

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, OCTOBER 28, 1985

SESSION OF 1985

169TH OF THE GENERAL ASSEMBLY

No. 65

HOUSE OF REPRESENTATIVES

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

Most Eminent Father, our gracious Lord, as we believe in the fatherhood of God and the brotherhood of man, we humbly pray Thy tender mercy, forgiving spirit, and everlasting care may abide with each one of us. Enable us to always see Thee as the God and Father over all, and may we seek to serve Thee as grateful stewards of Thine.

Challenge us to reach out and share the love and concern Thou dost share with each of us, so that our lives may be an extension of Thy love toward all mankind. O God, may the greatest of Thy expectations be fulfilled in that which we do and say, so that praise, honor, and glory may redound to Thy name forever and ever. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. The Chair is informed that the Journal for Wednesday, October 23, 1985, is not yet in print. Therefore, without objection, approval of said Journal will be passed over until the Journal is in print. The Chair hears no such objection.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence.

The Chair recognizes the gentleman from Lawrence, Mr. Fee.

Mr. FEE. Mr. Speaker, the gentleman from Westmoreland, Mr. HUTCHINSON, for this week, and the gentleman from Philadelphia, Mr. RICHARDSON, for today.

The SPEAKER. The Chair hears no objection to the granting of the leaves. The leaves are so granted.

Mr. Hayes indicates he has no such requests for leaves.

MASTER ROLL CALL

The SPEAKER. The Chair now places before the House the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—201

Acosta	Dietz	Laughlin	Robbins
Afflerbach	Dininni	Lescovitz	Roebuck
Angstadt	Distler	Letterman	Rudy
Argall	Dombrowski	Levdanskoy	Ryan
Arty	Donatucci	Levin	Rybak
Baldwin	Dorr	Linton	Saloom
Barber	Duffy	Livengood	Saurman
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	Sweet
Caltagirone	Gladeck	Mowery	Swift
Cappabianca	Godshall	Mrkonic	Taylor, E. Z.
Carlson	Greenwood	Murphy	Taylor, F. E.
Carn	Gruitza	Nahill	Taylor, J.
Cawley	Gruppo	Noye	Telek
Cessar	Hagarty	O'Brien	Tigue
Chadwick	Haluska	O'Donnell	Trello
Cimini	Harper	Olasz	Truman
Civera	Hasay	Oliver	Van Horne
Clark	Hayes	Perzel	Veon
Clymer	Herman	Petrarca	Vroon
Cohen	Hershey	Petrone	Wambach
Colafella	Honaman	Phillips	Wass
Cole	Howlett	Piccola	Weston
Cordisco	Itkin	Pievsky	Wiggins
Cornell	Jackson	Pistella	Wilson
Coslett	Jarolin	Pitts	Wogan
Cowell	Johnson	Pott	Wozniak
Coy	Josephs	Pratt	Wright, D. R.
Deluca	Kasunic	Pressmann	Wright, J. L.
DeVerter	Kennedy	Preston	Wright, R. C.
DeWeese	Kenney	Punt	Yandrisevits
Daley	Kosinski	Raymond	
Davies	Kukovich	Reber	Irvis,
Dawida	Langtry	Reinard	Speaker
Deal	Lashinger	Rieger	

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Hutchinson Richardson

LEAVES ADDED—2

Clark Freind

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 1836 By Representatives KUKOVICH, ARTY, JOSEPHS, GREENWOOD, BALDWIN, BELFANTI, HALUSKA, BATTISTO, ACOSTA, PRESSMANN, FOX, JOHNSON, KOSINSKI, BELARDI, STABACK, OLIVER, SWEET, DAWIDA, PRATT, TRUMAN, PISTELLA, PERZEL, BARBER, NOYE, COHEN and BURD

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, adding provisions relating to guardians of incapacitated persons.

Referred to Committee on HEALTH AND WELFARE, October 28, 1985.

No. 1837 By Representatives HERMAN, BATTISTO, SCHULER, ITKIN, ANGSTADT, MORRIS, JOHNSON, COHEN, BELARDI, GRUPPO, TRUMAN, HALUSKA, WOGAN, McVERRY and CIVERA

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for creditable nonstate service.

Referred to Committee on STATE GOVERNMENT, October 28, 1985.

No. 1838 By Representatives HERMAN, BATTISTO, SCHULER, ITKIN, ANGSTADT, MORRIS, JOHNSON, COHEN, BELARDI, GRUPPO, TRUMAN, HALUSKA, WOGAN, McVERRY and CIVERA

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for creditable nonstate service.

Referred to Committee on STATE GOVERNMENT, October 28, 1985.

No. 1839 By Representatives HERMAN, COHEN, SCHULER, COY, JOHNSON, RUDY, LASHINGER, HOWLETT, ARTY and FOX

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing an additional category of and an additional limitation on creditable nonstate service.

Referred to Committee on STATE GOVERNMENT, October 28, 1985.

No. 1840 By Representatives WESTON, KENNEY, J. TAYLOR, WOGAN, O'BRIEN and PERZEL

An Act establishing minimum rights for law enforcement officers and firefighters in connection with the investigative inquiries of the chief executive officer or the governing bodies of municipalities.

Referred to Committee on LOCAL GOVERNMENT, October 28, 1985.

No. 1841 By Representatives BURNS, SWEET and PICCOLA

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 background checks of prospective employees.

Referred to Committee on EDUCATION, October 28, 1985.

No. 1842 By Representatives LASHINGER, FEE, BELFANTI, HERMAN, KUKOVICH, HALUSKA, JOHNSON, DISTLER, GREENWOOD, NAHILL, FISCHER, CARN, GLADECK, FOX, SEMMEL, G. M. SNYDER and NOYE

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," providing for the Hazardous Substance Spill, Discharge and Release Cleanup and Compensation Fund.

Referred to Committee on CONSERVATION, October 28, 1985.

No. 1843 By Representatives SAURMAN, J. L. WRIGHT, NAHILL, L. E. SMITH, HERSHEY, B. SMITH, DISTLER, GEIST, SHOWERS, MICHLOVIC, ARTY, GODSHALL, FOX, FLICK, SEMMEL, MORRIS, KUKOVICH and JOSEPHS

An Act providing for resource recovery and recycling and for recycling responsibilities of counties; providing for further duties of the Departments of Environmental Resources and Revenue; imposing a solid waste services tax, a resource recovery investment tax and a solid waste import tax; establishing the Solid Waste Services Tax Fund, the Resource Recovery Investment Tax Fund and County Resource Recovery Investment Tax Fund; providing for contracts for resource recovery and recycling facilities and services, for recycling plans of counties and municipalities, and for plastic beverage containers and deposits thereon; establishing the Plastics Recycling Fund; providing for metal beverage containers and deposits thereon; establishing the Bimetal Container Recycling Fund; providing for PVC containers, for leaves and for automobile tires and deposits thereon; establishing the Automobile Tire Recycling Fund; providing penalties; and making appropriations.

Referred to Committee on CONSERVATION, October 28, 1985.

No. 1844 By Representatives OLIVER, ARTY, WIGGINS, NOYE, AFFLERBACH, GREENWOOD, McVERRY, CARN and JOSEPHS

An Act providing for the establishment and operation of the Commission on the Handicapped; imposing powers and duties on the commission; providing for an executive director; and making an appropriation.

Referred to Committee on STATE GOVERNMENT, October 28, 1985.

SENATE BILLS FOR CONCURRENCE

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

SB 642, PN 1446

Referred to Committee on APPROPRIATIONS, October 28, 1985.

SB 816, PN 943

Referred to Committee on TRANSPORTATION, October 28, 1985.

SENATE RESOLUTION FOR CONCURRENCE

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

SR 84, PN 1463

Referred to Committee on RULES, October 28, 1985.

WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House, as the guests of Representative Ted Stuban, Dr. Harry Ausprich, the new president of Bloomsburg University, and Mr. John Walker, the vice president of institutional advancement at Bloomsburg. Welcome to the hall of the House, gentlemen.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that the following bills be lifted from the table and placed on the active calendar:

HB 64;
HB 401;
HB 861;
HB 1004;
HB 1506;
HB 1524;
HB 1721;
HB 1729;
HB 1812; and
SB 615.

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

SENATE MESSAGE

SENATE CONCURRENCE IN HOUSE RESOLUTION

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 9, PN 122**.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 90, PN 2379 (Amended)

By Rep. BARBER

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for anatomical gifts.

HEALTH AND WELFARE.

HB 241, PN 258

By Rep. BARBER

An Act providing for the operation of vending facilities by licensed blind persons; creating a Committee of Blind Vendors; granting powers to and imposing duties upon the committee; and granting powers to and imposing duties upon an administrative unit in the Department of Public Welfare.

HEALTH AND WELFARE.

HB 294, PN 318

By Rep. BARBER

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for grants and contracts made by area agencies on aging.

HEALTH AND WELFARE.

HB 371, PN 2380 (Amended)

By Rep. BARBER

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for registration of family day care providers; and making an appropriation.

HEALTH AND WELFARE.

HB 389, PN 2381 (Amended)

By Rep. BARBER

An Act establishing a Senior Citizens Telephone Reassurance Program; providing for grants; imposing duties on the Department of Aging; and making an appropriation.

HEALTH AND WELFARE.

HB 789, PN 2382 (Amended)

By Rep. BARBER

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for technical assistance to prospective family day care providers; and making an appropriation.

HEALTH AND WELFARE.

HB 790, PN 2383 (Amended)

By Rep. BARBER

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for technical assistance to family day care home providers; and making an appropriation.

HEALTH AND WELFARE.

HB 1358, PN 2384 (Amended)

By Rep. BARBER

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," providing for medical assistance for certain ALS victims.

HEALTH AND WELFARE.

SB 377, PN 421

By Rep. BARBER

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), entitled "Health Care Facilities Act," permitting health care facilities to board an animal in certain cases.

HEALTH AND WELFARE.

LEAVE OF ABSENCE

The SPEAKER. Without objection, the Chair returns to leaves of absence and recognizes the gentleman from Lawrence, Mr. Fee.

Mr. FEE. Mr. Speaker, I request that the gentleman from Allegheny, Mr. CLARK, be given leave for today.

The SPEAKER. The Chair hears no such objection, and the leave is granted.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1646, PN 2340**, entitled:

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.

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 1646 be recommitted for a fiscal note to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

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

HB 1736, PN 2347.

* * *

The House proceeded to second consideration of **HB 768, PN 2307**, entitled:

An Act regulating sales and improvement of realty in landslide hazard areas; requiring fire and casualty companies to offer landslide insurance; requiring permits to be obtained prior to development or construction in landslide hazardous areas; designating landslide hazard zone areas; and providing penalties and civil remedies.

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 768 be recommitted for a fiscal note to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 1639, PN 2345**, entitled:

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.

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 1639 be recommitted for a fiscal note to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

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

HB 1685, PN 2346; and SB 1074, PN 1323.

* * *

The House proceeded to second consideration of **HB 607, PN 2306**, entitled:

An Act providing for reimbursement by insurance companies, professional health service plan corporations, fraternal benefit societies and voluntary nonprofit health service plans for service performed by a registered nurse; and providing further duties of the Insurance Department.

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 607 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 251, PN 2341**, entitled:

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.

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 251 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

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

HB 1340, PN 2342; HB 1498, PN 2343; and SB 542, PN 706.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1122, PN 1640**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code", increasing millage of annual tax for road, bridge and general county purposes.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 1122 be recommitted to the Committee on Local Government for further study.

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

* * *

The House proceeded to third consideration of **HB 1123, PN 1295**, entitled:

An Act authorizing town councils to impose certain taxes for general town purposes.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 1123 be recommitted to the Committee on Local Government for further study.

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

BILLS ON FINAL PASSAGE POSTPONED

The House proceeded to **HB 1119, PN 1291**, on final passage postponed, entitled:

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

On the question recurring,
Shall the bill pass finally?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 1119 be recommitted to the Committee on Local Government.

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

* * *

The House proceeded to **HB 1121, PN 1293**, on final passage postponed, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," increasing millage of annual tax for general township purposes.

On the question recurring,
Shall the bill pass finally?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 1121 be recommitted to the Committee on Local Government.

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

LEAVE OF ABSENCE

The SPEAKER. Without objection, the Chair returns to leaves of absence.

The Chair recognizes the minority whip.
Mr. HAYES. Thank you, Mr. Speaker.

I would request a leave for the gentleman from Delaware, Mr. FREIND, for the day.

The SPEAKER. The Chair hears no objection to the granting of the leave. The leave is therefore granted.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 704, PN 1067**, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," further providing for full-time district attorneys.

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

Mr. BELFANTI offered the following amendments No. A3496:

Amend Title, page 1, line 5, by striking out "full-time"

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

Section 2. Section 1552 of the act, added January 25, 1966 (1965 P.L.1556, No.544), is amended to read:

Section 1552. Counties of the Fifth Class.—The annual salaries of the following county officers of counties of the fifth class shall be as follows:

The sheriff, nine thousand six hundred dollars (\$9,600).

The county comptroller, where such office exists, nine thousand six hundred dollars (\$9,600).

The coroner, five thousand four hundred dollars (\$5,400).

The prothonotary, nine thousand six hundred dollars (\$9,600).

The clerk of quarter sessions and oyer and terminer, nine thousand six hundred dollars (\$9,600).

The clerk of the orphans' court, nine thousand six hundred dollars (\$9,600).

The register of wills, nine thousand six hundred dollars (\$9,600).

The recorder of deeds, nine thousand six hundred dollars (\$9,600).

Provided, That where any of the officers above mentioned hold two or more of the said offices, he shall receive nine thousand six hundred dollars (\$9,600).

The county commissioners, ten thousand two hundred dollars (\$10,200), each.

The county treasurer, nine thousand six hundred dollars (\$9,600).

The jury commissioners, nine hundred dollars (\$900), each.

The district attorney, [ten thousand two hundred dollars (\$10,200).] if part-time, forty-eight per centum of the salary of a full-time district attorney.

