

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 22, 1985

SESSION OF 1985

169TH OF THE GENERAL ASSEMBLY

No. 63

### 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:

Everlasting God, Thou whose mighty power watches over the whole of Thy creation, we pause in Thy presence to thank Thee for all of Thy blessings. We know that Thou dost lend comfort to all those who face difficulties or sorrows on the road of life. We see Thee as the strength of those who carry the burdensome load in life itself and those who become weary on the way. We graciously pray that the prayers of all those who call upon Thee in any trial, trouble, or difficulty may rejoice in the mercy of Thy glorious presence and satisfactory conclusion. Amen.

##### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

##### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Monday, October 21, 1985, will be postponed until that Journal is in print. The Chair hears no objection thereto.

##### LEAVES OF ABSENCE

The SPEAKER. Mr. Fee, do you have any requests for leaves of absence?

Mr. FEE. Mr. Speaker, no leaves for the Democratic Party at this time.

The SPEAKER. The Chair thanks the gentleman. If it becomes necessary to ask for leaves, the Chair will return to you.

Mr. Hayes has no requests. If it becomes necessary later, Mr. Hayes, advise the Chair and the Chair will return to the leaves.

### MASTER ROLL CALL

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

The following roll call was recorded:

#### PRESENT—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	Mayernik	Snyder, G. M.
Boyes	Gallagher	Merry	Staback
Brandt	Gallen	Michlovic	Stairs
Broujos	Gamble	Micozzie	Steighner
Bunt	Gannon	Miller	Stevens
Burd	Geist	Mochlmann	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
Clark	Hayes	Perzel	Van Horne
Clymer	Herman	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
Davies	Kukovich	Reber	
Dawida	Langtry	Reinard	Irvis,
Deal	Lashinger	Richardson	Speaker
Dietz	Laughlin	Rieger	

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Civera

Hershey

**HOUSE BILLS  
INTRODUCED AND REFERRED**

**No. 1819** By Representatives BARBER, COHEN, JOHNSON, FOX, PISTELLA, REBER, VROON, TRELLO, WOZNIAK, PRESTON and TIGUE

An Act amending the act of June 19, 1913 (P. L. 528, No. 338), entitled "An act fixing the penalty for murder of the first degree; regulating the procedure incident to the infliction thereof; prescribing and providing for a place and manner of inflicting said penalty on the grounds of the new Western Penitentiary of this Commonwealth, in Centre County; making an appropriation therefor; repealing inconsistent legislation; and providing that neither this act nor said repeal shall apply to any case in which it shall appear that said crime was committed prior to the date of the approval of this act," further providing for the manner of carrying out a sentence of death.

Referred to Committee on JUDICIARY, October 22, 1985.

**No. 1820** By Representatives TRELLO, WILSON, CALTAGIRONE, BOWSER, POTT, GODSHALL, TELEK, GALLAGHER, COLAFELLA, VEON, KASUNIC, ANGSTADT, STABACK, BOYES, HALUSKA, JOHNSON, MRKONIC, PETRONE, PRESTON, BELARDI, PISTELLA, KOSINSKI, DOMBROWSKI and VAN HORNE

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for exclusions from sales tax relating to food and beverages.

Referred to Committee on FINANCE, October 22, 1985.

**No. 1821** By Representatives TRELLO, CHADWICK, PRESTON and STUBAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for restrictions on the use of highways.

Referred to Committee on TRANSPORTATION, October 22, 1985.

**No. 1822** By Representatives SCHEETZ, HALUSKA, MORRIS, JACKSON, FARGO, MERRY, TRUMAN, BARLEY, ANGSTADT, CHADWICK, CARLSON, DISTLER, MOEHLMANN, JOHNSON, ROBBINS, SIRIANNI, SCHULER, FLICK, AFFLERBACH, GEIST, SEMMEL, HERSHEY, J. L. WRIGHT, ARGALL, FISCHER, MACKOWSKI, NOYE, BATTISTO, ITKIN, PETRONE, DORR, BOWSER and McVERRY

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for powers and duties of the Department of Agriculture; and making a repeal.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, October 22, 1985.

**No. 1823** By Representatives KUKOVICH, DALEY, SWEET, PISTELLA, BURNS, TIGUE, CARN, MARKOSEK, BELFANTI, HALUSKA, MICHLOVIC, LINTON, MRKONIC, PRESTON, KOSINSKI, BLAUM, O'DONNELL, JOSEPHS, ITKIN, VEON, COWELL and DeLUCA

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing for excess utilities gross receipts tax to be placed into the Commonwealth Weatherization and Energy Assistance Fund.

Referred to Committee on FINANCE, October 22, 1985.

**No. 1824** By Representatives SWEET and PRESSMANN

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

Referred to Committee on URBAN AFFAIRS, October 22, 1985.

**No. 1825** By Representatives CAPPABIANCA, SALOOM, DOMBROWSKI, TIGUE, CAWLEY and JAROLIN

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

Referred to Committee on LIQUOR CONTROL, October 22, 1985.

**HOUSE RESOLUTION  
INTRODUCED AND REFERRED**

**No. 180** By Representative ROBBINS

Condemning the U.S.S.R. for the invasion of Afghanistan.

Referred to Committee on RULES, October 22, 1985.

**RESOLUTION REPORTED FROM COMMITTEE**

**HR 173, PN 2338 (Amended)**

By Rep. MANDERINO

Requesting the Auditor General to conduct a program audit of the Department of Environmental Resources' solid waste and hazardous waste programs.

RULES.

**WELCOME**

The SPEAKER. The Chair is delighted to welcome to the hall of the House 18 foreign exchange students, here as the

guests of Representative Russ Letterman. Welcome to the hall of the House.

### REV. OSCAR MUSPRATT PRESENTED

The SPEAKER. This Commonwealth was founded by a man who believed in a just and fair society and believed that it could be erected here on the shores of the Atlantic Ocean. He called it Pennsylvania - Penn's woods.

We are honored today to have an extraordinary visitor with us. The Penn family lived in a certain area of England for over 1,000 years; worshipped at the Penn Parish Church in Buckinghamshire, England. We have with us today the vicar of that church. It is altogether fitting and appropriate that the vicar of William Penn's church should speak to William Penn's Assembly, for that is in fact what we are. I am pleased to present to you the Reverend Oscar Muspratt, vicar of Penn Parish Church. Reverend, will you please come and speak to them for a few moments?

Rev. MUSPRATT. Friends in and of Pennsylvania, I bring you greeting from the motherland, from the home where the Penn family came from for 1,000 years. I treasure this building; I admire the beauty and the skill and the imagination of those who formed it. But always to you as legislators, remember to have the vision of your forefathers, the vision of those like William Penn, who not only devised skillfully for his time but for all the hundreds of years since.

I have come to you now for the seventh time, the first as the guest of Governor David Lawrence in 1962. I have come because I am researching all these 40 years on William Penn and his message, and I want to blend with your scholars my research so that when you come to the bicentenary you can enrich the whole of the United States by the Pennsylvania contribution. Philadelphia must shine out strongly in that instance, because it was there that was the first capital. But also it was there that they drew heavily upon the Constitution of Pennsylvania for the Constitution of the United States. You are privileged indeed to follow in those footsteps on a pattern and a program and a policy formed so long ago.

I want you to feel that you have a friend in England. You have your phrase, "You have a friend in Pennsylvania"; you have a friend in England in the Penn country of Buckinghamshire.

Always I have given loyal service to the family. I have baptized the children, married the girls, and buried one member after the other of the family. I have been with them in joy and sadness. You as legislators should always remember that you are dealing not just with peoples but with families. A pastor is someone who never forgets the family, and you in whatever you do in your decisions that you make, remember always the family - the mother, the father, and the children.

When I was privileged to go on from you to the Senate in Washington, I gave William Penn's farewell prayer to America then, and I would like to use it today. It is very simple. I will change one word.

...And thou Pennsylvania - the virgin settlement of this province named before thou wert born - what love - what care - what service - and what travail have there been to bring thee forth and preserve thee from such as would abuse and defile thee. O that thou mayest be kept from the evil that would overwhelm thee - that faithful to the God of thy mercies - in the life of righteousness - thou mayest be preserved to the end. My soul prays to God for thee - that thou mayest stand in the day of trial - that thy children may be blest of the Lord - and thy people saved by his power....Amen.

No more fitting words of mine can close what I have to say today than those words of William Penn. Thank you, friends.

The SPEAKER. Thank you, Vicar. Thank you so very, very much, and we pledge to you that we will continue to make Pennsylvania preeminent among the Commonwealths of the world. We will follow William Penn's dream. Thank you for coming, sir.

### FILMING PERMISSION

The SPEAKER. The Chair has given permission for public television to film on the floor of the House.

### WELCOME

The SPEAKER. We have two guest pages. Erika and Erin Scarfaro are here. They are guest pages of Leonard Gruppo. Welcome to the floor of the House, children.

### BILL SIGNED BY SPEAKER

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

#### SB 376, PN 959

An Act amending the act of May 27, 1953 (P. L. 244, No. 34), entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties," authorizing incorporated towns to lease, sell, convey and acquire property.

### CALENDAR

#### BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1642, PN 2275**, entitled:

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 the Surface Mining Conservation and Reclamation Fund and payments to the Clean Water Fund.

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

### BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1642 be recommitted to the Committee on Appropriations for a fiscal note.

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

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 703, PN 1667**, entitled:

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 attire for students and for a discipline code.

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

Mr. PICCOLA offered the following amendments No. A2913:

Amend Title, page 1, line 5, by inserting after "thereto,"" authorizing the adoption of rules prohibiting the use of look-alike alcoholic beverages; and

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

Section 510 of the

Amend Sec. 1, page 1, lines 10 and 11, by striking out "is amended by adding sections" in line 10, all of line 11 and inserting

amended June 29, 1976 (P.L.450, No.110), is amended to read:

Section 510. Rules and Regulations; Safety Patrols.—The board of school directors in any school district may adopt and enforce such reasonable rules and regulations as it may deem necessary and proper, regarding the management of its school affairs and the conduct and deportment of all superintendents, teachers, and other appointees or employes during the time they are engaged in their duties to the district, as well as regarding the conduct and deportment of all pupils attending the public schools in the district, during such time as they are under the supervision of the board of school directors and teachers, including the time necessarily spent in coming to and returning from school. This authority shall include the power to prohibit students and staff from using look-alike alcoholic beverages on school grounds, at school sponsored activities or in traveling to and from school on buses or other vehicles provided by the district.

In the exercise of this authority the board of school directors is empowered to organize school safety patrols and, with the permission of the parents, to appoint pupils as members thereof, for the purpose of influencing and encouraging the other pupils to refrain from crossing public highways at points other than at regular crossings, and for the purpose of directing pupils not to cross highways at times when the presence of traffic would render such crossing unsafe. Nothing herein contained shall be construed to authorize or permit the use of any safety patrol member for the purpose of directing vehicular traffic, nor shall any safety patrol member be stationed in that portion of the highway intended for the use of vehicular traffic. No liability shall attach either to the school district, or any individual director, superintendent, teacher, or other school employe, by virtue of the organization, maintenance, or operation of a school safety patrol organized, maintained, and operated under authority of this section.

All flags, belts, apparel and devices issued, supplied or furnished to persons acting in the capacity of special school police, or special police appointed to control and direct traffic at or near

schools, in order to enhance the conspicuity of such persons, shall be made from retro-reflective and fluorescent materials visible both day and night at three hundred (300) feet to approaching motorists using lawful low beam headlights and shall conform to standards, specifications, or regulations issued by the State Board of Education. All belts supplied or furnished to pupils active in the capacity of school safety patrol members shall be fluorescent.

Section 2. The act is amended by adding sections to read:

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

3

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

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I do not believe this amendment impacts on the intent of the prime sponsor. This amendment grants some additional authority to school districts, school boards, to ban the use of look-alike alcoholic beverage products on school property. We have recently seen in the central Pennsylvania area a proliferation of these types of products, and some of them are being brought onto the school grounds. It is difficult for school administrators to determine whether they are alcohol products or nonalcohol products, and we would like to make sure that the school districts have the specific authority to deal with this type of product.

I would urge the House to adopt the amendment. Thank you, Mr. Speaker.

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

Mrs. HARPER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment. This bill passed the House last session and it died in the Senate. It is a very good, clean bill; it is not cluttered. PSEA (Pennsylvania State Education Association) said that they will support this bill without amendments, and I ask not to have any amendments to this bill.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Dauphin, Mr. Piccola, for the second time.

Mr. PICCOLA. Mr. Speaker, I am not changing one word of what the lady had put into her amendment nor am I affecting the impact of that amendment. This is merely additional language in the bill which is a grant of certain powers to school districts and school boards, and I am just adding another type of power to be granted to the school districts. It will not impact in any way upon what the lady is attempting to do, which I agree with. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Dauphin, Mr. Wambach, on the amendment.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Piccola amendment for the reasons of the problems that school administrators are having with look-alike alcoholic beverage containers, and this would untie their hands to permit them to pursue the matter

with the individual or individuals who are bringing them onto the school grounds.

I think it is a very good amendment. I does not run amok, if you will, to the language already in the bill that I support also on Representative Harper's part. I think it would be an augmentation that is devoid of any change to her specific wants in the bill that she initially proposed, and I would ask my colleagues to support the Piccola amendment.

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

Mrs. HARPER. Thank you, Mr. Speaker.

I oppose the amendment. I think this amendment should go into one of the bills on drugs and alcohol. I am sure that we have some bills dealing with that, and I would like to see the amendment there. I do oppose the amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—178

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

NAYS—19

Acosta	Dawida	Manderino	Roebuck
Barber	Donatucci	Mrkonic	Wiggins
Broujos	Harper	Oliver	
Carn	Josephs	Richardson	Irvis,
Cohen	Kosinski	Rieger	Speaker
DeWeese			

NOT VOTING—4

Baldwin	Gruitza	O'Donnell	Petrarca
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EXCUSED—2

Civera	Hershey
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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. BURNS offered the following amendments No. A3016:

Amend Title, page 1, line 6, by removing the period after "code" and inserting

; and further providing for the return of funds received for building site costs.

Amend Bill, page 2, line 4, by striking out all of said line and inserting

Section 2. Section 2574.1 of the act amended October 21, 1965 (P.L.601, No.312) and January 26, 1966 (1965 P.L.1591, No.560), is amended to read:

Section 2574.1. Payments on Account of Building Site Costs.—Whenever any school district acquires a site for a school building in advance of its need and in accordance with a long range master plan for school building construction approved by the Department of [Public Instruction] Education to the extent that the cost of the acquisition shall be deemed reasonable by the Department of [Public Instruction] Education, the Commonwealth shall pay, in the year of such acquisition, one hundred percent (100%) of the reimbursement due the district under applicable laws in force at that time for the cost of acquisition. If such site is not thereafter used by the district for school building purposes, within a period of ten years from date of purchase, the amounts paid to the district under this section shall be returned to the Commonwealth by the district within two years of the end of such ten year period of non-user. If such amounts are not so returned within such two year period, Commonwealth moneys due and payable to the district by the Department of [Public Instruction] Education as a subsidy or reimbursement for any purpose shall first be withheld in the amount of the moneys owed the Commonwealth by the district under this section and credited as returned in full hereunder before any part of such Commonwealth reimbursement or subsidy is paid to the district. The district shall not be required to return the funds it received if the district can demonstrate in its long-range plan that the site will still be needed for a school building, even though the site may be used temporarily by a political subdivision, or agency thereof, for public purposes. If the district conveys or transfers the site to another party, the district shall repay the amount it was reimbursed and appropriate interest, as determined by the department.

