

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

THURSDAY, JUNE 27, 1985

SESSION OF 1985

169TH OF THE GENERAL ASSEMBLY

No. 50

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

Almighty and merciful God and Father, we pray for these colleagues assembled together in this Legislative Assembly, as well as their families, their friends, and their associates.

O God, Thou knowest the needs as well as the desires of each of Thine own. Grant them, O Lord, true faith, sincere love, and a living hope, and give them all that is needful and profitable for body and soul. Help them to remain faithful to the end in Thy praise and service, that after this life they may come to Thee, who art our true home, our joy, and our eternal reward. Through Thy mighty power, everlasting mercy, and blessed peace, we pray. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. The Chair is advised that the Journal for Wednesday, June 26, 1985, is not yet in print. The Chair will postpone the offering of that Journal for approval until the Journal is in print, without objection, and the Chair hears no objection thereto.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1508 By Representatives COLAFELLA, TRELLO, VAN HORNE, HALUSKA, STABACK, STEIGHNER, LESCOVITZ, BELFANTI, BALDWIN, FARGO and PISTELLA

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, June 27, 1985.

No. 1509 By Representatives GEORGE, IRVIS, MANDERINO, ITKIN, FEE, PRATT, KUKOVICH, WOZNIAK, BLAUM, SAURMAN, GREENWOOD, CLYMER, JAROLIN, LUCYK, LEVDANSKY, MURPHY, FREEMAN, BOYES, STEWART, RUDY, STABACK, HALUSKA, MORRIS, TIGUE, BELFANTI, PRESTON, PISTELLA, LIVENGOOD, COHEN, PRESSMANN, FOX, RICHARDSON, LINTON, CAWLEY, McCALL, E. Z. TAYLOR and JOSEPHS

An Act amending the act of May 31, 1945 (P. L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act," further providing for rules and regulations regarding the use of explosives.

Referred to Committee on CONSERVATION, June 27, 1985.

No. 1510 By Representatives REINARD, J. L. WRIGHT, HALUSKA, DISTLER, FARGO, E. Z. TAYLOR, LANGTRY, FOX and J. TAYLOR

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), known as "The County Code," further providing for ordinances setting fines and penalties.

Referred to Committee on LOCAL GOVERNMENT, June 27, 1985.

No. 1511 By Representatives SEMMEL, D. W. SNYDER, ANGSTADT, AFFLERBACH, CESSAR, BATTISTO, FLICK, HALUSKA, GODSHALL, PRESTON, GRUPPO, RYBAK, FARGO, BELFANTI, ARGALL and FOX

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the grading of theft offenses and fingerprinting.

Referred to Committee on JUDICIARY, June 27, 1985.

No. 1512 By Representatives HASAY, CAWLEY, CHADWICK, WASS, GODSHALL, FOX, TIGUE and BELARDI

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding provisions relating to tampering with food, drugs or medicine.

Referred to Committee on JUDICIARY, June 27, 1985.

- No. 1513** By Representatives FOX, BUNT, JACKSON, E. Z. TAYLOR, LINTON, REBER, TRELLO, FISCHER, ITKIN, GEIST, RAYMOND and KENNEY

An Act amending the act of April 27, 1927 (P. L. 465, No. 299), referred to as the "Fire and Panic Act," requiring the installation of smoke detectors in all State, county and municipal government buildings.

Referred to Committee on STATE GOVERNMENT, June 27, 1985.

- No. 1514** By Representatives FOX, LETTERMAN, BURD, HALUSKA, BELFANTI, NAHILL, MILLER, PETRONE, RAYMOND, JOHNSON, SAURMAN, WOGAN, REBER, DeLUCA, CIMINI, DISTLER, HAGARTY, PETRARCA, GANNON, ITKIN, PERZEL, HERMAN, SIRIANNI, FARGO, MICOZZIE, TIGUE, OLASZ, CIVERA, PUNT, MAIALE, PHILLIPS, HOWLETT, BOOK, KASUNIC, GODSHALL, WOZNAK, BUNT, LINTON, PISTELLA, MERRY, FATTAH, SEVENTY, COLAFELLA, O'BRIEN, TELEK, CESSAR, POTT, DININNI, KENNEY and ACOSTA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for establishment of a program under which persons assigned points for violations may do certain work for removal of points.

Referred to Committee on TRANSPORTATION, June 27, 1985.

- No. 1515** By Representatives FOX, JACKSON, KOSINSKI, NAHILL, BELFANTI, HERMAN, JOSEPHS, SWEET, GREENWOOD, KENNEY, REBER, LASHINGER, TRELLO, WOGAN, DURHAM, FISCHER, FATTAH, ITKIN, GEIST, RAYMOND, PRESSMANN and KUKOVICH

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), known as the "Senior Citizens Rebate and Assistance Act," prescribing a minimum size type on forms.

Referred to Committee on STATE GOVERNMENT, June 27, 1985.

- No. 1516** By Representatives FOX, JACKSON, KOSINSKI, NAHILL, BELFANTI, HERMAN, JOSEPHS, SWEET, GREENWOOD, KENNEY, REBER, LASHINGER, TRELLO, WOGAN, DURHAM, FISCHER, FATTAH, ITKIN, GEIST, RAYMOND and PRESSMANN

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," prescribing a minimum size type on forms.

Referred to Committee on STATE GOVERNMENT, June 27, 1985.

- No. 1517** By Representatives FREEMAN, TIGUE, CAWLEY, LEVDANSKY, VEON, BELARDI, PISTELLA, KOSINSKI, DeWEESE, DALEY, CARN, DeLUCA, MORRIS, JAROLIN and COHEN

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

Referred to Committee on CONSUMER AFFAIRS, June 27, 1985.

- No. 1518** By Representatives SCHEETZ, MORRIS, BARLEY, GODSHALL, NOYE, SCHULER, HONAMAN, PHILLIPS, HERSHEY, SHOWERS, BRANDT, MILLER, JOHNSON and SIRIANNI

An Act providing for the establishment of a promotion and indemnification system for pork producers and for an administrative board; and imposing powers and duties on the board and the Department of Agriculture.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 27, 1985.

- No. 1519** By Representatives SCHEETZ, MORRIS, BARLEY, GODSHALL, NOYE, SCHULER, HONAMAN, PHILLIPS, HERSHEY, SHOWERS, BRANDT, MILLER, JOHNSON and SIRIANNI

An Act making an appropriation to the Department of Agriculture for financial assistance to owners of breeding swine slaughtered to prevent the spread of pseudo rabies virus.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 27, 1985.

- No. 1520** By Representative CIMINI

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," further providing for exemptions from taxation.

Referred to Committee on FINANCE, June 27, 1985.

- No. 1521** By Representative CIMINI

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), known as "The Fourth to Eighth Class County Assessment Law," restricting reassessments on property of certain senior citizens.

Referred to Committee on LOCAL GOVERNMENT, June 27, 1985.

- No. 1522** By Representative CIMINI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing a penalty for certain offenses concerning investigations by police officers.

Referred to Committee on TRANSPORTATION, June 27, 1985.

No. 1523 By Representative LESCOVITZ

An Act providing for the control of pesticides.

Referred to Committee on HEALTH AND WELFARE, June 27, 1985.

No. 1524 By Representative DUFFY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing correction by telescopic lenses for visual acuity license requirements.

Referred to Committee on TRANSPORTATION, June 27, 1985.

No. 1525 By Representatives KUKOVICH, COHEN, HALUSKA, COWELL, ANGSTADT, BELFANTI, MRKONIC, MICHLOVIC, GALLAGHER, PRESTON, FREEMAN, BATTISTO, HARPER, TIGUE, BLAUM, MORRIS, KOSINSKI, FATTAH, BELARDI, MAIALE, HOWLETT, PISTELLA, CAPPABIANCA, PERZEL, STABACK, RICHARDSON, FOX and CARN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the terms of office and appointment of public utility commissioners; and providing for retention election of appointed commissioners.

Referred to Committee on CONSUMER AFFAIRS, June 27, 1985.

No. 1526 By Representatives VAN HORNE, SWIFT, WOZNIAK and CALTAGIRONE

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," authorizing tax sales on any day during the year.

Referred to Committee on URBAN AFFAIRS, June 27, 1985.

No. 1527 By Representatives VAN HORNE, SWIFT, WOZNIAK and CALTAGIRONE

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," further providing for the power to make contracts and for regulations concerning contracts.

Referred to Committee on URBAN AFFAIRS, June 27, 1985.

No. 1528 By Representatives VAN HORNE, SWIFT, WOZNIAK and CALTAGIRONE

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," further providing for the appointment of a city solicitor.

Referred to Committee on URBAN AFFAIRS, June 27, 1985.

No. 1529 By Representatives VAN HORNE, SWIFT, WOZNIAK and CALTAGIRONE

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," further providing for the appointment of a city clerk.

Referred to Committee on URBAN AFFAIRS, June 27, 1985.

No. 1530 By Representatives VAN HORNE, SWIFT, WOZNIAK and CALTAGIRONE

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," further providing for qualifications, term of office and removal.

Referred to Committee on URBAN AFFAIRS, June 27, 1985.

No. 1531 By Representatives VAN HORNE, SWIFT, WOZNIAK and CALTAGIRONE

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," further providing for sales of personal property.

Referred to Committee on URBAN AFFAIRS, June 27, 1985.

No. 1532 By Representatives FOX, JOSEPHS, NAHILL, SWEET, E. Z. TAYLOR, KENNEY, LASHINGER, TRELLO, WOGAN, ITKIN, GEIST, REINARD, GREENWOOD, PRESSMANN, BORTNER, J. TAYLOR, CARN and D. W. SNYDER

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative code of 1929," providing for a post-polio information clearinghouse in the Department of Health.

Referred to Committee on HEALTH AND WELFARE, June 27, 1985.

No. 1533 By Representatives PITTS, LETTERMAN, CLYMER, NAHILL, STABACK, ARTY, BUSH, DORR, TRELLO, VAN HORNE, PHILLIPS, JOHNSON, SAURMAN, WOGAN, PRATT, DeLUCA, WOZNIAK, PISTELLA, BOWSER, FISCHER, HERSHEY, MICHLOVIC, BARLEY, DISTLER, DeVERTER, CIVERA, MICOZZIE, VROON, E. Z. TAYLOR, MORRIS, FOX, FLICK, A. C. FOSTER, JR., SCHULER, BOYES, ANGSTADT, SERAFINI, ROBBINS, JACKSON, FREIND, BLACK, COSLETT, HERMAN, HONAMAN, MACKOWSKI, PHILLIPS and G. M. SNYDER

An Act establishing a system for the provision of health care services for unemployed workers; and making an appropriation.

Referred to Committee on LABOR RELATIONS, June 27, 1985.

No. 1534 By Representatives D. W. SNYDER, FREEMAN, AFFLERBACH, JACKSON,

McHALE, SEMMEL, GRUPPO, ANGSTADT, PRESSMANN, WOZNIAK, MOEHLMANN, BELARDI, COHEN, LETTERMAN, HUTCHINSON, WESTON, BRANDT, SCHULER, HONAMAN, SCHEETZ, FOX, CALTAGIRONE, NOYE, GREENWOOD, RYBAK, YANDRISEVITS, RUDY, SHOWERS, CLYMER and BARLEY

An Act amending the act of August 23, 1961 (P. L. 1068, No. 484), entitled, as amended, "An act to provide for the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental Resources for the insurance of compensation for damages to subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; providing penalties for the violation thereof; and making an appropriation," bringing sinkhole subsidence within the scope of the act.

Referred to Committee on MINES AND ENERGY MANAGEMENT, June 27, 1985.

No. 1535 By Representatives RICHARDSON, FOX, FREEMAN, LINTON, JOSEPHS, TRUMAN and ROEBUCK

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the creation of and the powers and duties of the Consumer Utility Board and utility consumer organizations.

Referred to Committee on CONSUMER AFFAIRS, June 27, 1985.

No. 1536 By Representatives RICHARDSON, LINTON, DEAL and TRUMAN

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), known as "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for licensing examinations for agents and brokers and duties of the Insurance Commissioner relating thereto.

Referred to Committee on INSURANCE, June 27, 1985.

No. 1537 By Representatives SHOWERS, MORRIS and SIRIANNI

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to convey certain lands with restrictions.

Referred to Committee on STATE GOVERNMENT, June 27, 1985.

No. 1538 By Representatives SHOWERS and PHILLIPS

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to convey and confirm two tracts of land located in Penn Township, Snyder County, Pennsylvania, to Randall W. Bailey and Ellen S. Bailey, his wife; Rick L. Bailey and Kathy A. Bailey, his wife.

Referred to Committee on STATE GOVERNMENT, June 27, 1985.

No. 1539 By Representatives ACOSTA, CALTAGIRONE, TRUMAN, CARN, EVANS, ROEBUCK, KOSINSKI, DEAL, BARBER, WIGGINS, DONATUCCI, RIEGER, OLIVER, RICHARDSON, AFFLERBACH, PRESSMANN and FATTAH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for financial responsibility.

Referred to Committee on INSURANCE, June 27, 1985.

No. 1540 By Representative SIRIANNI

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Pennsylvania Fish Commission, to convey to New Milford Township a tract of land situate in New Milford Township, Susquehanna County, Pennsylvania.

Referred to Committee on STATE GOVERNMENT, June 27, 1985.

No. 1541 By Representatives CAWLEY, TIGUE, BELARDI, JAROLIN, BLAUM and FREEMAN

An Act amending the act of June 1, 1945 (P. L. 1242, No. 428), known as the "State Highway Law," further providing for the responsibilities of the Department of Transportation.

Referred to Committee on TRANSPORTATION, June 27, 1985.

No. 1542 By Representatives SAURMAN, STABACK, MOWERY, POTT, CLYMER, FLICK, SIRIANNI, BARLEY, NOYE, GREENWOOD, VROON, GODSHALL, BOOK, HERSHEY, E. Z. TAYLOR and DORR

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 the determination of compensation.

Referred to Committee on LABOR RELATIONS, June 27, 1985.

No. 1543 By Representatives FOX, PRATT, PICCOLA, McHALE, O'DONNELL, NOYE, SWEET, CAWLEY, HALUSKA, DISTLER, BELFANTI, NAHILL, MILLER, POTT, PITTS, TRELLO, MAIALE, HOWLETT, STABACK, CHADWICK, AFFLERBACH, PETRONE, BUSH, MRKONIC, ARTY, GEIST, SWIFT, STEVENS, J. TAYLOR, CARLSON, SCHULER, PETRARCA, BLAUM, ITKIN, MICHLOVIC, WASS, DeVERTER, COSLETT, FREIND, CESSAR, A. C. FOSTER, JR., LANGTRY, RICHARDSON, B. SMITH, BOYES, LIVENGOOD, PRESTON, TELEK, HONAMAN, DONATUCCI, FLICK,

DORR, JOSEPHS, KENNEY, RAYMOND, TIGUE, BLACK, JOHNSON, SAURMAN, REBER, LASHINGER, MICOZZIE, CLYMER, DeLUCA, ARGALL, CIMINI, HAGARTY, DISTLER, WOZNIAK, GODSHALL, E. Z. TAYLOR, GLADECK, DURHAM, TRUMAN, R. C. WRIGHT, BALDWIN, CORDISCO, BURNS, BATTISTO, JACKSON, BUNT, HERSHEY, HERMAN, BARLEY, CORNELL, BURD, PERZEL, D. W. SNYDER, O'BRIEN, ANGSTADT, SEMMEL, WOGAN, GANNON, ACOSTA, LINTON, PUNT, DAVIES, FRYER, DEAL, FISCHER, MOEHLMANN, REINARD, KOSINSKI and FREEMAN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the protection of employment of crime victims.

Referred to Committee on JUDICIARY, June 27, 1985.

No. 1544 By Representatives FOX, PRATT, O'DONNELL, McHALE, HALUSKA, PICCOLA, SWEET, CAWLEY, BELFANTI, DISTLER, NAHILL, MILLER, POTT, PITTS, TRELLO, MAIALE, HOWLETT, STABACK, CHADWICK, AFFLERBACH, PETRONE, BUSH, MRKONIC, ARTY, GEIST, ITKIN, J. TAYLOR, FLICK, STEVENS, CARLSON, SCHULER, PETRARCA, BLAUM, GANNON, MICHLOVIC, DeVERTER, FREIND, CESSAR, A. C. FOSTER, JR., RICHARDSON, B. SMITH, BOYES, TELEK, DORR, WASS, JOSEPHS, KENNEY, RAYMOND, TIGUE, BLACK, JOHNSON, SAURMAN, REBER, LASHINGER, MICOZZIE, PERZEL, BATTISTO, LIVENGOOD, COSLETT, SWIFT, NOYE, DeLUCA, ARGALL, CIMINI, HAGARTY, DISTLER, WOZNIAK, McHALE, GLADECK, DONATUCCI, PRESTON, JACKSON, GODSHALL, E. Z. TAYLOR, BUNT, HERSHEY, HERMAN, HONAMAN, BARLEY, CORNELL, PERZEL, O'BRIEN, SEMMEL, WOGAN, ACOSTA, PUNT, FREEMAN, DAVIES, FRYER, DEAL, FISCHER, DURHAM, TRUMAN, BURD, D. W. SNYDER, ANGSTADT, LINTON, MOEHLMANN, REINARD, KOSINSKI, R. C. WRIGHT, BALDWIN, BURNS and CLYMER

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for the rights of victims of crime; and requiring counties to provide certain services for victims of crime.

Referred to Committee on JUDICIARY, June 27, 1985.

No. 1545 By Representatives FOX, MAYERNIK, CARN, BUNT, HERSHEY, KENNEY, RAYMOND, D. W. SNYDER, SEMMEL, LANGTRY, KENNEDY, J. TAYLOR and HAGARTY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing that participation in the Catastrophic Loss Trust Fund shall be optional.

Referred to Committee on INSURANCE, June 27, 1985.

No. 1546 By Representatives FOX, MAYERNIK, MARKOSEK, KENNEDY, D. W. SNYDER, BOOK, NAHILL, RAYMOND, STUBAN, DeLUCA, ANGSTADT, GEIST, PHILLIPS, FREIND, PITTS, CIVERA, MICOZZIE, ARTY, WILSON, CORNELL, HAGARTY, BUNT, GREENWOOD, GANNON and FLICK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the registration fee of certain vehicles owned by any member of a volunteer fire company.

Referred to Committee on TRANSPORTATION, June 27, 1985.

No. 1547 By Representatives MICHLOVIC, IRVIS, COWELL, McVERRY, DAWIDA, PISTELLA, OLASZ, HALUSKA, VEON, BUSH, LEVDANSKY, BELARDI, LETTERMAN, KUKOVICH, GEIST, SWEET, BELFANTI, MRKONIC, ITKIN, STEWART, MARKOSEK, RICHARDSON, PRESTON, NAHILL, FOX, ARTY, PRESSMANN, FATTAH, J. TAYLOR, DALEY, FISCHER, ACOSTA, PERZEL, JOSEPHS, GAMBLE and E. Z. TAYLOR

An Act amending the act of August 24, 1963 (P. L. 1132, No. 484), known as the "Community College Act of 1963," providing a dislocated worker tuition assistance program for community colleges; and making an appropriation.

Referred to Committee on EDUCATION, June 27, 1985.

No. 1548 By Representative PRATT

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for the designation, use and reports of insured savings and loan associations.

Referred to Committee on EDUCATION, June 27, 1985.

No. 1549 By Representatives PRATT and GRUITZA

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," providing for special provisions for exchange of hotel liquor licenses.

Referred to Committee on LIQUOR CONTROL, June 27, 1985.

No. 1550 By Representatives BRANDT, FATTAH, HAYES, BARLEY, SAURMAN, VROON, FARGO, JOHNSON, SEMMEL, MACKOWSKI, BATTISTO, HALUSKA, SCHULER, RAYMOND, DISTLER, MRKONIC, STABACK, ANGSTADT, FLICK, JACKSON, SCHEETZ, BUNT, BELFANTI, BOOK, MORRIS, HERSHEY, COLAFELLA, GEIST, MAIALE, PETRARCA, ARTY, WESTON, GLADECK, FOX, E. Z. TAYLOR, LANGTRY, SIRIANNI, FISCHER, MICHLOVIC, NOYE and PETRONE

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," requiring that candidates be registered electors.

Referred to Committee on STATE GOVERNMENT, June 27, 1985.

No. 1551 By Representatives FLICK, COWELL, FREIND, O'DONNELL, WOGAN, COY, BUNT, TIGUE, DOMBROWSKI, STABACK, MARKOSEK, BELFANTI, J. L. WRIGHT, SIRIANNI, GREENWOOD, PITTS, VROON, J. TAYLOR, PRESTON, DISTLER, COHEN, FOX, RICHARDSON, WESTON, ITKIN, JOHNSON, AFFLERBACH, LINTON, POTT, SHOWERS, HERSHEY, E. Z. TAYLOR, JOSEPHS, DeLUCA, D. W. SNYDER, MAIALE and MORRIS

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," providing for the cost of tuition and maintenance for socially and emotionally disturbed persons.

Referred to Committee on EDUCATION, June 27, 1985.

No. 1552 By Representatives COWELL, O'DONNELL, IRVIS, NAHILL, HAGARTY, ITKIN, SEVENTY, BURNS, KUKOVICH, McHALE, AFFLERBACH, JAROLIN, HASAY, COLAFELLA, PISTELLA, E. Z. TAYLOR, MICOZZIE, MICHLOVIC, FOX, DeLUCA, MARKOSEK, CALTAGIRONE, PRESTON, GAMBLE, RYBAK, TRELLO, SWEET, GALLAGHER, TIGUE and BELARDI

An Act licensing and regulating the practice of social work; providing penalties; and making an appropriation.

Referred to Committee on PROFESSIONAL LICENSURE, June 27, 1985.

No. 1554 By Representatives LAUGHLIN, LASHINGER, SWEET, KUKOVICH, BOYES, BRANDT, PICCOLA, POTT, CESSAR, BOWSER, LETTERMAN,

BELARDI, CHADWICK, HERMAN, CORNELL, BUNT, GLADECK, BOOK and McVERRY

An Act providing for the creation of a Pennsylvania Health Services Council, for the collection and dissemination of health care data, for the establishment of regional uncompensated care pools, for the establishment of utilization review requirements, for the promotion of preferred provider organizations, and for the establishment of antiprice discrimination prohibitions governing hospital rate and charge negotiations; and making repeals.

Referred to Committee on CONSUMER AFFAIRS, June 27, 1985.

No. 1555 By Representatives MAYERNIK, TRELLO, COWELL, DeLUCA, HALUSKA, ITKIN, JOHNSON, NAHILL, TELEK, SAURMAN, FOX and MORRIS

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," empowering certain boards of school directors to grant limited tax exemptions for increases in real estate values resulting from residential construction.

Referred to Committee on FINANCE, June 27, 1985.

No. 1556 By Representatives CLARK, LIVENGOOD, BURD, CESSAR, HUTCHINSON, PETRARCA, VAN HORNE, DUFFY and STEIGHNER

An Act directing the Department of Transportation to designate Route 28 as the Allegheny Valley Expressway.

Referred to Committee on TRANSPORTATION, June 27, 1985.

No. 1557 By Representatives RICHARDSON, HAGARTY, DEAL, LINTON, FATTAH, WAMBACH, WOZNIAK, PRESTON, DAWIDA, MURPHY, MICHLOVIC, VAN HORNE, NAHILL, CORNELL, REBER, PICCOLA and LASHINGER

An Act providing for official visitation of prisons.

Referred to Committee on JUDICIARY, June 27, 1985.

No. 1558 By Representatives A. C. FOSTER, JR., BORTNER, BROUJOS, DORR and B. SMITH

An Act amending the act of May 1, 1913 (P. L. 155, No. 104), entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings," exempting solid waste systems.

Referred to Committee on CONSERVATION, June 27, 1985.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 144 By Representatives NAHILL, FOX, GALLEN, DeVERTER, CORNELL, LINTON, COWELL, BROUJOS,

FISCHER, R. C. WRIGHT, BOWSER, HAGARTY, BUNT, SAURMAN, HERSHEY, CHADWICK, WASS, GODSHALL, PICCOLA, MANMILLER, SIRIANNI, DISTLER, COSLETT, BIRMELIN, MACKOWSKI, HERMAN, GEIST, STEVENS, MOWERY, DIETZ, A. C. FOSTER, JR., LASHINGER, GREENWOOD, BOOK, KENNEY, WESTON, LANGTRY, KENNEDY, D. W. SNYDER, GRUPPO, SEMMEL, ANGSTADT, BLACK, FARGO, ROBBINS, LUCYK, BATTISTO, CALTAGIRONE, COLE, MRKONIC, VAN HORNE, GAMBLE, DAWIDA, DUFFY, MURPHY, PETRONE, PRESTON, LEVDANSKY, DeLUCA, PISTELLA, SEVENTY, MARKOSEK, MAYERNIK, LIVENGOOD, COLAFELLA, BOWLEY, BARLEY, SCHULER, JACKSON, FLICK, RAYMOND, J. L. WRIGHT, RIEGER, DONATUCCI, TRUMAN, ROEBUCK, EVANS, BARBER, WIGGINS, WAMBACH, McHALE, FREEMAN, AFFLERBACH, OLIVER, STEWART, WOZNIAK, DeWEESE, LLOYD, HARPER, CAPPABIANCA, BLAUM, BELARDI, CAWLEY, TIGUE, HOWLETT, JAROLIN, STEIGHNER, MAIALE, MORRIS, KASUNIC, F. E. TAYLOR, DALEY, BALDWIN and SHOWERS

Directing the appointment of a special committee to investigate the abolishment of the Catastrophic Loss Trust fund, other alternatives to the Catastrophic Loss Trust Fund or revisions to the fund.

Referred to Committee on RULES, June 27, 1985.

No. 145 By Representatives RICHARDSON, DEAL, PRESTON, DALEY, LINTON, TRUMAN and ROEBUCK

Directing the Education Committee to investigate racial segregation and unlawful discrimination within the State System of Higher Education and State-related universities.

Referred to Committee on RULES, June 27, 1985.

No. 146 By Representatives RICHARDSON, DEAL, PRESTON, FOX, CARN, LINTON, TRUMAN, ROEBUCK and OLIVER

Directing the State Government Committee to investigate State hiring and purchasing in relation to affirmative action and equal opportunity.

Referred to Committee on RULES, June 27, 1985.

No. 147 By Representatives RICHARDSON, DEAL, DAWIDA, PRESTON, FOX, DALEY, LINTON, J. TAYLOR, CARN, JOSEPHS, BLAUM, TRUMAN and OLIVER

Directing the Speaker of the House of Representatives to appoint a special committee to consider and devise a legislative exchange program for urban and rural legislators.

Referred to Committee on RULES, June 27, 1985.

No. 148

(Concurrent) By Representatives SAURMAN, MOWERY, WASS, DORR, SIRIANNI, NOYE, ROBBINS, SCHEETZ, DISTLER, SEMMEL, GODSHALL, BOOK and HERSHEY

Declaring a two-year moratorium on new expenditures from the State Lottery Fund; and directing the Finance Committees from the House and Senate to develop a five-year cost-revenue projection.

Referred to Committee on RULES, June 27, 1985.

No. 149

By Representatives GEORGE, MANDERINO, FEE, JAROLIN, MICHLOVIC, HARPER, STEWART, TRELLO, FREEMAN, MURPHY, BARLEY, SHOWERS, OLIVER, ACOSTA, LINTON, RICHARDSON, PRESSMANN, LUCYK, SEVENTY, COY, McCALL, LAUGHLIN, RUDY, JOSEPHS, SWEET, MORRIS, BALDWIN, KUKOVICH, BELARDI, CAWLEY, STEIGHNER, COLE, DUFFY, DeLUCA, LEVDANSKY, PISTELLA, MARKOSEK, COHEN, COWELL, PETRONE, LETTERMAN, O'DONNELL, LIVENGOOD, SALOOM, PRATT, DOMBROWSKI, VEON, PIEVSKY, STABACK, TIGUE, KOSINSKI, LLOYD, ITKIN, COLAFELLA, GAMBLE, BLAUM, WAMBACH, PETRARCA, HUTCHINSON, WOZNIAK, DALEY, McHALE and BROUJOS

Directing the House Conservation Committee to investigate the continuing management problems in the Department of Environmental Resources; and supplementing House Resolutions 14 and 24.

Referred to Committee on RULES, June 27, 1985.

SENATE BILLS FOR CONCURRENCE

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

SB 417, PN 1238

Referred to Committee on CONSERVATION, June 27, 1985.

SB 430, PN 1143

Referred to Committee on TRANSPORTATION, June 27, 1985.

SB 708, PN 1239

Referred to Committee on JUDICIARY, June 27, 1985.

SB 724, PN 829

Referred to Committee on EDUCATION, June 27, 1985.

SENATE MESSAGE

**SENATE CONCURRENCE
IN HOUSE RESOLUTION**

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 131, PN 1712.**

SENATE MESSAGE

**HOUSE BILL
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 724, PN 822**, with information that the Senate has passed the same without amendment.

MASTER ROLL CALL

The **SPEAKER**. The Speaker is about to take the master roll call for the day. The members will proceed to vote.

The following roll call was recorded:

PRESENT—202

Acosta	Dininni	Laughlin	Rieger
Afflerbach	Distler	Lescovitz	Robbins
Angstadt	Dombrowski	Letterman	Roebuck
Argall	Donatucci	Levdansky	Rudy
Arty	Dorr	Levin	Ryan
Baldwin	Duffy	Linton	Rybak
Barber	Durham	Livengood	Saloom
Barley	Evans	Lloyd	Saurman
Battisto	Fargo	Lucyk	Scheetz
Belardi	Fattah	McCall	Schuler
Belfanti	Fee	McClatchy	Semmel
Birmelin	Fischer	McHale	Serafini
Black	Flick	McVerry	Seventy
Blaum	Foster, Jr., A.	Mackowski	Showers
Book	Fox	Maiale	Sirianni
Bortner	Freeman	Manderino	Smith, B.
Bowley	Freind	Manmiller	Smith, L. E.
Bowser	Fryer	Markosek	Snyder, D. W.
Boyes	Gallagher	Mayernik	Snyder, G. M.
Brandt	Gallen	Merry	Staback
Broujos	Gamble	Michlovic	Stairs
Bunt	Gannon	Micozzie	Steighner
Burd	Geist	Miller	Stevens
Burns	George	Moehlmann	Stewart
Bush	Gladeck	Morris	Stuban
Caltagirone	Godshall	Mowery	Sweet
Cappabianca	Greenwood	Mrkonic	Swift
Carlson	Gruitza	Murphy	Taylor, E. Z.
Carn	Gruppo	Nahill	Taylor, F. E.
Cawley	Hagarty	Noye	Taylor, J.
Cessar	Haluska	O'Brien	Telek
Chadwick	Harper	O'Donnell	Tigue
Cimini	Hasay	Olasz	Trello
Civera	Hayes	Oliver	Truman
Clark	Herman	Perzel	Van Horne
Clymer	Hershey	Petrarca	Veon
Cohen	Honaman	Petrone	Vroon
Colafella	Howlett	Phillips	Wambach
Cole	Hutchinson	Piccola	Wass
Cordisco	Itkin	Pievsky	Weston

Cornell	Jackson	Pistella	Wiggins
Coslett	Jarolin	Pitts	Wilson
Cowell	Johnson	Pott	Wogan
Coy	Josephs	Pratt	Wozniak
Deluca	Kasunic	Pressmann	Wright, D. R.
DeVerter	Kennedy	Preston	Wright, J. L.
DeWeese	Kenney	Punt	Wright, R. C.
Daley	Kosinski	Raymond	Yandrisevits
Dawida	Kukovich	Reber	
Deal	Langtry	Reinard	Irvis,
Dietz	Lashinger	Richardson	Speaker

ADDITIONS—0

NOT VOTING—1

Davies

EXCUSED—0

LEAVES ADDED—1

Davies

LEAVES OF ABSENCE

The **SPEAKER**. On leaves of absence, the Chair recognizes the gentleman from Lawrence, Mr. Fee.

No leaves requested on the Democratic side.

The Chair recognizes the minority whip on leaves of absence.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Berks, Mr. DAVIES, for the day.

The **SPEAKER**. The Chair hears no objection. The leave is granted.

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

HB 188, PN 204 By Rep. OLIVER

An Act prohibiting the use of the Governor's and Lieutenant Governor's Mansions for political fundraising events; and providing a penalty.

STATE GOVERNMENT.

HB 804, PN 904 By Rep. OLIVER

An Act amending the act of May 29, 1956 (1955 P. L. 1804, No. 600), referred to as the "Municipal Police Pension Law," providing for credit for military service.

STATE GOVERNMENT.

HB 1336, PN 1585 By Rep. OLIVER

An Act amending the act of July 18, 1935 (P. L. 1314, No. 411 1/2, entitled, "An act authorizing the utilization of the Pennsylvania State Police Academy for training persons to act as policemen in the political subdivisions of the Commonwealth; prescribing the qualifications for admission of such persons to such school; providing for the payment of certain costs by such students; conferring certain powers upon the Pennsylvania State Police; and making an appropriation," providing for training for response to ethnic tension situations.

STATE GOVERNMENT.

HB 1337, PN 1586

By Rep. OLIVER

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," establishing a system of information for the Pennsylvania State Police regarding crimes resulting from intergroup tensions.

STATE GOVERNMENT.

HB 1553, PN 1896

By Rep. OLIVER

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," providing for training of Pennsylvania State Police for response to ethnic tension situations.

STATE GOVERNMENT.

COMMUNICATIONS FROM GOVERNOR

BILLS SIGNED BY GOVERNOR

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

APPROVAL OF HBs Nos. 2 and 175.

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

June 26, 1985

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

I have the honor to inform you that I have this day approved and signed House Bill 2, Printer's No. 1713, entitled "AN ACT to provide for the establishment of a Commonwealth Commission on the Bicentennial of the United States Constitution; and making an appropriation."

Dick Thornburgh
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

June 26, 1985

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

I have the honor to inform you that I have this day approved and signed House Bill 175, Printer's No. 1676, entitled "AN ACT amending the act of November 4, 1983 (P.L. 217, No. 63), entitled 'An act establishing a program of limited pharmaceutical assistance for the elderly; granting powers to and imposing duties on the Department of Aging; establishing a payment system; making provisions for funding; providing for reports; and fixing penalties for violations of the pharmaceutical assistance program,' further providing for program criteria; and providing for a prescription drug education program."

Dick Thornburgh
Governor

BILLS SIGNED BY SPEAKER

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

HB 724, PN 822

An Act amending the act of April 29, 1982 (P. L. 355, No. 99), known as the "Vietnam Herbicides Information Act," further providing for the commission.

SB 123, PN 457

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), entitled "County Pension Law," authorizing the withdrawal of accumulated deductions and interest if authorized by the board.

SB 680, PN 775

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing a tax exemption to surviving spouses of certain veterans.

SB 864, PN 1068

An Act authorizing and directing the Department of Transportation, with the approval of the Governor, to convey to the Corps of Engineers of the United States Army a tract of land situate in Fairview Township, York County, Pennsylvania.

WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House, as the guests of Representative Johnson, Louise Smith, Marcia Smith, and Mike Smith. Welcome to the hall of the House.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 641, PN 1715**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," revising the provisions relating to net loss carryover; and providing for an economic revitalization tax credit for corporations.

On the question recurring,

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

AMENDMENT A2215 RECONSIDERED

The SPEAKER. There is a reconsideration motion filed by the majority whip, in which he moves that the vote by which the Wilson amendment A2215 was passed on the 18th day of June be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—188

Acosta	Dombrowski	Levin	Roebuck
Afflerbach	Donatucci	Linton	Rudy
Angstadt	Dorr	Livengood	Ryan
Argall	Duffy	Lloyd	Rybak
Baldwin	Fargo	Lucyk	Saloom
Barber	Fattah	McCall	Saurman
Barley	Fec	McClatchy	Scheetz
Battisto	Fischer	McHale	Schuler
Belardi	Flick	McVerry	Semmel

Belfanti	Foster, Jr., A.	Mackowski	Serafini
Birmelin	Fox	Maiale	Seventy
Black	Freeman	Manderino	Showers
Blaum	Fryer	Manmiller	Sirianni
Book	Gallen	Markosek	Smith, B.
Bortner	Gamble	Mayernik	Smith, L. E.
Bowley	Geist	Merry	Snyder, D. W.
Bowser	George	Michlovic	Snyder, G. M.
Boyes	Gladeck	Miller	Staback
Brandt	Godshall	Moehlmann	Stairs
Broujos	Greenwood	Morris	Steighner
Bunt	Gruitza	Mowery	Stevens
Burd	Gruppo	Mrkonic	Stewart
Burns	Hagarty	Murphy	Stuban
Bush	Haluska	Nahill	Swift
Caltagirone	Harper	Noye	Taylor, E. Z.
Cappabianca	Hasay	O'Brien	Taylor, F. E.
Carlson	Hayes	O'Donnell	Taylor, J.
Carn	Herman	Olasz	Telek
Cawley	Hershey	Oliver	Tigue
Cessar	Honaman	Perzel	Trello
Chadwick	Howlett	Petrone	Truman
Cimini	Hutchinson	Phillips	Van Horne
Clymer	Itkin	Piccola	Veon
Colafrilla	Jackson	Pievsky	Vroon
Cole	Jarolin	Pistella	Wambach
Cordisco	Johnson	Pitts	Wass
Cornell	Josephs	Pott	Weston
Coslett	Kasunic	Pratt	Wilson
Cowell	Kennedy	Pressmann	Wogan
Coy	Kenney	Preston	Wozniak
Deluca	Kosinski	Punt	Wright, D. R.
DeVertter	Kukovich	Raymond	Wright, J. L.
DeWeese	Langtry	Reber	Wright, R. C.
Daley	Lashingner	Reinard	Yandrisevits
Dawida	Laughlin	Richardson	
Dietz	Lescovitz	Rieger	Irvis,
Dininni	Letterman	Robbins	Speaker
Distler	Levdansky		

NAYS—0

NOT VOTING—14

Arty	Deal	Gallagher	Petrarca
Civera	Durham	Gannon	Sweet
Clark	Evans	Micozzie	Wiggins
Cohen	Freind		

EXCUSED—1

Davies

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

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

BILL PASSED OVER

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 641 together with the Wilson amendment offered be passed over for today's session.

The SPEAKER. Without objection, the bill is so passed over. The Chair hears no objection.

Someone please advise Mr. Wilson when he comes to the floor that his motion is not lost but that the motion will be passed over together with the bill.

* * *

The House proceeded to third consideration of **HB 1119, PN 1291**, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," authorizing borough councils to increase the tax millage for general revenue purposes.

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

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

The question is, shall the bill pass finally?

The Chair would advise the members that the series of bills which the Chair is going to place before you have been characterized as not routine but controversial. You would be wise to pay attention to this series of bills. These are not routine votes.

The Chair recognizes the gentleman from Berks, Mr. Fryer, to debate on final passage.

Mr. FRYER. Mr. Speaker, as the Speaker has stated, the package of bills that we are to consider at this time is HB's 1119 through 1123.

Mr. Speaker, this bill presently, HB 1119, is part of a package of legislation to allow our local governments the option of adding an additional 5 mills to their real estate levy without the necessity of going to court. Municipalities already have this right, but they must now go to the expense of petitioning the court of common pleas for permission. I believe that judges have enough of a caseload without having to decide what really are and should be policy decisions on the part of our elected commissioners, councilmen, and supervisors.

These bills are made necessary by the fact that many of our counties have low assessment ratios, such as 20 percent or 25 percent. One mill in those counties is worth only a fraction of what it is worth where the ratio is 75 percent or 100 percent. Accordingly, many municipalities have reached their millage rates even though their budgets are very conservative because of the arbitrarily low assessment ratios.

The House Local Government Committee has by a unanimous vote reported this package of bills to the floor in order to help those municipalities that need help while not costing 1 cent to those that do not. Mr. Speaker, I seek and hope for an affirmative vote from the members of the House.

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

Mr. FOSTER. Thank you, Mr. Speaker.

I join my colleague, Representative Fryer, in urging support for the bill currently before us and for the entire package. We are doing no more than giving the local governments that we represent the tools that they need to do the job.

Because of the varying assessment procedures throughout the State, a certain millage limit represents different things in different areas of the State. For many of us, we come from areas where our municipalities are far below the permissible

limits. It certainly causes us no pain to vote "yes" in these areas. But in other areas of the State, because of different assessment ratios, municipalities are already at or above their caps, resulting in the ponderous court decision process.

I would strongly urge an affirmative vote for all members of the House.

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

Mr. LAUGHLIN. Mr. Speaker, would the gentleman, Mr. Fryer, stand for interrogation?

The SPEAKER. The gentleman indicates he will so stand. You are in order, and you may proceed, sir.

Mr. LAUGHLIN. Mr. Speaker, I fully understand the proposal to raise the limits under which taxation would be available for our local governments. Do you feel in any way, Mr. Speaker, that very possibly by raising this limit once again we put off the final decision where we must come to grips with the fact that real estate taxes in the State of Pennsylvania are becoming a horrendous burden for the people of this State, especially individual home property owners?

Mr. FRYER. Mr. Speaker, the so-called tax reform that the gentleman is referring to is something that has eluded the legislature for many years. The point that we face here is we must permit our local governments the flexibility - the flexibility to conduct their affairs. Presently we have a cap on there which is artificial, and they should be permitted that increase. To those who say that, well, I will keep this cap on and they will not be able to raise their taxes, that, Mr. Speaker, is not the answer, because what they are doing is going to court and obtaining that approval. However, what happens is that these municipalities must pay the cost for a solicitor to go to court to obtain this, and also in turn, Mr. Speaker, it adds to the duties of an already overburdened court.

Mr. LAUGHLIN. Mr. Speaker, I listened to the gentleman's response and certainly I understand his complaint that we have long studied the issue of tax reform without any results, partially because of our Governor's tax commission that was formed that insisted that the rates for real estate taxes remain a mainstay for the collection of taxes for municipalities and school districts as well as our counties. But, Mr. Speaker, I am sure the gentleman is well aware of the legislation that Representative Trello has introduced that may at least aid in that area and get consideration. If we continually raise this rate, we do nothing but add greater taxation to real estate owners in this State and put a greater burden on individual real estate taxpayers, many of them who are elderly, many of them who are faced with tax claims against their homes. In particular, we had approximately 4,000 of those types of claims filed in Beaver County over the last 2 years.