Section 3. Section 1553 of the act, amended October 11, 1967 (P.L.433, No.196) and July 31, 1968 (P.L.938, No.286), is amended to read:

Section 1553. Counties of the Sixth Class.—The annual salaries of the following county officers of counties of the sixth class shall be as follows:

The clerk of the court of quarter sessions, eight thousand four hundred dollars (\$8,400).

The treasurer, eight thousand one hundred sixty dollars (\$8,160).

The controller, eight thousand four hundred dollars (\$8,400).

The clerk of oyer and terminer, one thousand one hundred dollars (\$1,100).

The clerks of the orphans' court, (other than the register of wills acting as ex officio of orphans' court) seven thousand two hundred dollars (\$7,200), each.

The prothonotary, eight thousand four hundred dollars (\$8,400).

The recorder of deeds, eight thousand four hundred dollars (\$8,400).

The register of wills, seven thousand two hundred dollars (\$7,200).

Where any of the officers above mentioned hold two or more of said offices, he shall receive the highest salary fixed for any of the offices which he holds and the additional salary of seven hundred fifty dollars (\$750).

The sheriff, eight thousand four hundred dollars (\$8,400).

The county commissioners, nine thousand three hundred fifty dollars (\$9,350), each.

The district attorney, [nine thousand four hundred fifty dollars (\$9,450).] if part-time, forty-four per centum of the salary of a full-time district attorney.

The jury commissioners shall each receive fifteen dollars (\$15) for each day necessarily employed in the discharge of their duties. The said compensation shall be paid from the county treasury in the same manner as the salary or compensation of other county officers and employes.

The county auditors shall each receive twenty dollars (\$20) for each six hours of work in the discharge of their duties, together with ten cents (10) per mile circular from and to their homes once each and every day so employed.

The fees to be received by the coroner of each county of the sixth class shall be as follows: For viewing a dead body, eighteen dollars (\$18); summoning and qualifying inquest, drawing and returning all inquisitions, nine dollars fifty cents (\$9.50); summoning and qualifying each witness, three dollars (\$3), to be paid out of the goods, chattels, lands, or tenements of the slayer (in cases of murder or manslaughter), if any he hath, if otherwise, by the county, with mileage at the rate of ten cents for each mile circular traveled from the court house to the place of viewing the body; executing any process or writs of any kind, the same fees as are allowed to the sheriff and the same mileage.

Section 4. Section 1554 of the act, amended October 11, 1967 (P.L.431, No.195) and July 31, 1968 (P.L.938, No.286), is amended to read:

Section 1554. Counties of the Seventh Class.—The annual salaries of the following county officers of counties of the seventh class shall be as follows:

The sheriff, six thousand two hundred forty dollars (\$6,240).

The district attorney, [six thousand five hundred dollars (\$6,500).] if part-time, forty per centum of the salary of a full-time district attorney.

The annual salary of each county commissioner shall be six thousand dollars (\$6,000).

The jury commissioners shall each receive fifteen dollars (\$15) for each day necessarily employed in the discharge of their duties. The said compensation shall be paid from the county treasury in the same manner as the salary or compensation of other county officers and employes.

The county auditors shall receive twenty dollars (\$20) for each six hours of work in the discharge of their duties, together with ten cents (10¢) per mile circular from and to their homes, once, each and every day so employed.

The prothonotary or clerks of the several courts of common pleas, quarter sessions of the peace, oyer and terminer, and orphans' courts, the register of wills, and the recorder of deeds, shall keep, or cause to be kept, a fair and accurate account of all fees received for services performed by them or any person employed by them in their respective offices; and shall also, on the first Monday of January of each year, furnish a copy of said account, upon oath or affirmation, to the auditor appointed by the court to settle the accounts of county officers; and shall also pay to the county treasurer, for the use of the county, after deducting all necessary clerk hire and office expenses, fifty per centum on the amount of any excess over and above the sum of seven thousand two hundred dollars (\$7,200), which shall be found by the said auditor, appointed by the court to settle the accounts of county officers, to have been received by any officer in any one year: Provided, That if two or more of said offices shall be held by one person, the said auditor shall add together the fees received in the offices so held, and shall charge the same percentage on the aggregate amount of fees received by such person holding more than one of said offices. A copy of the report of the said auditor, when completed, shall be presented by him to the court of common pleas of the county, and filed among the records of said court; which said report shall thereafter have all the force and effect of, and be subject to the same procedure as applies to, the report of the county auditors.

The fees to be received by the coroner of each county of the seventh class shall, in cases of murder or manslaughter, be paid by the slayer, or his estate if recovery can be had, otherwise and in all other cases by the county. The fees shall be as follows:

For viewing a dead body, eighteen dollars (\$18); summoning and qualifying inquest, drawing and returning all inquisitions, nine dollars fifty cents (\$9.50); summoning and qualifying each witness, three dollars (\$3); to be paid out of the goods, chattels, lands, or tenements of the slayer (in cases of murder or manslaughter), if any he hath. If otherwise, by the county, with mileage at the rate of ten cents (10¢) for each mile circular traveled from the court house to the place of viewing the body; executing any process or writs of any kind, the same fees as are allowed to the sheriff and the same mileage.

Section 5. Section 1555 of the act, added or amended January 25, 1966 (1965 P.L.1556, No.544) and July 31, 1968 (P.L.938, No.286), is amended to read:

Section 1555. Counties of the Eighth Class.—The annual salaries of the following county officers of counties of the eighth class shall be as follows:

The sheriff, in counties having a population of less than twelve thousand (12,000), four thousand eighty dollars (\$4,080); and in counties having a population of twelve thousand (12,000) and more, but less than twenty thousand (20,000), four thousand six hundred eighty dollars (\$4,680).

The county commissioners, in counties having a population of less than twelve thousand (12,000), three thousand three hundred eighty dollars (\$3,380) each, and in counties having a population of twelve thousand (12,000) and more, four thousand two hundred ninety dollars (\$4,290), each.

The district attorney, [four thousand five hundred dollars (\$4,500).] if part-time, thirty-six per centum of the salary of a full-time district attorney.

The county auditors shall each receive twenty dollars (\$20) for each six hours of work in the discharge of their duties, together with ten cents (10¢) per mile circular from and to their homes, once, each and every day so employed.

The jury commissioners shall each receive fifteen dollars (\$15) for each day necessarily employed in the discharge of their duties. The said compensation shall be paid from the county treasury in the same manner as the salary or compensation of other county officers and employes.

The prothonotary or clerks of the several courts of common pleas, quarter sessions of the peace, oyer and terminer, and orphans' courts, the register of wills, and the recorder of deeds, shall keep, or cause to be kept, a fair and accurate account of all fees received for services performed by them or any person employed by them in their respective offices; and shall also, on the first Monday of January of each year, furnish a copy of said account, upon oath or affirmation, to the auditor appointed by the court to settle the accounts of county officers; and shall also pay to the county treasurer, for the use of the county, after deducting all necessary clerk hire and office expenses, fifty per centum on the amount of any excess over and above the sum of seven thousand two hundred dollars (\$7,200), which shall be found by the said auditor, appointed by the court to settle the accounts of county officers, to have been received by any officer in any one year: Provided, That if two or more of said offices shall be held by one person, the said auditor shall add together the fees received in the offices so held, and shall charge the same percentage on the aggregate amount of fees received by such person holding more than one of said offices. A copy of the report of the said auditor, when completed, shall be presented by him to the court of common pleas of the county, and filed among the records of said court; which said report shall thereafter have all the force and effect of, and be subject to the same procedure as applies to, the report of the county auditors.

The fees to be received by the coroner of each county of the eighth class shall, in cases of murder or manslaughter, be paid by the slayer, or his estate if recovery can be had, otherwise and in all other cases by the county. The fees shall be as follows:

For viewing a dead body, eighteen dollars (\$18); summoning and qualifying inquest, drawing and returning all inquisitions, nine dollars fifty cents (\$9.50); summoning and qualifying each witness, three dollars (\$3); to be paid out of the goods, chattels, lands, or tenements of the slayer (in cases of murder or manslaughter), if any he hath, if otherwise, by the county, with mileage at the rate of ten cents (10¢) for each mile circular traveled from the court house to the place of viewing the body; executing any process or writs of any kind, the same fees as are allowed to the sheriff and the same mileage.

Section 6. (a) Section 5 of the act of November 1, 1971 (P.L.495, No.113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," is repealed insofar as it is inconsistent with the provisions of this act.

(b) The provisions of subsection (a) and section 1401(g) of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, shall not affect the powers granted to county commissioners under section 10.1 of the act of November 1, 1971 (P.L.495, No.113) to increase the salaries of part-time district attorneys.

Section 7. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

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

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, as a result of the House's action last week to revert to a prior printer's number, SB 704 had some amendments drafted to it.

One of these amendments would address the problem whereby in fifth- through eighth-class counties where county commissioners determine that full-time district attorneys are not necessary, the compensation scale of those part-time district attorneys be upgraded.

There was also some sentiment expressed on the floor last week that the county class size is in direct apportionment to the caseload of a district attorney, and therefore, it would not be fair for a fifth- and an eighth-class-county district attorney to be compensated in the same manner. Therefore, an amendment has been drafted to scale proportionally as per county class size the salary of part-time district attorneys.

I would like to preface here that in the case of this apportioned salary, the counties in question would not have to increase their general fund budgets in any way. As the county commissioners have sole control over the budgetary matters and considerations in these district attorneys' offices, they could simply reduce or eliminate staff in the district attorneys' offices.

Mr. Speaker, it is important to the District Attorney's Association and all the district attorneys in fifth- through eighth-class counties that the issue of salary be addressed. We have in many counties in this State the assistant district attorneys, who do not stand for election, being compensated at a greater salary than the elected district attorneys.

This amendment translates—if we would like to hear dollar figures—in a fifth-class county it would raise the part-time district attorney's salary to \$30,720; in a sixth-class county, \$28,160; in a seventh-class county, \$25,600; and in an eighth-class county, \$23,040. Those salaries are certainly not out of line with the duties and responsibilities that our part-time district attorneys have and may, in some ways, encourage county commissioners to upgrade and elevate the status of some of the part-time D.A.'s in fifth- through eighth-class counties to full-time status.

I would appreciate everyone's support on the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment, and the reason I rise to oppose this amendment is here some time ago we gave the county commissioners the right to set the salaries of all county elected officials. I think that we are now taking time here and we are spending time here to usurp that power away from them. We are beginning to set salaries here, and I do not think that it is our duty to do it. If we are going to let local government work and give them the right and the opportunity to take care of their own problems, I do not believe that

we should continually here change their salaries and continue to support these positions.

I would ask everybody to oppose this amendment.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Mr. Speaker, I beg to differ with my colleague, Representative Stuban. In fifth- through eighth-class counties at the current time, under present law, the county commissioners cannot, by law, affix the salaries of either full-time or part-time district attorneys higher than the scale that is now in the current law. Many county commissioners have agreed and do agree that district attorneys are worth more than they are paid.

I would like to just read one sentence from one district attorney from Northumberland County out of a two-page letter. It talks about the need for an increase in compensation. This sentence reads:

For example, in 1984 I prosecuted a defendant charged in the capital crime of murdering a police officer. The defendant was represented by a highly renowned defense attorney and although I am only a "part-time" District Attorney I had to close down my private office for a period of four weeks to conduct trial preparation, jury selection and the trial itself.

Mr. Speaker, that underscores the need to address this disparity. It still leaves everything else up to the county commissioners. It does not mean that any county would have to increase taxes in any way, shape, or form. The elimination of one of the assistants will more than amply remedy the additional amount of compensation that the elected—the person who has to stand for election—district attorney receives. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Wayne, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I rise to support Mr. Stuban in opposition to this amendment. Again I would reiterate what he has already said: We are attempting to set salaries which we ought not to be doing. I see we have come down from 50 percent to as low as 36 percent for an eighth-class county, which in eighth-class counties is going to result in, in some cases, a \$3,000 or \$4,000 increase.

I submit to you that it is still not our job to do this, that we ought to allow the county commissioners to do it. Even though these are fluctuating rates from fifth down through eighth class, we still are usurping that authority and power of the county commissioners which this body has given in the past.

I respectfully ask you to vote "no" on the Belfanti amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—66

Afflerbach	Deal	Maiale	Rieger
Barber	Dininni	Manderino	Seventy
Battisto	Donatucci	Manmiller	Sirianni
Belfanti	Durham	Markosek	Steighner
Bortner	Evans	Mayernik	Stewart
Broujos	Fattah	Michlovic	Sweet
Burns	Gallagher	Morris	Taylor, F. E.
Bush	Gamble	Murphy	Trello
Caltagirone	Harper	Noye	Truman
Carlson	Josephs	O'Donnell	Van Horne
Carn	Kasunic	Olasz	Wambach
Cohen	Kosinski	Oliver	Wass
Colafella	Kukovich	Petrarca	Wiggins
Cole	Lescovitz	Petrone	Wozniak
DeWeese	Levdansky	Piccola	
Daley	Linton	Pievsky	Irvis,
Dawida	Livengood	Preston	Speaker

NAYS—131

Acosta	Distler	Kennedy	Rudy
Angstadt	Dombrowski	Kenny	Ryan
Argall	Dorr	Langtry	Rybak
Arty	Duffy	Lashinger	Saloom
Baldwin	Fargo	Laughlin	Saurman
Barley	Fee	Letterman	Scheetz
Belardi	Fischer	Lloyd	Schuler
Birmelin	Flick	Lucyk	Semmel
Black	Foster, Jr., A.	McCall	Serafini
Blaum	Fox	McClatchy	Showers
Book	Freeman	McHale	Smith, B.
Bowley	Fryer	McVerry	Smith, L. E.
Bowser	Gallen	Mackowski	Snyder, D. W.
Boyes	Gannon	Merry	Snyder, G. M.
Brandt	Geist	Micozzie	Staback
Bunt	George	Miller	Stairs
Burd	Gladeck	Mochlmann	Stevens
Cappabianca	Godshall	Mowery	Stuban
Cawley	Greenwood	Mrkonic	Swift
Cessar	Gruitza	Nahill	Taylor, E. Z.
Chadwick	Gruppo	O'Brien	Taylor, J.
Cimini	Hagarty	Perzel	Telek
Civera	Haluska	Phillips	Tigue
Clymer	Hasay	Pistella	Veon
Cordisco	Hayes	Pitts	Vroon
Cornell	Herman	Pott	Weston
Coslett	Hershey	Pratt	Wilson
Cowell	Honaman	Pressmann	Wogan
Coy	Howlett	Punt	Wright, D. R.
Deluca	Itkin	Raymond	Wright, J. L.
DeVerter	Jackson	Reber	Wright, R. C.
Davies	Jarolin	Reinard	Yandrisevits
Dietz	Johnson	Robbins	

NOT VOTING—2

Levin Roebuck

EXCUSED—4

Clark Freind Hutchinson Richardson

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. BELFANTI offered the following amendments No. A3495:

Amend Title, page 1, line 5, by striking out "full-time"

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

Section 2. Section 1552 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, added January 25, 1966 (1965 P.L.1556, No.544), is amended to read:

Section 1552. Counties of the Fifth Class.—The annual salaries of the following county officers of counties of the fifth class shall be as follows:

The sheriff, nine thousand six hundred dollars (\$9,600).

