

Legislative Journal

MONDAY, JUNE 11, 1984

SESSION OF 1984 168TH OF THE GENERAL ASSEMBLY

No. 43

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

O Lord, our God, Thou art the sustainer of all mankind, and we turn to Thee this day in gratitude for the outpouring of Thy Holy Spirit on that first day of Pentecost. We pray Thee, send Thy Holy Spirit into our hearts through Thy blessed word so that Thou may rule and guide us according to Thy will, strengthen us in every trial and need, and lead us, past all error, into Thy truth, so that we may stand fast in faith, increase in love and all good works, and by the sure hope of Thy grace, which Thou hast obtained for us, we may be eternally saved, who livest and reignest one God forever and ever. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, and the Chair hears no objection, the approval of the Journal of Wednesday, June 6, 1984, will be postponed until the Journal is in print.

COMMUNICATION FROM GOVERNOR

BILL SIGNED BY GOVERNOR

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

APPROVAL OF HB No. 2039.

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

June 8, 1984

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

I have the honor to inform you that I have this day approved and signed House Bill 2039, Printer's No. 2768, entitled "AN ACT amending the act of July 7, 1947 (P. L. 1368, No. 542), entitled, as amended, 'AN act amending, revising and consolidating the laws relating to delinquent county, city, except of the first and second class and second class A, borough, town, township, school district, except of the first class and school districts within cities of the second class A, and institution district taxes, providing when, how and upon what property, and to what extent liens shall be allowed for such taxes, the return and entering of claims therefor; the collection and adjudication of such claims, sales of real property, including seated and unseated lands, subject to the lien of such tax claims; the disposition of the proceeds thereof, including State taxes and municipal claims recovered and the redemption of property; providing for the discharge and divestiture by certain tax sales of all estates in property and of mortgages and liens on such property, and the proceedings therefor; creating a Tax Claim Bureau in each county, except counties of the first and second class, to act as agent for taxing districts; defining its powers and duties, including sales of property, the management of property taken in sequestration, and the management, sale and disposition of property heretofore sold to the county commissioners, taxing districts and trustees at tax sales; providing a method for the service of process and notices; imposing duties on taxing districts and their officers and on tax collectors, and certain expenses on counties and for their reimbursement by taxing districts; and repealing existing laws,' providing for title to lands sold at tax sales to be subject to liens of record."

Dick Thornburgh
Governor

HOUSE BILLS INTRODUCED AND REFERRED

No. 2261 By Representatives AFFLERBACH, JAROLIN, DeLUCA, TIGUE, DALEY, COLE, ALDERETTE, DeWEESE, MORRIS, COWELL, KUKOVICH, BATTISTO, GALLAGHER, PRESTON, KOSINSKI, LLOYD and PISTELLA

An Act amending the "Public Official and Employee Ethics Law," approved October 4, 1978 (P. L. 883, No. 170), further providing for restricted activities of public officials and public employees.

Referred to Committee on JUDICIARY, June 11, 1984.

No. 2262 By Representatives BARBER, RICHARDSON, SALVATORE, OLIVER, GALLAGHER, LEVIN, VROON and SWIFT

An Act making an appropriation to the Lighthouse of the Blind, Philadelphia, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1984.

No. 2263 By Representatives LASHINGER, RICHARDSON, SALVATORE, OLIVER, GALLAGHER, LEVIN, VROON, SWIFT and SAURMAN

An Act making an appropriation to the Mobility Foundation, North Wales, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1984.

No. 2264 By Representatives LASHINGER, RICHARDSON, SALVATORE, OLIVER, GALLAGHER, LEVIN, VROON, SWIFT and SAURMAN

An Act making an appropriation to the Montgomery County Association for the Blind, Norristown, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1984.

No. 2265 By Representatives BARBER, RICHARDSON, SALVATORE, OLIVER, GALLAGHER, LEVIN, HARPER and WIGGINS

An Act making an appropriation to the Philadelphia Blind Association, Philadelphia, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1984.