Mr. Speaker, I do not believe we need additional taxation on real estate to put more people out of their homes and deprive them of their ownership and their life savings that they have put towards that end, and I do not think by raising this limit we enhance the circumstance one bit. I believe we should vote down this proposal and pursue Representative Trello's legislation that would more suitably fit the circum-

stances of tax subsidies for our local municipalities. Thank you, Mr. Speaker.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Montgomery, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I represent a borough of about 8,000 people, and they have long been at the maximum in terms of millage. They received some relief in 1976, I think it was, when the county reassessed properties, but nothing has been done since. Property values at that time were about 18 percent of market value; that is now about 12 percent. There has been no change whatsoever in that assessment, and therefore, the amount of revenue that results from a mill has been static. They had to impose a special fee for trash collection of \$65 a year, which is not deductible from Federal income tax. They have to go to court every year in order to get enough to meet their budget, and this year they are faced with reducing the police department because the money is just not there to meet their needs. Each year costs of government increase; each year the property value becomes less because of the increasing inflated value of the real estate but without any change in assessment. Some might suggest the income tax, but if you live in the shadow of Philadelphia as a suburban community, income tax is impossible because of the lack of reciprocity, because of the fact that large numbers of our people work in Philadelphia. That issue has been discussed many times, but to us it is a very real and difficult problem.

This legislation is vitally needed by our community, and I would hope that you would consider that and support this legislation. Thank you.

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

Mr. PRESTON. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman indicates he will so stand. You may proceed.

Mr. PRESTON. Thank you.

Mr. Speaker, can you tell me what percentage of the third-through eighth-class counties have had an assessment within the last 10 years?

Mr. FRYER. Mr. Speaker, you state assessment? I do not quite understand the question, sir.

Mr. PRESTON. As far as the property being assessed, reassessment within the counties, can you give me any idea what percentage of those counties have had a reassessment within the last 10 years?

Mr. FRYER. No. Some are doing it on a basis of a partial reassessment, a certain area at a given time. You, of course, are familiar with the reassessment process in Allegheny County, but I do not have any figures on that, Mr. Speaker.

Mr. PRESTON. Is it possible that within the third- to eighth-class counties that there are some counties in the Commonwealth of Pennsylvania that have not had an assessment within the last 10 to 20 years?

Mr. FRYER. The counties would reply, Mr. Speaker, to that that they have an ongoing assessment in view of sales of

property and so forth that they align to that particular area. Now, if the gentleman is talking about a countywide assessment, I would say there have been few indeed.

Mr. PRESTON. Are you saying then that there have not been countywide reassessments in an awful lot of the counties within the Commonwealth of Pennsylvania in the last 10 to 20 years?

Mr. FRYER. That is true.

Mr. PRESTON. Would you say that that would also affect as far as the amount of tax millage that the people are able to collect, as far as the amounts of money that come into that actual county?

Mr. FRYER. It would increase by the ratio, Mr. Speaker. It would increase the amount that they could assess, but basically, Mr. Speaker, we are back at the point that we are talking about the same number of tax dollars that are needed. That is the point.

Mr. PRESTON. Then would you say that it is more fair therefore that the House of Representatives increase the tax millage instead of the counties doing their job as far as doing a comprehensive reassessment as far as their own counties are concerned?

Mr. FRYER. The county commissioners, it lies within their province on the reassessment. We have had numerous State proposals to change that but none have ever become law, so what we are talking about is the counties that do not have reassessment. What you are doing if you are going that route, sir, then you are ignoring the boroughs and townships that are caught in that particular situation.

Mr. PRESTON. Mr. Speaker, can you tell me, is it the job of the county to do the reassessment of their county?

Mr. FRYER. That is a matter for that particular county, sir.

Mr. PRESTON. Can you tell me possibly why it is not being done as far as under the property millage, why the reassessment has not been done by these particular counties?

Mr. FRYER. I would say that one of the biggest reasons is the fact that it means that the county commissioners who go into a countywide reassessment would be faced with defeat at the polls, so therefore, I would equate that, sir, with the point of you passing legislation which would mean that you would face defeat at the polls. In other words, that would be the end of an otherwise brilliant career, sir.

Mr. PRESTON. Mr. Speaker, may I comment on this bill?

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

Mr. PRESTON. One of the problems that I experienced in traveling across the Commonwealth and going to an awful lot of different townships and boroughs in some of the smaller counties was a lack, a lack of the county's responsibility to do an assessment. We can come up with all different forms of nomenclature and all different forms of philosophical hogwash as far as different terminology as far as the county's responsibility, but it is the county's responsibility to do a reassessment. And here we are asking to raise the millage within these smaller counties because of their lack of accountability

to do a reassessment on the properties that they are held responsible for, and I do not think that it is our job as a legislature to do that.

I think that within the counties that I have visited there were some counties that have not had a reassessment done in over 20 years. Now, I do not know about you, but I am not going to let someone pass the buck. I would ask for a negative vote as far as HB 1119 and the rest of the series of these pieces of legislation.

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

Mr. CIVERA. Thank you, Mr. Speaker.

I rise to support HB 1119 and my colleague's comments, Mr. Fryer.

Mr. Speaker, I presently serve on local government and am presently a councilman. The issue is this: We have heard the argument on the floor today that the General Assembly has not acted as far as changing the taxation system from real estate to maybe an income tax and that the General Assembly should not be charged with the issue of raising the millage, but let us look at the small little boroughs and towns that are stuck with the situation that they presently face every year. What they do is, if they are at the maximum millage, they go to the court of common pleas and it is granted.

The issue here is that, yes, if the General Assembly wants to attack it face on, then why do we not do so, and we have not done so. Then the issue also is of tax assessment. We have been talking about tax assessment in the individual counties for many years and they have not done anything either. So we continue to go on year after year facing the same problem that the local boroughs and the local townships have to go to court in order to survive. I think that the time has come that if the General Assembly is really serious in doing something about it, then we should. But meanwhile, the only alternative is to pass HB 1119, and I urge the members to support this. Thank you, Mr. Speaker.

MOTION TO RECOMMIT

The SPEAKER. For the second time on this bill, the Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, I can speak for a county that is suffering from some of the most horrendous taxes that any county in this particular State is suffering under relative to real estate. Mr. Speaker, I do not believe that we are going to cure the problem as Representative Fryer suggests.

For that reason, Mr. Speaker, I would like to make a motion to recommit these bills to Mr. Fryer's committee so that Representative Trello and Representative Fryer can work together on this problem and thereby bring before this House a suitable package of reform bills on tax legislation; something that the people of this State have been crying for for years and something that this legislature certainly should be addressing under the terms that Representative Trello has been suggesting.

The SPEAKER. It has been moved by the gentleman, Mr. Laughlin, that HB 1119, PN 1291, be recommitted to the Local Government Committee.

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

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Fryer, to debate the motion.

Mr. FRYER. Mr. Speaker, I oppose the motion. The issue is before us. Our local governments are the creature of this legislature. This is the time to stand up to our responsibility and face it.

The gentleman from Beaver has drawn another course into it talking vaguely of tax reform. He has been here for a number of terms; he knows the problems involved. I would submit, Mr. Speaker, that is a cop-out, and I would daresay that I wish the members of this legislature would not follow the lead of that great leader from Beaver County.

I oppose the motion, Mr. Speaker.

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

Mr. FOSTER. Mr. Speaker, I likewise oppose recommitment of the bills.

The issue is simple and clear cut. It will solve nothing to send the bill back to committee. Vote in the negative and let us address this issue after these many years.

The SPEAKER. On the motion, the Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, the point was raised as to why certain counties have not conducted their own reassessments. It is rather clear. I come from a sixth-class county, and I can tell you they have been trying to conduct a reassessment for the past 3 or 4 years. It costs over \$3 million for a sixth-class county to conduct a reassessment. They cannot afford it out of their general fund budget.

We just passed HB 1146, which would allow counties to incur debt to raise enough money to conduct a reassessment. If HB 1146 passes the Senate, if the Governor signs it, then of course these moneys will be available. The problem has been the counties today cannot afford out of their general fund to conduct a countywide reassessment.

I oppose the motion to recommit this bill. We have to vote right now because the boroughs and townships cannot properly fund their projects because they cannot simply because they are guided by the counties. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Nahill, on the motion.

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, we are talking about local governments dealing with 67 separate entities, 67 counties. That is not the way to go; that is a long, long, hard road. We can very simply make the adjustment. We are not mandating that anybody raise taxes; we are not telling them to raise taxes; we are giving them the ability to be flexible, and anybody who thinks that we can make 67 county boards of commissioners change their ratio simply so a small township or borough can raise their millage is not thinking clearly.

I urge a "no" vote on recommitment.

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

Mr. GALLEN. Mr. Speaker, I oppose the motion to recommit, not on its merits but because the author of the motion is blowing smoke. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—90

Acosta	Dininni	Levin	Rieger
Afflerbach	Dombrowski	Linton	Roebuck
Argall	Donatucci	Lloyd	Rybak
Barber	Durham	McCall	Saloom
Blaum	Evans	McHale	Serafini
Bowser	Fattah	Maiale	Seventy
Burd	Fee	Manmiller	Sirianni
Bush	Fischer	Markosek	Staback
Cappabianca	Freeman	Mayermik	Stairs
Carlson	Gamble	Moehlmann	Steighner
Carn	Geist	Murphy	Stevens
Cawley	George	O'Donnell	Stewart
Chadwick	Gladeck	Olasz	Stuban
Cimini	Godshall	Oliver	Truman
Clark	Harper	Petrarca	Veon
Cohen	Hasay	Petrone	Wambach
Colafella	Howlett	Piccola	Wiggins
Cowell	Josephs	Pievsky	Wozniak
Deluca	Kosinski	Pistella	Wright, D. R.
DeVerter	Kukovich	Pratt	Yandrisevits
DeWeese	Laughlin	Pressmann	
Daley	Lescovitz	Preston	Irvis,
Deal	Letterman	Richardson	Speaker

NAYS—111

Angstadt	Distler	Kenney	Rudy
Arty	Dorr	Langtry	Ryan
Baldwin	Duffy	Lashingier	Saurman
Barley	Fargo	Levdansky	Scheetz
Battisto	Flick	Livengood	Schuler
Belardi	Foster, Jr., A.	Lucyk	Semmel
Belfanti	Fox	McClatchy	Showers
Birmelin	Freind	McVerry	Smith, B.
Black	Fryer	Mackowski	Smith, L. E.
Book	Gallagher	Merry	Snyder, D. W.
Bortner	Gallen	Michlovic	Snyder, G. M.
Bowley	Gannon	Micozzie	Sweet
Boyes	Greenwood	Miller	Swift
Brandt	Gruitza	Morris	Taylor, E. Z.
Broujos	Gruppo	Mowery	Taylor, F. E.
Bunt	Hagarty	Mrkonic	Taylor, J.
Burns	Haluska	Nahill	Telek
Caltagirone	Hayes	Noye	Tigue
Cessar	Herman	O'Brien	Trello
Civera	Hershey	Perzel	Van Horne
Clymer	Honaman	Phillips	Vroon
Cole	Hutchinson	Pitts	Wass
Cordisco	Itkin	Pott	Weston
Cornell	Jackson	Punt	Wilson
Coslett	Jarolin	Raymond	Wogan
Coy	Johnson	Reber	Wright, J. L.
Dawida	Kasunic	Reinard	Wright, R. C.
Dietz	Kennedy	Robbins	

NOT VOTING—1

Manderino

EXCUSED—1

Davies

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER. For what purpose does the gentleman from Luzerne, Mr. Stevens, rise?

Mr. STEVENS. May I just make a comment on the bill on final passage, Mr. Speaker?

The SPEAKER. The gentleman is in order on final passage.

Mr. STEVENS. Mr. Speaker, in my legislative district we have boroughs and townships as well as a city, and I believe that at some point we do have to go over to an income tax and eliminate the property tax, but we must eliminate it for everyone and we must go to an income tax on the State level. While I support the concept of eliminating property taxes, I think that this specific bill is a problem and that we should come up with a plan for the entire State and eliminate property taxes throughout the State. So that is why I am going to vote against this bill. Thank you.

The SPEAKER. On final passage for the second time, the Chair recognizes the gentleman, Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

I would like briefly to address two points that were raised in the debate by the opponents of the bills. First the question addressed by Mr. Preston and others, that of reassessment. I think I know as well as anyone the problems of reassessment. I have wrestled with that problem; I have tried to bring about reforms in the area of reassessment, and it is a long, difficult, tortuous path, and it is not one that is going to be resolved quickly; it is not going to be resolved easily. Therefore, let us not wait until we get to the matter of assessment reform.

Once again, insofar as the gentleman, Mr. Laughlin, brings up the issue of tax reform, I would say there are probably at least 200 versions of tax reform in this body. Each one of them is capable of generating somewhere between 10 and 80 votes, but there is not one of them that will generate 102 votes or it would be on the Speaker's desk, perhaps on the Governor's desk by now.

I have listened to this argument now for about 10 years that we must not pass this type of legislation because it will somehow impede the progress of tax reform. What progress, I ask. We are further from tax reform today than we were last session. There is less impetus and less momentum for tax reform. Do not be sucked in by that siren song that this will somehow impede tax reform. A mere 5-mill increase, when the boroughs have not had an increase since 1970, when every municipality is faced in 2 years by the loss of Federal revenue sharing, that will take more than 5 mills in some cases.

Mr. Speaker, I would just ask you to give the same allegiance here today with your votes that you always give verbally to your local officials when you laud them for the job that they are doing and laud the concept of home rule. We are placing the buck squarely where it belongs, at the local level.

They will make the decision. We simply give them the power to make that decision.

I ask for an affirmative vote.

On the question recurring,
Shall the bill pass finally?

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

YEAS—90

Arty	Dietz	Kasunic	Ryan
Barley	Distler	Lashingier	Saurman
Battisto	Dombrowski	Livengood	Scheetz
Black	Dorr	McClatchy	Schuler
Book	Duffy	McVerry	Semmel
Bortner	Flick	Mackowski	Smith, B.
Bowley	Foster, Jr., A.	Merry	Smith, L. E.
Bowser	Fox	Michlovic	Snyder, D. W.
Brandt	Freind	Micozzie	Snyder, G. M.
Broujos	Fryer	Miller	Stewart
Burd	Gallagher	Mowery	Swift
Burns	Gallen	Murphy	Taylor, J.
Caltagirone	Gamble	Nahill	Telek
Cessar	Gannon	Noye	Tigue
Chadwick	Greenwood	O'Brien	Vroon
Civera	Gruitza	Perzel	Weston
Clymer	Gruppo	Pitts	Wilson
Cole	Hagarty	Pott	Wogan
Cornell	Haluska	Punt	Wozniak
Coslett	Hershey	Raymond	Wright, D. R.
Coy	Honaman	Reber	Wright, J. L.
Daley	Itkin	Reinard	Wright, R. C.
Dawida	Jackson		

NAYS—110

Acosta	Durham	Levdansky	Rieger
Afflerbach	Evans	Levin	Robbins
Angstadt	Fargo	Linton	Roebuck
Argall	Fattah	Lloyd	Rudy
Baldwin	Fee	Lucyk	Rybak
Barber	Fischer	McCall	Saloom
Belardi	Freeman	McHale	Serafini
Belfanti	Geist	Maiale	Seventy
Birmelin	George	Manderino	Showers
Blaum	Gladeck	Manmiller	Sirianni
Boyes	Godshall	Markosek	Staback
Bunt	Harper	Mayernik	Stairs
Bush	Hasay	Moehlmann	Steighner
Cappabianca	Hayes	Morris	Stevens
Carlson	Herman	Mrkonic	Stuban
Carn	Howlett	O'Donnell	Taylor, E. Z.
Cawley	Hutchinson	Olasz	Taylor, F. E.
Cimini	Jarolin	Oliver	Trello
Clark	Johnson	Petrarca	Truman
Cohen	Josephs	Petrone	Van Horne
Colafella	Kennedy	Phillips	Veon
Cowell	Kenney	Piccola	Wambach
Deluca	Kosinski	Pievsky	Wass
DeVerter	Kukovich	Pistella	Wiggins
DeWeese	Langtry	Pratt	Yandrisevits
Deal	Laughlin	Pressmann	
Dininni	Lescovitz	Preston	Irvis,
Donatucci	Letterman	Richardson	Speaker

NOT VOTING—2

Cordisco Sweet

EXCUSED—1

Davies

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

* * *

The House proceeded to third consideration of **HB 1120, PN 1292**, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), known as "The County Code," increasing the authorized rate of tax in certain counties.

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

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Crawford, Mr. Merry.

Mr. MERRY. I hesitated to speak on the previous bill because I thought we had heard enough, but I have relied on rather good common sense to have the bill prevail. Since it failed, I really think something more should happen, because this bill is going to fail too, and many boroughs and counties and townships throughout the Commonwealth are going to be severely distressed.

Mr. Speaker, the problem here is that this is not the pawn that we use to seek tax reform in Philadelphia or to seek—

The SPEAKER. Will the gentleman yield?

Mr. MERRY. Yes.

BILL PASSED OVER

The SPEAKER. The Chair has been requested by the prime sponsor that the bill be passed over for today.

Without objection, the bill will be passed over. The Chair hears no objection.

* * *

The House proceeded to third consideration of **SB 588, PN 657**, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," increasing the allowable rate of taxation.

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

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

The question is, shall the bill pass finally?

Mr. Fryer, is SB 588 essentially the same as the community bills which have been passed over?

Mr. FRYER. Mr. Speaker, that deals with the county rates.

The SPEAKER. So that is a different subject matter, fine.

Mr. FRYER. It would be part of the same package. We have a bill in that deals with the county increase. This increases the maximum for the county, third to eighth class, from 20 to 25 mills.

The SPEAKER. Is it your request that the bill be passed over?

Mr. FRYER. Does Mr. DeWeese have an opinion?

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese, on SB 588.

Mr. DeWEESE. Mr. Speaker, the gentleman, Mr. Sweet, and the gentleman, Mr. DeWeese, from Greene County, would like this bill to roll.

The SPEAKER. Fine.

On final passage, the Chair recognizes the gentleman from Luzerne, Mr. Stevens.

Mr. STEVENS. Thank you, Mr. Speaker.

Very briefly, I come from a third-class county, and while we recognize the problems that occur fiscally, the commissioners in that county and I know in other counties are working on tax reform and on spending in their respective counties. Mr. Speaker, I think that while we recognize that various counties in this State may have problems fiscally, they *must work on their problems with our help*, and our help must come through property tax elimination, not through allowing more millage increases every time there is a problem.

I think that this bill should be voted down so that we can come back to this legislature with a comprehensive plan to eliminate property tax, not permit counties to increase what is essentially an unfair tax on not only senior citizens but on everyday working people. Thank you.

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

Mr. VROON. Mr. Speaker, I rise to support this bill because we have a real problem. I live in a third-class county and I know that they are bumping the ceiling at this present time on 20 mills, and I also know that they and all the other counties have a very limited amount of flexibility. Counties do not have the flexibility of taxation that the other municipalities have. We have the choice. If we turn this down, if they need relief, either assessment reform or tax reform, we will have to permit them to levy some other kind of tax or else we are going to initiate assessment reform, and who wants to do that? So our choice is quite simple, but they do need the relief. If you live in a county where your assessment is low and your millage is high, this is what is going to happen. On the other hand, if you are lucky enough to live in a county where the assessment is very high and your millage is low, there is no relief needed; nevertheless, they are still going to raise your taxes. I think it is wise and I think it is absolutely necessary at this time to grant this small amount of relief on a temporary basis.

I would like to state that I am generally known to be very conservative and I am very tight with the dollars, and you all know that. I do not believe in letting people tax when they do not need the tax, but I also feel that unless we are willing to come to grips with the necessity of giving them the proper tools to provide revenue for the counties, I think we are derelict in our duty.

I think right now we are going to take the least of the most offensive moves that a person could take in a General Assembly and that is give permission to increase taxes. This is the least offensive; it is a temporary expedient, and I strongly urge that we vote "yes" on this bill.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, earlier I made the arguments on behalf of the homeowners of this State with regard to real estate taxes. We only have to look at what we have done this year and what is proposed to be done with regard to tax credits and tax benefits that we have given the industries of this State, Mr. Speaker. Now in the same hand and in the same day we are turning around and we are telling the people of this State that we are going to give tax credits and tax benefits to our industries and those who rightfully need them should have them, but in the same day, Mr. Speaker, we are telling the people - the property owners of this State, the individual homeowners - that your case is not of a consideration that is necessary to receive in this House of Representatives. Mr. Speaker, I believe those local individual homeowners deserve the same consideration.

Mr. Speaker, I oppose this legislation for the same reason I opposed the other bill. I believe that we can, joining together, as Mr. Ryan and Mr. Manderino have done on this budget and on tax packages, we can work out something to take care of our homeowners in this State. Mr. Speaker, I would ask for a negative vote.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Berks, Mr. Fryer.

Mr. FRYER. Mr. Speaker, for the information of the members, a little background in regards to this bill. This bill was introduced in the Senate at the request of the commissioners of Greene County, who face the need for increased revenues. They were faced with this problem; the bill passed the Senate; it was referred to the House Local Government Committee; we invited the commissioners of Greene County in; they explained their situation, that if this legislation were not passed due to the appeal process, there would be an additional cost of \$15,000 to the taxpayers of Greene County.

Now, if the members of the House want to follow the lead of Representative Laughlin, then what they are doing, they are putting a \$15,000 price tag onto the taxpayers of Greene County. I do not think that is fair and all done in the name of this mythical tax reform. The gentleman is not new to this legislature. With his outstanding ability, I would have thought he had this solved long ago, so I do not think he requires any more time; he is clouding the issue.

I think we should have a little compassion for the taxpayers of Greene County facing that additional \$15,000 plus relief to our counties of the third through eighth class. I call for passage of the bill.

The SPEAKER. The Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, some people would lead you to believe that you cannot be for tax reform and raising the ceiling at the same time; that is sort of ludicrous. The fact is, there are counties working on tax reform, and I personally support Mr. Trello's tax reform package, but at the same time there are certain realities. I come from a county that is the fastest

growing county in the State. We are growing at the rate of 12 percent while the State is .03 percent. We are building an incinerator and a jail at the same time; therefore, we need an increase in the ceiling while at the same time we espouse the principles of tax reform.

I urge a "yes" vote on this bill. Thank you.

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

Mr. FOSTER. Thank you, Mr. Speaker.

The bill currently before us, SB 588, is a prime reason why the entire package is before us - because a county is currently at its limit and must have additional revenue. Two means of obtaining it: We can do it easily here today, or we can cost the people of Greene County, so ably represented by the gentleman, Mr. DeWeese, \$16,000 minimum. That is if they just go to a simple ratio change. If they have to go to a reassessment, I do not know what the costs might be.

I would hope that we would at least give the people of Greene County the break to which they are entitled and not force them through the laborious process and costs involved in any other method. Now, this bill was passed on a priority basis by the Senate; we acted on a priority basis in the Local Government Committee, and I would certainly urge that you do not let these people down.

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

Mr. PRESTON. Thank you, Mr. Speaker.

We are looking at the exact same duplicate. SB 588 is no different than HB 1119. I have heard comments about \$15,000; I have heard about the cost of a reassessment, but what we are also looking at here is accountability as far as the county is concerned. What we are going to do, if we vote for this, is vote for a tax increase. I do not know anything about any clouds hanging over here. It is perfectly clear to me that what we are doing is voting for a tax increase. I do not see any haze or anything going over. It is not murky at all; it is perfectly clear that this is nothing but a tax increase. I do not think that we, in our right minds, want to vote for a tax increase for \$15,000.

I think that if the county is responsible, I think if the county is accountable to itself, I think it does have the facilities also to do a reassessment, and again I am saying that we are looking at counties that have not been reassessed for over 20 years, and I do not think that we can continue to bail out these counties. I think that we have to be accountable to ourselves to do this, to make them responsible to themselves. That is the law that we have passed to them in the previous years.

I do not think for \$15,000 we need to vote across the board for third- through eighth-class counties for a tax increase; that is why I am asking us to vote "no" on SB 588. Let us be responsible for ourselves. It is perfectly clear to me; I do not see a cloud in here. Let us vote "no" on this.

The SPEAKER. For the second time on final passage, the Chair recognizes the gentleman, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, I listened earlier to one of the gentlemen from Berks County talk about blowing smoke.

I listened to another one earlier about his remarks on my particular ideas. Mr. Speaker, some of us in this House are a little short on hair—I happen to be one of them, and I am sure there are others—and there are some, Mr. Speaker, who are short on memory, and the shortness of that memory is reflected in the gentleman from Berks when he forgets that he was the gentleman who spoke on this floor just a few years ago against giving those who have their homes up for sale in tax credit offices across this State, in particular in my county, no consideration when we asked to have an extension of that time.

Now, Mr. Speaker, I do not hold any grudges, and I am certainly not opposing this bill because of that. Mr. Speaker, I am opposing this bill because it raises taxes for individual homeowners while we at the same time in this same budget are giving extensive tax credits elsewhere. Now, Mr. Speaker, I do not think that is fair to his constituency or mine.

The SPEAKER. The Chair recognizes the gentleman from Crawford, Mr. Merry, on final passage.

Mr. MERRY. Mr. Speaker, I want to be certain that the members understand that this is not a vote for a tax increase. I rise to support SB 588.

Mr. Speaker, the problem with counties and other municipalities is that it is very expensive to reassess. I would like to have the gentleman from Allegheny County contact his county commissioners and ask them why they have not reassessed and how many hundreds of millions of dollars it would cost to reassess Allegheny County. I know that Crawford County would be over \$2 million; Erie County would be \$3 to \$5 million.

The problem, Mr. Speaker, is this: We are not going to raise taxes; we are only going to change the form that taxes are presented in. By that I mean if a county has to raise X number of dollars, they are going to raise it either through real estate, amusement taxes, occupation taxes, and that myriad of Act 511 taxes that they are permitted to. You know that the frustration back in our districts is because of these Act 511 taxes, and that is the first thing that we propose to do in tax reform - change the Act 511 taxes to a form of income tax - and that is needed, and I support that.

This, Mr. Speaker, may be nothing but a Band-Aid, but it is a Band-Aid that will save all of our counties and all of our municipalities money immediately. It eliminates the immediate need for reassessment; it eliminates the need to go to the judges to request that they do it by judicial rule; it eliminates the need for additional Act 511 and miscellaneous service charges. I feel that this is the fairest way to get an immediate cure in this area, Mr. Speaker, and I urge the members to vote for SB 588.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, I would hope that this legislation would amplify the need for the land value tax option to these local communities. I believe that this type of legislation would be the last alternative, as far as increasing the millage rates on local property taxes, and should not be taken until

the land value tax option and the Henry George-type legislation, which has been sponsored in the House, is reviewed and given as an option to these local communities as a way to increase the revenues for their local purposes. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese, on final passage.

Mr. DeWEESE. Mr. Speaker, inexplicably, my county commissioners, who in many ways remind me of Mr. Vroon, and Bill DeWeese and Mr. Vroon agree. Thank you.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I just want to correct an incorrect impression apparently held by a prior speaker who suggested that Allegheny County legislators ought to ask our county commissioners why they do not reassess. I guess if anything, over the last 10 or 15 years the legislators from Allegheny County have been asking why they reassess so frequently, because we get those complaints from our constituents. In fact, in Allegheny County there is a rolling process of reassessment that goes on each year. It is a computerized system now, and if anything, it is in the eyes of some people far too efficient, because people are getting reassessment notices with great regularity. Thank you, Mr. Speaker.

The SPEAKER. For the second time, the Chair recognizes the gentleman, Mr. Battisto.

Mr. BATTISTO. Mr. Speaker, concerning the reassessment. There are certain counties—for example, Monroe County, I know, and I think Dauphin County—that tried to conduct reassessments sort of piecemeal because they could not afford it countywide. It was struck down by the courts. The fact is certain counties are computerized, like Allegheny County. They can keep their reassessments up to date. The rural counties cannot do that, and especially the rural growing counties that are pressed for demands for services, like again incinerators and sewer systems. They need this breathing room.

I urge you to vote “yes” on SB 588. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. Preston, for the second time.

Mr. PRESTON. Thank you, Mr. Speaker.

I, too, want to address the speaker who spoke as far as Allegheny County, a second-class county, for within Allegheny County we reassess property every 3 years on a rolling basis. So it is continuously done, and I would have no problem as far as other counties who would keep up and follow the role model as far as Allegheny County is concerned, I am very proud to say. I would have no problem if that were the case of voting to raise the millage at this particular time, but that is not the case today. Again, what we are saying—and one gentleman said this is not a tax increase—and I quote the words on this bill, “This bill would raise the millage,…” and a mill is a form of tax. There is no question about it. Denotatively, connotatively, however you want to look at it, it is voting for a raise of millage, and a mill is a form of taxation. There is nothing about it.

To my gentleman from Monroe County, I would like to recommend that he would get together with his council of governments, as far as many counties are concerned, and make their governments more accountable. I think that they should get together; they should confine themselves as far as a non-profit corporation and then put together possibly even Federal funds and raise a group together to be able to do a reassessment. I do not see any excuses offered. I think we have led the role as far as Allegheny County is concerned, and still again this is a vote for a tax. Let us vote "no" on SB 588.

The SPEAKER. On final passage for the second time, the Chair recognizes the gentleman, Mr. Fryer.

Mr. FRYER. Mr. Speaker, to the gentleman from Allegheny, the various counties are undergoing reassessment. They have gradual reassessment as properties change hands. I would invite him to come to attend, let us say, a county commissioners' convention when they go over these matters.

The gentleman has no power to raise the tax in Greene County. He has the power to decide if that maximum can be raised. The commissioners of Greene County will be the ones to impose that tax. That is fact. The point remains that in a countywide reassessment, which is seldom done, the cost runs into millions, and the result has been, whenever there is a countywide reassessment, the standing county commissioners are defeated.

If the gentleman feels that strongly, I would urge him to submit a bill to order, to mandate countywide assessments and let us see how far he gets, because all other attempts have been unsuccessful in the past. I invite his attention to that matter.

The matter before this Assembly now, as it pertains to Greene County, is if this legislation is not passed, there will be an additional \$15,000 cost to the taxpayers of Greene County. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS—72

Arty	Coslett	Haluska	Reber
Barley	DeWeese	Honaman	Ryan
Battisto	Daley	Itkin	Saurman
Belfanti	Dawida	Jackson	Scheetz
Black	Dietz	Kasunic	Schuler
Book	Distler	Livengood	Showers
Bortner	Dombrowski	McVerry	Sirianni
Bowley	Dorr	Mackowski	Smith, B.
Bowser	Duffy	Manderino	Smith, L. E.
Brandt	Fargo	Merry	Snyder, G. M.
Broujos	Flick	Micozzie	Stewart
Burd	Foster, Jr., A.	Miller	Swift
Caltagirone	Freind	Nahill	Taylor, F. E.
Cessar	Fryer	Noye	Telek
Chadwick	Gallen	Perzel	Tigue
Civera	Gamble	Pievsky	Vroon
Cole	Gannon	Pott	Wozniak
Cornell	Hagarty	Raymond	Wright, D. R.

NAYS—127

Acosta	Fee	Linton	Rieger
Afflerbach	Fischer	Lloyd	Robbins
Angstadt	Fox	Lucyk	Roebuck
Argall	Freeman	McCall	Rudy
Baldwin	Gallagher	McClatchy	Saloom
Barber	Geist	McHale	Semmel
Belardi	George	Maiale	Serafini
Birmelin	Gladeck	Manmiller	Seventy
Blaum	Godshall	Markosek	Snyder, D. W.
Boyes	Greenwood	Mayernik	Staback
Bunt	Gruitza	Michlovic	Stairs
Burns	Gruppo	Moehlmann	Steighner
Bush	Harper	Morris	Stevens
Cappabianca	Hasay	Mowery	Stuban
Carlson	Hayes	Mrkonc	Sweet
Carn	Herman	Murphy	Taylor, E. Z.
Cawley	Hershey	O'Brien	Taylor, J.
Cimini	Howlett	O'Donnell	Trello
Clark	Hutchinson	Olasz	Truman
Clymer	Jarolin	Oliver	Van Horne
Cohen	Johnson	Petrarca	Veon
Colafella	Josephs	Petrone	Wambach
Cordisco	Kennedy	Phillips	Wass
Cowell	Kenney	Piccola	Weston
Coy	Kosinski	Pistella	Wiggins
Deluca	Kukovich	Pitts	Wilson
DeVerter	Langtry	Pratt	Wogan
Deal	Lashingier	Pressmann	Wright, J. L.
Dininni	Laughlin	Preston	Yandrisevits
Donatucci	Lescovitz	Punt	
Durham	Letterman	Reinard	Irvis,
Evans	Levdansky	Richardson	Speaker
Fattah			

NOT VOTING—3

Levin	Rybak	Wright, R. C.
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EXCUSED—1

Davies

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

* * *

The House proceeded to third consideration of **SB 81, PN 1241**, entitled:

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), entitled "Health Care Facilities Act," requiring the reporting of incidents of professional misconduct.

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

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

The question is, shall the bill pass finally?

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

YEAS—201

Acosta	Distler	Lescovitz	Robbins
Afflerbach	Dombrowski	Letterman	Roebuck
Angstadt	Donatucci	Levdansky	Rudy
Argall	Dorr	Levin	Ryan
Baldwin	Duffy	Linton	Rybak
Barber	Durham	Livengood	Saloom
Barley	Evans	Lloyd	Saurman

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

NAYS—1

Arty

NOT VOTING—0

EXCUSED—1

Davies

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

The SPEAKER. For what purpose does the lady from Susquehanna, Miss Sirianni, rise?

Miss SIRIANNI. Mr. Speaker, on HB 1119—

The SPEAKER. Miss Sirianni, the Chair will recognize all of you at one time. The Chair is not going to recognize you individually in the middle of the business.

WELCOMES

The SPEAKER. The Chair welcomes, as a guest of Representative Dave Mayernik, Mr. J. R. Henry of West View Borough. Welcome to the hall of the House, Mr. Henry.

Fred Noye and John Broujos have as their guest Col. Ted Orville, who is a master's candidate at Shippensburg and a student at the Army War College in Carlisle.

Chris Wogan and Representative Fox have Fran Shane of Northeast Philadelphia as their guest. Fran, welcome to the hall of the House.

SENATE MESSAGE

AMENDED HOUSE BILLS
RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 334, PN 1829**; and **HB 626, PN 1830**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SUPPLEMENTAL CALENDAR A
BILLS ON CONCURRENCE
IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **HB 334, PN 1829**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act concerning tolls on certain bridges operated by the Delaware River Joint Toll Bridge Commission.

On the question,

Will the House concur in Senate amendments?

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

Mr. CORDISCO. Mr. Speaker, on HB 334 we are asking that the House concur with the Senate amendments.

The SPEAKER. It has been moved by the gentleman, Mr. Cordisco, that the House do concur in Senate amendments to HB 334.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—199

Acosta	Distler	Lescovitz	Rieger
Afflerbach	Dombrowski	Letterman	Robbins
Angstadt	Donatucci	Levdansky	Roebuck
Argall	Dorr	Levin	Rudy
Arty	Duffy	Linton	Ryan
Baldwin	Durham	Livengood	Rybak
Barber	Evans	Lloyd	Saloom
Barley	Fargo	Lucyk	Saurman
Battisto	Fattah	McCall	Scheetz
Belardi	Fee	McClatchy	Schuler
Belfanti	Fischer	McHale	Semmel
Birmelin	Flick	McVerry	Seventy
Black	Foster, Jr., A.	Mackowski	Showers

Blaum	Fox	Maiale	Sirianni
Book	Freeman	Manderino	Smith, B.
Bortner	Freind	Manmiller	Smith, L. E.
Bowley	Gallagher	Markosek	Snyder, D. W.
Bowser	Gallen	Mayernik	Snyder, G. M.
Boyes	Gamble	Merry	Staback
Brandt	Gannon	Michlovic	Stairs
Broujos	Geist	Micozzie	Steighner
Bunt	George	Miller	Stevens
Burd	Gladeck	Moehlmann	Stewart
Burns	Godshall	Morris	Stuban
Bush	Greenwood	Mowery	Sweet
Caltagirone	Gruitza	Mrkonic	Swift
Cappabianca	Gruppo	Murphy	Taylor, E. Z.
Carlson	Hagarty	Nahill	Taylor, F. E.
Carn	Haluska	Noye	Taylor, J.
Cawley	Harper	O'Brien	Telek
Cessar	Hasay	O'Donnell	Tigue
Chadwick	Hayes	Olasz	Trello
Cimini	Herman	Oliver	Truman
Civera	Hershey	Perzel	Van Horne
Clark	Honaman	Petrarca	Veon
Clymer	Howlett	Petrone	Vroon
Colafella	Hutchinson	Phillips	Wambach
Cole	Itkin	Piccola	Wass
Cordisco	Jackson	Pievsky	Weston
Cornell	Jarolin	Pistella	Wiggins
Coslett	Johnson	Pitts	Wilson
Cowell	Josephs	Pott	Wogan
Coy	Kasunic	Pratt	Wozniak
Deluca	Kennedy	Pressmann	Wright, D. R.
DeVerter	Kenney	Preston	Wright, J. L.
DeWeese	Kosinski	Punt	Wright, R. C.
Daley	Kukovich	Raymond	Yandrisevits
Dawida	Langtry	Reber	
Deal	Lashingner	Reinard	Irvis,
Dietz	Laughlin	Richardson	Speaker
Dininni			

NAYS—0

NOT VOTING—3

Cohen Fryer Serafini

EXCUSED—1

Davies

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The clerk of the Senate, being introduced, returned the following **HB 626, PN 1830**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the "County and Municipal State Highway Law," approved September 18, 1961 (P. L. 1389, No. 615), further providing for the Commonwealth's maintenance obligations; providing that the powers of the Pennsylvania Public Utility Commission shall not be affected; and making a repeal.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Gamble, who moves that the House do concur in the Senate amendments to HB 626.

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

Mr. VROON. Mr. Speaker, I would like to know what those Senate amendments are, please.

The SPEAKER. Is the gentleman from Westmoreland, Mr. Hutchinson, willing to stand for explanation?

Mr. HUTCHINSON. These Senate amendments are two separate bills that were passed here and were sent to the Senate, and they stripped the bills and sent them back to us with different language in it. The one is for Mr. Gamble. It was property last session that was supposed to be sold. The other one is for the maintenance of berms and shoulders of all highways taken over by the State years ago, and it is also an Allegheny County bill—

The SPEAKER. Does the gentleman recommend adoption of the amendments?

Mr. HUTCHINSON. Yes; I do.

The SPEAKER. It has been recommended by the gentleman, Mr. Hutchinson, that the House adopt the Senate amendments.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—198

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

Deluca	Josephs	Pratt	Wozniak
DeVerter	Kasunic	Pressmann	Wright, D. R.
DeWeese	Kennedy	Preston	Wright, J. L.
Daley	Kenney	Punt	Wright, R. C.
Dawida	Kosinski	Raymond	Yandrisevits
Deal	Kukovich	Reber	
Dietz	Langtry	Reinard	Irvis,
Dininni	Lashingner	Richardson	Speaker

NAYS—0

NOT VOTING—4

Clark	Cohen	Petrarca	Serafini
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EXCUSED—1

Davies

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The SPEAKER. HB 466, without objection, will go over, unless there be objection.

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

Mr. GANNON. Mr. Speaker, I object to passing over.

The SPEAKER. The objection having been filed by the gentleman, Mr. Gannon, HB 466, PN 1633, is called up by Mr. Gannon.

BILL PASSED OVER

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that this bill be passed over for today's session.

On the question,

Will the House agree to the motion?

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Gannon, circulated yesterday a memo to all the members on the floor of the House indicating that he had a Cat (Catastrophic) Fund—

Mr. GANNON. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman from Delaware, Mr. Gannon, rise?

Mr. GANNON. Mr. Speaker, as I understand, the debate is on whether the bill will be passed over or not. That is the only matter before the House.

The SPEAKER. The Speaker would explain patiently again, when floor leaders rise, there is no limit on either the time they may speak or the subject matter they may speak or the number of times they may speak, Mr. Gannon.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, Mr. Gannon circulated a memo to all the members on the floor of the House that indicated that he had an amendment that would eliminate the Cat Fund. I had expressed privately and perhaps in my caucus and

maybe even publicly that the legislative leaders have earnestly discussed the matter of the Cat Fund. We know that there is a problem with the Cat Fund, at least a political problem for members of the Assembly. Both the House and the Senate have passed resolutions authorizing a committee of the House and a committee of the Senate to study this over the summer recess and come back with solid recommendations for a solution to the problem, and I think that is the way we ought to go. In these critical days with little time left to pass a budget, the Motor License Fund budget, I do not think we ought to go into extensive debate about the Cat Fund.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I would like to talk about fishing, inasmuch as we leaders are allowed to talk about anything we want. Is that correct?

The SPEAKER. If the gentleman wishes to talk about fishing, he is free, as long as he is leader, to so talk. He may not remain leader too long if he talks too long about fishing.

Mr. RYAN. I was going to add that comment.

No; on a more serious vein, I agree with the gentleman, Mr. Manderino. We have over the past 4 or 5 days, in addition to the numerous and lengthy and sometimes unsettling discussions we have had with respect to the various budgets that will keep this Commonwealth operating for the next year, we have had discussions with respect to how we can best handle the Cat Fund situation, which is a thorn in the side of all legislators at the moment, including the leadership, who are hearing from constituents but who are also concerned that we not neglect our responsibility, really, to the citizens of Pennsylvania by overturning something without giving it proper thought and finding a proper substitute for it.

I would concur, reluctantly in that Mr. Gannon, of course, is a good friend from our county, but I would concur with the remarks of the gentleman, Mr. Manderino, that this is neither the time nor the place to handle the Cat Fund discussion.

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

Mr. FISCHER. Mr. Speaker, could I ask Mr. Manderino a question on this subject, please?