The county comptroller, where such office exists, nine thousand six hundred dollars (\$9,600).

The coroner, five thousand four hundred dollars (\$5,400).

The prothonotary, nine thousand six hundred dollars (\$9,600).

The clerk of quarter sessions and oyer and terminer, nine thousand six hundred dollars (\$9,600).

The clerk of the orphans' court, nine thousand six hundred dollars (\$9,600).

The register of wills, nine thousand six hundred dollars (\$9,600).

The recorder of deeds, nine thousand six hundred dollars (\$9,600).

Provided, That where any of the officers above mentioned hold two or more of the said offices, he shall receive nine thousand six hundred dollars (\$9,600).

The county commissioners, ten thousand two hundred dollars (\$10,200), each.

The county treasurer, nine thousand six hundred dollars (\$9,600).

The jury commissioners, nine hundred dollars (\$900), each.

The district attorney, [ten thousand two hundred dollars (\$10,200).] if part time, forty-eight per centum of the salary of a full-time district attorney.

Section 3. Section 1553 of the act, amended October 11, 1967 (P.L.433, No.196) and July 31, 1968 (P.L.938, No.286), is amended to read:

Section 1553. Counties of the Sixth Class.—The annual salaries of the following county officers of counties of the sixth class shall be as follows:

The clerk of the court of quarter sessions, eight thousand four hundred dollars (\$8,400).

The treasurer, eight thousand one hundred sixty dollars (\$8,160).

The controller, eight thousand four hundred dollars (\$8,400).

The clerk of oyer and terminer, one thousand one hundred dollars (\$1,100).

The clerks of the orphans' court, (other than the register of wills acting as ex officio of orphans' court) seven thousand two hundred dollars (\$7,200), each.

The prothonotary, eight thousand four hundred dollars (\$8,400).

The recorder of deeds, eight thousand four hundred dollars (\$8,400).

The register of wills, seven thousand two hundred dollars (\$7,200).

Where any of the officers above mentioned hold two or more of said offices, he shall receive the highest salary fixed for any of the offices which he holds and the additional salary of seven hundred fifty dollars (\$750).

The sheriff, eight thousand four hundred dollars (\$8,400).

The county commissioners, nine thousand three hundred fifty dollars (\$9,350), each.

The district attorney, [nine thousand four hundred fifty dollars (\$9,450).] if part time, forty-three per centum of the salary of a full-time district attorney.

The jury commissioners shall each receive fifteen dollars (\$15) for each day necessarily employed in the discharge of their duties. The said compensation shall be paid from the county treasury in the same manner as the salary or compensation of other county officers and employes.

The county auditors shall each receive twenty dollars (\$20) for each six hours of work in the discharge of their duties, together with ten cents (10¢) per mile circular from and to their homes once each and every day so employed.

The fees to be received by the coroner of each county of the sixth class shall be as follows: For viewing a dead body, eighteen dollars (\$18); summoning and qualifying inquest, drawing and returning all inquisitions, nine dollars fifty cents (\$9.50); summoning and qualifying each witness, three dollars (\$3), to be paid out of the goods, chattels, lands, or tenements of the slayer (in cases of murder or manslaughter), if any he hath, if otherwise, by the county, with mileage at the rate of ten cents for each mile circular traveled from the court house to the place of viewing the body; executing any process or writs of any kind, the same fees as are allowed to the sheriff and the same mileage.

Section 4. Section 1554 of the act, amended October 11, 1967 (P.L.431, No.195) and July 31, 1968 (P.L.938, No.286), is amended to read:

Section 1554. Counties of the Seventh Class.—The annual salaries of the following county officers of counties of the seventh class shall be as follows:

The sheriff, six thousand two hundred forty dollars (\$6,240).

The district attorney, [six thousand five hundred dollars (\$6,500).] if part time, thirty-eight per centum of the salary of a full-time district attorney.

The annual salary of each county commissioner shall be six thousand dollars (\$6,000).

The jury commissioners shall each receive fifteen dollars (\$15) for each day necessarily employed in the discharge of their duties. The said compensation shall be paid from the county treasury in the same manner as the salary or compensation of other county officers and employes.

The county auditors shall receive twenty dollars (\$20) for each six hours of work in the discharge of their duties, together with ten cents (10¢) per mile circular from and to their homes, once, each and every day so employed.

The prothonotary or clerks of the several courts of common pleas, quarter sessions of the peace, oyer and terminer, and orphans' courts, the register of wills, and the recorder of deeds, shall keep, or cause to be kept, a fair and accurate account of all fees received for services performed by them or any person employed by them in their respective offices; and shall also, on the first Monday of January of each year, furnish a copy of said account, upon oath or affirmation, to the auditor appointed by the court to settle the accounts of county officers; and shall also pay to the county treasurer, for the use of the county, after deducting all necessary clerk hire and office expenses, fifty per centum on the amount of any excess over and above the sum of seven thousand two hundred dollars (\$7,200), which shall be found by the said auditor, appointed by the court to settle the accounts of county officers, to have been received by any officer in any one year: Provided, That if two or more of said offices shall be held by one person, the said auditor shall add together the fees received in the offices so held, and shall charge the same percentage on the aggregate amount of fees received by such person holding more than one of said offices. A copy of the report of the said auditor, when completed, shall be presented by him to the court of common pleas of the county, and filed among the records of said court; which said report shall thereafter have all the force and effect of, and be subject to the same procedure as applies to, the report of the county auditors.

The fees to be received by the coroner of each county of the seventh class shall, in cases of murder or manslaughter, be paid by the slayer, or his estate if recovery can be had, otherwise and in all other cases by the county. The fees shall be as follows:

For viewing a dead body, eighteen dollars (\$18); summoning and qualifying inquest, drawing and returning all inquisitions, nine dollars fifty cents (\$9.50); summoning and qualifying each witness, three dollars (\$3); to be paid out of the goods, chattels, lands, or tenements of the slayer (in cases of murder or manslaughter), if any he hath. If otherwise, by the county, with mileage at the rate of ten cents (10¢) for each mile circular trav-

eled from the court house to the place of viewing the body; executing any process of writs of any kind, the same fees as are allowed to the sheriff and the same mileage.

Section 5. Section 1555 of the act, added or amended January 25, 1966 (1965 P.L.1556, No.544) and July 31, 1968 (P.L.938, No.286), is amended to read:

Section 1555. Counties of the Eighth Class.—The annual salaries of the following county officers of counties of the eighth class shall be as follows:

The sheriff, in counties having a population of less than twelve thousand (12,000), four thousand eighty dollars (\$4,080); and in counties having a population of twelve thousand (12,000) and more, but less than twenty thousand (20,000), four thousand six hundred eighty dollars (\$4,680).

The county commissioners, in counties having a population of less than twelve thousand (12,000), three thousand three hundred eighty dollars (\$3,380) each, and in counties having a population of twelve thousand (12,000) and more, four thousand two hundred ninety dollars (\$4,290), each.

The district attorney, [four thousand five hundred dollars (\$4,500).] if part time, thirty-three per centum of the salary of a full-time district attorney.

The county auditors shall each receive twenty dollars (\$20) for each six hours of work in the discharge of their duties, together with ten cents (10¢) per mile circular from and to their homes, once, each and every day so employed.

The jury commissioners shall each receive fifteen dollars (\$15) for each day necessarily employed in the discharge of their duties. The said compensation shall be paid from the county treasury in the same manner as the salary or compensation of other county officers and employes.

The prothonotary or clerks of the several courts of common pleas, quarter sessions of the peace, oyer and terminer, and orphans' courts, the register of wills, and the recorder of deeds, shall keep, or cause to be kept, a fair and accurate account of all fees received for services performed by them or any person employed by them in their respective offices; and shall also, on the first Monday of January of each year, furnish a copy of said account, upon oath or affirmation, to the auditor appointed by the court to settle the accounts of county officers; and shall also pay to the county treasurer, for the use of the county, after deducting all necessary clerk hire and office expenses, fifty per centum on the amount of any excess over and above the sum of seven thousand two hundred dollars (\$7,200), which shall be found by the said auditor, appointed by the court to settle the accounts of county officers, to have been received by any officer in any one year: Provided, That if two or more of said offices shall be held by one person, the said auditor shall add together the fees received in the offices so held, and shall charge the same percentage on the aggregate amount of fees received by such person holding more than one of said offices. A copy of the report of the said auditor, when completed, shall be presented by him to the court of common pleas of the county, and filed among the records of said court; which said report shall thereafter have all the force and effect of, and be subject to the same procedure as applies to, the report of the county auditors.

The fees to be received by the coroner of each county of the eighth class shall, in cases of murder or manslaughter, be paid by the slayer, or his estate if recovery can be had, otherwise and in all other cases by the county. The fees shall be as follows:

For viewing a dead body, eighteen dollars (\$18); summoning and qualifying inquest, drawing and returning all inquisitions, nine dollars fifty cents (\$9.50); summoning and qualifying each witness, three dollars (\$3); to be paid out of the goods, chattels, lands, or tenements of the slayer (in cases of murder or manslaughter), if any he hath, if otherwise, by the county, with mileage at the rate of ten cents (10¢) for each mile circular traveled from the court house to the place of viewing the body; exe-

cutting any process or writs of any kind, the same fees as are allowed to the sheriff and the same mileage.

Section 6. (a) Section 5 of the act of November 1, 1971 (P.L.495, No.113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," is repealed insofar as it is inconsistent with the provisions of this act.

(b) The provisions of subsection (a) and section 1401(g) of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, shall not affect the powers granted to county commissioners under section 10.1 of the act of November 1, 1971 (P.L.495, No.113), to increase the salaries of part-time district attorneys.

Section 7. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

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

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

This amendment is similar to the amendment which the House just reacted negatively to. This amendment lowers the scale even further in the classifications of counties from fifth through eighth class, whereby the fifth-class district attorney serving part time would receive 48 percent; sixth class, 43 percent; seventh class, 38 percent; and eighth class, 33 percent of what a full-time district attorney receives.

Mr. Speaker, in response to some of the comments made in the previous debate, I would again like to remind the membership that we are not usurping the county commissioners in any way, shape, or form through this amendment or through the last one which failed in that the county commissioners currently are working under caps which are in the law. We are not removing caps; we are elevating the caps. The county commissioners still have the right to make any adjustments in the general fund budgets allocated to district attorneys' offices to more than adequately offset any increases in the salary of the individual who must stand before the public, go before the voters, and run for office every 4 years.

I am not an attorney myself, but it is a shame that we have assistants working for elected officials making far in excess of what the elected official is allowed to make because of the law that is currently on the books.

If this amendment fails and SB 704 passes, which I believe it will, it leaves the county commissioners with no other choice than to either elevate their district attorney to a full-time status or to leave them at the current part-time status at the very low salary scale they are now receiving. I do not think this is fair. I think that this is a very down-the-middle compromise and one which will go a long way in solving some inequities. Thank you, Mr. Speaker.

The SPEAKER. On the second Belfanti amendment, the Chair recognizes the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

I rise again to oppose this amendment. The maker of the amendment says that we are not doing anything different here; we are just setting caps. I believe if we are setting caps, we are setting them selectively. We gave the county commis-

sioners the right to set salaries for all the elected officials in the county offices, and I do not believe we should begin to pick one at a time here and set caps on what limits we could go to.

There is going to be a lot of debate here about raising millage. I guess the county bill went through here to increase millage. Most of our counties are now having problems, and regardless of what increase we give to officials out there without the knowledge of the county commissioners, it is going to take an increase in taxes to pay those bills. So I ask the House to oppose this amendment.