No. 2266 By Representatives RICHARDSON, SALVATORE, OLIVER, HARPER and LEVIN

An Act making an appropriation to the Delaware Valley Eye Bank.

Referred to Committee on APPROPRIATIONS, June 11, 1984.

No. 2267 By Representatives BARBER, RICHARDSON, SALVATORE, OLIVER, GALLAGHER, LEVIN and HARPER

An Act making an appropriation to the Pennsylvania Council of the Blind, Philadelphia, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1984.

No. 2268 By Representatives LEVIN, RICHARDSON, SALVATORE, OLIVER, GALLAGHER, VROON, BARBER, ITKIN and HARPER

An Act making an appropriation to the Rudolphy Residence for the Blind, Philadelphia, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 11, 1984.

No. 2269 By Representatives GALLAGHER, COLAFELLA, FREIND, COWELL, DALEY and E. Z. TAYLOR

An Act amending the "Community College Act of 1963," approved August 24, 1963 (P. L. 1132, No. 484), prohibiting tuition increases assessed for capital improvement programs; and making an editorial change.

Referred to Committee on EDUCATION, June 11, 1984.

No. 2270 By Representatives CIVERA, RICHARDSON, SALVATORE, ARTY, GALLAGHER, LEVIN, SWIFT, DURHAM and MICOZZIE

An Act making an appropriation to the Delaware County Branch of the Pennsylvania Association for the Blind.

Referred to Committee on APPROPRIATIONS, June 11, 1984.

No. 2271 By Representatives GLADECK, GEIST, GREENWOOD, WACHOB and HOEFFEL

An Act providing for the qualifications, eligibility and licensing of emergency service personnel and related equipment; imposing powers and duties on the Department of Health; and making repeals.

Referred to Committee on HEALTH AND WELFARE, June 11, 1984.

No. 2272 By Representative HUTCHINSON

An Act amending the "Municipality Authorities Act of 1945," approved May 2, 1945 (P. L. 382, No. 164), creating a position of ombudsman for water authorities.

Referred to Committee on LOCAL GOVERNMENT, June 11, 1984.

No. 2273 By Representatives POTT, MAYERNIK, PRESTON, TRELLO, WARGO, PETERSON and O'DONNELL

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), providing for annual returns by hotel operators.

Referred to Committee on FINANCE, June 11, 1984.

SENATE BILLS FOR CONCURRENCE

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

SB 1245, PN 2063

Referred to Committee on TRANSPORTATION, June 11, 1984.

SB 1371, PN 1955

Referred to Committee on TRANSPORTATION, June 11, 1984.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The clerk of the Senate, being introduced, informed that the Senate has adopted the Report of the Committee of Conference on the subject of the differences existing between the two Houses on **HB 1887, PN 3054**.

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 298, PN 2038**.

COMMUNICATION FROM INDEPENDENT REGULATORY REVIEW COMMISSION REGULATORY REVIEW REPORT NO. 1

The SPEAKER. The Speaker has in hand and acknowledges receipt of a report from the Independent Regulatory Review Commission pertaining to regulation No. 43-1 of the Pennsylvania Public School Employees' Retirement System.

The following communication was read:

Commonwealth of Pennsylvania
Independent Regulatory Review Commission
333 Market Street
P. O. Box 15130
Harrisburg, PA 17105

June 7, 1984

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

Dear Mr. Speaker:

On May 24, 1984, the Independent Regulatory Review Commission (Commission) received a letter from Governor Thornburgh recommending that the Commission approve Regulation No. 43-1 as initially proposed over one year ago by the Pennsylvania Public School Employees' Retirement System (PSERS) (regulation, Attachment A; letter, Attachment B). The PSERS proposal would amend Section 213.4 of Title 22 of the Pennsylvania Code, which deals with procedures and requirements for purchase by PSERS members of out-of-state service credits. The Governor informed us that he has found the proposal to be in the public interest.