Section 3. (a) Section 1 of this act, adding sections 1317.1 and 1317.2, 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 question, the Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, thank you.

The amendment would provide an exemption from the repayment of certain funds advanced to school districts. Current law calls for the Commonwealth's reimbursement to school districts for land purchased as a site for a school building. Districts have 10 years to use the site. If no building takes place within this time period, the district has 2 years to return the money previously paid for it by the Commonwealth.

Now, my amendment would permit a district to retain the reimbursement under certain conditions. No refund to the Commonwealth would be required if the district demonstrated in its long-range plan that the land was still needed for school building.

What has happened in many places in the Commonwealth, Mr. Speaker, is that 10 years ago when development was at its height, school districts had to project 10 years in advance. They did so; they purchased land; they got the money for site development from the State; they developed the site and now realize that because of the slowdown in the building industry, they do not have to build a school at the present time. However, many of these districts are still going to have to build that school at a later date. This amendment would allow the district not to pay back that money until such time that the district got rid of that land and said that they no longer needed it. If that were ever the case, then the district would have to pay back the money. If the district kept the school in the long-range plan and the district planned to use that site for a building, they would not have to pay back the money.

That was the original intention of the State. It is just unfortunate that in several districts some economic factors beyond the control of any school district got into play and the district was left holding the bag. This would correct that situation, Mr. Speaker.

**WELCOME**

The SPEAKER. The Chair requests that the Honorable Patrick McShane, who is at the rear of the hall of the House and ought to know better, having been a personal friend of the Chair for 35 years— Pat, the Chair would like to have you as a special guest up here on the podium. Will you come down, please?

For you youngsters out there, Pat McShane was for years the Deputy Clerk of the hall of the House, retired only a few years ago, and is back here now with a group of golden-age members called the Hearts of Gold from the St. John's Catholic Church in Scottsdale. They are here as the guests of Gene Saloom. Welcome to the hall of the House.

**CONSIDERATION OF HB 703 CONTINUED**

The SPEAKER. Now the Chair recognizes the gentleman from Bucks, Mr. Cordisco, on the Burns amendment.

Mr. CORDISCO. Mr. Speaker, I think the Burns amendment is a sensible and a logical solution to a problem that exists in many school districts today. I think to not support the Burns amendment would be to penalize school districts unjustly, and I wholeheartedly urge my fellow members to support the Burns amendment. Thank you.

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

Mrs. HARPER. Mr. Speaker, I rise to oppose the amendment. The amendment will cost money, and my bill does not cost any money. I would like to see this bill passed without a cost. That is why I oppose the amendment.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

**YEAS—177**

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

**NAYS—21**

Acosta	Evans	Manderino	Wiggins
Barber	Fattah	O'Donnell	Wozniak
Birmelin	Harper	Pievsky	
Broujos	Kosinski	Richardson	Irvis,
Cohen	Linton	Roebuck	Speaker

Deal Lloyd Stewart  
NOT VOTING—3

Gruitza Letterman Moehlmann  
EXCUSED—2

Civera Hershey

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?

Do you wish to speak on final passage, Mr. Davies?

Mr. DAVIES. Mr. Speaker, I have some questions about the bill itself, yes.

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

Mr. DAVIES. Mr. Speaker, would the maker of the bill stand for one or two questions of interrogation?

The SPEAKER. Mrs. Harper indicates she will stand for interrogation. You may proceed, Mr. Davies.

Mr. DAVIES. Mr. Speaker, what is the, if possible, matter of a telephone contact that the district has to have as far as the disciplinary problem? When, in essence, does the district, either by letter or by phone, have to contact either the parent or guardian?

Mrs. HARPER. Mr. Speaker, if the teachers or the administrators are having problems with the student, before they expel the student they should contact the parent or guardian by telephone or letter. It would be much easier to contact them by telephone, but if they cannot contact them by telephone, they can by letter. That is it, Mr. Speaker.

Mr. DAVIES. Now in the section relative to the dress code, what are the parameters of the code that may be established by the district? Could this require a uniform - a standard set of pants and a shirt, and a dress for the female students?

Mrs. HARPER. No, Mr. Speaker. I am only asking for traditional dress, such as we are dressed—not necessarily as the men are dressed here with shirts and ties, but I am only trying to get at the girls not wearing shorts and that sort of dress, beyond the traditional dress. I am only asking for traditional dress, not uniforms.

Mr. DAVIES. Nowhere, though, in section 1317 does it establish traditional dress, does it? It just merely gives the district the matter of setting any standard, actually, essentially, under that provision. Is that not correct?

Mrs. HARPER. It is really a “may” bill, and it is just a support for the administrators. They are not compelled to go anywhere, really. It is just a support bill.

Mr. DAVIES. Thank you, Mr. Speaker.

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

Mr. COY. Mr. Speaker, would the lady stand for interrogation?

The SPEAKER. The lady indicates she will stand for further interrogation. You are in order and you may proceed.

Mr. COY. Mr. Speaker, I think you said it in your earlier comments, but I think it is worth repeating so that everyone hears it. This bill is a “may” bill. It does not instruct local school boards or school districts to adopt a dress or a discipline code, but it permits them to establish it if they so desire. Is that correct?

Mrs. HARPER. That is correct, Mr. Speaker.

Mr. COY. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies, for the second time on final passage.

Mr. DAVIES. Mr. Speaker, again, the thing that concerns me is the parameters of the “may” provision, and that is that there is nothing to establish just purely traditional dress. I can see some overzealous boards doing the same thing that possibly we have run into with other overextensions of authority, and I have some real concerns about that since we do not establish, even with a “may” provision, the parameters of what that code goes to. So I would have to stand in opposition to that provision of the bill. 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—190

Acosta	Dininni	Lescovitz	Robbins
Afflerbach	Distler	Letterman	Roebuck
Argall	Dombrowski	Levdansky	Rudy
Arty	Donatucci	Levin	Ryan
Baldwin	Dorr	Linton	Rybak
Barber	Duffy	Livengood	Saloom
Barley	Durham	Lloyd	Scheetz
Battisto	Evans	Lucyk	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	Michlovic	Steighner
Bunt	Gamble	Micozzie	Stevens
Burd	Gannon	Miller	Stewart
Burns	Geist	Moehlmann	Stuban
Bush	George	Morris	Swift
Caltagirone	Gladeck	Mowery	Taylor, E. Z.
Cappabianca	Godshall	Mrkonic	Taylor, F. E.
Carlson	Greenwood	Murphy	Taylor, J.
Carn	Gruitza	O'Brien	Telek
Cawley	Gruppo	O'Donnell	Tigue
Cessar	Haluska	Olasz	Trello
Chadwick	Harper	Oliver	Truman
Cimini	Hasay	Perzel	Van Horne
Clark	Hayes	Petrarca	Veon
Clymer	Herman	Petrone	Vroon
Cohen	Honaman	Phillips	Wambach
Colafella	Hutchinson	Piccola	Wass
Cole	Jackson	Pievsky	Weston
Cordisco	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	Reinard	
Deal	Lashingner	Richardson	Irvis,
Dietz	Laughlin	Rieger	Speaker

NAYS—9

Angstadt	Hagarty	Nahill	Reber
Cornell	Itkin	Noye	Saurman
Davies			

NOT VOTING—2

Howlett	Sweet
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EXCUSED—2

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

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

\* \* \*

The House proceeded to third consideration of **HB 971, PN 2225**, entitled:

An Act requiring the disclosure of gifts to institutions of higher education made by foreign governments, foreign legal entities and foreign persons.

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?

Does the gentleman from Philadelphia, Mr. Levin, wish to debate on final passage?

Mr. LEVIN. I would just like to make a short statement.

The SPEAKER. The Chair recognizes the gentleman on final passage.

Mr. LEVIN. I would just like the House to be aware that this is a disclosure bill. It does not preclude gifts. It is a bill with a simple intention - it is to preserve academic freedom and the integrity of our colleges and universities by eliminating any question as to the role such gifts may have on the nature and the quality of what is being taught. As long as the foreign government is willing to disclose the conditions of the gift, they may give any amount of money to any university.

I ask for your support.

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—194

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

NAYS—3

Birmelin	Kennedy	Langtry
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NOT VOTING—4

DeWeese	Gruitza	Howlett	Sweet
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EXCUSED—2

Civera	Hershey
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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.

LOCAL GOVERNMENT COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Fryer, who wishes to announce a meeting at the noon recess, I assume.

Mr. FRYER. Mr. Speaker, immediately upon the break, the Local Government Committee will meet in the members' lounge.

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky, to make an announcement.

Mr. PIEVSKY. Thank you, Mr. Speaker.

Immediately upon the call of the lunch recess, the Appropriations Committee will meet in the majority caucus room. Thank you, Mr. Speaker.

### HEALTH AND WELFARE COMMITTEE MEETING

The SPEAKER. The gentleman from Philadelphia, Mr. Barber, advised the Chair that the Health and Welfare Committee will meet at the luncheon break. Members of the Health and Welfare Committee are advised that there will be a luncheon-break meeting for that committee.

Mr. Barber, the Chair announced your meeting, but would you tell your members where it is to take place?

Mr. BARBER. Yes, Mr. Speaker. It will be in the back of the House, please.

The SPEAKER. At the lunch break?

Mr. BARBER. At the break. Thank you so much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

**HB 1646, PN 2340** (Amended)

By Rep. MORRIS

An Act amending the act of December 27, 1974 (P. L. 995, No. 326), known as the "Veterinary Medicine Practice Act," further regulating veterinary medicine practice.

AGRICULTURE AND RURAL AFFAIRS.

### WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House Bill Wentz from Montgomery County, who is chairman of the board of assessment; Dick Brosius, who is chief appraiser of Bucks County; and Robert Hanisits, who is director of real estate for Lehigh County. They are here as guests of the Lehigh, Montgomery, and Bucks County delegations. Welcome to the hall of the House.

### BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 571, PN 649**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. ITKIN offered the following amendments No. A3110:

Amend Title, page 1, line 2, by inserting after "for"  
classic motor vehicles and

Amend Title, page 1, line 2, by removing the period after "signals" and inserting

; and providing for collector motor vehicles.

Amend Sec. 1, page 1, lines 5 and 6, by striking out all of said lines and inserting

Section 1. The definition of "classic motor vehicle" in section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a definition to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

\*\*\*

["Classic motor vehicle." A self-propelled vehicle, but not a reproduction thereof, manufactured more than ten years prior to the current year and, because of discontinued production and limited availability, determined by the department to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to a condition which is substantially in conformity with manufacturer specifications and appearance.]

"Collector motor vehicle.—A self-propelled vehicle, but not a reproduction thereof, manufactured more than ten years prior to the current year, which has been maintained in or restored to a condition which is substantially in conformance with manufacturer specifications and appearance.

Section 2. Sections 1117(d), 1307(e) and 1340 of Title 75 are amended to read:

§ 1117. Vehicle destroyed or junked.

\*\*\*

(d) Reconstructed vehicle.—If a vehicle, other than an antique [or classic] vehicle, for which a certificate of junk has been issued is thereafter restored to operating condition, it shall be regarded as a reconstructed vehicle.

\*\*\*

§ 1307. Period of registration.

\*\*\*

[(e) Antique and classic vehicles.—Antique and classic motor vehicle registrations shall expire upon the junking, scrapping or transfer of ownership of the vehicle, except that if the transfer is between spouses or between parent and child the registration may be transferred upon payment of a transfer fee.]

§ 1340. Antique [and classic plates] plate.

(a) [General rule] Acquisition.—Upon submission by a vehicle owner of information satisfactory to the department that a motor vehicle is an antique motor vehicle [or classic motor vehicle], accompanied by the [appropriate] initial registration fee, the department may issue [special plates] a special antique plate for the vehicle. [No annual registration fee may be charged for antique or classic motor vehicles.]

(b) Use of plates.—It is unlawful for any person to operate a vehicle with antique [or classic] registration plates for general daily transportation. Permitted use shall be limited to participation in club activities, exhibits, tours, parades, occasional transportation and similar uses. Occasional transportation shall mean no more than one day a week.

Section 3. Title 75 is amended by adding a section to read:

§ 1346. Collector plate.

Upon submission by a vehicle owner of information satisfactory to the department that a motor vehicle is a collector motor vehicle, accompanied by the appropriate fee, the department may issue a special collector plate for the vehicle, which shall have the same force and effect as a regular registration plate.

Section 4. Section 1923 of Title 75 is amended to read:  
§ 1923. Antique [and classic] vehicles.

The fee for initial annual registration of an antique [or classic] motor vehicle shall be \$50. The fee to renew the annual registration of the vehicle shall be \$5.

Section 5. Title 75 is amended by adding a section to read:  
§ 1933. Collector motor vehicles.

The fee for issuance of a collector motor vehicle plate shall be \$20 which shall be in addition to the annual registration fee. The issuance fee shall be charged for each collector vehicle registration plate issued or replaced.

Section 6. Section 3335(c), 4103(d) and 4572 of Title 75 are amended to read:

§ 3335. Signals by hand and arm or signal lamps.

\*\*\*

(c) Exception.—This section does not apply to a motor vehicle registered as an antique [or classic] vehicle which was not originally equipped with signal lamps.

§ 4103. Promulgation of vehicle equipment standards.

\*\*\*

(d) Applicability to certain vehicles.—Vehicle equipment standards contained in this part or promulgated by the department under the authority given in this part shall not apply to a motor vehicle registered as an antique [or classic] vehicle containing equipment which meets the original manufacturer's specifications.

\*\*\*

Amend sec. 2, page 3, line 6, by striking out "2" and inserting  
7

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, many of us in this chamber have experienced the problems with respect to the classic tag on automobile plates.

In the 1970's auto manufacturers discontinued several models for a few years, replacing them with more energy efficient models. Now they have decided to bring some of these models back into production. An example would be the Cadillac Fleetwood. In 1977 the owner of a Fleetwood could qualify for a classic tag because the model was no longer being manufactured. Today the owner of the same vehicle cannot obtain a classic tag because the manufacturer has brought back the Fleetwood, although it is down sized and significantly different from the model produced in the 1960's. So regardless of the vehicle's condition, the Fleetwood owner cannot get a classic tag; he must wait until the car is 25 years old and then he hopes he qualifies for an antique tag.

We would like to replace the classic tag with a new collector tag. A person could obtain a collector tag if his vehicle is more than 10 years old and is in a condition which conforms with manufacturer's specifications and appearance. Rather than pay a one-time fee of \$65 for the collector tag, as the applicant did for the classic tag, the applicant would pay an initial fee of \$20 and then renew the collector tag each year for the regular

fee of \$24. Thus the collector plate would be similar to what we now call the special or vanity tag.

In addition, we would change the requirement of having the antique-vehicle owner also pay an annual fee of \$5 to reregister his vehicle. PennDOT claims that they have no idea of how many antique vehicles there are on the highway since the current procedure is to register them for a lifetime, and they claim that this information would be quite useful to them. So we would do this by requiring an antique-vehicle owner to reregister his vehicle annually, but in his special case for only a token fee of \$5.

That is the substance of the amendments that I am offering today, Mr. Speaker.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, would Mr. Itkin consent to interrogation?

Mr. ITKIN. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Lloyd, is in order and may proceed.

Mr. LLOYD. Mr. Speaker, this amendment is very confusing. I would like to try to understand what it does. Under this amendment there would no longer be classic plates. Is that correct?