The SPEAKER. On the second amendment, the Chair recognizes the gentleman from Wayne, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I am going to again ask you to respond negatively, in Mr. Belfanti's words, to this amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—68

Afflerbach	Donatucci	Markosek	Saloom
Barber	Evans	Mayernik	Seventy
Belfanti	Fattah	Michlovic	Sirianni
Bortner	Gallagher	Morris	Stewart
Burns	Gamble	Murphy	Sweet
Caltagirone	Harper	Noye	Taylor, F. E.
Carlson	Josephs	O'Donnell	Trello
Carn	Kasunic	Olasz	Truman
Cohen	Kosinski	Oliver	Van Horne
Colafella	Kukovich	Petrarca	Veon
Cole	Laughlin	Petrone	Wambach
Deluca	Lescovitz	Piccola	Wass
DeWeese	Levdansky	Pievsky	Wiggins
Daley	Linton	Pistella	Wozniak
Dawida	Livengood	Pratt	
Deal	Maiale	Preston	Irvis,
Dininni	Manderino	Rieger	Speaker
Dombrowski	Manmiller		

NAYS—127

Angstadt	Davies	Jackson	Rudy
Argall	Dietz	Jarolin	Ryan
Arty	Distler	Kennedy	Rybak
Baldwin	Dorr	Kenney	Saurman
Barley	Duffy	Langtry	Scheetz
Battisto	Durham	Lashingar	Schuler
Belardi	Fargo	Letterman	Semmel
Birmelin	Fee	Lloyd	Serafini
Black	Fischer	Lucyk	Showers
Blaum	Flick	McCall	Smith, B.
Book	Foster, Jr., A.	McClatchy	Smith, L. E.
Bowley	Fox	McHale	Snyder, D. W.
Bowser	Freeman	McVerry	Snyder, G. M.
Boyes	Fryer	Mackowski	Staback
Brandt	Gallen	Merry	Stairs
Broujos	Gannon	Micozzie	Steighner
Bunt	Geist	Miller	Stevens
Burd	George	Moehlmann	Stuban
Bush	Gladeck	Mowery	Swift
Cappabianca	Godshall	Mrkonic	Taylor, E. Z.
Cawley	Greenwood	Nahill	Taylor, J.
Cessar	Gruitza	O'Brien	Telek
Chadwick	Gruppo	Perzel	Tigue
Cimini	Hagarty	Phillips	Vroon
Civera	Haluska	Pitts	Weston
Clymer	Hasay	Pott	Wilson
Cordisco	Hayes	Pressmann	Wogan
Cornell	Herman	Punt	Wright, D. R.

Coslett	Hershey	Raymond	Wright, J. L.
Cowell	Honaman	Reber	Wright, R. C.
Coy	Howlett	Reinard	Yandrisevits
DeVerter	Itkin	Robbins	

NOT VOTING—4

Acosta	Johnson	Levin	Roebuck
--------	---------	-------	---------

EXCUSED—4

Clark	Freind	Hutchinson	Richardson
-------	--------	------------	------------

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?
 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?

PARLIAMENTARY INQUIRY

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

Mr. SAURMAN. Thank you, Mr. Speaker. Just a question.

It was my understanding the other day that we voted the prior printer's number on this bill. The calendar shows PN 1067, and I thought the prior printer's number was 903. I would just like a clarification on that.

The SPEAKER. We believe that is the prior printer's number to which we returned, but we will check it.

Mr. SAURMAN. Thank you, sir.

The SPEAKER. Yes, it is; 1067 is the correct prior printer's number, Mr. Saurman.

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—187

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

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

NAYS—7

Bowley	Fryer	Lloyd	Tigue
Broujos	Letterman	Pratt	

NOT VOTING—5

Gallen	Linton	Roebuck	Wright, R. C.
Howlett			

EXCUSED—4

Clark	Freind	Hutchinson	Richardson
-------	--------	------------	------------

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Berks, Mr. Davies, rise in place?

Mr. DAVIES. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state the question.

Mr. DAVIES. In light of the highly favorable vote the dress code legislation for public school children received last week, would you be so kind as to suspend the rules of this august body to permit some of those zealous disciplinarians who supported that legislation to bring themselves in compliance and conform with the standards of dress in these hallowed halls? That adage of what is good for the goslings should apply to the geese.

The SPEAKER. The gentleman, Mr. Davies, has just succeeded in calling all of us geese, and if you are acquainted with geese, in any minimal amount of time you will know that geese make a lot of noise and do not get very much done.

MISS TEEN OF AMERICA PRESENTED

The SPEAKER. The Chair is delighted to welcome to the hall of the House the young lady who is Miss Teen of America.

The Chair invites the gentleman from Cumberland, Mr. Kennedy, to come to the podium, and Miss Teen of America will speak at the clerk's microphone.

Mr. Kennedy.

Mr. KENNEDY. Thank you, Mr. Speaker, fellow members.

I believe it has been quite some time, I think, that we have had with us a real winner.

Miss Wharton resides right here in central Pennsylvania in Cumberland County, and I am quite proud to present her to you. If I could take 120 seconds, I will read just a few excerpts from a press release that was released here this summer expressing her achievements. It says, and I quote:

Amy Wharton is true to her convictions.

In addressing her graduating class at Mechanicsburg High School just four months ago, she told her classmates to "go for it."

Last night she won it all at the Miss Teen of America Scholarship and Recognition Pageant.

She competed against 61 fellow Pennsylvania young ladies and won that. She competed against 49 other young ladies in America and won that. I think for the people in Pennsylvania we can be most proud, and it certainly would warrant at this time the presentation of a House citation prepared by myself and Representative Hal Mowery, along with the Speaker of the House. For just another moment, I will read the language of the citation.

WHEREAS, Amy Wharton, the eighteen year old daughter of Dean and Marcia Wharton of Mechanicsburg, represented Pennsylvania in the Miss Teen of America Scholarship and Recognition Pageant and was crowned Miss Teen of America, the young woman who best exemplifies the wholesome, well-rounded teen image; and

WHEREAS, a 1985 graduate of Mechanicsburg High School, Miss Wharton was a member of the National Honor Society, National Art Honor Society, Student Council, yearbook staff, speech team, and was a charter member and vice president of a peer counseling center and chairman of a school fair for African famine relief. Her efforts have been rewarded with the Gold Key Scholastic Writing Award for a short story, the Mechanicsburg Education Award, an Informative Speaking Award at the State Speech Team Competition, and the President's Academic Fitness Award.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania extends hearty congratulations to Amy Wharton on being crowned Miss Teen of America; wishes her the best in her future endeavors; and further directs that a copy of this citation be delivered to Amy Wharton, 813 Flintlock Ridge Road, Mechanicsburg, Pennsylvania 17055.

It is my pleasure, my honor, to congratulate the parents and to present to you, Amy, this wonderful citation.

Miss WHARTON. Mr. Speaker, members of the House, press, and friends, thank you very much for this wonderful honor, and it is an honor, and thank you very much for inviting me here today. I am so glad to have this opportunity to tell you a little bit about what the Miss Teen of America Pageant is all about.

This is a scholarship and recognition pageant, and it is also the first pageant I have ever been involved with. I think I chose to participate in this pageant because it had unique criteria for the candidate. We were judged on six different categories, and beauty was not one of them. Twenty-five percent of our judging was based on the judge's interview. We were also judged in formal wear, on poise and appearance. We were judged scholastically. One-fourth of the girls at the national pageant were ranked number one in their class. We were also judged on our service and achievement to our school and community. We were judged on our personal development, which was anything that we felt helped developed us as a person. And we had to take a written awareness test. This had 120 questions and was based on all different kinds of questions about the environment around us.

The Miss Teen of America Pageant was a wonderful experience from the very start, and I believe that I can say that for the thousands of other girls who participated with me. We learned so much about ourselves when we had to evaluate how we feel about different issues in the world, how our values are, what we believe to be our greatest accomplishments, and what we feel interests us most. We also gained responsibility and time management, and we also found an insight into how much time and effort it takes to raise money for worthwhile causes. Our national charity was the March of Dimes, and we raised over \$56,000 this year, and I feel that is a great accomplishment.

Winning was a wonderful experience, almost indescribable, and in the next 3 days after the night of the pageant I had 13 appearances. So I believe this is going to be a wonderful learning experience for me. Foremost, this is a scholarship pageant. I received a \$16,000 scholarship, and I hope to apply that well to the Pennsylvania State University. Right now I am enrolled as a freshman in speech communications.

I will be doing many things throughout the year. I will be attending the National Cerebral Palsy Telethon; I will be spending 2 weeks in Australia in February with an average of five appearances a day; I will also be attending the Academy of American Achievement in Washington, D.C., where I will be meeting many achievers, and that is going to be very exciting. It was a great thrill for me to be involved with many girls who were achievers and who were leaders in their school and community. It was an inspiration.

I want to just tell you that from the moment this pageant became a part of my life when I was chosen to represent Pennsylvania as Miss Teen of Pennsylvania, I felt a deep responsibility and an honor, and now that I have been chosen to represent all of America, I still feel a deep responsibility and an honor to represent Pennsylvania as well. And as I travel throughout the world, I hope that when I come in contact

with many people, they will get a feel of the wonderful State of Pennsylvania through me. Thank you very much.

The SPEAKER. Miss Wharton, we have long believed that we have the best teenagers in the world, and you are well on your way to proving it. We are very honored to have you here. I understand your mother and father are here with you. Please raise your hands so we may honor you, too. Congratulations.

We are absolutely delighted with you. You epitomize the type of young person we believe in in the hall of this House, and we know you will carry the flag of this Commonwealth wherever you go. Congratulations and God be with you.

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 recurring,

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

Mr. PICCOLA offered the following amendment No. A3403:

Amend Sec. 1 (Sec. 508), page 3, line 1, by inserting after "permit."
If a tract is to be subdivided but one or more of the subdivided parcels are not to be developed under the terms of the application for plat approval, no highway occupancy permit shall be required for the parcel or parcels which are not to be developed.

On the question,

Will the House agree to the amendment?

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

Mr. PICCOLA. Thank you, Mr. Speaker.

SB 901 is an amendment to the Municipalities Planning Code, and it would require that before a municipality or the governing body of a municipality approves a subdivision plan under its subdivision ordinance, it would have to require the developer to obtain highway occupancy permit action from the Pennsylvania Department of Transportation. The Pennsylvania Department of Transportation, however, has a policy whereby they will not approve such highway occupancy permits until such time as the developer indicates exactly what use he intends to put the subdivided land to. Many times a developer will approach a municipality requesting subdivision but not yet know exactly what he intends to place upon the land that he is subdividing.

If this bill becomes law in its present form, many developers will be in a "Catch 22" situation where they will not be able to get highway occupancy permits and they will not be able to get subdivisions. This amendment would change that and I think improve the bill by requiring that if there is no requirement in

the application for subdivision that requires approval of any kind of development, that it would not be necessary for that developer to go to the Department of Transportation for its highway occupancy permit, and then the local municipality can approve or disapprove the subdivision without the input from the Department of Transportation.

I ask for approval of the amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Lehigh, Mr. Afflerbach.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

I rise to oppose the amendment. I believe the amendment creates a giant loophole in the bill and essentially would destroy the intent of the bill.

Under the amendment, a developer could conceivably subdivide a project and indicate to the township and to the Department of Transportation that he intends to actually at the present time develop only one small parcel, which would require a permit for access to the highway. Based upon that information, this amendment would require that the Department of Transportation consider the issuance of a permit whereas 90 percent of that subdivision may be sitting there without any plans being made known for it.

As I understand the purpose of the bill, it is to provide a check on congestion on the highways so that PennDOT can insure that certain traffic safety measures will be taken when the development occurs. I think the amendment would essentially allow a developer to get away without saying what he wants to do with perhaps 90 percent of the land. That would create a giant loophole. It would defeat the purpose of the bill, and I ask for defeat of the amendment.

The SPEAKER. For the second time on his amendment, the Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Mr. Speaker, I believe the gentleman is probably correct in his assessment, but I do not look at it as a loophole.

By not adopting this amendment, you are going to impose a great hardship on many developers who come in and attempt to get a subdivision not knowing what they want to put on maybe one, two, or most of the parcels in that particular subdivision. And if that use is not a condition of subdivision—which it is not, in most instances; land use is not part of the subdivision process, it is part of the building permit process, and I am not going to be offering this amendment to the building permit bill, which is SB 902—but by not adopting this amendment, you will place developers in a "Catch 22" situation where they will not be able to get their highway occupancy permits and they will not be able to get their subdivisions. It is going to tie up a great many municipalities and subdivisions in those municipalities unnecessarily.

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

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—176

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

NAYS—20

Afflerbach	Haluska	Michlovic	Truman
Carn	Harper	Morris	Yandrisevits
Cohen	Josephs	Pressmann	
Dawida	Kosinski	Preston	Irvis,
Fattah	McHale	Rybak	Speaker
Freeman	Maiale		

NOT VOTING—3

Dombrowski	Lashing	Oliver	
------------	---------	--------	--

EXCUSED—4

Clark	Freind	Hutchinson	Richardson
-------	--------	------------	------------

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

On the question recurring,

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

Mr. D. W. SNYDER offered the following amendments No. A3416:

Amend Sec. 1 (Sec. 508), page 2, line 27, by inserting after "REQUIRED"

in which case the department shall notify the municipality in writing

Amend Sec. 1 (Sec. 508), page 2, line 28, by inserting after "ISSUED"

and the department shall notify the municipality in writing

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Snyder.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

SB 901, as it is written on page 2 of the bill, requires that a municipality may not approve a subdivision plat unless it either receives a highway occupancy permit or receives in writing that no highway occupancy permit is necessary. When the bill was amended in the Senate, the Senate allowed various options of action for PennDOT to take. Two of those were the determination that no permit is required, or that if they fail to take any action within 60 days, the permit would be automatically approved.

Mr. Speaker, the way the bill is now written, if PennDOT does nothing or it makes a determination on its own that no permit is necessary, the municipality will never receive anything in writing and will basically be in limbo and not know whether or not to approve the subdivision. This amendment requires that in those cases as I have mentioned, the Department would notify the municipality in writing that, one, no permit is required; or two, that no action was taken within 60 days and, therefore, the permit is approved.

This amendment has been discussed with the Department of Transportation, and they are in agreement with it. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

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

Bush	Godshall	Mrkonic	Swift
Caltagirone	Greenwood	Murphy	Taylor, E. Z.
Cappabianca	Gruitza	Nahill	Taylor, F. E.
Carlson	Gruppo	Noye	Taylor, J.
Carn	Hagarty	O'Brien	Telek
Cawley	Haluska	O'Donnell	Tigue
Cessar	Harper	Olasz	Trello
Chadwick	Hasay	Oliver	Truman
Cimini	Hayes	Perzel	Van Horne
Clymer	Herman	Petrone	Veon
Cohen	Hershey	Phillips	Vroon
Colafella	Honaman	Piccola	Wambach
Cole	Howlett	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	Kenny	Raymond	Wright, R. C.
Daley	Kosinski	Reber	Yandrisevits
Davies	Kukovich	Reinard	
Dawida	Langtry	Rieger	Irvis,
Deal	Lashingner	Robbins	Speaker
Dietz	Laughlin		

NAYS—0

NOT VOTING—3

Civera	Mowery	Petrarca	
Clark	Freind	Hutchinson	Richardson

EXCUSED—4

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?

