

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, MARCH 25, 1985

SESSION OF 1985

169TH OF THE GENERAL ASSEMBLY

No. 18

HOUSE OF REPRESENTATIVES

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

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

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

Omnipotent, Omniscient, and Omnipresent Lord, as humble children of Thine, we stand in awe of Thee. We are aware of Thy power and strength in the world about us. We are cognizant that Thou dost know the deeds we bring to maturity as well as the thoughts of our hearts, and we are conscious that Thou art ever by our side to direct our steps in Thy way.

O God, as we recognize Thy great attributes, we humbly beseech Thee to enable us to call upon Thy presence in our lives, to think and act in means acceptable to Thee, and to use Thy might to make our world a better place in which to live. In Thy blest name, we pray. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Wednesday, March 20, 1985, will be postponed until printed. The Chair hears no objection.

JOURNALS APPROVED

The SPEAKER pro tempore. The Chair announces the following Journals in print: Tuesday, February 5; Wednesday, February 6; and Monday, February 11, 1985. Without objection, they will be accepted. The Chair hears no objection.

SUNSET LEADERSHIP COMMITTEE RESOLUTION

The SPEAKER pro tempore. The Chair has received the following resolution, the Sunset Leadership Committee resolution, which the Chair submits for the record.

The following resolution was read:

Whereas, on October 2, 1984, the Sunset Leadership Committee approved the postponement of the performance audit by the Legislative Budget and Finance Committee until June 26, 1985, for several agencies.

Whereas, the Sunset Leadership Committee is authorized by Section 4(4) of Act 142 of 1981 to postpone the review and termination of any agency for a period not to exceed one year;

Therefore be it resolved that on or before January 1, 1986, the standing committees designated to review and evaluate the Pennsylvania Commission on Crime and Delinquency, the State Soil Conservation Commission, the State Transportation Commission, the State Board of Public Welfare and the Commission on Charitable Organizations shall make a report to the General Assembly; and

Therefore be it resolved that unless legislation is enacted prior to March 1, 1986, regarding the aforementioned agencies, the presiding officer of each House shall cause resolutions to be placed on their respective calendars; and

Therefore be it resolved the termination date for the aforementioned agencies shall be extended until April 30, 1986.

2/25/85

Robert C. Jubelirer
John Stauffer
Robert J. Mellow
K. Leroy Irvis, Chairman
James J. Manderino
Matthew J. Ryan

HOUSE BILLS INTRODUCED AND REFERRED

No. 629 By Representative REBER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for oaths and acknowledgments.

Referred to Committee on JUDICIARY, March 25, 1985.

No. 630 By Representative REBER

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," further providing for time of hearings relating to violations; and making editorial changes.

Referred to Committee on LIQUOR CONTROL, March 25, 1985.

No. 631 By Representatives GEORGE, REBER, DeLUCA, RUDY, KUKOVICH, PETRONE, MICOZZIE, CIVERA, J. L. WRIGHT, PERZEL, ARTY, HALUSKA, SEVENTY, STABACK, PISTELLA, ANGSTADT,

OLASZ, JOSEPHS, STEVENS, CAWLEY,  
TRELLO, FOX, PRESTON, RYBAK,  
MARKOSEK and BELFANTI

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

Referred to Committee on FINANCE, March 25, 1985.

**No. 632** By Representatives SALOOM,  
LETTERMAN, DIETZ, GODSHALL,  
BOWLEY, STABACK, CIMINI, FARGO,  
DISTLER, PHILLIPS, GRUPPO,  
GRUITZA and CARLSON

An Act amending the act of December 22, 1981 (P. L. 508, No. 142), known as the "Sunset Act," including the Pennsylvania Fish Commission and the Pennsylvania Game Commission within the schedule for agency reviews.

Referred to Committee on GAME AND FISHERIES,  
March 25, 1985.

**No. 633** By Representatives LETTERMAN,  
HUTCHINSON, MANDERINO,  
LIVENGOOD, TRELLO, STEWART,  
GODSHALL, A. C. FOSTER, JR. and  
BUNT

An Act amending the act of June 1, 1945 (P. L. 1242, No. 428), known as the "State Highway Law," relating to prequalification of bidders.

Referred to Committee on TRANSPORTATION,  
March 25, 1985.

**No. 634** By Representatives LETTERMAN,  
SIRIANNI, BOWLEY, LIVENGOOD,  
BATTISTO, RUDY, DeWEESE, LLOYD,  
CARLSON, HERMAN, DISTLER and  
SHOWERS

An Act amending the act of December 15, 1955 (P. L. 865, No. 256), entitled "An act requiring rents and royalties from oil and gas leases of Commonwealth land to be placed in a special fund to be used for conservation, recreation, dams and flood control; authorizing the Secretary of Forests and Waters to determine the need for and location of such projects and to acquire the necessary land," further providing for the appropriation and distribution of certain royalty and rental payments; and making editorial changes.

Referred to Committee on CONSERVATION, March 25,  
1985.

**No. 635** By Representatives TRELLO, HALUSKA,  
PERZEL, DALEY, VAN HORNE,  
BELARDI, SEVENTY, ITKIN,  
COLAFELLA, COHEN and GANNON

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), known as "The Fiscal Code," further providing for abandoned and unclaimed property.

Referred to Committee on FINANCE, March 25, 1985.

**No. 636** By Representatives TRELLO, HALUSKA,  
KOSINSKI, PERZEL, DALEY,  
VAN HORNE, BELFANTI, BELARDI,  
SEVENTY, ITKIN, PETRARCA,  
COLAFELLA, TELEK, GANNON and  
CORDISCO

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

Referred to Committee on LIQUOR CONTROL,  
March 25, 1985.

**No. 637** By Representatives TRELLO, FARGO,  
HALUSKA, PERZEL, DALEY,  
VAN HORNE, PRATT, CORNELL,  
MERRY, BOWSER, BELFANTI,  
BELARDI, GEIST, SEVENTY, McVERRY,  
ITKIN, OLASZ, TELEK, COHEN,  
PISTELLA, GANNON and CARN

An Act requiring banks and other lending institutions to notify the mortgagor when the mortgage has been paid.

Referred to Committee on BUSINESS AND COM-  
MERCE, March 25, 1985.

**No. 638** By Representatives TRELLO, JAROLIN,  
FEE, TIGUE, BLAUM, STEIGHNER,  
LUCYK, BELARDI, DALEY, VROON,  
PERZEL, HERMAN, PETRONE,  
SEVENTY, DeLUCA, PISTELLA,  
MAIALE, HOWLETT, LAUGHLIN,  
MRKONIC, RYBAK, MICHLOVIC,  
HALUSKA, PETRARCA, COLAFELLA,  
E. Z. TAYLOR, GANNON, KOSINSKI,  
MORRIS, PRESTON, DAWIDA,  
STABACK and FISCHER

An Act requiring certain public agencies in the Common-  
wealth to purchase products which are manufactured or assem-  
bled in the United States; and imposing a penalty.

Referred to Committee on BUSINESS AND COM-  
MERCE, March 25, 1985.

**No. 639** By Representatives TRELLO, BELARDI,  
TIGUE, ANGSTADT, DALEY, KOSINSKI,  
MORRIS, PHILLIPS, DAWIDA, RUDY,  
CIVERA, GAMBLE, OLASZ, LINTON,  
BELFANTI, BOWSER, HALUSKA,  
PERZEL, CIMINI, DeLUCA, MICOZZIE,  
KASUNIC, HOWLETT and FREEMAN

An Act amending Title 66 (Public Utilities) of the Pennsylv-  
ania Consolidated Statutes, providing for the election of public  
utility commissioners and for their campaign expenses.

Referred to Committee on CONSUMER AFFAIRS,  
March 25, 1985.

**No. 640** By Representatives TRELLO, HASAY,  
MRKONIC, SCHULER, KASUNIC, FOX,  
STEVENS, PERZEL, E. Z. TAYLOR,

KOSINSKI, GEIST, BLAUM, DALEY,  
RUDY, MICOZZIE, HERMAN, LUCYK,  
PHILLIPS, OLASZ, JOHNSON, ITKIN,  
POTT, COHEN, BELARDI, DeLUCA,  
RYBAK, FISCHER and CIMINI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for special plates for recipients of the Purple Heart.

Referred to Committee on TRANSPORTATION,  
March 25, 1985.

**No. 641** By Representatives COLAFELLA, TRELLO,  
FARGO, NOYE, O'DONNELL,  
HALUSKA, CIVERA, LESCOVITZ,  
BOYES, DeWEESE, DALEY, HERMAN,  
PISTELLA, PERZEL, MORRIS, WOGAN,  
CLYMER, JOHNSON, ARTY, MERRY,  
STABACK, BOWSER, BELFANTI,  
SEMMELE and RYBAK

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing for an increase in the discount rate for collecting tax.

Referred to Committee on FINANCE, March 25, 1985.

**No. 642** By Representatives HASAY,  
HUTCHINSON, SIRIANNI, BOWSER,  
COSLETT, BUSH, CARLSON,  
CHADWICK, BIRMELIN and DISTLER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemptions from the maximum axle weight and the registered gross weight of certain vehicles.

Referred to Committee on TRANSPORTATION,  
March 25, 1985.

**No. 643** By Representatives HASAY, TIGUE,  
STABACK, COSLETT and BELARDI

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), known as "The Game Law," providing for the issuance to licensees of a booklet containing a complete copy of this act and all related acts.

Referred to Committee on GAME AND FISHERIES,  
March 25, 1985.

**No. 644** By Representative COLE

An Act declaring and adopting the song "Pennsylvania," lyrics and music by Ray Owen, as the State song of the Commonwealth of Pennsylvania.

Referred to Committee on STATE GOVERNMENT,  
March 25, 1985.

**No. 645** By Representative COLE

An Act declaring and adopting the song "Pennsylvania," lyrics and music by J. W. Yoder, as the State song of the Commonwealth of Pennsylvania.

Referred to Committee on STATE GOVERNMENT,  
March 25, 1985.

**No. 646** By Representatives BURD, LETTERMAN,  
SIRIANNI, PETRONE, FARGO,  
MICOZZIE, TIGUE, REBER, OLASZ,  
CIVERA, HALUSKA, PUNT, MAIALE,  
PHILLIPS, HOWLETT, BOOK, KASUNIC,  
GODSHALL, WOZNIAK, BUNT,  
LINTON, CIMINI, BELFANTI, WOGAN,  
PISTELLA, MERRY, FATTAH, NAHILL,  
SEVENTY, PERZEL, COLAFELLA,  
HERMAN, JOHNSON, O'BRIEN, TELEK,  
MILLER, CESSAR, POTT, PETRARCA,  
FOX, DININNI and KENNEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for limited drivers' licenses.

Referred to Committee on TRANSPORTATION,  
March 25, 1985.

**No. 647** By Representatives BURD, HALUSKA,  
FARGO, BOOK, SEVENTY, CIVERA,  
PHILLIPS, CESSAR, CIMINI, MERRY,  
NAHILL, VROON, GEIST, POTT, TELEK  
and PETRARCA

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, excluding legislators and members of Congress from jury duty.

Referred to Committee on JUDICIARY, March 25, 1985.

**No. 648** By Representatives GODSHALL,  
HALUSKA, COY, HERSHEY, BALDWIN,  
LETTERMAN, BUNT, PRESTON and FOX

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for reweighing of vehicles on request.

Referred to Committee on TRANSPORTATION,  
March 25, 1985.

**No. 649** By Representatives GODSHALL, TRELLO,  
BOWSER, TIGUE, CAWLEY, JOHNSON,  
VROON, GANNON, PERZEL, PRATT,  
BOWLEY, STABACK, MRKONIC, LEVIN,  
JOSEPHS, COLAFELLA, SCHEETZ,  
HERMAN, WOGAN, DeLUCA, POTT,  
MICOZZIE, HALUSKA, LEVDANSKY,  
E. Z. TAYLOR, ITKIN, KOSINSKI,  
MORRIS, MERRY, GAMBLE and FOX

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the use of motor vehicle registration lists in selecting prospective jurors.

Referred to Committee on JUDICIARY, March 25, 1985.

**No. 650** By Representatives D. R. WRIGHT,  
F. E. TAYLOR, PRATT, BLAUM,  
JOSEPHS, OLASZ, STABACK, KASUNIC,  
PISTELLA, NOYE, J. L. WRIGHT,  
GEIST, BUNT, FARGO and SCHEETZ

An Act amending Title 9 (Burial Grounds) of the Pennsylvania Consolidated Statutes, requiring cemetery companies to maintain records of persons buried in the cemetery.

Referred to Committee on STATE GOVERNMENT, March 25, 1985.

**No. 651** By Representatives D. R. WRIGHT, F. E. TAYLOR, COY, PISTELLA, OLASZ, NOYE and J. L. WRIGHT

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), known as "The County Code," further providing for the membership of the salary board.

Referred to Committee on LOCAL GOVERNMENT, March 25, 1985.

**No. 652** By Representatives D. R. WRIGHT, F. E. TAYLOR, COLAFELLA, PISTELLA, NOYE and J. L. WRIGHT

An Act amending the act of May 25, 1945 (P. L. 1050, No. 394), known as the "Local Tax Collection Law," further providing for the duties of tax collectors relating to the addition of names to tax duplicates.

Referred to Committee on LOCAL GOVERNMENT, March 25, 1985.

**No. 653** By Representatives D. R. WRIGHT, F. E. TAYLOR, COY, PISTELLA, NOYE, J. L. WRIGHT and FARGO

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," empowering boroughs to eliminate the office of borough assessor and combine the powers, duties and functions of the assessor with the office of tax collector.

Referred to Committee on LOCAL GOVERNMENT, March 25, 1985.

**No. 654** By Representatives D. R. WRIGHT, F. E. TAYLOR, BLAUM, COHEN, PISTELLA, STABACK and J. L. WRIGHT

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

Referred to Committee on TRANSPORTATION, March 25, 1985.