Mr. ITKIN. Mr. Speaker, we would grandfather in the existing classic plates, but there would be no issuance of the classic plate.

Mr. LLOYD. So in other words, if you have a classic plate right now, you would be able to continue to have that, but in the future you would not; nobody else would be able to get a classic plate and he either would or would not qualify for a collector plate.

Mr. ITKIN. That is right. Anyone who has a classic plate or would qualify for a classic plate would generally in the future qualify for a collector plate.

Mr. LLOYD. Is the definition or the standard for getting a collector plate more flexible than the standard for getting a classic plate? Let me put the particular case. I am finding that most of my constituents who want to get classic plates cannot get them because PennDOT says, well, you do not meet this or you do not meet that standard. If we were to put this in the law, would it be easier to get a collector plate than it currently is to get a classic plate?

Mr. ITKIN. The answer is it is true. It would be easier to get a collector plate than a classic plate. The inherent problem that PennDOT has been having is, in the law we have said that a classic plate is of discontinued production. They have maintained that whenever the manufacturer brings back an old model name, the production is no longer discontinued, and therefore, any vehicle which normally would have been eligible for a classic plate is denied that because the manufacturer decides to bring back an old name.

Mr. LLOYD. Now, Mr. Speaker, am I right that under existing law, if I qualify for a classic plate, I pay one time and then I do not have an annual renewal fee? Is that existing law?

Mr. ITKIN. Yes, that is existing law. The annual fee, I believe, is a one-time fee of \$65, but I also believe that one who possesses a classic plate is limited in the amount he may drive.

Mr. LLOYD. Well, Mr. Speaker, then would I be correct that one of the most significant changes that this amendment makes in existing law is that people who get this special plate *in the future, under your amendment*, will have to pay the annual registration fee, whereas now they do not?

Mr. ITKIN. That is true in tandem that they will be able to drive that classic vehicle without the current restriction. So they will be able to use that classic vehicle as anybody else who possesses a normal registration. Right now there are significant restrictions on when the people may operate such a vehicle.

Mr. LLOYD. Well, then, if I am going to be allowed to get a collector plate and use that car just like a regular car and I am going to have to pay the same thing for it as I do for my regular car, what is the advantage of having a collector plate?

Mr. ITKIN. Most individuals believe that a collector's plate would enhance the vehicle and ultimately its resale value. The owners of these vehicles take a tremendous amount of interest in maintaining the beauty of the vehicle and would want to display their vehicle with such a plate.

Mr. LLOYD. Mr. Speaker, could I be recognized on the amendment?

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I know that this is a complicated amendment, but I think people ought to understand that if they vote for this amendment, they are going to be requiring people in the future who get what today is called a classic plate but what would in the future be called a collector's plate, they are going to be requiring those people to pay an annual registration fee. And while I agree with Mr. Itkin that it ought to be easier to get a special plate, I do not agree with him that once somebody gets one, we ought to require them to pay a fee every year.

There have been abuses; PennDOT is trying to control that. *I am not happy with some of the restrictions they have put on the issuance of classic plates. They have turned them down for a lot of my constituents who I think ought to have them, but if I, in order to solve that problem, have got to charge those people an annual registration fee in the future, then that is not a good trade, in my opinion, so I would ask for a negative vote on the amendment.*

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Indiana, Mr. Wass, on the amendment.

Mr. WASS. Mr. Speaker, would it be possible to hold this amendment and bill over? This is a very complicated amendment and it is far reaching, and I would like to see a caucus on this amendment.

The SPEAKER. The Chair does not have the power to withdraw the amendment. The gentleman, Mr. Itkin, may be

requested to do so. If he accedes to that, then the amendment will be withdrawn. Did you wish to speak to Mr. Itkin privately about it?

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

Mr. ITKIN. Mr. Speaker, I think the holding of the bill should be the decision of the prime sponsor.

The SPEAKER. Mr. DeWeese, a request has been made, not against the major part of the bill but against the amendment. Apparently Mr. Itkin is not willing to withdraw the amendment. The question then becomes, are you willing to pass the bill, together with the offered amendment, over for the day?

Mr. DeWEESE. I would make a request to the gentleman, Mr. Itkin, that he withdraw the amendment. I was not aware of the amendment. I thought this was a noncontroversial bill, and I would again make a request to the gentleman from Allegheny County that he withdraw the amendment. Thank you.

The SPEAKER. Mr. Itkin, do you insist on the amendment, as is your right?

Mr. ITKIN. Mr. Speaker, I see no problem with the amendment, and I do not understand why some members have attempted to envelop this particular amendment in controversy.

The SPEAKER. Let us get this settled. Mr. Wass, if you wish to have the bill, together with the amendment, delayed, and neither the sponsor of the bill nor the sponsor of the amendment will agree to do it *voluntarily, you may make the proper motion.*

### BILL PLACED ON THIRD CONSIDERATION POSTPONED CALENDAR

Mr. WASS. Mr. Speaker, with all due respect for the two gentlemen involved in the amendment and the bill, I do ask for a hold on this bill until we caucus on this amendment.

The SPEAKER. Your motion correctly should be to move to place HB 571, PN 649, together with the offered amendment, on the third consideration postponed calendar.

Mr. WASS. I so move, Mr. Speaker.

On the question,

Will the House agree to the motion?

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

Mr. ITKIN. Mr. Speaker, I will defer to Mr. DeWeese.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese, *on the motion.*

Mr. DeWEESE. I have already spoken. Thank you.

The SPEAKER. Those in favor of the motion to place HB 571, together with the Itkin amendment offered, on the third consideration postponed calendar 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—164

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

NAYS—36

Afflerbach	Dombrowski	Lucyk	Sweet
Baldwin	Evans	McCall	Van Horne
Barber	Fattah	Michlovic	Veon
Belfanti	Gallagher	Pievsy	Wiggins
Blaum	Itkin	Pott	Wright, D. R.
Broujos	Kukovich	Richardson	Yandrisevits
Cordischo	Laughlin	Showers	
Coy	Lescovitz	Staback	Irvis,
Dawida	Levin	Stuban	Speaker
Deal	Linton		

NOT VOTING—1

Gruitza

EXCUSED—2

Civera                      Hershey

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

WELCOME

The SPEAKER. Representative Joseph Markosek has in the gallery a group from Allegheny County and Westmoreland County. Welcome to the hall of the House.

RECESS

The SPEAKER. The House will now stand in luncheon recess until 1 p.m.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 251, PN 2341 (Amended)

By Rep. PRATT

An Act amending the "Pennsylvania Commission on Crime and Delinquency Law," approved November 22, 1978 (P. L. 1166, No. 274), further providing for child abuse; imposing further duties upon the commission and the advisory committee; establishing the Child Abuse Fund and providing for its use; and providing for the collection of certain fees.

JUDICIARY.

HB 1340, PN 2342 (Amended)

By Rep. PRATT

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, imposing a moratorium on the use of a stun gun.

JUDICIARY.

HB 1498, PN 2343 (Amended)

By Rep. PRATT

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

JUDICIARY.

HB 1505, PN 2344 (Amended)

By Rep. FRYER

An Act amending the act of April 6, 1956 (1955 P. L. 1414, No. 465), known as the "Second Class County Port Authority Act," further providing for collective bargaining by the authority with its employees and their representatives; and making a repeal.

LOCAL GOVERNMENT.

HB 1639, PN 2345 (Amended)

By Rep. LAUGHLIN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the appointment, terms and qualifications of commissioners; providing for the Office of Special Assistants, and the Director of Operations and their powers and duties; further providing for procedures, reports, budget requests and audits; providing for management efficiency investigators; and reestablishing the Pennsylvania Public Utility Commission.

CONSUMER AFFAIRS.

HB 1685, PN 2346 (Amended)

By Rep. BARBER

An Act amending the act of April 14, 1972 (P. L. 221, No. 63), known as the "Pennsylvania Drug and Alcohol Abuse Control Act," further providing for powers and duties of the department and the council.

## HEALTH AND WELFARE.

**HB 1736, PN 2347** (Amended)

By Rep. PIEVSKY

An Act making appropriations to the Governor and the Pennsylvania Emergency Management Agency for disaster relief and for allocations to various municipalities in Westmoreland and Fayette Counties for reimbursement for flood damages.

## APPROPRIATIONS.

**SB 1074, PN 1323**

By Rep. BARBER

An Act amending the act of October 15, 1975 (P. L. 390, No. 111), entitled "Health Care Services Malpractice Act," further defining the term "health care provider."

## HEALTH AND WELFARE.

**BILLS REREPORTED FROM COMMITTEE****HB 375, PN 2072**

By Rep. PIEVSKY

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," requiring the Department of Environmental Resources to give notice to municipalities of orders for abatement of nuisances; and requiring the Department of Environmental Resources to publish and advertise the text of certain consent agreements and orders and make copies of such orders and agreements available at regional offices.

## APPROPRIATIONS.

**HB 387, PN 417**

By Rep. PIEVSKY

An Act amending the act of May 17, 1956 (1955 P. L. 1609, No. 537), known as the "Pennsylvania Industrial Development Authority Act," further providing for the definition of "agricultural enterprise."

## APPROPRIATIONS.

**HB 793, PN 1863**

By Rep. PIEVSKY

An Act providing for the mitigation of the impacts of major dislocations of employment, for assistance in reemployment of dislocated workers and for an annual business survey; and creating a task force on business retention and development and giving it powers and duties.

## APPROPRIATIONS.

**HB 902, PN 1033**

By Rep. PIEVSKY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for points and approved driver improvement schools.

## APPROPRIATIONS.

**HB 942, PN 2213**

By Rep. PIEVSKY

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 powers and duties of the Department of Community Affairs.

## APPROPRIATIONS.

**HB 982, PN 1118**

By Rep. PIEVSKY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring rear window defrosters in certain vehicles; and further providing for rear lighting equipment.

## APPROPRIATIONS.

**HB 1039, PN 2105**

By Rep. PIEVSKY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the licensing and regulation of automotive dismantlers and parts recyclers.

## APPROPRIATIONS.

**HB 1194, PN 1406**

By Rep. PIEVSKY

An Act authorizing the indebtedness, with the approval of the electors, of \$30,000,000 for loans to libraries for the purpose of constructing, establishing or modernizing facilities.

## APPROPRIATIONS.

**HB 1335, PN 1584**

By Rep. PIEVSKY

An Act amending the act of February 1, 1984 (P. L. 34, No. 15), known as the "Pennsylvania Municipal Retirement Law," further providing for the payment of administrative expenses.

## APPROPRIATIONS.

**HB 1336, PN 1585**

By Rep. PIEVSKY

An Act amending the act of July 18, 1935 (P. L. 1314, No. 411 1/2), entitled, as amended, "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.

## APPROPRIATIONS.

**HB 1337, PN 1586**

By Rep. PIEVSKY

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.

## APPROPRIATIONS.

**HB 1553, PN 1896**

By Rep. PIEVSKY

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.

## APPROPRIATIONS.

**SENATE MESSAGE****ADJOURNMENT RESOLUTION  
FOR CONCURRENCE**

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

In the Senate, October 21, 1985

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, October 28, 1985 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, October 28, 1985 unless sooner recalled by the Speaker.

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

On the question,

Will the House concur in the resolution of the Senate?  
Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

### CALENDAR CONTINUED BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1400, PN 1705**, entitled:

An Act amending the act of August 22, 1953 (P. L. 1344, No. 383), known as "The Marriage Law," deleting questions as to race from applications for marriage licenses.

On the question,

Will the House agree to the bill on third consideration?

Mr. **ITKIN** offered the following amendments No. A3126:

Amend Title, page 1, line 4, by inserting after "race" and reference to christian name

Amend Sec. 1 (Sec. 3), page 1, line 15, by inserting brackets before and after "Christian"

Amend Sec. 1 (Sec. 3), page 2, line 1, by inserting brackets before and after "Christian"

On the question,

Will the House agree to the amendments?

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

Mr. **ITKIN**. Mr. Speaker, this amendment really has nothing to do with the issue in the bill itself, but it deals with a corollary issue that is now embodied in the law. There is an archaic reference in the act to the use of the full Christian name, and many people find the use of the words "full Christian name" to be somewhat offensive, particularly to people who are not of Christian faith.

Mr. Speaker, this amendment just deletes the reference to Christian and would still require the full name.

The **SPEAKER**. The Chair thanks the gentleman.

The Chair recognizes the lady from Centre, Mrs. **Rudy**, on the **Itkin** amendment.

Mrs. **RUDY**. Mr. Speaker, I have no objections to the amendment.

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

Mr. **LETTERMAN**. Mr. Speaker, I know there were several people who wanted to talk on this, and I do not see them here.

The **SPEAKER**. Mr. **Letterman**, if those several people are not on this floor, the Chair cannot recognize them.

Mr. **LETTERMAN**. I would ask that you hold the bill and go over it until they are here.

The **SPEAKER**. Mr. **Letterman**, we have held over every bill on this calendar so far, because members are not here. Are you telling the Speaker that there are people who want to debate the amendment or the bill? The **Itkin** amendment? We

will wait 3 minutes, and those members who are in reach of the Speaker's voice, the Speaker will call for the vote on the **Itkin** amendment to **HB 1400** in 3 minutes precisely.

### ANNOUNCEMENT BY MR. DAWIDA

The **SPEAKER**. Why does the gentleman from Allegheny, Mr. **Dawida**, rise?

Mr. **DAWIDA**. I would like to make an announcement while we are in this lull.

The **SPEAKER**. The gentleman may.

Mr. **DAWIDA**. Mr. Speaker, I would like to take this time to invite all the members in the House to what we have— A group of us have met for a number of years. We call our meetings the Fellowship Committee, and the meeting will be next Tuesday, October 29, at 8:30 a.m. in room 407 of the South Office Building. At this meeting we will be having Mr. **Bradley Cassell**, a lay minister, a very dynamic personality, from the Seventh-Day Adventist Church to talk to us. I look forward to all the members considering coming to this meeting next Tuesday morning. Thank you.

### STATEMENT BY MR. GRUPPO

The **SPEAKER**. The Chair recognizes the gentleman from Northampton, Mr. **Gruppo**.

Mr. **GRUPPO**. I just wanted to rise on a point of personal privilege and echo what my colleague, Representative **Dawida**, just said. We have been meeting now for a couple of years and our attendance has been fair to poor. I know that there are a lot of members in this room who would like to come and for one reason or another have not. I would like to encourage all of you to try to attend. It is an enriching and rewarding experience, quite different than other religious or fellowship services that you have probably had experience with, and I think it gives us an opportunity to share some common concerns. I would hope that as many as possible of you can attend next Tuesday's breakfast meeting. Thank you.

The **SPEAKER**. The Chair thanks the gentleman.

### CONSIDERATION OF HB 1400 CONTINUED

The **SPEAKER**. On the **Itkin** amendment, the Chair recognizes the gentleman from Centre, Mr. **Letterman**.

Mr. **LETTERMAN**. I would like to question the maker of the amendment, please.

The **SPEAKER**. Mr. **Itkin** indicates he will stand for interrogation. The gentleman, Mr. **Letterman**, is in order, and he may proceed.

Mr. **LETTERMAN**. Mr. Speaker, I just looked at your amendment. I did not have it on my desk, and I understand now that all you want to do is take the word "Christian" out. Is that right?

Mr. **ITKIN**. That is correct.

Mr. **LETTERMAN**. That would still require the full name?

Mr. **ITKIN**. That is correct.

