, but I think it is only fair that I make some remarks in connection with my vote.

I do not know, Mr. Speaker, whether this is a good method or a bad method of taking care of some of the business tax obligations in the city of Philadelphia. The reason I do not know—and I am sure this applies to many of the members on our side; at least it was voiced time and time again in our two caucuses today on the subject—is we got the first opportunity really to look these measures over late yesterday afternoon. Representatives from the city of Philadelphia together with Mr. DiBona, chairman of the Greater Philadelphia Chamber of Commerce, were in my office. They were good enough to appear today before two of our caucuses and explain to our members just what it was that was attempted to be accomplished by this conference committee report.

I would like to say initially, Mr. Speaker, that the representatives from the chamber and from the city who met with us were very open, were very forthright, impressed us as being very honest and sincere, and we thank them for their cooperation. However, when we were in the first caucus, which was made up principally of members from the southeast, we did not have a copy of the bill. That was this morning. This afternoon when we broke for caucus at 1:30, only then were we able to obtain some copies of the bill, and that was only by going over to the other side, staff from the other side of the aisle, the Democratic Caucus, who were kind enough to provide us with some copies of the bill so that we might meet on it.

I do not think there was anyone in our caucus terribly alarmed by what they heard at the various meetings. The problem that we had, however, was that we did not have an opportunity really to check with the people whom we consider important in considering a measure like this. We did not have an opportunity to talk to any of our people who do business in Philadelphia, who own businesses in Philadelphia, who work in Philadelphia yet live in our communities. We were told that there was a broad representation of the business community in attendance at certain meetings with the Chamber of Commerce when the package that is before us now was structured. We have yet to hear—and I think I speak pretty much for all of the members on our side—we have yet to hear, I know I have not heard, from anybody with respect to this particular bill who really is affected by it. We were told on Friday; telegrams were sent to some 81 of us, and I know they were received by many. I did not happen to receive mine, but that is not the fault of those who sent. I probably was not in the office to receive it on Friday.

I guess what I am saying, Mr. Speaker, is, to a great extent our feeling is we are working in the dark without sufficient information to cast an intelligent vote on a measure that may have a very serious effect on the residents of our communities

who have an interest in Philadelphia, a business interest in Philadelphia, nor are we sufficiently informed nor have we had the opportunity to talk to those who are most affected by this measure who are our constituents. Much was said in our caucus, very frankly, about the fact that the city of Philadelphia and the Chamber of Commerce and these others who are interested really never saw fit to include any of us in these negotiations. We read articles in the paper where the House of Representatives was participating, but to the best of our understanding, that participation was by the majority whip, Mr. O'Donnell. None of our members, to my knowledge, were in on this. I do not think any of us are here today saying that we are against this; we are saying that we are uninformed at the moment.

We are curious, frankly, those of us from the southeast, we are curious as to what the city would propose to do with respect to certain equities that we believe do not exist in connection with the Philadelphia wage tax as it affects our people. We would love to hear something from the city with respect to this. We would like to sit down with the city and try and work something equitable out that does not hurt our people nor does it hurt the city of Philadelphia. We know and we appreciate that certain meetings are going on now. I know Mr. Nahill of our caucus is participating in some meetings where the subject of wage tax has been discussed. We think if we are going to reform the Philadelphia taxes and if they affect us, we should also take a look at the wage tax and make that part of a reform package. I believe I am voicing, Mr. Speaker, the feelings of our caucus, at least those members of the caucus who were in attendance.

I would hope that our "no" vote is not construed, those of us who vote "no," I would hope that that "no" vote is not construed as the vote of an obstructionist but rather the signal or voice of a number of people interested in the city of Philadelphia and its welfare but also equally interested in the welfare of the citizens of our communities who are involved in and work in Philadelphia. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. SALVATORE. Mr. Speaker, I would just like to submit my remarks for the record.

The SPEAKER. The Chair thanks the gentleman.

Mr. SALVATORE submitted the following remarks for the Legislative Journal:

Mr. Speaker, I speak on behalf of our delegation of five Philadelphia northeast Republican members.

The subject of this conference committee report has been before the Philadelphia city government for months, and month after month, we heard nothing.

Last week, with the deadline for State and city legislative action drawing near, we were provided, by an agent of the city, language which the city wished inserted by the conference committee. Over the weekend, that language was changed.

At noon yesterday, we were provided new language and a summary of its contents. It apparently was so complicated that no public official from the city could explain it. On hand to provide verbal explanation was a representative of the city's Chamber of Commerce. This chamber was given authority by the mayor and city council to prepare the proposal which is now before you.

We are going to support this conference report, but we are doing so with reservations which we wish of record in this body and in records of the Philadelphia City Council.

Because this measure, which we received yesterday, would require days of expert examination for proper analysis, we wired the president of the city council last evening asking that a copy of the council measures prepared for implementing the legislative changes before you be delivered to us here at the Capitol, together with a full analysis. That request has not been honored.

We want that implementing legislation because this bill is a bill offering many options to the city fathers. It opens the door to many changes. It is a "may" bill. It can only be examined, in its impact upon taxpayers, by studying the proposed new tax laws of the mayor and city council.

We are voting for this measure, despite the arrogant exclusion of the minority party by the city administration and city council, and by interests who wrote this tax bill.

We are voting for this measure with faith that the verbal explanation provided us by the Chamber of Commerce represented full disclosure and is their assurance that the welfare of the small businesses, the merchants, the small employers, will be respected, and that discriminatory levels of taxation will not be foisted upon them in the name of "reform."

We are voting for this measure with faith that the members of city council have taken care to craft their implementing legislation, guided by the need to be fair to all interests of business, whether they are the powerful or the weak.

We are voting for this measure because we have the right to now begin an intensive analysis of its confusing contents. We will watch city council. We will examine their use of the great powers given to them in this bill.

Mr. Speaker, if inequity exists, we will return to this floor with proposals to correct those inequities, and at that time, we will ask every member who does not now fully understand this conference report to join us in making those corrections on behalf of the people of Philadelphia.

On the question recurring,

Will the House adopt the report of the committee of conference?

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, very briefly, I would like to urge an affirmative vote on HB 1004. Our staff has been through it. We have had meetings over the past week with the Philadelphia Representatives. We have met with the same representatives of the business community who are affected that Mr. Ryan mentioned, and after all is said and done, I think that an affirmative vote is warranted, Mr. Speaker, and I urge every member to vote in favor of HB 1004.

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

Mrs. DURHAM. Thank you, Mr. Speaker.

I listened to Representative O'Donnell speak about an unfair tax and about tax reform. I find it very interesting that Representative O'Donnell is interested in reforming only part of the taxes in the city of Philadelphia.

I agree with Mr. Ryan that a "no" vote today does not mean that this is a bad proposal. A "no" vote today, in my mind, means two things. It means that we are not sure what this tax will do, and it also means that we want tax reform for the wage tax. As a suburban legislator, I am interested in tax reform, but I cannot go back to my district and tell my constituents that I voted for tax reform for the businesses but I did not vote for tax reform for the wage earner.

I encourage every member of this House who has even one person working in the city of Philadelphia and living outside of it to take a stand today and to represent that constituent and vote "no."

On the question recurring,

Will the House adopt the report of the committee of conference?

(Members proceeded to vote.)

VOTES CHALLENGED

The SPEAKER. For what purpose does the minority leader rise?

Mr. RYAN. Mr. Speaker, I feel through some accident the board has improperly registered Mr. Donatucci, Mr. Cohen, Mr. McIntyre, and Mr. McMonagle. I wonder if the clerk could check the machinery.

The SPEAKER. If those gentlemen are not on the floor of the House, they may not be voted. Remove their votes.

Is Mr. McIntyre on the floor of the House? Remove the vote.

Mr. McIntyre's vote is still being registered. Is he on the floor of the House?

The Chair has started the stopwatch running on the vote and will not keep it open beyond the allotted 10 minutes.

Mr. RYAN. Mr. Cohen and Mr. Donatucci?

The SPEAKER. Mr. Cohen was on the floor of the House. Is he not there? If he is in the building, call him to the floor and tell him he cannot be recorded. Take his vote off.

Is Mr. Donatucci on the floor of the House?

The Chair recognizes the majority leader.

Mr. MANDERINO. Is the gentleman, Mr. Lehr, on the floor of the House?

The SPEAKER. Is Mr. Lehr on the floor of the House?

Mr. MANDERINO. That is exactly right. The gentleman sitting in the next seat just removed his vote.

Mr. RYAN. The gentleman, Mr. Cohen?

Mr. MANDERINO. Mr. Speaker, Mr. Coslett I do not see.

The SPEAKER. Mr. Cohen has appeared on the floor of the House.

The Chair recognizes the majority leader.

Mr. MANDERINO. Is the gentleman, Mr. Stevens, here?

The SPEAKER. The gentleman, Mr. Stevens? If he is not on the floor of the House, remove the vote.

On the question recurring,

Will the House adopt the report of the committee of conference?

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

YEAS—93

Afflerbach	Fattah	Lucyk	Saloom
Alderette	Fee	McCall	Salvatore
Barber	Freeman	McHale	Seventy
Battisto	Gallagher	Maiale	Steighner
Belardi	Gamble	Manderino	Stewart
Belfanti	George	Markosek	Stuban
Blaum	Gruitza	Mayernik	Sweet
Caltagirone	Haluska	Michlovic	Taylor, F. E.
Cappabianca	Harper	Miscevich	Tigue
Carn	Hoefel	Murphy	Trello
Cawley	Hutchinson	O'Brien	Truman
Clark	Itkin	O'Donnell	Van Horne
Cohen	Jarolin	Olasz	Wachob
Colafella	Kasunic	Oliver	Wambach
Cole	Kosinski	Petzel	Wargo
Cowell	Kowalyszyn	Petrarca	Weston
Deluca	Kukovich	Petrone	Wiggins
DeWeese	Laughlin	Pievsky	Williams
Daley	Lescovitz	Pistella	Wogan
Dawida	Letterman	Pratt	Zwikl
Deal	Levin	Preston	
Dombrowski	Linton	Richardson	Irvis,
Duffy	Livengood	Rieger	Speaker
Evans	Lloyd	Rybak	

NAYS—98

Angstadt	Fargo	Lashingier	Robbins
Armstrong	Fischer	Levi	Rudy
Arty	Flick	McClatchy	Ryan
Baldwin	Foster, W. W.	McVerry	Saurman
Book	Foster, Jr., A.	Mackowski	Schectz
Bowser	Freind	Madigan	Schuler
Boyes	Fryer	Manmiller	Semmel
Brandt	Gallen	Merry	Serafini
Broujos	Gannon	Micozzie	Showers
Bunt	Geist	Miller	Sirianni
Burd	Gladeck	Moehlmann	Smith, B.
Burns	Grodshall	Morris	Smith, L. E.
Cessar	Greenwood	Mowery	Snyder, D. W.
Cimini	Grieco	Mrkonic	Snyder, G. M.
Civera	Gruppo	Nahill	Spitz
Clymer	Hagarty	Noye	Stairs
Cordisco	Hasay	Peterson	Swift
Cornell	Hayes	Phillips	Taylor, E. Z.
Coslett	Herman	Piccola	Telek
Coy	Hershey	Pitts	Vroon
DeVerter	Honaman	Pott	Wass
Davies	Jackson	Punt	Wilson
Dietz	Johnson	Reber	Wright, J. L.
Dorr	Kennedy	Reinard	Wright, R. C.
Durham	Klingaman		

NOT VOTING—6

Dininni	Lehr	McMonagle	Stevens
Donatucci	McIntyre		

EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the report of the committee of conference was not adopted.

Ordered, That the clerk inform the Senate accordingly.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair made an announcement earlier that Mr. McIntyre had retired from the Appropriations Committee and Mr. Fattah had been named. Mr. Fattah has told the Chair that he has withdrawn his name from consideration. As a result, Mr. McIntyre will continue as a member of the Appropriations Committee.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 300, PN 2613**, entitled:

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), providing limited public funding of certain State-wide elections; limiting certain contributions; imposing powers and duties on the Department of State; and providing penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. KUKOVICH offered the following amendments No. A1987:

Amend Sec. 1 (Sec. 1604-A), page 3, line 8, by striking out "two dollars and fifty cents (\$2.50)" and inserting two dollars (\$2.00)

Amend Sec. 1 (Sec. 1604-A), page 3, line 9, by striking out "two dollars and fifty cents (\$2.50)" and inserting two dollars (\$2.00)

Amend Sec. 1 (Sec. 1604-A), page 3, lines 12 and 13, by striking out "two dollars and fifty cents (\$2.50)" and inserting two dollars (\$2.00)

Amend Sec. 1 (Sec. 1604-A), page 3, lines 13 and 14, by striking out "five dollars (\$5.00)" and inserting four dollars (\$4.00)

Amend Sec. 1 (Sec. 1607-A), page 6, lines 7 and 8, by striking out "two dollars and fifty cents (\$2.50)" and inserting two dollars (\$2.00)

Amend Sec. 1 (Sec. 1607-A), page 6, line 10, by striking out "two dollars and fifty cents (\$2.50)" and inserting two dollars (\$2.00)

On the question,

Will the House agree to the amendments?

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

Mr. KUKOVICH. Mr. Speaker, very briefly, this amendment reduces the amount required on the checkoff of the income tax form. The reason for that is that based on the fiscal note prepared by the Appropriations Committee—and they relied on the percentage of Pennsylvania taxpayers who have checked off their Federal income tax—the \$2.50 and \$5 for a couple would provide more money than would be reasonably necessary for the program. This would simply reduce the amount to \$2 for an individual and \$4 for a couple if they volunteer to check that off on their income tax.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—188

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

NAYS—3

Letterman	Scheetz	Wilson
-----------	---------	--------

NOT VOTING—6

Blaum	Donatucci	McMonagle	Spitz
Book	McIntyre		

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?