The SPEAKER. The majority leader indicates he will stand for interrogation. You are in order, and you may proceed.

Mr. FISCHER. Mr. Speaker, it is my understanding that there may be a second billing sometime during the summer in the Cat Fund. In regard to what you have just discussed, would it be possible for either administrative action somehow or action that we can take to delay that then if you are contemplating a change of the Cat Fund—and I think it should be changed and replaced with something far better. But if so, I think there should be some thought given to delaying that second payment, because I can assure you, if you got a lot of calls before, there will be a great deal more after that second billing goes out sometime this summer.

Mr. MANDERINO. I am not informed really on the technicalities of when. I have heard the same as you have heard, that there will be a second billing, and I am not sure of the mechanics of the billing or how that will or will not be done. I

am sure that the leaders would be happy to speak with the people who do the billing, but my guess is that they would have to proceed according to law until we change that.

Mr. FISCHER. Well, Mr. Speaker, I would just hope that if there is any way possible we can delay that billing this summer, that that be done through your leadership, Mr. Ryan's leadership, and so forth. Thank you.

The SPEAKER. On the motion, the Chair recognizes the gentleman from Berks, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, I think it is the will of this House to do something about the Cat Fund. I think it is the will of the people who own automobiles in the State of Pennsylvania for us to do something about the Cat Fund. I think it is a very important issue, and I think that the leaders of this House, with all due respect to Mr. Ryan and Mr. Manderino, should not usurp the will of this body by saying we agree to pass this thing over. I think that we should have the opportunity to address this.

It seems that today is not going to be the busiest day in the world. I think that initial action should be taken now. I have seen these things passed over and passed over. There is really not too much to study with the Cat Fund. The idea is that we must eliminate it and conceivably replace it.

I happen to disagree with Mr. Gannon's amendment, but I have an amendment myself which I would like to have circulated. I think it is the will of this body to address this subject, and I would not like to see Mr. Manderino's motion prevail and really override the will of the entire body just by saying that he and the other leaders agree that this is what we are going to do. Thank you.

The SPEAKER. On the motion, the Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Mr. Speaker, I agree in part with Mr. Gallen. I believe the General Assembly wants to address this issue now, and I believe the opportunity is before them to address this issue now. I think the time for talk is over. I do not think we have the luxury to sit back and study this problem, because it is only getting worse and worse and worse and it is not going to get any better.

Mr. Speaker, as a final comment, if they were collecting the Cat Fund according to law, maybe we would not be having the tremendous problem that we are today. I want to talk about that, Mr. Speaker. I think the General Assembly wants an opportunity to address this issue today.

The SPEAKER. On the motion, the Chair recognizes the gentleman from Philadelphia, Mr. Acosta.

Mr. ACOSTA. Thank you, Mr. Speaker.

I believe we need sufficient time to really learn about the Cat Fund. I believe in the long run every Pennsylvanian is going to be benefited if we get the State to take over the insurance. The insurance companies right now are a bunch of rip-offs. We need more time to learn about the Cat Fund, and I believe all of us will be benefiting—

The SPEAKER. The gentleman is not yet a leader of the House; therefore, he does not have the full sway of privileges of those learned leaders. Therefore, the gentleman may not go

that far astray. Keep your remarks, sir, to whether or not you agree with the motion or disagree with reasons therefor.

Mr. ACOSTA. Mr. Speaker, we do need more time to look over the issue of the Cat Fund. I believe we should not vote on it today, we should hold onto it, and when we come back, we will deal with the Cat Fund issue. Thank you.

The SPEAKER. The gentleman is for the motion then.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

On the issue of whether or not to pass over this bill, I would agree with the majority and the minority leaders that we should pass this issue over for this reason: Mr. Gannon will seek to amend a House bill. Whether we amend it or not will have no impact on the Cat Fund, because that bill will at very best languish in a Senate committee for the rest of the summer because we will not be here next week. I would urge that the House adopt the motion by the majority leader.

The SPEAKER. On the motion, the Chair recognizes the gentleman from Cumberland, Mr. Mowery.

Mr. MOWERY. Thank you, Mr. Speaker.

I guess I have been involved in the problems of the Cat Fund both as a legislator and also serving as an agent for many automobile policy owners who are totally frustrated, so I guess I get it from both sides.

I do believe that it is a major problem the way it is currently being done. I think that hearings from both sides should be held this summer. I think it should certainly be a priority of the House over the summer recess, and when we come back in the fall, I think that it is proper to take steps to try and get it where it should have been in the first place - a way that the people can be taken care of in Pennsylvania without the frustration of a third-party collection system.

Therefore, I would go along with the way it has certainly been stated so far. You do not run into something like this that we created and solve it with patchwork legislation. So I recommend that we have the hearings this summer.

The SPEAKER. Those in favor of passing over the bill for today's session will vote "aye"; those opposed will vote "no."

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

The following roll call was recorded:

YEAS—105

Acosta	Dombrowski	Linton	Rieger
Afflerbach	Donatucci	Livengood	Roebuck
Barber	Dorr	McHale	Ryan
Battisto	Duffy	Maiale	Rybak
Birmelin	Evans	Manderino	Saurman
Bortner	Fattah	Manmiller	Scheetz
Bowley	Fee	Markosek	Seventy
Boyes	Gallagher	Merry	Showers
Broujos	George	Michlovic	Stewart
Burns	Godshall	Miller	Stuban
Bush	Hagarty	Moehlmann	Sweet
Caltagirone	Haluska	Morris	Taylor, F. E.
Cappabianca	Harper	Mowery	Trello
Carlson	Hershey	Nahill	Truman
Carn	Howlett	O'Brien	Van Horne
Clark	Itkin	O'Donnell	Veon

Clymer	Jackson	Olasz	Vroon
Cohen	Josephs	Oliver	Wambach
Colafella	Kasunic	Petrone	Wiggins
Cordisco	Kennedy	Piccola	Wogan
Cornell	Kukovich	Pievsy	Wright, D. R.
Cowell	Lashinger	Pott	Wright, J. L.
Deluca	Laughlin	Pressmann	Yandrisevits
DeWeese	Lescovitz	Preston	
Deal	Letterman	Reber	Irvis,
Dininni	Levdansky	Reinard	Speaker
Distler	Levin	Richardson	

NAYS—94

Angstadt	Dietz	Kenney	Rudy
Argall	Durham	Kosinski	Saloom
Arty	Fargo	Langtry	Schuler
Baldwin	Fischer	Lloyd	Semmel
Barley	Flick	Lucyk	Serafini
Belardi	Foster, Jr., A.	McCall	Sirianni
Belfanti	Fox	McClatchy	Smith, B.
Black	Freeman	McVerry	Snyder, D. W.
Blaum	Freind	Mackowski	Snyder, G. M.
Book	Fryer	Mayernik	Staback
Bowser	Gallen	Micozzie	Stairs
Brandt	Gamble	Mrkonic	Steighner
Bunt	Gannon	Murphy	Stevens
Burd	Geist	Noye	Swift
Cawley	Gladeck	Perzel	Taylor, E. Z.
Cessar	Greenwood	Petrarca	Taylor, J.
Chadwick	Gruitza	Phillips	Telek
Cimini	Gruppo	Pistella	Tigue
Civera	Hasay	Pitts	Wass
Coslett	Hayes	Pratt	Weston
Coy	Herman	Punt	Wilson
DeVertter	Honaman	Raymond	Wozniak
Daley	Jarolin	Robbins	Wright, R. C.
Dawida	Johnson		

NOT VOTING—3

Cole	Hutchinson	Smith, L. E.
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EXCUSED—1

Davies

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

* * *

The SPEAKER. SB 543, PN 933, without objection, will go over.

The Chair recognizes the gentleman from Chester, Mr. Morris, who raises objection to passing over SB 543.

MOTION TO PASS OVER

The SPEAKER. On the question, will the House agree to the bill, the Chair recognizes the majority leader.

Mr. Morris, Mr. Majority Leader, has objected to going over. The question is, do you wish to place a motion?

Mr. MANDERINO. Yes, Mr. Speaker. I wish to place a motion that this bill be passed over for today's session.

The SPEAKER. It has been moved by the majority leader that SB 543 be passed over for today's session. The question is on that motion.

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

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

Mr. MORRIS. Thank you, Mr. Speaker.

I oppose the motion, and the reason why we want to run this bill is to amend it to give the Public Utility Commission power to cancel construction of a utility when it finds that such construction is, quote, "not in the public interest," unquote. I believe the House has been well circulated with information on this subject.

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

This case is exactly the opposite of the last case. Although my sympathies were with Mr. Gannon last time, the majority leader argued in the last instance with the Cat Fund that the legislature needs to study this issue. A year ago this legislature passed a resolution to study the problem of the Limerick 2 powerplant. We put a select committee together. We studied it; we hired a consultant; we held hearings. The conclusion of those hearings was, with the support of most of the PUC members, that we have a problem in the law, and that is that it is not clear what happens when the PUC decides that a particular powerplant is no longer necessary. It may be under construction, but it is not necessary, it is too expensive, and it is not in the public interest. The conclusion was we had to have a law that made it clear that when that finding occurs, the PUC has the authority to cancel a plant and then provide the funding to reimburse the company. That is the conclusion, and that is the issue, the simple issue, that we want to put before the House today.

Now, SB 543 has been on the calendar for 10 days, and we have tried repeatedly to have that bill called up so we simply have a shot with this amendment. We just want the merits of this issue brought before the House. Certain special interests do not want this bill considered, and I would appeal to my colleagues in the House on this issue to let the special interests know that we are going to decide whether we vote on this bill. Please give us the opportunity to simply offer this amendment, and then we will debate that later. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Evans, on the motion.

Mr. EVANS. Mr. Speaker, I also rise to oppose this motion to pass over for today. I oppose this motion, Mr. Speaker, because fundamentally, I think, we passed over it the other day. We deserve an opportunity to address this particular issue, and the only way we can address this particular issue is by having the opportunity of having this bill available as a vehicle.

I would ask all my colleagues on both sides of the aisle to please oppose this particular recommendation. Very rarely have I stood up and disagreed with my good friend who sits down there in the well, but today I disagree with him. We passed over it one day; we should have an opportunity to have fruitful discussion about this particular amendment that Representative Gallagher as well as Representative Morris will be offering. So I would ask all of my colleagues on both sides of

the aisle, because we are going to recess soon, to oppose this particular motion. Thank you, Mr. Speaker.

The SPEAKER. Those in favor of passing over the bill for today will vote "aye"; those opposed to passing over the bill will vote "no."

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

The following roll call was recorded:

YEAS—53

Argall	DeVerter	Mackowski	Ryan
Barley	DeWeese	Markosek	Saurman
Birmelin	Deal	Mayernik	Scheetz
Black	Dorr	Merry	Smith, L. E.
Blaum	Fargo	Moehlmann	Swift
Book	Foster, Jr., A.	Nahill	Taylor, J.
Boyes	Freind	Noye	Telek
Brandt	Fryer	O'Brien	Veon
Bush	Godshall	Perzel	Wogan
Carlson	Hasay	Phillips	Yandrisevits
Cessar	Hayes	Pievsy	
Cimini	Jackson	Pitts	Irvis,
Cornell	McClatchy	Pott	Speaker
Coslett	McVerry	Robbins	

NAYS—146

Acosta	Donatucci	Laughlin	Roebuck
Afflerbach	Duffy	Lescovitz	Rudy
Angstadt	Durham	Letterman	Rybak
Arty	Evans	Levdansky	Saloom
Baldwin	Fattah	Levin	Schuler
Barber	Fee	Linton	Semmel
Battisto	Fischer	Livengood	Serafini
Belardi	Flick	Lloyd	Seventy
Belfanti	Fox	Lucyk	Showers
Bortner	Freeman	McCall	Sirianni
Bowley	Gallagher	McHale	Smith, B.
Bowser	Gallen	Maiale	Snyder, D. W.
Broujos	Gamble	Manderino	Snyder, G. M.
Bunt	Gannon	Manmiller	Staback
Burd	Geist	Michlovic	Stairs
Burns	George	Miller	Steighner
Caltagirone	Gladeck	Morris	Stevens
Cappabianca	Greenwood	Mowery	Stewart
Carn	Gruitza	Mrkonic	Stuban
Cawley	Gruppo	Murphy	Sweet
Chadwick	Hagarty	O'Donnell	Taylor, E. Z.
Civera	Haluska	Olasz	Taylor, F. E.
Clark	Harper	Oliver	Tigue
Clymer	Herman	Petrarca	Trello
Cohen	Hershey	Petrone	Truman
Colafella	Honaman	Piccola	Van Horne
Cole	Howlett	Pistella	Vroon
Cordisco	Itkin	Pratt	Wambach
Cowell	Jarolin	Pressmann	Wass
Coy	Josephs	Preston	Weston
Deluca	Kasunic	Punt	Wiggins
Daley	Kennedy	Raymond	Wilson
Dawida	Kenney	Reber	Wozniak
Dietz	Kosinski	Reinard	Wright, D. R.
Dininni	Kukovich	Richardson	Wright, J. L.
Distler	Langtry	Rieger	Wright, R. C.
Dombrowski	Lashinger		

NOT VOTING—3

Hutchinson	Johnson	Micozzie
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EXCUSED—1

Davies

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

The SPEAKER. The motion fails, and SB 543, PN 933, will remain on the active calendar on third consideration.

REQUEST FOR RECESS

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the expression of the will of the House is to take up nukes or not nukes this afternoon, and that is going to take considerable time, I guess. So I move at this time that we go into recess for caucus and lunch and come back at 2 o'clock, Mr. Speaker. An hour and a half; an hour for lunch. I think caucus should not be long—I am not sure about the other side—but Mr. Itkin can talk to that.

REMARKS ON VOTE

Mr. MANDERINO. Mr. Speaker, would you correct my vote for the record?

The SPEAKER. For the record, the majority leader should be recorded in the affirmative on his motion.

HB 1119 RECONSIDERED

The SPEAKER. The Chair is in receipt of a reconsideration motion signed by the gentleman from Berks, Mr. Fryer, in which he moves that the vote by which HB 1119 was defeated on this the 27th day of June be reconsidered.

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

The following roll call was recorded:

YEAS—153

Angstadt	Dawida	Kukovich	Saloom
Argall	Dietz	Lashinger	Saurman
Arty	Dininni	Lescovitz	Schuler
Baldwin	Distler	Livengood	Semmel
Barley	Dombrowski	Lloyd	Serafini
Battisto	Dorr	Lucyk	Showers
Belardi	Duffy	McCall	Sirianni
Belfanti	Fargo	McClatchy	Smith, B.
Birmelin	Fee	McVerry	Smith, L. E.
Black	Flick	McKowski	Snyder, D. W.
Book	Foster, Jr., A.	Manderino	Snyder, G. M.
Bortner	Fox	Manmiller	Staback
Bowley	Freind	Merry	Stairs
Bowser	Fryer	Michlovic	Steighner
Boyes	Gallagher	Micozzie	Stewart
Brandt	Gallen	Moehlmann	Stuban
Broujos	Gamble	Morris	Sweet
Bunt	Gannon	Mowery	Swift
Burd	Geist	Murphy	Taylor, E. Z.
Burns	George	Nahill	Taylor, F. E.
Bush	Gladeck	Noye	Taylor, J.
Caltagirone	Godshall	O'Brien	Telek
Cappabianca	Greenwood	Olasz	Tigue
Carlson	Gruitza	Perzel	Van Horne
Cawley	Gruppo	Petrarca	Veon
Cessar	Hagarty	Petrone	Vroon
Chadwick	Haluska	Phillips	Wambach
Cimini	Hayes	Piccola	Wass
Civera	Herman	Pistella	Weston
Clymer	Hershey	Pitts	Wilson
Colafella	Honaman	Pott	Wogan

Cole	Hutchinson	Pressmann	Wozniak
Cordisco	Itkin	Punt	Wright, J. L.
Cornell	Jackson	Raymond	Wright, R. C.
Coslett	Jarolin	Reber	Yandrisevits
Cowell	Johnson	Reinard	
Coy	Kasunic	Robbins	Irvis,
Deluca	Kennedy	Rudy	Speaker
DeWeese	Kenney	Ryan	

NAYS—48

Acosta	Evans	Levdansky	Pratt
Afflerbach	Fattah	Levin	Preston
Barber	Fischer	Linton	Richardson
Blaum	Freeman	McHale	Rieger
Carn	Harper	Maiale	Roebuck
Clark	Hasay	Markosek	Rybak
Cohen	Howlett	Mayernik	Seventy
DeVertter	Josephs	Miller	Stevens
Daley	Kosinski	Mrkonic	Trello
Deal	Langtry	O'Donnell	Truman
Donatucci	Laughlin	Oliver	Wiggins
Durham	Letterman	Pievsky	Wright, D. R.

NOT VOTING—1

Scheetz

EXCUSED—1

Davies

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

On the question recurring,
Shall the bill pass finally?

**BILL PLACED ON FINAL PASSAGE
POSTPONED CALENDAR**

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

Mr. FRYER. Mr. Speaker, I move that HB 1119 be placed on the final passage postponed calendar.

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

DEMOCRATIC CAUCUS

The SPEAKER. Now for the announcements of caucuses.

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

Mr. ITKIN. Mr. Speaker, the Democrats will caucus at 1:30, and please be prompt so that we can get back and get on the floor at 2 o'clock.

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

Mr. NOYE. Thank you, Mr. Speaker.

I see no need for a Republican caucus at this time. Thank you.

SB 588 RECONSIDERED

The SPEAKER. The Chair is in receipt of a further reconsideration of a vote.

In this case, the gentleman from Washington, Mr. Sweet, moves that the vote by which SB 588 was defeated on this the 27th day of June be reconsidered.

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

The following roll call was recorded:

YEAS—184

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

NAYS—8

Blaum	DeVertter	Howlett	Laughlin
Cawley	Fischer	Langtry	Pratt

NOT VOTING—10

Cornell	Greenwood	O'Donnell	Pistella
Cowell	Moehlmann	Olasz	Sirianni
Deluca	Nahill		

EXCUSED—1

Davies

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

On the question recurring,
Shall the bill pass finally?

BILL PASSED OVER TEMPORARILY

The SPEAKER. The House has immediately before it SB 588, which will be marked over temporarily. Mark it over temporarily.

ANNOUNCEMENT BY MINORITY LEADER

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I just want to remind the members from Delaware and Chester Counties that there is a meeting in my office now. Thank you.

Mr. DORR. Mr. Speaker, will the Chair take corrections now?

The SPEAKER. If you are correcting a vote, we will take that this afternoon.

RECESS

The SPEAKER. The House will stand in recess until 2 p.m.

AFTER RECESS

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

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS
NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurrent in by the House of Representatives to **HB 150, PN 1781**.

MOTION INSISTING UPON NONCONCURRENCE
IN SENATE AMENDMENTS

Mr. MANDERINO moved that the House insist upon its nonconcurrency in Senate amendments to HB 150, PN 1781, and that a committee of conference on the part of the House be appointed.

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

APPOINTMENT OF
COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on HB 150, PN 1781:

Messrs. GALLAGHER, O'DONNELL and HAYES.
Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS
NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurrent in by the House of Representatives to **HB 1009, PN 1758**.

MOTION INSISTING UPON NONCONCURRENCE
IN SENATE AMENDMENTS

Mr. MANDERINO moved that the House insist upon its nonconcurrency in Senate amendments to HB 1009, PN 1758, and that a committee of conference on the part of the House be appointed.

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

APPOINTMENT OF
COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on HB 1009, PN 1758:
Messrs. MANDERINO, PIEVSKY and McCLATCHY.
Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS
NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurrent in by the House of Representatives to **HB 1010, PN 1759**.

MOTION INSISTING UPON NONCONCURRENCE
IN SENATE AMENDMENTS

Mr. MANDERINO moved that the House insist upon its nonconcurrency in Senate amendments to HB 1010, PN 1759, and that a committee of conference on the part of the House be appointed.

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

APPOINTMENT OF
COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on HB 1010, PN 1759:
Messrs. MANDERINO, PIEVSKY and McCLATCHY.
Ordered, That the clerk inform the Senate accordingly.

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

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 652, PN 1041**.

MOTION INSISTING UPON AMENDMENTS

Mr. MANDERINO moved that the House insist upon its amendments nonconcurred in by the Senate to SB 652, PN 1041, and that a committee of conference on the part of the House be appointed.

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

**APPOINTMENT OF
COMMITTEE OF CONFERENCE**

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on SB 652, PN 1041:
Messrs. MANDERINO, PIEVSKY and McCLATCHY.
Ordered, That the clerk inform the Senate accordingly.

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

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 653, PN 1042**.

MOTION INSISTING UPON AMENDMENTS

Mr. MANDERINO moved that the House insist upon its amendments nonconcurred in by the Senate to SB 653, PN 1042, and that a committee of conference on the part of the House be appointed.

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

**APPOINTMENT OF
COMMITTEE OF CONFERENCE**

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on SB 653, PN 1042:
Messrs. MANDERINO, PIEVSKY and McCLATCHY.
Ordered, That the clerk inform the Senate accordingly.

BILLS SIGNED BY SPEAKER

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

HB 334, PN 1829

An Act concerning tolls on certain bridges operated by the Delaware River Joint Toll Bridge Commission.

HB 626, PN 1830

An Act amending the "County and Municipal State Highway Law," approved September 18, 1961 (P. L. 1389, No. 615), further providing for the Commonwealth's maintenance obligations; providing that the powers of the Pennsylvania Public Utility Commission shall not be affected; and making a repeal.

SENATE BILLS FOR CONCURRENCE

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

SB 672, PN 1260

Referred to Committee on APPROPRIATIONS, June 27, 1985.

SB 774, PN 1261

Referred to Committee on APPROPRIATIONS, June 27, 1985.

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

HB 967, PN 1103 By Rep. HUTCHINSON
An Act designating Route 22 as AMVETS Memorial Highway.
TRANSPORTATION.

HB 1350, PN 1610 By Rep. HUTCHINSON
An Act directing the Department of Transportation to designate Route 903 as the Highway to Adventure.
TRANSPORTATION.

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

SB 336, PN 1271 (Amended)
By Rep. HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing requirements for handicapped plates and placards; changing handicapped parking provisions; further providing for availability of adequate limits of insurance; removing provisions relating to catastrophic loss and the Catastrophic Loss Trust Fund; and adding penalties.

TRANSPORTATION.

SB 603, PN 676 By Rep. HUTCHINSON
An Act designating the replacement bridge for the Memorial Bridge in Mifflin County as the Veterans Memorial Bridge.

TRANSPORTATION.

SB 924, PN 1085 By Rep. HUTCHINSON
An Act designating the Elizabeth Bridge, Route 51, Allegheny County, as the Regis R. Malady Memorial Bridge.

TRANSPORTATION.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Cawley.

Mr. CAWLEY. Mr. Speaker, I would like to submit the following remarks for the record on the final passage of HB 1353 on June 25, 1985.

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

HB 1353 initiates a public policy for the Commonwealth for the prevention and resolution of homelessness. It proposes careful investment of State and Federal moneys in the upcoming fiscal year for diverting and removing some people from emergency shelter and into situations where they can achieve stability and independence.

HB 1353 represents a unique effort in the Commonwealth of Pennsylvania by members of both sides of this aisle, the administration, and an extensive network of public and private agencies and persons from across the State on behalf of some of Pennsylvania's neediest citizens - homeless families and individuals.

HB 1353 is drawn from the findings of the House Special Committee on Homelessness which I chaired in the last session. We found that the causes of homelessness which are, in no small part, the systemic problems of joblessness caused by the loss of industry and slow growth, retrenchments in the availability of health and social services support for the unemployed and disabled, and the dearth of decent rental housing that is affordable to low-income persons and families.

We found that the ability of any individual to avoid "falling through the cracks" into homelessness is tempered by his or her ability to compete for survival in the face of the shortages of jobs, mental health services, training and education programs, low-cost housing, and other basic necessities that were attributed to communities throughout the State.

Several of the key recommendations of the Special Committee on Homelessness are embodied in HB 1353, including:

- provision of appropriate community based living arrangements for the chronically mentally ill
- assurance that employment training and job creation programs are available to the homeless
- assistance to prevent homelessness
- stimulation of local initiatives for housing, especially for single adults
- support for persons after detoxification

All of the members of the Special Committee are cosponsors of HB 1353 and I would like to again thank Representatives Perzel, Serafini, Coslett, Telek, Harper, Pistella and Kukovich, who all honored our collective decision to act in a fact, not fault, finding manner and to produce a constructive report.

Many, many people have contributed to the effort of which HB 1353 is an important part by participating in the public hearings, which were held, in meetings and conversations and provision of information. I want to particularly mention some of these people.

I want to express my gratitude to the administration, and especially to Secretary Walter Cohen, who have not only been very cooperative but have demonstrated their concern and commitment to ameliorating homelessness in Pennsylvania.

Members of the leadership and legislative staff of both the House Democratic and Republican Caucuses have worked constructively to facilitate this effort to begin this reversal of the growing trend of homelessness.

Last, but not least, I want to thank those who brought the problem of homelessness into focus for us - those persons who are running the direct services, shelters, soup kitchens, and day

centers for Pennsylvania's homeless and hungry. This community of religious, charitable, private and public groups who, long before us, rolled up their sleeves and tackled this problem, also took the time to provide testimony, in person and in writing, to build our understanding. Compellingly, they presented us with the evidence that we can and we must act. I would risk unintentional omission of some of these people if I attempted to list them all, but I would like to express my gratitude to Robert Quinn and Jane Malone, who initially brought the need for the Commonwealth to address its public policies on homelessness to our attention.

REMARKS ON VOTE

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

Miss SIRIANNI. Mr. Speaker, I would like the record to show that I voted in the affirmative on HB 1119.

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

The Chair will return to corrections of the record later in the afternoon. We will take all the corrections at one time.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair has the delightful opportunity to congratulate a man who has lived 84 years. He is our Sergeant at Arms, Glenn Gettys. Remember, we met his wife yesterday. Is Mr. Gettys at the rear of the hall of the House? Have him step in here for a moment. Congratulations, Mr. Gettys.

The Speaker has invoked one of his own rules - 54, no recognition; 64, no recognition; 74, no recognition; but at 84, you deserve recognition. Congratulations. Thank you.

Mr. Gannon, we cannot reconsider a pass-over vote. That is a procedural vote. We are not allowed to reconsider procedures. Thank you.

STATEMENT BY MR. LASHINGER

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

Mr. LASHINGER. Thank you.

Mr. Speaker, while we are waiting for the members, I was wondering if I could get the permission of the Chair to respond to a few comments that the majority whip had made earlier this week about an athletic event that took place between the Democratic and Republican Caucuses.

The SPEAKER. If the gentleman insists on calling it an athletic event, fine. Unanimous consent has been granted.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, on Tuesday the majority whip took to the microphone and gave his account of what took place Monday. The Republican Caucus would have been prepared to accept his remarks with its normal humility, which has become a tradition on this side of the aisle, had the majority whip not said something to the effect that one observer of American culture once said—and I assume that that observer

of American culture is someone from Fishtown or Germantown, somewhere in the Philadelphia area—that one who wants to know the heart and mind of America had better learn baseball.

Well, the Republican Caucus met. We have decided that we do know baseball, and we have decided to file an official protest of that game Monday night. There were 10 players on each team, Mr. Speaker. Nine of the players were Republican. What Mr. O'Donnell failed to state was that one of his senior staff people pitched for the Republican Party that night. The problem with that is we let him do that and we accepted his guy as our pitcher. Number two, we have also checked Representative Belardi's trade contract, and part of the agreement in waiving Representative Belardi was that any runs attributable to Representative Belardi still belong to the Republican Party despite the fact we no longer have his vote. So we have decided to protest the game. The arbitration panel will be the Turnpike Commission, Mr. Speaker, and the game will not be official until we get a result from the Turnpike Commission as to who the winner was of that game.

We have also looked to the future, and since the sporting events seem to have moved with the seasons—we have had basketball in the winter months, and we had softball now in these warm-weather months—we thought about football in the fall, but we looked at Representatives Manderino and Richardson and Kosinski and Pressmann and the like and we have decided not to have any of that, Mr. Speaker. We thought about polo, though, with Representative Manderino participating and others also. But we will be back. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority whip, who is here to defend the honor of Fishtown.

Mr. O'DONNELL. No, Mr. Speaker, just to indicate that you probably have a better chance with filing your protest with the Turnpike Commission than you do playing us in football.

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

Mr. FOSTER. Mr. Speaker, the statistics did show, however, that the Republicans hit the ball 86 percent higher than the Democrats.

The SPEAKER. The same as taxes?

CALENDAR CONTINUED

CONSIDERATION OF SB 588 RESUMED

On the question recurring,
Shall the bill pass finally?

The SPEAKER. On final passage, the gentleman from Washington, Mr. Sweet, is recognized.

Mr. SWEET. Thank you, Mr. Speaker.

Mr. Speaker, I would like an affirmative vote on this bill. It is a very, very important bill to a certain number of small counties in Pennsylvania. I think perhaps this morning there was some misunderstanding about the bill, and I would hope that the sober second thought of the lunch hour would get the

members to perhaps reconsider and vote in the affirmative. I would ask for a "yes" vote, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Mr. Speaker, I would like to concur with the remarks made by my predecessor, Representative Sweet. Over the lunch hour I made a number of telephone calls, and I am convinced as well that some of the smaller counties in this State desperately need this increase. I would urge an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin, on final passage.

Mr. LAUGHLIN. Mr. Speaker, we were in caucus until just a few minutes ago, and I notice that there are a number of members who were in caucus who have not arrived on the floor yet. We were listening to Representative Wiggins present his position, and I would ask, Mr. Speaker, that you give a few minutes for the members to get to the floor of the House, please.

The SPEAKER. We will wait 3 minutes. In 3 minutes that will be 3 o'clock. We will not wait beyond that.

On final passage, the Chair recognizes the gentleman, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, earlier today the members of the House voted rather conclusively on behalf of the real estate owners in this State, in particular the single-family homeowners who are burdened with the taxation of real estate taxes from their school district, their municipality, and their county. In raising this level of taxation, we grant those areas additional opportunities to add additional taxes. There is no doubt in my mind that once that ceiling is lifted, when the need arises it is going to be taken advantage of.

Mr. Speaker, as I said earlier, when we grant industry the credits and the benefits we do, and justifiably in areas where they need it, and then we turn around and raise the taxing ability that is being presented here, Mr. Speaker, I see no consistency. This legislature has not been noted for not being consistent in the past, so I would ask the members again to vote "no" on this bill. Thank you, Mr. Speaker.

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

Mr. FOSTER. Thank you, Mr. Speaker.

I would just like to say that I concur with my colleague, Mr. Sweet, and my colleague, Mr. Belfanti, that this is needed legislation for the small counties. Particularly, we have the situation in Greene County. I would strongly urge the Republican side to vote for the bill.

The SPEAKER. The Chair recognizes the gentleman from Monroe, Mr. Battisto, on final passage.

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

The fact is this: I was out telephoning, too, as Mr. Belfanti was, and I talked to county commissioners on behalf of other rural counties. The rural counties do not want to arbitrarily raise taxes. Some of them are pressed. They are pressed into situations because of development. They need this bill badly. I

urge everyone on both sides of the aisle, support SB 588. Thank you very much.

On the question recurring,
Shall the bill pass finally?

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

YEAS—105

Acosta	Deal	Kosinski	Robbins
Arty	Distler	Lashingner	Roebuck
Barley	Dombrowski	Levin	Ryan
Battisto	Donatucci	Linton	Saurman
Belfanti	Duffy	Livengood	Scheetz
Black	Durham	McClatchy	Schuler
Book	Evans	McVerry	Semmel
Bortner	Fargo	Mackowski	Showers
Bowley	Fattah	Manderino	Sirianni
Brandt	Flick	Merry	Smith, B.
Broujos	Foster, Jr., A.	Michlovic	Smith, L. E.
Bunt	Fox	Micozzie	Snyder, D. W.
Burd	Freind	Mowery	Snyder, G. M.
Caltagirone	Fryer	Murphy	Stevens
Carn	Gallen	Nahill	Stewart
Cessar	Gamble	Noye	Sweet
Chadwick	Gannon	O'Brien	Swift
Civera	Gruppo	O'Donnell	Taylor, J.
Clark	Hagarty	Perzel	Telek
Cole	Haluska	Pievsky	Tigue
Cordisco	Honaman	Pistella	Truman
Cornell	Itkin	Pott	Van Horne
Coslett	Jackson	Punt	Vroon
Coy	Jarolin	Raymond	Wozniak
DeWeese	Josephs	Reber	Wright, D. R.
Daley	Kasunic	Rieger	Wright, R. C.
Dawida			

NAYS—95

Afflerbach	Fee	Levdansky	Richardson
Angstadt	Fischer	Lloyd	Rudy
Argall	Freeman	Lucyk	Rybak
Baldwin	Gallagher	McCall	Saloom
Barber	Geist	McHale	Serafini
Belardi	George	Maiale	Seventy
Birmelin	Gladeck	Manmiller	Staback
Blaum	Godshall	Markosek	Stairs
Bowser	Greenwood	Mayernik	Steighner
Boyes	Gruitza	Miller	Stuban
Burns	Harper	Moehlmann	Taylor, E. Z.
Bush	Hasay	Morris	Taylor, F. E.
Cappabianca	Hayes	Mrkonic	Trello
Carlson	Herman	Olasz	Veon
Cawley	Hershey	Oliver	Wambach
Cimini	Howlett	Petrarca	Wass
Clymer	Hutchinson	Petrone	Weston
Cohen	Johnson	Phillips	Wiggins
Colafella	Kennedy	Piccola	Wilson
Cowell	Kukovich	Pitts	Wright, J. L.
Deluca	Langtry	Pratt	Yandrisevits
DeVerter	Laughlin	Pressmann	
Dietz	Lescovitz	Preston	Irvis,
Dininni	Letterman	Reinard	Speaker
Dorr			

NOT VOTING—2

Kennedy Wogan

EXCUSED—1

Davies

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 98, PN 1615**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, adding provisions relating to support, custody, visitation, property and contracts; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. McVERRY offered the following amendment No. A2135:

Amend Sec. 1 (Sec. 4322), page 10, lines 18 through 28, by striking out all of said lines and inserting

The courts of common pleas shall develop guidelines for child and spousal support so that persons similarly situated shall be treated similarly. The guidelines shall be based upon the reasonable needs of the child or spouse seeking support and the ability of the obligor to provide support. In determining the reasonable needs of the child or spouse seeking support and the ability of the obligor to provide support, the guidelines shall place primary emphasis on the net incomes and earning capacities of the parties, with allowable deviations for unusual needs, extraordinary expenses and other factors, such as the parties' assets, as warrant special attention.

On the question,

Will the House agree to the amendment?

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

Mr. McVERRY. Thank you, Mr. Speaker.

In 1984 the United States Congress enacted the child support enforcement amendments of 1984 which specifically mandated upon the States to enact certain enforcement procedures with regard to spousal and child support orders of court. In addition, the United States Congress obliged the States to enact guidelines or objective standards by which support may be determined in spousal and child support cases and have those implemented by 1987. The Federal Government indicated that those guidelines could be done by the legislature, by an administrative agency, or by the court.

In the current printer's number of HB 98, the authority to develop those guidelines has been granted to the Supreme Court of Pennsylvania, and it is merely an authorization that they develop such guidelines. In view of the fact that the Federal legislation mandates that guidelines be adopted before 1987, I believe that the language of the bill is deficient currently in that it authorizes the Supreme Court, and therefore, we should have a mandatory provision.

However, I believe it is a fatal flaw to grant that authority to the Supreme Court of Pennsylvania. I think that it should be done either by the legislature or the courts of common pleas of the various counties throughout the State. I submit to you, because of the variation and differentiation of populations and income earning capacities throughout 67 counties of

the State, that in fact a workable, uniform single system as determined by the Supreme Court would not be functional, and I submit to you that voluntarily to this point already, over half of the 67 counties in Pennsylvania have in fact developed guidelines and are using them in the various courts of common pleas.

I believe that the courts of common pleas of our counties are uniquely situated to make the determination as to what appropriate guidelines for the residents of their particular county would be insofar as they have in fact been making the support determinations throughout the history of the Commonwealth and are uniquely positioned to be able to continue to do so. I submit to you that by virtue of the fact that over half of the counties have already developed guidelines, the process is well along in development and should be encouraged to be continued. Therefore, the initial portion of this amendment addresses itself to a mandate to the courts of common pleas to develop guidelines for child and spousal support.

The second portion of the amendment recognizes what I believe to be accurate, and that is that the lifestyle of families and of our children is generally determined by the income of the parties, and therefore, the needs of the children and spouse are particularly influenced by what the economically independent spouse's earning capacity and actual net income is. In the manner in which the statute is currently fashioned, the primary emphasis in developing guidelines is to be placed on the needs of the child or the spouse, the earning potential and assets of the parties, and the net income of the parties. My revision of that section - section 4322 - of HB 98 would recognize that the basis of the guidelines should be the reasonable needs of the child or spouse and the ability of the obligor or the payer to fulfill those needs by economic payments. However, I have reworded it that the primary emphasis of the guidelines should be on the net incomes and earning capacities of the parties involved, because it is those net incomes and earning capacities that determine the station in life in which those people live and therefore what is reasonable support under a given circumstance.

I would appreciate your favorable consideration of giving the responsibility for developing guidelines to the courts of common pleas, who have already been actively engaged in development of same, and to recognize that in the counties in which guidelines have in fact been developed, the overwhelming majority of them have based the primary emphasis on the incomes and the earning capacities of the parties because that is where the actual dollars have to come from to fulfill the needs of the children and the spouse. That is not to place the needs of the children and spouse in any secondary position but to recognize that one's ability to pay is primarily determinative of how much should be paid.

We had a discussion the other day about what constitutes an agreed-to amendment. I will state that this amendment is agreed to by the prime sponsor of the bill, who has done the yeoman's effort in development of the legislation and following the Federal guidelines. To the extent that I can make that

representation, it is in fact an agreed-to amendment, and I would appreciate your support.

The SPEAKER. On the McVerry amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Levin.

Mr. LEVIN. I am sorry Mr. McVerry used the words "agreed-to amendment." We normally talk about an agreed-to amendment as something where all the people who are involved in it have agreed to it, and that is not true. It is true that Representative Hagarty, after agreeing to this language, has changed her position, and therefore, he is correct in saying that it is agreed to by her, but it is certainly not an agreed-to amendment.

Let me just give you a little background, and it is going to be difficult to understand it; it is a lawyer's argument, but you will have to understand what we have done. The Federal Government has mandated that in order for us to continue to collect IV D money to your counties, that we do certain things. One of those things is that we come up with and deal with the problem of objective standards of support by the year 1987. When we met to decide what we would do, we found it an impossible job. We did not know how to approach the problem in our committee. We knew we did not have to deal with the problem today, and as a result, we basically avoided dealing with the problem in the legislative process and in this bill. We did so by saying that the Supreme Court is authorized to develop guidelines. We did not mandate that they do so; we did not require them to do so. We basically know that we are authorizing them to do something that they have the power to do anyway under the Constitution. We all know, those of us who have dealt with the bill, that by the year 1987 something will have to be done in this area but it does not have to be done today.

Now, if we are going to get into a fight on this floor as to whether or not each county should adopt guidelines, shall adopt guidelines, and that is what the McVerry amendment says: "The courts of common pleas shall develop guidelines...." He does not say they may; he does not say they are authorized to. He is telling you that you are going to vote today in an area of law that the lawyers could not agree to, that the domestic relations committees could not agree to; that you are going to be required to say to each county that they must do it now. The bill in its present form says that the Supreme Court may do it; it does not require that a county shall not do it, and some counties have done it. There is no prohibition on their doing it. We have avoided dealing with the problem today on the floor in the bill if the bill stays intact.

If you adopt the McVerry amendment, you are saying that every court in your county must adopt guidelines now. The opinion of the committee was that that should not be dealt with today. It should not be dealt with when this bill has to be passed by October of 1985. I am suggesting to you that we not deal with the problem today; that we reject the McVerry amendment; that we let the court deal with the problem because it is a problem that we are poorly equipped to deal with. It is technical; it is difficult to deal with; the arguments

are hard to make on this floor. Leave the bill alone. Let the Supreme Court deal with this particular problem. Do not mandate that your counties have to do something that you do not understand. Reject this amendment.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair has given permission for Doug Gross of WTAE-TV to film on the floor of the House.

CONSIDERATION OF HB 98 CONTINUED

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I rise to support the McVerry amendment. I think the previous speaker, the gentleman from Philadelphia, has led the House to believe that this is a complex issue when in fact I do not believe that it is at all. The simple issue is this: When it comes to promulgating guidelines as to what amount of support is reasonable in certain types of cases that come before the courts of common pleas in your counties, do you want the Supreme Court to promulgate statewide guidelines or do you want your own county court to promulgate guidelines that are more appropriate for your county and maybe not appropriate for another county? I want my county to promulgate my county's guidelines, and that is the clear message that we are sending to the courts if we adopt the McVerry amendment.

For that reason and that reason alone, we should adopt the McVerry amendment. Thank you, Mr. Speaker.

The SPEAKER. On the McVerry amendment, the Chair recognizes the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I also rise to support the McVerry amendment. Let me state first that I think this is a very important amendment and maybe one of the most important amendments that could go into the bill today. I was glad that Representative McVerry broke it down into two separate parts though it is one amendment.

Number one, I agree with Representative Piccola that the support issues will be completely different in Montgomery County as compared to a Beaver, an Elk, or a Washington County, and that all of those who are concerned, this issue is not unlike what we talked about in local government, and that is, letting our local governments make the decision as to what is best for their locale. It is not unlike that argument when we talk about the courts developing local rules or local guidelines for support, so I think on that issue alone everyone should agree.

There is additional language in the second part of the amendment that is also very important. I think the establishment of somewhat objective guidelines will prevent the mishmash that takes place, the misunderstanding, the changes that take place from one hearing to the next in support matters. Right now you can have two support matters with circumstances almost identical, Mr. Speaker, in the same day

and get two completely different results. I think Representative McVerry, in saying, number one, that guidelines must be issued, changes that.