Mr. LETTERMAN. Okay. I do not disagree with that then. The only other man is not on the floor yet, so go ahead.

The SPEAKER. For what purpose does the gentleman from Cumberland, Mr. Broujos, rise?

Mr. BROUJOS. I would like to speak on the bill.

The SPEAKER. On the bill or the amendment?

Mr. BROUJOS. On the amendment; I am sorry.

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

Mr. BROUJOS. Mr. Speaker, the language used in the act is "the full Christian name and surname." First, I think that if the word "Christian" were removed, the language of the amendment would leave it reading "statement of the full name and surname." I think that is not what is intended, and I think that is confusing.

In addition, Merriam-Webster's dictionary states that Christian name is "the name given at birth or christening as distinct from the family name." I think that the word "Christian" name is spelled with a small "c," according to the dictionary, that it is a generic use, and I think that it fully describes the first name which is given to anybody of any denomination, race, or creed.

I would oppose the amendment. I would not object if there were some clarifying language that spelled out the intent, but I would object to simply eliminating the word "Christian." I would ask for a defeat of the amendment.

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

The following roll call was recorded:

YEAS—94

Acosta	Duffy	Linton	Rieger
Afflerbach	Evans	Livengood	Rudy
Baldwin	Fattah	Lloyd	Rybak
Barber	Fox	Lucyk	Saurman
Battisto	Freeman	McCall	Serafini
Belardi	Gallagher	McHale	Showers
Belfanti	Gamble	Maiale	Staback
Blaum	Gladeck	Manderino	Stevens
Bortner	Greenwood	Markosek	Stewart
Bowley	Haluska	Mayernik	Suban
Bunt	Howlett	Moehlmann	Sweet
Carn	Hutchinson	Morris	Taylor, F. E.
Cohen	Itkin	Mrkonic	Tigue
Colafella	Jarolin	Murphy	Trello
Cordisco	Johnson	Nahill	Truman
Cornell	Josephs	O'Donnell	Van Horne
Cowell	Kasunic	Olasz	Veon
Deluca	Kenney	Oliver	Vroon
Daley	Kosinski	Petrone	Wiggins
Davies	Kukovich	Pievsky	Wozniak
Dawida	Lashinger	Pistella	Wright, D. R.
Deal	Laughlin	Preston	
Dombrowski	Lescovitz	Punt	Irvis,
Donatucci	Levdansky	Richardson	Speaker

NAYS—93

Angstadt	Coy	Herman	Robbins
Argall	DeVerter	Honaman	Ryan
Arty	Dietz	Jackson	Saloom
Barley	Dininni	Kennedy	Scheetz
Birmelin	Distler	Langtry	Schuler
Black	Dorr	Letterman	Semmel
Book	Durham	McClatchy	Seventy
Bowser	Fargo	McVerry	Smith, B.

Boyes	Fee	Mackowski	Smith, L. E.
Brandt	Fischer	Manmiller	Snyder, D. W.
Broujos	Flick	Merry	Snyder, G. M.
Burd	Foster, Jr., A.	Micozzie	Stairs
Burns	Fryer	Miller	Steighner
Bush	Gallen	Mowery	Swift
Caltagirone	Gannon	Noye	Taylor, E. Z.
Cappabianca	Geist	Phillips	Telek
Carlson	George	Piccola	Wambach
Cawley	Godshall	Pitts	Wass
Cessar	Gruppo	Pott	Weston
Chadwick	Hagarty	Pratt	Wilson
Cimini	Harper	Raymond	Wright, J. L.
Clymer	Hasay	Reber	Wright, R. C.
Cole	Hayes	Reinard	Yandrisevits
Coslett			

NOT VOTING—14

Clark	Levin	Petrarca	Sirianni
DeWeese	Michlovic	Pressmann	Taylor, J.
Freind	O'Brien	Roebuck	Wogan
Gruitzza	Perzel		

EXCUSED—2

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the gentleman from Philadelphia, Mr. Barber.

Mr. BARBER. I would like to interrogate the main sponsor.

The SPEAKER. The lady, Mrs. Rudy, indicates she will stand for interrogation. The gentleman is in order, and he may proceed.

Mr. BARBER. Thank you, Mr. Speaker.

I would like to know for what reason she wants to remove the word "race."

Mrs. RUDY. Mr. Speaker, while I can see few if any justifiable reasons as to why the word "race" should remain in a marriage license application, it is just used for statistical purposes only, and these same statistics can be obtained through the U.S. Census Bureau.

Mr. BARBER. Mr. Speaker, may I speak on the word "race"?

The SPEAKER. The gentleman may speak on final passage of the bill.

Mr. BARBER. On final passage of the bill, please.

The SPEAKER. The gentleman may proceed.

Mr. BARBER. You know, Mr. Speaker, to me and to many other people, I do not think the word "race" would mean too much. Sometimes, myself, I would like to know whether the person may be black or white or whatever. To me, on certain things where it can be discrimination, I am against the word "race," but in this particular case I cannot see anything

wrong with "race" in this particular bill for the marriage license. Thank you, Mr. Speaker.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Allegheny, Mr. Dawida.

Mr. DAWIDA. May I also interrogate the prime sponsor?

The SPEAKER. The lady indicates she will stand for interrogation. You may proceed, sir.

Mr. DAWIDA. Mr. Speaker, in the discussion of this issue, was the matter of certain illnesses, such as sickle-cell anemia trace and things like that, ever brought up as a relevant reason for keeping statistics with regard to race?

Mrs. RUDY. Mr. Speaker, not to my knowledge. I do not believe those questions are asked when someone applies for a marriage license.

Mr. DAWIDA. Would it be your opinion that perhaps they should have been asked, that it might be useful?

Mrs. RUDY. Well, Mr. Speaker, those questions just do not appear on a marriage license application.

Mr. DAWIDA. Mr. Speaker, may I speak on the issue?

The SPEAKER. On final passage, the gentleman is so recognized.

Mr. DAWIDA. I am not speaking from a great deal of knowledge on this issue, because I do not know very much about it at this point, and that is one of the things that makes me nervous about voting for this bill. I just know that there are certain racially related illnesses, such as the sickle-cell anemia, which need to be traced through families, and I would think that marriage certificates could be a possible use for this sort of thing.

I have some real reservations about the bill, although I do not know enough about it to really argue forcefully against it, and I think we ought to consider or perhaps reconsider this bill in committee dealing with this issue.

**BILL RECOMMENDED**

Mr. DAWIDA. Mr. Speaker, would it be appropriate to make a motion to recommit this bill back to the State Government Committee so that such issues could be considered?

The SPEAKER. The motion would be in order, if the gentleman wishes to make it.

Mr. DAWIDA. Yes, sir.

The SPEAKER. It has been moved by the gentleman, Mr. Dawida, that HB 1400, as amended by the gentleman, Mr. Itkin, be recommitted to the State Government Committee for further study.

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

The SPEAKER. The Chair recognizes the lady from Centre, Mrs. Rudy.

Mrs. RUDY. Mr. Speaker, would it be possible just to pass over that question until I could get an answer for it and not recommit the bill?

The SPEAKER. Only if the gentleman, Mr. Dawida, will withdraw his motion. His motion is now the only business on the floor.

He is shaking his head in the negative that he will not withdraw it. Therefore, the motion must be voted, Mrs. Rudy.

Mrs. RUDY. Okay. Well, I believe that same information that he is questioning could be obtained from the U.S. Census data.

The SPEAKER. Therefore, you object to the motion. Is that it?

Mrs. RUDY. Yes.

The SPEAKER. The lady, Mrs. Rudy, objects to the motion; the gentleman, Mr. Dawida, has insisted on the motion.

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

The following roll call was recorded:

**YEAS—141**

Angstadt	Dininni	Levin	Ryan
Argall	Distler	Lucyk	Rybak
Barber	Donatucci	McClatchy	Saloom
Barley	Dorr	McVerry	Saurman
Belfanti	Durham	Mackowski	Scheetz
Birmelin	Evans	Manmiller	Schuler
Black	Fee	Markosek	Semmel
Book	Fischer	Mayernik	Serafini
Bortner	Flick	Merry	Seventy
Bowley	Foster, Jr., A.	Michlovic	Sirianni
Bowser	Fox	Micozzie	Smith, B.
Boyes	Gallen	Miller	Smith, L. E.
Brandt	Gamble	Moehlmann	Snyder, D. W.
Broujos	Geist	Mowery	Snyder, G. M.
Bunt	George	Mrkonic	Stairs
Burd	Gladeck	Murphy	Steighner
Burns	Godshall	Nahill	Stevens
Bush	Greenwood	Noye	Swift
Caltagirone	Gruppo	Olasz	Taylor, E. Z.
Cappabianca	Hagarty	Oliver	Taylor, J.
Carlson	Haluska	Perzel	Telek
Carn	Hasay	Petrone	Trello
Cessar	Hayes	Phillips	Truman
Chadwick	Herman	Piccola	Van Horne
Cimini	Honaman	Pistella	Vroon
Clymer	Jackson	Pitts	Wass
Colafella	Jarolin	Pott	Weston
Cole	Josephs	Pratt	Wiggins
Cornell	Kennedy	Preston	Wilson
Coslett	Kenney	Punt	Wright, J. L.
Deluca	Kosinski	Raymond	Wright, R. C.
DeVerter	Langtry	Reber	Yandrisevits
Davies	Lashinger	Reinard	
Dawida	Lescovitz	Rieger	Irvis,
Deal	Letterman	Robbins	Speaker
Dietz	Levdansky	Roebuck	

**NAYS—48**

Afflerbach	Daley	Johnson	Pressmann
Arty	Dombrowski	Kasunic	Rudy
Baldwin	Duffy	Laughlin	Showers
Battisto	Fargo	Livengood	Staback
Belardi	Freeman	Lloyd	Stewart
Blaum	Fryer	McCall	Stuban
Cawley	Gallagher	McHale	Taylor, F. E.
Cohen	Gannon	Maiale	Tigue
Cordisco	Gruitza	Manderino	Veon
Cowell	Harper	Morris	Wambach
Coy	Howlett	O'Donnell	Wozniak
DeWeese	Itkin	Pievsky	Wright, D. R.

NOT VOTING—12

Acosta	Freind	Linton	Richardson
Clark	Hutchinson	O'Brien	Sweet
Fattah	Kukovich	Petrarca	Wogan

EXCUSED—2

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

\* \* \*

The House proceeded to third consideration of **HB 1295, PN 1717**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for the compensation of supervisors and the purchase of insurance.

On the question,

Will the House agree to the bill on third consideration?

Mr. KASUNIC offered the following amendments No. A3348:

Amend Sec. 1 (Sec. 515), page 3, line 26, by striking out "December 31, 1985" and inserting the expiration of sixty days after the effective date of this subsection

Amend Sec. 1 (Sec. 515), page 3, line 30, by inserting after "supervisor-employees" or retired supervisor-employees

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Fayette, Mr. Kasunic.

Mr. KASUNIC. Mr. Speaker, this is an agreed-to amendment. What we are trying to do is clarify some language in the bill. In the initial drafting of the bill, it uses December 31, 1985, as a date for auditor approval. This amendment would change that to read 60 days after it becomes law.

Another concern was whether the retired supervisor-employees were covered in this bill, and in order to make sure they were covered, on page 3, line 30, we are inserting after "supervisor-employees" "or retired supervisor-employees."

The SPEAKER. The Chair thanks the gentleman.

On the Kasunic amendment, the Chair recognizes the gentleman from Berks, Mr. Fryer.

Mr. FRYER. Mr. Speaker, I would suggest to the members of the House that they support the Kasunic amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—187

Afflerbach	Dininni	Lashingner	Reinard
Angstadt	Distler	Laughlin	Richardson
Argall	Dombrowski	Lescovitz	Robbins
Arty	Dorr	Letterman	Ryan
Baldwin	Duffy	Levdansky	Rybak
Barber	Durham	Linton	Saloom
Barley	Evans	Livengood	Saurman

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

NAYS—0

NOT VOTING—14

Acosta	Hagarty	Rieger	Sirianni
Bush	Levin	Roebuck	Truman
Clark	O'Brien	Rudy	Wogan
Donatucci	Petrarca		

EXCUSED—2

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

WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House a group of superintendents of public schools in Chester County. These 12 gentlemen are to the left of the Speaker. They are the guests of Representatives Flick, Pitts, Hershey, Morris, Vroon, and Taylor. We welcome you to the hall of the House.

We all recognize that as superintendents of public schools in these restricted times you have a tremendously difficult job. We do not envy you that job, but we try to make it a little easier if we can from the House floor. Welcome to the hall of the House.

**CONSIDERATION OF HB 1295 CONTINUED**

On the question,

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

Mr. FOSTER offered the following amendment No. A3334:

Amend Sec. 1 (Sec. 515), page 3, line 30; page 4, lines 1 through 8, by striking out "IF THE AUDITORS FAIL, NEGLECT OR REFUSE TO" in line 30, page 3; all of lines 1 through 8, page 4, and inserting

Any supervisor-employee whose participation in a township-paid pension or annuity plan began on or before December 31, 1984, and whose participation in such plan met all applicable legal requirements, but for the lack of approval by the board of auditors, shall be entitled to maintain and continue participation in such plan in the same manner as if said participation had been approved by the board of auditors. Any supervisor or supervisor-employee not falling within the above definition shall not be entitled to be a participant in a township-paid pension or annuity plan and any benefits payable to such supervisor or supervisor-employee paid or payable on or after December 31, 1984, shall be surrendered to, be assigned to and become the property of the township, and the provisions of subclause (E)(3) of clause XIII of section 702 shall be applicable.

On the question,

Will the House agree to the amendment?

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

Mr. FOSTER. Thank you, Mr. Speaker.

The difficulties that local officials have had arise from the fact that from 1959 through 1984 they were permitted to purchase insurance and annuity contracts based on legislation in the insurance law. There was an ambiguity with respect to the insurance law and the township code. As a result, many local officials during that period purchased insurance and annuity contracts, and that is the purpose of this legislation - to grant amnesty for those who in good faith purchased such contracts due to the ambiguity of the law.

My amendment deals specifically with the matter of annuity contracts granted during that period and grants amnesty in those contracts and changes the bill to the extent that we need not have postauditor approval of those contracts. I think it presents a difficulty in asking a board of auditors to go back retroactively and approve something that was done in good faith, and it provides the further problem that in some situations the present board of auditors may decide they do not wish to do this, which leaves the elected official helpless to do anything on the matter of a contract that was entered into in good faith.

I think what we are looking at is something that is fair and equitable to people who, relying on the then interpretation of the law, entered into a contract and now, by virtue of subsequent decisions, may be stripped of that right.

I would ask for an affirmative vote on the amendment.

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

Mr. FRYER. Mr. Speaker, I would like to create a hypothetical situation or comparisons. Let us assume there are two township supervisors who worked as roadmasters. Both of them knew what the law was because the law has been the same since the Second Class Township Code was adopted in 1933. Both of them knew that their compensation as roadmasters, including pensions and annuities, had to be established by the township auditors.

Supervisor No. 1 obeyed the law. He went to his township auditors and they said, we will approve a salary for you and health insurance but no pension or annuity; we cannot afford that, and supervisor No. 1 did not get a pension.

Supervisor No. 2 went to his township auditors and they told him the same thing, but he broke the law and voted himself a pension anyway. Now the Ethics Commission is chasing after supervisor No. 2, and that is why we have this bill before us.