**No. 655** By Representatives D. R. WRIGHT, F. E. TAYLOR, PRATT, COHEN, PISTELLA, OLASZ, NOYE, WOGAN, GREENWOOD, VROON and SCHEETZ

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, increasing penalties for violations of use of inspection certificates.

Referred to Committee on TRANSPORTATION, March 25, 1985.

**No. 656** By Representatives D. R. WRIGHT, F. E. TAYLOR, COY, PRATT, COHEN, PISTELLA, STABACK, OLASZ, GEIST, GREENWOOD, VROON and SCHEETZ

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the use of studded tires by emergency vehicles.

Referred to Committee on TRANSPORTATION, March 25, 1985.

**No. 657** By Representatives D. R. WRIGHT, F. E. TAYLOR, COY, PISTELLA, STABACK, NOYE, J. L. WRIGHT, MERRY, BUNT, FISCHER and D. W. SNYDER

An Act providing for reimbursement to volunteer fire companies by owners of certain vehicles.

Referred to Committee on LOCAL GOVERNMENT, March 25, 1985.

**No. 658** By Representatives D. R. WRIGHT, ITKIN, DeWEESE, STEIGHNER, GALLAGHER, WAMBACH, BELFANTI, RUDY, BLAUM, OLIVER, HALUSKA, LLOYD, AFFLERBACH, DALEY, DAWIDA, DeLUCA, TIGUE, WOZNIAK, SWEET, RYBAK, SEVENTY, TRELLO, VAN HORNE, PRATT, BALDWIN, MICHLOVIC, FREEMAN, FATTAH, PISTELLA, PRESSMANN, PRESTON, MORRIS, KASUNIC, OLASZ, CARN, EVANS, NAHILL, JOHNSON and BUSH

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P. L. 2897, No. 1), known as the "Unemployment Compensation Law," providing for shared work programs, for further duties of the Department of Labor and Industry, and for eligibility and benefits.

Referred to Committee on LABOR RELATIONS, March 25, 1985.

**No. 659** By Representatives MICOZZIE, ARTY and VROON

An Act amending the act of April 27, 1927 (P. L. 465, No. 299), referred to as the "Fire and Panic Act," further providing for the licensing of projectionists; and requiring licensed motion picture projectionists to be on duty at all times when a motion picture open to the public is shown at a movie theater.

Referred to Committee on LABOR RELATIONS, March 25, 1985.

**No. 660** By Representatives MICOZZIE, CIVERA, GANNON, MACKOWSKI, BELARDI, ARTY, COLAFELLA, TELEK and YANDRISEVITS

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," providing for an expanded computation of distance for transported pupils.

Referred to Committee on EDUCATION, March 25, 1985.

**No. 661** By Representatives MICOZZIE, ARTY, LINTON, KOSINSKI, WOGAN, PRATT, ANGSTADT, DeLUCA, TELEK and VROON

An Act requiring operators of health spas and physical fitness facilities to deposit prepayments in a trust fund or maintain a bond; and providing penalties.

Referred to Committee on CONSUMER AFFAIRS, March 25, 1985.

**No. 662** By Representatives MICOZZIE, CIVERA, ARTY, KOSINSKI, JAROLIN, HALUSKA, KUKOVICH, BALDWIN, McVERRY, BELARDI, NAHILL, JOHNSON, CIMINI, PETRARCA, COY, E. Z. TAYLOR, TELEK, TRELLO, VROON and FOX

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), referred to as the "Emergency and Law Enforcement Personnel Death Benefits Act," further providing for benefits for volunteer ambulance and rescue squad members.

Referred to Committee on LOCAL GOVERNMENT, March 25, 1985.

**No. 663** By Representatives FREIND and GALLAGHER

An Act amending the act of July 5, 1947 (P. L. 1217, No. 498), known as the "State Public School Building Authority Act," authorizing the Authority to acquire, finance and refinance equipment necessary in the operation of a school district.

Referred to Committee on EDUCATION, March 25, 1985.

**No. 664** By Representatives FREIND and GALLAGHER

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," authorizing school districts to finance the acquisition of school buildings, equipment and furnishings by entering into loan agreements, mortgages, security agreements or any other contracts, instruments or agreements with the State Public School Building Authority; and making editorial changes.

Referred to Committee on EDUCATION, March 25, 1985.

**No. 665** By Representatives HASAY, BELARDI, STUBAN, WILSON, GODSHALL, BURD and BELFANTI

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, requiring that commissioners not be attorneys.

Referred to Committee on CONSUMER AFFAIRS, March 25, 1985.

**No. 666** By Representatives O'DONNELL, WOGAN, PIEVSKY, OLIVER, J. J. TAYLOR, HOWLETT, GALLEN, HARPER, DEAL and TRUMAN

An Act amending the act of July 9, 1976 (P. L. 586, No. 142), known as the "Judiciary Act of 1976," further providing for fees charged by the office of the prothonotary of the court of common pleas of counties of the first class.

Referred to Committee on JUDICIARY, March 25, 1985.

**No. 667** By Representatives BURNS and GALLAGHER

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, adding provisions relating to credited service as a retirement incentive.

Referred to Committee on STATE GOVERNMENT, March 25, 1985.

**No. 668** By Representative BURNS

An Act requiring mandatory item pricing for certain establishments; and imposing penalties.

Referred to Committee on CONSUMER AFFAIRS, March 25, 1985.

**No. 669** By Representative BURNS

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," providing for the time within which tax moneys collected must be paid over to the treasurer of the political subdivision imposing the tax.

Referred to Committee on LOCAL GOVERNMENT, March 25, 1985.

**No. 670** By Representative BURNS

An Act amending the act of May 25, 1945 (P. L. 1050, No. 394), known as the "Local Tax Collection Law," providing for the time within which tax moneys collected must be paid over to the treasurer of the taxing district.

Referred to Committee on LOCAL GOVERNMENT, March 25, 1985.

**No. 671** By Representatives BURNS, GREENWOOD, REINARD, J. L. WRIGHT, TIGUE, BELARDI and JAROLIN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, establishing the Public Utility Commission Nominating Board; and providing for its powers and duties.

Referred to Committee on CONSUMER AFFAIRS, March 25, 1985.

**No. 672** By Representatives BURNS, GREENWOOD, REINARD, J. L. WRIGHT, TIGUE and JAROLIN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for appointment, terms and qualifications of commissioners.

Referred to Committee on CONSUMER AFFAIRS, March 25, 1985.

**No. 673** By Representatives BURNS, REINARD, GREENWOOD, J. L. WRIGHT, TIGUE, BELARDI and JAROLIN

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," providing for special write-in absentee ballots for certain military absentee electors.

Referred to Committee on STATE GOVERNMENT, March 25, 1985.

**No. 674** By Representatives BURNS, GREENWOOD and FOX

An Act relating to the rights of purchasers of defective used motor vehicles.

Referred to Committee on CONSUMER AFFAIRS, March 25, 1985.

**No. 675** By Representatives MICHLOVIC, JACKSON, PHILLIPS, KUKOVICH, BELFANTI, COWELL, GREENWOOD, MURPHY, ITKIN, VAN HORNE, J. L. WRIGHT, FARGO, MOEHLMANN, LINTON, E. Z. TAYLOR, BELARDI, PERZEL, CAWLEY, DAWIDA and PRESTON

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), known as "The Game Law," further restricting the use of recorded calls or sounds or electronically amplified imitations of calls or sounds.

Referred to Committee on GAME AND FISHERIES, March 25, 1985.

**No. 676** By Representatives CAPPABIANCA, McVERRY, OLIVER, WOGAN, RICHARDSON, COLAFELLA, SWEET, WAMBACH, BOWSER, ARTY, KUKOVICH, VAN HORNE, E. Z. TAYLOR, POTT, LINTON, BALDWIN, HALUSKA, DOMBROWSKI, PRATT, BELARDI, FEE, EVANS, COHEN, CAWLEY, MICHLOVIC, GREENWOOD, F. E. TAYLOR, MORRIS, HAGARTY, BUNT, PISTELLA and SERAFINI

An Act amending Titles 1 (General Provisions), 42 (Judiciary and Judicial Procedure) and 62 (Procurement) of the Pennsylvania Consolidated Statutes, adding provisions relating to procurement; and making repeals.

Referred to Committee on STATE GOVERNMENT, March 25, 1985.

**No. 677** By Representative KUKOVICH

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," increasing the compensation for auditors.

Referred to Committee on URBAN AFFAIRS, March 25, 1985.

**No. 678** By Representatives FREIND and RYAN

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing a cap on the amount of wage taxes imposed in cities of the first class.

Referred to Committee on URBAN AFFAIRS, March 25, 1985.

**No. 679** By Representatives WOGAN, NAHILL and FOX

An Act amending the act of December 8, 1982 (P. L. 848, No. 235), known as the "Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983," adding an additional bridge project in Philadelphia County.

Referred to Committee on APPROPRIATIONS, March 25, 1985.

**No. 680** By Representatives CAPPABIANCA, BELARDI, DOMBROWSKI, PISTELLA, PERZEL, BELFANTI, FLICK, DeLUCA, ARTY, STABACK, NAHILL, ITKIN, KOSINSKI, CAWLEY, CIVERA and TELEK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the establishment of senior citizen zones.

Referred to Committee on TRANSPORTATION, March 25, 1985.

**No. 681** By Representative WESTON

An Act amending the act of November 26, 1975 (P. L. 438, No. 124), known as the "Child Protective Services Law," providing for the recovery of costs incurred by public and private schools in obtaining information about new employees.

Referred to Committee on HEALTH AND WELFARE, March 25, 1985.

**No. 682** By Representatives WESTON, FARGO, MACKOWSKI, SAURMAN, TIGUE, PERZEL, MOEHLMANN, MORRIS, WILSON, WOGAN, E. Z. TAYLOR, A. C. FOSTER, JR., DeLUCA, LANGTRY, CLYMER, HAYES, JOHNSON, GODSHALL, NOYE, OLASZ, MERRY, ARTY, VROON, BOOK, GEIST, GLADECK, TRELLO, SIRIANNI, PHILLIPS, J. J. TAYLOR and KENNEY

An Act prohibiting political subdivisions from interfering with certain recruiting practices by the United States and the Commonwealth of Pennsylvania.

Referred to Committee on STATE GOVERNMENT, March 25, 1985.

**No. 683** By Representatives BOWSER, DISTLER, FARGO, DeWEESE, E. Z. TAYLOR, SCHEETZ, PITTS, HERSHEY, PRATT, TIGUE, ACOSTA, STAIRS, GEIST, PRESSMANN, HASAY, TRELLO and BARLEY

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), known as "The Pennsylvania Workmen's Compensation Act," further providing for counsel fees.

Referred to Committee on LABOR RELATIONS, March 25, 1985.

**No. 684** By Representatives OLASZ, MANDERINO, CLARK, DeWEESE, PETRARCA, SALOOM, LIVENGOOD, VAN HORNE, SEVENTY, DeLUCA, GRUITZA, DUFFY, KASUNIC, F. E. TAYLOR, CAWLEY, TIGUE, BLAUM, CAPPABIANCA, COHEN, HUTCHINSON, McCALL, STABACK, LAUGHLIN, LESCOVITZ, COLAFELLA, KUKOVICH and PISTELLA

An Act providing for abandoned mine subsidence emergency assistance; and making a repeal.

Referred to Committee on MINES AND ENERGY MANAGEMENT, March 25, 1985.

**No. 685** By Representatives TIGUE, BELARDI, SERAFINI, CAWLEY, McCALL and STABACK

An Act providing for repairs under contractors' warranties in relation to residential repair, renovation or reconstruction; and providing for enforcement.

Referred to Committee on BUSINESS AND COMMERCE, March 25, 1985.

**No. 686** By Representatives O'DONNELL and JOSEPHS

An Act making an appropriation to the Department of Aging for support services for elderly women.

Referred to Committee on APPROPRIATIONS, March 25, 1985.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 43** By Representatives BURD, FARGO, E. Z. TAYLOR, COLAFELLA, ITKIN, KOSINSKI, CIVERA, GRUPPO, OLASZ, TELEK, BIRMELIN, PETRONE, POTT, GODSHALL, DISTLER, PHILLIPS, NOYE, COY, WILSON, LANGTRY, COHEN, JOHNSON, STABACK, SHOWERS, DORR, BATTISTO, BOWSER, B. SMITH, VROON, CAWLEY, SCHULER, PERZEL, BELARDI, STEIGHNER, BOOK, HERMAN, BELFANTI, SAURMAN, KENNEY, FISCHER, SEMMEL, JACKSON and FOX

Designating October 14, William Penn's birthday, as "Pennsylvania State Flag Day."

Referred to Committee on RULES, March 25, 1985.

**No. 44** By Representatives WIGGINS, BARBER, TRUMAN, OLIVER, CARN, ACOSTA, RYBAK, WAMBACH, R. C. WRIGHT, HARPER, CAPPABIANCA, DeWEESE, PISTELLA, KUKOVICH and EVANS

Providing for a bipartisan committee to investigate the removal of accreditation of Cheyney University of Pennsylvania.

Referred to Committee on RULES, March 25, 1985.

**No. 45** By Representatives CLYMER, REINARD, J. L. WRIGHT, PITTS, GEIST, GRUITZA, BELARDI, LLOYD, TIGUE, CAPPABIANCA, HALUSKA, AFFLERBACH, RYBAK, WAMBACH, McHALE, FREEMAN, GREENWOOD, BURNS, SERAFINI, BRANDT, HAYES, A. C. FOSTER, JR., JOHNSON, G. M. SNYDER and PRESSMANN

Urging the Postmaster General of the United States to issue a commemorative stamp honoring the Commonwealth of Pennsylvania as one of the 13 original states to ratify the Constitution of the United States.

Referred to Committee on RULES, March 25, 1985.