Regrettably, the Commission cannot concur with the opinion of the Governor. Rather we have found the opposite — that the regulation is contrary to the public interest — and for the third time the Commission has voted to disapprove the regulation. Therefore, in accordance with the procedures specified in Section 7(b) of the Regulatory Review Act (Act of June 25, 1982, P.L. 633, No. 181, as amended December 9, 1982, P.L. 1023, No. 238), the Commission transmits to you by this letter a copy of the proposed regulation for the consideration of the General Assembly according to the procedures of the Reorganization Act.

The Commission's most recent disapproval of the PSERS proposal (at our meeting this afternoon, June 7, 1984) came after long and careful study of the regulation by the Commission and its staff. This included a number of meetings with PSERS staff members.

A short history of the Commission's consideration of the proposal may be helpful to the General Assembly, providing some understanding of why the Commission's findings differ from those of the Governor. PSERS first submitted its regulation to the General Assembly and the Commission for review on March 3, 1983. On March 22, 1983, the Senate Finance Committee disapproved the proposed regulation (see letter, Attachment C). The House Finance Committee approved the proposal on the same date.

On March 28, 1983, the Commission disapproved the proposal due to lack of documentation by PSERS of the fiscal impact which the regulation would have if implemented (Attachment D). Upon the request of PSERS, the Commission granted an extension of the statutory response time by the agency to a disapproval from the usual 14 days to May 1, 1983 — more than a month from the Commission's initial decision. On April 22, 1983, PSERS submitted additional supporting material to the Commission (Attachment E).

On April 29, 1983, PSERS requested and was granted an indefinite extension of the time in which to file a response. On February 22, 1984, PSERS asked the Commission to reconsider the regulation as originally submitted. The Commission slated the proposal for action at its February 29, 1984, meeting; however during that meeting PSERS again requested and received an extension of time, this one until April 5, 1984.

During the time between the first Commission consideration of the regulation in late March of 1983 and the April 5 Commission meeting this year, PSERS transmitted various materials to the Commission. A number of the documents dealt with a Commonwealth Court opinion, Barcus v. Commonwealth of Pennsylvania, State Employees' Retirement Board, which was decided August 1, 1983 (Attachments F and G). Barcus involved a suit against the State Employees' Retirement System by a woman who had divested herself of eligibility for an out-of-state pension prior to her entry into Pennsylvania's State Employees' Retirement System (SERS). SERS had denied Ms. Barcus the privilege of purchasing out-of-state service credits on the theory that she could possibly return to the other state to work and buy back her time in that system, thus hypothetically gaining two pensions for the same period of work. Commonwealth Court held that the fact that Barcus had given up her rights in the other state prior to entry into Pennsylvania's system precluded the Board from denying her the privilege of purchasing her out-of-state time.

PSERS declared that it believed the Barcus opinion to be controlling in all cases concerning purchase of out-of-state service credits, including cases where employees in Pennsylvania divest themselves of out-of-state benefit eligibility after their entry into Pennsylvania's system. Thus, under PSERS's reasoning, not only individuals with "clean hands" who previously divested themselves of their out-of-state eligibility, but also individuals who have for many years kept pension funds vested in other states while working in Pennsylvania, would be able to purchase pension benefits in Pennsylvania at any point.

One of the documents forwarded by PSERS to the Commission is a report from the chairman of the Public School Employees' Retirement Board (Attachment E), which includes a memorandum from the research director of the Joint State Government Commission (JSGC) regarding the legislative intent of the statute upon which the PSERS regulation is based (Attachment H). This memorandum addressed the legal issue not covered in Barcus: should PSERS allow someone to purchase out-of-state service credits in Pennsylvania if that worker does not divest the out-of-state eligibility prior to entry into Pennsylvania's system

(as did Ms. Barcus), but rather that worker has a vested right in another state at the time of entry into Pennsylvania's system? The JSGC's research director was responding to a specific request from PSERS regarding the legislative intent of the statute. The director's response, in part, was as follows:

Both our chief counsel and I are of the firm opinion that the legislative intent . . . is plainly expressed in the language of the statute and our research into the development of Act 96 supports that conclusion. We are of the opinion that the provisions of [the statute] do not prohibit the purchase of creditable out-of-state nonschool service the vested right to which had been forfeited prior to entry into the Pennsylvania retirement system (school or State) but do prohibit the purchase of any such service for which a member had a vested right at the time of his entry into the system. (emphasis in original)

The JSGC opinion, requested by PSERS, has been flatly ignored by PSERS and its counsel in their interpretation of the statute in order to justify the broad reading of the statute necessary if the proposed regulation is to be adopted.

Likewise, the Governor's interpretation of the Commonwealth Court decision in Barcus goes beyond the scope of the case, according to the Commission's legal counsel. In his letter to the Commission, the Governor states that the proposed regulation "is intended to bring the requirements of the [PSERS] Board into conformity with the Barcus decision...." (Attachment A, page three). Yet the Governor himself seems to muddy the issue. Later in the same letter, he states, "When a public school teacher moves into Pennsylvania to accept employment, and divests himself or herself of the right to retirement benefits from his or her previous employer, the teacher should have a right (upon payment of the appropriate employe and employer contributions) to purchase prior service credits." (Attachment A, page five). This seems to indicate that the divestiture would occur at the time the teacher decides to move into Pennsylvania. Obviously the Commission would have no quarrel with this. The PSERS proposal goes far beyond this, however, and that is our concern.

PSERS itself has informed us that a Commonwealth Court suit filed in 1983 by a system member — a suit which would have decided the issue of the broad statutory interpretation proposed by PSERS in the instant regulation — has been dropped. Because this legal dispute is a debate over statutory construction, it would be inappropriate to put the Commission into the shoes of the judiciary in this instance; there is no reason for us to usurp the role of the courts.

Our decision to disapprove the PSERS regulation has from the first been based upon the fact that it appears the proposal could have a major impact on the Public School Employees' Retirement Fund. PSERS has not adequately addressed this issue.

In the fiscal note published with the notice of proposed rule-making for this regulation, the Governor's Office of the Budget indicated that an actuarial analysis prepared for PSERS shows "that the PSERS does suffer an actuarial loss when older members purchase out-of-state service. Since it is more likely that older persons, closer to retirement, would be more likely [sic] to purchase out-of-state service, this regulation would therefore cause an increase in costs to the Commonwealth." (emphasis added). This fiscal note, published at 13 Pa.B. 1072 (March 19, 1983) (Attachment I), goes on to say that there is no way to accurately estimate just what this added cost would be.

Despite repeated requests from the Commission, PSERS failed to provide the Commission with a copy of the actuarial analysis discussed in the fiscal note. PSERS did supply, however, a letter from an actuarial consulting firm with the February 22, 1984, request for reconsideration. This letter indicated that the impact on the fund "would be relatively small — say \$1 million a year.

However, in individual cases it is possible for a member to receive a substantial increase in benefit for which he pays only a fraction of the cost." (Attachment J) (emphasis added). This estimate is a result of the fact that the Commonwealth and the school districts will have to pay the accrued liability share of the employer contribution rate for any out-of-state service purchased.

One PSERS staff person told the Commission that he did not believe the fiscal impact information was "relevant" to the Commission's decision. However, we feel the potential cost of the regulation is most relevant. We respectfully recommend that the General Assembly carefully consider the fiscal impact of this regulation before coming to its own decision on the proposal.

PSERS originally stated that the purpose of the proposed regulation was to increase the portability of pensions so that it would be easier to attract experienced teachers into Pennsylvania. Currently, teachers who have prior out-of-state service but are not vested in another state system may purchase retirement credits for the out-of-state service. The proposed regulation would allow teachers who retained their vested out-of-state benefits while working in Pennsylvania the opportunity to purchase similar credits provided they forfeit their vested benefits in the other state. PSERS thus sees the regulation as a means of promoting equity.