The purpose of this bill is to grant amnesty to supervisor No. 2 so that he is not surcharged for this illegal appropriation. And this bill goes further. It gives supervisor No. 2 another bite at the apple. It allows him yet another chance to go back to the township auditors, as he should have done in the first place, to get their approval retroactively for his pension or annuity.

This bill bends over backwards to be fair and lenient with that supervisor, but the amendment proposed by Mr. Foster goes too far. It punishes supervisor No. 1, who obeyed the law and has no pension plan, by rewarding supervisor No. 2, who broke the law and who under this amendment would be allowed to keep his pension, past and future, even though he never sought auditor approval, even though he never got auditor approval, and even though the elected auditors have specifically disapproved the pension plan.

Under this amendment, Mr. Speaker, those who break the law get pensions and those who obey the law get nothing. That is as backwards as anything can be.

Elected auditors are the taxpayers' watchdog. When township money is being spent, they are the last legal safeguard to make sure that the law is being followed. By removing them from this process, Mr. Speaker, we are giving them a blank check to raid the township treasury. This does violence to our careful system of checks and balances.

I strongly oppose the Foster amendment and ask all members to vote "no" on the proposal.

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

Mr. FOSTER. The gentleman, Mr. Fryer, makes a statement and uses the term "breaking the law." The term is "the ambiguity of the law," the fact that we in our wisdom in Harrisburg pass laws which are ambiguous, difficult of interpretation, and, in this case, where the ambiguity existed for 25 years—25 years.

I do not propose to step back and say that for a township supervisor who in good faith entered into such a contract, now that he is retired or about to retire, that we say, hey, now you had it; now you do not. I think it is a matter of fairness.

The impact on the taxpayer is minuscule but the impact on the individual is great, and I think in the name of fairness we should support the amendment.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Fryer, for the second time on the amendment.

Mr. FRYER. Mr. Speaker, we are being eminently fair in this particular situation. We are granting amnesty. However, to repeat, this merely goes too far. It removes the checks and balances. Quite frankly, Mr. Speaker, it is absolutely and extremely unfair to the taxpayer.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Schuylkill, Mr. Baldwin.

Mr. BALDWIN. Thank you, Mr. Speaker.

I do not agree with Mr. Foster on the ambiguity in the law as it existed up to this point in respect to annuity programs and pension plans. There is no question that a lot of township supervisors were misled in terms of whether or not they were allowed to be included in insurance plans, and we have covered that. But I do not think there has ever been anyone, be it either a township association or anyone else, who suggested to these supervisors that they could have annuity plans purchased that would put money in their pockets at the taxpayers' expense without getting auditor approval.

The bill as it is currently drafted gives them amnesty in the sense that even if their auditors do not allow them to continue to collect in the future, they can keep everything they have collected thus far up to the end of 1984. So we are giving them a break in that respect. But no one really in good faith voted themselves an annuity plan under the guise of a confusing law. They knew what it said, and they decided to take the chance. I think that is just going too far with taxpayers' money, and I would urge a "no" vote on the amendment.

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

The following roll call was recorded:

YEAS—62

Arty	Durham	Mackowski	Schuler
Barley	Evans	Markosek	Serafini
Bowser	Flick	Micozzie	Smith, L. E.
Brandt	Foster, Jr., A.	Miller	Snyder, D. W.
Bunt	Fox	Nahill	Stevens
Burns	Freind	Noye	Stewart
Carlson	Gannon	O'Brien	Swift
Cessar	Gladeck	Perzel	Taylor, E. Z.
Chadwick	Greenwood	Pitts	Taylor, F. E.
Clymer	Hagarty	Punt	Vroon
Cornell	Harper	Raymond	Wass
Cowell	Honaman	Reber	Wilson
Coy	Johnson	Reinard	Wozniak
DeWeese	Kasunic	Ryan	Wright, J. L.
Daley	Langtry	Saurman	Wright, R. C.
Dorr	Lashinger		

NAYS—133

Acosta	Distler	Letterman	Richardson
Afflerbach	Dombrowski	Levdansky	Rieger
Angstadt	Donatucci	Levin	Robbins
Argall	Duffy	Linton	Roebuck
Baldwin	Fargo	Livengood	Rudy
Barber	Fattah	Lloyd	Rybak
Battisto	Fee	Lucyk	Saloom
Belardi	Fischer	McCall	Scheetz

Belfanti	Freeman	McClatchy	Semmel
Birmelin	Fryer	McHale	Seventy
Black	Gallagher	McVerry	Showers
Blaum	Gallen	Maiale	Smith, B.
Book	Gamble	Manderino	Snyder, G. M.
Bortner	Geist	Manmiller	Staback
Bowley	George	Mayernik	Stairs
Boyes	Godshall	Merry	Steighner
Broujos	Gruitza	Michlovic	Stuban
Burd	Gruppo	Moehlmann	Sweet
Bush	Haluska	Morris	Telek
Caltagirone	Hasay	Mowery	Tigue
Cappabianca	Hayes	Mrkonic	Trello
Carn	Herman	Murphy	Truman
Cawley	Howlett	O'Donnell	Van Horne
Cimini	Hutchinson	Olasz	Veon
Clark	Itkin	Oliver	Wambach
Colafiglia	Jackson	Petrarca	Weston
Cordisco	Jarolin	Petrone	Wiggins
Coslett	Josephs	Piccola	Wogan
Deluca	Kennedy	Pievsky	Wright, D. R.
DeVerter	Kenney	Pistella	Yandrisevits
Davies	Kosinski	Pott	
Dawida	Kukovich	Pratt	Irvis,
Deal	Laughlin	Pressmann	Speaker
Dietz	Lescovitz	Preston	

NOT VOTING—6

Cohen	Dininni	Sirianni	Taylor, J.
Cole	Phillips		

EXCUSED—2

Civera	Hershey
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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?

Mr. FOSTER offered the following amendment No. A3335:

Amend Sec. 2 (Sec. 702), page 9, lines 17 through 21, by striking out "The cost of the actuarial valuation of the township" in line 17 and all of lines 18 through 21 and inserting The cost of any actuarial evaluation and other administrative cost involved in determining the respective interest of the township and the individual official shall be borne by the township.

On the question,

Will the House agree to the amendment?

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

Mr. FOSTER. Thank you, Mr. Speaker.

This amendment deals with the portion of the bill which requires the actuarial evaluation of the programs prior to any turnover to the individual. Under the terms of the act as drafted, the expenditures for this would fall on the individuals in the case, in which case it is the township that is ordering the actuarial study. I feel, therefore, that the actuarial study should be paid for by the township where they would assess only those portions directly attributable to the individual in the case.

I ask an affirmative vote.

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

Mr. FRYER. Mr. Speaker, I oppose the Foster amendment.

HB 1295 addresses itself to the situation in which a township official has been included in an unlawful pension plan. That official is given two options: He may surrender his policy to the township and receive a refund of his personal contribution, or at his option he may keep the pension by buying out the township's contribution. In this latter case it will be necessary to hire an actuary to apportion the respective interests of the township and the individual official. So naturally the question arises, who should pay that actuary for his services? As a matter of fundamental fairness, we believe that such expense should be borne by the official whose participation in the illegal pension plan necessitated the hiring of the actuary. To do otherwise, as Mr. Foster proposes, is to ask the taxpayers not only to bail these people out but in addition to make them pay the cost of determining how much the bailout should be.

Now, I believe that this bill as written confers very substantial benefits on township supervisors and other officials. We have endeavored to strike a delicate balance between fairness to the officials and fairness to the taxpayers. The amendment before the House defies logic. Not 1 cent—not 1 cent—should come out of the public treasury for this purpose, not 1 cent.

Mr. Speaker, I ask the members of the House to vote "no" on this amendment.

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

The following roll call was recorded:

YEAS—25

Barley	Foster, Jr., A.	Micozzie	Ryan
Broujos	Gannon	Miller	Smith, L. E.
Cessar	Johnson	Moehlmann	Vroon
Clymer	Lashinger	Noye	Wilson
Cornell	McVerry	Pitts	Wright, J. L.
Durham	Mackowski	Pott	Wright, R. C.
Flick			

NAYS—170

Acosta	Dawida	Langtry	Robbins
Afflerbach	Deal	Laughlin	Roebuck
Angstadt	Dietz	Lescovitz	Rudy
Argall	Dininni	Letterman	Rybak
Arty	Distler	Levdansky	Saloom
Baldwin	Dombrowski	Levin	Saurman
Barber	Donatucci	Linton	Scheetz
Battisto	Dorr	Livengood	Schuler
Belardi	Duffy	Lloyd	Semmel
Belfanti	Fargo	Lucyk	Serafini
Birmelin	Fee	McCall	Seventy
Black	Fischer	McClatchy	Showers
Blaum	Fox	McHale	Sirjanni
Book	Freeman	Maiale	Smith, B.
Bortner	Fryer	Manderino	Snyder, D. W.
Bowley	Gallagher	Manmiller	Snyder, G. M.
Bowser	Gallen	Markosek	Staback
Boyes	Gamble	Mayernik	Stairs
Brandt	Geist	Merry	Steighner
Bunt	George	Michlovic	Stevens
Burd	Gladeck	Morris	Stewart
Burns	Godshall	Mowery	Stuban
Bush	Greenwood	Mrkonic	Sweet
Caltagirone	Gruitza	Murphy	Swift
Cappabianca	Gruppo	Nahill	Taylor, E. Z.

Carlson	Hagarty	O'Donnell	Taylor, F. E.
Carn	Haluska	Olasz	Telek
Cawley	Harper	Oliver	Tigue
Chadwick	Hasay	Petrarca	Trello
Cimini	Hayes	Petrone	Truman
Clark	Herman	Phillips	Van Horne
Cohen	Honaman	Piccola	Veon
Colafella	Howlett	Pievsky	Wambach
Cole	Hutchinson	Pistella	Wass
Cordisco	Itkin	Pratt	Weston
Coslett	Jackson	Pressmann	Wiggins
Cowell	Jarolin	Preston	Wogan
Coy	Josephs	Punt	Wozniak
Deluca	Kasunic	Raymond	Wright, D. R.
DeVerter	Kennedy	Reber	Yandrisevits
DeWeese	Kenney	Reinard	
Daley	Kosinski	Richardson	Irvis,
Davies	Kukovich	Rieger	Speaker

NOT VOTING—6

Evans	Freind	Perzel	Taylor, J.
Fattah	O'Brien		

EXCUSED—2

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

WELCOMES

The SPEAKER. We would like to introduce in the balcony the wife of Representative Colafella, Kathy Colafella. Welcome to the hall of the House, Kathy. I am sorry. It is Fran Colafella and Kathy Leo. We have two ladies up there. Both of you are welcome. Sometimes with a wife named Kathy, I make everybody else's wife's name Kathy.

We have as a guest page here Eric Garvin. Eric's father, Mr. Spence Garvin, and Mr. Al Ward from Cranberry, PA, are here as the guests of Ron Black. Welcome to the hall of the House.

CONSIDERATION OF HB 1295 CONTINUED

On the question recurring,

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

Mr. FOSTER offered the following amendment No. A3337:

Amend Sec. 2 (Sec. 702), page 7, line 3, by striking out "The" and inserting

Additionally,

On the question,

Will the House agree to the amendment?

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

Mr. FOSTER. Thank you, Mr. Speaker.

The final amendment that I will be offering is one that I regard as technical in nature. It simply adds the word "Additionally" on page 7, line 3, so that that section will read, "Additionally, supervisors are hereby authorized to purchase insurance at the township's expense to cover any township

official or employe for any illness or injury incurred within the scope, and as a direct and proximate result, of his official duties....” I regard this one as clarifying in nature and would ask an affirmative vote.

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

Mr. FRYER. Mr. Speaker, in my opinion, the amendment is not necessary. However, it creates no harm, and I am very pleased to wholeheartedly support this worthwhile amendment.

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	Mayernik	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
Clark	Hayes	Perzel	Van Horne
Clymer	Herman	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
Davies	Kukovich	Reber	
Dawida	Langtry	Reinard	Irvis,
Deal	Lashinger	Richardson	Speaker
Dietz	Laughlin	Rieger	

NAYS—0

NOT VOTING—0

EXCUSED—2

Civera Hershey

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?

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

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

NAYS—0

NOT VOTING—5

Barber	Deal	Richardson	Wiggins
Bush			

EXCUSED—2

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

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

\* \* \*

The House proceeded to third consideration of **HB 1296, PN 1537**, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," providing for contracts for life, health, hospitalization, medical services and accident insurance for township commissioners.

On the question,

Will the House agree to the bill on third consideration?

Mr. FRYER offered the following amendment No. A3219:

Amend Sec. 1 (Sec. 1502), page 2, line 24, by inserting after "writing."

As used in this clause, the terms "employee" and "employees" shall include township commissioners, if the commissioner works on a full-time basis in his capacity as superintendent, road master, laborer or secretary for the township. Such commissioners eligible for inclusion in such plans must meet the same requirements, including hours of employment, as other full-time employees of the township. Other commissioners shall be eligible for inclusion under a policy or policies of group insurance covering life, health, hospitalization, medical and surgical service or accident insurance only if they pay their pro rata share of the premiums. Such insurance shall be uniformly applicable to those covered and shall not give eligibility preference to, or improperly discriminate in favor of, commissioners.

On the question,

Will the House agree to the amendment?

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

Mr. FRYER. Mr. Speaker, the amendment I propose is simply to make the provisions in HB 1296 uniform with those in HB 1295. Specifically, in HB 1295 we permit supervisors who are not full-time employees to buy into group plans of insurance by paying their pro rata share of the costs. This amendment, Mr. Speaker, if it is adopted, will make the two bills uniform.

I ask for a "yes" vote, Mr. Speaker.

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

Mr. COWELL. Mr. Speaker, would the maker of the amendment consent to interrogation, please?

The SPEAKER. Mr. Fryer indicates he will so stand. You are in order, Mr. Cowell, and you may proceed.

Mr. COWELL. Mr. Speaker, I have a couple of questions. The first question is, would the language in your amendment— Let me back up and say HB 1296 basically is an amnesty bill. Is that correct?

Mr. FRYER. Yes.

Mr. COWELL. Mr. Speaker, would the language in your amendment restrict the amnesty to those employees who meet the definition which is proposed in your amendment?

Mr. FRYER. Mr. Speaker, HB 1296 is identical to HB 1295, which just passed.

Mr. COWELL. Mr. Speaker, that does not answer my question. The question is, in our effort to grant amnesty to commissioners in first-class townships, if we adopt your amendment, would all commissioners be eligible for the amnesty provisions or would the amnesty be restricted to those commissioners who could meet this definition of "employee"?

Mr. FRYER. Amnesty would be for all, Mr. Speaker.

Mr. COWELL. So that a first-class township commissioner, Mr. Speaker, who is not employed by the township in any capacity would still be eligible for the amnesty provisions of the bill?

Mr. FRYER. He would, Mr. Speaker.

Mr. COWELL. The second question, Mr. Speaker: It is my understanding that township commissioners in first-class townships, in contrast to township supervisors in second-class townships, in fact are not permitted to be employed by their township, the first-class township. My understanding is that elsewhere in the First Class Township Code in fact they may be specifically precluded from serving as employees because of a conflict of interest. Is that accurate, or is it possible for a first-class township commissioner to be an employee?

Mr. FRYER. It is neither permitted, Mr. Speaker, nor prohibited.

Mr. COWELL. Well, Mr. Speaker, in your judgment—you have a long history as chairman of the Local Government Committee and you have great familiarity with the codes—is a first-class township commissioner under the law able to be employed by his township?