**No. 46** By Representatives MANMILLER, BURNS, SALOOM, RYAN, TIGUE, PICCOLA, COSLETT, DISTLER, HAYES and DININNI

Directing the House Liquor Control Committee to conduct an investigation into the Pennsylvania Liquor Control Board's dealings with the Xpress Truck Lines, Inc.

Referred to Committee on RULES, March 25, 1985.

**No. 47**  
(Concurrent) By Representatives RYAN, IRVIS, MANDERINO, HAYES and O'DONNELL

Creating a Special Committee of the General Assembly to advocate to the Nation that the 1988 Presidential Nominating Conventions be held in Philadelphia, Pennsylvania, to complement and supplement America's observance of the Bicentennial of the United States Constitution.

Referred to Committee on RULES, March 25, 1985.

### SENATE BILLS FOR CONCURRENCE

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

**SB 251, PN 623**

Referred to Committee on LIQUOR CONTROL, March 25, 1985.

**SB 290, PN 449**

Referred to Committee on CONSERVATION, March 25, 1985.

### BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

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

- HB 65;
- HB 66;
- HB 118;
- HB 126;
- HB 147;
- HB 242;
- HB 336;
- HB 434;
- HB 534; and
- HB 542.

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

**LEAVES OF ABSENCE GRANTED**

The SPEAKER pro tempore. Are there any requests for leaves of absence?

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

Mr. PIEVSKY. Thank you, Mr. Speaker.

I ask for a leave of absence for the gentleman from Philadelphia, Mr. BARBER, for today, and the gentleman from Allegheny, Mr. IRVIS, for the week.

The SPEAKER pro tempore. Without objection, leaves of absence are granted.

Mr. PIEVSKY. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the minority whip. The Chair hears no objection.

Mr. HAYES. Mr. Speaker, I request a leave for the gentleman from Montgomery, Mr. LASHINGER, for the week.

The SPEAKER pro tempore. Without objection, the leave of absence is granted. The Chair hears no objection.

**MASTER ROLL CALL RECORDED**

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

The following roll call was recorded:

**PRESENT—199**

Acosta	Dietz	Langtry	Reinard
Afflerbach	Dininni	Laughlin	Richardson
Angstadt	Distler	Lescovitz	Rieger
Argall	Dombrowski	Letterman	Robbins
Arty	Donatucci	Levdansky	Rudy
Baldwin	Dorr	Levin	Ryan
Barley	Duffy	Linton	Rybak
Battisto	Durham	Livengood	Saloom
Belardi	Evans	Lloyd	Saurman
Belfanti	Fargo	Lucy	Scheetz
Birmelin	Fattah	McCall	Schuler
Black	Fee	McClatchy	Semmel
Blaum	Fischer	McHale	Serafini
Book	Flick	McVerry	Seventy
Bortner	Foster, Jr., A.	Mackowski	Showers
Bowley	Fox	Maiale	Sirianni
Bowser	Freeman	Manderino	Smith, B.
Boyes	Freind	Manmiller	Smith, L. E.
Brandt	Fryer	Markosek	Snyder, D. W.
Broujos	Gallagher	Mayernik	Snyder, G. M.
Bunt	Gallen	Merry	Staback
Burd	Gamble	Michlovic	Stairs

Burns	Gannon	Micozzie	Steighner
Bush	Geist	Miller	Stevens
Caltagirone	George	Moehlmann	Stewart
Cappabianca	Gladeck	Morris	Stuban
Carlson	Godshall	Mowery	Sweet
Carn	Greenwood	Mrkonic	Swift
Cawley	Gruitza	Murphy	Taylor, E. Z.
Cessar	Gruppo	Nahill	Taylor, F. E.
Chadwick	Hagarty	Noye	Taylor, J. J.
Cimini	Haluska	O'Brien	Telek
Civera	Harper	O'Donnell	Tigue
Clark	Hasay	Olasz	Trello
Clymer	Hayes	Oliver	Truman
Cohen	Herman	Perzel	Van Horne
Colafella	Hershey	Petrarca	Veon
Cole	Honaman	Petrone	Vroon
Cordisco	Howlett	Phillips	Wambach
Cornell	Hutchinson	Piccola	Wass
Coslett	Itkin	Pievsky	Weston
Cowell	Jackson	Pistella	Wiggins
Coy	Jarolin	Pitts	Wilson
Deluca	Johnson	Pott	Wogan
DeVerter	Josephs	Pratt	Wozniak
DeWeese	Kasunic	Pressmann	Wright, D. R.
Daley	Kennedy	Preston	Wright, J. L.
Davies	Kenney	Punt	Wright, R. C.
Dawida	Kosinski	Raymond	Yandrisevits
Deal	Kukovich	Reber	

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Barber  
 Lashinger

Irvis,  
 Speaker

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

**HB 175, PN 710 (Amended)**

By Rep. TRELLO

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," further providing for program criteria; and providing for a prescription drug education program.

FINANCE.

**HB 271, PN 288**

By Rep. TRELLO

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for the commissions payable to the recorder of deeds for the collection of the State tax on realty transfers.

FINANCE.

**HB 278, PN 711 (Amended)**

By Rep. TRELLO

An Act amending the act of June 20, 1919 (P. L. 521, No. 258), referred to as the "Transfer Inheritance Tax Law," changing the rate of commission.

FINANCE.

**HB 293, PN 712 (Amended)**

By Rep. DUFFY

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), known as "The County Code," allowing certain contracts or purchases to be made without advertising or bidding.



## LOCAL GOVERNMENT.

**HB 441, PN 495** By Rep. TRELLO

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), known as "The General County Assessment Law," further providing for the exemption from taxation of fire and rescue station property.

## FINANCE.

**HB 563, PN 641** By Rep. TRELLO

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), known as "The Fourth to Eighth Class County Assessment Law," exempting all property owned by nonprofit fire companies, ambulance companies and rescue squads.

## FINANCE.

**HB 564, PN 642** By Rep. TRELLO

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), referred to as the "Second Class County Assessment Law," exempting property and buildings owned by nonprofit fire companies, ambulance companies and rescue squads.

## FINANCE.

**SB 244, PN 703 (Amended)**

By Rep. TRELLO

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, clarifying duties of the boards regarding disability applications; clarifying provisions for certain creditable service; providing for certain installment payments; further providing for additional creditable nonstate service; and modifying eligibility for special early retirement in the State system.

## FINANCE.

**WRIT OF ELECTION**

The SPEAKER pro tempore. The Chair has issued the following writ of election, which the clerk will read.

The following writ of election was read:

## COMMONWEALTH OF PENNSYLVANIA, SS:

To Honorable William R. Davis, Secretary of the Commonwealth, and to Margaret Tartaglione, Marian Tasco and John F. Kane, constituting the Board of Election of Philadelphia:

GREETING: WHEREAS, A vacancy exists in the office of Representative of the Commonwealth of Pennsylvania for the One Hundred Eighty-eighth Legislative District of the County of Philadelphia, caused by reason of the death of James D. Williams, the Representative from said District, on the 13th day of March, one thousand nine hundred eighty-five.

NOW, THEREFORE, I, Lester K. Fryer, Speaker Pro Tempore of the House of Representatives, by virtue of the authority vested in me by the Constitution of the State of Pennsylvania and by the Act of Assembly in such case made and provided, do hereby command you:

That you cause an election to be held in the said County of Philadelphia on the twenty-first day of May, A.D. one thousand nine hundred eighty-five to choose a person to represent said Legislative District in the House of Representatives of Pennsylvania, for the remainder of the term expiring December first, one thousand nine hundred eighty-six, and that you give due and public notice of said election throughout said District, in the form and manner directed by law.

Given under my hand and the seal of the House of Representatives at Harrisburg, Pennsylvania, this 21st day of March, A.D. one thousand nine hundred eighty-five.

## ATTEST:

John J. Zubeck

Chief Clerk of the House of Representatives

Lester K. Fryer

(SEAL)

Speaker Pro Tempore of the  
House of Representatives**WELCOME**

The SPEAKER pro tempore. The Chair is pleased to welcome Miss Mary McGinley from Pittsburgh, Allegheny County, who is the guest of Representative Dave Mayernik.

**CALENDAR****BILLS 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 383, PN 626.****BILL RECOMMITTED**

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 383, PN 626, be recommitted to the Appropriations Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

\* \* \*

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

**HB 384, PN 627.****BILL RECOMMITTED**

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 384 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

\* \* \*

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

**HB 385, PN 628.**

**BILL RECOMMENDED**

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 385, PN 628, be recommitted to the Appropriations Committee.

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

\* \* \*

The House proceeded to second consideration of **HB 93, PN 616**, entitled:

An Act requiring public notice of certain conditions relating to a public water supply; and providing a civil penalty.

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

**BILL RECOMMENDED**

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 93, PN 616, be recommitted to the Appropriations Committee for a fiscal note.

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

\* \* \*

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

**HB 214, PN 231.**

\* \* \*

The House proceeded to second consideration of **HB 365, PN 395**, entitled:

An Act requiring the Department of Environmental Resources to publish and advertise the text of certain consent agreements and orders and make copies of such orders and agreements available at regional offices.

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

**BILL RECOMMENDED**

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 365 be recommitted to the Appropriations Committee for a fiscal note.

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

Motion was agreed to.

\* \* \*

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

**HB 499, PN 624; HB 181, PN 197; HB 258, PN 619; HB 263, PN 280; HB 150, PN 164; HB 194, PN 210; and HB 197, PN 618.**

\* \* \*

The House proceeded to second consideration of **HB 200, PN 217**, entitled:

An Act providing State-funded grants for qualified students of Pennsylvania who need financial assistance to attend post-secondary institutions of higher learning on a part-time enrollment basis; providing for the administration of this act; and making an appropriation.

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

**BILL RECOMMENDED**

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 200 be recommitted to the Appropriations Committee for a fiscal note.

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

\* \* \*

The House proceeded to second consideration of **HB 208, PN 225**, entitled:

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

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

**BILL RECOMMENDED**

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 208 be recommitted to the Appropriations Committee for a fiscal note.

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

\* \* \*

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

**HB 141, PN 155; and HB 144, PN 158.**

\* \* \*

The House proceeded to second consideration of **HB 240, PN 257**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for absentee ballots.

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

### BILL RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 240 be recommitted to the Appropriations Committee for a fiscal note.

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

\* \* \*

The House proceeded to second consideration of **HB 543, PN 602**, entitled:

An Act amending the act of June 28, 1935 (P. L. 477, No. 193), referred to as the "Enforcement Officer Disability Benefits Law," extending benefits to Capitol Police officers; and making editorial changes.

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

### BILL RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 543 be recommitted to the Appropriations Committee for a fiscal note.

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

\* \* \*

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

**HB 554, PN 613.**

\* \* \*

The House proceeded to second consideration of **HB 96, PN 617**, entitled:

An Act amending the "Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983," approved December 8, 1982 (P. L. 848, No. 235), adding a local bridge project in Bucks County; and substituting a local bridge project in Monroe County.

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

### BILL RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 96, PN 617, be recommitted to the Appropriations Committee for a fiscal note.

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

\* \* \*

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

**HB 291, PN 620; HB 316, PN 346; HB 318, PN 621; and HB 334, PN 364.**

\* \* \*

The House proceeded to second consideration of **HB 348, PN 622**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the registration and regulation of certain all-terrain vehicles; and imposing powers and duties on the Department of Environmental Resources.

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

### BILL RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 348, PN 622, be recommitted to the Appropriations Committee for a fiscal note.

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

\* \* \*

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

**HB 442, PN 623.**

### STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Oliver.

Mr. OLIVER. Thank you, Mr. Speaker.

Mr. Speaker, at the call of the recess there will be a meeting of the State Government Committee at the rear of the House.

The SPEAKER pro tempore. The Chair thanks the gentleman.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair has received notice that Colonel Broujos, a member of this House of Representatives, has retired from the Marine Reserves. The Chair feels that the members should share in the reading of the notice of this occasion as recorded in the press.

The following notice was read:

Broujos retires from Marine Reserves

State Rep. John H. Broujos, D-Carlisle, who has served with the U.S. Marine Corps and U.S. Marine Corps Reserves since 1950, retired yesterday from the military.

Col. Broujos served in the Korean War and the Vietnam War, and earned the Silver Star, the Navy Commendation, and the Purple Heart.

His retirement ceremony was held at the Navy-Marine Corps Reserves Headquarters, Harrisburg, followed by a reception at the Carlisle Officers Club.

Broujos is vice president of the Harrisburg Council of the Navy League of the United States and is a member of the Marine Corps Association, the American Legion and the VFW.

The SPEAKER pro tempore. The Chair congratulates the gentleman, Representative Broujos.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 3, PN 231, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for affidavits of candidates for election to the General Assembly and clarifying provisions relative to candidate affidavits.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER pro tempore. 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—198

Table listing names of members who voted 'YEAS' for SB 3, PN 231. Includes names like Acosta, Dietz, Laughlin, Reinard, etc.

Table listing names of members who voted 'NAYS' for SB 3, PN 231. Includes names like Bowley, Fox, Manderino, Sirianni, etc.

NAYS—0

NOT VOTING—1

Howlett

EXCUSED—3

Barber, Lashinger, Irvis, Speaker

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 HB 84, PN 88, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, changing the methods of determining noise violations.

On the question,

Will the House agree to the bill on third consideration?

Mr. FLICK offered the following amendments No. A0480:

Amend Title, page 1, line 2, by inserting after "Statutes," placing certain limitations on insurance premium increases; and

Amend Bill, page 1, by inserting between lines 5 and 6 Section 1. Section 1793(a) of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a paragraph to read:

§ 1793. Special provisions relating to premiums.

(a) Limitation on premium increases.—

\*\*\*

(3) No insurer shall charge an insured whose operating privilege has been suspended as the result of a violation of section 1533 (relating to suspension of operating privilege for failure to respond to citation) a higher rate for a policy of insurance solely on account of the suspension. An insurer may charge an insured a higher rate for a policy of insurance if a claim is made under paragraph (1).