We disagree. Teachers who have no vested out-of-state benefits would be faced with the loss of those out-of-state service years if they could not buy service credits upon coming to Pennsylvania. Thus purchase of those credits is now permitted. Teachers who have vested out-of-state benefits lose nothing under the current system which does not allow them to purchase the credits, since by definition they will receive a benefit for those years of service from the other state system in which they are vested. What the proposed regulation would do is simply to allow teachers who have vested out-of-state rights the ability to "shop" for the most generous pension benefits available — at Pennsylvania's expense.

In our view, PSERS's equity argument is unsound. Additionally, we have seen no materials to support the PSERS claim that the regulation is necessary to attract experienced teachers to Pennsylvania. In fact, most of the letters we have received in connection with the proposal have come from teachers in Pennsylvania who are ready to retire or leave Pennsylvania and who want to gain greater retirement benefits from the Commonwealth.

With all due respect to the Governor, then, the Commission believes its decision to disapprove the proposed regulation to be in the public interest. Therefore, we respectfully transmit this regulation to the General Assembly with the recommendation that the Legislature act to sustain the Commission's decision in this matter (Commissioner Stafford abstained from the vote on the decision).

Pending a decision on the PSERS regulation by the General Assembly, the Commission has issued an order continuing the ban on final publication of the regulation in the Pennsylvania Bulletin, as authorized by Section 7(b) of the Regulatory Review Act (Attachment K).

Sincerely,
Irvin G. Zimmerman
Chairman

tlp

Attachments

cc: Representative James J. Gallagher

Herbert Goldstein, Chief Counsel, PSERS

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

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 the Democratic Party?
 Mr. PIEVSKY. Thank you, Mr. Speaker.
 I ask leave of absence for the gentleman from Beaver, Mr. ALDERETTE, for the entire week; the lady from Centre, Mrs. RUDY, for today; and the gentleman from Lehigh, Mr. ZWIKL, for today. Thank you, Mr. Speaker.
 The SPEAKER. Without objection, the leaves will be granted. The Chair hears no objection.
 The Chair recognizes the minority whip.
 Mr. HAYES. Thank you, Mr. Speaker.
 I request leave for the gentleman from Allegheny, Mr. MARMION, for the week.
 The SPEAKER. Without objection, the leave will be granted. The Chair hears no objection.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
 Mr. MANDERINO. Mr. Speaker, I move that SB 1080 be lifted from the tabled calendar and placed on the active calendar.

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

MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

PRESENT—198

Afflerbach	Fargo	Livengood	Robbins
Angstadt	Fattah	Lloyd	Ryan
Armstrong	Fee	Lucyk	Rybak
Arty	Fischer	McCall	Saloom
Baldwin	Flick	McClatchy	Salvatore
Barber	Foster, W. W.	McHale	Saurman
Battisto	Foster, Jr., A.	McIntyre	Scheetz
Belardi	Freeman	McMonagle	Schuler
Belfanti	Freind	McVerry	Semmel
Blaum	Fryer	Mackowski	Serafini
Book	Gallagher	Madigan	Seventy
Bowser	Gallen	Maiale	Showers
Boyes	Gamble	Manderino	Sirianni
Brandt	Gannon	Manmiller	Smith, B.
Broujos	Geist	Markosek	Smith, L. E.
Bunt	George	Mayernik	Snyder, D. W.
Burd	Gladeck	Merry	Snyder, G. M.
Burns	Godshall	Michlovic	Spencer
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.
Colafella	Hershey	O'Brien	Telek

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Alderette	Marmion	Rudy	Zwikl
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CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 278, PN 3080**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing a procedure for access by an adoptee or his adoptive parent or legal guardian to certain information concerning his natural parents; imposing penalties; and making certain repeals.

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 278, PN 3080**, be recommitted to the Committee on Appropriations for a fiscal note.