Mr. FRYER. In my opinion, yes, Mr. Speaker.

And I am flattered by the gentleman's remarks. It has been a stormy career.

Mr. COWELL. Mr. Speaker, are there first-class township commissioners, to your knowledge, in the Commonwealth who are employed by their respective townships?

Mr. FRYER. I have not made a survey, Mr. Speaker, so I could not answer that question. But I suppose if I would, I would say not to the best of my knowledge. But I have not conducted any survey; possibly the gentleman has.

Mr. COWELL. Mr. Speaker, I would ask you to do only one thing, if you would. You have indicated that the adoption of your amendment would make HB 1296 uniform with HB 1295. Could you elaborate, though, and tell us specifically what your amendment does so that this bill would be consistent with the provisions of HB 1295?

Mr. FRYER. I stated that it would be uniform, Mr. Speaker, in regard to the buy-in of insurance if a commissioner wanted to participate. It is uniform in that respect.

Mr. COWELL. Well, Mr. Speaker, then can we be assured that the impact of your amendment will have no impact on the retroactivity clause or the amnesty clause but instead your language is prospective in nature? Is that your intent?

Mr. FRYER. I would imagine, Mr. Speaker, that the gentleman read the bill. If not, he can go back to the drawing board and read it again.

Mr. COWELL. Mr. Speaker, I am not here to play games. I would like you to answer the question, please.

Mr. FRYER. I have stated that the amendment makes it possible for a commissioner to buy into an insurance plan, which makes it identical with the townships-of-the-second-class bill.

Mr. COWELL. Finally, Mr. Speaker, the final question: If it is possible for the commissioner who would meet this definition of "employee" to purchase insurance, would he purchase it with his own funds or would this bill, if amended, allow the township to purchase it on the commissioner's behalf?

Mr. FRYER. He would purchase it, Mr. Speaker, with his own funds.

Mr. COWELL. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—199

Acosta	Distler	Lescovitz	Robbins
Afflerbach	Dombrowski	Letterman	Roebuck
Angstadt	Donatucci	Levdansky	Rudy
Argall	Dorr	Levin	Ryan
Arty	Duffy	Linton	Rybak
Baldwin	Durham	Livengood	Saloom
Barber	Evans	Lloyd	Saurman
Barley	Fargo	Lucyk	Scheetz
Battisto	Fattah	McCall	Schuler
Belardi	Fee	McClatchy	Semmel
Belfanti	Fischer	McHale	Serafini
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	Fryer	Markosek	Snyder, D. W.
Bowser	Gallagher	Mayernik	Snyder, G. M.
Boyes	Gallen	Merry	Staback
Brandt	Gamble	Michlovic	Stairs
Broujos	Gannon	Micozzie	Steighner
Bunt	Geist	Miller	Stevens
Burd	George	Moehlmann	Stewart
Burns	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
Clark	Hayes	Oliver	Truman
Clymer	Herman	Perzel	Van Horne
Cohen	Honaman	Petrarca	Veon
Colafella	Howlett	Petrone	Vroon
Cole	Hutchinson	Phillips	Wambach

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

NAYS—0

NOT VOTING—2

Bush Rieger

EXCUSED—2

Civera Hershey

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—199

Acosta	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	Schuler
Belardi	Fee	McClatchy	Semmel
Belfanti	Fischer	McHale	Serafini
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	Fryer	Markosek	Snyder, D. W.
Bowser	Gallagher	Mayernik	Snyder, G. M.
Boyes	Gallen	Merry	Staback
Brandt	Gamble	Michlovic	Stairs
Broujos	Gannon	Micozzie	Steighner
Bunt	Geist	Miller	Stevens
Burd	George	Moehlmann	Stewart
Burns	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
Clark	Hayes	Oliver	Truman
Clymer	Herman	Perzel	Van Horne
Cohen	Honaman	Petrarca	Veon
Colafella	Howlett	Petrone	Vroon

Cole	Hutchinson	Phillips	Wambach
Cordisco	Itkin	Piccola	Wass
Cornell	Jackson	Pievsky	Weston
Coslett	Jarolin	Pistella	Wiggins
Cowell	Johnson	Pitts	Wilson
Coy	Josephs	Pott	Wogan
DeLuca	Kasunic	Pratt	Wozniak
DeVerter	Kennedy	Pressmann	Wright, D. R.
DeWeese	Kenney	Preston	Wright, J. L.
Daley	Kosinski	Punt	Wright, R. C.
Davies	Kukovich	Raymond	Yandrisevits
Dawida	Langtry	Reber	
Deal	Lashingier	Reinard	Irvis,
Dietz	Laughlin	Richardson	Speaker
Dininni			

NAYS—0

NOT VOTING—2

Bush Scheetz

EXCUSED—2

Civera Hershey

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

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

\* \* \*

The House proceeded to third consideration of **HB 1647, PN 2099**, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," further providing for the compensation of borough councilmen.

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

Mr. DALEY offered the following amendments No. A3354:

Amend Title, page 1, line 4, by removing the period after "councilmen" and inserting  
; and further providing for the salary of mayors.

Amend Sec. 1 (Sec. 1001), page 3, line 14, by striking out the bracket before "In"

Amend Sec. 1 (Sec. 1001), page 3, lines 19 through 22, by striking out "] The ordinance fixing the compensation" in line 19, all of lines 20 through 22 and inserting

Section 2. Section 1025 of the act, amended October 12, 1973 (P.L.288, No.84), is amended to read:

Section 1025. Salary of Mayor Limited.—[The salary of the mayor shall not exceed, per annum, four hundred fifty dollars (\$450) for the first one thousand population or fraction thereof, the population to be determined by the latest official census figures. In any borough with population in excess of one thousand the salary of the mayor shall not exceed three hundred dollars (\$300) per annum per thousand population or fraction thereof, the population to be determined by the latest official census figures.] The salary of the mayor shall not exceed, in boroughs with a population of less than twenty-five hundred, a maximum of fifteen hundred dollars (\$1500) a year; in boroughs with a population of twenty-five hundred or more but less than five thousand, a maximum of two thousand dollars (\$2000) a year; in boroughs with a population of five thousand or more but less than ten thousand, a maximum of four thousand dollars (\$4000) a year; in boroughs with a population of ten thousand or

more but less than fifteen thousand, a maximum of six thousand dollars (\$6000) a year. In any borough with a population in excess of fifteen thousand, the salary of the mayor shall not exceed four hundred dollars (\$400) per annum per thousand population or fraction thereof, the population to be determined by the latest official census figures. Such salaries shall be payable monthly or quarterly for the duties imposed by the provisions of this act.

Amend Sec. 2, page 3, line 23, by striking out "2" and inserting

3

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

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

Mr. DALEY. Thank you, Mr. Speaker.

This amendment has been redrafted to correct that slight oversight in yesterday's amendment, and what it basically does, it includes in HB 1647 the provision for the salary of the mayor. After talking to the gentleman, Mr. Foster, and the gentleman, Mr. Duffy, it appears to be an agreed-to amendment, and I ask for an affirmative vote on this amendment, Mr. Speaker.

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

Mr. DUFFY. Thank you, Mr. Speaker.

The committee has been talking about giving the mayors a raise; we were going to do it under a separate bill. They are entitled to be included like everybody else. The Daley amendment is, to a certain extent, the same as the figures we were talking about. It is an agreed-to amendment, and we accept it. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. VROON. Mr. Speaker, in looking over the contents of this bill, I note a very dramatic increase in the permissible salaries being paid to borough commissioners. For example, we started out with those who were getting \$35—

The SPEAKER. Just a moment, Mr. Vroon. Do you want to debate the bill or the amendment? We are not on the bill yet.

Mr. VROON. I am addressing the amendment, sir. This is leading up to my debate on the amendment itself, and this is background information.

The SPEAKER. You may proceed.

Mr. VROON. Just very quickly, I just wanted to draw attention to the fact that these increases that are being provided for in this bill are already tremendously high. For example, \$35 to \$1,000 a year I think is a very dramatic increase, and then the next one goes from \$50 to \$1,500. Now the question is, in view of that dramatic increase, why do we want to give that much more to mayors? I do not think that the mayor does anything more than the other commissioners do, the other council people do in the boroughs, and I just cannot see why in the wide world we want to favor mayors. They are already included in this very big increase which is in the body of the bill. Why make it that much more?

I think we ought to reject this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Washington, Mr. Daley, for the second time on the amendment.

Mr. DALEY. Thank you, Mr. Speaker.

I am not going to debate the merits of the office of the mayor as opposed to the merits of the office of council, not commissioner, but I would like to say the way the bill has been written, it gives a cap for the elected body to decide to raise those salaries up to that cap. That elected body can do that if it so desires; it cannot if it so desires. I think that responsibility lies in the hands of the local elected officials, where it rightfully belongs, and the responsibility for making those salary increases will be incumbent upon the taxpayers to evaluate those decisions and make the right choice.

Thank you, Mr. Speaker, and I ask again for an affirmative vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. DUFFY. I agree with Mr. Daley. I do not think it is any dramatic increase. I think today we are having a difficult time getting good quality people to run on the local level. I think the problem is going to be increased in the future with this financial responsibility situation coming up, and to get good qualified people, I think we need to pay them. Remember, this is a "may" bill and it is up to the councils to set the upper limit. Thank you, Mr. Speaker.

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

Mr. MERRY. Mr. Speaker, I would like to interrogate the maker of the amendment, Representative Daley.

The SPEAKER. Mr. Daley says that he will stand for interrogation. You are in order, and you may proceed, sir.

Mr. MERRY. Mr. Speaker, would you further expound on this? This amendment appears to give the mayors a higher increase than what we have provided for councilmen. Is that your intent?

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

Mr. MERRY. Mr. Speaker, this amendment appears to give a higher increase for mayors than what we have provided for councilmen. Is this your intent?

Mr. DALEY. Absolutely, Mr. Speaker. The way the Borough Code was written and the way the law is presently, the mayor is entitled to higher compensation than a councilman if that is the way the council would so deem, but not to exceed that of the council president.

Mr. MERRY. I did not quite follow all of that, but I will comment on that in my remarks.

Mr. Speaker, that ends my interrogation. I would like to remark on the amendment.

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

Mr. MERRY. Mr. Speaker, I urge the members to pay particular attention here. I come from a small borough, as many

of you do. While the amendment is broad in the very nature that it includes more than just boroughs of 1,000 - it refers to boroughs with a population of 2,500, and I realize this gets into a bigger borough - but you know that we have many boroughs where the mayor is nothing but a figurehead. Granted, you may say, well, this is a "may" bill; let us leave the decision up to the borough council. But you know, Mr. Speaker, we just turned down a bill here a week or two ago that was a "may" bill that provided a "may" raise in the assessment millage for boroughs and townships and so forth. Many of the members looked upon that as a tax increase. Do you realize that this might be a tax increase?

Most of the people out in our small boroughs have historically served for no charge. They enjoy that; it is part of our American system that they work as a volunteer. Now, you get people who are a little bit eager and enthusiastic about this job and all of a sudden it relates to a paying job, and a majority of those members vote in a pay increase, a salary scale to suit their desires. You in effect have raised taxes in that municipality. This, I believe, is wrong, because we have not had an overwhelming demand from municipalities to raise the salaries of borough councilmen, of mayors, and of council presidents.

I have some difficulty addressing the need for the bill in itself, but in particular the amendment seems to go beyond the intent of the bill, and I really think, Mr. Speaker, that we should not vote for this amendment. It is my plea that we defeat amendment A3354.

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

Mr. Duffy, I cannot recognize you. You have spoken twice.

The Chair recognizes the gentleman, Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

I concur with my colleague, Mr. Duffy, that the amendment is fair and just. I think we should address the matter of the mayors at the same time we address the matter of increases for other local officials, and I urge an affirmative vote on the amendment.

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

Mr. LETTERMAN. I rise to speak in opposition to this amendment. I absolutely agree with Mr. Merry. I think that most of the people who serve as mayor in our small communities do that only as a figurehead. I do not know of any mayor in any of the small communities that I have who would even request pay for what they are doing, other than having the right to go to conventions and that type of pay. I would ask that we defeat this amendment. Thank you.

Mr. DALEY. Mr. Speaker, a point of information.

The SPEAKER. What is the gentleman, Mr. Daley's point of information?

Mr. DALEY. Just to elaborate on the point that the—

The SPEAKER. You have spoken twice, Mr. Daley. There is no way around it.

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

Mr. FLICK. Thank you, Mr. Speaker.

I was not going to mention anything, because I thought with Representative Duffy and Representative Foster there was a good mood to go in the affirmative. But I would say that I do represent a small borough. We now have a new mayor who has taken a very active role in coordinating the efforts of the police department. I think in order to continue to attract high-quality individuals, we should on a regular basis amend the pay for these. What we are doing is not in fact setting a pay schedule for these individuals; we are elevating a cap. I think that it is only proper and just that from time to time we do elevate this cap, just as we have to take action to elevate the cap on our own salaries. I urge an affirmative vote on this amendment. Thank you.

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

Mr. COLAFELLA. Mr. Speaker, I rise to support the Daley amendment. I think mayors work very hard and have an awesome responsibility of managing cities. I think that they deserve a raise, and I hopefully request your support for the Daley amendment.

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

Mr. COY. Mr. Speaker, will the gentleman, Mr. Daley, stand for interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. The Chair will be listening to the interrogation very carefully.

Mr. COY. Thank you, Mr. Speaker. I am grateful for that.

Mr. Speaker, does the maker of the amendment have any information with regard to the salaries of mayors in communities in Pennsylvania? In other words, would this provide raises for many mayors across the State or are mayors currently being paid at these levels already?

Mr. DALEY. Mr. Speaker, what this amendment will do, as well as the bill itself, is provide for the council, by ordinance, to make the decision to raise not only in this particular amendment the mayor's salary but in the bill itself council's salary, and that is done by ordinance by the borough council.

Mr. COY. Mr. Speaker, the information I have is that you at one time served as a mayor of a community. In your service as mayor of a community, has it been your experience that the mayor does indeed participate in other activities that councilpersons may not participate in?

Mr. DALEY. Contrary to popular belief, as expounded on the floor today by some members who seem to be ill informed about the role of the mayor, the mayor serves day to day as the chief executive officer of that municipality. That chief executive officer is in charge of and charged with the function of the police department, enforcing all ordinances, enforcing the State laws and Federal statutes. It is a day-to-day job, and unfortunately there are those sometimes who do not function that way, but that is the way the law is written. It is a responsible job, and it deserves a pay increase as well as council deserves that pay increase, Mr. Speaker.

Mr. COY. Thank you, Mr. Speaker.

May I speak on the issue?

The SPEAKER. Mr. Coy, you may now speak on the amendment.

Mr. COY. Thank you, Mr. Speaker.

I must conclude that the amendment is well taken, and I would ask for support also. The mayors of the communities in the district which I represent do and are called upon many times to attend social functions, represent the community at ribbon cuttings, and many activities which the borough councilperson or commissioner may not be called upon to do.

Indeed the mayor's service is at times after hours, under police department circumstances and under emergency circumstances which often arise. Therefore, I think the amendment is well taken. I think the important part of it, like other bills that we have passed even today, is that it is a "may" provision. It enables the local elected officials, that borough council, to make a decision, if they feel their mayor has been performing above the scope of the current salary level, to remunerate him or her in a manner that may be more satisfactory to his or her performance. Therefore, I urge adoption of the amendment.