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Gallen, who offers the following amendment, which the clerk will read.

Mr. GALLEN. Mr. Speaker, I withdraw my amendment.

The SPEAKER. Has the gentleman, Mr. Gallen, withdrawn his amendment?

Mr. GALLEN. Yes, Mr. Speaker. I did not want to add any dignity to this bill, making this very bad bill any better at all.

The SPEAKER. The Chair thanks the gentleman.

The Chair has been informed that the gentleman from Philadelphia, Mr. Wogan, has withdrawn his amendment. Is that true?

Mr. WOGAN. Thank you, Mr. Speaker.

The amendment came back in a form of which I did not approve, so I am withdrawing it, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. RYAN offered the following amendments No. A2329:

Amend Bill, page 12, by inserting between lines 21 and 22

Section 3. Notwithstanding section 2, this act shall be applicable for the public financing of elections in the first calendar year in which more than 50% of the persons for whom tax returns are filed under Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, elect to participate in allocating a portion of their tax liability to the Public Election Financing Fund. Until such time as the provisions herein become applicable, any funds which would otherwise be deposited in the Public Election Financing Fund shall revert to the General Fund.

Amend Sec. 3, page 12, line 22, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the minority leader.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I feel a little bit like Mr. Gallen, although I am going to take a shot at trying to improve this otherwise very bad bill.

I believe, Mr. Speaker, that the people of the Commonwealth probably would not approve of legislation like this, but really there is no way of telling whether or not they would approve of it unless we could hear from them in some way. So what I have done is I have prepared an amendment, and what this amendment does, it makes the bill effective at such time as more than 50 percent of the people who file tax returns check off that they want some portion of their money to be placed in this fund. In other words, if there are a million people filing tax returns, individuals, this act would essentially go into effect when 50 percent of them said, yes, I think this is a good idea, and I will donate, or I will cause to be donated, \$2 of my return to this fund.

It is a very simple amendment. It would tell us in some future year that indeed the majority of the taxpaying public in Pennsylvania approves of this type distribution of their tax moneys, and they would tell us that by having marked their tax return accordingly. I would ask for a "yes" vote.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

This is very clearly a way to render this bill totally inoperative. All the States that have public financing basically have an average checkoff of 27 percent, of those who have a check-off. The Federal income tax form in Pennsylvania has a checkoff of roughly 37 percent. That is a strong indication of support. It also does not necessarily reflect that those who do not check off do not favor the system. We have surveys that show that a vast majority of people— As a matter of fact, a Harris Poll has shown that 84 percent of the people do favor this kind of system which will check the undue influence of large contributors.

I would suggest to the maker of the amendment that if we took the percentage of eligible voters who elected most of the people in this chamber, it would be well under 50 percent and probably well under the percent who check their Federal income tax form in this State.

This is a very clever maneuver to gut the bill, and those of you who are truly concerned about campaign finance reform, in cleaning up the political campaign contribution system in this State, vote "no" on the amendment and get on with the merits of the bill. I would ask for a "no" vote, Mr. Speaker.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I am rising in total opposition to the bill as amended. We already have a checkoff there for the Wild Game Fund, and I think that this would really screw this all up. I think we are getting too many things on there for a checkoff.

I do not like the bill anyway, and that is just another reason. If I were voting for Mr. Ryan's amendment, I would vote in favor of that. At least it is a shot to do something right about the whole bill. But I am asking everyone to vote for Mr. Ryan's amendment and then vote "no" on the whole bill, because I think it is wrong.

Mr. RYAN. Mr. Speaker, I could not have said it better myself.

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

Mr. DAWIDA. Very briefly, my colleague, Mr. Letterman, and I disagree on this particular issue. I will still give to the Wildlife Fund anyhow, Mr. Speaker.

Simply put, this amendment is a fraud and a fake. It is an attempt to cut out the crucial elements of this bill by making it appear as though it is a popular referendum, when he knows full well, the maker of the amendment, that it will never reach the 50 percent. And what I object to is that he intends to allow the money to go back into the General Fund, thereby creating a disincentive for anyone to actually participate.

If you want to vote against the bill, vote against the bill, but do not go for this charade. Vote "no" on the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—92

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

NAYS—103

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

NOT VOTING—2

Dininni	Donatucci
---------	-----------

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 as amended?

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the minority leader on final passage.

Mr. RYAN. Mr. Speaker, at this time I would like your permission to yield to the gentleman, Mr. Gallen.

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

Mr. GALLEN. Mr. Speaker, would the gentleman, Mr. Kukovich, stand for interrogation?

The SPEAKER. Mr. Kukovich, you are being asked to stand for interrogation. Mr. Kukovich indicates he will stand for interrogation. Mr. Gallen may proceed.

Mr. GALLEN. Mr. Speaker, in the event that this bill is enacted as it is presented, how much money do you think will be generated?

Mr. KUKOVICH. Mr. Speaker, based on the fiscal note prepared by the Appropriations Committee, based on the amendment that was adopted earlier on the checkoff amount, assuming that 30 percent of the Pennsylvanians checked off their tax, it would be roughly \$4.4 million.

Mr. GALLEN. And that money, \$4.4 million, would come directly out of the General Fund. Is that correct?

Mr. KUKOVICH. That is correct, Mr. Speaker.

Mr. GALLEN. So the General Fund would be light \$4.4 million if that estimated number of people were to check off?

Mr. KUKOVICH. That is correct.

Mr. GALLEN. All right.

Now, Mr. Speaker, in the event that that were to happen, how about the other taxpayers of the Commonwealth, not those who just failed to check off but those who are absolutely opposed to this program. Do they not pay for part of this program?

Mr. KUKOVICH. Theoretically, that is true, Mr. Speaker. If you would take a look at the size of the general appropriations budget, the \$8 billion or so, and the rather nominal amount that would be spent from the fund to try to clean up campaign financing in this State, I think the vast majority of people have said in polls and otherwise that they would opt for that choice.

Mr. GALLEN. I just want to quarrel with a little bit of your language before I finish my interrogation. To the taxpayer back home, \$4 million is not a nominal sum. Four million dollars is \$4 million.

The SPEAKER. The Chair has finally heard in this day's session a statement with which it can concur - \$4 million is \$4 million.

Mr. GALLEN. \$4 million here and \$4 million there finally adds up to a little bit of money.

Could you tell us, Mr. Speaker, what you feel is the main thrust of this bill, the main purpose of the bill?

Mr. KUKOVICH. Mr. Speaker, in response I would like you to keep in mind that there are many citizens of this State and this country who oppose certain military expenditures from their taxes. We have an expenditure to distinguished citi-

zens of the DAR (Daughters of the American Revolution) in this State to which many of our Pennsylvania citizens are deeply opposed, but that is no reason to scrap our whole tax system. If the main thrust of this bill— And I submit to you that the main thrust is to do a number of things. One is to try to lessen the undue influence that large money contributors have on the statewide elections, and that is well documented; secondly, to try to encourage candidates to reach out to more people, people who contribute smaller amounts, to try to include more participation in the system; and finally, to try to continue what we did in this Commonwealth back in 1978 with ethics reform, campaign finance reform, and now to attack the most difficult issue of all, and that is the issue of how legal campaign contributions can corrupt this system, and if we can do that, we can finally begin to restore the voters' faith in our political system, which, I suggest, has been deeply eroded by this problem maybe more than any other. That is the thrust of this bill, Mr. Speaker.

Mr. GALLEN. Thank you, Mr. Speaker. That completes my interrogation.

I would like to address the House, Mr. Speaker.

The SPEAKER. The gentleman is in order and may address the House on the point.

Mr. GALLEN. Mr. Speaker, the gentleman has responded by saying the main thrust of this bill would be to lessen undue influence. Now, first of all, it does not do that in any way whatsoever. The candidate who can raise money on his own to finance a statewide campaign under this bill is in no way barred from doing so. He can raise \$5 million, \$10 million, or \$50 million, and there is nothing in this bill to preclude that. So the first point made by Mr. Kukovich about the undue influence is not a valid one at all.

He says that this will encourage candidates. Well, it seems to me that one of the purposes of legislation such as this was to discourage frivolous candidates, candidates who were just getting in it for a lark. This will not do that. Yes, it may encourage some candidates to put their name on the ballot with the hope that they get a good ballot position and can then raise a little bit of money and have it matched. But, Mr. Speaker, I do not think that that will in any way make our election laws any better.

In the third instance, Mr. Kukovich said the third main thrust is campaign finance reform. In no way, Mr. Speaker, is this campaign finance reform. Mr. Speaker, no matter what we do with this bill, the person who is running for office, county committee offices or subsidiary or outside campaign fundraisers can still be raised, and he can still meet the criteria established by this bill if indeed somebody on the outside wants to raise money for his campaign.

Mr. Speaker, I think this is an entirely toothless bill. It is a waste of all taxpayers' money, not just those people who check off. Mr. Speaker, I ask for its defeat.

The SPEAKER. On final passage, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I listened a moment ago to the gentleman, Mr. Kukovich, as he told me that polls would

seem to indicate that some 84 or 85 percent of the public is in favor of legislation such as this. I do not happen to believe that. At least the taxpaying public, in my judgment, is not in favor of it. It may be that people who do not pay taxes, people who have nothing to lose are in favor of it, but I seriously doubt that 85 percent of the taxpaying public is in favor of it, because I have found, my experience has been over the years, that if someone is in favor of something, if they feel strongly in favor of something, they will put their money where their mouth is, at least to a greater extent than some 15 percent, which I believe is the figure that was used here earlier today as to the extent of participation.

We have taken great pride, Mr. Speaker, over the years in the Legislative Office for Research Liaison, LORL, and one of our members had some work done on the question of public financing for elections. LORL, in its report to one of our members, makes the statement that the marginal level of State funding is primarily due to the weak level of taxpayer support. Now, LORL, I think, distinguishes the type person that we are talking about when we talk about support when it says taxpayer support as opposed to Mr. Kukovich saying public support. I suspect that there is a distinction there.

LORL goes on to say that in the States that do fund elections from present tax liability, only about 2 of 10 taxpayers volunteer to pay \$1. In States which fund elections with additional assessments, only 2 or 3 out of every 100 will oblige a \$1 or \$2 contribution out of their pockets. I do not know exactly what that means. I suspect it is what Mr. Letterman was referring to. If there are a number of checkoffs on the tax return, such as we would have in Pennsylvania, then the percentage drops from about 20 percent down to some 2 or 3 percent where there is more than one selection to be made. They cut into one another.

I really think that the amendment I had offered was a good amendment. I do not believe the people do support this. Now, maybe some candidates for statewide office, not having the ability to raise funds, would be in favor of this, and I am not referring to anyone in this House, but I think legislation like this encourages marginal candidates to come up out of the woods and raise a couple of dollars here and there knowing that they are going to get a State grant or a State match of 2 1/2 to 1 or, now with this amendment, 2 to 1. I do not think it encourages the best candidates necessarily to come forward.

The other issue which is really not addressed here, we are saying that we are doing this to keep the fat cats out of politics, the guys who can fund their own elections, yet the Supreme Court apparently says that is not the case. If you have deep pockets, your own money, you can use your own money and no one can stop you from using it. So it is not going to keep that type of fat cat out of an election, and it really does not keep the PAC's (political action committees) out either. Sure, there is a limitation of some \$2,500, as I remember, in this bill, but then there is nothing from keeping an aggressive PAC from having a number of independent urges to go out and campaign and educate the public out of other funds.

I am not trying to cast aspersions, but I know that very recently in the Mondale campaign there was a question raised as to a number of these independent campaigns springing up out of nowhere. Just from what I gathered, there was nothing wrong with it. Mr. Mondale had not done anything to encourage it but was concerned enough by the perception that he indicated he was going to return those moneys, or he was going to request that his campaign committee return those moneys. This can happen with people different than a Mr. Mondale, someone who encourages that type contribution. So I do not really know that the very heart of the matter that Mr. Kukovich is attempting to strike at has really been hit by this bill, but rather for all of the reasons that have been mentioned in opposition, I suggest to the House that this would be a fit bill for a "no" vote. That is how I intend to vote and I would encourage others to do the same. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Luzerne, Mr. Hasay, on final passage.

Mr. HASAY. Thank you, Mr. Speaker.

I rise for another issue on HB 300, and I rise in opposition to HB 300 for another reason. The reason is, I have the privilege to chair the Pennsylvania Wildlife Resources Conservation Fund. And, yes, you guessed it; we get our money by a checkoff where that little owl is.

Now, the reason I rise in opposition is because of the fiscal impact that that will have on this Wildlife Fund. Our Wildlife Fund raised about \$310,000 this year. That is a small amount for the fund if you compare it to New York State, which raised \$4 million. I feel that that would have a devastating financial impact on the fund. We have just had this fund going for the last few years. We have established the American bald eagle program in Pennsylvania. We established the osprey program. We have also established an elk program for those in northwestern Pennsylvania.

I ask you members, if you have concern about wildlife, the protection of wild plants, then you make the decision between funding the politicians or protecting wildlife and funding wildlife. Thank you, Mr. Speaker.

The SPEAKER. The older members of the chamber will understand the Chair's question to Mr. Hasay. The younger members will have to have it explained.

When you were talking about funding elks, you did not include moose in there, did you?

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

Both Mr. Letterman and Mr. Hasay have brought up the Conservation of Wildlife Fund, and I think that there may be some feeling in the House that this checkoff would be exactly just like that one. I could not help but be taken by the support for the Wildlife Fund when Mr. Hasay made reference to it just a moment ago. But let me call the members' attention to the fact that while the Wildlife Fund has to compete for refund dollars, Mr. Kukovich in his bill takes it off a person's tax liability. This is not a checkoff to apportion a part of a person's refund due but rather is an expense to all taxpayers

of Pennsylvania. Mr. Kukovich would say, rather than having a \$50 tax liability that goes towards all the programs of the Commonwealth, a portion would automatically go in; a portion of that tax liability would go into the General Fund for this purpose. So while the Wildlife Fund has to compete for refunds due back the taxpayer, Mr. Kukovich would take this right off the top as if it were a line-item appropriation almost and use it for the purpose of political campaigns.