On final passage, the Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, I would like to make some observations on this bill.

When you apply for an occupancy permit, it is a very long and involved process. You make an application; the department reviews it; they send it to at least two or three different desks within the department with respect to traffic safety and gosh knows what else. When they finally approve it, or even prior to approval, they require plans and designs. The developer has to get a surveyor often, or a planner. He has to decide what use he is going to make of the land. It may be a commercial use; it may be a residential use. There are site inspections. You go back and you get rejected the first, second, and third time. You go back and you spend all kinds of money, and the implementation of this act, the way it is written, is going to impose extraordinary costs on developers and homeowners and increase the cost of lots and development to an extraordinary amount.

It does not help to have Representative Piccola's amendment. Even though it is a good amendment indicating that a lot is not to be developed, it is vague and broad. It does not say developed within a week, or not to be developed within a year. It leaves the whole question open. It has probably got constitutionally infirm problems of being vague and unenforceable. For what it is worth, I would strongly recommend that the House reject the entire bill.

BILL RECOMMENDED

Mr. BROUJOS. I would make a motion first that it be recommitted for study and continued analysis by the Transportation Committee.

The SPEAKER. It is moved by the gentleman, Mr. Broujos, that SB 901, as amended, be recommitted to the Committee on Transportation for further study.

On the question,

Will the House agree to the motion?

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

Mr. DORR. Mr. Speaker, I agree with the gentleman.

This bill has some very good things in it. I think it is important. We are having some difficulty getting driveway permits in our area, and some indicate that the problem is a matter of liability with regard to close questions that PennDOT may be faced with in issuing those permits. That portion of the bill I agree with.

However, the gentleman makes a good point—and I agree with him—that this bill requires some additional study and ought to be looked at with respect to whether or not it will really impede unnecessarily the development process. I can just imagine what kinds of calls members of the General Assembly are going to be getting over the next how many years in order to try to get PennDOT moving to get driveway permits out, which are holding up entire subdivision movements now, if we pass this bill. That is, developers will not even be able to do the site improvement or anything else, maybe even acquire land, until driveway permits are issued.

Mr. Speaker, I think the bill requires some additional examination, and I support the gentleman's motion for recommitment.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—161

Acosta	Dombrowski	Letterman	Rybak
Afflerbach	Donatucci	Levdansky	Saloom
Angstadt	Dorr	Linton	Saurman
Argall	Duffy	Livengood	Scheetz
Arty	Durham	McCall	Schuler
Baldwin	Evans	McClatchy	Semmel
Barber	Fargo	McHale	Serafini
Barley	Fischer	McVerry	Seventy
Battisto	Flick	Mackowski	Showers
Belfanti	Fox	Manderino	Sirianni
Birmelin	Freeman	Manmiller	Smith, B.
Black	Fryer	Markosek	Smith, L. E.

Book	Gallagher	Mayernik	Stairs
Bortner	Gallen	Merry	Steighner
Bowser	Gamble	Michlovic	Stevens
Brandt	Gannon	Miller	Stewart
Broujos	Geist	Moehlmann	Stuban
Burd	George	Mowery	Sweet
Burns	Godshall	Murphy	Swift
Bush	Greenwood	Nahill	Taylor, E. Z.
Caltagirone	Gruitza	O'Donnell	Taylor, F. E.
Carlson	Gruppo	Olasz	Telek
Carn	Hagarty	Oliver	Trello
Chadwick	Haluska	Petrarca	Truman
Cimini	Harper	Petrone	Van Horne
Clymer	Hasay	Phillips	Veon
Cohen	Hayes	Piccola	Vroon
Cole	Herman	Pistella	Wambach
Cornell	Hershey	Pitts	Wass
Coslett	Honaman	Pott	Weston
Cowell	Jackson	Pratt	Wiggins
Coy	Jarolin	Pressmann	Wilson
Deluca	Johnson	Preston	Wozniak
DeWeese	Josephs	Punt	Wright, D. R.
Daley	Kasunic	Raymond	Wright, J. L.
Davies	Kennedy	Reinard	Wright, R. C.
Dawida	Kenney	Rieger	Yandrisevits
Deal	Kosinski	Robbins	
Dietz	Kukovich	Roebuck	Irvis,
Dininni	Langtry	Rudy	Speaker
Distler	Laughlin	Ryan	

NAYS—25

Belardi	Colafella	Lloyd	O'Brien
Blaum	Cordisco	Lucy	Pievsky
Bowley	DeVerter	Maiale	Reber
Boyes	Foster, Jr., A.	Morris	Snyder, D. W.
Bunt	Gladeck	Mrkonic	Snyder, G. M.
Cappabianca	Lescovitz	Noye	Tigue
Cessar			

NOT VOTING—13

Cawley	Howlett	Levin	Staback
Civera	Itkin	Micozzie	Taylor, J.
Fattah	Lashingier	Perzel	Wogan
Fee			

EXCUSED—4

Clark	Freind	Hutchinson	Richardson
-------	--------	------------	------------

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

* * *

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 recurring,

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

Mr. D. W. SNYDER offered the following amendments No. A3417:

Amend Sec. 1 (Sec. 1), page 2, line 26, by inserting after "REQUIRED"

in which case the department shall notify the municipality in writing

Amend Sec. 1 (Sec. 1), page 2, line 28, by inserting after "ISSUED"
and the department shall notify the municipality in writing

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Lehigh, Mr. Snyder.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

The explanation that I gave on the amendment to SB 901 that I sponsored is identical to this amendment. Again I ask for support. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

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	Lucy	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.	Majale	Sirianni
Book	Fox	Manderino	Smith, B.
Bortner	Freeman	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
Bush	Godshall	Mowery	Sweet
Caltagirone	Greenwood	Mrkonic	Swift
Cappabianca	Gruitza	Murphy	Taylor, E. Z.
Carlson	Gruppo	Nahill	Taylor, F. E.
Carn	Hagarty	O'Brien	Taylor, J.
Cawley	Haluska	O'Donnell	Telek
Cessar	Harper	Olasz	Tigue
Chadwick	Hasay	Oliver	Trello
Cimini	Hayes	Perzel	Van Horne
Clymer	Herman	Petrarca	Veon
Cohen	Hershey	Petrone	Vroon
Colafella	Honaman	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	Rieger	Speaker
Dietz			

NAYS—0
NOT VOTING—4

Civera Howlett Noye Truman

EXCUSED—4

Clark Freind Hutchinson Richardson

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?

BILL RECOMMENDED

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

Mr. BROUJOS. Mr. Speaker, I would like to make the same motion.

However, I would like to preface it with the remark that I think the objective is sound. There are buyers of property who innocently buy property and suddenly find they do not have an occupancy permit and nobody said anything to them at the time of the settlement or any other time. So the objective is sound, but because of the highly technical implementation of it and the great costs—I am sure there is a way that it can be resolved—I would move again to recommit to the Committee on Transportation.

The SPEAKER. It has been moved by the gentleman, Mr. Broujos, that SB 902, as amended by Mr. Snyder, be recommended to the Committee on Transportation for further study.

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

The following roll call was recorded:

YEAS—176

Acosta	Donatucci	Lucyk	Rybak
Afflerbach	Dorr	McCall	Saloom
Angstadt	Duffy	McClatchy	Saurman
Argall	Durham	McHale	Scheetz
Arty	Evans	McVerry	Schuler
Baldwin	Fargo	Mackowski	Sennel
Barber	Fattah	Manderino	Serafini
Barley	Fee	Manmiller	Seventy
Battisto	Fischer	Markosek	Showers
Belfanti	Flick	Mayernik	Sirianni
Birmelin	Fox	Merry	Smith, B.
Black	Freeman	Michlovic	Smith, L. E.
Book	Fryer	Miller	Snyder, D. W.
Bortner	Gallagher	Moehlmann	Staback
Bowser	Gallen	Mowery	Stairs
Brandt	Gamble	Mrkonic	Steighner
Broujos	Gannon	Murphy	Stevens
Bunt	Geist	Nahill	Stewart
Burd	George	Noye	Stuban
Burns	Gladeck	O'Brien	Sweet
Bush	Godshall	O'Donnell	Swift
Caltagirone	Gruitza	Olasz	Taylor, E. Z.

Cappabianca	Gruppo	Oliver	Taylor, F. E.
Carlson	Hagarty	Perzel	Taylor, J.
Carn	Harper	Petrarca	Telek
Cawley	Hayes	Petrone	Trello
Cessar	Herman	Phillips	Truman
Chadwick	Hershey	Piccola	Van Horne
Cimini	Honaman	Pievsky	Veon
Clymer	Jackson	Pistella	Vroon
Cohen	Jarolin	Pitts	Wambach
Cole	Johnson	Pott	Wass
Cornell	Josephs	Pratt	Weston
Coslett	Kasunic	Pressmann	Wiggins
Cowell	Kennedy	Preston	Wilson
Coy	Kenney	Punt	Wogan
Deluca	Kosinski	Raymond	Wozniak
DeWeese	Kukovich	Reber	Wright, D. R.
Davies	Langtry	Reinard	Wright, J. L.
Dawida	Laughlin	Rieger	Wright, R. C.
Deal	Letterman	Robbins	Yandrisevits
Dietz	Levdansky	Roebuck	
Dininni	Levin	Rudy	Irvis,
Distler	Linton	Ryan	Speaker
Dombrowski	Livengood		

NAYS—18

Belardi	Cordisco	Haluska	Maiale
Blaum	DeVerter	Hasay	Morris
Bowley	Daley	Lescovitz	Snyder, G. M.
Boyes	Foster, Jr., A.	Lloyd	Tigue
Colafella	Greenwood		

NOT VOTING—5

Civera Itkin Lashinger Micozzie
Howlett

EXCUSED—4

Clark Freind Hutchinson Richardson

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

* * *

The House proceeded to third consideration of **HB 357, PN 2223**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," creating the Bureau for Economically Disadvantaged Municipalities in the Department of Community Affairs; and providing for its powers and duties.

On the question,
Will the House agree to the bill on third consideration?
Mr. RYAN offered the following amendment No. A3534:

Amend Sec. 1 (Sec. 2501-C.1), page 4, line 16, by inserting after "COUNTY"
and the population of which does not exceed 100,000

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

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

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, there really is not a whole lot of information available on this particular bill as to the fiscal impact it will have on the State Treasury. I have seen varying comments. I have seen amounts that just the PennDOT portion of it could be and would be in excess of \$15 million. I have seen a fiscal

note, which I believe is from the majority Appropriations Committee, that simply stated that there could be a substantial cost factor involved in this without putting a number on it. I think for the most part we are really operating in the dark as to what the fiscal effect of this bill is. I read through the bill—

The SPEAKER. Will the gentleman yield?

Why does the gentleman from Westmoreland, Mr. Kukovich, rise?

Mr. KUKOVICH. Mr. Speaker, none of the members around me have a copy of that amendment. I just query whether it has been circulated.

The SPEAKER. How many members do not have it? Looks like you have a majority.

Mr. Ryan, we apologize. We have the amendment here and we thought it had been circulated. It is downstairs being duplicated.

Would you yield the floor to Mr. Dorr—

Mr. RYAN. Of course.

The SPEAKER. —so that he may offer his amendment, and by that time we hope your amendment will be ready to be circulated. The Chair apologizes. The Chair thought we had it.

The Chair recognizes the gentleman from York, Mr. Dorr, who offers the following amendment. You do not have an amendment?

Mr. DORR. Mr. Speaker, after discussion with the majority leader, he indicates that legislation is moving, or will be moved, to reconstitute and reenact the Independent Regulatory Review Commission law, which was my concern, and therefore, I have agreed to withdraw this amendment at this time.

The SPEAKER. Very well.

BILL PASSED OVER TEMPORARILY

The SPEAKER. We will mark it over temporarily.

The House will stand at ease. We are informed here that the amendment will be up very shortly.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, this amendment is really very simple. If the members want, I will make a brief explanation of what the amendment does, and if they still desire to hold until they get it, I, of course, have no objection.

All my amendment does is change the definition of a distressed municipality that would qualify under either of these two bills—I will have one amendment for the next bill as well—to municipalities in excess of 100,000 people. That is the net effect of my amendment. But the preamble, before I offer it, is what I consider important.

The SPEAKER. Mr. Ryan, we think it better, and we are sure you will agree, having been at this podium, we think it better to have the amendment circulated. We will wait until it is ready to be circulated.

Mr. RYAN. Mr. Speaker, I am such a close reader of the printed word that I misdescribed my own amendment.

The SPEAKER. That is the reason we decided not to forward it.

Mr. RYAN. Well, I am reading it, too, so I do not know what will happen.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1196, PN 2385 (Amended)

By Rep. TRELLO

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), known as "The Fiscal Code," further providing for the disposition of certain personal property held by municipalities.

FINANCE.

HB 1670, PN 2129

By Rep. TRELLO

An Act amending the act of May 21, 1923 (P. L. 288, No. 184), entitled "An act to better secure all bonds, stocks, mortgages, or other securities deposited with the State Treasurer, by providing for their inspection, examination, and verification, and the verification of the books, containing a record of such bonds, stocks, mortgages, or other securities, by the Auditor General or his agents," providing for an annual examination of securities deposited with the State Treasurer.

FINANCE.

HB 1671, PN 2130

By Rep. TRELLO

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), known as "The Fiscal Code," further providing for the deposit and investment of moneys and the issuance of replacement checks, bonds or certificates.