\*\*\*

Amend Sec. 1, page 1, line 6, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 6 and 7, by striking out "of the Pennsylvania Consolidated Statutes"

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

3

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

My amendment deals with the procedure that is now in effect with respect to a surcharge for a premium on an automobile insurance policy. The surcharge would be one which deals with failure to respond.

The amendment which I offer is one which would prohibit insurance companies from assessing a surcharge on an insurance premium for automobile insurance when the driver is suspended for reasons of failure to respond to a citation. In this case I believe that the surcharge is being levied twice - once for a conviction and once for failure to respond. I think the failure to respond is at best an indication that the individual has bad faith or poor recordkeeping or just in fact is not, you know, as good a citizen as many of us are. It has nothing to do with his driving ability and his driving record. Therefore, I think there should be no assessment of a surcharge based on the failure to respond.

I have just recently had an instance where a constituent in my district was improperly cited for a traffic offense. He was not the driver of the car. He did not know of the citation when it was issued, and therefore, his failure to respond was not of his own doing. In fact, the Transportation Department, when they found that the hearing had taken place and that my constituent was innocent of the charges for the violation, was not in a position to remove the failure to respond, because they consider that to be an act in and of itself. It was only with a series of letters from the district justice that we are now able to have that removed. The increase in the insurance premium for this gentleman was going from \$1,600 to \$6,000. So I would respectfully request my colleagues to support my amendment. Thank you.

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

Mr. LLOYD. Thank you, Mr. Speaker.

I would like to interrogate Mr. Flick.

The SPEAKER pro tempore. The gentleman indicates he will stand for a period of interrogation. The gentleman, Mr. Lloyd, is in order and may proceed.

Mr. LLOYD. Thank you, Mr. Speaker.

I understand the first sentence of the amendment. I do not understand the second sentence of the amendment. The first sentence says that a surcharge cannot be levied under certain circumstances, but the second sentence says that the surcharge may be levied if there is a claim made under paragraph (1). I wonder, Mr. Speaker, if you would tell the House what that sentence would do.

Mr. FLICK. Mr. Speaker, I must admit that I am not familiar with the paragraph (1) that was referred to. This is a bill that I have taken rather quickly out of the Senate which deals with this matter. If the gentleman will wait a second, I will try to get some information that will help to explain that part.

The SPEAKER pro tempore. Does the gentleman, Mr. Flick, have any idea how long this will take? The length of time?

Mr. FLICK. A couple of minutes.

#### BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The Chair will go over the bill temporarily and then return to the bill.

#### STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Oliver.

Mr. OLIVER. Thank you, Mr. Speaker.

There will be a meeting of the State Government Committee at the rear of the House immediately. Thank you.

The SPEAKER pro tempore. A meeting of the State Government Committee at the rear of the House.

#### CONSIDERATION OF HB 84 RESUMED

On the question recurring,

Will the House agree to the amendments?

#### AMENDMENTS WITHDRAWN

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

Mr. FLICK. Thank you, Mr. Speaker.

Mr. Speaker, I would like to withdraw my four amendments to the title 75 bills. It appears as though they have been drawn in conflict with a part of the law that I do not wish to change, so we will offer them to other bills. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Flick, has withdrawn his amendment.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER pro tempore. 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?

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

Mr. RICHARDSON. Mr. Speaker, I would just like to know what happened on the amendment. There seemed to be some confusion, and with all the discussion I could not hear as to what happened to the amendment.

The SPEAKER pro tempore. The gentleman, Mr. Flick, made the announcement that he was withdrawing the amendments since they were in conflict, and he would reintroduce them at a later time on future bills. So the bottom line is that Mr. Flick has withdrawn his amendments.

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

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—164

Acosta	Durham	Levin	Richardson
Afflerbach	Evans	Linton	Rieger
Angstadt	Fattah	Livengood	Rudy
Argall	Fee	Lloyd	Ryan
Arty	Fischer	Lucyk	Rybak
Baldwin	Flick	McCall	Saloom
Battisto	Foster, Jr., A.	McClatchy	Scheetz
Belardi	Freeman	McHale	Schuler
Belfanti	Freind	McVerry	Serafini
Blaum	Fryer	Mackowski	Seventy
Book	Gallagher	Maiale	Showers
Bortner	Gallen	Manderino	Sirianni
Bowley	Gamble	Manmiller	Smith, L. E.
Bowser	Gannon	Markosek	Snyder, G. M.
Boyes	Geist	Mayernik	Staback
Broujos	George	Michlovic	Stairs
Burd	Gladeck	Micozzie	Steighner
Caltagirone	Gruitza	Miller	Stevens
Cappabianca	Gruppo	Morris	Stewart
Carn	Hagarty	Mowery	Stuban
Cawley	Haluska	Mrkonic	Sweet
Civera	Harper	Murphy	Taylor, E. Z.
Clark	Hasay	Nahill	Taylor, F. E.
Colafella	Hayes	Noye	Taylor, J. J.
Cole	Herman	O'Brien	Telek
Coslett	Howlett	O'Donnell	Trello
Cowell	Hutchinson	Olasz	Truman
Coy	Itkin	Oliver	Van Horne
Deluca	Jarolin	Perzel	Veon
DeVerter	Johnson	Petrarca	Vroon
DeWeese	Josephs	Petrone	Wambach
Daley	Kasunic	Phillips	Wass
Davies	Kennedy	Piccola	Weston
Dawida	Kenney	Pievsky	Wiggins
Deal	Kosinski	Pistella	Wilson
Dininni	Kukovich	Pott	Wogan
Distler	Langtry	Pratt	Wozniak
Dombrowski	Laughlin	Pressmann	Wright, D. R.
Donatucci	Lescovitz	Preston	Wright, J. L.
Dorr	Letterman	Punt	Wright, R. C.
Duffy	Levdansky	Reinard	Yandrisevits

NAYS—33

Barley	Chadwick	Godshall	Raymond
Birmelin	Cimini	Greenwood	Reber
Black	Clymer	Hershey	Robbins
Brandt	Cordisco	Honaman	Saurman
Bunt	Cornell	Jackson	Semmel

Burns	Dietz	Merry	Smith, B.
Bush	Fargo	Moehlmann	Snyder, D. W.
Carlson	Fox	Pitts	Swift
Cessar			

NOT VOTING—2

Cohen Tigue

EXCUSED—3

Barber Irvis,  
Lashing Speaker

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

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

\* \* \*

The House proceeded to third consideration of **HB 94, PN 102**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, placing limitations on the use of speed timing devices.

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

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta	Deal	Langtry	Reber
Afflerbach	Dietz	Laughlin	Reinard
Angstadt	Dininni	Lescovitz	Richardson
Argall	Distler	Letterman	Rieger
Arty	Dombrowski	Levdansky	Robbins
Baldwin	Donatucci	Levin	Rudy
Barley	Dorr	Linton	Ryan
Battisto	Duffy	Livengood	Rybak
Belardi	Durham	Lloyd	Saurman
Belfanti	Evans	Lucyk	Scheetz
Birmelin	Fargo	McCall	Schuler
Black	Fattah	McClatchy	Semmel
Blaum	Fee	McHale	Serafini
Book	Fischer	McVerry	Seventy
Bortner	Flick	Mackowski	Showers
Bowley	Foster, Jr., A.	Maiale	Sirianni
Bowser	Fox	Manderino	Smith, B.
Boyes	Freeman	Manmiller	Smith, L. E.
Brandt	Fryer	Markosek	Snyder, D. W.
Broujos	Gallagher	Mayernik	Snyder, G. M.
Bunt	Gamble	Merry	Staback
Burd	Gannon	Michlovic	Stairs
Burns	Geist	Micozzie	Steighner
Bush	George	Miller	Stevens
Caltagirone	Gladeck	Moehlmann	Stewart
Cappabianca	Godshall	Morris	Stuban
Carlson	Greenwood	Mowery	Sweet
Carn	Gruitza	Mrkonic	Swift
Cawley	Gruppo	Murphy	Taylor, E. Z.
Cessar	Hagarty	Nahill	Taylor, F. E.
Chadwick	Haluska	Noye	Taylor, J. J.
Cimini	Harper	O'Brien	Telek
Civera	Hasay	O'Donnell	Tigue

Clark	Hayes	Olasz	Trello
Clymer	Herman	Oliver	Truman
Cohen	Hershey	Perzel	Van Horne
Colafella	Honaman	Petrarca	Veon
Cole	Howlett	Petrone	Vroon
Cordisco	Hutchinson	Phillips	Wambach
Cornell	Itkin	Piccola	Wass
Coslett	Jackson	Pievsky	Weston
Cowell	Jarolin	Pistella	Wiggins
Coy	Johnson	Pitts	Wilson
Deluca	Josephs	Pott	Wogan
DeVerter	Kasunic	Pratt	Wozniak
DeWeese	Kennedy	Pressmann	Wright, D. R.
Daley	Kenney	Preston	Wright, J. L.
Davies	Kosinski	Punt	Wright, R. C.
Dawida	Kukovich	Raymond	Yandrisevits

NAYS—2

Freind Saloom

NOT VOTING—1

Gallen

EXCUSED—3

Barber Irvis,  
Lashing Speaker

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

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

\* \* \*

The House proceeded to third consideration of **HB 191, PN 207**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining the term "articulated bus."

On the question,

Will the House agree to the bill on third consideration?

Mr. PETRARCA offered the following amendment No. A0241:

Amend Sec. 1 (Sec. 102), page 2, line 4, by removing the period after "convenience" and inserting, as long as any such vehicle meets all appropriate Federal and State safety standards. The department shall establish, by regulation, safety standards for the design and operation of such vehicles.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. Thank you, Mr. Speaker.

Last year this amendment was in the bill. It strengthens the bill, and the counterpart in the Senate has the same language. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

Acosta	Deal	Langtry	Reinard
Afflerbach	Dietz	Laughlin	Richardson
Angstadt	Dininni	Lescovitz	Rieger
Argall	Distler	Letterman	Robbins
Arty	Dombrowski	Levdansky	Rudy
Baldwin	Donatucci	Levin	Ryan
Barley	Dorr	Linton	Rybak
Battisto	Duffy	Livengood	Saloom
Belardi	Durham	Lloyd	Saurman
Belfanti	Evans	Lucyk	Scheetz
Birmelin	Fargo	McCall	Schuler
Black	Fattah	McClatchy	Semmel
Blaum	Fee	McHale	Serafini
Book	Fischer	McVerry	Seventy
Bortner	Flick	Mackowski	Showers
Bowley	Foster, Jr., A.	Maiale	Sirianni
Bowser	Fox	Manderino	Smith, B.
Boyes	Freeman	Manmiller	Smith, L. E.
Brandt	Freind	Markosek	Snyder, D. W.
Broujos	Fryer	Mayernik	Snyder, G. M.
Bunt	Gallagher	Merry	Staback
Burd	Gamble	Michlovic	Stairs
Burns	Gannon	Micozzie	Steighner
Bush	Geist	Miller	Stevens
Caltagirone	George	Moehlmann	Stewart
Cappabianca	Gladeck	Morris	Suban
Carlson	Godshall	Mowery	Sweet
Carn	Greenwood	Mrkonic	Swift
Cawley	Gruitza	Nahill	Taylor, E. Z.
Cessar	Gruppo	Noye	Taylor, F. E.
Chadwick	Hagarty	O'Brien	Taylor, J. J.
Cimini	Haluska	O'Donnell	Telek
Civera	Harper	Olasz	Tigue
Clark	Hasay	Oliver	Trello
Clymer	Hayes	Perzel	Truman
Cohen	Herman	Petrarca	Van Horne
Colafella	Hershey	Petrone	Veon
Cole	Honaman	Phillips	Vroon
Cordisco	Hutchinson	Piccola	Wambach
Cornell	Itkin	Pievsky	Wass
Coslett	Jackson	Pistella	Weston
Cowell	Jarolin	Pitts	Wiggins
Coy	Johnson	Pott	Wilson
Deluca	Josephs	Pratt	Wogan
DeVerter	Kasunic	Pressmann	Wozniak
DeWeese	Kennedy	Preston	Wright, D. R.
Daley	Kenney	Punt	Wright, J. L.
Davies	Kosinski	Raymond	Wright, R. C.
Dawida	Kukovich	Reber	Yandrisevits

NAYS—2

Gallen Murphy

NOT VOTING—1

Howlett

EXCUSED—3

Barber Irvis,  
Lashing Speaker

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

On the question,

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

Bill as amended was agreed to.

The SPEAKER pro tempore. 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—199

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Barber	Irvis,
Lashingner	Speaker

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

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

\* \* \*

The House proceeded to third consideration of **HB 254, PN 271**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, changing the definition of "emergency vehicle."

On the question,

Will the House agree to the bill on third consideration?

Mr. NOYE offered the following amendments No. A0448:

Amend Title, page 1, line 2, by striking out "vehicle." and inserting

vehicle"; and further providing for school vehicles.

Amend Bill, page 2, line 13, by striking out all of said line and inserting

Section 2. Section 4553(b) of Title 75 is amended to read:

§ 4553. General requirements for other vehicles transporting school children.

\*\*\*

(b) Other vehicles.—A motor vehicle used to transport children to or from school or in connection with school activities, which is not a school bus because of its limited seating capacity, shall comply with regulations established by the department for such vehicles. [Unless required by Federal law or regulation, the] Such vehicles may, at the option of the school district owning the vehicles or contracting privately for their use, be equipped with a uniform front and rear system of flashing red and amber visual signals, the cost of which shall be borne by the school district. This equipment shall conform to those regulations which may be issued by the department under this subsection. Notwithstanding any other provisions of law, such vehicles which are required by school districts to be equipped with flashing red and amber visual signals in accordance with this subsection shall be considered school buses for purposes of section 3345. The option given school districts under this subsection shall not apply to such vehicles which pick up and discharge school children only at locations off the highway. The regulations established by the department shall not require vehicles which pick up and discharge school children only at locations off the highway to be of any particular color or to display flashing red and amber lights, unless required by Federal law or regulation.