There is a difference, Mr. Speaker. We are not talking about checkoff of a refund but rather a very indirect way of appropriating tax dollars, taking tax dollars from the General Fund as a whole and putting it towards political campaigns. That has not come up to date in debate. Mr. Letterman referred to the refund checkoff; so did Mr. Hasay. This is not a refund; this is taking off a person's tax liability.

I oppose the bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I would like the chance to fumigate this debate.

This is not an opportunity, as Mr. Hasay indicated, to protect elk. This whole effort on the part of Mr. Ryan and Mr. Hayes is an opportunity to protect Republicans and to sever, at least in some way, the political umbilical cord to which they are inexorably and ineluctably attached.

Mr. Speaker, in the late 19th century, Otto von Bismarck raged from Vandenburg, Prussia, and he said that he who has his thumb on the purse strings has the power. If the Kukovich effort is sustained, if idealism prevails in this chamber, the people of the Commonwealth will have their thumb on the purse string and, hence, they shall have their thumb on the power.

I believe that if the sagamores of the Republican side tend to cling to their position with a bulldog grip, that the people of Pennsylvania will go on and on and on allowing the economic royalists and plutocrats from Pittsburgh that elected Richard Thornburgh and other people of his background to maintain themselves in public life. We are an egalitarian society; we are an egalitarian country, and Mr. Kukovich's bill is an egalitarian effort to make all of us equal in the electoral process. I call for the adoption of this measure. Thank you.

The SPEAKER. The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I did not know that it was within the rules of the House to impugn another person's motives as to why he was speaking on a particular amendment or bill, but since Mr. DeWeese has chosen to do so, I would suggest that he not judge other people's motives by his own.

Number two, I would suggest that Mr. DeWeese and Mr. Kukovich are just finding a legal way to mace the taxpayers. Thank you.

The SPEAKER. The Chair wants to thank the participants. You are finally getting my interest.

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

Mr. FRYER. Mr. Speaker, after that brief exchange I would like to go back to a period in history when Neville Chamberlain returned from Munich after his ill-fated meeting with Hitler.

The SPEAKER. They are not hearing you. Try it again. Something is wrong with the microphone.

Mr. FRYER. At that moment in history when he returned with his famed umbrella, he said, I bring you peace in our time. And I bring that same message to you now. The controversy that rages here is somewhat comparable.

Mr. GALLEN. Mr. Speaker, those of you who cannot hear the gentleman can switch seats with me, because I can hear him.

Mr. FRYER. Mr. Speaker, you see the caliber of opposition that we have in our home county.

Thank God. Long may they reign.

But I would like to speak today in opposition to this proposal, Mr. Speaker. Somehow or other it seems to me that one particular phase here, I think in my opinion, would benefit, I think, members of the legislature, of the House and Senate, people who have contact and access with various PAC's. In the point of their campaigning and their financing, they have contacts which I do not believe are available on an equal basis with other persons who would seek statewide office.

In my opinion, Mr. Speaker, that is unfair, and I would state, Mr. Speaker, that this bill imposes a tax, because it drains money away from our State Treasury and it places it in the candidate's campaign coffers. It creates, Mr. Speaker, a deficit which must be made up somewhere, either by raising taxes, which is not popular, or by reducing spending elsewhere in State Government, which is also highly unpopular.

Furthermore, Mr. Speaker, we have no guarantee that people's so-called voluntary—and I use that in its other sense—checkoffs are going to be sufficient to fund this program. In other States, as has been stated by other speakers, this scheme for campaign financing has received only a small minority of the taxpayers who have checked the "yes" box. This tells us two things, Mr. Speaker: first, that the proponents of this legislation may well be coming back in a year or two saying, oh, we do not have sufficient funds; we need now a direct appropriation from the General Fund to make this system work; we are well on the way, but we just need some more of the people's money. Second, what we do know for certain from other States' experiences is that the overwhelming majority of the people are against this proposal and refuse, by not participating in the checkoff system, to have their money used to pay for it.

Finally, the fatal defect in the arguments for this bill is that it is fair. In my opinion, it is not fair. The whole idea of matching funds means that the candidate who is well financed to begin with will get more, and the one who is insufficiently funded on his own will get less. That turns fairness upside down.

Mr. Speaker, quite frankly, I have discussed this matter with a number of people in the legislative district that I am

privileged to represent, and I must say that there is a very negative approach, as there is in many things political. Basically the argument has been, well now, you have really gone the ultimate step; you are going to have the taxpayers put up their tax programs not to meet the needs of the State but to provide campaign funding. This, Mr. Speaker, I think is ill advised, and I think the measure should be defeated. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

What I have to say is not much different from Representative Fryer's conclusion, but I think of those constituents of mine who have problems with sight impairment, hearing impairment, mental and health problems, mental retardation, our nursing care problems, medical assistance funding, education support for our colleges, aid to students, agricultural problems, our business problems as far as growth is concerned, our problems with overcrowded jails, and our problems with water and sewer improvements, and I think that I would have to go back to my constituents and say, I am sorry, we do not have money for your problems; we are using it for political campaigns. Thank you.

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

Mr. GANNON. Mr. Speaker, may I interrogate the prime sponsor with just a question?

The SPEAKER. The gentleman from Westmoreland, Mr. Kukovich, indicates he will stand for interrogation. Mr. Gannon may proceed.

Mr. GANNON. Mr. Speaker, in determining whether or not a candidate would be eligible for public funding, would there be any criteria as to political party?

Mr. KUKOVICH. Mr. Speaker, are you asking if you have to be a member of a political party to qualify? Is that your question?

Mr. GANNON. Or whether or not you were a member of a particular political party?

Mr. KUKOVICH. Mr. Speaker, the qualification requirement is based solely, if you look on page 4 of the bill, on the amount that a candidate can receive in small contributions under \$100. So it does not matter if they are Republican or Democrat or Consumer Party. If they are able to reach the qualifying contributions based on the scale before you on page 4 contingent upon the office for which they are running, then they can qualify.

Mr. GANNON. So then a statewide candidate running under the banner of the Communist Party would be eligible to receive taxpayer money to finance his campaign?

Mr. KUKOVICH. Mr. Speaker, if you think that someone running under that banner could raise money from a wide range of Pennsylvanians, then maybe there is some trouble with the Republican and Democratic Parties.

Mr. GANNON. Mr. Speaker, may I make a statement?

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

Mr. GANNON. Mr. Speaker, I think that that is an outrage to the people of this Commonwealth to tell them that they are going to use their money, that we are going to take their money to pay for the candidacy of candidates who campaign under the banner of a party which has historically spit on our flag, which has historically hated our Constitution, and which has historically ridiculed our form of government. And here we are today being asked to cast a "yes" vote to reach into the pockets of the taxpayers of this Commonwealth and ask them to give money to those candidates. Mr. Speaker, I think not only is it an outrage; it is an insult to the people.

If Mr. Kukovich believes that public funding should be used for political campaigns, and that is that the taxpayers should hand their money over to politicians, and that is politicians who are dedicated to overthrowing our government, Mr. Speaker, then let him put in a line-item appropriation bill to give the money and let us vote on an appropriation, but let us not take a back-door approach here, Mr. Speaker.

Mr. Speaker, I urge a "no" vote on the bill.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich, for the second time on final passage.

Mr. KUKOVICH. Actually, Mr. Speaker, I have not spoken yet, except in response to interrogation.

The SPEAKER. You are correct; you are correct. You have not.

Mr. KUKOVICH. I would just like to respond to some of the arguments, Mr. Speaker - the serious ones and the nonserious ones.

Mr. Gallen had talked about the problem that this bill will not prevent a wealthy person from spending their own money and running, and Mr. Gallen is correct. Constitutionally, under the Supreme Court decisions of this country, we cannot restrict a wealthy person from spending their own money. However, nowhere has a wealthy person, in the State or Federal level, ever opted out of the system and been able to win by only spending their own money and what other contributions they could raise without being part of the system. There is, I think, obviously a public impact that affects those candidates.

A perfect example would be John Connally, who in a previous election raised \$11 million, opted out of the system, and could only raise one delegate. So constitutionally, there is nothing we could put in this bill, but the system itself, as it has worked in 17 other States and across this country in three presidential elections, does work to minimize the advantage that extremely wealthy candidates have.

Secondly, Mr. Gallen talked about frivolous candidates, and I guess this argument would also be used to respond to Mr. Gannon's argument, I will call it. There is a built-in mechanism in this bill whereby those candidates must raise small contributions from a large number of people, again depending on the type of office they are running for. That mechanism weeds out spurious candidates. Again, it has

worked in other jurisdictions. None of the people whom Mr. Gannon is so concerned about, hiding under his bed or elsewhere, have ever been able to qualify for this kind of funding. So, again, I do not think that is a valid argument.

There is one other point raised by a few of the members that was really not addressed, and that is that we have got to face, as all our constituents have faced and read about it constantly, that we have a massive upward spiral of campaign costs, a cost of over \$5 million in this State in the last gubernatorial election; in States such as California and New York, costs of over \$20 million. Now, if that does not breed disrespect for our system, nothing does. And I have yet to see any rational response to curb that problem. This is the first. I suggest you think carefully before you cast that vote and consider the serious arguments for and against this bill.

Mr. Ryan mentioned a report from LORL. I saw him waving a report; it looked like one or two pages. I, too, received a report from LORL which was hundreds of pages. What he was referring to only referred to add-on States, where if a person checks, then the money has to be an extra dollar or so added onto their income tax. Those States have had a small amount. In States such as New Jersey and Michigan, high numbers of people have been checking off, enough to adequately fund those campaigns.

Mr. Ryan, too, talked about marginal candidates, things such as that. The bill weeds those out. He also talks about encouraging the best candidates. Obviously we do not do that now. One thing we can do, however, and I am not going to say that this bill will solve all the problems, but whoever the candidates are, at least they would get a fair shot at raising equitable amounts of money so both messages can be heard. That aids not only both parties, both candidates, but the general electorate to hear the arguments regarding all the issues.

Also, in response to one other of Mr. Ryan's arguments, he talked about independent campaign expenditures. Just this week we checked with New Jersey and Michigan. There have been no major factors involved in independent committees making expenditures to candidates. In Michigan it has not even been worth that State doing a study. In New Jersey the independent expenditures have been so small that they have said it has not been a major factor.

Three different members talked about the Wildlife Fund. I think it is insulting to the intelligence of the voters of this State to think that they do not know the difference between some sort of checkoff for wildlife and some sort of checkoff for clean campaigns. I think our constituents know very well, and the taxpayers know very well, what that means and how it will impact on the system of government in Pennsylvania, and I think they will respond accordingly. I have faith in those individuals.

Mr. Speaker, Mr. Fryer mentioned about other States, whether we would need to come back for more money if not enough people checked off. Mr. Speaker, that has not been the experience in those other States. I would also remind the members that this is a voluntary system. If not very many

people check off, the money would go out in a pro rata way. There is no way that a valid argument could be made to come back for more money. Mr. Fryer mentioned about people in his district who did not like it. I would suggest that Mr. Fryer, since he does not like it, probably had something to do with that. In my district, with a survey phrased in a way that would probably elicit a "no" response, a majority favored this bill. Once it has been explained adequately, I think a vast majority of the people will favor this bill.

Mr. Speaker, if you do not think we have a problem with excessive campaign expenditures, if you do not think we have a problem with our elections, statewide elections—a colleague reminded me this does not affect House and Senate districts, only statewide districts—if you do not think that judicial candidates, that other statewide candidates are unaffected by large contributions, then vote "no" on the bill. But if you want to address the problem, if you want to clean up politics in Pennsylvania, this is one of the most major steps you can take. And if you believe that, then I ask you to vote "yes," Mr. Speaker.

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

Mr. COHEN. Mr. Speaker, Mr. Kukovich gave a very good summation as to why everybody ought to vote for it, a summation to which I cannot add very much. But Mr. Gannon raised what I agree with Mr. Kukovich is the frivolous issue of the Communist Party candidates. For Mr. Gannon's information, the last time the Communist Party ran for Governor of Pennsylvania was in 1938. The Communist Party in 1938 got 1,273 votes. That does not seem to be a very big base of support on which to raise a lot of money, and I would think that people ought to vote for this bill to finance the Democratic and Republican Parties.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Centre, Mr. Herman.

Mr. HERMAN. I would like to interrogate the prime sponsor of this measure very briefly, Mr. Speaker.

The SPEAKER. Mr. Kukovich indicates he will stand for further interrogation. Mr. Herman may proceed.

Mr. HERMAN. Mr. Speaker, if HB 300 would have been law this past year, 1983, could you tell me if Governor Thornburgh and also his Democratic opponent, Allen Ertel, would have received more money or less money under this measure if it were law last year?

Mr. KUKOVICH. If it was funded totally under the bill in total amounts spent by both candidates, it would have been slightly more.

Mr. HERMAN. Can you then please tell me how this measure makes an attempt to limit campaign spending?

Mr. KUKOVICH. Well, Mr. Speaker, I am glad you asked that question, because what we tried to do is be as reasonable as possible. We did not want to lock candidates in and give statewide incumbents an advantage. What we wanted to do was be very flexible. According to inflation, this will probably be less than what they would have spent normally. However, if we look at the inflationary spiral in other States and also

what the projections are in this State, this would be quite a limiting cap over what they could spend in the next election.

Mr. HERMAN. May I speak to the bill, Mr. Speaker?

The SPEAKER. The gentleman is in order and may speak to final passage.