FINANCE.

HB 1672, PN 2131

By Rep. TRELLO

An Act amending the act of February 17, 1906 (P. L. 45, No. 11), entitled "An act to regulate the deposits of State funds, to prescribe the method of selecting State depositories, to limit the amount of State deposits, to provide for the security of such deposits, to fix the rate of interest thereon, to provide for the publication of monthly statements of moneys in the general and sinking funds, to declare it a misdemeanor to give or take anything of value for obtaining the same, and prescribing penalties for violations of this act," further providing for the time of the quarterly reports.

FINANCE.

HB 1676, PN 2135

By Rep. TRELLO

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), known as "The Fiscal Code," further providing for requisitions out of any fund in the State Treasury.

FINANCE.

SB 542 RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that SB 542 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

CONSIDERATION OF HB 357 CONTINUED

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

The SPEAKER. We understand the Ryan amendment is now being passed out.

The Chair recognizes the minority leader, on the amendment.

Mr. RYAN. Mr. Speaker, as I was saying earlier, I am not convinced that either of these two bills - HB 357 or HB 358 - are technically in a position where we can vote with any confidence on them. What they do, as I understand it, is they make available to some 10 percent of the communities in this State a favored position - favored in the sense that 10 percent of the communities in this State—and that is not by population; that is numerical—would not have to put up their share of any matching grants with certain of our State agencies, certain of our State programs if they fall within the criteria set forth in this bill and in HB 358.

Now, as you read the preamble to these various bills, particularly HB 358, they speak of attempting to help the small municipality. The word "small" is emphasized, I suppose, in the mind of the sponsor of this bill, because we think of the small community, and the example I was given was the small community of some 400 people who cannot raise the money to make a tax grant. Yet when you look at the list that is printed out by the various Appropriations Committees, it shows that these small municipalities include the city of Philadelphia, the city of Pittsburgh, the city of Erie, and so on.

My amendment is reasonably simple. If we are going to help small municipalities, then we should help small municipalities. This amendment would exclude from the municipalities that can be aided any municipality with a population under the 1980 census of 100,000 or more. Thank you, Mr. Speaker.

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

Mr. LAUGHLIN. Mr. Speaker, Mr. Ryan in his earlier statements with regard to the legislation and with regard to his statements on his amendment covers areas of small communities, and he describes them as communities of 400. Now, there are undoubtedly communities of 400 across this State that have the problem that some of our larger communities have. I will describe a few large communities in my area that I deem to be large, because, for instance, Aliquippa has approximately 17,000 people living there. They had a plant that was called LTV Steel that closed down, and we ended up losing some 9,000 jobs in that plant, 3,000 or 4,000 of whom lived in Aliquippa. The end result of that was that Aliquippa's tax base was eroded to such an extent that they do not have money to match State grants with regard to recreational grants; they do not have money to match for beautification grants and other grants that are allocated by the Department of Transportation.

The one in Transportation I will bring to your attention specifically is ramp G that serves a portion of LTV Steel that

is still operating, their tin mill. That ramp needs 1 million dollars' worth of repair work, and there is a requirement in the law that says Aliquippa must come up with 5 percent of that particular funding. They cannot come up with the 5-percent funding, Mr. Speaker, and as a result, that project has been held up for almost a year in discussions of using CD (certificate of deposit) money from the county to try to accomplish it.

Mr. Speaker, throughout the districts of Pennsylvania—and it is not just Beaver County—there are many areas of the State that are affected this way, both Republican and Democrat, that have lost tremendous amounts of tax base over the last few years and now can ill afford to meet these matches. Mr. Ryan says that it is going to take some unlimited figure of money to take care of the program. Well, Mr. Speaker, there is no appropriation in the bill, and the moneys that are appropriated to those departments would be utilized and it would merely be a spacing out of the projects that would be done based on their qualification and their grant position. It would not add any tremendous amount of money to an appropriation to care for these projects.

Mr. Speaker, the gentleman speaks with regard to the communities and their sizes. I know that the city of Pittsburgh and the city of Philadelphia have a considerably greater capability of bond revenues and other moneys to match grants than do small communities, but, Mr. Speaker, in order to be fair, I felt that we would utilize the figure that was suggested by the Appropriations Committee and the formula that I was given to take care of that.

Mr. Speaker, I think that formula affects every member of this House, because it uses the following: "Adjusted mill rate.—The real property tax rate in the municipality multiplied by the assessment ratio percentage."

It changes "Act 511 taxes.—The percentage of increase or decrease in the total tax income derived by the municipality from taxes authorized by the act of December 31, 1965 (P.L.1257, No.511), known as 'The Local Tax Enabling Act,'..." for a period of 5 years.

Mr. Speaker, it goes on from that point to name some additional 8 or 10 items of qualification. These items of qualification were arrived at in discussions with the Department of Transportation, the Department of Community Affairs, the Department of Commerce, and DER (Department of Environmental Resources). It was agreed and thought that we could work this proposal under the present guidelines, Mr. Speaker. Thank you very much.

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

Mr. GRUITZA. Thank you, Mr. Speaker.

Mr. Speaker, I am rising to support Mr. Ryan's amendment, and I do so because, in my way of looking at this legislation, I think it is really aimed at helping the Aliquippas and some of these towns that have really been hard hit by the series of recessions that have kind of deindustrialized much of the State. Although I recognize that our big cities too have had significant problems and have seen some job losses, with

the development in some of the newer technologies and in some of the other areas, it seems to me that the larger cities have been able to recoup many of the jobs. It just seems to me that in addition to being able and perhaps having better borrowing capabilities and things, that our larger cities have been a little more resilient in coming back from the difficult times that we have seen in Pennsylvania.

I think that as a Commonwealth we reach a point in time when we have to pull together and take resources to help one another out. We have seen this with tornadoes, with floods. Well, what we have right now, Mr. Speaker, in some of these municipalities is a bit of an economic crisis. I think that this legislation is aimed at addressing that, and I think that Mr. Ryan has kind of hit the nail on the head with this amendment. I think that it is the smaller municipalities, the Aliquippas, the Sharons, some of these other communities that—In my case we had a project approved by DCA (Department of Community Affairs), a grant, and we could not come up with the matching share to restore some property in town that badly needed done in downtown Sharon.

So I would urge my colleagues, no matter which city you are from, to support this because it is for the good of the Commonwealth. When we get these smaller municipalities back on their feet, the whole Commonwealth is going to be better off for it. So I support Mr. Ryan in this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, as I was listening to the gentleman, something else occurred to me. We are being asked at this time to really label our big cities as distressed communities, economically distressed communities. I have some trouble when on the one hand I am being asked to label the City of Brotherly Love an economically distressed community and on the other hand I am being asked to go into partnership with the City of Brotherly Love for a \$400-million convention center.

I really wonder whether any of our municipalities want the label of economically disadvantaged communities. I do not know how that affects them when they, at some later date, go out to get a bond rating, but my fear is that a city the size of Philadelphia or Pittsburgh, when they have to match something, brother, that is a big match. That is not something small. There are only so many dollars around, and I am concerned that some of the smaller communities, perhaps not as far along in the planning stage, perhaps without the expertise of a large municipal planning department, would not be able to advance their programs, advance their grant application, and by the time they get there, that money would have been used up by the more sophisticated planners and officials of the large cities, who, incidentally, all have lobbyists here to help them along with these programs.

So that is the reason, Mr. Speaker, I would ask for the "yes" vote.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Pressmann, on the amendment.

Mr. PRESSMANN. Mr. Speaker, I represent the city of Allentown, which is a city of over 100,000 people. Right now the city of Allentown is not listed as a distressed community. In the last month our AT&T (American Telephone & Telegraph) works has laid off 900 people; Black & Decker, 800 employees shut down; Mack Trucks laid off 1,000 people, and it is contemplating laying off another 1,800 people; Xebec Company, 200 people shut down. Mr. Speaker, I think it is very likely in the near future Allentown could end up as a distressed community, just as Erie could, which is another city of over 100,000 people, which is not now.

So I ask the gentlemen and ladies of this body to please defeat the Ryan amendment. Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the criteria set up in this bill is a criteria for distressed communities. The Ryan amendment attempts to define "distressed communities" by a population figure. I think this is the wrong approach. We are not mandating to any secretary of any agency in State Government that anything be done. This bill simply says to several of the departments that they may, if they find that the project has such merit and the municipality is unable in any other way to make the local match, they may, at the discretion of the Secretary and at the discretion of the department, relieve the local match.

I think Mr. Ryan is, for purposes that I do not fully understand, making a mountain out of a molehill. To eliminate any community by way of population from even qualifying from a discretionary act of the department head I think is the wrong way to go. We spelled out criteria in the bill that qualifies a community to ask for that kind of discretion. To use a simple population figure and eliminate everyone over that figure, I agree with the previous speakers who say that we should defeat the amendment that does that.

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

Mr. PRESTON. Thank you, Mr. Speaker.

Will the gentleman, Mr. Ryan, stand for brief interrogation?

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

Mr. PRESTON. Thank you.

Mr. Speaker, can you tell me why you came up with the figure of 100,000 people?

Mr. RYAN. It was a round number.

Mr. PRESTON. Can you also tell me, since you made several references where this legislation is to deal with small towns or small cities, where it states that in the legislation? You said it four or five times.

Mr. RYAN. My remarks, I think, Mr. Speaker, were that the accompanying bill—and this is a package, HB 357 and HB 358—if you turn to page 2 of that bill, the wording starting on line 5 of page 2 is, "Because of the severe economic conditions existing in many small municipalities, these municipalities are presently unable to meet these local funding requirements for State aid." That is what first struck me that it was

something for small municipalities, and then when I saw the printout and realized that the 10-percent qualifying number—which, Mr. Manderino, I might add, that 10 percent is as arbitrary as my 100,000—

Mr. PRESTON. Point of order, Mr. Speaker.

Mr. RYAN. I am answering your question, Mr. Speaker.

Mr. PRESTON. I thought we were talking about HB 357, Mr. Speaker.

Mr. RYAN. I am sorry. I did not hear that.

Mr. PRESTON. I thought we were talking about HB 357.

Mr. RYAN. We are.

Mr. PRESTON. Can you show me where in the bill it says anything about small municipalities?

Mr. RYAN. Mr. Speaker, I qualified my remarks saying that HB 357 and HB 358 are a package. You do not get one without the other. The other one is the preamble that sets forth that it is the intent to take care of small municipalities.

Mr. PRESTON. Thank you, Mr. Speaker.

May I address the Ryan amendment?

The SPEAKER. There may be something wrong with the gentleman's microphone. We can barely hear him here, but you are recognized to debate the amendment.

Mr. PRESTON. Thank you.

Since I am going to talk about a round figure that has come up with an awful lot of great knowledge, I am going to oppose the Ryan amendment because of the form and the mannerism that a decision was made just to be round and to toss something out without even probably thinking about it. I do not hear, I have not found any justification of coming again upon a round figure, no matter what form that it was about.

Within my community, within my own district I have one of the designated enterprise zone systems. This bill would erase my district. I have high unemployment, and I have visited within most of the legislative districts within the last 3 years. I can understand that you have the same situations and the same problems that I do, but because of a round figure that is arbitrarily thought up, I cannot really respect that form of a decision from which it came.

I am going to ask you to vote "no" for the Ryan amendment, and I know that to be fair many of you are going to think about what is home. Well, I am only thinking about what is home in my area, and I have continued to support many of the smaller boroughs and towns, and I am going to ask you to be fair also. If not, then go with the round figure.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin, for the second time on the amendment.

Mr. LAUGHLIN. Mr. Speaker, very briefly.

Mr. Speaker, in the final paragraph of the bill on page 3, it speaks very plainly to the discretion granted to the Secretary administering the programs that we are discussing; that is, the four departments I had named earlier - DER, Commerce, Community Affairs, and Transportation. Mr. Speaker, under that particular section it says very clearly that whenever any State program requires a local share by an economically distressed municipality, the Secretary of the department administering that program shall review the proposed

program and shall consult with the officials of the municipality, the director of the bureau, and the members of the General Assembly representing that affected municipality to evaluate the public benefit of the program and the ability of the municipality to provide local share. After this evaluation, the Secretary shall have the authority to reduce the amount or percentage of the local share commensurate with the nature of the project.

Mr. Speaker, that speaks very clearly to any problem that the Representative from Delaware County would have, and it speaks very clearly to the fact that the Secretary of the administration shall make such decisions based on a need factor and not on any population factor that would deny any of your areas help under this bill.

Mr. Speaker, for that reason I would ask you to oppose the amendment.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. May I interrogate the gentleman, Mr. Laughlin?

The SPEAKER. Mr. Laughlin indicates he will stand for interrogation. You are in order, and you may proceed, Mr. Ryan.

Mr. RYAN. Mr. Speaker, Mr. Preston a moment ago took issue with me at suggesting 100,000 as the cutoff number of population. I responded that it was a round number that I arbitrarily picked out of the air. Would you say the same thing is true of your 10 percent of the municipalities so that only 260 qualify? What happens to the guy who has the 261st most economically disadvantaged community? That was an arbitrary number, was it not?

Mr. LAUGHLIN. No, Mr. Speaker. As a matter of fact, what it was was an attempt similar to what the Department of Transportation does, Mr. Speaker, when they pick communities and they pick counties that have a disadvantage with regard to highway funding. The Secretary of Administration has just recently designated three counties of the State where their need factor on their highways is so great that he is providing additional millions of dollars to those counties to bring them up to standard. Mr. Speaker, as your county would fall off this list; as you would then be able to meet that criteria; as your county would then improve its economic circumstance, you would then not be qualified for this program, and other counties that might need the help would move up on that figure, Mr. Speaker. We do that in a number of programs, so I do not want to just single this one out for that response.

Mr. RYAN. Mr. Speaker, my question: Where did the figure of 10 percent come from? Who came up with the figure of the top 10 percent or the lowest, as the case may be? Was that not the writer of the bill, yourself?