Number two, by putting language in, and especially the language about the earning capacities of the parties, is also very important. Anyone who deals with this issue—and I have represented parties on both sides of this issue—knows when a support order comes down, that sometimes it is a disincentive to the obligor. The obligor will either find ways of hiding income, though that becomes less probable under the statute that we hope to put in place; the obligor though will also start deciding that he is not going to work, he or she is not going to work the number of hours that they might have been working the year prior when the support order was granted. I think this language will allow families—and we are talking about children here, Mr. Speaker; we are not talking about spouse to spouse—it will allow families to live the type of lifestyle that they were accustomed to while in the married state, will remove the disincentive that I think still exists in the current law, and therefore, this language is very important for a lot of reasons, Mr. Speaker.

I would ask the House to pay attention to the amendment and support the amendment. Thank you, Mr. Speaker.

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

Mr. LEVIN. Mr. Speaker, I want to make the point very simply in answer to the arguments. The language change that Mr. McVerry is proposing is basically a good one in the details. The problem is he is mandating; he is requiring; he is using the words "shall adopt." He is not giving your courts in your counties an opportunity to make a decision whether they want to or not; he is telling them they must.

Now, the conclusion of the majority of the members of the committee was to avoid making that decision today. It is not a question of whether it is a good decision for your county; your county may do it without this bill, Mr. Speaker. They can do it right now, and other counties have done it, and there is no prohibition against their adopting it. The problem is, you are going to require it to be done. You are making a policy decision without having had the information, and you are making a decision that does not have to be made until 1987.

Please reject this amendment.

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

Mr. McVERRY. Yes, Mr. Speaker, I am suggesting that the courts of common pleas draft guidelines for implementation of support orders in their counties, and I am doing it because the United States Government has mandated that we do something about it. We should not put it off to another day. Half of the counties in Pennsylvania have demonstrated their willingness and ability and forthright thinking to go ahead and develop guidelines and implement them.

In an abortive attempt to develop guidelines, the Pennsylvania Supreme Court issued an opinion on July 13, 1984, called *Melzer v. Witsberger*. There is a formula for support

guidelines in that case of the Pennsylvania Supreme Court which is so complex and so difficult to try to comply with that there is not one court of common pleas in this Commonwealth complying with that particular formula. That was the Supreme Court's own attempt to develop guidelines, and it has failed miserably. However, I would like to point out to you that in that opinion Chief Justice Nix dissented; in other words, he did not agree with the Supreme Court setting forth a formula for the development of guidelines, and in fact I will quote some of his dissenting opinion to you.

The majority's hastily concocted guidelines are thus being promulgated without the benefit of adequate guidance from those with expertise in this highly complex and controversial area. Nor can this Court realistically lay claim to the expertise which would assure—

The SPEAKER. Just a moment, Mr. McVerry. You may now proceed.

Mr. McVERRY. Referring back to the opinion, I think Justice Nix makes some accurate reflections with regard to the ability of his court to do that which Mr. Levin would have him be authorized to do but not answer the question until 1987. He goes on:

Nor can this Court realistically lay claim to the expertise which would assure the reliability of its equation. Moreover, a determination as to the wisdom and necessity of adopting such mandatory guidelines would normally rest with the legislature. Even if the Court could properly make that judgment, it should do so through the rulemaking process and only after thorough study and input from bench and bar.

I submit to you that the courts of common pleas that have been issuing support orders since the beginning of the history of this Commonwealth are more uniquely positioned to develop guidelines and have in fact undertaken that responsibility and done it in a very fine fashion. As a matter of fact, the court of common pleas of Allegheny County, which was the first court to promulgate guidelines, has been recognized by the Federal Department of Health and Human Services as a forerunner in guidelines, and the majority of counties that have developed guidelines have followed that lead.

I submit to you that not only should we authorize the Supreme Court, because the Supreme Court has demonstrated its inability to develop guidelines in a fashion that the people of the Commonwealth are going to comply with, and the Chief Justice has said that it is not within their realm of expertise so to do, and it really is not within our realm of expertise, I believe, either because of the sheer numbers that are involved, but I submit to you that the family divisions of the courts of common pleas that deal with these issues on a daily basis are uniquely positioned to do that.

Moreover, this amendment is exceedingly important, because it recognizes the primary emphasis of guidelines to be on the ability of the responsible parties to pay. That is what determines what is fair and reasonable needs for child and spousal support, and I would urge your adoption of the amendment.

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

The following roll call was recorded:

YEAS—153

Afflerbach	Deal	Lescovitz	Saurman
Angstadt	Dietz	Livengood	Scheetz
Argali	Dininni	McClatchy	Schuler
Arty	Distler	McHale	Semmel
Baldwin	Dorr	McVerry	Serafini
Barber	Durham	Mackowski	Showers
Barley	Evans	Manderino	Sirianni
Belardi	Fargo	Manmiller	Smith, B.
Birmelin	Fischer	Markosek	Smith, L. E.
Black	Flick	Mayernik	Snyder, D. W.
Blaum	Foster, Jr., A.	Merry	Snyder, G. M.
Book	Fox	Micozzie	Staback
Bortner	Freeman	Miller	Stairs
Bowser	Freind	Moehlmann	Steighner
Boyes	Gallen	Morris	Stevens
Brandt	Gannon	Mowery	Stuban
Broujos	Geist	Murphy	Sweet
Burd	George	Nahill	Swift
Burns	Gladeck	Noye	Taylor, E. Z.
Bush	Godshall	O'Brien	Taylor, F. E.
Caltagirone	Greenwood	O'Donnell	Taylor, J.
Cappabianca	Gruppo	Perzel	Tigue
Carlson	Hagarty	Phillips	Van Horne
Cawley	Harper	Piccola	Veon
Cessar	Hasay	Pievsky	Vroon
Chadwick	Hayes	Pitts	Wambach
Cimini	Herman	Pott	Wass
Civera	Hershey	Pratt	Weston
Clymer	Honaman	Pressmann	Wiggins
Colafella	Itkin	Punt	Wilson
Cole	Jackson	Raymond	Wogan
Cordisco	Jarolin	Reber	Wright, D. R.
Cornell	Johnson	Reinard	Wright, J. L.
Coslett	Kasunic	Richardson	Wright, R. C.
Cowell	Kennedy	Robbins	Yandrisevits
Coy	Kenney	Rudy	
DeVerter	Kukovich	Ryan	Irvis,
DeWeese	Langtry	Rybak	Speaker
Daley	Lashinger	Saloom	

NAYS—48

Acosta	Duffy	Laughlin	Oliver
Battisto	Fattah	Letterman	Petrarca
Belfanti	Fee	Levdansky	Petrone
Bowley	Fryer	Levin	Preston
Bunt	Gallagher	Linton	Rieger
Carn	Gamble	Lloyd	Roebuck
Clark	Gruitza	Lucyk	Seventy
Cohen	Haluska	McCall	Stewart
Deluca	Howlett	Maiale	Telek
Dawida	Hutchinson	Michlovic	Trello
Dombrowski	Josephs	Mrkonic	Truman
Donatucci	Kosinski	Olasz	Wozniak

NOT VOTING—1

Pistella

EXCUSED—1

Davies

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

On the question,

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

Mr. McVERRY offered the following amendments No. A2136:

Amend Sec. 1 (Sec. 4324), page 11, line 18, by striking out "SUM AS fair share" and inserting percentage

Amend Sec. 1 (Sec. 4348), page 16, line 26, by striking out "THE ATTACHMENT OF THE" and inserting an attachment in an amount in excess of the

Amend Sec. 1 (Sec. 4348), page 16, line 28, by inserting after "HEARING" to determine whether the attachment was excessive

On the question,

Will the House agree to the amendments?

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

Mr. McVERRY. Mr. Speaker, I would never come to this microphone and purposely mislead the ladies and gentlemen of this chamber, and so when I said the last amendment was an agreed-to amendment, I qualified that because that term is used so often here that it was agreed to by the prime sponsor of the bill. I did not say it was agreed to by Mr. Levin or by the majority of the members of the Judiciary Committee; I said it was agreed to by Mrs. Hagarty.

This is another amendment which is agreed to by the prime sponsor of the bill, and it is primarily technical in nature insofar as it is language clarification as compared to policy determination as was the last amendment.

As part of a support order, a court has the authority and power, under this bill and under current law, to require an obligor to pay a certain amount toward the medical needs and health needs of the dependent children or spouse. The current language in the section that provides for payment of medical expenses in 4324 on page 11 says that an obligor pay a designated sum as fair share of a child's or spouse's reasonable and necessary health care expenses. It has been brought to my attention by members of the judiciary that a designated sum cannot be determined until after the expenses have been incurred and that a much more fair way to approach the issue of medical expenses would be a percentage of the medical expenses divided between the parties who were responsible for the support of the child or the spouse, as it were.

Accordingly, the first portion of this amendment takes out the words "sum as fair share" and says, "designated percentage of a child's or spouse's reasonable and necessary health care expenses." In that fashion a court can determine what is a fair and reasonable percentage in advance of the expense being incurred as compared to trying to fashion a designated sum without knowing what the expenses might be.

There is a second portion of the amendment that deals with page 16 that has to do with an order resulting in an attachment of wages when one has been 30 days or more in arrears. The nature of the amendment is simply that if someone's wages are attached and that person's income falls below a certain level and the attachment results in more than a maximum attachment that is permissible under another section of the statute, that that person should be entitled to have a hearing determination on that attachment order within

10 days. The language of the amendment is simply to assure that the hearing that takes place within 10 days has to do only with the amount of the attachment and not a modification of the total order.

I do not believe there is any objection to that portion of the amendment from anyone of which I am now aware, and I would urge your favorable support.

The SPEAKER. On the McVerry amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Levin.

Mr. LEVIN. I would support the McVerry amendment, Mr. Speaker, and ask that we vote for it.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

Afflerbach	Dininni	Laughlin	Rieger
Angstadt	Distler	Lescovitz	Robbins
Argall	Dombrowski	Letterman	Roebuck
Arty	Donatucci	Levdansky	Rudy
Barber	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	Showers
Bortner	Foster, Jr., A.	Mackowski	Sirianni
Bowley	Fox	Majale	Smith, B.
Bowser	Freeman	Manderino	Smith, L. E.
Boyes	Freind	Manmiller	Snyder, D. W.
Brandt	Fryer	Markosek	Snyder, G. M.
Broujos	Gallagher	Mayernik	Staback
Bunt	Gallen	Merry	Stairs
Burd	Gamble	Michlovic	Steighner
Burns	Gannon	Micozzie	Stevens
Bush	Geist	Miller	Stewart
Caltagirone	George	Moehlmann	Stuban
Cappabianca	Gladeck	Morris	Swift
Carlson	Godshall	Mowery	Taylor, E. Z.
Carn	Greenwood	Mrkonic	Taylor, F. E.
Cawley	Gruitza	Murphy	Taylor, J.
Cessar	Gruppo	Nahill	Telek
Chadwick	Hagarty	Noye	Tigue
Cimini	Haluska	O'Brien	Trello
Civera	Harper	O'Donnell	Truman
Clark	Hasay	Oliver	Van Horne
Clymer	Hayes	Perzel	Veon
Cohen	Herman	Petrarca	Vroon
Colafella	Hershey	Petrone	Wambach
Cole	Honaman	Phillips	Wass
Cordisco	Hutchinson	Piccola	Weston
Cornell	Itkin	Pievsky	Wiggins
Coslett	Jackson	Pistella	Wilson
Cowell	Jarolin	Pitts	Wogan
Coy	Johnson	Pratt	Wozniak
Deluca	Josephs	Pressmann	Wright, D. R.
DeVerter	Kasunic	Preston	Wright, J. L.
DeWeese	Kennedy	Punt	Wright, R. C.
Daley	Kenny	Raymond	Yandrisevits
Dawida	Kukovich	Reber	
Deal	Langtry	Reinard	Iris,
Dietz	Lashingier	Richardson	Speaker

NAYS—2

Baldwin Seventy

NOT VOTING—6

Acosta Kosinski Pott Sweet
Howlett Olasz

EXCUSED—1

Davies

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

On the question recurring,

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

Mrs. HAGARTY offered the following amendments No. A1920:

Amend Table of Contents, page 2, by inserting between lines 16 and 17

§ 4324. Maximum percentages on amount of support prohibited.

Amend Table of Contents, page 2, line 17, by striking out "4324" and inserting
4325

Amend Table of Contents, page 2, line 19, by striking out "4325" and inserting
4326

Amend Sec. 1 (Subchapter Analysis), page 10, by inserting between lines 4 and 5

§ 4324. Maximum percentages on amount of support prohibited.

Amend Sec. 1 (Subchapter Analysis), page 10, line 5, by striking out "4324" and inserting
4325

Amend Sec. 1 (Subchapter Analysis), page 10, line 7, by striking out "4325" and inserting
4326

Amend Sec. 1, page 11, by inserting between lines 15 and 16
§ 4324. Maximum percentages on amount of support prohibited.

In determining the amount of an order of support, no maximum percentage of income and resources shall apply.

Amend Sec. 1 (Sec. 4324), page 11, line 16, by striking out "4324" and inserting
4325

Amend Sec. 1 (Sec. 4325), page 11, line 30, by striking out "4325" and inserting
4326

On the question,

Will the House agree to the amendments?

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

Mrs. HAGARTY. Thank you, Mr. Speaker.

This amendment would reinsert section 4324 into the bill. The section entitled "Maximum percentages on amount of support prohibited" would preclude judges from applying the one-third rule as it applies to spousal support and the 50-percent rule as it applies to a combined child and spousal support order.

It is important to understand that presently case law provides that a court may award no more than one-third of a spouse's income toward spousal support, and present practice

has resulted in a 50-percent cap on combined spousal and child support orders. These arbitrary limits impose restrictions which may be unreasonable in light of the payer's income.

Additionally, the adoption of support guidelines, as mandated by this new law, will provide judges guidance in determining proper support awards which are to be based on the net income of the parties and the needs of the children.

The opponents of this amendment have argued that to remove the present limits will set the stage for notoriously high support awards. I suggest that this will not be the case. The sad truth is that most courts award notoriously low orders for children and spouses. The reason we must enact support guidelines is to achieve reasonable support awards, to make sure that people are not forced to turn to welfare and to make sure that children do not live in poverty.

As an Allegheny County court of common pleas judge wrote, the one-third rule is an anachronistic remnant of 1817 when James Monroe was succeeding James Madison as President; there were 19 States in the Union and steak cost 39 cents a pound.

I urge the adoption of this amendment.

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

Mr. LEVIN. I want the members to be aware that they will be making a significant change in case law. When this bill was drafted, it was drafted with two sections in mind. I am using sections not in the technical sense, but you will have to understand that because it is going to occur in the future amendments also. The bill was a codification of existing law, and it was additions required by the Federal mandates of support. Now, this is not a question of the Federal mandates; this is a question of changing existing case law.

Mrs. Hagarty has decided that she believes there are some counties which are applying case law in a way that she thinks is inappropriate. We decided, as a majority of the committee, to leave the case law stand, to not interfere with it. Her intention is to say by this amendment that it would be proper for a court to enter an order which requires a spouse to pay his entire paycheck without limitation to the other spouse.

There has been historic case law that said that there are certain limitations. The argument was always made that the horse will not pull if you do not feed him; you must leave him some money for himself. The Federal Government recognized that in this bill, which Mrs. Hagarty helped draft, Representative Hagarty helped draft and is the prime sponsor of, that an attachment order may not exceed 50 percent, if it is just for spouses, or 60 percent if it is for spouse and children. So the bill itself in another provision uses the same concept that the court has developed over a historic period of time that there is some limitation on the amount that you can take.

Representative Hagarty argues that there should be no limitation and asks for a change in the law. I suggest to you that without study you are stepping in a very narrow area of the law; you are signaling that this body wishes to go on record that a court may take the entire paycheck. I ask you to be very careful about that.

My vote is "no." I think that in good judgment this should be left to the court.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I think the House should be aware that both Mrs. Hagarty and Mr. Levin, I believe, are correct on this issue. However, I would urge that the amendment be adopted for this reason. The current limitation imposes a limitation on those what I would consider wealthy obligors, people who are obligated to pay support but who do not show on paper any significant income, and as a result, because of the limitations, the support orders are relatively low and can go no higher as a result of those percentage restrictions. Mrs. Hagarty would eliminate those restrictions so that a court can make an appropriate order in accordance with the needs of the person deserving the support as well as the circumstances of the obligor, not strictly based upon his paper income.

So I would urge that Mrs. Hagarty's amendment be adopted as a more reasonable approach based upon the realities of the circumstances. Thank you, Mr. Speaker.

The SPEAKER. On the Hagarty amendment, the Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, when this provision says that no maximum percentage of income and resources shall apply, it is simply stating in my understanding that there shall not be some arbitrary maximum percentage established. Nothing could be more arbitrary or unfair to a fair and reasonable reconciliation of a support question than having it opened to every consideration and every factor involved in the determination.

I strongly ask support for this amendment, because the practice of making maximum percentages of income is unfair to all parties involved.

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

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, the Hagarty amendment will in effect put back into the bill language that as a result of myself was removed from the bill during the Judiciary Committee deliberations. I think the members should be very much aware, unless you are a practicing attorney in the domestic relations area, one of the very first questions that is asked you by a client when they have a support matter, in most instances the gentleman who comes into your office is going to say when he is served with a support complaint, what is the maximum I am going to have to pay? Now, in most instances counsel can be reasonably assured to tell that individual that if it is for spousal support, chances are it will not be—and I say chances are it will not be—in excess of one-third, and if it is for spousal and child support together, chances are it will not be in excess of 50 percent.

Now I say to all Representatives in this chamber, Representative DeWeese, Representative Fryer, from now on if you have a constituent who comes into your office and asks you as a result of the Hagarty amendment how much might I have to

pay, in all honesty you will have to tell them that you could pay as much as 100 percent of your net take-home pay. I think it is very important for the members of this body to recognize that you are also giving the opportunity to attorneys representing the petitioning spouse to make the argument that up to and including 100 percent of an individual's pay could in fact be taken as a result of that support action. Obviously, if no maximums are allowed to be applied and considered, a maximum of 100 percent could be considered and argued by counsel. Now, I am sure that no counsel that I am aware of in this chamber would make such a ridiculous argument. Unfortunately, I do know of some individuals throughout the Commonwealth who might attempt to do that.

I think that it is very important, very, very important that we look to one other additional aspect. This bill was originally intended to enact Federal guideline concerns regarding attachment. It was originally an attempt to be a codification, not a changing of case law and statutory law. It has done that as well. Representative Levin has expressed those concerns, and I cannot emphasize enough that you are also doing that.

I think this is a very, very good piece of legislation as it presently is drafted without the Hagarty amendment, and I would ask your support to maintain that status quo. Thank you, Mr. Speaker.

The SPEAKER. On the Hagarty amendment, the Chair recognizes the lady, Mrs. Hagarty.

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, I believe we have just heard a story and a scare tactic that is totally impossible under the bill. Let us remember that we just adopted an amendment that is going to mandate every common pleas court in this Commonwealth to adopt guidelines. There is going to be no guideline, I assure you, that allows 100 percent of a person's income or anywhere near that to be used for support of a wife and children. That is not going to be possible. When that client comes into that lawyer's office, as Mr. Reber is concerned about, and wants to know what amount of money is the most that can be taken from him—and he calls it "taken"; I suggest that that is not a correct term in terms of awards for a family—but when he wants to know what is the maximum amount that can be taken, now for the first time in many counties that lawyer will have a chart. He will be able to show to that client a chart and say that this is the guideline amount; this is what we expect, and the judge would probably not deviate much from it, as has been the experience.

On the other side, if we do not prohibit maximums, what will continue to happen in this Commonwealth are notoriously low support awards. I give you one example to think of and to reflect upon as to whether it is fair. Let us say a couple had eight children. The husband and wife divorce. The wife is not working. She is taking care of eight children. Would you suggest that we should continue a practice in this Commonwealth that the man living by himself with no dependents and no second wife gets half of that while he asks his wife and eight children to live on the other half?

If we do not adopt this amendment, that is what we are relegating women and children in this Commonwealth to. So in those instances, which I suggest to you will be very rare, but where they exist that a spouse has a high earning ability, he has a high income, I think it is only fair that the judge should decide based on guidelines what his family needs and not looking first to make sure that he still gets half for what may be very singular needs of his.

I urge adoption of this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. Levin, for the second time.

Mr. LEVIN. Mr. Speaker, this has nothing to do with the guidelines. This has to do with whether or not you are going to vote to change existing law.

This is a poor amendment. This body should not adopt it. Please vote "no."

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

The following roll call was recorded:

YEAS—83

Afflerbach	Dombrowski	Lashing	Saurman
Argall	Fargo	Lescovitz	Serafini
Barley	Fattah	Linton	Sirianni
Belardi	Fee	McClatchy	Smith, L. E.
Black	Fischer	McHale	Snyder, G. M.
Bortner	Foster, Jr., A.	McVerry	Stairs
Bowser	Fox	Mackowski	Stevens
Brandt	Freeman	Manmiller	Sweet
Broujos	Freind	Merry	Taylor, E. Z.
Burns	Gallen	Miller	Taylor, J.
Cappabianca	Geist	Mowery	Telek
Carlson	Greenwood	Murphy	Tigue
Cawley	Hagarty	Nahill	Veon
Cessar	Hayes	Perzel	Wambach
Chadwick	Herman	Piccola	Wass
Cimini	Hershey	Pratt	Weston
Civera	Honaman	Pressmann	Wilson
Cornell	Johnson	Robbins	Yandrisevits
Cowell	Kennedy	Rudy	
DeVerter	Kukovich	Rybak	Irvis,
Dietz	Langtry	Saloom	Speaker
Dininni			

NAYS—117

Acosta	Dorr	Levin	Reber
Angstadt	Duffy	Livengood	Reinard
Arty	Durham	Lloyd	Richardson
Baldwin	Evans	Lucyk	Rieger
Barber	Flick	McCall	Roebuck
Battisto	Fryer	Maiale	Ryan
Belfanti	Gallagher	Manderino	Scheetz
Birmelin	Gamble	Markosek	Schuler
Blaum	Gannon	Mayermik	Semmel
Book	George	Michlovic	Seventy
Bowley	Gladeck	Micozzie	Showers
Boyes	Godshall	Moehlmann	Smith, B.
Bunt	Gruitza	Morris	Snyder, D. W.
Burd	Gruppo	Mrkonic	Staback
Bush	Haluska	Noye	Steighner
Caltagirone	Harper	O'Brien	Stewart
Carn	Hasay	O'Donnell	Stuban
Clark	Howlett	Olasz	Swift
Cohen	Hutchinson	Oliver	Taylor, F. E.
Colafella	Itkin	Petrarca	Trello
Cordisco	Jackson	Petrone	Truman
Coslett	Jarolin	Phillips	Van Horne
Coy	Josephs	Pievsky	Vroon
Deluca	Kasunic	Pistella	Wiggins

DeWeese	Kenney	Pitts	Wogan
Daley	Kosinski	Pott	Wozniak
Dawida	Laughlin	Preston	Wright, D. R.
Deal	Letterman	Punt	Wright, J. L.
Distler	Levdansky	Raymond	Wright, R. C.
Donatucci			

NOT VOTING—2

Clymer Cole

EXCUSED—1

Davies

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

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

Mr. PRATT offered the following amendment No. A2332:

Amend Sec. 1 (Sec. 4302), page 7, line 28, by inserting after "TAXES"
and any other deductions mandated by the employer as a condition of employment

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

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

Mr. PRATT. Thank you, Mr. Speaker.

This amendment changes the definition of "net income." I believe it has been agreed to by the prime sponsor of HB 98, Mrs. Hagarty, and I ask for an affirmative vote, Mr. Speaker.

The SPEAKER. On the Pratt amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Levin.

Mr. LEVIN. Mr. Speaker, I will stand and say I support it.

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

The following roll call was recorded:

YEAS—201

Acosta	Dininni	Lescovitz	Robbins
Afflerbach	Distler	Letterman	Roebuck
Angstadt	Dombrowski	Levdansky	Rudy
Argall	Donatucci	Levin	Ryan
Arty	Dorr	Linton	Rybak
Baldwin	Duffy	Livengood	Saloom
Barber	Durham	Lloyd	Saurman
Barley	Evans	Lucyk	Scheetz
Battisto	Fargo	McCall	Schuler
Belardi	Fattah	McClatchy	Semmel
Belfanti	Fee	McHale	Serafini
Birmelin	Fischer	McVerry	Seventy
Black	Flick	Mackowski	Showers
Blaum	Foster, Jr., A.	Maiale	Sirianni
Book	Fox	Manderino	Smith, B.
Bortner	Freeman	Manmiller	Smith, L. E.
Bowley	Freind	Markosek	Snyder, D. W.
Bowser	Fryer	Mayermik	Snyder, G. M.
Boyes	Gallagher	Merry	Staback
Brandt	Gallen	Michlovic	Stairs
Broujos	Gamble	Micozzie	Steighner
Bunt	Gannon	Miller	Stevens
Burd	Geist	Moehlmann	Stewart
Burns	George	Morris	Stuban
Bush	Gladeck	Mowery	Sweet
Caltagirone	Godshall	Mrkonic	Swift
Cappabianca	Greenwood	Murphy	Taylor, E. Z.

Carlson	Gruitza	Nahill	Taylor, F. E.
Carn	Gruppo	Noye	Taylor, J.
Cawley	Hagarty	O'Brien	Telek
Cessar	Haluska	O'Donnell	Tigue
Chadwick	Harper	Olasz	Trello
Cimini	Hasay	Oliver	Truman
Civera	Hayes	Perzel	Van Horne
Clark	Herman	Petrarca	Veon
Clymer	Hershey	Petrone	Vroon
Cohen	Honaman	Phillips	Wambach
Colafella	Hutchinson	Piccola	Wass
Cole	Itkin	Pievsky	Weston
Cordisco	Jackson	Pistella	Wiggins
Cornell	Jarolin	Pitts	Wilson
Coslett	Johnson	Pott	Wogan
Cowell	Josephs	Pratt	Wozniak
Coy	Kasunic	Pressmann	Wright, D. R.
Deluca	Kennedy	Preston	Wright, J. L.
DeVerter	Kenney	Punt	Wright, R. C.
DeWeese	Kosinski	Raymond	Yandrisevits
Daley	Kukovich	Reber	
Dawida	Langtry	Reinard	Irvis,
Deal	Lashingner	Richardson	Speaker
Dietz	Laughlin	Rieger	

NAYS—0

NOT VOTING—1

Howlett

EXCUSED—1

Davies

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

On the question recurring,

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

Mr. LEVIN offered the following amendments No. A2525:

Amend Sec. 1 (Sec. 4348), page 16, line 11, by striking out "(1)"

Amend Sec. 1 (Sec. 4348), page 16, line 13, by striking out "(1)" and inserting

(1)

Amend Sec. 1 (Sec. 4348), page 16, line 15, by striking out "(II)" and inserting

(2)

Amend Sec. 1 (Sec. 4348), page 16, line 17, by striking out "(III)" and inserting

(3)

Amend Sec. 1 (Sec. 4348), page 16, line 20, by striking out "(IV)" and inserting

(4)

Amend Sec. 1 (Sec. 4348), page 16, line 23, by striking out "(V)" and inserting

5

Amend Sec. 1 (Sec. 4348), page 16, lines 26 through 30, by striking out all of said lines

Amend Sec. 1 (Sec. 4348), page 17, line 1, by striking out "THE OBLIGOR SHALL BE GIVEN ADVANCE" and inserting

(1) The obligor shall be given advance

Amend Sec. 1 (Sec. 4348), page 17, line 8, by inserting after "FACT."

Mistakes of fact shall be limited to errors in the amount of current support owed, errors in the amount of arrearage, an attachment in excess of the maximum amount set forth in subsection (f) or mistaken identity of the obligor.

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Levin.

Mr. LEVIN. A few moments ago I rose and supported a McVerry amendment which did two things, the second of which was clarify language in an attachment proceeding which was defective in the bill. My amendment in effect moves that language to a different section. It in effect continues the McVerry attempt to clarify it, but it moves it into a different section of the bill and does exactly the same thing so that the appeal process will be held before the actual attachment occurs.

I believe the amendment should be adopted.

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

The following roll call was recorded:

YEAS—201

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

Dininni

Laughlin

Rieger

NAYS—0

NOT VOTING—1

Acosta

EXCUSED—1

Davies

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

On the question recurring,

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

Mr. FREEMAN offered the following amendments No. A2273:

Amend Sec. 1 (Sec. 4348), page 16, by inserting between lines 9 and 10

(c) Assessment of penalty.—Where an obligor is subject to attachment under this section, the court may impose a penalty of up to 10% to be added to the amount which is 30 days or more in arrears. Any such penalty shall be imposed on the amount in arrears at the time of the attachment.

Amend Sec. 1 (Sec. 4348), page 16, line 10, by striking out “(C)” and inserting

(d)

Amend Sec. 1 (Sec. 4348), page 16, line 27, by striking out “(F)” and inserting

(g)

Amend Sec. 1 (Sec. 4348), page 17, line 1, by striking out “(D)” and inserting

(e)

Amend Sec. 1 (Sec. 4348), page 17, line 18, by striking out “(E)” and inserting

(f)

Amend Sec. 1 (Sec. 4348), page 17, line 23, by striking out “(F)” and inserting

(g)

Amend Sec. 1 (Sec. 4348), page 18, line 14, by striking out “(G)” and inserting

(h)

Amend Sec. 1 (Sec. 4348), page 18, line 21, by striking out “(H)” and inserting

(i)

Amend Sec. 1 (Sec. 4348), page 18, line 24, by striking out “(F), (J), (K) AND (M)” and inserting

(g), (k), (l) and (n)

Amend Sec. 1 (Sec. 4348), page 19, line 5, by striking out “(I)” and inserting

(j)

Amend Sec. 1 (Sec. 4348), page 19, line 13, by striking out “(J)” and inserting

(k)

Amend Sec. 1 (Sec. 4348), page 19, line 25, by striking out “(K)” and inserting

(l)

Amend Sec. 1 (Sec. 4348), page 20, line 8, by striking out “(L)” and inserting

(m)

Amend Sec. 1 (Sec. 4348), page 20, line 11, by striking out “(M)” and inserting

(n)

Amend Sec. 1 (Sec. 4348), page 20, line 19, by striking out “(N)” and inserting

(o)

Amend Sec. 1 (Sec. 4348), page 20, line 22, by striking out “(O)” and inserting

(p)

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment does is it gives the court some discretion. It would enable the court to impose a penalty of up to 10 percent to be added to the amount which is 30 days or more in arrears. Any such penalty would be imposed on the amount in arrears at the time of the attachment that would be imposed under HB 98.

I should point out this is a “may” provision; this is not a mandatory provision, but I think it is important to have within the bill for the discretion of the court. In many cases child support is a major source of income for the household. It is a major source for food, for shelter, for clothing, and to be deprived of that for a period of 30 days or more can present an undue burden on the family. There are many circumstances where the money is needed and needed on time. I think it is incumbent upon us and incumbent upon this legislation to have some sort of “may” provision whereby an interest penalty can be assessed so that the person dependent upon that money can recoup any losses that may occur as a result of not having the child support payments made on time.

I urge a “yes” vote.

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

Mrs. HAGARTY. Mr. Speaker, I support this amendment. I think it is a good amendment and it is a good idea to allow courts to charge interest on people who do not keep up with their support payments. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Pratt, on the Freeman amendment.

Mr. PRATT. Mr. Speaker, I would like to interrogate the maker of the amendment, please.

The SPEAKER. Mr. Freeman indicates he will stand for interrogation. You may proceed, Mr. Pratt.

Mr. PRATT. Thank you, Mr. Speaker.

A point of information, Mr. Speaker. Pursuant to your amendment if adopted, who would get the penalty? Would the court get it or the spouse entitled to the support?

Mr. FREEMAN. The penalty would be added to the amount due to the person receiving the child support payments.

Mr. PRATT. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Levin, on the Freeman amendment.

Mr. LEVIN. The issue of whether or not interest should be added to delinquent support was discussed in detail at public hearings. The domestic relations officers from around the State were invited to those hearings, and many of them testified. They asked that interest not be added. They opposed this amendment. They did so on a number of bases, one of which

was, how do they make the calculations? They were upset at being put in a position of penalizing people.

The court has ample power to handle delinquencies by contempt orders. The issue of whether costs, counsel fees, and interest should be added has always been argued and has been decided in the negative historically in Pennsylvania.

I remind you again that the existing bill intended to codify existing law except for the Federal mandate. This is a distinct change, and contrary to the assertion of the sponsor of the amendment, the amendment does not say that the 10 percent shall go to the obligor; it simply says that interest shall be added. The reason it is being offered by an amendment and not as part of the bill is it basically violates the agreement that we were codifying the law. It makes a distinct change that is basically opposed by the practitioners in the area of domestic relations. It should be voted down.

The SPEAKER. On the Freeman amendment for the second time, the Chair recognizes the gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, first, to clarify a statement by the gentleman, Mr. Levin, in terms of where the money is to go, it is very clear in the amendment that the 10 percent is to be added to the amount which is 30 days or more in arrears. Obviously, if you are adding to the amount that is in arrears, which goes to those who are to receive the child support payment, it goes to those who receive the child support payment.

Secondly, Mr. Levin made reference to the fact that the domestic relations individuals are opposed to the idea of an interest penalty. That reference was in relation to a bill which I had introduced which would have made it mandatory to impose an interest penalty. What this amendment does is make it at the discretion of the court. It is not mandatory. I think the domestic relations individuals who opposed the idea even of a mandatory interest penalty had a very weak argument. They said it might be difficult to calculate the interest due. That is very weak.

I think what we have to establish here is that there is a certain justice, a justice that is recognized in both the private sector and in terms of our own public finances, that if an individual owes another individual money and that money does not come, that individual should be able to collect some sort of interest where it is deemed appropriate given the circumstances.

Let me close by saying this is a "may" provision; this would not mandate interest penalties, but I think it is important to have this within the body of this bill in order that in those circumstances where an individual is being deprived of resources that are very essential to the livelihood of a household, that those resources are able to be compensated with some sort of penalty. I would urge a "yes" vote.

The SPEAKER. On the Freeman amendment, the Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, for the most part my good friend, Mr. Levin's arguments are very cogent, but in this case I have to agree

with Mr. Freeman. The fact is, I can cite numerous cases where people have been in arrears. The poor people seeking the support have had to borrow money and pay interest on that money time and again. There are some people who have been in arrears over and over again, and even though contempt charges are brought, by the time they are heard, people have to borrow more money, and eventually the people end up paying interest.

There ought to be interest imposed on anything in arrears over 30 days. I urge adoption of this amendment. Thank you.

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

The following roll call was recorded:

YEAS—133

Afflerbach	Distler	Langtry	Preston
Argall	Dombrowski	Lashinger	Reinard
Arty	Dorr	Laughlin	Rudy
Barley	Duffy	Lescovitz	Rybak
Battisto	Durham	Letterman	Saloom
Belardi	Fattah	Levdansky	Scheetz
Belfanti	Fee	Linton	Semmel
Blaum	Fischer	Livengood	Serafini
Bortner	Flick	Lucyk	Seventy
Bowley	Foster, Jr., A.	McCall	Smith, B.
Brandt	Fox	McClatchy	Snyder, D. W.
Broujos	Freeman	McHale	Snyder, G. M.
Burns	Freind	McVerry	Staback
Bush	Gallagher	Mackowski	Stairs
Caltagirone	Gamble	Manderino	Steighner
Cappabianca	George	Manmiller	Stevens
Carn	Godshall	Markosek	Stewart
Cawley	Greenwood	Mayernik	Taylor, F. E.
Cessar	Gruitza	Michlovic	Telek
Chadwick	Gruppo	Mowery	Tigue
Cimini	Hagarty	Mrkoncic	Trello
Civera	Harper	Murphy	Truman
Clark	Hayes	Nahill	Van Horne
Clymer	Herman	Noye	Veon
Cohen	Hershey	O'Donnell	Wambach
Colafella	Honaman	Olasz	Wass
Cole	Hutchinson	Petrarca	Wilson
Cordisco	Itkin	Petrone	Wozniak
Coslett	Jarolin	Piccola	Wright, D. R.
Cowell	Johnson	Pievsky	Yandrisevits
Deluca	Kasunic	Pistella	
DeWeese	Kennedy	Pott	Irvis,
Daley	Kenney	Pratt	Speaker
Dininni	Kukovich	Pressmann	

NAYS—67

Acosta	Donatucci	Merry	Ryan
Angstadt	Evans	Micozzie	Saurman
Baldwin	Fargo	Miller	Schuler
Barber	Fryer	Moehlmann	Showers
Birmelin	Gallen	Morris	Sirianni
Black	Gannon	O'Brien	Smith, L. E.
Book	Geist	Oliver	Stuban
Bowser	Gladeck	Perzel	Swift
Boyes	Haluska	Phillips	Taylor, E. Z.
Bunt	Hasay	Pitts	Taylor, J.
Burd	Howlett	Punt	Vroon
Cornell	Jackson	Raymond	Weston
Coy	Josephs	Reber	Wiggins
DeVerter	Kosinski	Richardson	Wogan
Dawida	Levin	Rieger	Wright, J. L.
Deal	Lloyd	Robbins	Wright, R. C.
Dietz	Maiale	Roebuck	

NOT VOTING—2

Carlson Sweet

EXCUSED—1

Davies

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

On the question recurring,

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

Mr. FREEMAN offered the following amendments No. A2178:

Amend Sec. 1 (Sec. 4351), page 21, line 8, by inserting before "When"

(a) General rule.—

Amend Sec. 1 (Sec. 4351), page 21, by inserting between lines 10 and 11

(b) Lack of good cause for failure to pay on time.—If the court determines that the person subject to a child support order did not have good cause for failing to make child support payments on time, it may further assess costs and reasonable attorney fees incurred by the party seeking to enforce the order.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the Freeman amendment, the Chair recognizes the gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment does is provide a clause within the bill that if the court determines that the person subject to a child support order did not have good cause for failing to make child support payments on time, the court may assess the costs and reasonable attorney fees incurred by the party seeking to enforce the order.

This is a very essential amendment, a very important amendment. Oftentimes the individual seeking to make sure that the child support payment is to be enforced does not have the resources to begin with in order to make that enforcement. As I mentioned earlier on the other amendment, oftentimes the child support payments are a major source of household income. If they are deprived of those payments, they have very little in the way of resources in which to try to have those sources of income come to the household. Therefore, I think it is very important to have this. We are very specific in that we would only allow this in terms of a lack of good cause for failure to pay.

I urge the members to support this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—175

Afflerbach	Duffy	Letterman	Robbins
Angstadt	Evans	Levdansky	Rudy
Argall	Fargo	Linton	Ryan
Arty	Fattah	Livengood	Rybak
Barber	Fee	Lloyd	Saloom
Battisto	Fischer	Lucyk	Scheetz
Belardi	Flick	McCall	Schuler
Birmelin	Foster, Jr., A.	McClatchy	Semmel

Black	Fox	McHale	Serafini
Blaum	Freeman	Mackowski	Seventy
Bowley	Freind	Maiiale	Sirianni
Bowser	Fryer	Manmiller	Smith, B.
Boyes	Gallagher	Markosek	Smith, L. E.
Brandt	Gallen	Mayernik	Snyder, D. W.
Broujos	Gamble	Merry	Snyder, G. M.
Burns	Gannon	Michlovic	Staback
Bush	Geist	Micozzie	Stairs
Caltagirone	George	Miller	Steighner
Cappabianca	Godshall	Moehlmann	Stevens
Carlson	Greenwood	Morris	Stewart
Carn	Gruppo	Mowery	Sweet
Cawley	Hagarty	Mrkonic	Swift
Cessar	Haluska	Murphy	Taylor, E. Z.
Chadwick	Harper	Nahill	Taylor, F. E.
Cimini	Hasay	Noye	Taylor, J.
Civera	Hayes	O'Brien	Telek
Clark	Herman	Olasz	Tigue
Clymer	Hershey	Oliver	Trello
Cohen	Honaman	Perzel	Truman
Colafella	Howlett	Petrarca	Veon
Cole	Hutchinson	Petrone	Wambach
Cornell	Itkin	Phillips	Wass
Coslett	Jackson	Piccola	Weston
Cowell	Jarolin	Pievsky	Wiggins
Coy	Johnson	Pistella	Wilson
Deluca	Josephs	Pitts	Wogan
DeVerter	Kasunic	Pratt	Wozniak
DeWeese	Kennedy	Pressmann	Wright, D. R.
Daley	Kenney	Preston	Wright, J. L.
Dietz	Kukovich	Punt	Wright, R. C.
Dininni	Langtry	Raymond	Yandrisevits
Distler	Lashingner	Reinard	
Dombrowski	Laughlin	Richardson	Irvis,
Donatucci	Lescovitz	Rieger	Speaker
Dorr			

NAYS—22

Acosta	Cordisco	Levin	Saurman
Baldwin	Dawida	Manderino	Showers
Book	Deal	O'Donnell	Stuban
Bortner	Gladeck	Reber	Van Horne
Bunt	Gruitza	Roebuck	Vroon
Burd	Kosinski		

NOT VOTING—5

Barley	Durham	McVerry	Pott
Belfanti			

EXCUSED—1

Davies

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

On the question recurring,

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

Mr. ITKIN offered the following amendments No. A2208:

Amend Table of Contents, page 4, by inserting between lines 18 and 19

PART VI. CHILDREN AND MINORS

Chapter 53. Custody

Subchapter A. General Provisions

- § 5301. Declaration of policy.
- § 5302. Definitions.
- § 5303. Award of sole custody.
- § 5304. Award of shared custody.
- § 5305. Counseling.
- § 5306. Plan for implementation of custody order.

- § 5307. Denial of custody under agreement or plan.
 § 5308. Removal of party or child from jurisdiction.
 § 5309. Access to records and information.
 § 5310. Modification of existing custody orders.
 § 5311. When parent deceased.
 § 5312. When parents' marriage is dissolved or parents are separated.
 § 5313. When child has resided with grandparents.
 § 5314. Exception for adopted children.