Section 3. Section 2 of this act shall apply to the 1985-1986 school year and to each school year thereafter.

Section 4. (a) Section 1 shall take effect in 60 days.

(b) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Thank you, Mr. Speaker.

This amendment is similar to a measure we passed right at the end of the last session. It allows school districts—and it is a "may" provision—to contract with private carriers for transportation purposes of school children. This takes place particularly in rural areas where they may send a van or a station wagon into a remote area to pick up a number of school children. It allows them, if they so desire, to use the flashing amber or red lights on those vehicles as they presently exist on school buses.

On the question recurring,



Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—1

Hutchinson

EXCUSED—3

Barber Irvis,  
Lashing Speaker

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

On the question,

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

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Reber.

Mr. REBER. Mr. Speaker, the amendment which I had initially circulated has been incorrectly drawn. I had requested this morning that this amendment be redrafted and I am waiting for it to come down from the Reference Bureau.

If the Speaker would pass over the bill and attend to any other legislation and then return to this last, I would appreciate it. If the amendment is not down at that time, I will totally withdraw the amendment and we will not have to wait for it.

The SPEAKER pro tempore. The Chair thanks the gentleman, and we will go over HB 254, PN 271, temporarily.

\* \* \*

The House proceeded to third consideration of **HB 307, PN 460**, entitled:

An Act imposing a moratorium on the operation of private prisons; and charging the Pennsylvania Commission on Crime and Delinquency with the responsibility to conduct an investigation of private prisons.

On the question,

Will the House agree to the bill on third consideration?

Mr. PRATT offered the following amendments No. A0372:

Amend Sec. 1, page 1, line 18, by striking out "not"

Amend Sec. 1, page 2, line 1, by striking out "or" and inserting

and

Amend Sec. 1, page 2, line 1, by inserting after "by" a person other than

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. Mr. Speaker, if you have a copy of the bill, it changes some language on page 1 at the bottom of the bill, line 19, by striking the word "not," and inserts some language on page 2, line 1, "a person other than."

The purpose of the amendment, Mr. Speaker, is to clarify language in the bill as to the definition of "private prison." It makes the definition of a private prison mean a facility which is owned and operated by a person other than a governmental body. That is what the language does.

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

Mr. D. R. WRIGHT. I do not oppose the Pratt amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

Acosta	Dietz	Langtry	Reinard
Afflerbach	Dininni	Laughlin	Richardson
Angstadt	Distler	Lescovitz	Rieger
Argall	Dombrowski	Letterman	Robbins
Arty	Donatucci	Levdansky	Rudy

Baldwin	Dorr	Levin	Ryan
Barley	Duffy	Linton	Rybak
Battisto	Durham	Livengood	Saloom
Belardi	Evans	Lloyd	Saurman
Belfanti	Fargo	Lucyk	Scheetz
Birmelin	Fattah	McCall	Sehuler
Black	Fee	McClatchy	Semmel
Blaum	Fischer	McHale	Serafini
Book	Flick	McVerry	Seventy
Bortner	Foster, Jr., A.	Mackowski	Showers
Bowley	Fox	Maiale	Sirianni
Bowser	Freeman	Manderino	Smith, B.
Boyes	Freind	Manmiller	Smith, L. E.
Brandt	Fryer	Markosek	Snyder, D. W.
Broujos	Gallagher	Mayernik	Snyder, G. M.
Bunt	Gallen	Merry	Staback
Burd	Gamble	Micozzie	Stairs
Burns	Gannon	Miller	Steighner
Bush	Geist	Moehlmann	Stevens
Caltagirone	George	Morris	Stewart
Cappabianca	Gladeck	Mowery	Stuban
Carlson	Godshall	Mrkonic	Sweet
Carn	Greenwood	Murphy	Swift
Cawley	Gruitza	Nahill	Taylor, E. Z.
Cessar	Gruppo	Noye	Taylor, F. E.
Chadwick	Hagarty	O'Brien	Taylor, J. J.
Cimini	Haluska	O'Donnell	Telek
Civera	Harper	Olasz	Tigue
Clark	Hasay	Oliver	Trello
Clymer	Hayes	Perzel	Truman
Cohen	Herman	Petrarca	Van Horne
Colafella	Hershey	Petrone	Veon
Cole	Honaman	Phillips	Vroon
Cordisco	Howlett	Piccola	Wambach
Cornell	Hutchinson	Pievsky	Wass
Coslett	Itkin	Pistella	Weston
Cowell	Jackson	Pitts	Wiggins
Coy	Jarolin	Pott	Wilson
Deluca	Johnson	Pratt	Wogan
DeVerter	Josephs	Pressmann	Wozniak
DeWeese	Kasunic	Preston	Wright, D. R.
Daley	Kennedy	Punt	Wright, J. L.
Davies	Kenney	Raymond	Wright, R. C.
Dawida	Kosinski	Reber	Yandrisevits
Deal	Kukovich		

NAYS—0

NOT VOTING—1

Michlovic

EXCUSED—3

Barber            Irvis,  
Lashinger        Speaker

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. PICCOLA offered the following amendments No. A0521:

Amend Title, page 1, lines 1 through 5, by striking out all of said lines and inserting  
Regulating private correctional facilities; providing for contracts for private correctional services between the Commonwealth and counties thereof, and private contractors; providing for approval by the Attorney General and for the licensing and inspection of facilities by the Department of Corrections.

Amend Bill, page 1, lines 8 through 18; page 2, lines 1 through 30; page 3, line 1, by striking out all of said lines on said pages and inserting

Section 1. Short title.

This act shall be known and may be cited as the Private Correctional Facilities Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Department.” The Department of Corrections of the Commonwealth.

Section 3. Private correctional facilities.

(a) Contracts by the Commonwealth and counties.—The Commonwealth and any county may enter into contracts with providers of private correctional facilities for correctional facility services in accordance with this act.

(b) Out-of-State contracts.—Providers of private correctional facilities may enter into contracts with states other than Pennsylvania for correctional facility services, provided the contractor complies with this act.

Section 4. Contracts.

(a) Provisions enumerated.—All contracts executed under this act shall include the following terms:

(1) The posting of an adequate performance bond by the contractor.

(2) A requirement that the contractor comply with all regulations of the department.

(3) A requirement that the contractor hold a valid license of the department.

(4) Approval by the Attorney General.

(b) Approval by Attorney General.—The approval by the Attorney General shall be conditioned upon the following:

(1) The contractor's assumption of all liability caused by or arising out of all aspects of the provision and operation of the private correctional facility.

(2) Liability insurance covering the contractor and its officers, employees and agencies in an amount sufficient to cover all liability caused or arising out of all aspects of the provision and operation of the private correctional facility. A copy of the proposed insurance policy for the first year shall be submitted for approval with the contract and no contract shall be valid or enforceable without such prior approval.

(c) Disapproval by Attorney General.—Disapproval of a contract may be based on any reasonable grounds, including, but not limited to, the following:

(1) Inadequacy or inappropriateness of the proposed plan or standards.

(2) Unsuitability of the proposed contractor or his employees.

(3) Absence of required or desirable contract provisions.

(4) Unavailability of funds.

(5) Any other reasonable grounds whatsoever.

(d) Termination.—All contracts executed under this act shall provide for termination for cause by the local public body party upon 90 days' notice to the contractor. Such termination shall be allowed for reasons which include, but are not limited to, the following:

(1) Failure of the contractor to comply with regulations of the department.

(2) Failure to meet other contract provisions when such failure seriously affects the operation of the private correctional facility.

Section 5. License.

(a) Requirement.—All private correctional facilities operating within this Commonwealth are required to hold a valid license issued by the department, regardless of whether or not the facility is under contract to the Commonwealth or a county thereof.

(b) Issuance.—The department shall issue a license to the private correctional facility when it determines that the applicant meets the requirements of the regulations of the department.

(c) Term and content.—All licenses issued by the department shall expire one year next following the date on which issued; shall be on a form prescribed by the department; shall not be transferable; shall be issued only for the premises and for the private prison named in the application; and shall specify the maximum number of individuals who may be housed in the facility at a time. The license shall be posted at all times in a conspicuous place on the applicant's premises.

(d) Fees.—Annual licenses shall be issued when the proper fee is received by the department and all other conditions prescribed by this act are met. The fees shall be:

For a private prison containing under 100 beds.....	\$300
For a private prison containing 100 beds but not more than 299 beds.....	500
For a private prison containing 300 beds but not more than 500 beds.....	1,000

Section 6. Maximum capacity of facility.

No private correctional facility shall exceed a capacity of 500 beds.

Section 7. Police power.

Those persons employed by private independent contractors in private correctional facilities shall be deemed peace officers as provided in section 2.1 of the act of May 16, 1921 (P.L.579, No.262), entitled, as amended, "An act providing for the better management of the jails or county prisons in the several counties of this Commonwealth of the third, fourth, fifth classes and in certain counties of the sixth, seventh and eighth classes by creating, in such counties, a board to be known by the name and style of inspectors of the jail or county prison, with authority to appoint a warden of such prison, and by vesting in said board, and the officers appointed by it, the safe-keeping, discipline, and employment of prisoners and the government and management of said jails or county prisons."

Section 8. Regulations.

The department shall promulgate regulations for the provision and operation of private correctional facilities. The regulations shall apply to any private correctional facility operating within this Commonwealth, whether or not the operator of the facility is a party to a contract with the Commonwealth or a county thereof. Any private correctional facility designed or intended to house individuals sentenced to a minimum of two years of incarceration or more may be denied the right to operate within the Commonwealth for a period up to one year from the effective date of this act or until the department promulgates regulations under this section, whichever occurs first.

Section 9. Duty to inspect.

The department shall annually inspect private correctional facilities to insure compliance with its regulations. The duty to inspect shall also extend to private correctional facilities which do not contract with the Commonwealth or a county thereof but which are operating within this Commonwealth.

Section 10. Violations.

(a) Notice.—Whenever the department learns of violations of its regulations by a private correctional facility, it shall immediately give written notice to the Commonwealth or county, the independent contractor and the Attorney General. Violation of such regulations shall be grounds for termination of the contract as provided in this act.

(b) Compliance.—Notice to the correctional facility shall require action to bring the facility into compliance with the relevant regulation in the time period determined by the department.

Section 11. Applicability.

This act shall apply to all private correctional facilities operating within the Commonwealth. This act shall not apply to any private facility certified, licensed or operated by the Department of Public Welfare or the Department of Health.

Section 12. Effective date.

This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

Before I explain the substance of this amendment, which is a three-page amendment, I would like to address the House very briefly on what HB 307 does precisely.

HB 307 would impose a moratorium on the operation of something known as private prisons within the Commonwealth, pending a study to be conducted by the Pennsylvania Commission on Crime and Delinquency.

I have suggested, Mr. Speaker, that we are being a little premature in bringing this issue to the floor of the House for several reasons. First of all, we are in the midst of conducting public hearings on this issue in our subcommittee.

**POINT OF ORDER**

Mr. D. R. WRIGHT. Mr. Speaker?

The SPEAKER pro tempore. For what purpose does the gentleman from Clarion, Mr. Wright, rise?

Mr. D. R. WRIGHT. Point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. D. R. WRIGHT. Is the gentleman speaking to the bill or to the amendment?

The SPEAKER pro tempore. The gentleman, I suppose, was on his amendment. However, he was getting into the points of the bill. I am sure, now that the gentleman has been cautioned, that he will exercise due caution on the matter.

The Chair recognizes the gentleman, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

This amendment, Mr. Speaker, I might point out, is a comprehensive amendment dealing with the regulation of private prisons, and that is why I was bringing the issue of that up at this time, because that is the subject of our public hearing, and that is the subject of this amendment.

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

Mr. PICCOLA. Now the question, I believe, is what will this bill do if it becomes law and what will the effect of my amendment be should it become law?

First of all, I do not believe that this bill will have any impact on any private facility now operating in the Commonwealth. Secondly, it will send the wrong signal to those indi-

viduals in the private sector who are exploring the possibility of developing private correctional facilities in Pennsylvania, sending them elsewhere, eliminating the job prospects, and further exacerbating our overcrowding problem in our county and State facilities. Finally, it will necessitate a long and costly study by the Pennsylvania Commission on Crime and Delinquency, a study which I believe is not necessary, Mr. Speaker.

Now, this amendment will do several things. First of all, it eliminates the outright moratorium from the legislation, and it directs the Department of Corrections to regulate private correctional facilities within the Commonwealth with certain safeguards. Those safeguards include specifying certain contract requirements, which would include indemnification of our State and local governments, review and approval of those contracts by the Attorney General, licensing and inspection by the Department of Corrections, and clarification that this statute is not intended to be effective on juvenile facilities or alcohol treatment facilities.

Now, what about this issue of private prisons, Mr. Speaker? As I indicated, I believe that this subject should first be addressed in committee, but since the issue is now before us, I would like to bring the issue to the members of this House.

First of all, the American Correctional Association, in its national policy statement in 1984, specifically endorsed the concept of private correctional facilities. And if I might, I would like to quote from that policy statement briefly: "While government retains the ultimate responsibility, authority, and accountability for the actions of private agencies and individuals, it is consistent with good correctional policy and practice to:...Consider use of profit and nonprofit enterprises to develop, fund, build, operate, and/or provide services, programs, and facilities when such an approach is cost-effective, safe, and consistent with the public interest and sound correctional practice...."

Secondly, Mr. Speaker, Pennsylvania has been in the business of approving and regulating similar types of facilities for some time now. Our juvenile detention facilities are inspected and licensed by the Department of Welfare, and I would specifically like to point to the Weaversville School, which has for some time been the detention facility for 15 to 20 hardcore juvenile delinquents, and there are dozens and dozens of other such facilities throughout Pennsylvania.