Mr. HERMAN. Mr. Speaker, by the prime sponsor's own admission, both State gubernatorial candidates last year would have received more money under this bill if it would have been law. I think the problem—and many of us will agree upon it—is that the public has an aversion to the large amount of campaign spending currently being conducted. I, too, share that aversion, yet obviously, HB 300 does not correct that problem. Therefore, I am going to be voting against this bill, because I think in many instances it will exacerbate campaign spending.

In addition, I just want to add an addendum. If their goal is to limit campaign spending, then maybe that is what we should do - put a ceiling on campaign spending, and not limit the person's ability to raise money for campaign expenditures. Thank you, Mr. Speaker.

The SPEAKER. On final passage, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I hope very briefly, I rise to speak in favor of HB 300.

HB 300 does a number of things that I believe are salutary in the election process. One, it puts campaign spending limits, total limits, on the various offices that are covered by the bill, the statewide offices. It puts reasonable limits on the amount of money that can be spent in those campaigns.

Secondly, it places limits on the amount of money that one individual or PAC can contribute to a campaign, and thirdly and most importantly, it does take dollars from the checkoff to finance the campaign. Anybody who believes that the moneys contributed by the special interests to the statewide campaigns do not cost taxpayers money are just naive. The whole idea of public financing is to take the special interests away from undue influence that they might have because of the contributions they have made. That undue influence makes its appearance and manifests itself in legislation that we pass here in the Assembly, and many times the taxpayers must pay a greater price for various forms of legislation because of the influence of those groups that have made campaign contributions. And if that were not so, if that were not believed, then there would never be a push for campaign financing from public funds. That is what it is all about.

If you would rather have the influence of every taxpayer of this Commonwealth as the input to the campaigns, then you ought to vote for this bill. If you want to continue to allow the special interests who make the contributions, who control the finances in a campaign, who come up here and influence legislation, if you want them to pick the pockets of the taxpayers in a different way, then continue the same system, because we all know that it is occurring, and I am part of that process as well as every one of us in here is part of that process. I do not think it is a good process. I would much rather not have to rely on contributions from special interests, and this is a first

step in the statewide races to get the special-interest dollar and deny to that special-interest dollar the undue influence that it presently has.

Mr. Speaker, I will vote in favor of HB 300, and I urge all members to do so.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I was really shocked at some of the remarks that the gentleman, Mr. Manderino, just made. Well, it may fit your foot, too. As I listened to the gentleman, it almost sounded like some kind of an admission that by taking money from a PAC, there is undue influence. I know he does not really believe that; I hope he does not really believe that, and I hope that is not what he said, but I think his words were to that effect.

If that is a problem with any one individual that they feel they have that perception, I suggest they do not take PAC money. I suggest that leaders who might feel that their members are unduly influenced by PAC contributions should not take PAC contributions into caucus campaign treasuries for further distribution. I do not happen to believe—and I say it sincerely—that any PAC climbs into our minds and guides our votes because they give us some \$100 or even \$500 or \$1,000 for a campaign. I really believe that. I am sincere when I say that there is no one on this floor, in my judgment, who is influenced by PAC contributions of that type. And if there is anyone who is concerned by the perception—and I suggest that maybe this is what Mr. Manderino was referring to, that in the public eye there is this perception of possible wrongdoing—if they are concerned with that perception, then I suggest they do not take PAC moneys.

I know, for instance, that two of the great advocates of this bill who have spoken here on the floor today have taken substantial moneys from special-interest groups, one very recently in a bitterly fought primary, but I do not believe that that person is influenced by the United Mine Workers, despite the size of the contribution. I do not believe that of him, because he would not take the money if there was even the perception of wrongdoing. He would rather explain to them, in 14-syllable words that mean nothing, why he could not take it.

Mr. Speaker, in addition to the points that I have made, I think we are neglecting to really look closely at the bill. There is nothing in this bill that prevents PAC's from making substantial contributions. I do not know how many members of this House, I do not know how many candidates for statewide office, have received more than \$2,500 from a PAC today or to date. I suggest there probably are not too many where a single candidate has received in excess of \$2,500 from a PAC. So I do not know whether we are really trying to prevent the PAC's from having any real or imagined influence, or if we are not just trying, by this bill, to perhaps climb into the pockets of the taxpayers to finance a rather dreary, dull campaign if left to the devices of the donee of the taxpayers' largess. I suggest we vote "no."

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.

(Members proceeded to vote.)

VOTES CHALLENGED

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. McMonagle and Mr. McIntyre?

The SPEAKER. Strike Mr. McMonagle's vote and Mr. McIntyre's vote.

Mr. RYAN. And Mr. Donatucci?

The SPEAKER. Has Mr. Donatucci been stricken?

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—92

Alderette	Evans	Levin	Rudy
Angstadt	Fattah	Linton	Saloom
Barber	Fee	Livengood	Salvatore
Battisto	Fischer	McHale	Serafini
Belardi	Foster, Jr., A.	Manderino	Seventy
Bellanti	Freeman	Manmiller	Steighner
Blaum	Gallagher	Markosek	Stewart
Burns	Gamble	Mayernik	Sweet
Caltagirone	George	Michlovic	Taylor, F. E.
Cappabianca	Greenwood	Miller	Tigue
Carn	Gruitza	Miscevich	Truman
Cawley	Gruppo	Murphy	Van Horne
Clark	Harper	O'Donnell	Wachob
Cohen	Hoefel	Olasz	Wambach
Colafella	Hutchinson	Oliver	Wargo
Cole	Itkin	Petrarca	Weston
Cowell	Jarolin	Petrone	Wiggins
Deluca	Kasunic	Pievsyky	Williams
DeWeese	Kosinski	Pistella	Wright, J. L.
Daley	Kowalshyn	Pratt	Zwickl
Davies	Kukovich	Preston	
Dawida	Lashingier	Richardson	Irvis,
Deal	Laughlin	Rieger	Speaker
Dombrowski	Lescovitz		

NAYS—95

Afflerbach	Flick	Lucyk	Robbins
Armstrong	Foster, W. W.	McCall	Ryan
Arty	Freind	McClatchy	Rybak
Baldwin	Fryer	Mackowski	Saurman
Bowser	Gallen	Madigan	Scheetz
Boyes	Gannon	Maiale	Schuler
Brandt	Geist	Merry	Semmel
Broujos	Gladeck	Micozzie	Showers
Bunt	Godshall	Mochlmann	Sirianni
Burd	Grieco	Morris	Smith, B.
Cessar	Hagarty	Mowery	Snyder, D. W.
Cimini	Haluska	Mrkonie	Snyder, G. M.
Civera	Hasay	Nahill	Stairs
Clymer	Hayes	Noye	Stuban
Cordisco	Herman	O'Brien	Swift
Cornell	Hershey	Perzel	Taylor, E. Z.
Coslett	Honaman	Peterson	Telek
Coy	Jackson	Phillips	Trello
DeVerter	Johnson	Piccola	Vroon
Dietz	Kennedy	Pitts	Wass
Dorr	Klingaman	Pott	Wilson
Duffy	Letterman	Punt	Wogan
Durham	Levi	Reber	Wright, R. C.
Fargo	Lloyd	Reinard	

NOT VOTING—10

Book	Lehr	McVerry	Spitz
Dininni	McIntyre	Smith, L. E.	Stevens
Donatucci	McMonagle		

EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

RESOLUTIONS CONTINUED

Mr. TRELLO called up **HR 212, PN 2827**, entitled:

Memorializing Congress to pass the Fair Trade in Steel Act.

On the question,

Will the House adopt the resolution?

Mr. TRELLO offered the following amendment No. A1837:

Amend First Resolve Clause, page 1, line 12, by striking out "4352" and inserting 5081

On the question,

Will the House agree to the amendment?

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

Mr. TRELLO. Mr. Speaker, what I am offering is a technical change in the resolution. It does not change it in any way, and I ask for the support of the amendment for Mr. Miscevic. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

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

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

NAYS—0

NOT VOTING—5

Donatucci	McMonagle	Phillips	Smith, L. E.
Evans			

EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

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

On the question,

Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—188

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

Deluca	Kennedy	Piccola	Wargo
DeVerter	Klingaman	Pievsky	Wass
Daley	Kosinski	Pistella	Weston
Davies	Kowalyszyn	Pitts	Wiggins
Dawida	Kukovich	Pott	Williams
Deal	Lashinger	Pratt	Wilson
Dietz	Laughlin	Preston	Wogan
Dininni	Lehr	Punt	Wright, J. L.
Dombrowski	Lescovitz	Reber	Wright, R. C.
Dorr	Letterman	Reinard	Zwilk
Duffy	Levi	Richardson	
Durham	Levin	Rieger	Irvis,
Evans	Linton	Robbins	Speaker
Fargo	Livengood		

NAYS—0

NOT VOTING—9

Bowser	Donatucci	Fryer	Nahill
Cornell	Fee	McIntyre	Vroon
DeWeese			

EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

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

**SUPPLEMENTAL CALENDAR B
RESOLUTIONS**

Mr. HUTCHINSON called up **HR 223, PN 2942**, entitled:

Recognizing the anniversary of the birth of Major-General Arthur St. Clair of Westmoreland County.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—190

Afflerbach	Fargo	Levin	Rieger
Alderette	Fattah	Linton	Robbins
Angstadt	Fee	Livengood	Rudy
Armstrong	Fischer	Lloyd	Ryan
Arty	Flick	Lucyk	Rybak
Baldwin	Foster, W. W.	McCall	Saloom
Barber	Foster, Jr., A.	McClatchy	Saurman
Battisto	Freeman	McHale	Scheetz
Belardi	Freind	McVerry	Schuler
Belfanti	Fryer	Mackowski	Semmel
Blaum	Gallagher	Madigan	Serafini
Book	Gallen	Maiale	Seventy
Boyes	Gamble	Manderino	Showers
Brandt	Gannon	Manmiller	Sirianni
Broujos	Geist	Markosek	Smith, B.
Bunt	George	Mayernik	Smith, L. E.
Burd	Gladeck	Merry	Snyder, D. W.
Burns	Godshall	Michlovic	Snyder, G. M.
Caltagirone	Greenwood	Micozzie	Spitz
Cappabianca	Grieco	Miller	Stairs
Carn	Gruitza	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.
Colafiglia	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	Kowalyszyn	Pitts	Williams
Deal	Kukovich	Pott	Wilson
Dietz	Lashinger	Pratt	Wright, J. L.
Dininni	Laughlin	Preston	Wright, R. C.
Dombrowski	Lehr	Punt	Zwilk
Dorr	Lescovitz	Reber	
Duffy	Letterman	Reinard	Irvis,
Durham	Levi	Richardson	Speaker

NAYS—0

NOT VOTING—7

Bowser	Evans	McMonagle	Wogan
Donatucci	McIntyre	Salvatore	

EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

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

* * *

Mr. D. R. WRIGHT called up **HR 225, PN 3015**, entitled:

Memorializing the President and the United States Congress to restore certain funding levels for rural residents.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

Alderette	Fattah	Linton	Rudy
Angstadt	Fee	Livengood	Ryan
Armstrong	Fischer	Lloyd	Rybak
Arty	Flick	Lueyk	Saloom
Baldwin	Foster, W. W.	McCall	Salvatore
Barber	Foster, Jr., A.	McClatchy	Saurman
Battisto	Freeman	McHale	Scheetz
Belardi	Freind	McVerry	Schuler
Belfanti	Fryer	Mackowski	Semmel
Blaum	Gallagher	Madigan	Serafini
Book	Gallen	Maiale	Seventy
Boyes	Gamble	Manderino	Showers
Brandt	Gannon	Manmiller	Sirianni
Broujos	Geist	Markosek	Smith, B.
Bunt	George	Mayernik	Smith, L. E.
Burd	Gladeck	Merry	Snyder, D. W.
Burns	Godshall	Michlovic	Snyder, G. M.
Caltagirone	Greenwood	Micozzie	Spitz
Cappabianca	Grieco	Miller	Stairs
Carn	Gruitza	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.
Colafiglia	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	Kowalyshyn	Pitts	Williams
Deal	Kukovich	Pott	Wilson
Dietz	Lashinger	Pratt	Wogan
Dininni	Laughlin	Preston	Wright, J. L.
Dombrowski	Lehr	Punt	Wright, R. C.
Dorr	Lescovitz	Reber	Zwikel
Duffy	Letterman	Reinard	
Durham	Levi	Richardson	Irvis,
Evans	Levin	Robbins	Speaker
Fargo			

NAYS—0

NOT VOTING—6

Afflerbach	Donatucci	McMonagle	Rieger
Bowser	McIntyre		

EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

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

* * *

Mr. LINTON called up **HR 227, PN 2995**, entitled:

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.

On the question,

Will the House adopt the resolution?

Mr. MANDERINO offered the following amendment No. A2339:

Amend First Resolve Clause, page 2, line 13, by striking out "1979" and inserting 1974

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment to the resolution, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, briefly, the amendment speaks to the number of years that the committee that the resolution would appoint would look into minority hiring practices. The resolution as drafted would look into the contracts since 1979. At the suggestion of Mr. Ryan, the amendment is being made to 1974, and I urge an adoption of the amendment.