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

* * *

The House proceeded to second consideration of **SB 1217, PN 2039**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the allocation of proceeds from the oil company franchise tax.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 1217, PN 2039, 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 ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1578, PN 1958**, entitled:

An Act requiring a day of rest and for absences on religious holidays.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1578, PN 1958, be placed on the tabled calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1578, PN 1958, be lifted from the tabled calendar and placed on the active calendar.

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

**BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 1157, PN 2982**, 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 "State Capitol Preservation Act," approved December 20, 1982 (P. L. 1442, No. 327), providing for State appropriations and operating expenses of the committee.

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

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

Mr. PITTS. Thank you, Mr. Speaker.

I rise to urge concurrence in the Senate amendments. All they did was strike from the bill the provision concerning the

Commonwealth Attorneys Act designating the committee as an independent agency. There was some concern that we were interested in hiring independent legal counsel. I assure you we are not. We have no objection to striking that section. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

It is moved by the gentleman, Mr. Pitts, that the House do concur in the amendments inserted by the Senate to HB 1157, PN 2982.

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

Mr. RAPPAPORT. Would my friend from Chester County consent to interrogation?

The SPEAKER. The gentleman, Mr. Pitts, indicates he will stand for interrogation. Mr. Rappaport may proceed.

Mr. RAPPAPORT. Mr. Speaker, I heard the gentleman mention the Commonwealth Attorneys Act and in the hubbub was unable to hear what the gentleman said about it. I would be very grateful to hear it again.

Mr. PITTS. Yes, Mr. Speaker.

We had amended this bill to add a section saying, "Notwithstanding the provisions of the act of October 15, 1980..."—which we had passed—"known as the Commonwealth Attorneys Act, or any other law, the Capitol Preservation Committee shall be considered to be an independent agency." The Senate amended that provision out so that the Capitol Preservation Committee is not designated an independent agency.

Mr. RAPPAPORT. What effect, Mr. Speaker, does that have on who does legal work for the Preservation Committee?

Mr. PITTS. There was some concern raised by the Senate that we were interested in hiring independent counsel. We presently have an arrangement using our House legal counsel as counsel for the committee. We are agreeable to continue that arrangement.

Mr. RAPPAPORT. Mr. Speaker, would it be fair to state that our usual arguments on whether the Counsel General or the Attorney General should do something really are not part of this bill?

Mr. PITTS. I think that is a fair statement.

We have really not had that much need for legal counsel, to be honest with you, as a committee.

Mr. RAPPAPORT. Mr. Speaker, I am delighted to hear that. The lawyers only mess it up.

However, just to sum up, the gentleman has stated that legal work will be done by legal counsel provided by the staff of the House of Representatives.

Mr. PITTS. That is correct.

We could also use, for instance, legal counsel by one of the departments that sit on the committee.

Mr. RAPPAPORT. I see. Thank you very much, Mr. Speaker. I thank the gentleman.

The SPEAKER. It is moved by the gentleman, Mr. Pitts, that the House do concur in amendments inserted by the Senate to HB 1157.

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—197

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

NAYS—0

NOT VOTING—1

McVerry

EXCUSED—4

Alderette Marmion Rudy Zwilk

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.

* * *

The clerk of the Senate, being introduced, returned the following **HB 1436, PN 2981**, 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 Third Class City Code," approved June 23, 1931 (P. L. 932, No. 317), further providing for membership on certain pension boards.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. On that question, the Chair now recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

I urge a concurrence vote on HB 1436.

What the Senate has done is, rather than replace a current member of the pension board, they added another member to it. Now it is an even number, which may cause some difficulty in the future, but the League of Cities does not think it will cause any problem. They ask for concurrence, and I agree with them. Thank you.

The SPEAKER. It is moved by the gentleman, Mr. Dombrowski, that the House do concur in the amendments inserted by the Senate to HB 1436.