Mr. LAUGHLIN. No, Mr. Speaker. If you will check, you will find out that a part of that discussion was with the Appropriations Committee, Mr. Speaker.

Mr. RYAN. But it was a number arbitrarily decided on in good faith?

Mr. LAUGHLIN. Yes, Mr. Speaker. If you wish to use that definition, you may.

Mr. RYAN. Thank you.

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

The following roll call was recorded:

YEAS—116

Angstadt	DeWeese	Jackson	Robbins
Argall	Davies	Johnson	Rudy
Arty	Dietz	Kenney	Ryan
Baldwin	Dininni	Langtry	Saloom
Barley	Distler	Lashingier	Saurman
Belardi	Dorr	Livengood	Scheetz
Birmelin	Durham	Lloyd	Schuler
Black	Fargo	Lucyk	Semmel
Blaum	Fee	McClatchy	Serafini
Book	Fischer	McVerry	Showers
Bortner	Flick	Mackowski	Sirianni
Bowley	Foster, Jr., A.	Manmiller	Smith, B.
Bowser	Fox	Merry	Smith, L. E.
Brandt	Fryer	Micozzie	Snyder, D. W.
Bunt	Gallen	Miller	Snyder, G. M.
Burd	Gannon	Moehlmann	Stairs
Burns	Geist	Morris	Stevens
Bush	George	Mowery	Stewart
Carlson	Gladeck	Nahill	Suban
Cessar	Godshall	Noye	Swift
Chadwick	Greenwood	Phillips	Taylor, E. Z.
Cimini	Gruitza	Piccola	Telek
Civera	Gruppo	Pievsky	Vroon
Clymer	Hagarty	Pitts	Wass
Cordisco	Haluska	Pott	Wilson
Cornell	Hayes	Punt	Wright, D. R.
Coslett	Herman	Raymond	Wright, J. L.
Coy	Hershey	Reber	Wright, R. C.
DeVerter	Honaman	Reinard	Yandrisevits

NAYS—81

Acosta	Duffy	Linton	Rybak
Afflerbach	Evans	McHale	Seventy
Barber	Fattah	Manderino	Staback
Battisto	Freeman	Markosek	Steighner
Belfanti	Gallagher	Mayernik	Sweet
Boyes	Gamble	Michlovic	Taylor, F. E.
Broujos	Harper	Mrkonic	Taylor, J.
Caltagirone	Hasay	Murphy	Tigue
Cappabianca	Howlett	O'Brien	Trello
Carn	Itkin	O'Donnell	Truman
Cawley	Jarolin	Olasz	Van Horne
Cohen	Josephs	Oliver	Veon
Colafella	Kasunic	Perzel	Wambach
Cole	Kennedy	Petrarca	Weston
Cowell	Kosinski	Petrone	Wiggins
Deluca	Kukovich	Pistella	Wogan
Daley	Laughlin	Pratt	Wozniak
Dawida	Lescovitz	Pressmann	
Deal	Letterman	Preston	Irvis,
Dombrowski	Levdansky	Rieger	Speaker
Donatucci	Levin	Roebuck	

NOT VOTING—2

McCall Maiale

EXCUSED—4

Clark Freind Hutchinson Richardson

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?

The Chair recognizes the majority whip on final passage.

Mr. O'DONNELL. Mr. Speaker, I would like to inter-rogate the prime sponsor.

The SPEAKER. Mr. Laughlin indicates he will stand for interrogation. You may proceed, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, there are a couple of points about this that are not at all clear to me. The intention of the bill is obviously sound, and I am wondering how it works as a practical matter.

If the Secretary negotiates with a municipality and comes to the conclusion that the municipality ought to be relieved from the burden of their local match, and let us say the Secretary decides to relieve it altogether, the State of Pennsylvania will continue to put in its share, let us say \$100,000; the municipality is relieved of its obligation to produce its share, let us say \$10,000, but the contractor building the facility still wants \$110,000. Who picks up the other \$10,000?

Mr. LAUGHLIN. Mr. Speaker, the State would pick up that share.

Mr. O'DONNELL. There is no language in HB 357 or HB 358 that I could find that obligates the State to pick up that share. Could you tell me—

Mr. LAUGHLIN. Mr. Speaker, if we in fact relieve the municipality of that share with the Secretary making that decision, the Secretary will, with that decision, also assume the responsibility of the local match.

Mr. O'DONNELL. This is an interesting trail. If the Secretary has now obligated the State of Pennsylvania to pick up that local match, then the Secretary really has the discretion over this appropriation, which raises the next question: Out of what fund would that money come? Would it come out of the stated appropriation for that purpose, say in DER?

Mr. LAUGHLIN. Let us say, Mr. Speaker— And you have, I believe, the list of my particular items in front of you there. I do not have them here. Just a minute.

Very briefly, Mr. Speaker, I will deal with the item "Municipal Solid Waste Planning Grants," providing matching grants of 50 percent for the development or modification of municipal solid waste management plans, for the implementation of existing plans, and for related studies and investigations. The total annual funding of that appropriation, Mr. Speaker, is \$800,000. That means within the scope of the appropriation, Mr. Speaker, the range of the awards go from \$10,000 up to \$149,000. What it means, Mr. Speaker, is that the Secretary, seeing, for instance, as you mentioned, a local municipality needing the additional \$10,000, that appropriation, instead of coming from the particular municipality, would be taken out of the total funding, which is \$800,000, and reduce that funding by \$10,000 as far as the rest of the program is concerned.

The SPEAKER. Have you finished, Mr. O'Donnell?

Mr. O'DONNELL. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I wonder if I may ask the gentleman, Mr. Laughlin, a question along the same lines Mr. O'Donnell was asking him?

The SPEAKER. Mr. Laughlin indicates he will stand for interrogation. You may proceed, Mr. Ryan.

Mr. RYAN. Mr. Speaker, I am looking at the fiscal note prepared by the majority Appropriations Committee to HB 358. I think it applies also to HB 357 with respect to this question. As I read the fiscal note prepared by your Appropriations Committee, it says to me, "In most programs the waivers and additional state funding would not increase state expenditures, but would reduce the number of grants provided from a specific pool of funds."

I think the answer that Mr. O'Donnell was seeking is given in the fiscal note, and that is, to the extent that matching grants are waived, there will be that many less grants for the balance of the State or even for the balance of the State that qualifies for exemption. Is that essentially accurate?

Mr. LAUGHLIN. Mr. Speaker, that is fairly adequate, but what in fact it would do, for instance, if you have \$800,000 to give away in a program and you have to forgive \$10,000 for a local municipality, that local municipality would not move up in qualification based on just the fact that it is distressed. Mr. Speaker, the way it works is this: In a local municipality grant - for instance, a sewer grant - there are qualifications that are given, such as intrusion of sewer water into wells, that require then a higher pointage. There are also numbers of population that are given. There is also the size of the structure of that particular sewer system that is given. In that light, Mr. Speaker, what would happen, very clearly, is that the \$10,000 would be deducted from that program and it would accordingly fall down through the system to the next succeeding program, Mr. Speaker. So in effect what it would do is continue the grant system in line with the point evaluation that each department has, and in fact it would grant those municipalities with the point qualification that are unable to match the grant, Mr. Speaker.

Mr. RYAN. Mr. Speaker, if I may.

MOTION TO RECOMMIT

The SPEAKER. The gentleman may speak on final passage.

Mr. RYAN. Mr. Speaker, I have tried to read these two bills. I have tried to understand the fiscal impact of the two bills. I have tried to figure out what local government communities would be aided; which of the other 90 percent of the local governments would be hurt, and I suggested that perhaps I do not have the qualifications to make such a judgment. Accordingly, I now move that HB 357 be recommitted to the Committee on Local Government, Mr. Speaker.

The SPEAKER. It has been moved by the gentleman, Mr. Ryan, that HB 357 be recommitted to the Committee on Local Government.

On the question,

Will the House agree to the motion?

MOTION TO AMEND

The SPEAKER. The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, can that motion be amended?

The SPEAKER. The Chair is informed that it is perfectly proper to amend it as to the committee of its destination.

Mr. O'DONNELL. On that subject, Mr. Speaker.

The SPEAKER. On the same subject.

Mr. O'DONNELL. Mr. Speaker, I would move to amend the gentleman, Mr. Ryan's motion to have this bill recommitted to the Committee on Consumer Affairs, and I would like to speak on that.

The SPEAKER. Would the gentleman, Mr. Ryan, agree with the amendment?

Mr. RYAN. No, Mr. Speaker. The prime sponsor of the bill is Mr. Laughlin; the chairman of that committee is Mr. Laughlin, and the questions raised have not been answered by that committee. I think the Local Government Committee is the place to handle this, and I would ask for a "no" vote on the amendment that Mr. O'Donnell has offered.

The SPEAKER. The gentleman, Mr. O'Donnell, has offered an amendment to the motion. He suggests that the bill be recommitted to the Committee on Consumer Affairs.

The gentleman, Mr. Ryan, has objected to that and has not accepted it. Therefore, it is a matter for the floor to vote on.

On the question,

Will the House agree to the motion to amend?

The SPEAKER. Do you wish to speak as to your reason for the amendment? You are so recognized, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, the reason for the amendment is that I believe the bills are fundamentally flawed but well intended, and the reason for directing it to that committee is because the prime sponsor is the chairman of that committee. I would feel very confident that if they went to that committee, they would receive a great deal of attention, the bills would come out in a much better drafted form, and I think we could count on the chairman of that committee to move these bills quite expeditiously back to the floor of the House for full consideration. I think sometimes motions are made on this floor with at least a view toward the bill disappearing. I think if we sent it back to that committee, we could be sure that the bill would not disappear. I think this is a very important bill and it is something we need to do, but I do think it needs more drafting.

The SPEAKER. On the amendment, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I am confident that Mr. O'Donnell is right. If these bills go back into Mr. Laughlin's committee, they will probably be out tomorrow. I think that Mr. Fryer's committee can better look out for the local governments of this State than can Consumer Affairs or Appropriations, which has had a shot at this. I have confidence in Mr. Fryer's committee to see to it that the local governments

in this Commonwealth are not penalized by a bill of this nature.

I would ask for a "no" vote.

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

Mr. GALLEN. Mr. Speaker, I endorse Mr. Ryan's position with regard to Mr. O'Donnell's amendment.

Mr. Speaker, it stands to reason that some municipalities will benefit if this legislation is enacted. By the same token, people who do not benefit will be hurt. I think that the Local Government Committee should take a look at the overall picture. Thank you, Mr. Speaker.

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

Mr. LAUGHLIN. Mr. Speaker, I believe that if Mr. Ryan had taken a look, he would have seen that working on this program and in conjunction with this program was a portion of the Governor's administration and that their information came to us originally in a form indicating support for such distressed communities.

Mr. Speaker, I can assure you that if that bill is assigned to my committee, as Representative O'Donnell has indicated, there will be any consideration that the gentleman wishes. I can also say, Mr. Speaker, that if I had my way, I would run the bill and pass it.

The SPEAKER. Those in favor of the amendment suggested by the gentleman, Mr. O'Donnell, that the bill, if it is to be in fact recommitted, will be recommitted to the Committee on Consumer Affairs, will vote "aye"; those opposed will vote "no."

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

The following roll call was recorded:

YEAS—92

Acosta	Dombrowski	Linton	Roebuck
Afflerbach	Donatucci	Lloyd	Rudy
Baldwin	Duffy	Lucyk	Rybak
Barber	Evans	McCall	Seventy
Battisto	Fattah	McHale	Showers
Belardi	Freeman	Maiale	Staback
Belfanti	Fryer	Manderino	Steighner
Blaum	Gallagher	Markosek	Stewart
Boyes	Gruitza	Mayernik	Suban
Broujos	Haluska	Mrkonic	Sweet
Caltagirone	Harper	Murphy	Taylor, F. E.
Cappabianca	Hasay	O'Donnelli	Tigue
Carn	Howlett	Olasz	Trello
Cawley	Itkin	Oliver	Truman
Cohen	Jarolin	Perzel	Van Horne
Colafella	Josephs	Petrarca	Veon
Cole	Kasunic	Petrone	Wambach
Cordisco	Kosinski	Pievsky	Wiggins
Cowell	Kukovich	Pistella	Wright, D. R.
Coy	Laughlin	Pratt	Yandrisevits
Deluca	Lescovitz	Pressmann	
Daley	Letterman	Preston	Irvis,
Dawida	Levdansky	Rieger	Speaker
Deal	Levin		

NAYS—105

Angstadt	Dininni	Kennedy	Ryan
Argall	Distler	Kenney	Saloom
Arty	Dorr	Langtry	Saurman
Barley	Durham	Lashingier	Scheetz
Birmelin	Fargo	Livengood	Schuler
Black	Fee	McClatchy	Semmel
Book	Fischer	Mackowski	Serafini
Bortner	Flick	Manmiller	Sirianni
Bowley	Foster, Jr., A.	Merry	Smith, B.
Bowser	Fox	Micozzie	Smith, L. E.
Brandt	Gallen	Miller	Snyder, D. W.
Bunt	Gamble	Mochlmann	Snyder, G. M.
Burd	Gannon	Morris	Stairs
Burns	Geist	Mowery	Stevens
Bush	George	Nahill	Swift
Carlson	Gladeck	Noye	Taylor, E. Z.
Cessar	Godshall	O'Brien	Taylor, J.
Chadwick	Greenwood	Phillips	Telek
Cimini	Gruppo	Piccola	Vroon
Civera	Hagarty	Pitts	Wass
Clymer	Hayes	Pott	Weston
Cornell	Herman	Punt	Wilson
Coslett	Hershey	Raymond	Wogan
DeVerter	Honaman	Reber	Wozniak
DeWeese	Jackson	Reinard	Wright, J. L.
Davies	Johnson	Robbins	Wright, R. C.
Dietz			

NOT VOTING—2

McVerry	Michlovic
---------	-----------

EXCUSED—4

Clark	Freind	Hutchinson	Richardson
-------	--------	------------	------------

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

BILL RECOMMITTED

The SPEAKER. The question recurs, shall the bill, HB 357, be recommitted to the Committee on Local Government?