Finally, Mr. Speaker, the issue of prison overcrowding in this State as a result of actions by this General Assembly and the executive branch and the judicial branch has reached a crisis proportion in our State and in some of our counties. I would like to point out that it took and is taking the Commonwealth 5 or 6 years to bring on line the 2,900 prison cells that we authorized in 1981. Those cells will not come onto line until 1986 or 1987 at the earliest. The private sector can cut that time, probably less than half. Some counties—and I point specifically to Allegheny County—are experiencing the same kind of crisis in their prisons, and the private sector is able to respond to that crisis.

To require the Pennsylvania Commission on Crime and Delinquency to do a study, I think, is not correct public policy. Now, I am a member of that commission, but it was that same commission and a task force on prison overcrowding that came up with its primary recommendation on overcrowding, which was "good time." That "good time," for those of you who do not know what it is, is chopping off at the end of a sentence about 20 percent of that sentence for people who behave themselves while they are incarcerated. That task force, although it did not recommend it, also discussed the possibility of enacting emergency release legislation to address the issue of prison overcrowding.

To me, the issue of prison overcrowding and how we deal with it has a logical conclusion right here with the issue of private prisons. By enacting this legislation, which will not impose a moratorium but will require the department to impose regulations, it is sending a positive signal permitting the private developers to proceed with their plans under regulation and under safeguards so that we can use private correctional facilities as a safety valve for our public correctional institutions. This amendment assures the proper development of these facilities, it encourages jobs, and it protects the citizens of this Commonwealth. I urge the adoption of the amendment, Mr. Speaker.

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

Mr. D. R. WRIGHT. Mr. Speaker, would the gentleman, Mr. Piccola, stand for brief interrogation?

The SPEAKER pro tempore. The gentleman indicates he will. The gentleman, Mr. Wright, is in order and may proceed.

Mr. D. R. WRIGHT. As I understood your presentation, Mr. Speaker, you have taken everything out of HB 307 except lines 6 and 7 on page 1, which says, "The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:". Is that correct?

Mr. PICCOLA. Yes, Mr. Speaker.

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

Mr. Speaker?

The SPEAKER pro tempore. Has the gentleman completed his interrogation?

Mr. D. R. WRIGHT. For the moment I have, Mr. Speaker. I raise another issue with you.

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

### CONSTITUTIONAL POINT OF ORDER

Mr. D. R. WRIGHT. Under the Constitution of Pennsylvania under "Procedure" and "Passage of Laws," it says that "No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose." Being the prime sponsor of HB 307, I can testify that the original purpose has been changed, and I call for the question of constitutionality on the Piccola amendment.

The SPEAKER pro tempore. The gentleman is questioning the constitutionality of the amendment?

Mr. D. R. WRIGHT. On the basis that he has changed every word, every period, every comma, every semicolon.

The SPEAKER pro tempore. Simply put, he has gutted it. Is that correct?

Mr. D. R. WRIGHT. Well said, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Wright, is questioning the constitutionality of the amendment offered by Mr. Piccola. As the members know, on matters on the Constitution, the members themselves decide as to whether or not a question is constitutional or not.

On the question,

Will the House sustain the constitutionality of the amendments?

The SPEAKER pro tempore. Those who believe the amendment to be constitutional will vote "aye"; those who believe it not to be constitutional will vote "nay."

The Chair has put the question, and now for what purpose does the gentleman from Lawrence, Mr. Pratt, rise?

Mr. PRATT. Is the motion debatable?

The SPEAKER pro tempore. The motion is debatable.

Mr. PRATT. Mr. Speaker, I would lend my support to Representative Wright's motion of unconstitutionality. I agree that the amendment does in fact gut the entire bill and make its intent entirely different. Also, Mr. Speaker, I might add and inform the members that the particular issue—and I might get into it if this motion fails—but this particular issue, the regulation of private prisons, is now before the House Judiciary Committee. We are conducting public hearings, and the amendment before us is very detailed, very complex, and needs a great deal of study, and for that reason and the reason put forth by Representative Wright, I ask all members to support his motion.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

This amendment is clearly constitutional, Mr. Speaker. First of all, on the issue of whether it addresses the same issue, it clearly addresses the same issue. The approach is different, I will admit that, but the issue is the issue of what we are going to do about private correctional facilities. Mr. Wright has one approach to the problem. I do not believe his approach is the correct one. I have taken another approach and offered this amendment. It is clearly, therefore, constitutional, Mr. Speaker, and I would urge that the House vote in the affirmative.

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

Mr. HUTCHINSON. Mr. Speaker, I am a little bit confused. I think Representative Pratt put an amendment in. How can Representative Piccola put another one in and we vote on whether it is constitutional or not? We have not handled Mr. Pratt's. Can we take amendments all over the

lot? I have been confused before, but I am surely confused right now.

The SPEAKER pro tempore. The Chair would state to the gentleman that Mr. Pratt, it is true, did introduce an amendment. That happened, however, before the motion of Mr. Wright. That amendment was adopted. We are now on Mr. Wright's motion, which calls for testing the constitutionality of the Piccola amendment. It is a little confusing, the Chair would agree, but it would appear to this nonlawyer to be perfectly legal. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Wright.

Mr. D. R. WRIGHT. The gentleman, Mr. Piccola's argument with regard to the constitutionality was excessively cogent if the issue were one of germaneness when he says that the same subject matter is covered in his amendment as in my bill. But the question of constitutionality does not deal with same subject matter; it deals with purpose, and my purpose is to place a moratorium on the operation of private prisons and his amendment is one to regulate them and to foster their operation in the Commonwealth. The purpose is not just different; it is diametrically opposed and therefore unconstitutional.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. PICCOLA. On that issue, Mr. Speaker, I would point to—

The SPEAKER pro tempore. I am sorry. The Chair apologizes. It has just been pointed out to him that you may only speak one time on the question of the constitutionality of a question. So the Chair with regret does not recognize the gentleman at this time.

In turn, the Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, would the gentleman, Mr. Wright, consent to brief interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Wright, indicates he will stand for a period of interrogation. The gentleman, Mr. Dorr, is in order and may proceed.

Mr. DORR. Mr. Speaker, when the gentleman made his initial comments concerning his reason for objecting to the constitutionality of the amendment, his remarks were somewhat puzzling to me, and I want to make sure that they are clarified for the record at least.

Is the gentleman intending to indicate that he believes every time an amendment guts a bill that it is unconstitutional?

Mr. D. R. WRIGHT. What I intend to indicate is that the Constitution provides that "No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose." That is what I intend to say.

Mr. DORR. So is that a yes or a no answer?

Mr. D. R. WRIGHT. It is my purpose to say that I intend to uphold the Constitution that no bill shall be so altered to change its original purpose.

Mr. DORR. Well, Mr. Speaker, I am only trying to clarify the record. Would the gentleman indicate whether he believes, as a matter of principle, that each time an amendment would gut a bill that that does change the purpose?

Mr. D. R. WRIGHT. I do not understand the word "gut."

Mr. DORR. Well, you indicated that it was very well put by the Speaker a few minutes ago. What it means is that you would remove the entire contents of the bill as it stands as a bill and substitute other language by amendment.

Mr. D. R. WRIGHT. We have not, as a practice in the House of Representatives, used the floor of the House to remove all language in a bill and to insert contrary language. That has not been the general practice. As a matter of fact, I would welcome some examples of where that has occurred on the floor of the House. I will agree that sometimes it may occur in committee, but it is not something that happens as a course of the normal procedure on the floor of this House, and I do not think it should occur.

Mr. DORR. Mr. Speaker, I do not intend to get into a lengthy debate with the gentleman. I am simply trying to clarify a point.

I would, if I may make a statement, Mr. Speaker—

The SPEAKER pro tempore. Has the gentleman completed his interrogation?

Mr. DORR. I would indicate, without having the data to back me up, that it is my impression that we have done that on numerous occasions; that is, to completely gut a bill. Whether it is on the floor of the House or in a committee does not matter since committees are bound by the rules of the House as well as by the Constitution. Therefore, I would simply make the statement that it is my opinion that it is not necessary—

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

Mr. DORR. I would indicate that it is my opinion that just because an amendment completely guts a bill does not indicate that it is unconstitutional. That was the only purpose for which I rose, and I think we have probably served that purpose, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. GANNON. Mr. Speaker, Mr. Wright would have us take a very narrow view of the Constitution to serve his own purpose, and I believe that purpose is to object to the amendment that is being offered by Mr. Piccola without ever giving the members the opportunity to cast judgment on that amendment. I do not think the Constitution should be taken that narrowly, Mr. Speaker, because if you extend Mr. Wright's argument to its logical conclusion, that would mean that any time a member offered an amendment to a bill that was before this House, we would have to test the constitutionality if the sponsor of that bill objected on the grounds that it changed his original purpose.

So, Mr. Speaker, I think that we are dealing with a subject matter of prisons. I think many of the members would like to hear all of the arguments on both sides, and since this is somewhat complex, I think it is premature to take this issue of constitutionality to the members at this point, and I believe that it is something that we should reject. I do not think that we should set a precedent here that any time an amendment would be offered, whether it be comprehensive or not, that a member can ask that the House test its constitutionality.

Mr. Speaker, I would urge a "yes" vote on the constitutionality of the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and would point out that any member of the House can raise a question as to whether an amendment or a bill is constitutional, and then it becomes a matter for the majority of the members of the House to decide whether it is constitutional or not.

The Chair recognizes the gentleman from Montgomery, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, in listening to the response of the gentleman, Mr. Wright, to Representative Dorr's question, it would appear to me that there must be two constitutions: one that governs the rules of the committees and one that governs the rules of the House. It seems to me that he has admitted that these same kinds of amendments have been offered in committee and yet is denying that it would be constitutional to do this on the floor of the House. I know of only one constitution, sir.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. Reber.

Mr. REBER. Mr. Speaker, very briefly, the argument that is being made by Representative Wright sort of reminds me of the little schoolboy who owned the football that was being used with his schoolmates when they were playing football. He did not like the way the rules were being interpreted, and he basically turned to all his schoolmates and said if we do not play by my rules or we do not play the way I like to play, I am going to take my ball and go home. And to some extent I think that is what Mr. Wright is saying.

But in the sense of fairness, I think Mr. Piccola has brought about a common type of bond between his amendment and the bill as originally drafted. If we look at section 1 of the bill, it talks about a moratorium on the operation of private prisons and it talks about an investigation either lifting or not lifting the prohibition that is placed by the legislation on private prisons. And specifically in section 8 of Representative Piccola's amendment, he puts forth therein language that says, "Any private correctional facility designed or intended to house individuals sentenced to a minimum of two years of incarceration or more may be denied the right to operate within the Commonwealth for a period up to one year from the effective date of this act or until the department promulgates regulations under this section, whichever occurs first."

Now, if that is not a type of moratorium that is triggered by the happening of or the nonhappening of an event, I have never seen such a thing to exist.

So I do not think there is any doubt whatsoever that the intent, the type of tenor of the bill, has not at all been materially changed by the amendment of Representative Piccola, and accordingly, I certainly think it falls within the constitutional ambit that has been raised by Representative Wright.

I would support the constitutionality of this amendment, Mr. Speaker.

PARLIAMENTARY INQUIRY

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

Mr. DAVIES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his point of inquiry.

Mr. DAVIES. Mr. Speaker, the question or the terminology "gutted" came forth. What is the origin of that term or what is your reference to that term "gutted"? Is that from prior experience of the Speaker in usage in legislation or is it just something from your own vernacular?

The SPEAKER pro tempore. The Chair would respond that he heard the remark one day in the cloakroom and from there on it spread. We do not know who to credit or damn for the expression.

Mr. DAVIES. I see, Mr. Speaker. In other words, it is not the experience of the Speaker that this has had constant usage in parliamentary maneuvers of this said body.

The SPEAKER pro tempore. Oddly enough, most members seem to know what it means. I am sure that the gentleman from Berks also does.

Mr. DAVIES. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The question before the House is the constitutionality of the amendment offered by the gentleman from Dauphin, Mr. Piccola. Those who believe it to be constitutional will vote "aye"; those who disagree and believe it to be unconstitutional will vote "no."

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—119

Table listing names of members who voted 'YEAS' (119 total). Includes names like Angstadt, Argall, Arty, Barley, Birmelin, Black, Book, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Bush, Carlson, Distler, McClatchy, Ryan, Dorr, McVerry, Saurman, Duffy, Mackowski, Scheetz, Durham, Manmiller, Schuler, Fargo, Merry, Semmel, Flick, Michlovic, Serafini, Foster, Jr., A., Micozzie, Seventy, Fox, Miller, Sirianni, Freind, Moehlmann, Smith, B., Gallen, Mowery, Smith, L. E., Gannon, Mrkonic, Snyder, D. W., Geist, Murphy, Snyder, G. M., Burd, Gladeck, Nahill, Stairs, Burns, Godshall, Noye, Stevens, Bush, Greenwood, O'Brien, Swift, Carlson, Gruppo, Olasz, Taylor, E. Z.

Table listing names of members who voted 'NAYS' (79 total). Includes names like Cessar, Chadwick, Cimini, Civera, Clymer, Cornell, Coslett, Cowell, Deluca, DeVerter, Davies, Dawida, Dietz, Dininni, Hagarty, Hayes, Herman, Hershey, Honaman, Howlett, Itkin, Jackson, Johnson, Kennedy, Kenney, Kosinski, Langtry, Levdansky, Perzel, Petrone, Phillips, Piccola, Pistella, Pitts, Pott, Preston, Punt, Raymond, Reber, Reinard, Rieger, Robbins, Taylor, J. J., Telek, Tigie, Trello, Van Horne, Vroon, Wambach, Wass, Weston, Wilson, Wogan, Wright, J. L., Wright, R. C.