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

DeVerter	Kennedy	Piccola	Wass
DeWeese	Klingaman	Pievsky	Weston
Daley	Kosinski	Pistella	Wiggins
Davies	Kowalyszyn	Pitts	Williams
Dawida	Kukovich	Pott	Wilson
Deal	Lashinger	Pratt	Wogan
Dietz	Laughlin	Preston	Wozniak
Dininni	Lehr	Punt	Wright, D. R.
Dombrowski	Lescovitz	Rappaport	Wright, J. L.
Donatucci	Letterman	Reber	Wright, R. C.
Dorr	Levi	Reinard	
Duffy	Levin	Richardson	Irvis,
Durham	Linton	Rieger	Speaker
Evans	Livengood		

NAYS—0

NOT VOTING—2

Hutchinson Wargo

EXCUSED—4

Alderette Marmion Rudy Zwinkl

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.

WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House, as the guests of Representative Alderette, Cadet Girl Scout Troop No. 253 from New Brighton, Pennsylvania. Welcome to the hall of the House.

MR. AND MRS. HARRY BURKE PRESENTED

The SPEAKER. The Chair now invites Representative Pitts to come to the podium for a presentation of a citation.

Mr. PITTS. Thank you, Mr. Speaker.

Members of the House, it is my pleasure to present to you a couple of distinguished citizens of our Commonwealth, Mr. and Mrs. Harry Burke from Philadelphia, for the purpose of recognizing a donation to our Commonwealth.

Last year, those of you in leadership received a photoengraving of the Capitol Building, the original drawing by the architect of the Capitol, Joseph Huston. Mr. and Mrs. Burke are presenting the original copperplate engraving of this photoengraving to the Capitol Preservation Committee. The Capitol Preservation Committee then will be able to utilize this to produce more of these pictures. The plate is in excellent condition, and we will be able to make those prints available to you and to the public, of course, perhaps as a fundraiser.

Mr. Burke is a former antique dealer and collector. He acquired this plate many years ago.

It is my privilege now to present to Mr. and Mrs. Harry Burke a citation on your behalf and on behalf of the Capitol Preservation Committee recognizing their outstanding donation to the Commonwealth.

(A citation was presented to Mr. and Mrs. Burke.)

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, there will be a Rules Committee meeting in my office immediately on the adjournment of the session for today.

JUDICIARY COMMITTEE MEETING

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

Mr. RAPPAPORT. Mr. Speaker, we had previously formally announced a meeting of the Judiciary Committee for tomorrow. That meeting will be held on Wednesday of this week at 10:15 in room B-11 in the Capitol. The same bills will be called up. It will take place right after or during the meeting of the Subcommittee on Crime and Corrections. The change is necessitated by the fact that many of us desire to attend the funeral of Councilman Pearlman tomorrow in Philadelphia.

The SPEAKER. The Chair thanks the gentleman.

WELCOME

The SPEAKER. The Chair recognizes Tim Lyden, who is here as the summer office intern for Representative Ray Bunt. Welcome to the hall of the House, Tim.

BILLS SIGNED BY SPEAKER

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

HB 1157, PN 2982

An Act amending the "State Capitol Preservation Act," approved December 20, 1982 (P. L. 1442, No. 327), providing for State appropriations and operating expenses of the committee.

HB 1436, PN 2981

An Act amending "The Third Class City Code," approved June 23, 1931 (P. L. 932, No. 317), further providing for membership on certain pension boards.

HB 1887, PN 3054

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for free fishing days.

SB 455, PN 2000

An Act regulating continuing care facilities; imposing duties upon the Insurance Commissioner; requiring certificate of authority; revocation of certificates; regulating disclosure statements; advertisement; regulating financial reserves; requiring escrows; regulating residents' agreements; establishing an advisory council; granting right of organization; regulating liquidation and rehabilitation; imposing civil liability; providing for the right to investigate and subpoena, liens, cross-collateralization, cease and desist orders and audits; imposing fees and regulations; and making criminal penalties.

REMARKS ON VOTE

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

Mr. SALVATORE. Mr. Speaker, just to correct a vote that was taken on Tuesday, May 29, on House concurrent regulatory review resolution No. 3. I was voted "yes." I would like to be recorded as "no."