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

Mr. BATTISTO. Mr. Speaker, I have worked with mayors from 32 municipalities in eastern Pennsylvania. I can tell you their jobs are not sinecures. In fact, these very mayors oversaw the building of central sewer systems; they oversee police forces; they are engaged in a multiplicity of things. They are the chief executive officer. Not to demean borough councilmen—they certainly work diligently—however, mayors represent their communities. This is the least we can do to elevate those positions and attract quality people.

I ask for an affirmative vote on this amendment.

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

Mr. LETTERMAN. Mr. Speaker, they must come from a lot bigger places than I come from. We used to have a parade and the mayor rode in it. We do not even have the parade for him to ride in anymore, so we do not know what he is supposed to do now. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—172

Acosta	Dawida	Kukovich	Robbins
Afflerbach	Deal	Lashingier	Roebuck
Angstadt	Dininni	Laughlin	Rudy
Argall	Distler	Lescovitz	Ryan
Arty	Dombrowski	Levdansky	Rybak
Baldwin	Donatucci	Levin	Saloom
Barley	Dorr	Linton	Scheetz
Battisto	Duffy	Livengood	Schuler
Belardi	Durham	Lucyk	Semmel
Belfanti	Evans	McCall	Serafini
Birmelin	Fargo	McClatchy	Seventy
Black	Fattah	McHale	Showers
Blaum	Fee	McVerry	Sirianni

Book	Flick	Mackowski	Smith, L. E.
Bortner	Foster, Jr., A.	Maiale	Snyder, D. W.
Bowley	Freeman	Manderino	Snyder, G. M.
Bowser	Freind	Manmiller	Staback
Boyes	Fryer	Markosek	Steighner
Brandt	Gallagher	Mayernik	Stevens
Broujos	Gamble	Michlovic	Stewart
Burd	Gannon	Micozzie	Stuban
Burns	Geist	Miller	Sweet
Bush	George	Morris	Taylor, E. Z.
Caltagirone	Gladeck	Mowery	Taylor, F. E.
Cappabianca	Godshall	Mrkonic	Telek
Carlson	Greenwood	Murphy	Tigue
Carn	Gruitza	Noye	Trello
Cawley	Gruppo	O'Brien	Truman
Cessar	Hagarty	O'Donnell	Van Horne
Chadwick	Haluska	Oliver	Veon
Cimini	Harper	Petrarca	Wambach
Clark	Hasay	Petrone	Wass
Clymer	Hayes	Phillips	Weston
Colafella	Herman	Piccola	Wilson
Cole	Honaman	Pievsky	Wogan
Cordisco	Howlett	Pistella	Wozniak
Coslett	Hutchinson	Pitts	Wright, D. R.
Cowell	Itkin	Pott	Wright, J. L.
Coy	Jackson	Pratt	Wright, R. C.
Deluca	Jarolin	Pressmann	Yandrisevits
DeVerter	Johnson	Preston	
DeWeese	Josephs	Raymond	Irvis,
Daley	Kasunic	Reinard	Speaker
Davies	Kosinski		

NAYS—23

Bunt	Kennedy	Moehlmann	Saurman
Cornell	Kenney	Nahill	Smith, B.
Dietz	Langtry	Olasz	Stairs
Fischer	Letterman	Punt	Swift
Fox	Lloyd	Reber	Vroon
Gallen	Merry	Richardson	

NOT VOTING—6

Barber	Perzel	Taylor, J.	Wiggins
Cohen	Rieger		

EXCUSED—2

Civera Hershey

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. McVERRY offered the following amendments No. A3338:

Amend Title, page 1, line 4, by removing the period after "councilmen" and inserting  
and for the filling of certain vacancies on the police force and in the fire department.

Amend Bill, page 3, by inserting between lines 22 and 23

Section 2. Section 1184 of the act is amended to read:

Section 1184. Manner of Filling Appointments.—

[Every] (a) Except as provided in subsection (b), every original position or employment in the police force or as paid operators of fire apparatus, except that of chief of police or chief of the fire department, or equivalent, shall be filled only in the following manner: the council shall notify the commission of any vacancy which is to be filled and shall request the certification of a list of eligibles. The commission shall certify for each existing vacancy from the eligible list, the names of three persons thereon, or a lesser number where three are not available, who have

received the highest average. The council shall thereupon, with sole reference to the merits and fitness of the candidates, make an appointment from the three names certified, unless they make objections to the commission as to one or more of the persons so certified for any of the reasons stated in section 1183 of this act. Should such objections be sustained by the commission, as provided in said section, the commission shall thereupon strike the name of such person from the eligible list and certify the next highest name for each name stricken off. As each subsequent vacancy occurs in the same or another position precisely the same procedure shall be followed.

(b) Any vacancy in an existing position in the police force or as a paid operator of fire apparatus which occurs as a result of retirement, resignation, disability or death may be filled by council by the reappointment or reinstatement of a former employe of the police force or fire department who had previously complied with the provisions of this subsection. No examination, other than a physical examination as directed by the civil service commission, shall be required in any case of reappointment or reinstatement. Any person so reappointed or reinstated shall be the lowest in rank in the police force or fire department next above the probationers in such police force or fire department.

(c) In the case of a vacancy in the office of chief of police or chief of the fire department, or equivalent official, the appointive power may nominate a person to the commission. It shall thereupon become the duty of the commission to subject such person to a non-competitive examination, and if such person shall be certified by the commission as qualified, he may then be appointed to such position, and thereafter shall be subject to all the provisions of this subsection.

Amend Sec. 2, page 3, line 23, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

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

Mr. McVERRY. Thank you, Mr. Speaker.

Currently, if there is a vacancy in a police department or paid fire department of a borough, the civil service procedure of testing must be followed in order to fill that vacancy. However, there are circumstances where boroughs have previously qualified police officers or fire operators who have been on the force but are no longer on the force and would like to reinstate those persons to the police department when a vacancy occurs.

The thrust of this amendment is to grant borough councils the authority to reinstate a previously employed police officer or fire apparatus operator without going through the civil service test if they have previously so qualified.

I would appreciate your support.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LETTERMAN. Mr. Speaker, the only thing I can say about this type of legislation is it is too bad that there are not classifications for boroughs, too. When they start talking about paid fire companies and paid police services, I just do not know what they are talking about. I do not have any place in my district big enough to have anything like this, so it is hard for me to understand why they are asking for this.

I would ask for a "no" vote.

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

Mr. DUFFY. Thank you, Mr. Speaker.

I would like everybody to vote "no" on this amendment. I do not disagree with it, but I think we should send the bill over to the Senate. It is strictly a pay-raise bill. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—92

Afflerbach	Davies	Johnson	Reinard
Angstadt	Dietz	Kennedy	Ryan
Argall	Dininni	Kenney	Saurman
Arty	Distler	Langtry	Schuler
Barley	Dorr	Lashingner	Semmel
Birmelin	Durham	McClatchy	Sirianni
Black	Fargo	McVerry	Smith, L. E.
Book	Fischer	Mackowski	Snyder, D. W.
Bowser	Flick	Manmiller	Stairs
Brandt	Fox	Merry	Stewart
Bunt	Freind	Miller	Swift
Burd	Gannon	Moehlmann	Taylor, E. Z.
Burns	Geist	Mowery	Taylor, J.
Bush	Gladeck	Nahill	Telek
Carlson	Greenwood	O'Brien	Vroon
Cessar	Gruppo	Perzel	Wass
Chadwick	Hagarty	Phillips	Weston
Cimini	Haluska	Piccola	Wilson
Clymer	Hasay	Pitts	Wogan
Colafella	Hayes	Pott	Wozniak
Cornell	Herman	Punt	Wright, J. L.
Coslett	Honaman	Raymond	Wright, R. C.
DeVerter	Jackson	Reber	Yandrisevits

NAYS—106

Acosta	Donatucci	Levin	Robbins
Baldwin	Duffy	Linton	Roebuck
Barber	Evans	Livengood	Rudy
Battisto	Fattah	Lloyd	Rybak
Belardi	Fee	Lucyk	Saloom
Belfanti	Foster, Jr., A.	McCall	Scheetz
Blaum	Freeman	McHale	Serafini
Bortner	Fryer	Manderino	Seventy
Bowley	Gallagher	Markosek	Showers
Boyes	Gallen	Mayernik	Smith, B.
Broujos	Gamble	Michlovic	Snyder, G. M.
Caltagirone	George	Morris	Staback
Cappabianca	Godshall	Mrkonic	Steighner
Carn	Gruitza	Murphy	Stevens
Cawley	Harper	Noye	Stuban
Clark	Howlett	O'Donnell	Taylor, F. E.
Cohen	Hutchinson	Olasz	Tigue
Cole	Itkin	Oliver	Trello
Cordisco	Jarolin	Petrarca	Truman
Cowell	Josephs	Petrone	Van Horne
Coy	Kasunic	Pievsky	Veon
Deluca	Kosinski	Pistella	Wambach
DeWeese	Kukovich	Pratt	Wiggins
Daley	Laughlin	Pressmann	Wright, D. R.
Dawida	Lescovitz	Preston	
Deal	Letterman	Richardson	Irvis,
Dombrowski	Levdansky	Rieger	Speaker

NOT VOTING—3

Maiale	Micozzie	Sweet
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EXCUSED—2

Civera                      Hershey

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—200

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

NAYS—1

Letterman

NOT VOTING—0

EXCUSED—2

Civera

Hershey

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 ON VOTE

The SPEAKER. For what purpose does the gentleman from Northumberland, Mr. Phillips, rise?

Mr. PHILLIPS. To correct a vote.

The SPEAKER. The gentleman, Mr. Phillips, will correct the record. Make the statement, Mr. Phillips.

Mr. PHILLIPS. On the Foster amendment A3334 to HB 1295, my vote did not record. I would like to be recorded in the negative.

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

WELCOME

The SPEAKER. We have with us, as guests of Representative Battisto, James Cadue. He is chairman of the Monroe County Commissioners. Welcome to the hall of the House. We are delighted to have you.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1230, PN 1673**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for aggravated assault and for the definition of "perpetration of a felony" in relation to murder.

On the question,

Will the House agree to the bill on third consideration?

Mr. PICCOLA offered the following amendments No. A3379:

Amend Sec. 2 (Sec. 2702), page 3, line 4, by inserting a bracket before "making"

Amend Sec. 2 (Sec. 2702), page 3, line 6, by inserting after "vehicle;"

], investigative or law enforcement officer in the performance of duty or to an employee of an agency, company or other entity engaged in public transportation while in the performance of duty;

Amend Sec. 2 (Sec. 2702), page 3, line 8, by inserting a bracket before "making"

Amend Sec. 2 (Sec. 2702), page 3, line 9, by inserting after "arrest"

], investigative or law enforcement officer in the performance of duty

Amend Sec. 2 (Sec. 2702), page 3, lines 21 through 26, by striking out all of said lines and inserting

(6) attempts to cause or intentionally, knowingly or recklessly causes serious bodily injury to a justice, judge or district justice as specified by 42 Pa.C.S. § 301 (relating to unified judicial system).

On the question,

Will the House agree to the amendments?

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

Mr. PICCOLA. Thank you, Mr. Speaker.

These amendments that I am offering are agreed to. I have discussed them with the chairman of the Judiciary Committee, Mr. Pratt, and the prime sponsor of the bill, also Mr. Pratt, and he is in agreement.

The first amendment, which we are considering now, makes some clarifications and some changes to the language in this section of the law which defines "aggravated assault." In the new section, subsection (6), it clarifies and defines what we mean by "judicial officer," and it moves some of that language from section (6) up into subsection (2), dealing with *police officers, because it is more appropriately contained in that section. It also adds that type of language to subsection (3).*

I would ask for support of the amendment, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

Afflerbach	Dininni	Levdansky	Roebuck
Angstadt	Distler	Levin	Rudy
Argall	Dombrowski	Linton	Ryan
Arty	Donatucci	Livengood	Rybak
Baldwin	Dorr	Lloyd	Saloom
Barber	Duffy	Lucyk	Saurman
Barley	Durham	McCall	Scheetz
Battisto	Evans	McClatchy	Schuler
Belardi	Fargo	McHale	Semmel
Belfanti	Fee	McVerry	Serafini
Birmelin	Fischer	Mackowski	Seventy
Black	Flick	Maiale	Showers
Blaum	Foster, Jr., A.	Manderino	Sirianni
Book	Fox	Manmiller	Smith, B.
Bortner	Freeman	Markosek	Smith, L. E.
Bowley	Fryer	Mayernik	Snyder, D. W.
Bowser	Gallagher	Merry	Snyder, G. M.
Boyes	Gallen	Michlovic	Staback
Brandt	Gamble	Micozzie	Stairs
Broujos	Gannon	Miller	Steighner
Bunt	Geist	Mochlmann	Stevens
Burd	George	Morris	Stewart
Burns	Gladeck	Mowery	Stuban
Bush	Godshall	Murphy	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	Haluska	Olasz	Telek
Cessar	Harper	Oliver	Tigue
Chadwick	Hasay	Perzel	Trello
Cimini	Hayes	Petrarca	Truman
Clark	Herman	Petrone	Van Horne
Clymer	Honaman	Phillips	Veon

Cohen	Howlett	Piccola	Vroon
Colafella	Hutchinson	Pievsky	Wambach
Cole	Itkin	Pistella	Wass
Cordisco	Jackson	Pitts	Weston
Cornell	Jarolin	Pott	Wiggins
Coslett	Johnson	Pratt	Wilson
Cowell	Josephs	Pressmann	Wogan
Coy	Kasunic	Preston	Wozniak
Deluca	Kennedy	Punt	Wright, D. R.
DeVerter	Kenney	Raymond	Wright, J. L.
DeWeese	Kosinski	Reber	Wright, R. C.
Daley	Kukovich	Reinard	Yandrisevits
Davies	Langtry	Richardson	
Dawida	Lashingier	Rieger	Irvis,
Deal	Laughlin	Robbins	Speaker
Dietz	Lescovitz		

NAYS—1

Letterman

NOT VOTING—4

Acosta                      Fattah                      Freind                      Mrkonic

EXCUSED—2

Civera                      Hershey

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

On the question,

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

Mr. PICCOLA offered the following amendments No. A3281:

Amend Sec. 2 (Sec. 2702), page 3, line 28, by inserting brackets before and after "second" and inserting immediately thereafter

first

Amend Sec. 2 (Sec. 2702), page 3, line 30, by inserting a bracket before "misdemeanor"

Amend Sec. 2 (Sec. 2702), page 4, line 5, by inserting a bracket after "degree" and inserting immediately thereafter

felony of the second degree

On the question,

Will the House agree to the amendments?

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

Mr. PICCOLA. Thank you, Mr. Speaker.

This amendment deals with increasing the grading of the penalties under the aggravated assault charge. This amendment has been recommended for a number of years by the District Attorney's Association. It would increase the offense under subsections (1), (2), and (6) to a felony of the first degree, raising it from a felony of the second degree. It would also raise the penalties under subsections (3), (4), and (5) from a misdemeanor of the first degree to a felony of the second degree.