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
Armstrong	Fischer	McCall	Saloom
Arty	Flick	McClatchy	Salvatore
Baldwin	Foster, W. W.	McHale	Saurman
Barber	Foster, Jr., A.	McMonagle	Scheetz
Battisto	Freeman	McVerry	Schuler
Belardi	Freind	Mackowski	Semmel
Belfanti	Fryer	Madigan	Serafini
Blaum	Gallagher	Maiale	Seventy
Book	Gallen	Manderino	Showers
Bowser	Gamble	Manmiller	Sirianni
Boyes	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	Mrkoncic	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	Lehr	Reber	Zwikel
Dorr	Lescovitz	Reinard	
Duffy	Levi	Richardson	Irvis,
Durham	Levin	Rieger	Speaker
Evans	Linton	Robbins	

NAYS—0

NOT VOTING—4

Brandt	Donatucci	Letterman	McIntyre
--------	-----------	-----------	----------

EXCUSED—5

Marmion	Spencer	Wozniak	Wright, D. R.
Rappaport			

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

On the question,

Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—193

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

Belardi	Belardi
Belanti	Belanti
Freind	Fryer
Mackowski	Madagan
O'Donnell	Madagan
Stearns	Maiale
Stewart	Manderino
Staub	Mandrier
Sweet	Maniller
Swift	Markosek
Taylor, E. Z.	Smith, B.
Taylor, F. E.	Smith, L. E.
Telek	Snyder, D. W.
Tigue	Snyder, G. M.
Truman	Spitz
Van Horne	Stairs
Vron	Stearns
Wachob	Staub
Wambach	Sweet
Wass	Swift
Weston	Taylor, F. E.
Wiggins	Telek
Williams	Tigue
Wilson	Truman
Wogan	Van Horne
Wright, J. L.	Vron
Wright, D. R.	Wachob
	Wambach
	Wass
	Weston
	Wiggins
	Williams
	Wilson
	Wogan
	Wright, J. L.
	Wright, D. R.

CALENDAR CONTINUED
BILL ON CONCURRENCE
IN SENATE AMENDMENTS.

The clerk of the Senate, being introduced, returned the following HB 132, PN 2871, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for commission powers and duties relating to the use of coal; prohibiting certain natural gas utilities from utilizing a sliding scale of rates to recover natural gas costs; and further providing for procedures and standards for regulating the rates of natural gas utilities.

Belardi	Belardi
Freeman	Belanti
McVerry	Freind
Mackowski	Mackowski
Freind	Fryer
Blau	Madagan
Gallen	Maiale
Callagher	Manderino
Gallen	Mandrier
Blau	Maniller
Blau	Markosek
Blau	Smith, B.
Blau	Smith, L. E.
Blau	Snyder, D. W.
Blau	Snyder, G. M.
Blau	Spitz
Blau	Stairs
Blau	Stearns
Blau	Staub
Blau	Sweet
Blau	Swift
Blau	Taylor, E. Z.
Blau	Taylor, F. E.
Blau	Telek
Blau	Tigue
Blau	Truman
Blau	Van Horne
Blau	Vron
Blau	Wachob
Blau	Wambach
Blau	Wass
Blau	Weston
Blau	Wiggins
Blau	Williams
Blau	Wilson
Blau	Wogan
Blau	Wright, J. L.
Blau	Wright, D. R.

NAYS—2

NOT VOTING—2

EXCUSED—5

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

Mr. SAURMAN called up HR 229, PN 3011, entitled:

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

On the question,
Will the House adopt the resolution?
The following roll call was recorded:

YEAS—193

Affenbach	Fargo
Alderete	Farah
Angstadt	Fee
Armstrong	Fischer
Arty	Flack
Baldwin	Foster, W. W.
Barber	Foster, Jr., A.
Bartiss	Freeman
	McVerry
	Schuler
	Schertz
	Saurman
	Salvatore
	Saloom
	Salom
	Rybak
	Ryan
	Rudy
	Liengood
	Loyd
	McCain
	McCall
	McHale
	McMahon
	McVerry

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

The SPEAKER. On that question, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the House do concur in HB 132 as amended by the Senate.

The SPEAKER. It has been moved by the majority leader that the House do concur in amendments inserted by the Senate to HB 132.

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

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

Mr. LAUGHLIN. Mr. Speaker, very briefly, as the majority leader knows, we usually give the members of the House the benefit of what those amendments happen to have been, and so I will give, very briefly, the changes that were brought about by the Senate.

Originally we had covered all companies that are in the business of selling gas in the State of Pennsylvania. The Senate has changed that bill to now bring in only those that do \$40 million a year and over. It covers the major companies in the State, representing about 90 percent of the gas that is sold.

In addition to that, Mr. Speaker, originally we required that there be a 9-month provision for the examination of rates dealing with gas costs. The Senate has amended that bill from the present 60-day provision from July until September to a 6-month period in a minirate case, Mr. Speaker.

In addition to that, they have changed the actual cost and the least expensive provision that we had in the bill dealing with the price of gas and the manner in which the companies are examined to bring about the findings as to whether or not they are purchasing the least costly gas. Mr. Speaker, in addition to that, they provide now that the utility companies will certainly do something about the Federal programs such as FERC (Federal Energy Regulatory Commission) that increases the cost of gas on passthrough.

Mr. Speaker, I do not wholly accept HB 132 as being the bill that we originally passed in the House of Representatives, which I thought was a good bill. It is, however, Mr. Speaker, at least a step in the right direction, and those corrections that I wanted to make on nonconcurrency in a conference committee can be made in a subsequent bill. For that reason, Mr. Speaker, I would ask concurrence.

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

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

YEAS—195

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

Belardi	Freind	McVerry	Schuler
Belfanti	Fryer	Mackowski	Semmel
Blaum	Gallagher	Madigan	Serafini
Book	Gallen	Maiale	Seventy
Bowser	Gamble	Manderino	Showers
Boyes	Gannon	Manmiller	Sirianni
Brandt	Geist	Markosek	Smith, B.
Broujos	George	Mayernik	Smith, L. E.
Bunt	Gladeck	Merry	Snyder, D. W.
Burd	Godshall	Michlovic	Snyder, G. M.
Burns	Greenwood	Micozzie	Spitz
Caltagirone	Grieco	Miller	Stairs
Cappabianca	Gruitza	Miscevich	Steighner
Carn	Gruppo	Mochlmann	Stevens
Cawley	Hagarty	Morris	Stewart
Cessar	Haluska	Mowery	Stuban
Cimini	Harper	Mrkoncic	Sweet
Civera	Hasay	Murphy	Swift
Clark	Hayes	Nahill	Taylor, E. Z.
Clymer	Herman	Noye	Taylor, F. E.
Cohen	Hershey	O'Brien	Telek
Colafella	Hoefel	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	Kowalshyn	Pitts	Williams
Dawida	Kukovich	Pott	Wilson
Deal	Lashingier	Pratt	Wogan
Dietz	Laughlin	Preston	Wright, J. L.
Dininni	Lehr	Punt	Wright, R. C.
Dombrowski	Lescovitz	Reber	Zwickl
Dorr	Letterman	Reinard	
Duffy	Levi	Richardson	Irvis,
Durham	Levin	Rieger	Speaker
Evans			

NAYS—0

NOT VOTING—2

Donatucci 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 and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

SB 1045 RECONSIDERED

The SPEAKER. The Chair has in its possession a motion for reconsideration of the vote by which SB 1045 was passed at today's session, May 22, 1984, signed by the gentleman from Westmoreland, Mr. Hutchinson, and the gentleman from Venango, Mr. Peterson.

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

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—4

Donatucci	Evans	Letterman	McIntyre
-----------	-------	-----------	----------

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 Westmoreland, Mr. Hutchinson.

Mr. HUTCHINSON. Mr. Speaker, I move that SB 1045 be placed on the final passage postponed calendar.

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

HB 300 RECONSIDERED

The SPEAKER. The Chair has in its possession, signed by the gentleman from Dauphin, Mr. Piccola, and the gentleman from Westmoreland, Mr. Kukovich, a motion for reconsideration of the vote by which HB 300 was defeated at this day's session, May 22, 1984.

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

The following roll call was recorded:

YEAS—150

Afflerbach	Evans	McHale	Rybak
Alderette	Fattah	McMonagle	Saloom
Angstadt	Fee	McVerry	Salvatore
Baldwin	Fischer	Manderino	Serafini
Barber	Flick	Manmiller	Seventy
Battisto	Foster, Jr., A.	Markosek	Showers
Belardi	Freeman	Mayernik	Smith, B.
Belfanti	Freind	Merry	Snyder, G. M.
Blaum	Fryer	Michlovic	Spitz
Boyes	Gallagher	Micozzie	Stairs
Burd	George	Miller	Steighner
Burns	Greenwood	Miscevich	Stevens
Caltagirone	Grieco	Morris	Stewart
Cappabianca	Gruitza	Mrkonic	Stuban
Carn	Gruppo	Murphy	Sweet
Cawley	Hagarty	Nahill	Swift
Cimini	Harper	O'Brien	Taylor, E. Z.
Civera	Hasay	O'Donnell	Taylor, F. E.
Clark	Herman	Olasz	Telek
Clymer	Hoeffel	Oliver	Tigue
Cohen	Hutchinson	Perzel	Trello
Colafella	Itkin	Peterson	Truman
Cole	Jarolin	Petrarca	Van Horne
Cordisco	Kasunic	Petrone	Vroon
Cornell	Kosinski	Piccola	Wachob
Coslett	Kowalshyn	Pievsky	Wambach
Cowell	Kukovich	Pistella	Wargo
Coy	Lashinger	Pitts	Wass
Deluca	Laughlin	Pott	Wiggins
DeWeese	Lescovitz	Pratt	Williams
Daley	Levi	Preston	Wilson
Davies	Levin	Punt	Wogan
Dawida	Linton	Reber	Wright, J. L.
Deal	Livengood	Reinard	Wright, R. C.
Dininni	Lloyd	Richardson	Zwinkl
Dombrowski	Lucyk	Rieger	
Duffy	McCall	Robbins	Irvis,
Durham	McClatchy	Rudy	Speaker

NAYS—37

Armstrong	Gallen	Johnson	Phillips
Bowser	Gannon	Kennedy	Ryan
Brandt	Geist	Klingaman	Saurman
Bunt	Gladeck	Lehr	Scheetz
Cessar	Godshall	Mackowski	Schuler
DeVerter	Hayes	Madigan	Semmel
Dietz	Hershey	Mochlmann	Sirianni
Dorr	Honaman	Mowery	Smith, L. E.
Fargo	Jackson	Noye	Snyder, D. W.
Foster, W. W.			

NOT VOTING—10

Arty	Donatucci	Letterman	Majale
Book	Gamble	McIntyre	Weston
Broujos	Haluska		

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?

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that the bill was agreed to on third consideration as amended and is on final passage. The bill will appear on third consideration. The Chair hears no objection.

On the question recurring,

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

Mr. PICCOLA offered the following amendments No. A2121:

Amend Sec. 1 (Article Heading), page 1, line 21, by inserting after "State-wide"

Judicial

Amend Sec. 1 (Sec. 1601-A), page 1, line 22, by striking out "(a)"

Amend Sec. 1 (Sec. 1601-A), page 2, line 1, by inserting after "State-wide"

judicial

Amend Sec. 1 (Sec. 1601-A), page 2, lines 3 through 7, by striking out all of said lines

Amend Sec. 1 (Sec. 1601-A), page 2, line 8, by striking out "(6)" and inserting

(1)

Amend Sec. 1 (Sec. 1601-A), page 2, line 9, by striking out "(7)" and inserting

(2)

Amend Sec. 1 (Sec. 1601-A), page 2, line 10, by striking out "(8)" and inserting

(3)

Amend Sec. 1 (Sec. 1601-A), page 2, lines 11 through 17, by striking out all of said lines

Amend Sec. 1 (Sec. 1604-A), page 3, line 8, by striking out "two dollars and fifty cents (\$2.50)" and inserting

one dollar (\$1.00)

Amend Sec. 1 (Sec. 1604-A), page 3, line 9, by striking out "two dollars and fifty cents (\$2.50)" and inserting

one dollar (\$1.00)

Amend Sec. 1 (Sec. 1604-A), page 3, lines 12 and 13, by striking out "two dollars and fifty cents (\$2.50)" and inserting

two dollars (\$2.00)

Amend Sec. 1 (Sec. 1604-A), page 3, lines 13 and 14, by striking out "five dollars (\$5.00)" and inserting

two dollars (\$2.00)

Amend Sec. 1 (Sec. 1606-A), page 3, line 25, by inserting after "State-wide"

judicial

Amend Sec. 1 (Sec. 1606-A), page 4, line 4, by inserting after "STATE"

judicial

Amend Sec. 1 (Sec. 1606-A), page 4, line 8, by inserting after "STATE-WIDE"

judicial

Amend Sec. 1 (Sec. 1606-A), page 4, line 11, by inserting after "STATE-WIDE"

judicial

Amend Sec. 1 (Sec. 1606-A), page 4, lines 18 through 22, by striking out all of said lines

Amend Sec. 1 (Sec. 1606-A), page 4, line 23, by striking out "(vi)" and inserting

(i)

Amend Sec. 1 (Sec. 1606-A), page 4, line 24, by striking out "(vii)" and inserting

(ii)

Amend Sec. 1 (Sec. 1606-A), page 4, line 24, by striking out "20,000" and inserting

25,000

Amend Sec. 1 (Sec. 1606-A), page 4, line 25, by striking out "(viii)" and inserting

(iii)

Amend Sec. 1 (Sec. 1606-A), page 4, line 25, by striking out "15,000" and inserting

25,000

Amend Sec. 1 (Sec. 1608-A), page 7, lines 3 through 6, by striking out all of said lines

Amend Sec. 1 (Sec. 1608-A), page 7, line 7, by striking out "(iv)" and inserting

(i)

Amend Sec. 1 (Sec. 1608-A), page 7, line 8, by striking out "(v)" and inserting

(ii)

Amend Sec. 1 (Sec. 1608-A), page 7, line 8, by striking out "75,000" and inserting

100,000

Amend Sec. 1 (Sec. 1608-A), page 7, line 9, by striking out "(vi)" and inserting

(iii)

Amend Sec. 1 (Sec. 1608-A), page 7, line 9, by striking out "50,000" and inserting

100,000

Amend Sec. 1 (Sec. 1608-A), page 7, line 10, by striking out all of said line

Amend Sec. 1 (Sec. 1608-A), page 7, lines 18 through 20, by striking out all of lines 18 and 19, and "(3)" in line 20, and inserting

(2)

Amend Sec. 1 (Sec. 1611-A), page 9, lines 11 through 16, by striking out all of said lines and inserting

<u>(i) Supreme Court Justices</u>	<u>300,000</u>
<u>(ii) Superior Court Judges</u>	<u>300,000</u>
<u>(iii) Commonwealth Court Judges</u>	<u>300,000</u>

Amend Sec. 2, page 12, line 19, by inserting after "State-wide"

judicial

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 would make HB 300 applicable only to statewide appellate court candidates. It appears that we are going to continue to elect our appellate court judges in Pennsylvania, at least for the foreseeable future. Further, it appears that because of the Governor's opposition, confusing crossfiling will continue in place as it is now. The only way for

judicial candidates to overcome this confusing election process is to conduct highly visible campaigns, and the only way to do that on a statewide basis, Mr. Speaker, is to raise money to do it. One way to do that and probably the only way to do that presently for judicial candidates is to raise money from lawyers and law firms, which raises all sorts of conflicts of interest and at very best is very awkward for the candidates.