Subchapter B. (Reserved)
 Amend Sec. 1, page 42, by inserting between lines 11 and 12

PART VI
 CHILDREN AND MINORS

Chapter

53. Custody

CHAPTER 53
 CUSTODY

Subchapter

- A. General Provisions
 B. (Reserved)

SUBCHAPTER A
 GENERAL PROVISIONS

Sec.

5301. Declaration of policy.
 5302. Definitions.
 5303. Award of sole custody.
 5304. Award of shared custody.
 5305. Counseling.
 5306. Plan for implementation of custody order.
 5307. Denial of custody under agreement or plan.
 5308. Removal of party or child from jurisdiction.
 5309. Access to records and information.
 5310. Modification of existing custody orders.
 5311. When parent deceased.
 5312. When parents' marriage is dissolved or parents are separated.
 5313. When child has resided with grandparents.
 5314. Exception for adopted children.
 § 5301. Declaration of policy.

The General Assembly declares that it is the public policy of this Commonwealth, when in the best interest of the child, to assure a reasonable and continuing contact of the child with both parents after a separation or dissolution of the marriage and the sharing of the rights and responsibilities of child rearing by both parents and continuing contact of the child or children with grandparents when a parent is deceased, divorced or separated.

§ 5302. Definitions.

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

"Child." Any unemancipated person under 18 years of age.

"Legal custody." The legal right to make major decisions affecting the best interest of a minor child, including, but not limited to, medical, religious and educational decisions.

"Partial custody." The right to take possession of a child away from the custodial parent for a certain period of time.

"Physical custody." The actual physical possession and control of a child.

"Shared custody." An order awarding shared legal or shared physical custody, or both, of a child in such a way as to assure the child of frequent and continuing contact with and physical access to both parents.

"Visitation." The right to visit a child. The term does not include the right to remove a child from the custodial parent's control.

§ 5303. Award of sole custody.

In making an order for custody to either parent individually, the court shall consider, among other factors, which parent is

more likely to encourage, permit and allow frequent and continuing contact and physical access between the noncustodial parent and the child. The court shall award sole custody when it is in the best interest of the child.

§ 5304. Award of shared custody.

An order for shared custody may be awarded by the court when it is in the best interest of the child:

- (1) upon application of one or both parents;
- (2) when the parties have agreed to an award of shared custody; or
- (3) in the discretion of the court.

§ 5305. Counseling.

(a) General rule.—The court may require the parents to attend counseling sessions and may consider the recommendations of the counselors prior to awarding sole or shared custody. These counseling sessions may include, but shall not be limited to, discussions of the responsibilities and decisionmaking arrangements involved in both sole and shared custody and the suitability of each arrangement to the capabilities of each parent or both parents.

(b) Temporary custody.—The court may temporarily award custody to either parent or both parents pending resolution of any counseling.

(c) Report.—The court may require the counselor to submit a report if the court desires and within such reasonable time as the court determines.

§ 5306. Plan for implementation of custody order.

The court, in its discretion, may require the parents to submit to the court a plan for the implementation of any custody order made under this subchapter. Upon the request of either parent or the court, the domestic relations section of the court or other party or agency approved by the court shall assist in the formulation and implementation of the plan.

§ 5307. Denial of custody under agreement or plan.

When the court declines to enter an order awarding custody either as agreed to by the parents or under the plan developed by the parents, the court shall state its reasons for denial on the record.

§ 5308. Removal of party or child from jurisdiction.

If either party intends to or does remove himself or the child from this Commonwealth after a custody order has been made, the court, on its own motion or upon motion of either party, may review the existing custody order.

§ 5309. Access to records and information.

(a) General rule.—Except as provided in subsections (b) and (c), each parent shall be provided access to all the medical, dental, religious or school records of the child, the residence address of the child and of the other parent and any other information that the court deems necessary.

(b) Court determination not to release information.—The court, in its discretion, may determine not to release any part or parts of the information in this section but in doing so must state its reason for denial on the record.

(c) Nondisclosure of confidential information.—The court shall not order that the address of a shelter for battered spouses and their dependent children or otherwise confidential information of a domestic violence counselor be disclosed to the defendant or his counsel or any party to the proceedings.

§ 5310. Modification of existing custody orders.

Any order for the custody of the child of a marriage entered by a court in this Commonwealth or any state may, subject to the jurisdictional requirements set forth in 42 Pa.C.S. §§ 5342 (relating to purposes and construction of subchapter) and 5344 (relating to jurisdiction), be modified at any time to an order of shared custody in accordance with this subchapter.

§ 5311. When parent deceased.

If a parent of an unmarried child is deceased, the parents or grandparents of the deceased parent may be granted reasonable

partial custody or visitation rights, or both, to the unmarried child by the court upon a finding that partial custody or visitation rights, or both, would be in the best interest of the child and would not interfere with the parent-child relationship. The court shall consider the amount of personal contact between the parents or grandparents of the deceased parent and the child prior to the application.

§ 5312. When parents' marriage is dissolved or parents are separated.

In all proceedings for dissolution, subsequent to the commencement of the proceeding and continuing thereafter or when parents have been separated for six months or more, the court may, upon application of the parent or grandparent of a party, grant reasonable partial custody or visitation rights, or both, to the unmarried child if it finds that visitation rights or partial custody, or both, would be in the best interest of the child and would not interfere with the parent-child relationship. The court shall consider the amount of personal contact between the parents or grandparents of the party and the child prior to the application.

§ 5313. When child has resided with grandparents.

If an unmarried child has resided with his grandparents or great-grandparents for a period of 12 months or more, and is subsequently removed from the home by his parents, the grandparents or great-grandparents may petition the court for an order granting them reasonable partial custody or visitation rights, or both, to the child. The court shall grant the petition if it finds that visitation rights would be in the best interest of the child and would not interfere with the parent-child relationship.

§ 5314. Exception for adopted children.

Sections 5311 (relating to when parent deceased), 5312 (relating to when parents' marriage is dissolved or parents are separated) and 5313 (relating to when child has resided with grandparents) shall not apply if the child has been adopted by a person other than a stepparent or grandparent. Any visitation rights granted pursuant to this section prior to the adoption of the child shall be automatically terminated upon such adoption.

Amend Sec. 3, page 46, by inserting between lines 24 and 25
Act of November 5, 1981 (P.L.322, No.115),
known as the Custody and Grandparents Visitation Act.

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

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

Mr. ITKIN. Mr. Speaker, this amendment places a revised and clarified version of a freestanding act known as the Custody and Grandparents Visitation Act. This movement is in line with the current codification effort. The amendment retains the language of the act dealing with custody of a child or children by parents in substantially the same form. The section deals with legal custody, physical custody, or shared custody rights that may be awarded by the courts to parents after a separation or dissolution of a marriage.

The amendment does make some clarifying changes with regard to visitation rights which may be awarded to grandparents when a parent is deceased or when the parents are separated or divorced. Presently the act authorizes the courts to grant reasonable visitation rights to grandparents in such cases. However, the act is deficient in that it fails to define "visitation." This has caused some confusion. In a 1983 case, the Superior Court discussed the lack of direction in the act by

stating, quote, "The act specifies 'visitation' but does not define the term. We therefore assume that the legislature intended only the right to go see the child wherever he might be, which does not include the right to take possession of the child."

In other words, Mr. Speaker, a grandparent is limited by the definition of "visitation" which appears in the Rules of Civil Procedure, which means a child may not be taken by a grandparent for a day's outing - perhaps to a movie, an amusement park, or even out for a meal. If a grandparent is granted visitation rights under the law, he may only visit the grandchild in the presence of the custodial parent. I think many of us would agree that such limited visitation rights preclude the maintenance of meaningful and healthful relationships between grandparents and grandchildren. This amendment, therefore, takes definitions from the Rules of Civil Procedure for the term "visitation," which does not include the right to remove a child from his custodial parent's control, as well as for the term "partial custody," which provides for the right to take the child away from the custodial parent for a certain period of time. Also, later sections of the act would be amended to authorize the courts to continue to grant limited visitation rights to grandparents but also to grant more liberal partial custody rights, which includes the right to take a grandchild for a day's outing or for a specified period of time, but only if the court believes visitation or partial custody by a grandparent is in the best interest of the child and would not interfere with the parent-child relationship.

Please keep in mind that this amended version of the act, as the original act, does not direct the granting of grandparents' visitation or partial custody rights. The courts are simply authorized to grant such rights according to the facts and circumstances in each particular case. The only purpose of this amendment is to define and clarify what types of visitation rights may be granted to grandparents if such rights would be beneficial.

This amendment is supported not only by the grandparents but also by the family law section of the Pennsylvania Bar Association. We also understand that the prime sponsor of the legislation agrees to the amendment.

And I have a very important announcement. Mr. Wright, the author of the original grandparents visitation rights law, supports this amendment.

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

The following roll call was recorded:

YEAS—201

Afflerbach	Distler	Lescovitz	Robbins
Angstadt	Dombrowski	Letterman	Roebuck
Argall	Donatucci	Levdansky	Rudy
Arty	Dorr	Levin	Ryan
Baldwin	Duffy	Linton	Rybak
Barber	Durham	Livengood	Saloom
Barley	Evans	Lloyd	Saurman
Battisto	Fargo	Lucyk	Scheetz
Belardi	Fattah	McCall	Schuler
Belfanti	Fee	McClatchy	Semmel
Birmelin	Fischer	McHale	Serafini
Black	Flick	McVerry	Seventy

Blum	Foster, Jr., A.	Mackowski	Showers
Book	Fox	Maiale	Sirianni
Bortner	Freeman	Manderino	Smith, B.
Bowley	Freind	Manmiller	Smith, L. E.
Bowser	Fryer	Markosek	Snyder, D. W.
Boyes	Gallagher	Mayernik	Snyder, G. M.
Brandt	Gallen	Merry	Staback
Broujos	Gamble	Michlovic	Stairs
Bunt	Gannon	Micozzie	Steighner
Burd	Geist	Miller	Stevens
Burns	George	Moehlmann	Stewart
Bush	Gladeck	Morris	Stuban
Caltagirone	Godshall	Mowery	Sweet
Cappabianca	Greenwood	Mrkoncic	Swift
Carlson	Gruitza	Murphy	Taylor, E. Z.
Carn	Gruppo	Nahill	Taylor, F. E.
Cawley	Hagarty	Noye	Taylor, J.
Cessar	Haluska	O'Brien	Telek
Chadwick	Harper	O'Donnell	Tigue
Cimini	Hasay	Olasz	Trello
Civera	Hayes	Oliver	Truman
Clark	Herman	Petzel	Van Horne
Clymer	Hershey	Petrarca	Veon
Cohen	Honaman	Petrone	Vroon
Colafella	Howlett	Phillips	Wambach
Cole	Hutchinson	Piccola	Wass
Cordisco	Itkin	Pievsky	Weston
Cornell	Jackson	Pistella	Wiggins
Coslett	Jarolin	Pitts	Wilson
Cowell	Johnson	Pott	Wogan
Coy	Josephs	Pratt	Wozniak
Deluca	Kasunic	Pressmann	Wright, D. R.
DeVerter	Kennedy	Preston	Wright, J. L.
DeWeese	Kenney	Punt	Wright, R. C.
Daley	Kosinski	Raymond	Yandrisevits
Dawida	Kukovich	Reber	
Deal	Langtry	Reinard	Irvis,
Dietz	Lashingier	Richardson	Speaker
Dininni	Laughlin	Rieger	

NAYS—0

NOT VOTING—1

Acosta

EXCUSED—1

Davies

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

On the question recurring,

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

Mr. BROUJOS offered the following amendments No. A2627:

Amend Table of Contents, page 4, by inserting between lines 18 and 19

PART VI. CHILDREN AND MINORS

Chapter 53. Custody

Subchapter A. (Reserved)

Subchapter B. (Reserved)

Subchapter C. Enforcement of Visitation

§ 5381. Visitation.

§ 5382. Hearing.

§ 5383. Enforcement.

Amend Sec. 1, page 42, by inserting between lines 11 and 12

PART VI

CHILDREN AND MINORS

Chapter

53. Custody

CHAPTER 53
CUSTODY

Subchapter

A. (Reserved)

B. (Reserved)

C. Enforcement of Visitation

SUBCHAPTER A

(Reserved)

SUBCHAPTER B

(Reserved)

SUBCHAPTER C

ENFORCEMENT OF VISITATION

Sec.

5381. Visitation.

5382. Hearing.

5383. Enforcement.

§ 5381. Visitation.

(a) Notice.—Where a noncustodial parent alleges he or she has been denied visitation pursuant to a valid court order, the domestic relations office shall give to the custodial parent, within five days after receipt of the notice of denied visitation, a notice which shall include the following statement:

Failure to respond in seven days to the domestic relations office shall be considered an admission that visitation was in violation of a court order.

(b) Mediation.—If the custodial parent makes a timely reply contesting the alleged wrongful denial of visitation, mediation shall be arranged by the domestic relations office with the objective of establishing a makeup visitation. Visitation procedures shall be as provided by general rule.

(c) Violation of order.—Where mediation fails and the domestic relations officer has found a visitation order has been violated, either of the following recommendations shall be made to the master:

(1) A makeup visitation order which shall include the same type and duration of visitation as the visitation which was denied and shall provide that the makeup visit time shall be chosen by the noncustodial parent.

(2) Commencement of a civil contempt proceeding to resolve the visitation dispute.

§ 5382. Hearing.

(a) Notice.—The parties shall be provided notice of the hearing before the master as provided by general rule.

(b) Makeup visitation.—Where the domestic relations officer recommends makeup visitation, the master shall determine whether the visitation order was violated and, if so, may order makeup visitation. This decision shall be treated as a final order.

(c) Contempt.—Where the domestic relations officer recommends the commencement of civil contempt proceedings, the master may file with the court a petition for an order to show cause why the custodial parent should not be held in contempt.

§ 5383. Enforcement.

(a) Order upon finding of contempt.—If the court finds that the custodial parent willfully denied a visitation order, the court shall find the custodial parent in contempt and may order one or more of the following:

(1) After notice to both parties and a hearing, modify the visitation order to meet the best interest of the child.

(2) Require that makeup visitation be provided for the noncustodial parent to take the place of wrongful denied visitation.

(3) Commit the custodial parent to jail as prescribed by general rule.

(b) Release from jail.—A custodial parent committed under subsection (a)(3) shall be released if the court has reasonable cause to believe that the parent will comply with the visitation order.

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

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

Mr. BROUJOS. Mr. Speaker, many support problems that have arisen as a result of a domestic dispute also have a visitation problem. That problem is simply this: The husband is not paying support to the wife and so the wife stops visitation rights, or the wife is not giving visitation rights to the father and so the father stops support. For years the courts have said these are two separate matters; they are not to be decided in one tribunal. This particular amendment will, in those situations, cut the costs of legal fees in half, and if for any other reason that should generate support among many of you. The reason that it will reduce legal fees in time and problems is that by having visitation decided in this support proceeding, you will have at one time the two parties together, their counsel together, and have the matter resolved, because the parties themselves, as a matter of fact, over the years have made them interdependent, no matter what the courts and the attorneys say to the contrary.

Now, at the time these questions are decided there is a lot of retaliatory action that is taken, and the likelihood of curing visitation problems is enhanced by bringing the father in and saying, hey, let the mother see the kids or, to the mother, let the father see the kids, in that same tribunal. It causes a face-to-face confrontation that saves a lot of problems.

One other thing that is important in this particular problem is that whenever you have enforcement of support you may have that support enforced in a tribunal where you may have an adjacent courtroom used for visitation. However, here at a time when you are now saying we are going to abide by a Federal uniform support case and you are going to do everything possible to soup up the support case and enforcement, you should at the same time render the same rights to the spouse who wants his visitation protected. It is a simple process, and I ask for support.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I rise to oppose this amendment. First of all, as the gentleman, Mr. Broujos, indicated, support and visitation under the law are two separate issues, and I believe it is more appropriate that they be kept separate. But more importantly, Mr. Speaker, many of our county domestic relations offices do not currently handle the issues of visitation and custody; they handle merely the issue of support and the enforcement of support orders. Many of the counties are particularly overloaded with just that function, and they find it very difficult and very time consuming to just manage the issue of support and enforcement of support orders.

By adopting the Broujos amendment we are adding to our counties two additional burdens, and that is the enforcement of visitation and custody orders, which can be very sticky and very difficult questions when not handled by people who are experts in the field. Our domestic relations offices for the

most part in this State I do not think are equipped to handle this additional responsibility at this time, and I think we would be doing an injustice to them by giving them that burden. We would also be doing an injustice to the parties who would be seeking relief there, and we would also be doing an injustice to those who are attempting to have their support orders enforced through the domestic relations office, because the limited amount of resources now devoted to support would now have to be diluted to deal with three different issues - support, custody, and visitation.

For those reasons, Mr. Speaker, although in an ideal world this might be a good situation, I do not think it would be practical now, and I would urge that the House not adopt this amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from York, Mr. Snyder.

Mr. G. M. SNYDER. Thank you, Mr. Speaker.

Would the maker of the amendment stand for brief interrogation?

The SPEAKER. Mr. Broujos indicates he will stand for interrogation. You are in order, and you may proceed, sir.

Mr. G. M. SNYDER. Mr. Speaker, in your first remarks made regarding this amendment, you indicated some connection between support and visitation. Would you mind very briefly reiterating that? I am not sure I understand that.

Mr. BROUJOS. Reiterate what, sir? I am sorry.

Mr. G. M. SNYDER. Mr. Speaker, in your opening remarks regarding this amendment, you indicated that you are making a connection between child support and visitation. I have read the amendment and I am not sure I understand what that connection is.

Mr. BROUJOS. The connection is that the mother and father of the children are the same and they are coming in for two subjects - support and visitation - and they are very closely related because they involve the same child.

Mr. G. M. SNYDER. Mr. Speaker, in your amendment the only thing I read that connects support and visitation is that it somehow provides for the domestic relations sections of the various courts of common pleas to deal with visitation. Is there another connection that I am missing here?

Mr. BROUJOS. No, but it permits the same agency, the domestic relations officer, upon a request from a father who has had a support order enforced against him under this act, 98, to say, I want visitation decided at the same time, and the domestic relations officer would then be given that opportunity, because a domestic relations officer at one time did not have anything to do with support and everybody said they really were not qualified, but they are doing it now; they are qualified, so they could also be qualified to handle a simple matter of visitation where it is a violation of a court order. It is not saying what it should be; it is simply saying, did you violate the court order? Then you comply; let us have a visitation which is a makeup.

Mr. G. M. SNYDER. Mr. Speaker, would you point that out to me in your amendment, please?

Mr. BROUJOS. Well, I am just going to ask you to read it. What I have said is in the amendment.

Mr. G. M. SNYDER. What part of the amendment?

Mr. BROUJOS. The whole amendment. The four corners of the amendment.

Mr. G. M. SNYDER. By this amendment, if it were to become law then, do you mean to say that if there is a dispute over whether a visitation order is being complied with or a support order is being complied with, the custodial parent could withhold visitation pending resolution of either one of those issues?

Mr. BROUJOS. No, sir, not under this act. They may do it in violation of the court order.

Mr. G. M. SNYDER. So your amendment would have no effect on that whatsoever?

Mr. BROUJOS. Well, it is not going to prevent anybody from doing anything, but it is going to provide a simple remedy at the same time - one hearing for two purposes, which are related - and save the cost of two different trips to the court and two separate attorney fees and two administrative costs by one simple hearing saying, hey, let the wife see those kids, will you? Or let the husband see the kids. Most of these cases are going to be cleared up by this enforcement, and it is going to save money, because you will not go to a separate tribunal.

Mr. G. M. SNYDER. One final question - this hypothetical situation: You have a custodial mother receiving support from the father of the child. The custodial mother claims that the support is in arrears and therefore refuses further visitation with the child by the father. Would that be a permissible legal course of conduct if your amendment were to become law?

Mr. BROUJOS. Well, what you are saying is that the wife, mother, may say, I am not going to give visitation. That is not going to occur because of this bill; it is going to occur by her own decision. So what you are doing, I think, is misleading the House when you speak in terms of saying that the wife, because support is not paid and because of this, is going to say, well, you are not going to get visitation. That is the problem we are curing by one simple hearing.

Mr. G. M. SNYDER. Thank you, Mr. Speaker.

May I make a brief statement?

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

Mr. G. M. SNYDER. You know, I hope that my interrogation was meant in the manner that it was intended, and that is I am concerned that we are going to be giving disputing parents, in cases where there is both a support order and a visitation order, a legal basis for denying either one or the other, which is not now allowed by law. I think Mr. Broujos tried to answer that. Unfortunately, I am not sure I understood what his answer was. If that is the case, this is not a good amendment; if that is not the case, then perhaps that is a different story. Thank you very much.

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

Mr. McVERRY. Thank you, Mr. Speaker.

Would the maker of the amendment stand for brief interrogation?

The SPEAKER. The gentleman, Mr. Broujos, indicates he will stand for interrogation. You may proceed, Mr. McVerry.

Mr. McVERRY. Mr. Speaker, is the term "visitation" defined in your amendment?

Mr. BROUJOS. It is not defined in the amendment, but it would be defined under the Itkin amendment.

Mr. McVERRY. What would your understanding be, then, of "visitation" if your amendment were adopted?

Mr. BROUJOS. "Visitation" is a meeting with the child, under the definition in Mr. Itkin's amendment, and if you have it there, you can read it. I do not have it. I am sorry. I would read it if I had it.

Mr. McVERRY. Is it your intent by the offering of the amendment that it be applied only to situations where a non-custodial parent visits with the child in the custodial parent's home?

Mr. BROUJOS. Yes. I believe what you are doing is reading the definition, are you not?

Mr. McVERRY. Yes.

Mr. BROUJOS. Well, thank you for reading it. That is right; that is what I would apply it to, because I would have to because that is the definition of "visitation." And it is a very limited situation which you are bringing out.

Mr. McVERRY. Was that the intent of the maker of the amendment at the time it was offered?

Mr. BROUJOS. Well, my intent is to seek a simple, one-stop-shopping resolution of the problem of a husband and wife where they have support problems or visitation problems. If there are major custodial problems, the judge should really hear that. So I am satisfied with this amendment the way it is with the limitations it has on visitation only and not on custody, because a domestic relations officer is not qualified to determine a major custody question.

Mr. McVERRY. I have been reading the amendment, as Representative Snyder has. The amendment deals with the issues of visitation, hearing, contempt, and enforcement, and I cannot find anything in the amendment that deals with combining issues of visitation violation with issues of nonpayment of support.

Mr. BROUJOS. That would be an administrative matter, and I do not think we should require arbitrarily a court to decide a visitation question along with a support question in every situation, because they may not be reached; there may be a problem of service. I think the support is important enough to proceed, but where that domestic relations officer has the husband come in and say, hey, all right, you hit me for support; I am hitting her for visitation, he will say, fine; let us sit down and resolve it. That is a good, simple solution, one of the simple, quick solutions we have had in this House for a long time.

Mr. McVERRY. Mr. Speaker, I do not question the simplicity of the solution or the fact that it is one that may be well warranted; I simply ask for your direction as to where in this

amendment that simplistic procedure of combining support and visitation is set forth.

Mr. BROUJOS. There would be an administrative execution of these orders where the same power is given to the same domestic relations officer to act, because it is within this act on support. I think that it does not require any tie-in, because, as I said earlier, if it is tied in, it may be too restrictive. I think this is a very flexible amendment.

Mr. McVERRY. Would it be the maker of the amendment's intention or desire that the provisions of the amendment be expanded to include those orders of partial custody where historically visitation and partial custody have been used interchangeably and, now that they are defined, they are specifically different types of rights? Would it be the intention of the maker of the amendment that partial custody orders be included?

Mr. BROUJOS. No. I mentioned that earlier, that partial custody is of such complicity that it should not be decided by a domestic relations officer but by a judge.

Mr. McVERRY. Thank you, Mr. Speaker.

May I comment on the amendment?

The SPEAKER. The gentleman may proceed to comment on the amendment.

Mr. McVERRY. Although I do not have serious reservations about the intention of the amendment—and with its intention I agree; I think there should be a provision for determining visitation violations without having to petition the court and wait a lengthy period of time. I also do not disagree with combining that issue with support. However, I have to say that there is no provision in the amendment to so combine those two provisions, and so we really have no assurance by the adoption of this amendment that that will be done administratively or not. I submit to you that the courts have the administrative authority to combine those issues right now, and frankly, they do not so that the issues do not get confused. They are not one dependent upon the other but each dependent upon different facts and circumstances and should not, therefore, be confused.

I concur with the remarks of Representative Piccola that the domestic relations offices of the courts of common pleas would incur a tremendous new burden as far as employees and court costs and the like if this amendment were to be signed into law.

However, I believe that the fatal flaw of this amendment was visited upon it by the adoption of the Itkin amendment a few moments ago, and what I mean by that is that historically until 1983, and possibly somewhat since, we have used the words "visitation" and "partial custody" interchangeably. As a result of a Superior Court case in that year, which has now been codified by the Itkin amendment, the terms "visitation" and "partial custody" are defined. "Visitation" is defined as the right to visit a child. The term does not include the right to remove a child from the custodial parent's control. "Partial custody" is likewise defined - the right to take possession of a child away from the custodial parent for a certain period of time.

I submit to you that that is a significant difference for the reason that prior to the adoption of the Itkin amendment, people in common parlance who went to the home of the custodial parent and picked up his or her child and took them to the movie or took them to the zoo or took them to dinner or took them overnight believed that they were engaged in visitation, and in fact they were because the court order said "visitation" more than likely. However, that very conduct today under the Itkin amendment would be partial custody and not visitation. Visitation would only be that time when you went to the home of the child and visited with the child there, not take the child to the movies or to the zoo or to a restaurant. Accordingly, if the Broujos amendment is to have the effect that it should, in my humble opinion, the term "partial custody" should be included, because when you are speaking of percentages of opportunities to be with one's child when that child is not in your custody, I would venture to say that over 95 percent of all such court orders are truly partial custody orders and not visitation orders and that the amendment is too restrictive as to the situations to which it applies.

Accordingly, although I agree with the intention of the maker of the amendment, I believe that the adoption of the Itkin amendment deals a fatal blow to the effectiveness of this amendment, and therefore, I would oppose it.

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

Mr. BUNT. Thank you, Mr. Speaker.

Mr. Speaker, I am the only nonlawyer to speak on any of these amendments today, and perhaps maybe I may be sorry afterwards. But I rise in support of the Broujos amendment, and I do so disagreeing with Representative Piccola and Representative McVerry. I do not feel that the amendment is too restrictive. I do feel that it is flexible.

Presently, any case involving support is taken to the domestic relations office of the court of common pleas. At that point the two parties have a hearing before domestic relations officers and an order is entered. If either of the parties feels aggrieved by that order, they can appeal it to the master, and if that order is aggrieved, they can appeal it to the court of common pleas. I believe this will help sensitize the entire issue by permitting the two separate orders - support and visitation - to be consolidated, probably through an administrative rule. A judge may assign a permanent number to both cases so that when a support order is being violated, it will help simplify coming in and being interviewed. In addition, when a visitation order is being violated, under present policy the aggrieved party must file a petition with the court alleging a violation of the court order, and it really is a contempt petition. This will help expedite the process.

I do feel that this amendment is worthy and it does follow the Federal guidelines. I would ask the members for support of this amendment. Thank you.

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

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, the Broujos amendment was originally in the bill I had drafted last session. I think that the intent of this amendment is good, and that is why I originally drafted it. I think it is important to recognize that visitation between children and the parent they are not living with is very important. It is important for the health and welfare and well-being of that child and certainly of that parent. For those reasons there are two sections in HB 98 which do address visitation, but they address it in a different way. I think it is important not to vote for the Broujos amendment and to defeat it for the reasons that I decided not to include it in the bill this session.

Let me first tell you that what the Broujos amendment would do is it would provide that domestic relations officers would mediate and enforce visitation disputes. If you are not familiar with your domestic relations office, you should be aware that the people who sit in these offices are not counselors, they are not psychologists, they are not lawyers, and they are not judges. They simply sit there usually with some idea, because they do it all day long, of what to suggest for a support award, and then they calculate at a later date, if it is not paid, how much is owed. To suggest that these same people, essentially clerks, are going to have the ability and the sensitivity to decide questions of visitation, which sometimes are not so simple as to whether or not the visitation was denied or not; they are going to have to decide whether the mother, because the child had chickenpox and did not send the child to the father that day, was violating the visitation order. They are the kinds of things that they are going to have to decide. Not only do I think that they are not the right people to decide those but I think that the time it takes up will be inordinate. We will no longer have staffs that can deal with support orders, because they will be inundated with complaints over visitation.

I do think, though, that it is important to address visitation, but I think that the domestic relations offices are not the right place to do it. This HB 98 presently provides that visitation and support can be consolidated but that they can be consolidated before a judge. So it will be a judge who makes up his or her mind as to whether visitation is denied.

Additionally, we have put into statute on page 14 of HB 98 the power for a judge to hold in contempt—that is very important, to hold in contempt—a party who fails to comply with a visitation order. So HB 98 makes an effort to address visitation. It allows the consolidation of proceedings before a judge, and it allows a judge to hold in contempt a party if they deny visitation.

Additionally, we now have a Child Support Commission in Pennsylvania. In the House, Steve Levin and I are members of that commission. One of the subcommittees is on visitation. I certainly believe that we should address Mr. Broujos' concerns with regard to visitation. I think that the Support Commission, the Child Support Commission, which is also considering visitation, should look at our county systems and decide how we can better deal with visitation problems. But simply to insert into a support bill and simply to give a responsibility to domestic relations offices in a sensitive and delicate

matter such as visitation of children with, number one, no money for the counties to function to do that, no training, no staff, and no experience in it, I think would be a mistake. For those reasons I urge defeat of the Broujos amendment.

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Baldwin, on the amendment.

Mr. BALDWIN. Thank you, Mr. Speaker.

Would the maker of the amendment stand for interrogation?

The SPEAKER. Mr. Broujos indicates he will stand for interrogation. You may proceed, Mr. Baldwin.

Mr. BALDWIN. Mr. Speaker, would this amendment, if it were adopted, apply to allow someone who has a complaint about a violation of a visitation order to go before the domestic relations office even if there is no support order in effect?

Mr. BROUJOS. That is right.

Mr. BALDWIN. Is it your intent to have this amendment apply for a situation of partial custody?

Mr. BROUJOS. No.

Mr. BALDWIN. Well, then would it only apply in a situation where we are dealing with an order that visitation is only allowed in the presence of the custodial parent?

Mr. BROUJOS. If that is, and that is, the definition of "visitation," the answer is yes.

Mr. BALDWIN. In the amendment there is reference to a master. Would you explain what the master would be? What is the definition of a master?

Mr. BROUJOS. Well, a master is assigned by a judge in a situation where there is a domestic relations dispute of some kind.

Mr. BALDWIN. What would be the procedure in a county that does not have a master?

Mr. BROUJOS. Well, it may, now going back to the original question, refer back to that master and maybe only in those situations. I submitted this as a procedure to follow primarily for the purpose of handling cases where there is a support and a visitation question both involved, and it would probably be limited to that. So I would change my answer to your prior question, that it would involve that master, and that is what the intent is because it is all in one act.

Mr. BALDWIN. I thank you.

May I make a comment, Mr. Speaker?

With the definition of "visitation" being only the situation where we are talking about the noncustodial parent visiting the child in the presence of the custodial parent and not the normal mean that we generally refer to as visitation, being where the noncustodial parent can take the child away for a weekend, this amendment would have very little effect on this at all. Most support orders do have a problem with visitation, but it is really in the term of "partial custody."

I agree with Representative Hagarty that we have already covered that situation in the bill to allow the court to consider the two of them together, and I would urge defeat of this amendment.

Mr. BROUJOS. Mr. Speaker, I have to respond to Representative Piccola's argument.

The SPEAKER. You have to respond to whom?
 Mr. BROUJOS. I would like to address the bill.
 The SPEAKER. You may speak for the second time on the amendment.

Mr. BROUJOS. Representative Piccola indicated that there would be costs involved in this with respect to domestic relations officers. If the father goes in for visitation, he has to file a petition; he pays the costs; those costs are his costs alone, and that requires a judge to sit on those visitation questions. This amendment reduces the cost of the time for judges, assigns it to domestic relations in a situation where it would probably come up anyway. On the question of cost, the husband gets stuck with the cost in both situations. He is going to have to pay the cost in support and he is going to have to pay the cost where he files a petition to enforce his visitation rights. So there will be significant savings from this particular bill.

I ask for support of this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—59

Battisto	Deluca	Manderino	Rybak
Belardi	Donatucci	Markosek	Seventy
Blaum	Fattah	Mayernik	Staback
Book	Freeman	Michlovic	Steighner
Bowser	Fryer	Mrkonic	Stewart
Broujos	Gamble	O'Donnell	Tigue
Bunt	Gladeck	Olasz	Trello
Burd	Gruitza	Oliver	Truman
Caltagirone	Haluska	Petrone	Van Horne
Cappabianca	Howlett	Pistella	Vroon
Carn	Letterman	Pott	Wambach
Cawley	Lloyd	Preston	Wilson
Cohen	McHale	Punt	Wozniak
Cole	McVerry	Rieger	Wright, D. R.
Cowell	Maiale	Roebuck	

NAYS—138

Acosta	Dininni	Kosinski	Richardson
Afflerbach	Distler	Kukovich	Robbins
Angstadt	Dombrowski	Langtry	Rudy
Argall	Dorr	Lashingner	Ryan
Arty	Durham	Laughlin	Saloom
Baldwin	Evans	Lescovitz	Scheetz
Barber	Fargo	Levdansky	Schuler
Barley	Fee	Linton	Semmel
Belfanti	Fischer	Livengood	Serafini
Birmelin	Flick	Lucyk	Showers
Black	Foster, Jr., A.	McCall	Sirianni
Bortner	Fox	McClatchy	Smith, B.
Bowley	Freind	Mackowski	Smith, L. E.
Boyes	Gallagher	Manmiller	Snyder, D. W.
Brandt	Gallen	Merry	Snyder, G. M.
Burns	Gannon	Micozzie	Stairs
Bush	Geist	Miller	Stevens
Carlson	George	Moehlmann	Stuban
Cessar	Godshall	Morris	Sweet
Chadwick	Greenwood	Mowery	Swift
Cimini	Gruppo	Murphy	Taylor, E. Z.
Civera	Hagarty	Nahill	Taylor, F. E.
Clark	Harper	Noye	Taylor, J.
Clymer	Hasay	O'Brien	Telek
Colafella	Hayes	Perzel	Veon
Cordisco	Herman	Petrarca	Wass
Cornell	Hershey	Phillips	Weston
Coslett	Honaman	Piccola	Wiggins

Coy	Hutchinson	Pievsky	Wogan
DeVerter	Itkin	Pitts	Wright, J. L.
DeWeese	Jackson	Pratt	Wright, R. C.
Daley	Johnson	Pressmann	Yandrisevits
Dawida	Josephs	Raymond	
Deal	Kasunic	Reber	Irvis,
Dietz	Kennedy	Reinard	Speaker

NOT VOTING—5

Duffy	Kenney	Levin	Saurman
Jarolin			

EXCUSED—1

Davies

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—202

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

Coy	Josephs	Pratt	Wozniak
Deluca	Kasunic	Pressmann	Wright, D. R.
DeVerter	Kennedy	Preston	Wright, J. L.
DeWeese	Kenney	Punt	Wright, R. C.
Daley	Kosinski	Raymond	Yandrisevits
Dawida	Kukovich	Reber	
Deal	Langtry	Reinard	Irvis,
Dietz	Lashingner	Richardson	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Davies

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.

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **HB 585, PN 1836**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), known as "The Game Law," reclassifying the raccoon as a furbearing animal; increasing certain license fees; establishing additional licenses for certain hunting and trapping activities; and requiring annual budget reports and audits.

On the question,

Will the House concur in Senate amendments?

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, in the Senate what they did was remove the 30 trap-free hunting days for taking fox and raccoon. That is one of the amendments that we put in in the House. The other thing that they did is remove the Levdansky amendment.

Mr. Speaker, I take this as a very serious amendment on a thing that happened on this bill, and I hope that all of you will listen. What the Senate has done is again taken the teeth out of anything this House of Representatives ever wanted to do, as usual, as usual. We send a good piece of legislation over and they completely destroy it, and what do we do? We come back here and concur on it. I think that it is time that we take a good look at what they really have done.

They have asked for an audit of the Game Commission to be presented to the House Game and Fisheries Committee, and I can tell you gentlemen that was already done three different times. What this does is put an additional cost on the Game Commission so that they would have to ask for another increase sooner probably because they would be assessed whatever the cost of this audit would be from the Legislative Budget and Finance Committee.

I ask you to reject this and let me take it to a conference committee and try to work out something so that you and I have something to say about all the problems that we know our constituents bring to us all the time.

I would like to just take the opportunity to remind you that this would not be the first time that the Game Commission would come under the legislature in their budget. The board was created by an act of the legislature in 1895. At the beginning the commission had very little money with which to operate. The first appropriation made in 1897 consisted of \$800 to pay postage and express charges for 2 years. In 1901 the legislature increased the biennium appropriation to \$3,000. This sum was gradually increased to \$97,400, but it was not until 1913 that the hunter's license law was enacted, which is what conducts the work that the Game Commission does today. It was not until 1917 that the legislators gave up their right to decide and look at their budget, so what I am saying to you is it is not the first time.

What I would like to do is I would like to take this and ask you for a nonconcurrence so that I can take this in front of a conferees committee and ask for the David Levdansky amendment to be reentered with a cap of 2 years. What I am saying is we would only hold this for 2 years. If it did not work, they could destroy it and take it away. I do not think that is asking for very much, and I think it is time that you and I have something to say about how the Game Commission is spending their money.

I would ask for nonconcurrence. Thank you.

The SPEAKER. On the question of shall the House concur, the gentleman, Mr. Letterman, asks that the vote be in the negative.

On the question, the Chair recognizes the gentleman from Montgomery, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

I rise also to ask for a nonconcurrence vote. What we are saying here, what we are saying and what is in this bill and what you are going to be taking back to your constituents is this: You are going to be raising the adult license fee from \$8 to \$12. You are going to be raising the license fee for your senior citizens, the hunting license fee, from \$5 to \$10. You are going to be raising the archery license fee from \$2 to \$5; the muzzle-loader from \$3 to \$5; the antlerless deer from \$3 to \$5; the resident bear from \$5 to \$10. You are going to be creating a new furbearer's license fee which says that every youth who traps in the State of Pennsylvania is going to have to buy a \$5 license. You are creating a senior furtaker license that is at \$10 and a resident furtaker at \$15, all new licenses. What we are saying with this bill is we are giving the Game Commission approximately \$9 million in new revenues; we are giving them \$9 million in new revenues, which is tax moneys coming out of the pockets of your constituents, with almost a doubling of all these license fees and the creation of new licenses.

What we are also saying with the bill as it stands now is the Game Commission has an absolute open door, an open check-book, on how this money is to be spent. All we are saying is that for a period of 2 years, which will be worked out with a

conference committee, we would have budgetary review of their expenditures. That is all we are saying. We are giving \$9 million and asking that we look at their budget for a period of 2 years and see how it works. If it does not work, we will take it out.

So I would ask you today to vote to nonconcur on this most vital, important license bill that we have coming before us. Thank you.

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

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask my colleagues to concur in the Senate amendments. Mr. Speaker, the Fish and Game Committee, under the leadership of Mr. Letterman and others, have told the story. They have alerted the Game Commission to the fact that there are some concerns regarding the Game Commission, but that work has been accomplished, Mr. Speaker.

Mr. Speaker, the sportsmen in my area, when the Game Commission first proposed a 100-percent increase in the fees, they objected to it. They were very attentive, and they called and they expressed their concern, but, Mr. Speaker, in Indiana County we have many, many sportsmen. In Indiana County we issue over 11,000 antlerless deer licenses. Mr. Speaker, the sportsmen of Indiana County are asking for a concurrence in this bill, and I ask my colleagues to follow that particular suggestion, and let us pass this legislation.

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

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I have had some confusion over this issue. Very often many think that we in the urban areas should not get involved in issues that relate to the Game Commission. I would like to mention to my colleagues, however, that there are many, many hunters who are in fact living in the city of Philadelphia.

I have also been looking at the editorials in our local newspapers, and many of those editorials were concerned about the things that we in fact did over in the House. I also received some correspondence from various sportsmen's clubs which, I understand, usually on these issues our committees listen to quite often. The Pennsylvania Federation of Black Powder Shooters, the Pennsylvania Federation of Sportsmen's Clubs, the Pennsylvania Gun Collectors Association, the Pennsylvania Trappers Association, the National Rifle Association of America are all asking the members of this House to in fact concur. I have also talked to the various hunters who are in my district, and they have asked me also to concur.

So I am rising today, Mr. Speaker, to ask that the members of this House concur with the amendments that were put in this bill by the Senate. Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentleman from Lancaster, Mr. Scheetz.

Mr. SCHEETZ. Thank you, Mr. Speaker.

I think by now all the members are well aware of what has happened on this particular issue. In the past, under the direc-

tion of Mr. Letterman, the House Game Committee has done a very excellent job in managing and looking out for the sportsmen of Pennsylvania. However, now, as you can tell by the clippings from all the newspapers throughout the State, we have a situation where Mr. Letterman has been at war with some of the sportsmen's clubs. Now, you and I know we do not pick on Mr. Letterman.

Mr. LETTERMAN. Mr. Speaker, I take objection to that.

The SPEAKER. To what does the gentleman object?

Mr. LETTERMAN. To what he has to say. I am not at war with anybody except someone who says I am at war with somebody. It is they who are at war with me.

The SPEAKER. The Chair takes note that war has not yet formally been declared.

Mr. SCHEETZ. Yes, Mr. Speaker, I should say there has been a very heated disagreement, would be the proper term for that.

I think through this disagreement the Game Commission has been a third party to this and has felt the effects of this particular disagreement, and I do not think that the Game Commission really deserves all the flak that it has been receiving on this particular issue. I think if we look at the record, Pennsylvania has an outstanding record as far as the deer herd in Pennsylvania. Out-of-State hunters flock to Pennsylvania to do their hunting. We have a nationally known program. The bear program is internationally known. We have ample turkey and grouse throughout the State. There is a problem, of course, with small game, which I feel is not their problem whatsoever.