Again, I have discussed this amendment with the chairman of the committee and the prime sponsor of the bill, and he is in agreement, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—199

Acosta	Dininni	Laughlin	Robbins
Afflerbach	Distler	Lescovitz	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	Mayernik	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	Suban
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
Clark	Hayes	Perzel	Van Horne
Clymer	Herman	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	Pratt	Wogan
Coy	Josephs	Pressmann	Wozniak
Deluca	Kasunic	Preston	Wright, D. R.
DeVerter	Kennedy	Punt	Wright, J. L.
DeWeese	Kenney	Raymond	Wright, R. C.
Daley	Kosinski	Reber	Yandrisevits
Davies	Kukovich	Reinard	
Dawida	Langtry	Richardson	Irvis,
Deal	Lashingier	Rieger	Speaker
Dietz			

NAYS—2

Letterman                      Pott

NOT VOTING—0

EXCUSED—2

Civera                      Hershey

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—197**

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

**NAYS—2**

Letterman      McVerry

**NOT VOTING—2**

Evans            Wiggins

**EXCUSED—2**

Civera          Hershey

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.

**WELCOMES**

The **SPEAKER**. The Chair is not quite sure what portends in this session of the House of Representatives when it has in the morning hours the vicar of the Church of Penn Parish in England and now has as its guest its old friend and former member of the House of Representatives, the chairman of the County Commissioners of Allegheny County, Tom Foerster. Tom is here, and the Chair would invite him to say hello to some of his old colleagues and some of the new ones who are here.

Mr. **FOERSTER**. Mr. Speaker, and to the members of the greatest body in the world, the greatest legislative body in the world, I guess the greatest years of my life were the years that I spent - some 10 of them - right here in this House. Some of my former colleagues are here, and I want to thank you for those great years and thank all of you for all you have been doing to help local government. I know it is a new ball game today in local government, and the work you have been doing to help us is very much appreciated. Thank you very much, and God bless you in your future deliberations.

The **SPEAKER**. The jury commissioner, and I would not dare call her an old friend of the Chair, but a very young friend of the Chair is here. We are delighted to have you here - Jean Milko, jury commissioner, Allegheny County. Welcome to the hall of the House.

**REMARKS SUBMITTED FOR THE RECORD**

The **SPEAKER**. The Chair recognizes the gentleman from Washington, Mr. Sweet, who wishes to offer some remarks for the record.

Mr. **SWEET**. Thank you, Mr. Speaker.

Mr. Speaker, last week on a bill before the House that I had sponsored, the minority caucus chairman indicated that **HB 1052** and **HB 1053** were improperly drafted and in fact were drafted to statutes that no longer existed. I indicated at the time there was some lawyerly dispute about that. I have since gotten an opinion from the Legislative Reference Bureau indicating the bills were properly drafted and were drafted according to the rules of statutory construction. I would like to offer that opinion for the record, Mr. Speaker.

The **SPEAKER**. The Chair thanks the gentleman.

Mr. **SWEET** submitted the following remarks for the Legislative Journal:

Legislative Reference Bureau  
 Post Office Box 1127  
 Harrisburg, Pennsylvania 17120  
 October 15, 1985

Honorable David W. Sweet  
 Member, House of Representatives  
 Harrisburg, Pennsylvania

Dear Representative Sweet:

You have requested an opinion concerning H.B. 1052, P.N. 1210 and H.B. 1053, P.N. 1211. Specifically, you have asked whether these bills would - if enacted into law - authorize the flying of a flag designed in remembrance of veterans from State buildings on a day designated to honor war veterans.

H.B. 1052 amends the act of June 25, 1895 (P.L.287, No.202) by creating an additional exception in Section 1 and by adding a section that would authorize the flying of the veterans' flag. Section 1 of the 1895 act has not been specifically repealed. Section 1 thus remains in force unless it has been repealed by an inconsistent repeal section contained in a later act, or has been impliedly repealed by a later statute.

If Section 1 of the 1895 act has been repealed, the repeal would have been accomplished by Section 2 of the act of March 4, 1970 (P.L.128, No.49). The 1970 act grants to the Governor the "sole power and duty (to regulate) the display of the flag of the United States". The 1970 act is not, in my opinion, inconsistent with the 1895 act which limits the flags that may be flown on public buildings. The 1895 act is silent on the manner in which the Stars and Stripes is to be flown; the 1970 act is, therefore, not inconsistent with it.

H.B. 1053 amends the act of June 5, 1913 (P.L.419, No.276). The 1913 act has been repealed insofar as it relates to public buildings in counties of the second through eighth class, cities of the third class, boroughs and townships of the first and second class. It has not been repealed insofar as it relates to public buildings owned by the Commonwealth. The bill would, consistent with your request, authorize the flying of the veterans' flag on the Capitol building and other Commonwealth buildings.

Without qualifying the foregoing opinion, I wish to advise that interpretation of the effect of an inconsistent repeal section may cause reasonable minds to differ as to the result. A different method of analysis could result in a contrary - and not indefensible - result.

Very truly yours,  
W. Michael Babb

WMB:dvg

**WELCOME**

The SPEAKER. Representative Phillips has as his guest Robert Cox. Welcome to the hall of the House, Mr. Cox.

**BILLS ON THIRD  
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **SB 901, PN 1232**, entitled:

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as amended, "Pennsylvania Municipalities Planning Code," providing that a plat for land abutting a State highway shall not be approved until a highway occupancy permit is issued or it is determined that none is required.

On the question,  
Will the House agree to the bill on third consideration?  
Mr. NOYE offered the following amendment No. A3367:

Amend Sec. 1 (Sec. 508), page 3, lines 1 and 2, by striking out "The department shall not" and inserting

Neither the department nor any municipality to which permit-issuing authority has been delegated under section 420 of the "State Highway Law" shall

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

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

Mr. NOYE. Thank you, Mr. Speaker.

Yesterday, in considering these bills in caucus, there was great concern expressed by members of our caucus concerning the liability that would be given to the local municipalities should they on their own agree to issue the driveway permits as outlined in this bill. That option is available to them under SB 901.

Now, we are granting protection to PennDOT from civil liability under this bill. However, if the local municipality accepts the responsibility of issuing the permits, there was a legal question raised as to whether or not they had any kind of protection. In reviewing the situation and the present law, our legal staff surmised that it really is a vague area open primarily to interpretation of the courts. This amendment to SB 901 and a similar amendment to SB 902 extend protection under civil liability to local municipalities who elect or select to issue the driveway permits for PennDOT.

I would ask the members to support the amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

**YEAS—197**

Acosta	Dininni	Laughlin	Robbins
Afflerbach	Distler	Lescovitz	Roebuck
Angstadt	Dombrowski	Letterman	Rudy
Argall	Donatucci	Levdansky	Ryan
Arty	Dorr	Levin	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.	Manderino	Sirianni
Book	Fox	Manmiller	Smith, B.
Bortner	Freeman	Markosek	Smith, L. E.
Bowley	Freind	Mayernik	Snyder, D. W.
Bowser	Fryer	Merry	Snyder, G. M.
Boyes	Gallagher	Michlovic	Staback
Brandt	Gallen	Micozzie	Stairs
Broujos	Gamble	Miller	Steighner
Bunt	Gannon	Moehlmann	Stevens
Burd	Geist	Morris	Stewart
Burns	George	Mowery	Stuban
Bush	Gladeck	Mrkonic	Sweet
Caltagirone	Godshall	Murphy	Swift
Cappabianca	Greenwood	Nahill	Taylor, E. Z.
Carlson	Gruitza	Noye	Taylor, F. E.
Carn	Gruppo	O'Brien	Taylor, J.
Cawley	Hagarty	O'Donnell	Telek
Cessar	Haluska	Olasz	Tigue
Chadwick	Harper	Oliver	Trello
Cimini	Hasay	Perzel	Truman
Clark	Hayes	Petrarca	Van Horne
Clymer	Herman	Petrone	Veon
Cohen	Honaman	Phillips	Vroon
Colafella	Howlett	Piccola	Wambach
Cole	Hutchinson	Pievsky	Wass

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

NAYS—0

NOT VOTING—4

DeWeese	Linton	Maiale	Wilson
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EXCUSED—2

Civera	Hershey
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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. GREENWOOD offered the following amendments No. A3068:

Amend Title, page 1, line 22, by removing the period after "required" and inserting ; and further providing for regional hearing boards.

Amend Bill, page 3, line 5, by striking out all of said line and inserting

Section 2. Section 1107-A of the act, added October 5, 1978 (P.L. 1067, No.249), is amended to read:

Section 1107-A. Regional Hearing Board.—(a) A regional hearing board is hereby established. It shall possess the same powers and duties with respect to the region as the zoning hearing board presently enjoys pursuant to Article IX.

(b) Each municipality shall appoint one person to serve on the Regional Hearing Board. If the total number of participating municipalities constitutes an even number, the Regional Hearing Board shall appoint an additional member to serve on the Regional Hearing Board, who shall serve for a term of three years. Any appointment to fill a vacancy in the position held by the additional member shall only be for the unexpired portion of the term.

Section 3. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

This amendment does not address the issue which is addressed by SB 901 but is another fairly innocuous amendment to the Municipalities Planning Code. Under the code as it exists now, municipalities may band together to form regional hearing boards. The problem is that when an even number of municipalities forms such a board, they sometimes find themselves deadlocked on a 2-2 vote or a 3-3 vote. This amendment, which has been requested by municipalities in my district, would simply allow them in that situation to appoint another member to the regional board for purposes of breaking a tie.

I would ask the support of the House.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

Acosta	Dietz	Lescovitz	Rieger
Afflerbach	Dininni	Letterman	Robbins
Angstadt	Distler	Levdansky	Roebuck
Argall	Dombrowski	Levin	Rudy
Arty	Donatucci	Linton	Ryan
Baldwin	Dorr	Livengood	Rybak
Barber	Duffy	Lloyd	Saloom
Barley	Durham	Lucyk	Saurman
Battisto	Evans	McCall	Scheetz
Belardi	Fargo	McClatchy	Schuler
Belfanti	Fattah	McHale	Semmel
Birmelin	Fee	McVerry	Serafini
Black	Fischer	Mackowski	Showers
Blaum	Flick	Manderino	Sirianni
Book	Foster, Jr., A.	Manmiller	Smith, B.
Bortner	Fox	Markosek	Smith, L. E.
Bowley	Freeman	Mayernik	Snyder, D. W.
Bowser	Freind	Merry	Snyder, G. M.
Boyes	Fryer	Michlovic	Staback
Brandt	Gallagher	Micozzie	Stairs
Broujos	Gallen	Miller	Steighner
Bunt	Gamble	Moehlmann	Stevens
Burd	Gannon	Morris	Stewart
Burns	Geist	Mowery	Suban
Bush	George	Mrkonic	Sweet
Caltagirone	Gladeck	Murphy	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	Hagarty	Olasz	Trello
Chadwick	Haluska	Oliver	Truman
Cimini	Harper	Perzel	Van Horne
Clark	Hasay	Petrarca	Veon
Clymer	Hayes	Petrone	Vron
Cohen	Herman	Phillips	Wambach
Colafella	Honaman	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	
Davies	Langtry	Reinard	Irvis,
Dawida	Lashinger	Richardson	Speaker
Deal	Laughlin		

NAYS—1

Tigue

NOT VOTING—4

Howlett	Hutchinson	Maiale	Seventy
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EXCUSED—2

Civera	Hershey
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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 PASSED OVER TEMPORARILY**

The SPEAKER. The Chair has been advised that Mr. Snyder has an amendment which has not yet been duplicated, so we will not go to final passage. Mark the bill over temporarily, that is SB 901, because Mr. Snyder has advised the Chair of an amendment which is not yet prepared or at least is not yet ready for distribution.

\* \* \*

The House proceeded to third consideration of **SB 902, PN 1233**, entitled:

An Act amending the act of July 9, 1976 (P. L. 919, No. 170), entitled "An act providing for the approval or disapproval of applications for a permit relating to the construction or maintenance of improvements to real estate," providing that a permit shall not be issued unless a highway occupancy permit is obtained in certain cases.

On the question,  
Will the House agree to the bill on third consideration?  
Mr. NOYE offered the following amendment No. A3366:

Amend Sec. 1 (Sec. 1), page 2, line 28, by striking out "The department shall not" and inserting

Neither the department nor any municipality to which permit-issuing authority has been delegated under section 420 of the "State Highway Law" shall

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Perry, Mr. Noye.  
Mr. NOYE. Thank you, Mr. Speaker.

It is the same identical amendment to SB 902 that we passed unanimously to SB 901.

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

The following roll call was recorded:

**YEAS—199**

Acosta	Dininni	Lescovitz	Rieger
Afflerbach	Distler	Letterman	Robbins
Angstadt	Dombrowski	Levdansky	Roebuck
Argall	Donatucci	Levin	Rudy
Arty	Dorr	Linton	Ryan
Baldwin	Duffy	Livengood	Rybak
Barber	Durham	Lloyd	Saloom
Barley	Evans	Lucy	Saurman
Battisto	Fargo	McCall	Scheetz
Belardi	Fattah	McClatchy	Schuler
Belfanti	Fee	McHale	Semmel
Birmelin	Fischer	McVerry	Serafini
Black	Flick	Mackowski	Seventy
Blaum	Foster, Jr., A.	Maiale	Showers
Book	Fox	Manderino	Smith, B.
Bortner	Freeman	Manmiller	Smith, L. E.
Bowley	Freind	Markosek	Snyder, D. W.
Bowser	Fryer	Mayernik	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
Clark	Hayes	Perzel	Van Horne
Clymer	Herman	Petrarca	Veon
Cohen	Honaman	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
Davies	Langtry	Reber	
Dawida	Lashingier	Reinard	Irvis,
Deal	Laughlin	Richardson	Speaker
Dietz			

**NAYS—0**

**NOT VOTING—2**

Howlett      Sirianni

**EXCUSED—2**

Civera      Hershey

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

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

**BILL PASSED OVER TEMPORARILY**

The SPEAKER. Mr. Hayes, will you advise the Chair, does Mr. Snyder have an amendment to SB 902 as well as SB 901?

Mr. HAYES. It is my understanding; yes.

The SPEAKER. He has an amendment to both. All right.

Mark SB 902 over temporarily. We will still be awaiting Mr. Snyder's amendment on that bill.

**BILL ON FINAL PASSAGE POSTPONED**

The House proceeded to **HB 135, PN 149**, on final passage postponed, entitled:

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), known as the "Banking Code of 1965," further providing for the date of Dr. Martin Luther King, Jr. Day.

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—194**

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

NAYS—1

Richardson

NOT VOTING—6

Howlett	Punt	Staback	Wogan
Mochlmann	Sirianni		

EXCUSED—2

Civera Hershey

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.

**SB 901 AND SB 902 PASSED OVER**

The SPEAKER. Mr. Majority Leader, we have two bills, SB 901 and SB 902, which have now been amended. Mr. Snyder's amendments are just being sent down.

Mr. MANDERINO. Mr. Speaker, we have no objection if they are put over until tomorrow so that we can get the amendments and pass the bills.

The SPEAKER. Unless there be objection, and the Chair hears no such objection, SB 901 and SB 902 will be passed over for today's session. Amendments will be offered to each bill tomorrow by Mr. Snyder.

**WELCOMES**

The SPEAKER. Representative Sirianni has the members from the Wyoming County Republican Women's group. We are delighted to have them here. Welcome to the hall of the House.

There are people here from the Perrysville AARP. They are here with Representative Dave Mayernik. They are from the St. Theresa Church area. Welcome to the hall of the House.

**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER. There being no further business to be brought before this day's session, the Chair recognizes the gentleman from Elk, Mr. Distler.

Mr. DISTLER. Mr. Speaker, I move that this House do now adjourn until Wednesday, October 23, 1985, at 11 a.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 2:31 p.m., e.d.t., the House adjourned.