The other way, in my view, is public financing. I generally do not support public financing of political campaigns, but because of the state of our appellate judiciary and the unfortunate reputation that we are acquiring in this State, and because it appears as if we are going to continue to elect those officials, I think we are required to consider public financing, and for that reason I urge support of the amendment. Thank you, Mr. Speaker.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

I am obviously not pleased with the turn of events. At the very least, we have to recognize that we have been stung in this Commonwealth with the problems of our appellate judiciary.

I do not think that many of the bills that have been introduced, which have much merit, seem to be moving with rapidity. Representative Piccola stated the case very well for a system at least for the judges. It is so clear cut whenever judicial candidates receive a vast bulk of money from law firms or individual attorneys. Whenever those people represent clients before judges whom they contributed to, again, that breeds disrespect for our judicial system. I would like this whole bill, and there is a chance that we could try it again, but I do not want to burden this chamber with that now; I do not want to burden it later. At the very least, I think we can support a bill which will lower the checkoff amount to \$1 and \$2, a very small amount.

Pursuant with the arguments of Representative Piccola, I would support his amendment and ask you to do the minimum amount that we can in this session for judicial reform. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—125

Alderette	Fee	McVerry	Rieger
Angstadt	Fischer	Mackowski	Rudy
Armstrong	Foster, Jr., A.	Madigan	Rybak
Arty	Freeman	Maiale	Saloom
Battisto	Gallagher	Manderino	Salvatore
Belardi	Gamble	Manmiller	Semmel
Belfanti	Gannon	Markosek	Serafini
Blaum	George	Mayernik	Seventy
Boyes	Greenwood	Merry	Snyder, D. W.
Broujos	Gruitza	Michlovic	Stairs
Burns	Hagarty	Micozzie	Steighner
Caltagirone	Harper	Miller	Stevens
Cappabianca	Hasay	Miscevich	Stewart
Cawley	Hoeffel	Morris	Sweet
Civera	Hutchinson	Murphy	Taylor, F. E.
Clark	Itkin	Nahill	Trello
Cohen	Jackson	O'Donnell	Truman

Colatella	Jarolin	Olasz	Van Horne
Cole	Kasunic	Oliver	Wachob
Coslett	Kosinski	Perzel	Wambach
Cowell	Kowalshyn	Peterson	Wargo
Deluca	Kukovich	Petrarca	Wass
DeWeese	Lashingner	Petrone	Weston
Davies	Laughlin	Piccola	Wiggins
Dawida	Lescovitz	Pievsky	Williams
Deal	Letterman	Pistella	Wogan
Dietz	Linton	Pott	Wright, R. C.
Dininni	Livengood	Pratt	Zwikl
Dombrowski	Lloyd	Preston	
Duffy	McCall	Reber	Irvis,
Durham	McHale	Reinard	Speaker
Fattah	McMonagle	Richardson	

NAYS—65

Afflerbach	Fargo	Johnson	Saurman
Baldwin	Flick	Kennedy	Scheetz
Book	Foster, W. W.	Klingaman	Schuler
Bowser	Freind	Levi	Showers
Brandt	Fryer	Lucyk	Sirianni
Bunt	Gallen	McClatchy	Smith, B.
Burd	Geist	Moehlmann	Smith, L. E.
Carn	Gladeck	Mowery	Snyder, G. M.
Cessar	Godshall	Mrkonic	Stuban
Cimini	Grieco	Noye	Swift
Clymer	Gruppo	O'Brien	Taylor, E. Z.
Cordisco	Haluska	Phillips	Telek
Cornell	Hayes	Pitts	Tigue
Coy	Herman	Punt	Vroon
DeVerter	Hershey	Robbins	Wilson
Dorr	Honaman	Ryan	Wright, J. L.
Evans			

NOT VOTING—7

Barber	Donatucci	Levin	Spitz
Daley	Lehr	McIntyre	

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. GALLEN offered the following amendments No. A1968:

Amend Sec. 1 (Sec. 1603-A), page 2, line 23, by inserting after "Created.—"

(a)

Amend Sec. 1 (Sec. 1603-A), page 3, by inserting after "payments"

and for the administration of the provisions of this article

Amend Sec. 1 (Sec. 1603-A), page 3, by inserting between lines 2 and 3

(b) Except for the moneys provided pursuant to section 1604-A, no other moneys from the General Fund shall be used for campaign funds or for the administration of the provisions of this article.

On the question,

Will the House agree to the amendments?

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

Mr. GALLEN. Mr. Speaker, this is an amendment which I had distributed earlier and decided not to offer. I now decide to offer it.

Mr. Speaker, the amendment says that except for the moneys provided pursuant to section 1694-A, no other moneys from the General Fund shall be used for campaign funds or for the administration of the provisions of this article, which means that no funds could be used other than those that were checked off, either by the Department of State or by the Department of Revenue.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich, on the amendment.

Mr. KUKOVICH. Mr. Speaker, from my brief reading of the amendment, I think it probably clarifies our intent, and I would not 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—192

Afflerbach	Fargo	Livengood	Robbins
Alderette	Fattah	Lloyd	Rudy
Angstadt	Fee	Lucyk	Ryan
Armstrong	Fischer	McCall	Rybak
Arty	Flick	McClatchy	Saloom
Baldwin	Foster, W. W.	McHale	Salvatore
Barristo	Foster, Jr., A.	McMonagle	Saurman
Beardi	Freeman	McVerry	Scheetz
Belfanti	Freind	Mackowski	Schuler
Blaum	Fryer	Madigan	Semmel
Book	Gallagher	Maiale	Serafini
Bowser	Gallen	Manderino	Seventy
Boyes	Gamble	Manmiller	Showers
Brandt	Gannon	Markosek	Sirianni
Broujos	Geist	Mayernik	Smith, B.
Bunt	George	Merry	Smith, L. E.
Burd	Gladeck	Michlovic	Snyder, D. W.
Burns	Godshall	Micozzie	Snyder, G. M.
Caltagirone	Greenwood	Miller	Stairs
Cappabianca	Grieco	Miscevich	Steighner
Carn	Gruitza	Moehlmann	Stevens
Cawley	Gruppo	Morris	Stewart
Cessar	Hagarty	Mowery	Stuban
Cimini	Haluska	Mrkoncic	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	Hoefel	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	Kowalshyn	Pott	Wilson
Deal	Kukovich	Pratt	Wogan
Dietz	Lashinger	Preston	Wright, J. L.
Dininni	Laughlin	Punt	Wright, R. C.
Dombrowski	Lehr	Reber	Zwinkl
Dorr	Lescovitz	Reinard	
Duffy	Letterman	Richardson	Irvis,

Durham	Levi	Rieger	Speaker
Evans	Linton		

NAYS—0

NOT VOTING—5

Barber	Levin	McIntyre	Spitz
Donatucci			

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?

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

Mr. GALLEN. Mr. Speaker, I have another amendment I ordered from the Legislative Reference Bureau, which I would like to have an opportunity to offer.

The SPEAKER. The Chair hears you would like to have the opportunity to offer it but would suggest that you withdraw that amendment so that the members may get on to the final passage of the bill.

Mr. GALLEN. Mr. Speaker, I did not know that this bill was going to be reconsidered, and I think I should have the opportunity to present that amendment. I think it is an important amendment and it is an important bill.

The SPEAKER. The Chair will place the question to the members.

MOTION TO TABLE

Mr. GALLEN. Mr. Speaker, I withdraw the chance to offer the amendment, and I move to table this bill.

The SPEAKER. It has been moved by the gentleman, Mr. Gallen, that this bill be tabled.

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

The following roll call was recorded:

YEAS—94

Alderette	Foster, W. W.	McClatchy	Ryan
Angstadt	Freind	Mackowski	Saloom
Armstrong	Fryer	Madigan	Salvatore
Arty	Gallen	Maiale	Saurman
Book	Gannon	Manmiller	Scheetz
Bowser	Geist	Merry	Schuler
Boyes	Gladeck	Micozzie	Semmel
Brandt	Godshall	Moehlmann	Sirianni
Bunt	Grieco	Mowery	Smith, B.
Burd	Gruppo	Mrkoncic	Smith, L. E.
Burns	Hagarty	Nahill	Snyder, D. W.
Cessar	Haluska	Noye	Snyder, G. M.
Cimini	Hasay	O'Brien	Spitz
Civera	Hayes	Perzel	Stairs
Clymer	Herman	Peterson	Stevens
Cornell	Hershey	Phillips	Swift
Coslett	Honaman	Piccola	Taylor, E. Z.
Coy	Jackson	Pitts	Telek
DeVerter	Johnson	Pott	Vroon

Davies	Kennedy	Punt	Wass
Dorr	Klingaman	Reber	Weston
Durham	Lashinger	Reinard	Wilson
Fargo	Lehr	Robbins	Wright, R. C.
Flick	Levi		

NAYS—97

Afflerbach	Evans	Lucyk	Rybak
Baldwin	Fattah	McCall	Serafini
Battisto	Fee	McHale	Seventy
Belardi	Fischer	McMonagle	Showers
Belfanti	Freeman	McVerry	Steighner
Blaum	Gallagher	Manderino	Stewart
Broujos	Gamble	Markosek	Suban
Caltagirone	George	Mayermik	Sweet
Cappabianca	Greenwood	Michlovic	Taylor, F. E.
Carn	Gruitza	Miller	Tigue
Cawley	Harper	Miscevich	Trello
Clark	Hoeffel	Morris	Truman
Cohen	Hutchinson	Murphy	Van Horne
Colafella	Itkin	O'Donnell	Wachob
Cole	Jarolin	Olasz	Wambach
Cordisco	Kasunic	Oliver	Wargo
Cowell	Kosinski	Petrarca	Wiggins
DeLuca	Kowalyshyn	Petrone	Williams
DeWeese	Kukovich	Pievsky	Wogan
Daley	Laughlin	Pistella	Wright, J. L.
Dawida	Lescovitz	Pratt	Zwikl
Deal	Letterman	Preston	
Dietz	Linton	Richardson	Iris,
Dombrowski	Livengood	Rieger	Speaker
Duffy	Lloyd	Rudy	

NOT VOTING—6

Barber	Donatucci	Levin	McIntyre
Dininni	Foster, Jr., A.		

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 bill on third consideration as amended?

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Bucks, Mr. Wilson, on final passage.

Mr. WILSON. Will the gentleman, Mr. Piccola, consent to interrogation, please?

The SPEAKER. The gentleman, Mr. Piccola, indicates he will stand for interrogation. The gentleman, Mr. Wilson, is in order and may interrogate Mr. Piccola.

Mr. WILSON. I apologize to the gentleman for perhaps not paying attention totally to his amendment, but if I understand it correctly—and correct me if I am wrong—you have extracted all of the other politicians out of the bill and you have left the judges in to be publicly funded. Is that correct?

Mr. PICCOLA. Only candidates for the office of judge on the Commonwealth Court, the Superior Court, and the Supreme Court of Pennsylvania.

Mr. WILSON. Statewide judges, in other words?

Mr. PICCOLA. Yes.

Mr. WILSON. I thank the gentleman.

May I speak on the bill?

The SPEAKER. The gentleman is in order and may speak on final passage.

Mr. WILSON. Mr. Speaker, I have mixed emotions on the entire concept of funding public elections, and I listened to the debate by the gentleman, Mr. Ryan, and others. The gentleman, Mr. Ryan, said that we are going to dip into the public pocket to fund the politicians' election. I think those were the words; I might be paraphrasing. I do not know and I am concerned as to what makes the judges so sanctimonious that we can dip into the public's pockets to get them elected.

I think Mr. Gallen's motion to table this turkey was the proper way to go. Now that we have not been able to table it, I think we ought to reject this total concept of piecemeal funding. I just have a big problem with dipping into the public pocket to fund the judges and nobody else, and why are they so select. I would urge a negative vote.

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

Mr. GALLEN. Mr. Speaker, if the members would just bear with me, I would like to offer a scenario for 1984 after this bill had become law.

The candidates on the Republican ticket are Governor Scranton and Representative Gallen. Well, I will make it better. I will make "Snooky" Gallen the candidate on the Republican ticket for Lieutenant Governor. All right? The Democratic ticket has Allen Kukovich as its candidate for Governor and Lester K. Fryer as its candidate for Lieutenant Governor. Now, the Scranton-Gallen ticket, since they wanted no part of this law to begin with, does not take advantage of it and manages to scrape together a substantial campaign fund.

POINT OF ORDER

Mr. KUKOVICH. Mr. Speaker, a point of order.

Mr. GALLEN. Mr. Speaker, I am trying to make a very important point.

The SPEAKER. Will the gentleman, Mr. Gallen, yield.

What is the point of the gentleman's point of order?

Mr. KUKOVICH. The point is, Mr. Speaker, that he is not addressing the bill as amended by Representative Piccola. It now only includes judicial candidates. He is raising a hypothetical that cannot be addressed by the now substance of this bill.