The hunters of Pennsylvania, the rank-and-file hunters of Pennsylvania, the ones who really understand this, I think totally agree that to reinstate the Levdansky amendment would be a disaster to Pennsylvania's Game Commission. Other States—I will call your attention to Ohio, Vermont, New York—have also gone in a similar direction that the Levdansky amendment would put us in, and they are all having budgetary problems. Can you imagine 203 game programs being submitted to the House committees to resolve which one gets included in the program? That is exactly what it is going to amount to.

I submit to you that we at this point ought to concur with the Senate amendments and do what the rank-and-file sportsmen of Pennsylvania want us to do. Thank you.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, let me just echo what has been already said here on the floor. I stand to urge my colleagues to concur with the Senate bill.

In my legislative district I have seven sportsmen's clubs, and these members would like me to advise the members that they are supportive of what we now have before us in legislation. They are not always happy with what the Game Commission does, but they have high respect for this agency and they do not want us as legislators to in any way hinder these game funds.

So I would urge that the members deal with this issue most expeditiously to vote in concurrence for HB 585. Thank you, Mr. Speaker.

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

Mr. HERSHEY. Thank you, Mr. Speaker.

In the western side of my district is a game club called the West Caln Game Club, and I have been in touch with their membership in the beginning of this discussion, and they agreed with the fee schedule. I talked to the president of this club Monday before I came to Harrisburg, and I said, how do you want us to vote on the bill? He said, vote to concur. So I am urging my friends and members to vote to concur with the Senate amendments. Thank you.

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

Mr. ARGALL. Thank you, Mr. Speaker.

With that awesome lineup behind me, I will certainly be very brief.

I just want to say I think that I have two very quick and easy reasons to vote for concurrence in this bill. The first reason is that all of the sportsmen who have contacted me on this new bill have asked for my support. I have a great deal of sportsmen in my district, and I can honestly tell every member of this House that I have not received one negative comment from anyone back home against concurrence on this bill.

The second reason is based on my previous service to the House of Representatives as a former research analyst to the House Game and Fisheries Committee before resigning that position to seek the seat which I now hold. During that time I had the privilege to work with many members on both sides of the aisle in drafting amendments, pieces of legislation, and doing constituent work, and I like to think that I learned a good bit about the workings of the Game Commission as well as the workings of the Game and Fisheries Committee.

I do think when looking at this bill that it is a workable compromise. Like many of the things that we do here, I will never say that it is absolutely perfect, but I do think that it is a bill whose time has come, and I would urge all members to vote "yes" on this concurrence. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Warren, Mr. Bowley.

Mr. BOWLEY. Thank you, Mr. Speaker.

I will not bore the members of this chamber with some of the arguments that I made earlier in caucus today. I am going to urge a "yes" vote on this compromise.

If we do, Mr. Speaker, what Mr. Letterman suggests and vote "no" and then it goes to a conference committee, I personally do not feel that any type of compromise can be worked out in the number of days that we will be here this week. Therefore, if that happens, the Game Commission will not get their much-needed increase this year and they will not be allowed to increase their hunting licenses and they will suffer greatly from this, and then next year they will be back here again.

I ask that we concur with the Senate amendments for two basic reasons. The first one is the hunting license increase is a compromise from what the Game Commission came in with originally. Secondly, if we do not agree with the Senate amendments, we will go back to appropriating the Game Commission's budget as it comes into the Appropriations Committee, and I fear that we will all of a sudden be starting to manage game for the hunter instead of managing the game for what is best for the game. I think we are going to make a serious mistake which will affect and cause the demise of the Pennsylvania Game Commission.

I ask for a "yes" vote on the Senate amendments.

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

Mr. McCLATCHY. Mr. Speaker, may we have a little quiet, please?

The SPEAKER. Would the gentleman, Mr. McClatchy, like to come to the podium and tell us how he can do it? I have used everything but a declaration of war—

Mr. McClatchy. Try it; try it.

The SPEAKER. —and it came very close to that.

Mr. McCLATCHY. Mr. Speaker, I rise to oppose—

The SPEAKER. Wait a moment, Mr. McClatchy. Let us see what we can do.

The Chair knows that you are tired now and the Chair realizes you are going to be more tired before we finish, and the Chair is going to ask you to please be sensible and conserve the energy of the Chair as well as your own.

Try it now, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, maybe if we would announce line by line, item by item, what was in the budget, we would get more attention. I am sure of that.

Mr. Speaker, I rise to oppose concurrence. I suggest a vote of nonconcurrence, and I do not do it out of any disrespect to the Game Commission. I think the Game Commission is as popular a commission on the floor of this House and the floor of the Senate as any commission we have yet instituted or will institute. The Game Commission does not have a problem and will not have a problem, but I think we as legislators and as Senators give up a right of oversight if they do not come before the Appropriations Committee for an approval.

You take the PUC (Public Utility Commission). Now, the PUC is not the most favorite one here. Year after year after year the PUC gets more and more and more money. We do not have the courage really to cut their budget, even if they needed it to be cut.

Mr. Speaker, I suggest the Game Commission's budget will never be cut, but it is your right as legislators to at least look at that budget and give it a perfunctory approval, and that is what will happen. Certainly if you go to all the people in the game industry, all your game and sportsmen's clubs, they are going to say, no, we do not want to come before your Appropriations Committee. That is like saying, you know, I do not want to be against motherhood. But I think it is important that we establish and keep our right to have every commission, have everything that we do in the State at least come

before your committee, not my committee, your committee, to establish whether they are doing everything properly. Because it is such a popular, powerful commission, I am almost positive nothing will ever be found wrong and that we will not do anything to them, but I think it is right to at least have them come, and I think it is wrong to do away with that.

I ask for nonconcurrency. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

I ask for concurrence on HB 585. I think it is a good compromise on a fee bill. I have polled my area of sportsmen's clubs and private hunters, and they all agree that it is needed.

I think a thing that really has come out of it—I know many of us had problems with communicating with the Game Commission and the Game Commission not being responsive to our problems or to our inquiries in past years, and I think this was true. However, with the Game Committee meetings, a meeting with Pete Duncan, he has assured us, and I know that this will happen, that they got the message that we were very unhappy with the type of responses we were receiving. They have agreed to listen to us and listen to our problems, and I certainly will take him at his word for that.

I think it is a good compromise; it is money that is needed by the Game Commission, and Pennsylvania does have a good Game Commission. Therefore, I ask for concurrence. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. As Mr. Phillips said, I think the Game Commission has gotten the message. If there were problems with communication, I think they understand that.

I think it is doubly important that the Game Commission remain independent because of the integrity of land management. It is one thing to talk about raising fees and lowering fees—I guess we never lowered them—but the most important part of their work is land management, land acquisition. The fact that they are independent as an agency I think is most important for preserving open space, preserving adequate grounds for hunting and fishing, and in general preserving the integrity of gamelands in Pennsylvania.

I vote for concurrence, and I wish the House would do so. Thank you.

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

Mr. BROUJOS. Mr. Speaker, the problems that have been raised with respect to the Game Commission are not cured by budget control. These are administrative matters, and if administrative matters were a problem and a cause for budget control, then we would, because of welfare problems, cut the salary of the Secretary of Welfare. If we did not like what the Governor was doing, we would say, cut his salary.

Control of an administrative agency is not achieved by the budget. The Governor has been doing a job of control that has been satisfactory. Every single year, practically, if not every year, he has approved the budget of the commission,

and if there was a problem, the Governor would line-item it like he does anything else. He only this time, this year, made one change, and that is because the Game Commission did not have its fee schedule.

I want to bring to the attention of the House that the complaints that have been made and the cause for the Levdansky amendment were primarily based on matters relating to the administration and conduct personally involving licenses or pistols or game roadlands or whatever else. The function of the Game Commission is land management, habitat management, law enforcement, game management, research, information, and education, and it has done the job in those areas. Nothing could speak more eloquently about the job of the Game Commission than an editorial in Ohio saying, "More and more Ohio hunters and fishermen are looking longingly at the Pennsylvania system of wildlife regulation. For nearly 50 years, two semiautonomous boards have had authority in the Keystone State's field and stream." And it goes on to say that the legislature sets the fees; the commissions design and operate the programs; and commissioners listen to the desires of the people, not the budgeting whims of whatever administration inhabits Harrisburg.

I ask for concurrence in the Senate amendments.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose concurring with the Senate version of this bill. I do so for a number of reasons, but I will not go through all of them. I can tell you, however, that I represent half of the county that one of the previous speakers who spoke on the floor today represents. In opposition to what has been transmitted to him by his sportsmen's clubs, I would like to say that the individual sportsmen who have talked to me over the past month or two have indicated that they are not in favor of the fee increase. I think that everyone is scurrying around over the past month or two worrying about why they voted for the Cat (Catastrophic Loss Trust) Fund, because the Cat Fund is now coming back to haunt us. I tell you that when the day comes that hunting licenses are put on the counter for sale and people see these new rates, they are going to hit the ceiling, and they are going to blame it on the legislature. And when they call the Game Commission, they are going to do what they always do; they are going to tell people, go see your legislator; they voted that new increase.

By the same token, if you have a complaint, if a constituent has a complaint about something that is going wrong in the hunting field whatsoever, they call the Game Commission. The Game Commission always blames every ill on the Representatives and the Senators in the General Assembly. Anything that is going right, they take full credit for. I think they are doing a good job, but I think that they like to stay off the hook; they like us on the hook.

I feel that if they want a fee increase and they do not want oversight, let us give them the whole ball of wax. Let us give them the authority to set their own fee increase. Let them set it themselves, and let us call for a 3-year retention vote for the

Game Commission members after they do it. Let them stand for election every 3 years the way we have to every 2 years.

I ask for nonconcurrency.

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

Mr. NOYE. Thank you, Mr. Speaker.

I rise in support of concurrence in this bill, and I do that reluctantly, and let me tell you why. There are a lot of things that have not been mentioned here today that I think have to be pointed out, and that is first that the Game Commission really, in my opinion, has asked for the problems that have developed. I think they realize that now, and I have no animosity whatsoever toward the people who sponsored the amendment that provided oversight. I think the Game Commission has been sent a message loud and clear by this General Assembly that their act has got to be cleaned up and they have got to be more responsive to members of this legislative body.

In addition, Mr. Speaker, I think Mr. Letterman needs to be commended for forcing this issue to a head. My only regret is that we are standing here on the 27th of June with just 1 or 2 days left in this session before the summer recess debating an issue so controversial. Mr. Speaker, if this bill goes back to committee in a nonconcurrency vote, in essence that will be the end of the attempt to gain the additional funds that are needed by the Game Commission before the July 1 deadline. I know Mr. Letterman with all good intentions hopes to call a conference committee tonight, but you know and I know tomorrow what is going to happen on the floor of this House when that budget is ready; all the other bills on the calendar are going to be left in the wake, and if July 1 passes, the Game Commission is not going to be in a position to print new licenses for the fall.

Mr. Speaker, earlier you said jokingly—I think you are wrong—that war has not been declared, but I regret to say that unfortunately it has. It does not involve members of this General Assembly who have created the war. The members of this General Assembly are the victims of the war because we have out in our districts three groups vying for dominance as spokesmen for the sportsmen in this State. Just a few years ago they worked together in unison. Unfortunately, there are those individuals who could not work together, and now we are faced with three organizations, and every one of you members must contend in your own district with one group that may be stronger than the others. Unfortunately, you have been put between these competing factions in trying to determine what best to do.

I would suggest to you members that it really does not matter how you vote on this bill, it is not a good vote. You have been placed in this position by organizations that at one time were proud of their unison; they were proud to work together; they were proud and they were successful in their efforts on behalf of the sportsmen of this State because they spoke as one. Today we do not have that luxury. You are faced with a vote trying to satisfy at least one group in your district, and many of you are facing two and three groups in your district, and I regret that.

Do not point the finger of blame at anyone on either side of this aisle; it is not their fault. They had problems and they tried to do it the best they could, and I would suggest we would probably be able to work this out in a better manner if we were not doing this on June 27, but we do not have that choice now. We are stuck with making a decision on whether the Game Commission is going to be able to function properly. The Game Commission has always cooperated with the House Appropriations Committee when they were invited to come before them, and the Game Commission has answered the questions of the Appropriations Committee; they did not always agree, but they answered the questions, and I am sure they will continue to be cooperative.

There is nothing to say that we cannot continue this debate during the summer or after we return. My only concern is right now that the Game Commission be in a position to function, and I think that the increase after 12 years of waiting before asking this body for an increase is justified. I ask the members to set aside the differences and then let us as a group try to get these other outside forces working together once again for the benefit of the sportsmen of this State. Thank you, Mr. Speaker.

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

Mr. BLACK. Mr. Speaker, this past weekend I attended a mountaineer weekend sponsored by our local coon and fox club, and at that meet were several trappers and several black powder shooters. In talking with them, none of them were against the increase in fees.

I attended some early meetings of the committee here and was surprised to hear the displeasure that they had with the commission, and I found that I think the message was sent to Mr. Duncan that they wanted more accountability, that they wanted more responsiveness to the demands of this House.

I feel that this is not the year to do what is trying to be done by nonconcurrency. I feel that if we have a problem in a year, we can come back and address that problem at that time. My recommendation is that we give the commission the money that they need through the fee increases, so I recommend very strongly that we concur with the Senate amendments. Thank you.

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

Mr. LEVDANSKY. Thank you, Mr. Speaker.

I would like to rise to urge my colleagues to nonconcur with the Senate version to HB 585. I do that for several reasons.

Number one, there are those who have made the point here today that the problems with the Game Commission are primarily in bad communication with legislators and with a lack of awareness for public relations in regard to their problems. I submit to you that rather than being superficial problems, there are in fact some deep-seated structural problems over at the Game Commission, which I believe could only be resolved with legislative budget oversight as proposed in the amendment that I introduced to HB 585. As it presently stands, the Senate has gutted all provisions for legislative oversight and

has instead introduced language that would basically meet the requirement of meet and discuss rather than full oversight and investigation responsibilities.

I have introduced this amendment because of structural problems that I have found in three areas of the Game Commission operations. Number one, over the last 3 years the Game Commission expenditures for administrative and executive offices have increased to the tune of \$900,000, while at the same time costs for game and land management have declined by \$800,000.

Number two, research expenditures at the Game Commission have been held constant at approximately \$1 million over the last 6 years. At a time when small game - rabbit and pheasant populations - we hear from our constituents that there is no more small game, research in this most vital area to the hunter has not kept up with the demands that should be placed upon it.

Finally, number three. A most important area which I have focused on over the last several weeks is in the area of the Game Commission policy regarding oil and gas leases. Since 1979 the Game Commission's revenues have declined from \$129,000 in 1979 to presently between \$95 and \$100,000; a decline in revenues from oil and gas royalties at a time when wellhead oil and gas prices have shot to the ceiling. I find it astounding that upon further questioning before the House Game and Fisheries Committee, the House Appropriations Committee, and the Senate Game and Fisheries Committee, the executive director and those at the Game Commission have adjusted their estimates after our questioning from \$100,000 projected for next year in revenues from oil and gas leases to \$251,000, and finally to \$630,000 on projected revenue to be taken in next year. I doubt that they would have made these adjustments in their revenue intake on oil and gas leases if it had not been for some ardent questions and pointed questions that were focused to them.

I submit to you that had the Game Commission been a little more aggressive in their coal leasing, in their timber sales, and most especially in their oil and gas leases, we may not be faced with the proposition of raising hunting licenses at this point in time. I submit to you that more than likely they would have in fact been generating enough revenues that we would not have had to be looking at HB 585.

That notwithstanding, the Game Commission through their officers have said that they are seeking "an active involvement" with the legislature; active involvement is what they say. Yet when I attended a Game Commission meeting on June 12 to discuss Game Commission policy and vital areas of concern to my district, a notice was printed that there would be no public participation or discussion at the business meeting. So much for open discussion with the public and members of this legislature.

It seems to me, Mr. Speaker, that those who have become involved in the issue have in fact muddled the waters to the point that rationality is almost impossible to accomplish. I want to assure the members of the legislature that my amendment does three things, three things. Number one, it keeps the

Game Fund separate, separate from the General Fund. No moneys from the Game Fund can be commingled with the General Fund and spent on purposes not specified in the Game Law. As a hunter and a sportsman, without that assurance I would never have introduced that amendment.

Number two, this retains the Game Commission's independence in the area of setting season dates and bag limits. In no way, shape, or form under my amendment can you tamper with those responsible biological decisions of the Game Commission.

Number three, my amendment guarantees the Pittman-Robertson Fund, which the Reagan administration has scheduled for termination in 1989 or 1990, and in the meantime my amendment guarantees that the Game Commission will in fact get their share of those funds. In no way do we jeopardize those funds.

Finally, Mr. Speaker, I submit to you that I wish you to nonconcur with HB 585 for a couple of other reasons. We have a couple of options if we can get into conference committee. I have proposed to the executive director of the Game Commission earlier this week that we should rewrite my amendment in conference so that it will be applicable only for the next 2 years. It will automatically, automatically not take effect anything beyond 2 years; it will expire at the termination of 2 years. The reason why I want to do that is because there have been indications that though the Game Commission trusts hunters like myself and Mr. Godshall and Mr. Dietz and Mr. Letterman to oversee their affairs, that they do not trust, maybe, others down the line. So I submit to you that a 2-year limit on my amendment is rational and appropriate and should allay all concerns that those who are opposed to my amendment may have.

Finally, I want to call attention to comments that have been made about the fiscal demands on the Game Commission and the fact that the necessity of the funds is so imperative. The Game Commission themselves have admitted to me that they need \$6 million to keep their operations ongoing for the next year. They have \$11 1/2 million in their surplus fund. The defeat of this bill, in essence giving them nothing and delaying this decision until next year, would mean that the Game Commission can in fact operate on the funds that they presently have in the surplus account well into next year, so in no way, shape, or form will we damage their fiscal integrity.

For all these reasons, I urge my colleagues to go for non-concurrence on HB 585, force this to conference committee where we can get some sane, rational policy so we can make the Game Commission accountable and subject to legislative oversight, rather than immune to oversight as they presently are. Thank you, Mr. Speaker.

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

Mr. LETTERMAN. Mr. Speaker, I just wanted to finish up by reading one statement, and this was made by Teddy Roosevelt. Just listen to it. The reason I want to make this, Mr. Speaker, is I want to assure everybody that no matter what happens after this vote, I will hate you. Steve Seventy

said that. I really will not. I do not feel that way; I do not feel that way about the executive director of the Game Commission, and I hope he never feels that way about me. But I am telling you now that we need that control if we are going to give that kind of money, and I hope that you will nonconcur.

Now I will finish by reading this statement:

It is not the critic who counts, nor the man who points out how the strong man stumbled or where the doer of deeds could have done better. The credit belongs to the man who is actually in the arena; whose face is marred by dust and sweat and blood; who strives valiantly; who errs and comes short again and again; who knows the great enthusiasms, the great devotions, and spends himself in a worthy cause; who, at the best, knows the triumph of high achievement; and who, at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat.

Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Warren, Mr. Bowley, for the second time.

Mr. BOWLEY. Mr. Speaker, I feel that my colleagues in this hall know how to vote. I am just going to remind them that they are voting for the future of the natural resource of this great State, the wildlife of this State. Please vote for concurrence. Thank you.

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

Mr. DeWEESE. Mr. Speaker, I want to announce what we all probably know and I am certain we feel. The first commandment of politics is to help those who help you. Russell Letterman has helped me and I am here to keep the commandment.

Mr. Speaker, the 65th chapter of the Book of Isaiah says, "Stand by thyself, come not near me, for I am holier than thou." It seems that during my stewardship of the 50th Legislative District's seat in the House of Representatives the Pennsylvania Game Commission has been holier than thou.

All of a sudden when an idea comes to fruition that Bill DeWeese and Dick McClatchy and Russ Letterman—that is a strange triumvirate—but nevertheless, that we agree upon, that we agree upon, the Pennsylvania Game Commission floods this arena with letters, with calls, with people. They come at us like a horde of avenging angels. It is up to the Pennsylvania Game Commission, they think, to guard the sacred flame. I am convinced that is not the case. I am convinced that Russell Letterman, Dick McClatchy, Bill DeWeese, and this motley array of good men and women can run the government, can run the government.

As is my habit, I shall abbreviate my remarks by ending by quoting the great poet laureate of England, Alfred Lord Tennyson, when he said near the end of the last century—and this is what I want to share with you today; this is what I want all of us to think about when we think about pressing that button with Russ Letterman—he said, "Let the great world spin forever down the ringing grooves of change." Thank you.

The SPEAKER. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. I just wanted to ask if I could take up the collection now, sir?

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—124

Acosta	Dombrowski	Livengood	Saurman
Angstadt	Dorr	Lloyd	Scheetz
Argall	Durham	McHale	Schuler
Arty	Evans	McVerry	Semmel
Baldwin	Fargo	Mackowski	Showers
Barley	Fattah	Manmiller	Sirjanni
Battisto	Fee	Markosek	Smith, B.
Birmelin	Fischer	Mayermik	Smith, L. E.
Black	Flick	Merry	Snyder, D. W.
Book	Foster, Jr., A.	Miller	Snyder, G. M.
Bortner	Freeman	Moehlmann	Stairs
Bowley	Gallen	Morris	Steighner
Brandt	Greenwood	Mowery	Sweet
Broujos	Gruitza	Mrkoncic	Taylor, E. Z.
Bunt	Gruppo	Noye	Taylor, F. E.
Burd	Hagarty	O'Brien	Taylor, J.
Burns	Herman	O'Donnell	Telek
Bush	Hershey	Oliver	Veon
Caltagirone	Honaman	Perzel	Vroon
Carlson	Itkin	Phillips	Wambach
Carn	Jackson	Piccola	Wass
Cessar	Jarolin	Pott	Weston
Chadwick	Josephs	Pratt	Wilson
Clymer	Kasunic	Raymond	Wogan
Cole	Kennedy	Reinard	Wozniak
Cordisco	Kenney	Richardson	Wright, D. R.
Cowell	Kosinski	Robbins	Wright, J. L.
Deluca	Kukovich	Roebuck	Yandrisevits
DeVerter	Langtry	Rudy	
Daley	Lashinger	Ryan	Irvis,
Dininni	Laughlin	Rybak	Speaker
Distler	Linton		

NAYS—77

Afflerbach	Dietz	Lescovitz	Pressmann
Barber	Donatucci	Letterman	Preston
Belardi	Duffy	Levdansky	Punt
Belfanti	Fox	Levin	Reber
Blaum	Freind	Lucyk	Rieger
Bowser	Fryer	McCall	Saloom
Boyes	Gallagher	McClatchy	Serafini
Cappabianca	Gamble	Maiale	Seventy
Cawley	Geist	Manderino	Staback
Cimini	George	Michlovic	Stevens
Civera	Gladeck	Micozzie	Stewart
Clark	Godshall	Murphy	Stuban
Cohen	Haluska	Nahill	Swift
Colafella	Harper	Olasz	Tigue
Cornell	Hasay	Petrarca	Trello
Coslett	Hayes	Petrone	Truman
Coy	Howlett	Pievsy	Van Horne
DeWeese	Hutchinson	Pistella	Wiggins
Dawida	Johnson	Pitts	Wright, R. C.
Deal			

NOT VOTING—1

Gannon

EXCUSED—1

Davies

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

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

HB 585, PN 1836

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), known as "The Game Law," reclassifying the raccoon as a fur-bearing animal; increasing certain license fees; establishing additional licenses for certain hunting and trapping activities; and requiring annual budget reports and audits.

SB 825 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Gamble, who moves that the vote by which SB 825 was passed on the 26th day of June 1985 be reconsidered.

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

The following roll call was recorded:

YEAS—191

Table listing names of members who voted 'YEAS' for SB 825, including Acosta, Afflerbach, Angstadt, Argall, Arty, Baldwin, Barber, Barley, Battisto, Belfanti, Birmelin, Black, Blaum, Book, Bortner, Bowley, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Bush, Caltagirone, Cappabianca, Carlson, Carn, Cessar, Chadwick, Cimini, Civera, Clark, Clymer, Colafella, Cole, Cordisco, Distler, Dombrowski, Donatucci, Dorr, Duffy, Durham, Evans, Fargo, Fattah, Fee, Fischer, Flick, Foster, Jr., A., Fox, Freeman, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Godshall, Greenwood, Gruitz, Grupp, Hagarty, Haiuska, Harper, Hasay, Hayes, Herman, Hershey, Honaman, Hutchinson, Laughlin, Lescovitz, Letterman, Levdansky, Linton, Livengood, Lloyd, Lucyk, McCall, McClatchy, McHale, McVerry, Mackowski, Manderino, Manmiller, Markosek, Mayernik, Merry, Michlovic, Miller, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Noye, O'Brien, O'Donnell, Oliver, Perzel, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Robbins, Roebuck, Rudy, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Semmel, Serafini, Showers, Sirianni, Smith, B., Snyder, D. W., Snyder, G. M., Staback, Stairs, Steighner, Stevens, Stewart, Stuban, Sweet, Swift, Taylor, E. Z., Taylor, F. E., Taylor, J., Telek, Tigue, Trello, Truman, Van Horne, Veon, Vroon, Wambach, Wass, Weston.

Table listing names of members who voted 'NAYS' for SB 825, including Cornell, Coslett, Cowell, Coy, Deluca, DeVerter, DeWeese, Daley, Dawida, Deal, Dietz, Dininni, Itkin, Jackson, Jarolin, Johnson, Josephs, Kasunic, Kennedy, Kenney, Kosinski, Langtry, Lashinger, Pitts, Pott, Pratt, Pressmann, Preston, Punt, Raymond, Reber, Reinard, Richardson, Rieger, Wiggins, Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., Yandrisevits, Irvis, Speaker.

NAYS—2

Olasz

Seventy

NOT VOTING—9

Belardi, Cawley, Cohen

Howlett, Kukovich

Levin, Maiale

Micozzie, Smith, L. E.

EXCUSED—1

Davies

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

On the question recurring, Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER. The Chair rescinds its announcement that SB 825 has been agreed to for the third time.

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

Mr. GAMBLE offered the following amendments No. A2641:

Amend Title, page 1, line 1, by inserting after "by" certain

Amend Sec. 2, page 1, line 9, by striking out "The" and inserting

Except in counties of the second class, the

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

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

Mr. GAMBLE. Mr. Speaker, SB 825 was designed by Senator Stauffer to address a specific problem in his district. However, in reading it, several of the members of the Allegheny County delegation find it a gray area in that it deals with authorities and it deals with transit and it deals with funding of those authorities and transit authorities and transit districts. This is a burning issue in Allegheny County. We simply have added a simple amendment that this bill does not pertain to counties of the second class, which is Allegheny County. We want to clear up the gray area and print this in black and white as Mr. Stauffer attempted to do.

We ask your "yes" vote on this amendment.

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

Mr. ITKIN. Mr. Speaker, I rise to object to the Gamble amendment to SB 825. SB 825 is a bill that applies to all of

Pennsylvania - to each of the 67 counties and each of the municipalities within those counties. I think it would be unfair to Allegheny County to have the powers and prerogatives provided in this legislation stripped for Allegheny County while leaving them for every other county in Pennsylvania and for every political subdivision - borough, first-class township, or second-class township.

I feel that our local government officials are as responsible as any other local government officials in the State, and if we are going to adopt general law for Pennsylvania, we ought to include a major urban county like Allegheny. Mr. Speaker, I would urge a rejection of the Gamble amendment.

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

Mr. CESSAR. Thank you, Mr. Speaker.

I rise in support of the Gamble amendment. As was stated previously by the speaker, the clarification of this amendment would take it out of that cloudy area so that we are quite sure that Allegheny County would not be in a position of assessing any dedicated tax for mass transportation.

I urge everybody on this side of the aisle to be supportive of the amendment. Thank you, Mr. Speaker.

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

Mr. PRESTON. Thank you, Mr. Speaker.

I am asking the members to give a "no" vote on the Gamble amendment. It is not exactly clear to me why everybody is against this. I think that it clearly does not involve second-class counties. I think that Mr. Itkin's statements are quite relevant that we should not be setting again double standards within the Commonwealth of Pennsylvania, and I would just ask the members to vote "no" on the Gamble amendment.

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

Mr. DUFFY. Thank you, Mr. Speaker.

I rise to support the Gamble amendment. There is a cloudy area in this bill; we want to clarify it. If Mr. Itkin is right, in the future we can always amend Allegheny County back into the bill when we see that it works well in the rest of the State. So support the Gamble amendment. Thank you.

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

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate Mr. Itkin, please?

The SPEAKER. Mr. Itkin indicates he will stand for interrogation. You may proceed.

Mr. WASS. Mr. Speaker, I come from Indiana County, a sixth-class county. What would be the difference in the effect of this bill on Indiana County versus Allegheny if this amendment passes?

Mr. ITKIN. Mr. Speaker, as I understand the question, what would be the difference as far as Indiana goes relative to Allegheny?

Mr. WASS. If this amendment, Mr. Speaker, passes.

Mr. ITKIN. If this amendment passes, Indiana would have all of the powers and prerogatives in this bill. Allegheny County would have none of those prerogatives or powers.

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

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

Mr. DeLUCA. Mr. Speaker, I rise to support the Gamble amendment. In trying to clarify that language, we have tried to get interpretations to find out about the gray area in the bill. We have not been able to ascertain that information, and that is why this amendment was drafted, to exempt Allegheny County to make sure that that gray area is not there.

I ask my colleagues to support the Gamble amendment. Thank you, Mr. Speaker.

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

Mr. McVERRY. Mr. Speaker, I rise in support of the Gamble amendment. There is a very raging debate going on in Allegheny County with regard to a dedicated tax for future funding of the operations of the port authority. The port authority operates the countywide transportation system. Amendments to this bill which were included in the Senate included municipal authorities for purposes of developing transportation development districts.

This bill passed yesterday by a unanimous vote without any discussion or explanation as to what the ramifications of the bill were. It is not totally clear as to whether adoption of this particular bill would grant the Port Authority of Allegheny County through the county commissioners the authority to levy a special or dedicated tax for the operation of the port authority in the future. In view of the fact that there is not clarification with regard to that issue, at least sufficiently satisfactory to a reasonable number of the members of the Allegheny County delegation, we would like to adopt the Gamble amendment and would appreciate your support.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, frankly I think that much of the debate that is occurring around this bill and around this amendment is much to-do about nothing. However, because there is a great deal of uncertainty about the real purpose of the bill and a great deal of uncertainty about the ramifications, not just for Mr. Stauffer's district but for all of the districts in the Commonwealth, I would support the Gamble amendment with the understanding that nobody in Allegheny County at this point—and I think practically nobody in the Commonwealth of Pennsylvania—has expressed an interest in this bill or expressed an interest in creating a transportation development district. We just simply do not have a crying demand for action on this bill.

My inclination would be to ask the House to withhold final judgment on the bill and hold it over until sometime in the fall, but I understand that Senator Stauffer is very interested because of a particular need in his senatorial district, and therefore, I would not ask that we do that. But in the absence

of any demand in Allegheny County certainly for action on this bill or for coverage under this transportation development district language, I would urge that we play it safe; that we satisfy those who are worried, who are concerned, who perhaps are misreading the bill's intent. Let us at least satisfy that and for the time being adopt the amendment that would exclude specifically Allegheny County from the provisions. Thank you.

MOTION TO PLACE BILL ON THIRD CONSIDERATION POSTPONED CALENDAR

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Chester, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

Having met with Senator Stauffer on several occasions discussing transportation needs in southeastern Pennsylvania, while I do not intend to speak for the Senator, there was a feeling among many of us that if we could have legislation that would enable local governments to establish transportation districts to assess themselves and businesses to raise the local funds and to raise money that would be necessary to match Federal moneys, we could move some projects along at a swifter pace.

I would ask the House, rather than amend this bill at this time, that we set this bill aside and that we get some information on this point of clarification about the Pittsburgh municipal authority and whether or not there is a gray area. We are going to be here for a while today; we will certainly be here tomorrow, and I would ask that this amendment be set aside, or whatever the proper motion is, until we can get some clarification. I make that motion. Thank you.

The SPEAKER. The gentleman, Mr. Flick, moves that SB 825 together with the offered amendment by Mr. Gamble be placed on the third consideration postponed calendar.

On the question,

Will the House agree to the motion?

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

Mr. ITKIN. Mr. Speaker, I would regretfully oppose the Flick motion. I am told that the Senate is very interested in having this bill. I certainly would not want this House to interfere with the appropriate dispatch of this bill back to the Senate. I would urge the House to oppose the Flick motion and to consider the bill today.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cowell, on the Flick motion.

Mr. COWELL. Mr. Speaker, I, too, would urge that we act one way or the other on this amendment and ultimately on the bill today. If the Gamble amendment is to be approved, at least we give the Senate ample time to act to concur or non-concur in that amendment. To delay the decision until perhaps tomorrow will make it all the more difficult for final action to occur on this bill before we recess for the summer. So whatever the inclinations are to vote on the substantive merits of the amendment and the bill, I think we ought to be voting on those issues today.

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

Mr. O'DONNELL. Mr. Speaker, I would urge the House to reject this motion and get on with voting the amendment and the bill, and let us send it over one way or the other.

MOTION WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman, Mr. Flick.

Mr. FLICK. I withdraw my motion.

The SPEAKER. The Chair thanks the gentleman. The motion is withdrawn.

On the question recurring,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, I am not going to tell the House how to vote, but I would just like to indicate to you that there are certain members in Allegheny County who are concerned about certain features in this bill. This bill has statewide implications. If they apply to Allegheny County with Allegheny County in, they apply to Podunk with Podunk in. Even if Allegheny County comes out, Podunk stays in. What I am saying to you is that I would rather hang together than hang separately. I urge you to reject the Gamble amendment and allow us, in the wisdom of the House if you pass this bill, to have the same consequences of our action today. Thank you.

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

Mr. McVERRY. It is true that this bill does have statewide ramifications. However, we have in Allegheny County the Port Authority of Allegheny County. It is the only county-wide transportation system. There are 130 municipalities in Allegheny County, and it is highly unlikely that any of them are going to attempt to partake in the development of a transportation development district on their own. There is a transportation system in place.

If we exempt Allegheny County from the purview of this bill at this time and we later determine over the summer that Allegheny County should be included because there is not the potential of a new dedicated tax, we can do this in the fall. So there is not any magic to keeping Allegheny County in right now. There has been no contact to us by the port authority or the county commissioners that they are supportive or opposed. Interestingly enough, I find that to be curious that there has been no support expressed by the county commissioners of something that would affect our county and the transportation system. Accordingly, I think we can deal with the problems that we perceive may be in this bill as it affects that county and take us out of it for the time being. We can deal with it in the fall.

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

Mr. GAMBLE. Mr. Speaker, I just ask the members, so that it is clear, that you vote "yes." We are voting on the amendment, Mr. Speaker. Is that correct?

The SPEAKER. On the amendment; not on the bill.

Mr. GAMBLE. I ask for a "yes" vote from my colleagues.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—192

Acosta	Dombrowski	Lescovitz	Robbins
Angstadt	Donatucci	Letterman	Roebuck
Argall	Dorr	Levdansky	Rudy
Arty	Duffy	Levin	Ryan
Barley	Durham	Linton	Rybak
Battisto	Evans	Livengood	Saloom
Belardi	Fargo	Lloyd	Saurman
Belfanti	Fattah	Lucyk	Scheetz
Birmelin	Fee	McCall	Schuler
Black	Fischer	McClatchy	Semmel
Blaum	Flick	McHale	Serafini
Book	Foster, Jr., A.	McVerry	Seventy
Bowley	Fox	Mackowski	Sirianni
Bowser	Freeman	Maiale	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	Sweet
Carlson	Godshall	Mowery	Swift
Carn	Greenwood	Mrkonic	Taylor, E. Z.
Cawley	Gruitza	Murphy	Taylor, F. E.
Cessar	Gruppo	Nahill	Taylor, J.
Chadwick	Hagarty	Noye	Telek
Cimini	Haluska	O'Brien	Tigue
Civera	Harper	O'Donnell	Trello
Clark	Hasay	Olasz	Truman
Clymer	Hayes	Oliver	Van Horne
Cohen	Herman	Perzel	Veon
Colafella	Hershey	Petrarca	Vroon
Cole	Honaman	Petrone	Wambach
Cordisco	Howlett	Phillips	Wass
Cornell	Hutchinson	Piccola	Weston
Coslett	Jackson	Pistella	Wiggins
Cowell	Jarolin	Pitts	Wilson
Coy	Johnson	Pott	Wogan
Deluca	Josephs	Pratt	Wozniak
DeVerter	Kasunic	Pressmann	Wright, D. R.
DeWeese	Kennedy	Punt	Wright, J. L.
Daley	Kenney	Raymond	Wright, R. C.
Dawida	Kosinski	Reber	Yandrisevits
Deal	Kukovich	Reinard	
Dietz	Langtry	Richardson	Irvis,
Dininni	Lashingner	Rieger	Speaker
Distler	Laughlin		

NAYS—8

Afflerbach	Bortner	Pievsky	Showers
Baldwin	Itkin	Preston	Stuban

NOT VOTING—2

Barber	Manderino
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EXCUSED—1

Davies

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—194

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

NAYS—4

Dawida	Lucyk	Michlovic	Murphy
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NOT VOTING—4

Barber	Hagarty	Letterman	Pressmann
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EXCUSED—1

Davies

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1375, PN 1861**, entitled:

An Act amending the act of December 19, 1984 (P. L. 1140, No. 223), known as the "Oil and Gas Act," further providing for bonding requirements.

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

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

The question is, shall the bill pass finally?

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

YEAS—195

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

Coslett	Josephs	Pressmann	Wogan
Cowell	Kasunic	Preston	Wozniak
Coy	Kennedy	Punt	Wright, D. R.
Deluca	Kenney	Raymond	Wright, J. L.
DeVerter	Kosinski	Reber	Yandrisevits
DeWeese	Kukovich	Reinard	
Daley	Langtry	Richardson	Irvis,
Deal	Lashinger	Rieger	Speaker
Dietz			

NAYS—4

Dawida	Freeman	Michlovic	Murphy
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NOT VOTING—3

Haluska	Micozzie	Wright, R. C.
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EXCUSED—1

Davies

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.

REMARKS SUBMITTED FOR THE RECORD

Mr. D. R. WRIGHT submitted the following remarks for the Legislative Journal:

My fellow colleagues, HB 1375 amends the Oil and Gas Act to do one thing: It limits the scope of activity for which bonding companies must guarantee compliance.

Under the present law, any bond submitted to DER by the operator must be conditioned on the faithful performance of all requirements of the act and may be declared forfeited if the operator fails or refuses to comply with any of the act's requirements, any regulation or any condition of the permit.

Given the rather broad range of liability a surety faces under this type of arrangement, they have been reluctant to write bonds for the smaller oil and gas producers in Pennsylvania.

In an attempt to enhance bond availability for these small producers, while not weakening a single environmental standard in the new law, I sponsored HB 1375 to amend the bonding requirements to limit the sureties' guarantees to compliance with the major environmental standards contained in the law; namely, drilling, restoration, water supply replacement and plugging.

By inserting this limitation, we are not saying that the operator is off the hook when he fails to comply with other provisions in the act (such as permitting, well registration, notification of transfers, or well reporting requirements)—we are saying that the surety is off the hook since we have limited their liability to infractions of the four major environmental provisions.

Also, this does not mean we are crimping the department's enforcement capabilities when we have infractions of these other provisions. To the contrary, all the enforcement tools contained in chapter 5 of the law are available to DER to compel compliance. It can suspend or revoke the operator's permit, deny any new permits until the violation has been corrected, issue a cease and desist order, and impose civil penalties of up to \$25,000 plus \$1,000 per day for each day of continued violation. Additionally, if the violation is willful, the operator would be guilty of a misdemeanor offense and could be sentenced to pay fines of up to \$5,000 per day or imprisonment of up to 1 year.

And if the violation occurs during the life of the well and impacts water quality, such as problems with brine disposal or from re-fracking operations, the department can utilize all the enforcement remedies made available under the Clean Streams

Law, in addition to whatever remedies this act provides. Remember, too, if the problem impacts a water supply, the bond can be forfeited.

Because these protections are left intact and because the bill may help the plight of our small producers, I urge its adoption, Mr. Speaker.

* * *

The House proceeded to third consideration of **SB 543, PN 933**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further defining "public utility."

On the question,

Will the House agree to the bill on third consideration?

Mr. STEIGHNER offered the following amendments No. A2581:

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

"utility"; and further providing that the transcript of public hearings be considered part of the record in proceedings before the commission.

Amend Bill, page 3, by inserting between lines 27 and 28

Section 2. Section 332(d) of Title 66 is amended to read:

§ 332. Procedures in general.

(d) Record, briefs and argument.—The transcript of a public input hearing, the transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, constitutes the exclusive record for decision, and shall be available for inspection by the public. Briefing and oral argument shall be held in accordance with rules established by the commission. For the purpose of this section, a public input hearing is a hearing held in the service area at which the ratepayers may offer testimony, written or otherwise, relating to any matter which has a bearing on the proceeding.

Amend Sec. 2, page 3, line 28, by striking out "2" and inserting

3

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

4

On the question,

Will the House agree to the amendments?

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

Mr. STEIGHNER. Mr. Speaker, this amendment is identical to language the House has adopted earlier this session in HB 91. I would ask for the acceptance of the House. It allows the transcript of public testimony given in public input hearings before the PUC (Public Utility Commission) to become a permanent part of the record.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—197

Acosta	Distler	Lescovitz	Roebuck
Afflerbach	Dombrowski	Letterman	Rudy
Angstadt	Donatucci	Levdansky	Ryan
Argall	Dorr	Levin	Rybak
Arty	Duffy	Linton	Saloom

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

NAYS—1

Dietz

NOT VOTING—4

Clark Gannon Micozzie Petrarca

EXCUSED—1

Davies

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. GALLAGHER offered the following amendments No. A1849:

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

utility"; and providing the Public Utility Commission with authority to order electric utilities to cancel or modify construction of generating units.