NAYS—79

Table listing names of members who voted 'NOT VOTING' (1 total). Includes names like Acosta, Afflerbach, Baldwin, Battisto, Belardi, Belfanti, Blaum, Bortner, Bowley, Caltagirone, Cappabianca, Carn, Cawley, Clark, Cohen, Colafella, Cole, Cordisco, Coy, DeWeese, Daley, Deal, Dombrowski, Donatucci, Evans, Fattah, Fee, Fischer, Freeman, Fryer, Gallagher, Gamble, George, Gruitza, Haluska, Harper, Hasay, Hutchinson, Jarolin, Josephs, Kasunic, Kukovich, Laughlin, Lescovitz, Letterman, Levin, Linton, Livengood, Lloyd, Lucyk, McCall, McHale, Maiale, Manderino, Markosek, Mayernik, Morris, O'Donnell, Oliver, Petrarca, Pievsky, Pratt, Pressmann, Richardson, Rudy, Rybak, Saloom, Showers, Staback, Steighner, Stewart, Stuban, Taylor, F. E., Truman, Veon, Wiggins, Wozniak, Wright, D. R., Yandrisevits.

NOT VOTING—1

Sweet

EXCUSED—3

Barber, Lashinger, Irvis, Speaker

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

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

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Dauphin, Mr. Piccola, on the amendment.

Mr. PICCOLA. Mr. Speaker, I gave my opening remarks.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Wright.

Mr. D. R. WRIGHT. Mr. Speaker, I appreciate the indulgence of the House. I feel marvelously relieved now that we have established the constitutionality of this amendment, and we would be glad to proceed with it.

I would like to invite, if I may, Mr. Piccola to a series of questions, and I apologize, but they will be somewhat lengthy. But since this is a new bill before us, I think it is important for us to understand what the content of this legislation is.

Would the gentleman, Mr. Piccola, stand for interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Piccola, indicates he will stand for a period of interrogation. The gentleman, Mr. Wright, is in order and may proceed.

Mr. D. R. WRIGHT. Mr. Speaker, I understood that you were introducing this legislation in part because you believe that the bill before us would necessitate a long and costly study. Is that accurate representation of your views?

Mr. PICCOLA. I cited that as one of my reasons. I believe there are a number of other reasons why my amendment should be adopted.

Mr. D. R. WRIGHT. I understand, but that was one of three reasons which you gave us a few minutes ago.

Mr. PICCOLA. One of several; yes, Mr. Speaker.

Mr. D. R. WRIGHT. Are you familiar with the fiscal note which has come out of the House Appropriations Committee with regard to HB 307 in its present form?

Mr. PICCOLA. No, Mr. Speaker, I have not seen that note.

Mr. D. R. WRIGHT. You may be enlightened to know that the Governor's Budget Office says that this study proposed in HB 307 can be conducted as a part of PCCD's (Pennsylvania Commission on Crime and Delinquency) ongoing research activities and that the bill would require no additional expenditures of State funds. I think perhaps it may be important to have that in the record.

Mr. PICCOLA. May I respond to that question, Mr. Speaker?

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

Mr. PICCOLA. No, Mr. Speaker, point of inquiry. I am under interrogation. Is that not correct?

The SPEAKER pro tempore. Yes. The gentleman is under interrogation.

Mr. PICCOLA. I would just suggest, Mr. Speaker, that the reason for that is that most of the study and work and inquiry has already been done. I have here on my desk rafts of studies that have been done on this issue of private prisons, and I suggest the PCCD will only be republishing what has already been done in this field.

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

I was just asking the gentleman if in fact he believes that this would be a long and costly study, and he said that was one of the reasons that he opposed it. I told him that there would not be a substantial cost, and he said the reason for that is the study has already been done. He seems to be having it both ways, and that is a wonderful position.

Moving on now. According to your amendment, Mr. Speaker, is it your judgment that the Office of the Attorney General is prepared at this moment to accept the responsibility of reviewing contracts made with private correctional facilities?

Mr. PICCOLA. Are they prepared as of today?

Mr. D. R. WRIGHT. Yes.

Mr. PICCOLA. I suspect that they have the manpower to be prepared to do that within a very short period of time. I do not know whether they could accept those today.

Mr. D. R. WRIGHT. Mr. Speaker, what provisions have you been able to find in the Commonwealth Attorneys Act that indicate that that provision of your amendment is a legitimate responsibility for the Attorney General?

Mr. PICCOLA. I am sorry, Mr. Speaker. Could you repeat the question?

Mr. D. R. WRIGHT. You provide a provision in the amendment for contract review by the Attorney General. What provisions in the Commonwealth Attorneys Act make legitimate that responsibility which you have assigned to the Attorney General?

Mr. PICCOLA. Mr. Speaker, the Commonwealth Attorneys Act provides general authority to the Attorney General to review contracts. But the issue here is not the Commonwealth Attorneys Act; the issue is what we are requiring the Attorney General to do under this act, which would be new authority for the Attorney General to comply with.

Mr. D. R. WRIGHT. In that regard, Mr. Speaker, are you aware that the Supreme Court of the Commonwealth of Pennsylvania has ruled that the Attorney General cannot rule on other things than the form and legality of a contract?

Mr. PICCOLA. I am not aware of what you are referring to, Mr. Speaker. I am aware that when the General Assembly mandates that the Attorney General do something the Attorney General should do it, and I am sure the courts will uphold his right and his ability to do it.

Mr. D. R. WRIGHT. But you are not aware then of case law that has been before our Supreme Court that says that the Attorney General can only rule on the form and legality.

I thank you very much.

Mr. PICCOLA. I am aware of that general issue, Mr. Speaker, but that is under existing law, most specifically the Commonwealth Attorneys Act. Again I repeat, we are providing new authority for the Attorney General to act.

Mr. D. R. WRIGHT. Thank you. That is part of my question. You are aware then that you are giving entirely new power to the Attorney General that is not in the present law. You are providing an entirely new function, new responsibility, new authority to the Attorney General.

Mr. PICCOLA. With respect to the review of contracts for private correctional facilities, yes, Mr. Speaker.

Mr. D. R. WRIGHT. And because that is a new function to the Attorney General, then it is likely that that will be litigated. Would you agree?

Mr. PICCOLA. No; I do not agree, Mr. Speaker.

Mr. D. R. WRIGHT. Okay. I disagree, and I will have something to say about that perhaps a little later, but since I am asking questions rather than making a speech, I will move on.

Let me ask you some questions about provisions in your amendment that have to do with adequate performance bonding. I am interested in the phrase "adequate performance bond." What, in your judgment, constitutes an adequate performance bond?

Mr. PICCOLA. A bond sufficient to cover the cost of whatever is being bonded to be completed. It will vary from project to project.

Mr. D. R. WRIGHT. And who determines then what is adequate?



Mr. PICCOLA. The Department of Corrections will be promulgating regulations under this section, and they will make a determination as to what is adequate.

Mr. D. R. WRIGHT. Under your amendment, are performance bonds required for each private correctional facility?

Mr. PICCOLA. I am sorry. Could you repeat the question, Mr. Speaker?

Mr. D. R. WRIGHT. Are performance bonds required for each private correctional facility?

Mr. PICCOLA. Yes, Mr. Speaker.

Mr. D. R. WRIGHT. So then we can expect, under your amendment as I understand it, that drug and alcohol rehabilitation facilities will also require these performance bonds?

Mr. PICCOLA. No, Mr. Speaker. That is clearly not covered by this amendment. I would cite to you, Mr. Speaker, section 11, which takes out from the purview of this act any facility that is certified, licensed, or operated by the Department of Public Welfare or the Department of Health. These are all of your DUI's (driving under the influence) and drug and alcohol treatment centers and your juvenile facilities as well.

Mr. D. R. WRIGHT. So a drug and alcohol rehabilitation center or facility that is not regulated or covered by the Department of Health and the Department of Welfare then would fall under the performance bond requirements of your amendment?

Mr. PICCOLA. Mr. Speaker, such a facility probably would not even be able to operate in Pennsylvania, but certainly it would not fall under the category of a private correctional facility.

Mr. D. R. WRIGHT. I hope that you will, if I may say so, Mr. Speaker, remember that, because I think there will be some people here who will want to raise that question. They will be comforted by your answer.

Are there different performance bonds required for different private correctional facilities? That is to say, is the same performance bond required for minimum and maximum security facilities under your amendment?

Mr. PICCOLA. As I indicated, Mr. Speaker, the Department of Corrections will promulgate regulations which will make a determination as to what will be adequate performance bonds for each kind of facility that is to be constructed. I do not expect to see a whole slew of these things coming into the department immediately for construction. These are quite expensive operations. So I think the bureau and the department will have sufficient time to promulgate sufficient regulations to determine what an adequate performance bond will be.

Mr. D. R. WRIGHT. So it is your judgment then that there will be sufficient time to promulgate regulations that have to do with minimum and maximum security facilities so that if we vote on your amendment today, we have no assurance whether or not there will be performance bonds for minimum or maximum security facilities that are different from each other.

Now, I am interested in this question, Mr. Speaker, with regard to liability. You indicate here that you have approval by the Attorney General, and I am interested if you can provide for us some basis in law for that section of your bill dealing with liability.

Mr. PICCOLA. Mr. Speaker, would you point to the specific section?

Mr. D. R. WRIGHT. I am dealing with 4(b)(1) in an amendment that I saw the other day, and I think it still is.

Mr. PICCOLA. Mr. Speaker, I do not quite understand the gist of your question since with respect to setting public policy of this Commonwealth the General Assembly is the authority, and I would point to the Constitution. However, as to the policy decision as to why we placed that in there, there is some thought that perhaps some liability might exist with respect to costs that might arise in that facility that might fall ultimately upon a local government or a county or the Commonwealth. This requires that the contractor assume that liability and hold those entities harmless and protect the citizens and the taxpayers of the Commonwealth.

Mr. D. R. WRIGHT. You see, the question, Mr. Speaker, has to do with whether or not a municipality, a government agency, can transfer liability. The question is, can you avoid liability by simply ignoring it? And my question then more specifically would be, what case law supports the ability of any governmental body to transfer liability to a private agency?

Mr. PICCOLA. Okay, Mr. Speaker. I will point directly to cases in which school districts contracting with private contractors will require that the contractor in the clause of the contract assume all liability for any negligence that occurs on that job site, and the courts have upheld that that contractor is liable, even in cases where a jury finds the school district negligent.

Mr. D. R. WRIGHT. What happens if a guard in a private facility hits a prisoner over the head? Does that mean that the Secretary of the Department of Corrections gets sued?

Mr. PICCOLA. I suppose that would be an ultimate possibility, Mr. Speaker.

Mr. D. R. WRIGHT. And what would happen then if a prisoner from one of these institutions got loose and killed one of the residents close by? Does that mean that the Department of Corrections Secretary would be liable for that?

Mr. PICCOLA. I cannot answer that question, Mr. Speaker, until I know specifically what the facts of your particular case are. I do not know what kind of facility you are talking about. I do not know what kind of prisoner you are talking about. I do not know what kind of facility you are talking about.

Mr. D. R. WRIGHT. Mr. Speaker, I have a number of other questions, but I am going to go on to, I believe it is section 7 of your amendment, entitled "Police power."

Now, Mr. Speaker, that is an interesting provision. Would you tell me what you are attempting to do in section 7 with regard to police power?

Mr. PICCOLA. Mr. Speaker, that provision is to insure that the individuals who are employed as correctional officers in those facilities are afforded the same protection in using force to prevent the prison breakout that you referred to earlier and to protect the Commonwealth in the liability.

Mr. D. R. WRIGHT. Now these employees then would be employees of a private organization. Is that right?

Mr. PICCOLA. That is correct.

Mr. D. R. WRIGHT. And they would be under the National Labor Relations Act. Is that right?

Mr. PICCOLA. Could you repeat the question, Mr. Speaker?

Mr. D. R. WRIGHT. These employees, because they are not public employees, would be covered by the National Labor Relations Act.

Mr. PICCOLA. I would assume so, Mr. Speaker.

Mr. D. R. WRIGHT. And any employee who is covered by the National Labor Relations Act has the right to strike. Is that not correct?

Mr. PICCOLA. That is correct, Mr. Speaker.

Mr. D. R. WRIGHT. So these employees of the private prisons would now have the right to strike. Thank you very much.

Thank you very much, Mr. Speaker. I have a number of questions, but I do not want to tax the patience of the House, and I will pass over a number of those at this time. If there is further debate on the amendment, I would be glad to hear that, and I would like permission to speak somewhere along toward the end of the debate on the Piccola amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Lescovitz.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose Mr. Piccola's amendment. The basic reason I rise to oppose it is for about a year and a half now I have been working on legislation about private prisons. Last year Representative Pratt and I introduced legislation concerning regulating and licensing of private prisons, and again this year we have done the same.

It is a fairly new concept, Mr. Speaker, and the hearings we have had in the Judiciary Committee have brought about that we actually need some better input into this subject matter. We have had two hearings so far. There is another one scheduled on the 28th of this month when the Department of Corrections is going to testify. I do not believe that Mr. Piccola, although I agree with the basic concept of his amendment, I do not believe that this House of Representatives is ready to pass legislation on regulating private prisons. That has been brought out in our committee hearings. I think that Mr. Wright's bill as drafted, putting a moratorium on, will give us enough time to look over legislation and have the Department of Corrections start working on regulations.

I think the proponents and opponents of private prisons agree, at least it has been brought out in our hearings, that they should be regulated, but I think brought out also in the interrogation by Mr. Wright is that we still need some more

time to look at regulations and to look at the legislation. Therefore, I oppose Mr. Piccola's amendment at this time and feel we need more time to look at this legislation. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment.

Mr. Speaker, I do not necessarily disagree with the gentleman, Mr. Piccola, the prime mover of the amendment. I think some of the provisions in his particular amendment are good ones. I think that a good portion perhaps of this amendment could eventually end up in a final version of some regulatory scheme for private prisons. But, Mr. Speaker, as previous speakers have noted, this subject matter is very, very complex. There are a great number of legal questions which must be answered. I think we learned some of that with the interrogation and the debate between Representative Wright and Representative Piccola.