The SPEAKER. The gentleman, Mr. Kukovich's point is well taken, Mr. Gallen.

Mr. GALLEN. Where am I in error?

The SPEAKER. If you wish to draw a scenario of what you see may happen as the bill is presently constituted, you may, of course, do that.

Mr. GALLEN. Well, Mr. Speaker, I am addressing final passage of this bill, the entire bill.

The SPEAKER. Mr. Gallen will yield.

The question before the House, on final passage, has nothing to do with gubernatorial candidates. It has to do only with appellate court candidates. You may speak on that issue and only that issue.

Mr. GALLEN. I am sorry, Mr. Speaker.

Mr. MANDERINO. Can you imagine, he screwed up again.

MOTION TO RECOMMIT

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni, on final passage.

Miss SIRIANNI. Mr. Speaker, I move that this bill be recommitted to the Judiciary Committee since it deals with judges.

The SPEAKER. Those in favor of the motion to recommit to the Committee on Judiciary will vote "aye"; those opposed will vote "no."

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

The following roll call was recorded:

YEAS—90

Angstadt	Foster, W. W.	McClatchy	Ryan
Armstrong	Freind	Mackowski	Salvatore
Arty	Gallen	Madigan	Saurman
Book	Gannon	Merry	Scheetz
Bowser	Geist	Micozzie	Schuler
Boyes	Gladeck	Miller	Semmel
Brandt	Godshall	Mochlmann	Serafini
Bunt	Grieco	Mowery	Sirianni
Burd	Gruppo	Mrkonic	Smith, B.
Cessar	Hagarty	Nahill	Smith, L. E.
Cimini	Haluska	Noye	Snyder, D. W.
Civera	Hasay	O'Brien	Snyder, G. M.
Clymer	Hayes	Perzel	Spitz
Cornell	Herman	Peterson	Stairs
Coslett	Hershey	Phillips	Stevens
Coy	Honaman	Piccola	Swift
DeVerter	Jackson	Pitts	Taylor, E. Z.
Davies	Johnson	Pott	Telek
Dietz	Kennedy	Punt	Vroon
Dorr	Klingaman	Reber	Wass
Durham	Lehr	Reinard	Wilson
Fargo	Letterman	Robbins	Wright, R. C.
Flick	Levi		

NAYS—104

Afflerbach	Evans	Lloyd	Rieger
Alderette	Fattah	Lucyk	Rudy
Baldwin	Fee	McCall	Rybak
Battisto	Fischer	McHale	Saloom
Belardi	Foster, Jr., A.	McIntyre	Seventy
Belfanti	Freeman	McMonagle	Showers
Blaum	Fryer	McVerry	Steighner
Broujos	Gallagher	Maiale	Stewart
Burns	Gamble	Manderino	Stuban
Caltagirone	George	Manmiller	Sweet
Cappabianca	Greenwood	Markosek	Taylor, F. E.
Carn	Gruitza	Mayernik	Tigue
Cawley	Harper	Michlovic	Trello
Clark	Hoeffel	Miscevich	Truman
Cohen	Hutchinson	Morris	Van Horne
Colafella	Itkin	Murphy	Wachob
Cole	Jarolin	O'Donnell	Wambach
Cordisico	Kasunic	Olasz	Wargo
Cowell	Kosinski	Oliver	Wiggins

Deluca	Kowalshyn	Petrarca	Williams
DeWeese	Kukovich	Petrone	Wogan
Daley	Lashingier	Pievsky	Wright, J. L.
Dawida	Laughlin	Pistella	Zwinkl
Deal	Lescovitz	Pratt	
Dombrowski	Levin	Preston	Irvis,
Donatucci	Linton	Richardson	Speaker
Duffy	Livengood		

NOT VOTING—3

Barber	Dininni	Weston
--------	---------	--------

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?

PARLIAMENTARY INQUIRY

Miss SIRIANNI. A point of inquiry, Mr. Speaker.

The SPEAKER. What is the question, Miss Sirianni?

Miss SIRIANNI. Mr. Speaker, is it not a fact that Mr. Gallen is waiting for an amendment?

The SPEAKER. It is not a fact. He has withdrawn it. We have already passed third consideration. We are now on final passage. Even if he had an amendment, we could not accept it.

On the question recurring,
Shall the bill pass finally?

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

YEAS—104

Afflerbach	Fee	McHale	Rieger
Alderette	Fischer	McIntyre	Rudy
Angstadt	Foster, Jr., A.	McMonagle	Rybak
Battisto	Freeman	McVerry	Saloom
Belfanti	Gallagher	Maiale	Serafini
Blaum	Gamble	Manderino	Seventy
Book	George	Manmiller	Stairs
Boyes	Greenwood	Markosek	Steighner
Burns	Gruitza	Mayernik	Stewart
Caltagirone	Gruppo	Michlovic	Sweet
Cappabianca	Harper	Miller	Taylor, F. E.
Carn	Hoeffel	Miscevich	Tigue
Cawley	Hutchinson	Murphy	Trello
Clark	Itkin	O'Donnell	Truman
Cohen	Jarolin	Olasz	Van Horne
Colafella	Kasunic	Oliver	Wachob
Cole	Kosinski	Petrarca	Wambach
Cowell	Kowalshyn	Petrone	Weston
Deluca	Kukovich	Piccola	Wiggins
DeWeese	Lashingier	Pievsky	Williams
Daley	Laughlin	Pistella	Wogan
Davies	Lescovitz	Pratt	Wright, J. L.
Dawida	Letterman	Preston	Zwinkl
Deal	Levin	Reber	
Dombrowski	Linton	Reinard	Irvis,
Evans	Livengood	Richardson	Speaker
Fattah	Lloyd		

NAYS—90

Armstrong	Flick	Lucyk	Salvatore
Arty	Foster, W. W.	McCall	Saurman
Baldwin	Freind	McClatchy	Scheetz
Belardi	Fryer	Mackowski	Schuler
Bowser	Gallen	Madigan	Semmel
Brandt	Gannon	Merry	Showers
Broujos	Geist	Micozzie	Sirianni
Bunt	Gladeck	Moehlmann	Smith, B.
Burd	Godshall	Morris	Smith, L. E.
Cessar	Grieco	Mowery	Snyder, D. W.
Cimini	Hagarty	Mrkonic	Snyder, G. M.
Civera	Haluska	Nahill	Spitz
Clymer	Hasay	Noye	Stevens
Cordisco	Hayes	O'Brien	Stuban
Cornell	Herman	Perzel	Swift
Coslett	Hershey	Peterson	Taylor, E. Z.
Coy	Honaman	Phillips	Telek
DeVerter	Jackson	Pitts	Vroon
Dietz	Johnson	Pott	Wargo
Dorr	Kennedy	Punt	Wass
Duffy	Klingaman	Robbins	Wilson
Durham	Lehr	Ryan	Wright, R. C.
Fargo	Levi		

NOT VOTING—3

Barber	Dininni	Donatucci
--------	---------	-----------

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 SPEAKER. We had reported to the floor of the House earlier HB 2099, PN 2956. That was first read on May 14. It will now be given second consideration so that it may appear on the third consideration calendar tomorrow.

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 2099, PN 2956.

REMARKS ON VOTE

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, on final passage of HB 300 I was voted in the affirmative and would like to be registered in the negative.

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

HB 1004 RECONSIDERED

The SPEAKER. The Chair has in its possession, signed by Mr. Dwight Evans, a motion for reconsideration of the vote by which the Conference Committee Report on HB 1004 was defeated on this day's session, May 22, 1984.

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

The following roll call was recorded:

YEAS—181

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

NAYS—11

Bunt	Durham	Scheetz	Wilson
Clymer	Gladeck	Sirianni	Wright, J. L.
Dietz	Hershey	Snyder, D. W.	

NOT VOTING—5

Barber	Dininni	Nahill	Rudy
Cessar			

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,
Will the House adopt the report of the committee of conference?

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

HB 300 RECONSIDERED

The SPEAKER. The Chair has in its possession a reconsideration motion by which HB 300, PN 2613, was passed on this 22d day of May of this session.

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

The following roll call was recorded:

YEAS—170

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

NAYS—24

Belfanti	Dietz	Kukovich	Smith, L. E.
Cawley	Fischer	Miller	Vroon
Clark	Freeman	Mrkonie	Wambach
Cohen	Greenwood	Oliver	Wogan

Cowell	Gruitza	Punt	Wright, J. L.
DeVerter	Jackson	Sirianni	Zwinkl

NOT VOTING—3

Barber	Dininni	Pistella
--------	---------	----------

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?

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its position that the bill was agreed to on third consideration as amended and is now on final passage. The Chair hears no objection.

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

The SPEAKER. Mr. Gallen, do you have amendments available or do you wish to speak on final passage?

Mr. GALLEN. Mr. Speaker, I have an amendment which is identical to the Ryan amendment with the exception that—

The SPEAKER. Has the amendment been distributed, Mr. Gallen?

Mr. GALLEN. The amendment is being distributed.

The SPEAKER. We will wait until the amendment is distributed, Mr. Gallen.

The House will stand at ease.

PARLIAMENTARY INQUIRY

The SPEAKER. For what reason does the gentleman from Franklin, Mr. Punt, rise?

Mr. PUNT. A parliamentary inquiry.

The SPEAKER. The gentleman will state the point of parliamentary inquiry.

Mr. PUNT. In regards to the Conference Report on HB 1004, the board was lit, you ordered the board struck, and automatically went into reconsideration of HB 300. What is the status, and where is HB 1004?

The SPEAKER. HB 1004 has failed passage on one occasion on this House floor. They have discontinued the fight on that one by mutual agreement.

Mr. PUNT. What is the actual status of the bill?

The SPEAKER. The House failed to pass the Committee of Conference Report on HB 1004.

Mr. PUNT. And it is not on the calendar postponed?

The SPEAKER. No.

Mr. PUNT. Anything?

The SPEAKER. No, it is not.

Mr. PUNT. All right. Thank you.

PARLIAMENTARY INQUIRIES

The SPEAKER. The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, as a matter of parliamentary inquiry to clarify the last inquiry?

After the Conference Report on HB 1004 was rejected by the House, a motion for reconsideration was filed and voted on favorably, which put the matter before the House. When next the matter was brought before the House, there was no vote taken. Technically, would it not be the case then that the Conference Committee Report on HB 1004 would still be before the House and that at the Chair's discretion moved on to the next item of business of HB 300, which would leave the conference report on the calendar?

The SPEAKER. The Chair was under the impression that Mr. O'Donnell had withdrawn the motion to reconsider. Now, if the Chair is in error on that—

Mr. O'DONNELL. Excuse me, Mr. Speaker?

The SPEAKER. The Chair was under the impression that you had withdrawn the motion to reconsider at this point in time.

I think if you wish to have the bill reconsidered and wish to have it appear on the next day's calendar, the correct way to do it would be to file a second motion of reconsideration.

Mr. O'DONNELL. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Maybe I am confused. My recollection of the events was that HB 1004 was in fact reconsidered, received a favorable vote. When it came up on the question of final passage, I think, is when the vote was stricken. So it was not disposed of, as I recall.

The SPEAKER. It was reconsidered, that is true, and then we had information that the battle was not to be joined on the motion of reconsideration, that it was withdrawn.

Mr. RYAN. No. My recollection of events was we had already passed the reconsideration.

The SPEAKER. That is correct.

Mr. RYAN. And then on final passage there was some confusion, and I think it was tantamount to the gentleman, Mr. O'Donnell, not calling it up for a vote on final passage, is my recollection of how it happened.

The SPEAKER. The Chair thinks the gentleman is quite correct, but the Chair would say that probably the simplest way of avoiding that is simply to consider the reconsideration motion as being on file and not having been called up beyond the passage of the motion, in which case, Mr. Punt, the Chair would be in error in saying that the bill would not appear. The bill would appear on the next day's calendar, and someday we will tell you what really happened.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, just so I am clear, the next day a calendar is printed for this House—

The SPEAKER. The bill will appear as a committee of conference report.

Mr. MANDERINO. On concurrence?

The SPEAKER. On concurrence.

Mr. MANDERINO. Which will be available for calling up if Mr. Salvatore chooses to do so.

The SPEAKER. That is correct.

Mr. MANDERINO. Thank you.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. During the period when we are awaiting Mr. Gallen's amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Pievsky, who wishes to call an immediate meeting of the Appropriations Committee. Where, Mr. Pievsky?

Mr. PIEVSKY. At the rear of the chambers, Mr. Speaker.

The SPEAKER. An immediate meeting during the interval that we are awaiting Mr. Gallen's amendment of the Appropriations Committee at the rear of the hall of the House.

**HOUSE RESOLUTIONS
INTRODUCED AND REFERRED****No. 230**

(Concurrent) By Representatives GEIST, HUTCHINSON, WARGO, BELFANTI, HERMAN, BATTISTO, STUBAN, HALUSKA, REBER, BOWSER, E. Z. TAYLOR, CIVERA, LASHINGER, MADIGAN, PETRARCA, SEMMEL, PHILLIPS, COLAFELLA, PRATT, FISCHER, CIMINI, PETERSON, OLASZ, ARTY, LUCYK, HERSHEY, WOGAN, KASUNIC, WOZNIAK, SEVENTY, PETRONE, McVERRY, GANNON, BALDWIN, MERRY, R. C. WRIGHT, HAYES, JOHNSON, MANDERINO and WAMBACH

Memorializing the President, Congress and Secretary of Transportation to require that the ultimate purchaser of Conrail commit to maintaining the current system intact.

Referred to Committee on RULES, May 22, 1984.

No. 231

By Representatives HALUSKA, AFFLERBACH, DALEY, MAYERNIK, PISTELLA, GODSHALL, WOGAN, LASHINGER and PRATT

Establishing a bipartisan committee to investigate and study home equity conversions and reversible mortgages.

Referred to Committee on RULES, May 22, 1984.