Amend Bill, page 3, by inserting between lines 27 and 28

Section 2. Title 66 is amended by adding a section to read:

§ 520. Power of commission to order cancellation or modification of construction of electric generating units.

(a) General rule.—The commission shall order any public utility engaged in producing, generating, transmitting, distributing or furnishing electricity to cancel or modify the construction of, or its participation in the construction of, any generating unit where the commission, after notice and an opportunity for hearing, determines that the construction is not in the public interest. In addition to any other relevant matters, the commission shall consider in its determination whether:

(1) The generating unit is necessary for the utility to provide adequate and reliable service to the public.

(2) There are less costly alternatives by which the utility could maintain its ability to provide adequate and reliable service.

(b) Investigations and hearings.—For the purpose of enabling the commission to make its determination, it may hold hearings, make inquiries and require the submission of information which it deems necessary or proper in enabling it to reach a determination. The burden of proof at these hearings to show that construction of the generating unit is in the public interest shall be on the public utility.

(c) Regulatory treatment of costs.—Notwithstanding any other provisions of this title, for a generating unit canceled after the effective date of this section, either voluntarily or by commission order, an electric utility may be permitted to recover a return of, but not a return on, prudently incurred costs on any partially completed facility when cancellation is found by the commission to be in the public interest. The burden of proof to show that any costs claimed were prudently incurred shall be on the public utility.

Amend Sec. 2, page 3, line 28, by striking out "2" and inserting

3

Amend Bill, page 4, line 3, by striking out all of said line and inserting

Section 4. (a) Sections 1 and 3 of this act 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. On the amendment, the Chair recognizes the gentleman from Bucks, Mr. Gallagher.

Mr. GALLAGHER. Mr. Speaker, this amendment is a result of the hearings conducted by the select committee of last session directed by this House of Representatives to establish the necessity of further construction of utilities in the southeastern Pennsylvania area. During the hearings it was established by recommendations from two of the Public Utility commissioners - Commissioner Johnson and Commissioner Shane - that they need the authority to cancel construction that they find not in the best interests of the citizens of the area, that they had been thwarted by the decision of the Supreme Court of Pennsylvania that they do not have the statutory authority to cancel construction; they have the authority to cancel finances. So this amendment gives them that authority. It also gives them the authority that they may consider funds for that part of the construction already in place if they find it prudent. That is what it primarily does, gives them the authority that is needed.

Mr. Speaker, that is the amendment. I urge the members to support it.

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

Mr. EVANS. I rise, Mr. Speaker, to support the Gallagher amendment. I think that fundamentally we need to have some clarification, or at least the PUC does, basically on this issue. This is an extremely important issue to the consumers, particularly of the southeast area. Again, it is the kind of issue that fundamentally will affect the utility costs throughout the entire area.

I think that we need to understand that we need not be fearful of allowing the PUC to have the opportunity to review those installations that may be needed or may not be needed. Again, the Gallagher amendment will provide the opportunity to the PUC to have some real clarity about the aspects of this particular area. I would ask all of my colleagues on both sides of the aisle to support this amendment, because I think, again, fundamentally, if we are talking about controlling the cost of utilities, which is a concern of all the members on the floor, I would think that we would support the Gallagher amendment. Thank you, Mr. Speaker.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the maker of the amendment, please.

The SPEAKER. The gentleman, Mr. Gallagher, indicates he will stand for interrogation. You may proceed.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, if we grant this power to the PUC to do this particular activity, to stop the construction of any type of power generating facility, do we also have a provision whereby the PUC can somehow remedy the costs that are already sunk into the plant? And what happens to the costs that are already sunk into the plant? Who covers those costs? And could that in the long run be more detrimental to the ratepayer than the actual construction of the plant?

Mr. GALLAGHER. Mr. Speaker, the amendment provides that the Public Utility Commission, after they have conducted hearings to determine whether or not there is a necessity for the utility and whether or not there are less costly alternatives to take its place, they also may—only may, not shall—they may be permitted to recover a return of that type of construction that has already taken place, but the utility has to prove that it was prudently used, and that would come from the utility stockholders if the PUC so decided. That is the method in which the amendment is drafted.

Mr. MARKOSEK. Is there any remedy from the ratepayers or does it all come from the stockholders? Are any of the costs that are already sunk into the plant to be regained from the rate base? Will the PUC have the power to allow the utility to include that in their rate base or will it all come from the stockholders?

Mr. GALLAGHER. Mr. Speaker, I will try as best I can to give you the kind of answer you are looking forward to.

First of all, there is a law on the books that they cannot put on your rate now the cost of construction while in place until that is turning out electricity that would generate a rate increase. In this particular case in southeastern Pennsylvania,

there is nothing on the line now, so if they decided that they were entitled to any kind of refund because of prudent construction, it would have to go through the stockholders where the funds have been raised already. Since none of this has been on the rating at this point - the construction costs - it would not apply to the users at this time in this particular instance. In the future, since they would have this authority, they could look at it before it is allowed to go out for construction. Does that answer the gentleman's question?

Mr. MARKOSEK. If I understand the gentleman correctly, a project that has already been started then, you could not recover through the rate base, but you are saying that in future projects that are to be started, if that project was subsequently stopped, the PUC could allow that particular utility to recover from the rate base.

Mr. GALLAGHER. Mr. Speaker, only if it was generating electricity at the time that it was canceled and it was already part of the electricity that the customers were using. Only at that time could they attach it to the ratepayers, the users. In this particular instance, the construction that we are talking about now in Montgomery County, there is no electricity being used. They are just testing it now, and the rate increase has not been applied for the construction that is in existence right now. It is only the stockholders who raise the funds, so it would come out of the stockholders' dividends at this time.

Mr. MARKOSEK. How much money has been invested in the particular site of Limerick to this point?

Mr. GALLAGHER. Mr. Speaker, if I may, I would like to ask Representative Lloyd to—

The SPEAKER. The gentleman is yielding the floor to Mr. Lloyd.

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

Mr. LLOYD. Mr. Speaker, I did not hear the question.

The SPEAKER. Mr. Markosek, please state the question again.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, the question was, how much money and time has been invested to this point in time with the Limerick project?

Mr. LLOYD. I am not sure of the precise numbers, but my recollection is that the cost overrun is in a multiple of five or six times what it was originally supposed to cost. A number of about \$4 billion sticks in my mind, but I am not sure if that is for both the plants together or only for unit 2. Four billion dollars has been invested to this point. Two billion dollars, Mr. Morris says, for unit 2; \$4 billion overall for both units together.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, that ends my interrogation. I would like to make a comment, if I may.

The SPEAKER. The gentleman, Mr. Markosek, may proceed.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, we have a situation here where obviously there has been an electrical generating station—it really does

not make any difference what kind it is, if it is fossil or nuclear—that has run into very large costs, which many of these plants seem to run into today. I think it is interesting to realize, though, when a utility executive must plan for generating capacity, that they do not have a crystal ball. It takes from 10 to 12 years to build a big 1,000-megawatt generating station, regardless of whether it is a coal plant or whether it is a nuclear plant, and very few of us can predict what the economic climate will be like in 10 or 12 years. Obviously, the economic climate has changed perhaps since the time that the Limerick plant has gone on line, and as a result, the economics have changed, and now we are asked to give a body the ability to cancel that plant and with really no remedy to the utility that, as we know, if we put a very difficult strain on them, somewhere along the line they are going to have to raise their rates to cover some of these costs, and also their Standard & Poor's rating and their ability to borrow money will also be negatively affected, which will mean later on higher rates for ratepayers.

So I have some doubts, even though this amendment certainly sounds good and does pertain to a specific plant, a specific area, I am not so sure that it would be a good amendment for us as a Commonwealth to adopt, based on some of the other construction sites around the State. So at this point in time—and I want to hear some more of the testimony—I am currently a “no” vote on this amendment, and I appreciate your time. Thank you.

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

Mr. VROON. Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER. Mr. Gallagher indicates he will stand for further interrogation. You may proceed.

Mr. VROON. Mr. Speaker, you have this clause in here indicating that a utility may be permitted to recover costs incurred if the Public Utility Commission decides that it has been spent prudently. Does this phrase intend to convey the meaning that if they do not see anything wrong with the way they spent their money, all of the costs incurred will be returned to the utility, and I would assume through the method of charging the ratepayer?

Mr. GALLAGHER. Mr. Speaker, what it says is that they may consider it. Mr. Speaker, the PUC in this amendment has the authority under “may”; they may consider a recovery of the return expended by the utility for the construction at the time when they cancel it, also provided that the utility has to prove that it was prudently incurred. So it is not just that they may automatically just assume; the utility has to prove. That is the next-to-the-last line of the first page, that proof to show that any costs claimed were prudently incurred shall be on the utility. So the utility has to prove to the PUC that it was prudently incurred.

Mr. VROON. Yes; I understand all of that, Mr. Speaker. I am trying to understand just exactly what is your intent here. Do you intend then to say just that they may be permitted to recover these costs, provided they are prudent and everything

else and they are approved, but that they are not necessarily compelled to allow the utility to recover the costs?

Mr. GALLAGHER. That is pretty much straight that they may consider this, the PUC; they may decide that there shall be a return to the utility if the utility proves that it was incurred prudently.

Mr. VROON. Would this possibly mean something like this: They may be permitted to allow the recovery of those costs if they found the costs to be prudent, but if they did not find the costs to be prudent, then they would not be permitted. Is that what the intent would be?

Mr. GALLAGHER. That is correct, Mr. Speaker. If they cannot prove it, they would not be authorized by the PUC; the PUC would have the authority not to authorize it. They may not, or they may.

Mr. VROON. All right. What if they found them all to be prudent? Would they be compelled under this to allow the recovery?

Mr. GALLAGHER. No. They are not required by this amendment. It is still "may."

Mr. VROON. Still a "may."

Mr. GALLAGHER. They may. If it said "shall," then we are in trouble; then they have to do it. This says they "may" consider it; they may look at it; they may ask the utility to prove it, but they still have the option to order it or not order it.

Mr. VROON. Okay.

Mr. Speaker, I have stopped my interrogation. I would like to make a statement, please.

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

Mr. VROON. We have here a situation where the gentleman across the way was concerned about recovering the costs. We do not have an imperative here that a utility, even if it was prudent in the way they incurred their costs of construction, may lose all, and in that event, the stockholders would be compelled to pick up the loss. That loss, by the way, is not several million dollars; that loss is between \$700 million and \$1 billion at the current time on unit No. 2, and unit No. 2 is approximately 30 percent completed at this time. The two of them together will cost \$7 billion if it comes through to completion. So the amount of money involved here may be three-quarters of a billion dollars that would be passed on to the ratepayer but not all at one time.

Mr. Speaker, I think this amendment is drafted in rather weak language. The intent is good, and I do sympathize with the intent, but I think that it is weak language. I would prefer, if we could, to consider a stronger amendment which will come up later on. Thank you, Mr. Speaker.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair wishes your attention for a moment.

We have a certain number of bills which we must clear tonight. The Chair is going to suggest—and the Chair has

conferred with both leaders and they both approve of this—that there be a voluntary 2-minute rule, that no one speak for more than 2 minutes on the subject. Now, the Chair will not enforce it by saying you must sit down, but if you go beyond the 2 minutes, the Chair will tap to indicate to you you have gone beyond that 2-minute rule and the other members will know what to do about that. The Chair is also going to ask that we agree among ourselves that even though we have enormous facts on our side and an encyclopedic knowledge of the subject matter, that we can say those things once on any given subject and then sit down. Let us try it that way and see if we can get along a little faster.

CONSIDERATION OF SB 543 CONTINUED

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

Mr. LLOYD. I will yield at the moment.

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

Mr. MORRIS. Mr. Speaker, I am not going to talk very long.

My impression of the law in this, at least as claimed by the utility company in question, is that they can recover their set costs, those that are justified, and I think they can recover them from the ratepayers and it will not go on the stockholders. The question is whether it is not better to stop this particular piece of construction right now before the costs get up any higher. It is estimated that it will cost over a billion more, maybe \$2 billion, maybe \$3 billion. Now, that is all I am going to say on this point.

I urge your support of this amendment. This is a good amendment. It is good for the steelworkers and the industrial workers in southeast Pennsylvania; it is good for the consumers, who are being run out of house and home by these utility rates; it is even good for the farmers. Thank you.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

I do intend to be brief on this. I know I cannot condense what I have to say here in opposition to this amendment in 2 minutes, and I hope the members will bear with me on this issue.

First of all, I rise to oppose the amendment. As Representative Greenwood said this morning, the amendment was aimed at giving the PUC the right to halt the unit 2 construction project at Limerick.

I contend there is more to this matter than appears on the surface. The proponents of this amendment, the group Delaware Incorporated, were originally founded in Bucks County to stop a water project, specifically the water pumping station at Point Pleasant that was designed to bring up to 46 million gallons of water a day to the drought-prone areas of Montgomery County represented by myself, Representative Bunt, and Representative Saurman, along with a like amount of water to cool the Limerick reactors. This group

now contends that if unit 2 at Limerick is not built, there will be no need for the pumping station.

What I would like to do is also bring the record of Limerick 2 to your attention. First of all, I have in my possession a certificate of need, which was a license to operate, in essence, from the PUC for Limerick 2. I would like to read just a brief part of exactly what this says.

It is hereby decided that the proposed situations of a generating station building and two substation control buildings on Philadelphia Electric Company's proposed Limerick Generating Station property located in Limerick Township... as more fully set forth in the record of the instant application, are reasonably necessary for the convenience or welfare of the public, subject to the following condition:

et cetera, et cetera.

First of all, so what I am saying is there was a certificate of need issued by the PUC on this project.

Secondly, there was a PUC order that came forth to the utility companies at that time—this goes back in the late sixties and early seventies—demanding that they take a look at the energy needs—I am just going to be very brief in concluding on this. The PUC asked these companies, the PUC came to the legislature asking the legislature to investigate the energy crisis we were facing in Pennsylvania at that time.

In conclusion, I just want to tell you where we are on unit 2. Unit 2 at Limerick is now 31 percent complete and has cost approximately \$800 million. The total completion cost is \$3.2 billion. The project means 2,500 to 3,000 construction jobs over the next 4 years, which means 16 1/2 million man-hours. We must look at the \$800 million already spent and the millions of dollars of equipment that has been purchased and is being stored for unit 2.

I would appreciate your negative vote on this amendment. Thank you.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

It is really not appropriate to take any of the 2 minutes to make a statement, and yet I feel I must.

This afternoon we sat through a lot of discussion on the Game Commission situation and we sat through some other things and there was a lot of debate and a lot of discussion. This is probably the most important thing that we will be doing, and we are limited to 2 minutes. The same thing happened, in my opinion, with the—

The SPEAKER. You are corrected, Mr. Saurman. You are not limited to 2 minutes. The Chair said it would not enforce the 2-minute rule; it will simply announce that you have gone 2 minutes.

Mr. SAURMAN. Thank you very much.

A similar situation existed, in my opinion, with the select task force which was designed to go out and study this situation. In 1982 there was a PUC administrative law judge who held 17 months of hearings, took testimony, and filled a book that is the size of the budget. In four meetings our task force came back with a decision, which I feel was an impossible

thing to do. We could neither decide whether unit 2 should be or should not be finished in that short a time. Now we are saying that we want to cancel something after it has been completed or nearly completed and a great deal of money expended.

I believe that the PUC should probably have the power to cancel, but I believe that that power should be granted in advance and all of the parties in the game know that they are subject to that kind of cancellation; that those who invest money in this kind of a project know that at the end of that it can be canceled or at any time, and there is some provision made for the moneys that have been already invested.

I think we are getting into this concept at the wrong time. I think that we should put this bill, frankly, back with the amendments and look at it a lot more carefully. It did not come out of committee; it is being added as an amendment.

MOTION TO RECOMMIT

Mr. SAURMAN. In the final moment that I have, sir, I would like to move that SB 543, with the amendment, be resubmitted to the Consumer Affairs Committee.

The SPEAKER. It has been moved by the gentleman, Mr. Saurman, that SB 543, together with the amendments already offered, be recommitted to the Committee on Consumer Affairs.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Gallagher. Run the time on him.

Mr. GALLAGHER. Mr. Speaker, I just urge the members to vote "no" and to let us vote on the amendment and continue the business ahead of us. Thank you, Mr. Speaker.

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

Mr. LLOYD. Mr. Speaker, I would urge a "no" vote. What members need to understand very clearly is if this bill goes back to committee, even if it comes out of committee, that will be in the fall. What the members also need to know is that the Public Utility Commission is in the midst of an investigation of whether the Limerick powerplant ought or ought not be completed. That decision will be made very soon. The commission, if it is going to find that this plant should not be continued, needs the authority to do that before September or October. So if you vote to put this bill back into committee, you are in effect voting to complete that powerplant notwithstanding what the Public Utility Commission's current investigation might show. I think that is not very wise as far as timeliness is concerned.

Let us vote "no" on the motion to recommit and get on with the vote on the amendment.

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

Mr. EVANS. Mr. Speaker, I will also urge my colleagues to vote "no" on the motion. HB 111 is also already in the committee, and the fact of the matter is that we need to discuss

this issue now. We have been waiting for many months to resolve and to deal with this issue.

I am asking that my members vote "no" on this issue.

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

The following roll call was recorded:

YEAS—82

Angstadt	Dininni	Kennedy	Pott
Argall	Distler	Kenney	Preston
Arty	Dorr	Langtry	Punt
Barley	Durham	Letterman	Raymond
Birmelin	Fargo	Lucyk	Robbins
Black	Fischer	Markosek	Ryan
Bowser	Flick	Mayernik	Saurman
Boyes	Foster, Jr., A.	Merry	Scheetz
Brandt	Fox	Micozzie	Schuler
Burd	Freind	Moehlmann	Semmel
Bush	Gallen	Mowery	Seventy
Carlson	Gannon	Mrkonic	Smith, L. E.
Cessar	Geist	Murphy	Snyder, G. M.
Chadwick	Gladeck	Nahill	Stairs
Cimini	Godshall	Noye	Swift
Civera	Gruppo	O'Brien	Taylor, J.
Cornell	Hasay	Perzel	Wass
Coslett	Hayes	Phillips	Weston
DeVerter	Honaman	Piccola	Wogan
Dawida	Jackson	Pitts	Wright, R. C.
Dietz	Johnson		

NAYS—118

Acosta	Dombrowski	Linton	Serafini
Afflerbach	Donatucci	Livengood	Showers
Baldwin	Duffy	Lloyd	Sirianni
Barber	Evans	McCall	Smith, B.
Battisto	Fattah	McClatchy	Snyder, D. W.
Belardi	Fee	McHale	Staback
Belfanti	Freeman	McVerry	Steighner
Blaum	Fryer	Mackowski	Stevens
Book	Gallagher	Maiale	Stewart
Bortner	Gamble	Manderino	Stuban
Bowley	George	Manmiller	Sweet
Broujos	Greenwood	Michlovic	Taylor, E. Z.
Bunt	Gruitza	Miller	Taylor, F. E.
Burns	Hagarty	Morris	Telek
Caltagirone	Haluska	O'Donnell	Tigue
Cappabianca	Harper	Oliver	Trello
Carn	Herman	Petrarca	Truman
Cawley	Hershey	Petrone	Van Horne
Clark	Howlett	Pievsky	Veon
Clymer	Hutchinson	Pistella	Vroon
Cohen	Itkin	Pratt	Wambach
Colafella	Jarolin	Pressmann	Wiggins
Cole	Josephs	Reber	Wilson
Cordisco	Kasunic	Reinard	Wozniak
Cowell	Kosinski	Richardson	Wright, D. R.
Coy	Kukovich	Rieger	Wright, J. L.
Deluca	Lashinger	Roebuck	Yandrisevits
DeWeese	Laughlin	Rudy	
Daley	Lescovitz	Rybak	Irvis,
Deai	Levin	Saloom	Speaker

NOT VOTING—2

Levdansky Olasz

EXCUSED—1

Davies

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

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

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Preston, on the amendment. Run the clock.

Mr. PRESTON. Thank you, Mr. Speaker.

Will the gentleman stand for brief interrogation?

The SPEAKER. Mr. Gallagher indicates he will stand for interrogation.

Mr. PRESTON. I have not had a chance to talk to my utility companies, and I am hearing several different stories. If your amendment passes, can you tell me what it would do as far as a company, say, within the Pittsburgh area, Duquesne Light primarily, that has nuclear powerplants, that has present applications in for future plants, what it would do to them?

Mr. GALLAGHER. Mr. Speaker, this amendment would not do anything to them if they are not under construction at the present time. If it is adopted, it would notify all utilities that when they are going to go for construction, the PUC would have this authority. If they determine that there is no need for that construction, they could cancel it. That is all it would do. It would not affect them from trying to or proposing to have a construction made. It would just be a warning to them in the future to make sure that the PUC determines that there is a need there. If they show there is no need, then they could cancel it, and that is all it does. It just lets them know that the utility commission would have that authority.

Mr. PRESTON. Can you tell me is it possible, if your amendment passes, that the rates in my district may go up?

Mr. GALLAGHER. Mr. Speaker, this amendment has nothing to do with your rates or with the utilities increasing anybody's rates. All it does is establish that they have the authority to cancel construction if they find it is not necessary for the area which they are supposed to service, and it would be to your benefit to make sure that they look at it first before they allow the utility to go out and start building construction for energy they think is needed, which has been shown in this area is not needed.

MOTION TO TABLE

Mr. PRESTON. Mr. Speaker, I am going to go over the 2 minutes, because I think my questions really have not been answered. There are an awful lot of questions that I have not gotten clear on this matter, and I think this is a major thing when we are talking about utility companies that are going to be asking to apply 10 to 12 years in advance as far as utilities are concerned.

Therefore, I make a motion that we table this bill with the amendment.

The SPEAKER. The motion to table is not debatable.

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

The following roll call was recorded:

YEAS—81

Angstadt	Durham	Kosinski	Preston
Argall	Fargo	Laughlin	Raymond
Arty	Fischer	Lescovitz	Robbins
Birmelin	Flick	Letterman	Ryan
Book	Foster, Jr., A.	Manderino	Saloom
Bowser	Fox	Manmiller	Saurman
Boyes	Freind	Markosek	Scheetz
Brandt	Gallen	Mayernik	Schuler
Bush	Gannon	Merry	Semmel
Carlson	Geist	Micozzie	Seventy
Cessar	Gladock	Moehlmann	Smith, L. E.
Chadwick	Godshall	Mowery	Snyder, G. M.
Cimini	Gruppo	Nahill	Stairs
Civera	Hasay	Noye	Swift
Colaella	Hayas	O'Brien	Taylor, E. Z.
Cornell	Hershey	Olasz	Taylor, J.
Coslett	Honaman	Perzel	Wass
DeVerter	Johnson	Phillips	Weston
Dietz	Kennedy	Piccola	Wogan
Distler	Kenney	Pitts	Wright, R. C.
Dorr			

NAYS—117

Acosta	Dombrowski	Livengood	Serafini
Afflerbach	Donatucci	Lloyd	Showers
Baldwin	Duffy	Lucyk	Sirianni
Barber	Evans	McCall	Smith, B.
Barley	Fattah	McClatchy	Snyder, D. W.
Battisto	Fee	McHale	Staback
Belardi	Freeman	McVerry	Steighner
Belfanti	Fryer	Mackowski	Stevens
Blaum	Gallagher	Maiale	Stewart
Bortner	Gamble	Michlovic	Stuban
Bowley	George	Miller	Sweet
Broujos	Greenwood	Morris	Taylor, F. E.
Bunt	Gruitza	Mrkonic	Telek
Burns	Hagarty	Murphy	Tigue
Caltagirone	Haluska	O'Donnell	Trello
Cappabianca	Harper	Oliver	Truman
Carn	Herman	Petrarca	Van Horne
Cawley	Howlett	Petrone	Veon
Clark	Hutchinson	Pievsky	Vroon
Clymer	Itkin	Pistella	Wambach
Cohen	Jackson	Pratt	Wiggins
Cole	Jarolin	Pressmann	Wilson
Cordisco	Josephs	Punt	Wozniak
Cowell	Kasunic	Reber	Wright, D. R.
Coy	Kukovich	Reinard	Wright, J. L.
Deluca	Langtry	Richardson	Yandrisevits
DeWeese	Lashingner	Rieger	
Daley	Levdansky	Roebuck	Irvis,
Dawida	Levin	Rudy	Speaker
Dininni	Linton	Rybak	

NOT VOTING—4

Black	Burd	Deal	Pott
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EXCUSED—1

Davies

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

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

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wilson, on the amendment. Run the clock.

Mr. WILSON. Mr. Speaker, I would like to interrogate either Mr. Lloyd or Mr. Gallagher on a few questions about—

The SPEAKER. Mr. Lloyd indicates he will stand for interrogation. You may proceed.

Mr. WILSON. I did not have time to read title 66 before this came up, but could you tell me or tell this Assembly, up to this point does a utility need to apply to the Public Utility Commission to get any kind of approval before they dig into the ground to begin any kind of facility?

Mr. LLOYD. There are a number of different certificates which are needed, but none of those is really an assessment of whether or not there is adequate demand to justify building the plant. There are some permits as far as land acquisition; there are securities, approvals, and the like.

Mr. WILSON. I only have 2 minutes. I only have 2 minutes, so keep it short, Mr. Speaker.

There is no preapplication to the Public Utility Commission by any utility to get a certificate of need prior to construction that would define the capacity of the plant, the use of the plant, or anything else, is there?

Mr. LLOYD. You are correct. There is not.

Mr. WILSON. However, if a utility builds a plant at the stockholders' risk, builds a plant - a facility to generate electricity or telephone calls or whatever - and it is used and useful in any portion of its capacity, any portion of its capacity, even 1 percent of capacity, can they or can they not apply to the Public Utility Commission to make the ratepayer pick up the cost of the entirety?

Mr. LLOYD. Once the plant becomes used and useful, it can be put into the rates of the utility company. It is possible for the commission to lower those rates if the capacity is as low as the gentleman suggested, but the commission does not have to do that.

Mr. WILSON. In other words, they could be running at a lot less than they judge of their capacity and the ratepayer could be by the PUC assessed a charge to offset that.

Mr. LLOYD. One hundred percent of the cost. That is correct.

Mr. WILSON. If this amendment were to pass, would the PUC have additional power that they do not have today to offset the ratepayer's cost to pick up that exorbitant cost that maybe is a stockholder's risk?

Mr. LLOYD. This legislation would give the PUC clear authority to order a cancellation and would also put restrictions on the recovery of previously incurred costs. Only those costs which were prudently incurred could be charged to ratepayers.

Mr. WILSON. I thank the gentleman. Thank you, Mr. Speaker.

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

There has been a lot of discussion on this issue, and by the procedural votes, it looks like it is going to pass, and I support that and ask for your continued support.

The issue is a lot more simple than it appears, and the issue is this: From time to time in Pennsylvania and around this country, particularly lately, we find that the electric power

industry has produced and is building plants that it appears at this point in time may not be needed. It may be unnecessary demand, and it may on top of that create a financial burden that neither the homeowners who would have to pay those rates nor the small business people nor the large industries can afford. The effect of that construction would be devastating on all concerned, and it is not necessary. When that happens, something has to give, and what this Gallagher amendment suggests is that when that happens, the Public Utility Commission takes a look at that process, does a thorough investigation, an investigation during which the utility has full opportunity to come and present its case as to whether it believes the plant is necessary or not necessary and affordable or not affordable. When all of that is finished and the Public Utility Commission decides, if it does, that in fact this particular plant is not in the public interest, should not be built, should not be finished, too expensive, we do not need it, then something has to happen, and what this amendment says is that the PUC has the power to cancel the plant. Some people think that the PUC already has that power; others have argued that it does not. This will make that clear.

And it finally takes care of the financial issue so that there is not an illegal and unconstitutional taking from that company by providing the opportunity for a return of prudently invested costs.

It is a sound bill economically; it is a sound bill in terms of the consumer, and I hope that you will continue to support it. Thank you.

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

The following roll call was recorded:

YEAS—129

Acosta	Evans	McCall	Serafini
Afflerbach	Fee	McClatchy	Seventy
Angstadt	Flick	McHale	Showers
Argall	Fox	McVerry	Sirianni
Baldwin	Freeman	Maiiale	Smith, B.
Barber	Fryer	Manmiller	Snyder, D. W.
Battisto	Gallagher	Mayernik	Staback
Belardi	Gamble	Michlovic	Steighner
Belfanti	George	Miller	Stevens
Blaum	Gladeck	Morris	Stewart
Bortner	Greenwood	Mrkonic	Stuban
Bunt	Gruitza	Murphy	Sweet
Burns	Hagarty	O'Donnell	Taylor, E. Z.
Caltagirone	Haluska	Olasz	Taylor, F. E.
Cappabianca	Harper	Oliver	Telek
Carn	Herman	Petrarca	Tigue
Cawley	Hershey	Petrone	Trello
Clark	Howlett	Piccola	Truman
Clymer	Hutchinson	Pievscky	Van Horne
Cohen	Itkin	Pistella	Veon
Cole	Jarolin	Pott	Vroon
Cordisco	Josephs	Pratt	Wambach
Cowell	Kasunic	Pressmann	Wass
Coy	Kosinski	Punt	Wiggins
Deluca	Kukovich	Reber	Wilson
DeWeese	Lashingier	Reinard	Wozniak
Daley	Laughlin	Richardson	Wright, D. R.
Dawida	Levdansky	Rieger	Wright, J. L.
Deal	Levin	Roebuck	Yandrisevits
Dininni	Linton	Rudy	
Dombrowski	Livengood	Rybak	Iris,
Donatucci	Lloyd	Saloom	Speaker

Duffy	Lucyk	Semmel	
		NAYS—72	
Arty	Cornell	Honaman	Perzel
Barley	Coslett	Jackson	Phillips
Birmelin	DeVerter	Johnson	Pitts
Black	Dietz	Kennedy	Preston
Book	Distler	Kenney	Raymond
Bowley	Dorr	Langtry	Robbins
Bowser	Durham	Lescovitz	Ryan
Boyes	Fargo	Letterman	Saurman
Brandt	Fischer	Mackowski	Scheetz
Broujos	Foster, Jr., A.	Manderino	Schuler
Burd	Freind	Markosek	Smith, L. E.
Bush	Gallen	Merry	Snyder, G. M.
Carlson	Gannon	Micozzie	Stairs
Cessar	Geist	Moehlmann	Swift
Chadwick	Godshall	Mowery	Taylor, J.
Cimini	Gruppo	Nahill	Weston
Civera	Hasay	Noye	Wogan
Colafella	Hayes	O'Brien	Wright, R. C.

NOT VOTING—1

Fattah

EXCUSED—1

Davies

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

On the question recurring,

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

Mr. GODSHALL offered the following amendments No. A2083:

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

utility"; and providing for the cancellation of certain projects and for the recovery of certain costs.

Amend Bill, page 3, by inserting between lines 27 and 28

Section 2. Title 66 is amended by adding a section to read:

§ 520. Power of commission to order cancellation or modification of construction of electric generating units.

(a) General rule.—The commission shall order any public utility engaged in producing, generating, transmitting, distributing or furnishing electricity to cancel or modify the construction of, or its participation in the construction of, any generating unit where the commission, after notice and an opportunity for hearing, determines that the construction is not in the public interest. In addition to any other relevant matters, the commission shall consider in its determination whether:

(1) The generating unit is necessary for the utility to provide adequate and reliable service to the public.

(2) There are less costly alternatives by which the utility could maintain its ability to provide adequate and reliable service.

(b) Investigations and hearings.—For the purpose of enabling the commission to make its determination, it may hold hearings, make inquiries and require the submission of information which it deems necessary or proper in enabling it to reach a determination. The burden of proof at these hearings, to show that construction of the generating unit is in the public interest, shall be on the public utility.

(c) Regulatory treatment of costs.—Notwithstanding any other provisions of this title, and for a generating unit canceled after the effective date of this section, an electric utility shall recover from the Commonwealth a return of, but not a return on, prudently incurred costs on any partially completed facility

whose cancellation is found by the commission to be in the public interest. The burden of proof, to show that any costs claimed were prudently incurred, shall be on the public utility.

Amend Sec. 2, page 3, line 28, by striking out "2" and inserting

3

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

4

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Montgomery, Mr. Godshall. Run the clock.

Mr. GODSHALL. This amendment is very simple. I think it might answer some of Representative Markosek's questions.

What this amendment says is that once a project is started, after there has been a certificate of need and so forth written and given by the PUC, if the PUC, which is a State agency, comes back at a later date and says we are going to now halt this project, it is really not fair to the ratepayers of that district to pay that bill. What this amendment says is that the State of Pennsylvania will pick up the cost of stopping that project; that is, the cost that has been expended to date. Thank you.

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

Mr. MORRIS. Mr. Speaker, I certainly oppose this amendment. It is quite obvious that the Commonwealth of Pennsylvania cannot bear the tab for this. What all this is going to do is to ruin the good effects of the last vote.

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

Mr. LLOYD. Mr. Speaker, everybody in this House who does not live in the Philadelphia Electric service territory should vote against this amendment, because what this amendment says is that if the PUC cancels that powerplant, it will not be the ratepayers of Philadelphia Electric who pay; it will be the taxpayers of the State of Pennsylvania, and that means you and I who do not live in the city of Philadelphia or in the suburban Philadelphia area. So if you do not live in that area, you had better vote against this amendment.

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

Mr. EVANS. Mr. Speaker, I also rise, as a member who lives in that particular area, that I would not want the taxpayers of the rest of the State paying that cost. I understand what Representative Lloyd raised, and right, I do not think the taxpayers around the State should pay for this. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—7

Durham	Flick	Godshall	Raymond
Fattah	Gannon	Letterman	

NAYS—195

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

NOT VOTING—0

EXCUSED—1

Davies

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

On the question recurring,

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

Mr. GODSHALL offered the following amendments No. A1942:

Amend Bill, page 4, by inserting between lines 2 and 3 Section 4. The provisions of section 520 of Title 66 shall apply to electric generating unit construction begun after the effective date of this act.

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

5

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

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

Mr. GODSHALL. I hope this amendment will be more palatable to the legislators than the last, but I did try.

What I am saying with this amendment is we are changing the laws in midstream. What I am saying here is that the provisions of this amendment would apply to electrical generating unit construction begun after the effective date of the bill. I am saying we are not going retroactively back 8 or 10 years, but if we are going to change the rules and regulations, let us change them now effectively with the effective signing date of the bill.

It is a simple amendment. I appreciate your support.

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

The following roll call was recorded:

YEAS—33

Table with 4 columns of names: Barley, Birmelin, Book, Boyes, Burd, Cessar, Cornell, DeVerter, Dorr, Durham, Flick, Foster, Jr., A., Fox, Godshall, Hasay, Hutchinson, Johnson, Letterman, Markosek, Merry, Micozzie, Nahill, Noye, Pitts, Raymond, Ryan, Saloom, Saurman, Scheetz, Schuler, Smith, L. E., Wass, Wright, R. C.

NAYS—165

Table with 4 columns of names: Acosta, Afflerbach, Angstadt, Argall, Baldwin, Barber, Battisto, Belardi, Belfanti, Black, Blaum, Bortner, Bowley, Bowser, Brandt, Broujos, Bunt, Burns, Bush, Caltagirone, Cappabianca, Carlson, Cawley, Chadwick, Cimini, Civera, Clark, Clymer, Cohen, Colafella, Cole, Cordisco, Coslett, Cowell, Distler, Dombrowski, Donatucci, Duffy, Evans, Fargo, Fattah, Fee, Fischer, Freeman, Freind, Fryer, Gallagher, Gallen, Gamble, Geist, George, Gladeck, Greenwood, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hayes, Herman, Hershey, Honaman, Howlett, Itkin, Jackson, Jarolin, Josephs, Kasunic, Levdansky, Levin, Linton, Livengood, Lloyd, Lucyk, McCall, McClatchy, McHale, McVerry, Mackowski, Maiale, Manderino, Manmiller, Michlovic, Miller, Moehlmann, Morris, Mowery, Mrkonic, Murphy, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Petrarca, Petrone, Phillips, Piccola, Piestsky, Pistella, Pott, Pratt, Roebuck, Rudy, Rybak, Semmel, Serafini, Seventy, Showers, Sirianni, Smith, B., Snyder, D. W., Snyder, G. M., Staback, Stairs, Steighner, Stevens, Stewart, Suban, Sweet, Swift, Taylor, E. Z., Taylor, F. E., Taylor, J., Telek, Tigue, Trello, Truman, Van Horne, Veon, Vroon, Wambach, Weston, Wiggins, Wilson, Wogan.

Table with 4 columns of names: Coy, Deluca, DeWeese, Daley, Dawida, Deal, Dietz, Dininni, Kennedy, Kenney, Kosinski, Kukovich, Langtry, Lashinger, Laughlin, Lescovitz, Pressmann, Preston, Punt, Reber, Reinard, Richardson, Rieger, Robbins, Wozniak, Wright, D. R., Wright, J. L., Yandrisevits, Irvis, Speaker.

NOT VOTING—4

Table with 4 columns of names: Arty, Carn, Gannon, Mayernik.

EXCUSED—1

Davies

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

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

Mr. RYAN offered the following amendments No. A2030:

Amend Sec. 1 (Sec. 102), page 3, line 24, by removing the comma after "Company" and inserting

or

Amend Sec. 1 (Sec. 102), page 3, line 25, by inserting a period after "Corporation"

Amend Sec. 1 (Sec. 102), page 3, lines 25 and 26, by striking out "or the Philadelphia Suburban Transportation" in line 25 and all of line 26

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

The SPEAKER. On the amendment, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, this amendment is not nearly so controversial, has nothing to do with nuclear power, has nothing to do with the pumping station in Bucks County. It simply removes from the PUC their jurisdiction over the Philadelphia Suburban Transportation system.

What happened in this is, when the bill was drafted, they named five transportation systems to fall under the licensure of the PUC. The PUC has no objection to Suburban Transportation, which is the trolley line—to those of you from the southeast—it is the trolley line that runs from Upper Darby's 69th Street out to the Media area.

Presently it is inspected by PennDOT. The PUC does not want to get involved in the trolley car business and is satisfied, as is the prime sponsor, Senator Bell in the Senate, that this be removed. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—196

Table with 4 columns of names: Acosta, Afflerbach, Angstadt, Argall, Baldwin, Barber, Barley, Battisto, Belardi, Diminni, Distler, Dombrowski, Donatucci, Dorr, Duffy, Durham, Fargo, Fattah, Fee, Levdansky, Levin, Linton, Livengood, Lloyd, Lucyk, McCall, McClatchy, McHale, McVerry, Robbins, Roebuck, Rudy, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Semmel.

Belfanti	Fischer	Mackowski	Serafini
Birmelin	Flick	Maiale	Seventy
Black	Foster, Jr., A.	Manderino	Showers
Blaum	Fox	Manmiller	Sirianni
Book	Freind	Markosek	Smith, B.
Bortner	Fryer	Mayernik	Smith, L. E.
Bowley	Gallagher	Merry	Snyder, D. W.
Bowser	Gallen	Michlovic	Snyder, G. M.
Boyes	Gamble	Micozzie	Staback
Brandt	Geist	Miller	Stairs
Broujos	George	Moehlmann	Steighner
Bunt	Gladeck	Morris	Stevens
Burd	Godshall	Mowery	Stewart
Burns	Greenwood	Mrkonic	Stuban
Bush	Gruitza	Murphy	Sweet
Caltagirone	Gruppo	Nahill	Swift
Cappabianca	Hagarty	Noye	Taylor, E. Z.
Carlson	Haluska	O'Brien	Taylor, F. E.
Cawley	Harper	O'Donnell	Taylor, J.
Cessar	Hasay	Olasz	Telek
Chadwick	Hayes	Oliver	Tiguel
Cimini	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Truman
Clark	Honaman	Petrone	Van Horne
Clymer	Howlett	Phillips	Veon
Cohen	Hutchinson	Piccola	Vroon
Colafella	Itkin	Pievsky	Wambach
Cole	Jackson	Pistella	Wass
Cordisco	Jarolin	Pitts	Weston
Cornell	Johnson	Pott	Wiggins
Coslett	Kasunic	Pratt	Wilson
Cowell	Kennedy	Pressmann	Wozniak
Coy	Kenney	Preston	Wright, D. R.
Deluca	Kosinski	Punt	Wright, J. L.
DeVerter	Kukovich	Raymond	Wright, R. C.
DeWeese	Langtry	Reber	Yandrisevits
Daley	Lashingier	Reinard	
Dawida	Laughlin	Richardson	Irvis,
Deal	Lescovitz	Rieger	Speaker
Dietz	Letterman		

NAYS—3

Freeman	Josephs	Wogan
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NOT VOTING—3

Carn	Evans	Gannon
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EXCUSED—1

Davies

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—153

Acosta	Dombrowski	Livengood	Saloom
Afflerbach	Donatucci	Lloyd	Semmel
Angstadt	Duffy	Lucyk	Serafini
Argall	Durham	McCall	Seventy
Arty	Evans	McClatchy	Showers
Baldwin	Fattah	McHale	Sirianni
Barber	Fee	McVerry	Smith, B.
Battisto	Fischer	Mackowski	Snyder, D. W.