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

DEMOCRATIC CAUCUS

The SPEAKER. For the announcement of a caucus, the Chair recognizes the gentleman from Allegheny, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, there will be a brief caucus starting at a quarter of 2. We have a couple of bills to caucus on, and we should be out by 2 o'clock.

The SPEAKER. There will be a Democratic caucus at 1:45.

REPUBLICAN CAUCUS

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

Mr. NOYE. Thank you, Mr. Speaker.

We hope to be able to beat Mr. Itkin's record. We would like to have a caucus, too, and it will be very brief. So if you are not prompt, you will miss it. Thank you.

The SPEAKER. An immediate Republican caucus announced by Mr. Noye.

WELCOMES

The SPEAKER. The Chair is delighted to welcome, as a guest of Kevin Blaum, Mr. Harry Miller. Welcome, Mr. Miller, to the hall of the House.

We have as guest pages, Doug Colafella, who is, of course, the son of Nick Colafella, one of our Representatives, and J. W. McKittrick. They are both here from Beaver County. Welcome to the hall of the House, boys.

RECESS

The SPEAKER. When we adjourn—and that will not come until approximately 2 p.m.—we shall adjourn until 11 o'clock tomorrow morning.

The House stands in recess until 2 p.m.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE

HB 857, PN 3102 By Rep. MANDERINO

An Act mandating actuarial funding standards for all municipal pension systems; establishing a recovery program for municipal pension systems determined to be financially distressed; and making a repeal.

RULES.

HB 2183, PN 2998 By Rep. MANDERINO

An Act amending the "Third Class County Assessment Board Law," approved June 26, 1931 (P. L. 1379, No. 348), providing for the right to appeal before the board for persons suffering catastrophic losses to their property.

RULES.

HB 2184, PN 3103 By Rep. MANDERINO

An Act amending the "General County Assessment Law," approved May 22, 1933 (P. L. 853, No. 155), providing for appeal by persons suffering catastrophic losses to their property.

RULES.

HB 2194, PN 3104 By Rep. MANDERINO

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.

RULES.

HB 2247, PN 3101 By Rep. MANDERINO

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

RULES.**RESOLUTION REPORTED FROM COMMITTEE**

HR 236, PN 3106 By Rep. MANDERINO

Establishing a select committee to investigate problems created by manuals which instruct adults on how to have sex with children.

RULES.**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES**

HB 845, PN 942 By Rep. TRELLO

An Act amending the "Senior Citizens Rebate and Assistance Act," approved March 11, 1971 (P. L. 104, No. 3), providing rent and tax rebates for senior citizen facilities used for group meetings.

FINANCE.

HB 1193, PN 3132 (Amended)

By Rep. TRELLO

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding items used by agricultural fair organizations for fairs.

FINANCE.

HB 1822, PN 3133 (Amended)

By Rep. TRELLO

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), further providing for taxes on admissions prices to golf courses.

FINANCE.

HB 1872, PN 3134 (Amended)

By Rep. TRELLO

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), providing restrictions on taxes on admission to ski facilities.

FINANCE.

HB 2108, PN 3135 (Amended)

By Rep. TRELLO

An Act establishing a program for providing smoke detectors to elderly persons by the use of excess lottery funds.

FINANCE.

HB 2169, PN 3136 (Amended)

By Rep. TRELLO

An Act amending the "Senior Citizens Rebate and Assistance Act," approved March 11, 1971 (P. L. 104, No. 3), increasing eligibility under the property tax or rent rebate or inflation dividend.

FINANCE.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. There being no further business to be brought before the floor of the House on this day, the Chair recognizes the gentleman from Philadelphia, Mr. Kosinski.

Mr. KOSINSKI. Mr. Speaker, I move that this House do now adjourn until Tuesday, June 12, 1984, at 11 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 2:01 p.m., e.d.t., the House adjourned.