BILLS SIGNED BY SPEAKER

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

HB 132, PN 2871

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for commission powers and duties relating to the use of coal; prohibiting certain natural gas

utilities from utilizing a sliding scale of rates to recover natural gas costs; and further providing for procedures and standards for regulating the rates of natural gas utilities.

HB 1608, PN 2985

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

SB 173, PN 1966

An Act amending the act of April 29, 1937 (P. L. 487, No. 115), entitled, as reenacted and amended, "The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns, and Townships," prohibiting rejection of voter registration applications because the color of the applicant is not indicated thereon.

SB 672, PN 1943

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for civil immunity of school officers or employees relating to drug or alcohol abuse; and providing for limitation of time for bringing an action where infancy, insanity or imprisonment is involved.

SB 994, PN 1909

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, changing provisions relating to the revocation of boat registrations; further providing for the operation of watercraft while under the influence of alcohol or a controlled substance; providing for testing apparatus, procedures and personnel; and providing for the crime of homicide by watercraft.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1357, PN 2016 By Rep. PIEVSKY

An Act amending the act of December 3, 1959 (P. L. 1688, No. 621), entitled, as amended, "Housing Finance Agency Law," allowing the agency to make loans independently of participation in a Federal Housing Assistance Program; saving an act from expiration; further providing guidelines and criteria to be used for homeowner's emergency assistance; making an appropriation; and making editorial changes.

APPROPRIATIONS.

BILL REREPORTED FROM COMMITTEE

HB 1566, PN 3031 (Amended) By Rep. PIEVSKY

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

APPROPRIATIONS.

CONSIDERATION OF HB 300 RESUMED

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

Mr. GALLEN offered the following amendments No. A2377:

Amend Bill, page 12, by inserting between lines 21 and 22 Section 3. Notwithstanding section 2, this act shall be applicable for the public financing of elections in the first calendar year in which more than 30% of the persons for whom tax returns are filed under Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, elect to participate in allocating a portion of their tax liability to the Public Election Financing Fund. Until such time as the provisions herein become applicable, any funds which would otherwise be deposited in the Public Election Financing Fund shall revert to the General Fund.

Amend Sec. 3, page 12, line 22, 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 Berks, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, this amendment is identical to the Ryan amendment. It is a triggering amendment; that is, the effect of this bill will not become a reality unless— Under Mr. Ryan's amendment it said 50 percent; this amendment says unless 30 percent of the people opt to check off. With the Piccola amendment in place, the amount that they would check off would now be \$1. So if 30 percent of the people do not wish to check off the \$1 contribution into the fund, which costs them nothing, then the bill becomes a nullity. In other words, the bill is not triggered in.

Mr. Speaker, I think it is a very reasonable figure. We heard the gentleman, Mr. Kukovich, say that 85 percent of the people are in favor of legislation like this. Well, let 30 percent of them merely check off the box, which does not cost them anything, and then they have a bill which funds the campaigns of the judiciary.

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

The following roll call was recorded:

YEAS—103

Afflerbach	Fargo	Lehr	Rieger
Angstadt	Fischer	Letterman	Robbins
Armstrong	Flick	Levi	Rybak
Arty	Foster, W. W.	McClatchy	Salvatore
Baldwin	Foster, Jr., A.	McIntyre	Saurman
Book	Freind	McVerry	Scheetz
Bowser	Gallen	Mackowski	Schuler
Boyes	Gannon	Madigan	Semmel
Brandt	Geist	Maiale	Sirianni
Bunt	Gladeck	Merry	Smith, B.
Burd	Godshall	Miller	Smith, L. E.
Caltagirone	Grieco	Moehlmann	Snyder, D. W.
Cessar	Gruppo	Morris	Snyder, G. M.
Cimini	Hagarty	Mowery	Spitz
Civera	Hasay	Nahill	Stairs
Clymer	Hayes	Noye	Stevens
Cornell	Herman	O'Brien	Swift
Coslett	Hershey	Olasz	Taylor, E. Z.
Coy	Honaman	Perzel	Telek
DeVerter	Jackson	Peterson	Vroon
Davies	Johnson	Phillips	Wass
Dietz	Kennedy	Piccola	Weston
Dininni	Klingaman	Pitts	Wilson

Donatucci	Kowalshyn	Pott	Wogan
Dorr	Lashingier	Punt	Wright, R. C.
Durham	Laughlin	Reber	

NAYS—89

Alderette	Evans	Lucyk	Serafini
Battisto	Fattah	McCall	Seventy
Belardi	Fee	McHale	Showers
Belfanti	Freeman	Manderino	Steighner
Blaum	Fryer	Manmiller	Stewart
Broujos	Gallagher	Markosek	Stuban
Burns	George	Mayernik	Sweet
Cappabianca	Greenwood	Michlovic	Taylor, F. E.
Carn	Gruitza	Miscevich	Tigue
Cawley	Haluska	Mrkonic	Trello
Clark	Harper	Murphy	Truman
Cohen	Hoeffel	O'Donnell	Van Horne
Colafrilla	Hutchinson	Oliver	Wachob
Cole	Itkin	Petrarca	Wambach
Cordisco	Jarolin	Petrone	Wargo
Cowell	Kasunic	Pievsky	Wiggins
Deluca	Kosinski	Pistella	Williams
DeWeese	Kukovich	Pratt	Wright, J. L.
Daley	Lescovitz	Preston	Zwikl
Dawida	Levin	Reinard	
Deal	Linton	Richardson	Irvis,
Dombrowski	Livengood	Rudy	Speaker
Duffy	Lloyd	Saloom	

NOT VOTING—5

Barber	McMonagle	Micozzie	Ryan
Gamble			

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?

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.

(Members proceeded to vote.)

VOTES CHALLENGED

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, the names that I was mentioning earlier, I wish they would be taken from the board.

The SPEAKER. Mr. McIntyre; Mr. McMonagle; Mr. Donatucci.

The Chair recognizes the majority leader.

Mr. MANDERINO. If he is going to call some names, I think I ought to call some names.

Mr. Gladeck?

The SPEAKER. Mr. Gladeck? Mr. Gladeck is here.

Mr. MANDERINO. Mr. Dininni?

The SPEAKER. Mr. Dininni? Strike Mr. Dininni's vote, please. He is not on the board.

Mr. RYAN. Mr. Speaker, Mr. Donatucci and Mr. McIntyre are still recorded.

The SPEAKER. Mr. McIntyre is still on the board. Remove him from the board, please. Mr. Donatucci is not on the board. Remove Mr. McIntyre's vote.

Mr. MANDERINO. Mr. Swift I do not believe is here.

The SPEAKER. Mr. Swift is here.

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—96

Alderette	Fee	Lloyd	Rudy
Angstadt	Fischer	McHale	Rybak
Battisto	Foster, Jr., A.	McVerry	Saloom
Belardi	Freeman	Manderino	Serafini
Belfanti	Gallagher	Manmiller	Seventy
Blaum	Gamble	Markosek	Stairs
Burns	George	Mayernik	Steighner
Caltagirone	Greenwood	Michlovic	Stewart
Cappabianca	Gruitza	Miscevich	Sweet
Carn	Gruppo	Murphy	Taylor, F. E.
Cawley	Harper	O'Donnell	Tigue
Clark	Hoeffel	Olasz	Trello
Cohen	Hutchinson	Oliver	Truman
Colafrilla	Itkin	Petrarca	Van Horne
Cole	Jarolin	Petrone	Wachob
Cowell	Kasunic	Piccola	Wambach
Deluca	Kosinski	Pievsky	Wiggins
DeWeese	Kowalshyn	Pistella	Williams
Daley	Kukovich	Pratt	Wogan
Davies	Lashingier	Preston	Wright, J. L.
Dawida	Laughlin	Reber	Zwikl
Deal	Lescovitz	Reinard	
Dombrowski	Levin	Richardson	Irvis,
Evans	Linton	Rieger	Speaker
Fattah	Livengood		

NAYS—87

Afflerbach	Fargo	Letterman	Ryan
Armstrong	Flick	Levi	Salvatore
Arty	Foster, W. W.	McCall	Saurman
Baldwin	Freind	McClatchy	Scheetz
Bowser	Fryer	Mackowski	Schuler
Brandt	Gallen	Madigan	Semmel
Broujos	Gannon	Maiale	Showers
Bunt	Geist	Merry	Sirianni
Burd	Gladeck	Micozzie	Smith, B.
Cessar	Godshall	Moehlmann	Snyder, D. W.
Cimini	Grieco	Morris	Snyder, G. M.
Civera	Hagarty	Mowery	Stuban
Clymer	Haluska	Mrkonic	Swift
Cordisco	Hasay	Nahill	Taylor, E. Z.
Cornell	Hayes	Noye	Telek
Coslett	Herman	O'Brien	Vroon
Coy	Hershey	Perzel	Wargo
DeVerter	Honaman	Peterson	Wass
Dietz	Jackson	Phillips	Weston
Dorr	Johnson	Pott	Wilson
Duffy	Kennedy	Punt	Wright, R. C.
Durham	Klingaman	Robbins	

NOT VOTING—14

Barber	Donatucci	McMonagle	Smith, L. E.
Book	Lehr	Miller	Spitz
Boyes	Lucyk	Pitts	Stevens
Dininni	McIntyre		

EXCUSED—5

Marmion Spencer Wozniak Wright, D. R.
Rappaport

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

HB 300 RECONSIDERED

The SPEAKER. The Chair has before it a motion to reconsider the vote by which HB 300 was defeated on this day, the 22d of May.

We are going to place the reconsideration motion only. The bill itself will not be called up. It will be placed on final passage postponed.

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

The following roll call was recorded:

YEAS—128

Afflerbach	Evans	Lloyd	Rieger
Alderette	Fattah	Lucyk	Rudy
Arty	Fee	McCall	Rybak
Baldwin	Fischer	McHale	Saloom
Battisto	Foster, Jr., A.	McVerry	Serafini
Belardi	Freeman	Maiale	Seventy
Belfanti	Freind	Manderino	Showers
Blaum	Gallagher	Manmiller	Smith, B.
Broujos	Gamble	Markosek	Spitz
Burd	Gannon	Mayernik	Stairs
Burns	George	Michlovic	Steighner
Caltagirone	Greenwood	Micozzie	Stewart
Cappabianca	Grieco	Miller	Stuban
Carn	Gruitza	Miscevich	Sweet
Cawley	Gruppo	Morris	Taylor, E. Z.
Cimini	Hagarty	Murphy	Taylor, F. E.
Civera	Haluska	Nahill	Tigue
Clark	Harper	O'Brien	Trello
Cohen	Hoeffel	O'Donnell	Truman
Colafella	Hutchinson	Olasz	Van Horne
Cole	Itkin	Oliver	Wachob
Cordisco	Jarolin	Perzel	Wambach
Cowell	Kasunic	Petrarca	Wargo
Coy	Kosinski	Petrone	Wass
Deluca	Kowalshyn	Pievsky	Wiggins
DeWeese	Kukovich	Pistella	Williams
Daley	Lashingier	Pott	Wright, J. L.
Davies	Laughlin	Pratt	Wright, R. C.
Dawida	Lescovitz	Preston	Zwinkl
Deal	Letterman	Reber	
Dombrowski	Levin	Reinard	Irvis,
Duffy	Linton	Richardson	Speaker
Durham	Livengood		

NAYS—61

Angstadt	Foster, W. W.	Levi	Saurman
Armstrong	Fryer	McClatchy	Scheetz
Book	Gallen	Mackowski	Schuler
Bowser	Geist	Madigan	Semmel
Boyes	Gladeck	Merry	Sirianni
Brandt	Godshall	Moehlmann	Smith, L. E.
Bunt	Hasay	Mowery	Snyder, D. W.
Cessar	Hayes	Mrkonic	Snyder, G. M.
Clymer	Herman	Noye	Stevens
Cornell	Hershey	Peterson	Swift
Coslett	Honaman	Phillips	Telek
DeVerter	Jackson	Piccola	Vroon
Dietz	Johnson	Punt	Weston
Dorr	Kennedy	Robbins	Wilson

Fargo Klingaman Ryan Wogan
Flick

NOT VOTING—8

Barber Donatucci McIntyre Pitts
Dininni Lehr McMonagle Salvatore

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 Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, I move that HB 300 be placed on final passage postponed.

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. Does the majority leader have any further business to bring before the House? Does the minority leader have any further business to bring before the House?

We shall be adjourned until Tuesday of next week.

The members may leave, but we do not dare adjourn, because the deficiency bill has been passed by the Senate. The Speaker must be here on the floor of the House to sign it. The members do not have to be present.

When we return, it will be on May 29, Tuesday, at 1 p.m.

URBAN AFFAIRS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson, for the purpose of announcing a meeting.

Mr. RICHARDSON. Mr. Speaker, I would like to announce that the Urban Affairs Committee meeting that was scheduled for Thursday of this week will now be held tomorrow, May 23, at 9:30 in room 200 of the South Office Building.

SENATE MESSAGE

HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 952, PN 2006**.

BILL SIGNED BY SPEAKER

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

SB 952, PN 2006

An Act to provide supplemental appropriations from the General Fund for the expenses of the Executive and Judicial Departments of the Commonwealth, the public debt, for allowable net operating costs for intermediate care facilities and for the public schools for the fiscal year July 1, 1983 to June 30, 1984, and for the bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1983; and to further appropriate the Federal Augmentation to the Executive Department of the Commonwealth for the fiscal year July 1, 1983 to June 30, 1984, for allowable net operating costs for intermediate care facilities and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1983.

SENATE MESSAGE**SENATE CONCURRENCE
IN HOUSE AMENDMENTS**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate Resolution entitled 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 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.”

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

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

Mr. BUNT. Mr. Speaker, I move that this House do now adjourn until Tuesday, May 29, 1984, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 7:25 p.m., e.d.t., the House adjourned.