Belardi	Flick	Maiale	Staback
Belfanti	Fox	Manmiller	Steighner
Blaum	Freeman	Mayernik	Stevens
Bortner	Fryer	Michlovic	Stewart
Bowley	Gallagher	Miller	Stuban
Bunt	Gamble	Morris	Sweet
Burd	George	Mrkonic	Taylor, E. Z.
Burns	Gladeck	Murphy	Taylor, F. E.
Bush	Greenwood	O'Brien	Taylor, J.
Caltagirone	Gruitza	O'Donnell	Telek
Cappabianca	Gruppe	Olasz	Tiguel
Carlson	Hagarty	Oliver	Trello
Carn	Haluska	Perzel	Truman
Cawley	Harper	Petrarca	Van Horne
Clark	Herman	Petrone	Veon
Clymer	Hershey	Piccola	Vroon
Cohen	Howlett	Pievsky	Wambach
Colafella	Hutchinson	Pistella	Wass
Cole	Itkin	Pott	Weston
Cordisco	Jarolin	Pratt	Wiggins
Cornell	Josephs	Pressmann	Wogan
Coslett	Kasunic	Preston	Wozniak
Cowell	Kenney	Punt	Wright, D. R.
Coy	Kosinski	Raymond	Wright, J. L.
Deluca	Kukovich	Reber	Wright, R. C.
DeWeese	Langtry	Reinard	Yandrisevits
Daley	Lashingier	Richardson	
Dawida	Lescovitz	Rieger	
Deal	Levdansky	Roebuck	Irvis,
Dininni	Levin	Rudy	Speaker
Distler	Linton	Rybak	

NAYS—48

Barley	DeVerter	Jackson	Noye
Birmelin	Dietz	Johnson	Phillips
Black	Dorr	Kennedy	Pitts
Book	Fargo	Laughlin	Robbins
Bowser	Foster, Jr., A.	Letterman	Ryan
Boyes	Freind	Manderino	Saurman
Brandt	Gallen	Markosek	Scheetz
Broujos	Geist	Merry	Schuler
Cessar	Godshall	Micozzie	Smith, L. E.
Chadwick	Hasay	Moehlmann	Snyder, G. M.
Cimini	Hayes	Mowery	Stairs
Civera	Honaman	Nahill	Swift

NOT VOTING—1

Gannon

EXCUSED—1

Davies

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

* * *

The House proceeded to third consideration of **SB 632, PN 1211**, entitled:

An Act relating to the prevention and reduction of premature death and disability in this Commonwealth; providing for assistance, coordination and support of the development and maintenance of a comprehensive emergency medical services system and for qualifications, eligibility and certification of emergency medical services personnel and licensing ambulance services; imposing powers and duties on the Department of Health; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. WAMBACH offered the following amendments No. A2624:

Amend Sec. 12, page 66, line 21, by striking out "NOT TO EXCEED" and inserting

of

Amend Sec. 12, page 66, lines 21 and 22, by striking out "ONLY ONCE BY THE" in line 21, all of line 22 and inserting for the same incremental period not to exceed three years.

Amend Sec. 12, page 66, line 28, by striking out "NOT TO EXCEED" and inserting

of

Amend Sec. 12, page 66, line 28, by removing the period after "YEAR" and inserting and may be renewed for the same incremental period not to exceed two years.

On the question,

Will the House agree to the amendments?

PARLIAMENTARY INQUIRY

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

Mr. DORR. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. What is your parliamentary inquiry?

Mr. DORR. Mr. Speaker, can the amendment be divided?

The SPEAKER. Where would the gentleman suggest that the division be made?

Mr. DORR. Mr. Speaker, I suggest the division to take place after the phrase "for the same incremental period not to exceed three years."

The SPEAKER. We will have to check the bill, because the amendment as you suggest it be divided affects the same section in both cases, so we will have to be sure.

The House will stand at ease.

AMENDMENTS DIVIDED

The SPEAKER. It is the opinion of the Chair that the amendment may be successfully divided at the line where the gentleman suggested, and the amendment is so divided.

Before the House the Chair now places the following amendment: "Amend Sec. 12, page 66, line 21, by striking out 'NOT TO EXCEED' and inserting..." and ending with the words "for the same incremental period not to exceed three years." That is the amendment currently before the House.

On the question,

Will the House agree to part I of the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Dauphin, Mr. Wambach. Run the clock.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, maybe to facilitate this procedure through the House on this amendment, I came across a letter that was sent by Secretary Muller to the Senate, and I would like to clarify with the gentleman, Mr. Dorr, a provision of the letter that in

fact is the intent of him and the Secretary as far as this section of the bill is concerned. If I can proceed, the section I am concerned about is:

I would also like to draw your attention to Section 12(1) found on Page 30—

which would now be 66—

of Senate Bill 632 dealing with the refusal or suspension of an ambulance license. This Section delineates the reasons why the Department may refuse to review or suspend or revoke a license of an ambulance service. The second sentence in Section (1)(1) reads, "For purposes of this paragraph, a serious violation is one which poses a continued significant threat to the health of a patient." The key words are "poses a continued significant threat." "(2) Failure of a licensee to submit a reasonable timetable to correct deficiencies." The key words here are "a reasonable timetable to correct deficiencies." "(3) The existence of a continuing pattern of deficiencies over a period of three or more years." The key words in this Section are "a continuing pattern of deficiencies." These Sections were specifically worded to provide assurances to the ambulance services that the Department would not revoke and/or suspend an ambulance license indiscriminately or without just cause. The Department of Health recognizes there may be occasions when an ambulance service may not be in compliance when responding to an emergency, but this represents the exception and not the normal practice of the service.

In conclusion, allow me to reiterate our commitment and appreciation to the volunteer community and the job they have done thus far.

I would like to say that that was in a letter of May 30, 1985, under the signature of H. Arnold Muller, M.D., Secretary of Health. Do you agree with those provisions that he has enumerated, Mr. Speaker, in regard to this provision as intent?

Mr. DORR. If I may respond to the gentleman, Mr. Speaker.

My understanding of this legislation is that the intent is exactly as stated by the Secretary of Health in that letter. It certainly would be my intent, and I have discussed it with representatives of the Health Department who agree with that statement.

PART I OF AMENDMENTS WITHDRAWN

Mr. WAMBACH. Mr. Speaker, based on that, I would like to withdraw the first part of the amendment and offer the second part.

The SPEAKER. The gentleman has withdrawn the entire amendment, both the first part and the second. Is that correct?

Mr. WAMBACH. I am withdrawing the first part of the amendment as you enumerated down to "...not to exceed three years."

The SPEAKER. Fine, and what did you say after that?

Mr. WAMBACH. I would like to offer now the second part of the amendment.

The SPEAKER. Fine.

The gentleman offers now as an amendment to the bill the words as follows: "Amend Sec. 12, page 66, line 28, by striking out 'NOT TO EXCEED'..." and ending with the words "not to exceed two years."

On the question,
Will the House agree to part II of the amendments?

The SPEAKER. On that amendment, the Chair recognizes the gentleman, Mr. Wambach.

Mr. WAMBACH. Mr. Speaker, this amendment deals with temporary licensure, expands the period of the temporary license, the period of time to include the 1 year and it may be renewed for the same incremental period not to exceed 2 years.

Here in Harrisburg we have an extremely proficient River Rescue service that has a budget over \$500,000 - over a half a million dollars a year, Mr. Speaker - and the provisions of the 24 hours a day, 7 days a week under the paramedics of this section would hamper the operation of that unit probably seven or eight shifts in an entire year. So rather than have that come before the Secretary and have him or her negate the existence of the advanced life support system, we are asking that the Secretary provide up to a 2-year extension beyond the 1-year period that is currently in the bill.

I believe this is an agreed-to amendment, Mr. Speaker.

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

Mr. BARBER. Mr. Speaker, I have no objection to the amendment.

On the question recurring,
Will the House agree to part II of the amendments?

The following roll call was recorded:

YEAS—201

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

Chadwick	Harper	O'Donnell	Tigue
Cimini	Hasay	Olasz	Trello
Civera	Hayes	Oliver	Truman
Clark	Herman	Perzel	Van Horne
Clymer	Hershey	Petrarca	Veon
Cohen	Honaman	Petrone	Vroon
Colafella	Howlett	Phillips	Wambach
Cole	Hutchinson	Piccola	Wass
Cordisco	Itkin	Pievsky	Weston
Cornell	Jackson	Pistella	Wilson
Coslett	Jarolin	Pitts	Wogan
Cowell	Johnson	Pott	Wozniak
Coy	Josephs	Pratt	Wright, D. R.
Deluca	Kasunic	Pressmann	Wright, J. L.
DeVerter	Kennedy	Preston	Wright, R. C.
DeWeese	Kenney	Punt	Yandrisevits
Daley	Kosinski	Raymond	
Dawida	Kukovich	Reber	Irvis,
Deal	Langtry	Reinard	Speaker
Dietz	Lashingner	Richardson	

NAYS—0

NOT VOTING—1

Wiggins

EXCUSED—1

Davies

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

On the question,

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

Mr. McHALE offered the following amendments No. A2554:

Amend Title, page 2, line 20, by inserting after "HEALTH;" providing for a Statewide emergency telephone number "911" system; establishing a telecommunications unit within the Department of General Services; providing for funding of the system, for a referendum and for contributions from telephone subscribers; providing penalties; making appropriations;

Amend Table of Contents, page 3, by inserting between lines 10 and 11

Section 18. Statewide emergency telephone number "911."

Section 19. Appropriations.

Amend Table of Contents, page 3, line 11, by striking out "18" and inserting
20

Amend Table of Contents, page 3, line 12, by striking out "19" and inserting
21

Amend Table of Contents, page 3, line 13, by striking out "20" and inserting
22

Amend Sec. 4, page 43, lines 3 and 4, by striking out "WHERE FEASIBLE, THE UNIVERSAL EMERGENCY TELEPHONE NUMBER 911" and inserting
wherever established pursuant to section 18, a basic "911" system

Amend Bill, page 71, by inserting between lines 20 and 21
Section 18. Statewide emergency telephone number "911."

(a) Definitions.—The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Basic '911' system." A system which permits a person dialing "911" by telephone to be connected to a public safety answering point, via normal telephone facilities, for the reporting of police, fire, medical or other emergency situations.

“Commission.” The Pennsylvania Public Utility Commission.

“County plan.” A document submitted by the county to the telecommunications unit, outlining its proposed “911” system.

“Department.” The Department of General Services of the Commonwealth.

“Emergency telephone contribution rate.” A fee assessed against a telephone subscriber for the recurring charges for the basic “911” system.

“Installation grants.” Grants provided to counties from general revenues to reimburse the initial expenses of implementing a “911” telephone system. Expenses eligible for reimbursement shall include telephone terminal equipment, trunk line service installation and any other nonrecurring costs to establish a “911” telephone system.

“Public agency.” The Commonwealth or a political subdivision, public authority, municipal authority or any organization located in whole or in part within this Commonwealth which provides or has the authority to provide firefighting, law enforcement, ambulance, emergency medical or other emergency services.

“Public safety answering point” or “PSAP.” The first point at which calls for emergency assistance from individuals are answered.

“Telephone subscriber.” A person who contracts with a telephone company within this Commonwealth for telephone service, either residential or commercial, in return for which the person is billed on a monthly basis. When the same person, business or organization has several telephone numbers, each listing shall constitute a separate subscription. The term shall include a telephone for which a direct user fee is collected at the time of a call, commonly referred to as a pay telephone.

“Unit.” The telecommunications unit within the department.

(b) Telecommunications unit.—

(1) There is hereby established a telecommunications unit within the department. The unit shall employ telecommunications professionals hired under the act of August 5, 1941 (P.L. 752, No. 286), known as the Civil Service Act.

(2) The unit shall have the following powers and duties:

(i) To be responsible for the central management of telecommunications for this Commonwealth.

(ii) To provide information regarding State installation grants for implementing “911” systems for eligible counties.

(iii) To establish guidelines and application procedures for the dissemination of installation grants.

(iv) To provide technical assistance, as requested by the counties, in developing a basic “911” system. Each “911” plan shall be designed to meet the individual circumstances of each community and the public agencies participating in the “911” system.

(v) To promulgate rules and regulations containing minimum standards for all county plans and procedures for submission thereof.

(vi) To receive, review and approve or disapprove all basic “911” system county plans, either on an initial application basis, expansion of an approved plan or renewal of an existing plan.

(vii) To forward the approved county plan and suggested contribution rate to the commission. If the plan is rejected, it shall be returned to the unit, which shall revise the plan to meet the commission objections.

(viii) To provide technical assistance to county governments to publicize the implementation of “911” throughout the area.

(c) Counties.—

(1) The governing body of a county shall have the following powers and duties in relation to a “911” system:

(i) To designate a member of county government as a coordinator who shall serve as a point of contact with the unit to develop a plan for the implementation, operation and maintenance of a “911” system. The county plan shall be adequate to provide service for the entire county at the time it is submitted for approval to the unit.

(ii) To make arrangements with each telephone company operating within the county’s jurisdiction to provide “911” service.

(iii) To send a copy of the proposed plan to the appropriate telephone company upon submission of the plan to the unit.

(iv) To cooperate with the unit in preparation and submission of an installation grant.

(v) To cooperate with the unit in preparation and submission of the approved plan and contribution rate to the commission for rate approval.

(vi) To submit the question to the voters of the county for approval of whether or not to establish the approved “911” plan in the county.

(vii) To execute all contracts, mutual aid agreements, cross-service agreements and all other necessary documents which may be required in the implementation of the county plan.

(2) When an individual physically resides in an adjacent county, but receives telephone service from a central office in a county which provides “911” service, it shall be the responsibility of the county with the “911” service to notify the appropriate public agency of a request for emergency service from such an individual.

(d) County plan.—

(1) Upon the agreement of the governing authority to establish a “911” system, a plan shall be drafted meeting the minimum standards promulgated by the unit. The county may obtain technical assistance from the unit in formulating its plan.

(2) Upon completion of the plan, it shall be forwarded to the unit, with a copy of the plan being sent to those telephone companies affected by the plan.

(3) The unit shall have 90 days to review the plan and make suggested revisions of the plan. Within the 90-day period, the unit must accept or reject the plan and formulate a rate of contribution to fund the ongoing monthly charges for the system. The contribution rate shall be based on the number of telephone subscribers serviced within the county.

(4) The unit shall forward the plan to the commission with the estimated cost of the plan and a requested contribution rate. The commission shall review the plan only in relation to the contribution rate and may reject only those contribution rates which it finds excessive to meet the costs stated in the plan. The rates shall be reviewed and returned by the commission within 30 days of the date of submission. If the plan is rejected, it shall be returned to the unit.

(5) Once the plan is approved by the unit and reviewed by the commission pursuant to this section, it shall be submitted to the voters pursuant to subsection (e).

(6) Those counties that presently have “911” systems shall be eligible for installation grants for purposes of updating and expanding present systems. Any county that wishes to convert to a telephone contribution rate to cover recurring expenses will be subject to the same approval mechanism as new systems.

(7) Nothing in this act shall be construed to prohibit the formation of multijurisdictional or regional “911” systems, and any system established under this act may include the ter-

ritory of a county. It shall not be necessary for two counties who have received voter approval to submit the question for a multijurisdictional system.

(8) Once a plan has been approved by the voters and established, the contribution rate shall remain fixed for a period of four years. Substantial expansion or change of the system shall require an amended plan to be filed with the unit. Requests for contribution rate increases shall be submitted on a four-year basis to the unit and the commission but shall not require voter approval.

(9) The moneys collected from the telephone contribution rate shall be utilized only to pay for the operation of a basic "911" system and may be assessed after the execution of a contract but no earlier than 90 days prior to the operation of "911" service.

(e) Referendum.—

(1) Before any county may establish a "911" system and impose an emergency telephone contribution under this act, it shall submit the proposal to the electors of the county for their approval at the next primary, municipal or general election for which the advertising requirements of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, can be met. The question shall be:

Shall the county of establish an emergency "911" telephone service system and impose a contribution upon individuals to finance such service?

(2) If a majority of the votes cast on the proposal by the qualified electors voting thereon are in favor of the proposal, the county shall establish the service and impose the contribution allowed by this act. If a majority of the votes cast on the proposal are opposed to the proposal, the county submitting the proposal shall not implement this act. The question may be put before the electors at any subsequent election, pursuant to this section.

(3) The referendum under this section shall be held in accordance with the Pennsylvania Election Code.

(f) Collection of contribution.—

(1) The telephone company operating within the county shall collect the contribution from each subscriber and forward the collection quarterly to the county treasurer. The amount of the subscribers' contribution shall be stated separately in the telephone subscribers' billing. The telephone company shall retain 1% of the gross receipts collected to cover administrative costs.

(2) The county treasurer shall deposit the moneys received in a restricted account used for the sole purpose of monthly recurring charges billed for the basic "911" system. The governing body of the county shall make an annual appropriation from such account for the "911" system and shall retain 1% of the gross receipts collected to cover administrative costs.

(3) Nothing in this act shall impose any obligation upon a telephone company to take legal action to enforce collection of the contribution imposed by this section. The telephone company shall provide the county with a list of amounts uncollected along with the names and addresses of the telephone subscribers who have not paid the contribution.

(g) Source of funds.—Funds for installation grants shall be provided from the General Fund. If, in any fiscal year, appropriations are insufficient to cover the costs of grants to those counties which make timely requests, the department shall report the fact to the General Assembly and request a deficiency appropriation of funds to provide these grants. If a deficiency appropriation is not enacted, any county not receiving a grant shall receive first priority for any appropriation made for the next fiscal year.

(h) Pay telephone access.—The commission shall promulgate regulations requiring free access to "911" service from pay telephones.

(i) Penalty.—Any person who intentionally calls the "911" emergency number for other than emergency purposes commits a misdemeanor of the third degree.

Section 19. Appropriations.

(a) Installation grants.—The sum of \$1,250,000, or as much thereof as may be necessary, is hereby appropriated to the Department of General Services for the fiscal year July 1, 1985, to June 30, 1986, for installation grants pursuant to section 18.

(b) Administration.—The sum of \$250,000, or as much thereof as may be necessary, is hereby appropriated to the Department of General Services for the fiscal year July 1, 1985, to June 30, 1986, for operation of the telecommunications unit pursuant to section 18.

Amend Sec. 18, page 71, line 21, by striking out "18" and inserting

20

Amend Sec. 19, page 71, line 27, by striking out "19" and inserting

21

Amend Sec. 19, page 72, by inserting between lines 7 and 8 Act of April 28, 1978 (P.L.90, No.42), known as the Emergency Telephone Act.

Amend Sec. 20, page 72, line 10, by striking out "20" and inserting

22

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, in my legislative district there are two newspapers of general circulation which appear on a daily basis. On April 15, 1985, one of those two newspapers, the Allentown Morning Call, wrote the following article, and I will read one paragraph of it very briefly. It is headlined "Emergency calls getting there faster," and the first paragraph reads as follows:

Besides handling 74,600 calls, the Allentown communication center improved its capabilities to relay emergency information to police, fire and ambulance personnel last year.

Seventy-seven percent of the calls processed by the center's 15 communication specialists and four shift supervisors came through its nine 911 emergency lines.

Those are incredible statistics.

Mr. Speaker, again I remind you, that was on the morning of April 15, 1985. On the evening of April 15, 1985, one of my constituents, Frances D. Garlinghouse, died in a fire. She lived in West Bethlehem. As most of the members are aware, Allentown and Bethlehem are adjacent municipalities. Allentown has "911" emergency service; Bethlehem does not. As a result of the fact that Bethlehem does not have the system, the following morning this article appeared in the Bethlehem Globe Times. The headline is "Misplaced call delays firemen in fatal blaze." "A 59-year-old Bethlehem woman died Monday night in a fire at her West Broad Street apartment, fire officials said, adding they were delayed in getting the call because a neighbor mistakenly dialed a 911 emergency number. Investigators have not yet determined the fire's cause."

That article goes on to indicate that this is not the first time that a constituent of mine has died in a fire because a citizen had the mistaken belief that we had "911" emergency service. One-third of the State of Pennsylvania does have "911" service. Two-thirds of the State does not have "911" service.

In 1980 the Governor vetoed a "911" bill which would have brought service statewide. This General Assembly must face up to the responsibility of bringing "911" service to the entire Commonwealth of Pennsylvania. Unfortunately, and I close with this, today will not be the day.

Within the past few hours I have been contacted by the administration and urged to withdraw my amendment. I intend to do so. The reason why I am withdrawing the amendment is I have been convinced that if we today here in the House pass the "911" legislation, it will call into serious jeopardy the overall passage of the EMS (emergency medical services) bill now before us. The EMS bill is essential. I do not want to challenge that; I do not want to place it in jeopardy, and so hopefully at some point in the fall we will once again face the "911" issue and promptly bring this essential service to the Commonwealth.

AMENDMENTS WITHDRAWN

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

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. HALUSKA offered the following amendment No. A2521:

Amend Sec. 12, page 66, line 22, by inserting after "DEPARTMENT."

Should the department cause a loss of ambulance service to any specific area as a result of specific deficiencies in compliance with this act or the rules and regulations promulgated thereunder, the department shall be responsible for providing reasonable emergency medical services to that area.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, this amendment states that should the department cause a loss of ambulance service to any specific area as a result of specific deficiencies in compliance with this act or rules and regulations promulgated thereunder, the department shall be responsible for providing reasonable emergency medical services to that area.

I ask for an affirmative vote.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Barber.

Mr. BARBER. Mr. Speaker, I have no objection to the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—199

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

NAYS—2

Broujos Evans

NOT VOTING—1

Acosta

EXCUSED—1

Davies

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

On the question recurring,

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

Mr. D. W. SNYDER offered the following amendment No. A2317:

Amend Sec. 12, page 63, line 26, by inserting after "COMMONWEALTH"
during day and evening hours

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lehigh, Mr. Snyder.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

Under SB 632 the legislation provides that the department shall make available training for emergency medical technicians to all individuals who show sponsorship by a licensed ambulance service. The amendment just clarifies the intent of the training, that it be provided both during day and evening hours in order to meet the needs of the volunteers who may work various work shifts.

I ask for support of this amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Barber.

Mr. BARBER. Mr. Speaker, I have no objection to the amendment.

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

The following roll call was recorded:

YEAS—201

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

Cowell	Johnson	Pott	Wozniak
Coy	Josephs	Pratt	Wright, D. R.
Deluca	Kasunic	Pressmann	Wright, J. L.
DeVerter	Kennedy	Preston	Wright, R. C.
DeWeese	Kenney	Punt	Yandrisevits
Daley	Kosinski	Raymond	
Dawida	Kukovich	Reber	Irvis,
Deal	Langtry	Reinard	Speaker
Dietz	Lashinger	Richardson	

NAYS—0

NOT VOTING—1

Sweet

EXCUSED—1

Davies

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

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

Mr. GREENWOOD offered the following amendments No. A2316:

Amend Sec. 6, page 48, line 14, by striking out "THE" and inserting

For the purpose of reaccreditation, the

Amend Sec. 6, page 48, line 15, by striking out "TREAT" and inserting

establish that

Amend Sec. 6, page 48, line 16, by inserting after "CASES" have been treated

Amend Sec. 6, page 48, line 17, by striking out "AS A MINIMUM, TREAT" and inserting

establish that

Amend Sec. 6, page 48, line 17, by inserting after "CASES" have been treated

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

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

This amendment relates to the trauma center provision of the bill which this Assembly adopted last session. What we are trying to clarify is the minimum number of patients that must be treated in a given year by the level I and level II trauma centers. In committee we established minimum numbers that are consistent with the American College of Surgeons figures, and what this amendment does is it clarifies that for purposes of accreditation, the hospitals must have served the minimum number of cases in the past year rather than a prospective look that they must serve that number of clients in the future.

What we are trying to accomplish is this: All of the literature and all of the experts on trauma centers tell us that if you have too many trauma centers, if you have every hospital in a particular community accredited as a trauma center, what you will have is not a single one of them that is very good, because the surgical team in each one of those does not have enough experience, does not see enough cases to be up to speed in the state of the art. So we are trying very carefully with this lan-

guage to make sure that we do not go along with a proliferation of trauma centers, and I would ask for the House's support of this amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Barber.

Mr. BARBER. Mr. Speaker, I have no objection to the amendment.

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

The following roll call was recorded:

YEAS—200

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

NAYS—2

Broujos	Cordisco
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NOT VOTING—0

EXCUSED—1

Davies

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

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

Mr. SHOWERS offered the following amendment No. A2550:

Amend Sec. 12, page 66, lines 20 through 22, by striking out "THE PROVISIONAL LICENSE SHALL BE VALID FOR A" in line 20 and all of lines 21 and 22

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Union, Mr. Showers.

Mr. SHOWERS. Mr. Speaker, many members of this House from rural areas have deep legitimate concerns about the impact of SB 632 on rural volunteer ambulance services. We are convinced that the staffing requirements under the third year of this act will make it impossible for many small-town ambulance services to be licensed. Failing to meet the ambulance service licensing standards, we, the State, would be ending years of faithful local ambulance service provided by the most giving, best trained volunteers a community could muster. Small town after small town are finding it more difficult to find the volunteers needed to respond to emergency calls. Adding the requirement that a licensed EMT (emergency medical technician) must accompany all ambulance runs in the third year of this act's implementation could mean the final blow to an already undermanned volunteer emergency response team.

In the rush to pass this act, many of us have concerns about the financial implications of this bill on local volunteer units. There may or may not be enough money in this act to upgrade services all across the State. One thing is sure: there is no way this act will increase the volunteer hours of individuals already overburdened with responding to emergency calls and fundraising for building needs and equipment needs.

I offer this amendment, A2550, which allows the Secretary of Health to grant provisional licenses to these ambulance services which, because of staffing, financial, or equipment deficiencies, are unable to comply with the provisions of the bill.

This is accomplished by deleting language which would have granted a provisional license for 90 days only, renewable just once. By striking these lines, we give the Secretary of Health the effective means by which to keep our small rural ambulance services running when there is no earthly way a volunteer organization can meet the mandates of this act. A provisional license will not remove the incentives, the carrot for these organizations to eventually seek compliance and a license. These volunteers have pride and will do their best to become licensed. Given time, they will seek licensure, but the

Secretary must have the authority to deal with the existing deficiencies and deficiencies as they may later occur.

Mr. Speaker, a provisional licensed ambulance within a few minutes' response time is far more important and critical to my constituents than a licensed ambulance service 30 minutes away. This amendment could make the difference between life and death in rural Pennsylvania. I believe this is agreed to. I ask your support. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Barber.

Mr. BARBER. Mr. Speaker, I have no objection to the amendment.

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—3

Haluska Petrone Trello
EXCUSED—1

Davies

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

On the question recurring,

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

AMENDMENT A2521 RECONSIDERED

The SPEAKER. The Chair is in receipt of a reconsideration motion signed by the gentleman, Mr. Ryan, and the gentleman, Mr. Manderino, whereby they move that the vote by which amendment A2521—that is the gentleman, Mr. Haluska's amendment—was passed on this 27th day of June be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—195

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

Deluca	Kasunic	Pressmann	Wright, D. R.
DeVerter	Kennedy	Preston	Wright, J. L.
DeWeese	Kenney	Punt	Wright, R. C.
Daley	Kosinski	Raymond	Yandrisevits
Dawida	Kukovich	Reber	
Deal	Langtry	Reinard	Irvis,
Dietz	Lashingner	Richardson	Speaker
Dininni			

NAYS—1

Carlson

NOT VOTING—6

Black	Manderino	Staback	Truman
Gallagher	O'Donnell		

EXCUSED—1

Davies

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

On the question recurring,

Will the House agree to the amendment?

The clerk read the following amendment No. A2521:

Amend Sec. 12, page 66, line 22, by inserting after "DEPARTMENT."

Should the department cause a loss of ambulance service to any specific area as a result of specific deficiencies in compliance with this act or the rules and regulations promulgated thereunder, the department shall be responsible for providing reasonable emergency medical services to that area.

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, this is a very important amendment as far as the rural communities are concerned. It places the responsibility on the Department of Health to assure that coverage is placed in those particular areas. The Department of Health will not incur any cost if they can arrange with surrounding districts, surrounding ambulance services to cover that particular area that has been denied a license. I think it is the only way we can assure that all the people in Pennsylvania will have ambulance coverage at any particular time if the license should be denied that particular area.

I ask for an affirmative vote.

The SPEAKER. On the amendment, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I am opposing the amendment. To begin with, I think the amendment is far simpler than the explanation that the gentleman, Dr. Haluska, gave. It does not go into the explanation that he did. However, what it does do is it provides a wide-open expense for this State. It allows the unscrupulous to have a bad piece of equipment, not agree to fix it, confident that the State Department of Health will come in and provide that equipment.

I think we are going too far too fast with an amendment like this, and until we have had time to really look into it, get some idea as to an estimate of cost, it is foolish for us to adopt it. I would ask that the amendment be defeated.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, when I read the amendment, I had the very same thought as Mr. Ryan, and I have not heard anything to dispel the fears that I have.

What the amendment indicates is that if anyone makes application for license and they are deficient—and they can be deficient in their application, in equipment, in personnel, in whatever rules and regulations the department has set up—if they are deficient, this amendment simply says the State will provide the service. Well, there are a lot of places in this State that have probably deficient service now and probably are not going to do anything to improve that service, and this simply says that we are going to provide the service at the State level.

I can understand Mr. Haluska's being concerned about some of the rural areas that may not be able to live up to rules and regulations of the department, but if that is what we are concerned about, then what we ought to do is not pass a bill that requires rules and regulations. Now, if we are going to pass a bill that requires reasonable rules and regulations, then everyone ought to be able to live up to those reasonable rules and regulations and we ought not take the expense on at the State level for anybody who is unwilling to.

I would ask for the defeat of the amendment also.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—39

Blaum	Dombrowski	Lloyd	Swift
Bowser	Fargo	Miller	Telek
Carlson	Fee	Moehlmann	Veon
Cimini	Fryer	Noye	Wass
Clark	George	Petrarca	Wogan
Colafella	Haluska	Pievsy	Wozniak
Coy	Hayes	Serafini	Wright, D. R.
DeVerter	Hutchinson	Smith, L. E.	Wright, J. L.
Dawida	Johnson	Steighner	Yandrisevits
Dietz	Lescovitz	Stewart	

NAYS—161

Acosta	Distler	Letterman	Reinard
Afflerbach	Donatucci	Levdansky	Richardson
Angstadt	Dorr	Levin	Rieger
Argall	Duffy	Linton	Robbins
Arty	Durham	Livengood	Roebuck
Baldwin	Evans	Lucyk	Rudy
Barber	Fischer	McCall	Ryan
Barley	Flick	McClatchy	Rybak
Battisto	Foster, Jr., A.	McHale	Saloom
Belardi	Fox	McVerry	Saurman
Belfanti	Freeman	Mackowski	Scheetz
Birmelin	Freind	Maiale	Schuler
Book	Gallagher	Manderino	Semmel
Bortner	Gallen	Manmiller	Seventy
Bowley	Gamble	Markosek	Showers
Boyes	Gannon	Mayernik	Sirianni
Brandt	Geist	Merry	Smith, B.
Broujos	Gladeck	Michlovic	Snyder, D. W.
Bunt	Godshall	Micozzie	Snyder, G. M.
Burd	Greenwood	Morris	Staback
Burns	Gruitza	Mowery	Stairs
Bush	Gruppo	Mrkonic	Stevens
Caltagirone	Hagarty	Murphy	Stuban
Cappabianca	Harper	Nahill	Sweet
Carn	Hasay	O'Brien	Taylor, E. Z.
Cawley	Herman	O'Donnell	Taylor, F. E.

Cessar	Hershey	Olasz	Taylor, J.
Chadwick	Honaman	Oliver	Tigue
Civera	Howlett	Perzel	Trello
Clymer	Itkin	Petrone	Truman
Cohen	Jackson	Phillips	Van Horne
Cole	Jarolin	Piccola	Vroon
Cordisco	Josephs	Pistella	Wambach
Cornell	Kasunic	Pitts	Weston
Coslett	Kennedy	Pott	Wiggins
Cowell	Kenney	Pratt	Wilson
Deluca	Kosinski	Pressmann	Wright, R. C.
DeWeese	Kukovich	Preston	
Daley	Langtry	Punt	Irvis,
Deal	Lashinger	Raymond	Speaker
Dininni	Laughlin	Reber	

NOT VOTING—2

Black Fattah

EXCUSED—1

Davies

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—167

Acosta	Dombrowski	Lescovitz	Reinard
Afflerbach	Donatucci	Letterman	Richardson
Arty	Dorr	Levdansky	Rieger
Baldwin	Duffy	Levin	Roebuck
Barber	Durham	Linton	Rudy
Barley	Evans	Lucyk	Ryan
Battisto	Fattah	McCall	Rybak
Belardi	Fee	McClatchy	Saloom
Belfanti	Fischer	McHale	Saurman
Blaum	Flick	McVerry	Schuler
Book	Foster, Jr., A.	Mackowski	Semmel
Bortner	Fox	Maiale	Seventy
Bowley	Freeman	Manderino	Showers
Boyes	Freind	Manmiller	Sirianni
Bunt	Gallagher	Markosek	Smith, B.
Burd	Gamble	Mayernik	Snyder, D. W.
Burns	Gannon	Michlovic	Snyder, G. M.
Bush	Geist	Micozzie	Staback
Caltagirone	Gladeck	Miller	Steighner
Cappabianca	Godshall	Morris	Stuban
Carn	Greenwood	Mowery	Sweet
Cawley	Gruitza	Mrkonic	Taylor, E. Z.
Cessar	Gruppo	Murphy	Taylor, F. E.
Chadwick	Hagarty	Nahill	Taylor, J.
Cimini	Harper	O'Brien	Telek
Civera	Herman	O'Donnell	Tigue
Clark	Hershey	Olasz	Trello
Clymer	Howlett	Oliver	Truman
Cohen	Hutchinson	Perzel	Van Horne
Colafella	Itkin	Petrarca	Veon
Cole	Jackson	Petrone	Vroon
Cordisco	Jarolin	Phillips	Wambach
Cornell	Johnson	Piccola	Weston
Coslett	Josephs	Pievsy	Wiggins
Cowell	Kasunic	Pistella	Wilson
Coy	Kennedy	Pitts	Wogan

Deluca	Kenney	Pott	Wright, J. L.
DeWeese	Kosinski	Pratt	Wright, R. C.
Daley	Kukovich	Pressmann	Yandrisevits
Dawida	Langtry	Preston	
Deal	Lashinger	Raymond	Irvis,
Dininni	Laughlin	Reber	Speaker
Distler			

NAYS—34

Angstadt	Fargo	Lloyd	Smith, L. E.
Argall	Fryer	Merry	Stairs
Birmelin	Gallen	Moehlmann	Stevens
Bowser	George	Noye	Stewart
Brandt	Haluska	Punt	Swift
Broujos	Hasay	Robbins	Wass
Carlson	Hayes	Scheetz	Wozniak
DeVerter	Honaman	Serafini	Wright, D. R.
Dietz	Livengood		

NOT VOTING—1

Black

EXCUSED—1

Davies

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

HOUSE SCHEDULE

The SPEAKER. We shall not be voting any further this evening. Those who wish to correct the record remain here and we will take the corrections of the record. When we leave here tonight, we will return here at 3 p.m. tomorrow afternoon. Members will be required to be back here when we leave at 3 p.m.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, we have asked that the session for tomorrow begin at 3 o'clock. That is so that we can receive all of the messages from the Senate that are necessary to complete the budget process, move all the bills into proper position so that when we come in here tomorrow, we can caucus at 3 o'clock and we can come back on the floor and perhaps get out of here at a very reasonable hour. It may be necessary that during today's session there will be announcements made of conference committees that will be held off the floor. But we expect to do no other business except announce those times for the conference committee meetings and to place bills in a position by moving them up in proper order so that they will be in position for a final vote when you return.

The most urgent plea that we can make, though, is to be promptly here tomorrow for the 3 o'clock session, because we will probably immediately break for caucus, and if you are not in caucus so that everything can be explained to you, you know, there will be an extension of the caucus and an extension of the caucus and it will just get later and later. If every-

one cooperates, 3 o'clock tomorrow afternoon, we ought to be able to get out of here at a reasonable time tomorrow.

One of the reasons that we have done this and not elected to work in the morning is we have been unable to get the Senate to come in much earlier than they have been coming in and we would be sitting around waiting anyway if we came in early in the morning. So come in at 3 o'clock tomorrow promptly.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky, to announce an immediate meeting of the Appropriations Committee at the rear of the hall of the House.

Mr. PIEVSKY. Appropriations Committee meeting at the rear of the hall of the House.

The SPEAKER. Appropriations Committee meeting immediately at the rear of the hall of the House.

REMARKS ON VOTES

The SPEAKER. Now we will take those members who wish to correct the record.

The Chair recognizes the gentleman from Luzerne, Mr. Stevens.

Mr. STEVENS. Thank you, Mr. Speaker.

On the reconsideration and the final passage for the second time of SB 588, I was present and in my seat but incorrectly recorded in the affirmative. I would like to be recorded in the negative. Thank you.

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

Mrs. HAGARTY. Thank you, Mr. Speaker.

I would like to be recorded in the affirmative on SB 825. I neglected to be recorded.

The SPEAKER. The lady will be so recorded.

ANNOUNCEMENT BY MINORITY LEADER

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I had a luncheon arranged for certain members of the Republican Caucus tomorrow, but because of the lateness of the hour we will postpone that and I will catch up to them during the day. Thank you, Mr. Speaker.

REMARKS ON VOTES

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

Mr. DORR. Mr. Speaker, by reconsideration I was able to correct a vote in error on SB 588. However, on HB 1119 I would like the record to show that I voted in error and would like to be recorded in the negative on that bill.

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

Mrs. ARTY. Mr. Speaker, on SB 81 I was the only "no" vote on the floor of the House. It was purely a mistake. Would you please have it changed in the record to reflect my "yes."

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

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

Mrs. DURHAM. Thank you, Mr. Speaker.

On HB 98, on the Freeman amendment A2178, I did not vote. I would have voted in the affirmative. Thank you.

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

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

Mr. McVERRY. Mr. Speaker, my vote was erroneously recorded on amendment 2627 to HB 98. It was recorded in the affirmative. I wish the record to reflect a negative vote.

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

Mr. KENNEY. Mr. Speaker, on SB 588, final passage, I would like to be recorded in the negative.

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

Mr. WAMBACH. Thank you, Mr. Speaker.

On the Broujos amendment to HB 98, which was A2627, I was erroneously recorded in the affirmative. I want to be recorded in the negative.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, on HB 1375 I failed to be recorded. I would like to be voted in the affirmative. On SB 632, amendment 2550, I would like to be recorded in the affirmative.

The SPEAKER. The Chair recognizes the gentleman from Tioga, Mr. Carlson.

Mr. CARLSON. On HB 98, amendment 2273, I was recorded as not voting. I would like to be recorded in the affirmative.

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

Mr. CORDISCO. Mr. Speaker, on SB 588 I was recorded in the affirmative. I would like to be recorded in the negative. Thank you.

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

Mr. JOHNSON. Mr. Speaker, on SB 632 I would like to be recorded in the negative.

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

Mr. DeWEESE. Earlier in the day on SB 543, a motion to pass over, I was incorrectly recorded as voting in the affirmative. I would like to be recorded as voting in the negative.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. DeWEESE. I have some remarks that I would like to submit for the record.

The SPEAKER. The gentleman will send the remarks forward to the clerk. They will be submitted for the record.

Mr. DeWEESE submitted remarks for the Legislative Journal.

(For remarks, see Appendix.)

REMARKS ON VOTE

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

Mr. LAUGHLIN. Mr. Speaker, on the Gallagher amendment A1849 to SB 543, I was recorded in the affirmative. I would like to be recorded in the negative.

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

BILLS REREPORTED FROM COMMITTEE**SB 656, PN 1278 (Amended)**

By Rep. PIEVSKY

An Act authorizing a one-time program for the Department of Education to make institutional equipment grants on behalf of full-time equivalent undergraduate students attending institutions of higher education in the Commonwealth.

APPROPRIATIONS.**SB 657, PN 1279 (Amended)**

By Rep. PIEVSKY

An Act amending the act of June 14, 1961 (P. L. 324, No. 188), known as "The Library Code," further providing for State-aid for libraries.

APPROPRIATIONS.**SB 766, PN 881**

By Rep. PIEVSKY

An Act authorizing the conveyance of certain State land to the East Norriton Fire Company in Montgomery County; and making a repeal.

APPROPRIATIONS.**SENATE MESSAGE****AMENDED HOUSE BILLS
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned **HB 94, PN 1890**; and **HB 336, PN 1891**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE**HOUSE AMENDMENTS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 183, PN 1205**; and **SB 237, PN 1106**.

SUNSHINE NOTICE

The SPEAKER. The clerk will read the sunshine notice required by law.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

**NOTICE
SESSION TIME
HOUSE OF REPRESENTATIVES**

Notice is hereby given, in accordance with the Act of July 19, 1974, P.L. 486, No. 175, that the House of Representatives will convene in open session in the Hall of the House on the following date and time:

Friday, June 28, 1985 at 3:00 p.m.

John J. Zubeck
Chief Clerk
House of Representatives

June 27, 1985

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

I hereby certify that thirty copies of the foregoing notice were delivered to the Supervisor of the Newsroom of the State Capitol Building in Harrisburg, and a copy was also posted on the bulletin board outside the main entrance to the Chief Clerk's Office on the following date:

Thursday, June 27, 1985

John J. Zubeck
Chief Clerk
House of Representatives

June 27, 1985

RECESS

The SPEAKER. The House stands in recess subject to the call of the Chair.

AFTER RECESS

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

BILL 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:

SB 766, PN 881.

CONFERENCE COMMITTEE MEETING

The SPEAKER. For the purpose of sunshining the announcement, the Committee of Conference on HB 150 will meet at 12:30 on Friday, June 28, in room 428.

SENATE MESSAGE

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 285, PN 1953; HB 499, PN 1892; HB 805, PN 1893; and HB 1002, PN 1894**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 348, PN 1258**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurrent in by the House of Representatives to **HB 136, PN 1625**, and has appointed Senators STAUFFER, HOWARD and EARLY a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

SENATE MESSAGE

HOUSE AMENDMENTS NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurrent in the amendments made by the House of Representatives to **SB 652, PN 1041**, and has appointed Senators TILGHMAN, STAUFFER and FUMO a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

SENATE MESSAGE

HOUSE AMENDMENTS NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurrent in the amendments made by the House of Representatives to **SB 653, PN 1042**, and has appointed Senators TILGHMAN, STAUFFER and FUMO a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

BILLS SIGNED BY SPEAKER

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

HB 348, PN 1258

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

SB 588, PN 657

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," increasing the allowable rate of taxation.

RECESS

The SPEAKER. The House will stand in recess subject to the call of the Speaker.

AFTER RECESS

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

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 1042, PN 1984**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILLS PASSED OVER

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

ADJOURNMENT

The SPEAKER. There being no further business to be brought before this day's session, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that this House do now adjourn until Friday, June 28, 1985, at 3 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

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