Mr. Speaker, there are a number of questions which I have concerning the amendment. For instance, Mr. Speaker, is the provision dealing with restricting the contracts between the private developer and out-of-State interests, is that somehow in contravention of the United States Constitution?

Mr. Speaker, there is another provision on page 2 of the amendment dealing with the fees involved. In my discussions with Department of Corrections officials, the fees involved are totally inadequate to cover the cost of administering any licensing of private prisons in Pennsylvania. Therefore, it would require the department digging into their own general fund to subsidize the administration of this particular act.

Mr. Speaker, as Representative Lescovitz has noted, we have ongoing public hearings on the subject matter and we have several pieces of legislation, two of which we are concentrating on, and we hope that in the very near future we will put a meaningful piece of legislation together, report it out to the floor of this House for consideration. For those reasons, Mr. Speaker, I ask that the vote be in the negative on Representative Piccola's amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I believe we should melt this debate down to a bullet. I think that what we are confronting today is whether we are going to have prisons for profit or not. If we are going to have prisons for profit, we are going to have one of two situations, in my view - we are going to have physical facilities that are less secure or we are going to be paying our guards less. If we are going to be paying our guards less, they are going to either be one of two things - less qualified or scabs.

I am under the impression that the Commonwealth runs a fairly good system of prisons. I am under the impression that Chairman Wright wants to perpetuate that system. I am under the impression that if Mr. Piccola's amendment passes, we will shackle, we will pinion, and we will manacle the present system. I call for its defeat. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, there are a number of issues that I think are so important in this bill that they should have a referral to a committee to consider a major bill of this nature. That has not occurred. There may have been hearings. There may have been work done toward developing this type of act, but that work is not completed. For instance, when it says on page 2, subparagraph (b), the contractor's assumption of all liability caused by or arising out of all aspects of the operation of private facilities, there are issues that arise there that cannot be resolved in this debate. For instance, the public officials or public officers or correctional officers, deputy sheriffs, may and will move toward and into and about private facilities, and if they become involved in some form of liability, the question is, does the contractor have to assume all of that liability? So a blanket requirement that a contractor assume all liability is an issue that requires extensive discussion and debate, and it is certainly not taking place if this House enacts this amendment.

In addition, subparagraph (2) refers to a copy of the proposed insurance policy. For the first year it shall be submitted for approval, and no contract shall be valid without such prior approval. The question there is whether or not that copy is required every year, whether it will be submitted, and if it is submitted the first year, why not every year?

In another area, in subparagraph (d), there are provisions for termination. Those provisions for termination do not include an emergency termination. There may, Mr. Speaker, be situations where a contract should be terminated immediately, or at least a right not to incarcerate prisoners should be accorded to the State. The State may find itself in the unique position of violating the contract that they have entered into if for some reason they do not take prisoners to the prison or any other situation arises in which there may be an emergency requiring immediate cessation of the operation of the contract for cause, such as a court order. Consequently, this bill, regardless of its constitutionality on the question of being the same purpose, is thrust upon us without adequate opportunity for review, discussion, prereadings, and I strongly ask that the House defeat the amendment.

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

Mr. ITKIN. Mr. Speaker, I rise today because we in Allegheny County are greatly distressed by this bill and also with respect to the Piccola amendment.

I have listened to the debate today and heard individuals rise and object to the Piccola amendment, although they did say that they agreed in part with what Mr. Piccola had to say. I am concerned that the passage of this bill would produce great harm in Allegheny County, which currently is under a Federal court order requiring us to limit the number of inmates in our jail facility, with no recourse at the current time as to where to send our excess prisoners. That puts Allegheny County into the position of having to support, perhaps, a process which has not been fully studied by the Judiciary

Committee and which I believe the Judiciary Committee has said that it wanted to discuss. Both Representative Lescovitz and Representative Pratt indicated that the committee had been working on private prison legislation.

### BILL RECOMMITTED

Mr. ITKIN. Consequently, I would think at this time the best way to handle this issue would be to recommit this bill, HB 307, back to the Judiciary Committee and try to factor those other issues that the members on the committee wish to see inserted into this bill but have not had the opportunity.

Mr. Speaker, I make that in the form of a motion, that we recommit HB 307 back to the Judiciary Committee.

The SPEAKER pro tempore. The Chair has before it a recommittal motion that the bill be recommitted to the Committee on Judiciary.

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

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I support the gentleman's motion. I think that this issue has to be examined. I prefer that. This amendment was a starting point, and I am glad to see that others have recognized it as a starting point.

I would urge an affirmative vote on the gentleman's motion.

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

Mr. D. R. WRIGHT. Mr. Speaker, it is painful for me to speak against my caucus chairman on a matter of such great importance to me personally. I would like to ask for the attention of the House; I would like the members of the House to give a little attention to discover what really is the issue in this debate today.

I am standing before you today as the Representative from the 63d Legislative District, and you, if not yesterday and if not today, then tomorrow or the next day, will come before the members of this General Assembly and lay out a concern for the people whom you represent. You do not know about Sugarcreek Township in Armstrong County, perhaps; it is a small place.

The SPEAKER pro tempore. The Chair would caution the gentleman that it is a recommittal motion.

Mr. D. R. WRIGHT. And it is debatable.

The SPEAKER pro tempore. It is debatable.

Mr. D. R. WRIGHT. And I am debating why—

The SPEAKER pro tempore. Within restrictions.

Mr. D. R. WRIGHT. I will follow the Speaker very closely, speaking my heart at the same time.

The SPEAKER pro tempore. Thank you. The Chair wishes you well.

Mr. D. R. WRIGHT. The mind of the Speaker and the heart of the Representative from the 63d District make a formidable combination.

You will, one of these days soon, be coming here and speaking about a very special concern for your district. Sugar-creek Township is a small township, but there is now in that place a building which could by April 1 become a private prison, and the urgency of this legislation, why we should not recommit it, why we need to make a decision on this bill today, is because within just a few days that building can become a private prison, and you can receive the letters from mothers of elementary school children saying that that prison is within easy walking distance of their homes. They are concerned that there is not one single regulation in State or local government to regulate the operation of that facility. We refer this bill to committee and we kill it, and we say to those people in my district, you do the best you can; we are not going to pay attention to this issue.

I know that Allegheny County has a problem, and I am willing to work with Allegheny County, but I do not think that Clarion, Armstrong, and Sugarcreek Township ought to bear the total burden of Allegheny County, and I am asking your support today to help a rural township help itself. Vote "no" to recommit; vote "no" on the Piccola amendment; vote "yes" on HB 307.

The SPEAKER pro tempore. On the motion by the gentleman, Mr. Itkin, that the bill be recommitted to the Committee on Judiciary, those who favor that motion will vote "aye"; those who oppose that motion will vote "no."

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

The following roll call was recorded:

YEAS—102

Argall	Dorr	McClatchy	Rieger
Arty	Duffy	McVerry	Robbins
Barley	Durham	Mackowski	Ryan
Birmelin	Fargo	Manmiller	Saurman
Black	Flick	Markosek	Scheetz
Book	Foster, Jr., A.	Mayernik	Schuler
Bowser	Fox	Merry	Semmel
Brandt	Freind	Michlovic	Serafini
Bunt	Gallen	Micozzie	Seventy
Burd	Gamble	Miller	Sirianni
Bush	Gannon	Mowery	Smith, B.
Carlson	Geist	Murphy	Smith, L. E.
Cessar	Gladeck	Nahill	Snyder, D. W.
Chadwick	Godshall	Noye	Snyder, G. M.
Cimini	Gruppo	O'Brien	Stairs
Civera	Hagarty	Petrone	Stevens
Clymer	Hayes	Piccola	Swift
Cornell	Hershey	Pistella	Taylor, E. Z.
Coslett	Honaman	Pitts	Trello
Cowell	Itkin	Pott	Vroon
Deluca	Jackson	Preston	Wass
DeVerter	Johnson	Punt	Wilson
Davies	Kennedy	Raymond	Wogan
Dawida	Kenney	Reber	Wright, J. L.
Dininni	Langtry	Reinard	Wright, R. C.
Distler	Levdansky		

NAYS—95

Acosta	Deal	Kukovich	Richardson
Afflerbach	Dietz	Laughlin	Rudy
Angstadt	Dombrowski	Lescovitz	Rybak
Baldwin	Donatucci	Letterman	Saloom
Battisto	Evans	Linton	Showers
Belardi	Fattah	Livengood	Staback

Belfanti	Fee	Lloyd	Steighner
Blaum	Fischer	Lucyk	Stewart
Bortner	Freeman	McCall	Stuban
Bowley	Fryer	McHale	Sweet
Boyes	Gallagher	Maiale	Taylor, F. E.
Broujos	George	Manderino	Taylor, J. J.
Burns	Greenwood	Moehlmann	Telek
Caltagirone	Gruitza	Morris	Tigue
Cappabianca	Haluska	Mrkonic	Truman
Cawley	Harper	O'Donnell	Van Horne
Clark	Hasay	Olasz	Veon
Cohen	Herman	Oliver	Wambach
Colafella	Howlett	Perzel	Weston
Cole	Hutchinson	Petrarca	Wiggins
Cordisco	Jarolin	Phillips	Wozniak
Coy	Josephs	Pievsky	Wright, D. R.
DeWeese	Kasunic	Pratt	Yandrisevits
Daley	Kosinski	Pressmann	

NOT VOTING—2

Carn                      Levin

EXCUSED—3

Barber                      Irvis,  
Lashinger                      Speaker

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

CONSIDERATION OF HB 254 RESUMED

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

The SPEAKER pro tempore. Has the gentleman from Montgomery, Mr. Reber's amendment come down yet? The Chair recognizes the gentleman, Mr. Reber.

Mr. REBER. Mr. Speaker, the amendment has not come down yet, so I will withdraw it and offer it to another bill. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Bill as amended was agreed to.

The SPEAKER pro tempore. 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 Dauphin, Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, as prime sponsor of the bill, I think it is only correct to explain the purpose of the bill to the rest of the members. Quite frankly, it is a very simple amendment that my bill did other than what Representative Noye did to amend it, but what it does is expand the definition of "emergency vehicle" to an assistant commander of a river rescue unit. Currently the emergency vehicle status is only provided to the commander of a river rescue unit, and the cosponsors of the

bill also have river rescue units in their districts. So I would appreciate an affirmative vote on the bill so we can get quick action, hopefully, in the Senate. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—198

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

NAYS—0

NOT VOTING—1

Howlett

EXCUSED—3

Barber  
Lashingner

Irvis,  
Speaker

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.

**RULES COMMITTEE MEETING**

The SPEAKER pro tempore. The majority leader, Mr. Manderino, calls a meeting of the Rules Committee immediately upon the call of the recess.

**DEMOCRATIC CAUCUS**

The SPEAKER pro tempore. The Chair recognizes the majority caucus chairman.

Mr. ITKIN. Mr. Speaker, the Democrats will go into caucus at 3:30. We anticipate having a very distinguished guest in our caucus, someone retiring from State Government, Commissioner Johnson. I would hope that the members make every effort to attend this caucus. We also have a full calendar to go through. I look forward to seeing all the members on the Democratic side of the aisle at 3:30 in the majority caucus room.

The SPEAKER pro tempore. The Chair thanks the gentleman.

**REPUBLICAN CAUCUS**

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, the Republicans will also caucus at 3:30. There are quite a few bills that are on our calendar for action this week, and I think you would be well advised to be in attendance.

**JUDICIARY COMMITTEE MEETING**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. Mr. Speaker, I rise to make an announcement.

There will be a meeting of the House Judiciary Committee tomorrow morning at 10 a.m. in room 401.

The SPEAKER pro tempore. A meeting of the Judiciary Committee tomorrow at 10 o'clock. The Chair thanks the gentleman.

**HOUSE SCHEDULE**

The SPEAKER pro tempore. The House will come back into session tomorrow at 11 o'clock. The desk will remain open for the purposes of the results of the Rules Committee meeting.

**HOUSE RESOLUTION  
INTRODUCED AND REFERRED**

**No. 50** By Representatives CORDISCO,  
G. M. SNYDER and LEVIN

Providing for a special committee to investigate solid waste disposal problems.

Referred to Committee on RULES, March 25, 1985.

**RECESS**

The SPEAKER pro tempore. This House is now in recess until the call of the Chair.

**AFTER RECESS**

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

**RESOLUTIONS REPORTED FROM COMMITTEE**

**HR 8, PN 121** By Rep. MANDERINO  
Establishing a select committee to investigate the bidding requirements for certain contracts awarded by the Department of Transportation.

RULES.

**HR 15, PN 305** By Rep. MANDERINO  
Memorializing the President and Congress of the United States to maintain the current Federal revenue sharing program.

RULES.

**HR 17, PN 307** By Rep. MANDERINO  
Appointing a select committee to investigate compliance with the Steel Products Procurement Act and other matters of State law relating to State construction projects.

RULES.

**HR 29, PN 778 (Amended)**  
By Rep. MANDERINO  
Directing the Speaker of the House of Representatives to appoint a special committee to investigate the financial difficulties and imminent liquidation of Ideal Mutual Insurance Company, and its impact upon Pennsylvania.

RULES.

**HR 41, PN 708 (Concurrent)**  
By Rep. MANDERINO  
Recognizing the month of April as "Cancer Control Month" and urging the citizens to support the American Cancer Society.

RULES.

**HR 42, PN 709** By Rep. MANDERINO  
Requesting the Governor to proclaim "Holocaust Memorial Week."

RULES.

**BILLS AND RESOLUTIONS PASSED OVER**

The SPEAKER pro tempore. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

**ADJOURNMENT**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Elk, Mr. Distler.

Mr. DISTLER. Mr. Speaker, I move that this House do now adjourn until Tuesday, March 26, 1985, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:37 p.m., e.s.t., the House adjourned.