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

The SPEAKER. On that motion, the Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, I was not swayed by the cogency of Mr. Ryan's argument but I was swayed by the voice of the majority, and I would support the motion to commit this to the tender mercies of the Local Government Committee.

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

Mr. GRUITZA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this motion. You know, we can sit down here and play games with this legislation, but the fact of the matter is that we have municipalities in this State that desperately need a little bit of help from this Commonwealth. Now, we can play parliamentary games or we can try to help these municipalities.

A "yes" vote to recommit this is a parliamentary game, and I would urge your support to put this up and vote it today so that we can go about trying to help out some communities that have been darn good to the State of Pennsylvania

through the years but right now need a little bit of help from the State of Pennsylvania. Thank you.

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

Mr. LAUGHLIN. Mr. Speaker, as I said earlier, I oppose the motion to recommit the bill to Local Government.

Mr. Speaker, I believe that we have done a considerable amount of work on it. I know how much the municipalities need the aid. It is not just a few of them; it is Republican and Democratic communities alike. I do not believe that a question raised by any member on the floor today has influenced that need. Any corrections that might be needed in the bill could certainly be accommodated, Mr. Speaker, and I would ask for a negative vote.

The SPEAKER. On the motion to recommit to the Committee on Local Government, the Chair recognizes the gentleman from Allegheny, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

I would also ask for a "no" vote. Fortunately, even though this bill no longer includes the city of Pittsburgh, there are an awful lot of municipalities that fall in the third-class-city area, which does not fall under the jurisdiction anymore of the Local Government Committee. A lot of those people from Reading, from York, from Lancaster, from Harrisburg, and small towns such as New Kensington and Arnold would not be included and not be represented as far as that committee is concerned. I think that is very unfair. There would be a large section that would no longer be represented as far as on that committee is concerned. So therefore, I would ask for a "no" vote.

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

Mr. DALEY. Thank you, Mr. Speaker.

I also rise in opposition to the recommitment of this bill to the Local Government Committee. I think it would be foolhardy to do that. We have many communities in Pennsylvania that are suffering, especially in southwestern Pennsylvania as well as northeastern Pennsylvania. If you do a correlation study, you will find out the need is so great, the impact is phenomenal.

We have communities such as Clairton, which is not in my legislative district but nearby, that is going to lay off all their police department and fire department and cannot meet services. Where do these people turn? We have communities like Aliquippa that have lost phenomenal numbers of jobs, and where are they going to provide the tax base for the infrastructure and the developments needed? You look up and down the Beaver Valley, the Mon Valley, the Allegheny Valley, the Lehigh Valley, the Susquehanna Valley. We can no longer tolerate any waste and delay of time. Recommitting this bill back to the Local Government Committee will be simply sentencing this bill to death. We cannot do that. We have an obligation to the parts of Pennsylvania that will be greatly impacted by this bill. We are suffering. We are suffering a great loss. We had an outmigration of 750,000 Pennsylvanians in the last 10 years, and I think it is time that we take a stand and tell Penn-

sylvania that we do care. Vote "no." Thank you, Mr. Speaker.

The SPEAKER. On the motion, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I listened to the gentleman, Mr. Preston, question the wisdom of sending a bill such as this to the Local Government Committee. These bills affect local government. How in the name of God they ever got into the Consumer Affairs Committee, when all they do is affect local government, I do not know. Maybe if they had gone there in the first place, we would not have these problems.

The SPEAKER. On the motion, the Chair recognizes the gentleman from Allegheny, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

I, too, rise to add my belief that we ought not to recommit this to any committee. The reason for doing so is very simply, earlier one of my colleagues made mention to the city of Clairton. Well, I am the State Representative who represents that municipality, and if ever you have seen a disadvantaged community, I welcome any of you, and I will take you for a personal tour of a disadvantaged community.

This bill, in essence, is very simple. It gives discretion. It gives the authority to different Cabinet-level Secretaries to exercise their sound and prudent judgment if and when they decide to assist local municipalities. It does not mandate anything. It simply gives them the option to come up with a local match which a local municipality cannot. These are the municipalities that for the longest time in the history of our State have been the economic generators for this State, and now they are in such a period of economic decline and ruin that they need a little assistance from the State. This is simply a vote to make so that Cabinet-level Secretaries can exercise their own discretion, and for that reason I would oppose the motion to recommit. Thank you, Mr. Speaker.

The SPEAKER. For the record, Mr. Ryan, the Chair checked on it. The bill was never in the Consumer Affairs Committee; it was sent to State Government, and from there it went to Appropriations for a fiscal note.

Mr. RYAN. That was a good assignment, Mr. Speaker. I apologize. I thought they came from Consumer Affairs.

The SPEAKER. No; the bills never were there.

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

Mr. PRESTON. Thank you, Mr. Speaker.

I am glad that you did clear that up. That just goes to show you, as far as we are talking about decisionmaking, whether it was round, whether it was square, where it came from, whether it was State Government or Consumer Affairs.

I also do not mean to mince words, except for one thing. People are out there suffering. There are some municipalities that need some help as far as economic development is concerned. Within our areas, as you have heard other Representatives speak, they need some help.

I have sat down and watched one gentleman offer an amendment that excluded my city, but I am still willing to help the smaller cities, and now he is trying to hold up the

whole show. For someone who is supposed to care as far as government is concerned to help those who are economically disadvantaged, now we are trying to slow down the show.

I would ask for us to defeat this recommittal. Let us vote on the bill. Let us get on with the show and help those cities that need all the help. Thank you.

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

Mr. McCLATCHY. Mr. Speaker, I would support Mr. Ryan's motion to send it back to the Local Government Committee. When the bill appeared before the Appropriations Committee, I took exception to it. I have lots of questions about it.

What we have here is a bill that provides 240 communities aid at the expense of 2,400, or roughly 2,000 other communities. Somehow, somehow there must be another device, another way to do it. I am not against helping out our distressed communities, but somehow—I know they studied the bill for 6 or 7 months—but somehow we can come up with a better idea or a better method than this. I second the motion to send it back to committee.

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

Mr. LAUGHLIN. Mr. Speaker, very clearly, I do not believe there is any member of this House who does not understand that there are municipalities in this State that need aid far above other municipalities. When the minority chairman of the Appropriations Committee mentions the fact that we are helping a certain number of communities at the distress of other communities, Mr. Speaker, we do it in our educational program where there is an affluent community and they have a high rate of local match money that is put into a school program. Do we not then give them less State money and provide a greater share for those communities that do not have the local ability to pay a share? In fact, we reward those communities that need the help with that additional revenue. Mr. Speaker, we are doing nothing different in this legislation.

It is time that the House recognize and the Senate and the administration recognize that there are areas of this State that have not come back from the recession of 1981 and 1982. There are other areas in this State that are doing quite well, and I am very glad for those Representatives who have those areas.

Mr. Speaker, we are asking for consideration for those of us, like our school districts, that need the help to have a formula to help us. This is the formula we would ask for. Thank you, Mr. Speaker.

The SPEAKER. Those in favor of the motion to recommit 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—103

Angstadt	Coy	Kenney	Robbins
Argall	DeVerter	Langtry	Ryan
Arty	Davies	Lashinger	Saurman
Barley	Dietz	McClatchy	Scheetz
Battisto	Dininni	McVerry	Schuler
Birmelin	Distler	Mackowski	Semmel
Black	Dombrowski	Manmiller	Serafini
Blaum	Dorr	Merry	Sirianni
Book	Durham	Micozzie	Smith, B.
Bortner	Fargo	Miller	Smith, L. E.
Bowley	Flick	Moehlmann	Snyder, D. W.
Bowser	Foster, Jr., A.	Mowery	Snyder, G. M.
Brandt	Fox	Murphy	Stevens
Bunt	Fryer	Nahill	Swift
Burd	Gallen	Noye	Taylor, E. Z.
Bush	Gannon	O'Brien	Taylor, J.
Cappabianca	Giadeck	O'Donnell	Telek
Carlson	Greenwood	Perzel	Vroon
Cessar	Gruppo	Phillips	Wass
Chadwick	Hagarty	Piccola	Weston
Cimini	Hayes	Pitts	Wilson
Civera	Herman	Pott	Wogan
Clymer	Hershey	Pressmann	Wright, D. R.
Cohen	Honaman	Raymond	Wright, J. L.
Cornell	Jackson	Reber	Yandrisevits
Coslett	Johnson	Reinard	

NAYS—96

Acosta	Fee	Linton	Rudy
Afflerbach	Fischer	Livengood	Rybak
Baldwin	Freeman	Lloyd	Saloom
Barber	Gallagher	Lucyk	Seventy
Belardi	Gamble	McCall	Showers
Belfanti	Geist	McHale	Staback
Boyes	George	Maiale	Stairs
Broujos	Godshall	Manderino	Steighner
Burns	Gruitza	Markosek	Stewart
Caltagirone	Haluska	Mayernik	Stuban
Carn	Harper	Michlovic	Sweet
Cawley	Hasay	Morris	Taylor, F. E.
Colafella	Howlett	Mrkonic	Tigue
Cole	Itkin	Olasz	Trello
Cordisco	Jarolin	Oliver	Truman
Cowell	Josephs	Petrarca	Van Horne
Deluca	Kasunic	Petrone	Veon
DeWeese	Kennedy	Pievsky	Wambach
Daley	Kosinski	Pistella	Wiggins
Dawida	Kukovich	Pratt	Wozniak
Deal	Laughlin	Preston	Wright, R. C.
Donatucci	Lescovitz	Punt	
Duffy	Letterman	Rieger	Irvis,
Evans	Levdansky	Roebuck	Speaker
Fattah	Levin		

NOT VOTING—0

EXCUSED—4

Clark	Freind	Hutchinson	Richardson
-------	--------	------------	------------

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

HB 358 PASSED OVER

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I would ask that we go over HB 358.

The SPEAKER. Without objection, HB 358 will go over for today's session.

Mr. RYAN. Mr. Speaker, I wonder if the gentleman, Mr. Manderino, would agree that the two bills should be together and perhaps they should both go back to committee.

Mr. MANDERINO. If they should have gone back to committee, we should have sent them to State Government where they came from.

Mr. RYAN. I guess that is "no."

The SPEAKER. Unless the Chair hears objection, HB 358 will go over for today's session. The Chair hears no such objection.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Trello, to correct the record.

Mr. TRELLO. Mr. Speaker, on the Ryan amendment A3534 to HB 357, I was inadvertently voted in the negative. I would like to be recorded in the affirmative.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 654, PN 1491**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "An act relating to counties of the second class and second class A; amending, revising, consolidating and changing the laws relating thereto," further providing for the compensation of certain elected officers in counties of the second class; and making a repeal.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Duffy. Why do you rise in place?

Mr. DUFFY. I do not see this on the calendar for today, Mr. Speaker. It is on the calendar, but it is not on the voting list.

The SPEAKER. It was marked over temporarily on the Speaker's calendar. The Speaker read it over temporarily. Perhaps the gentleman did not hear the Speaker read it. We read it over temporarily, and it is up for amendment.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I do not know what Mr. Manderino's calendar shows, but my calendar shows that SB 654 has not been caucused on by either party and that it is marked over for the day.

The SPEAKER. We will stand at ease until the two leaders get this straightened out. The House will stand at ease.

The House will return to order.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I would ask that the Republican Caucus listen to my remarks, and perhaps the Democratic Caucus as well.

Mr. Speaker, it has been explained to me that this SB 654, which we have not caucused on, that it is necessary to run this particular bill today, because if it should pass—and I am not speaking in favor of it; do not misunderstand me—it has to go back to the Senate prior to the recess for election. It evidently will affect the salaries of certain officers running in this coming election, and if any impact on their salaries is to be made, they evidently are of an opinion that the law has to be in place prior to the election.

I would ask the sponsors of the bill to explain it to our caucus. Thank you, Mr. Speaker.

The SPEAKER. All right.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. COWELL offered the following amendments No. A3520:

Amend Title, page 1, lines 8 through 13, by striking out all of said lines and inserting

Amending the act of July 28, 1953 (P.L.723, No.230), entitled, as amended, "An act relating to counties of the second class and second class A; amending, revising, consolidating and changing the laws relating thereto," further providing for the compensation of elected officers in counties of the second class; empowering the county commissioners to fix compensation of elected officers in counties of the second class; and making a repeal.

Amend Bill, page 2, lines 8 through 24, by striking out all of said lines and inserting

Section 1. The act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, is amended by adding a section to read:

Section 401.1. Compensation of Elected Officers.—

(a) The minimum annual salaries of the elected officers of counties of the second class set forth in section 401 shall be as follows:

- (1) County commissioner, chairman, \$41,540;
- (2) County commissioners, other than chairman, \$39,295;
- (3) Controller, \$36,181;
- (4) Treasurer, \$36,181;
- (5) Coroner, \$30,000;
- (6) Recorder of Deeds, \$33,681;
- (7) Prothonotary, \$33,681;
- (8) Clerk of Courts, \$33,681;
- (9) Register of Wills, \$34,804;
- (10) Sheriff, \$30,000; and
- (11) Jury Commissioner, \$25,700.

(b) From and after the effective date of this section, the county commissioners of counties of the second class shall have the power to fix the salary of all county officers governed by the provisions of subsection (a).

(c) The county commissioners of counties of the second class shall not reduce the salary of any county officer below the amount set forth in subsection (a).

Section 2. The act of November 1, 1971 (P.L.495, No.113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," is repealed insofar as it relates to the county officers of counties of the second class.

Section 3. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I also want to thank Mr. Ryan for his courtesy. As he indicated, there is a time element involved.

Let me try to describe three situations - the current law; what currently is in the bill; and thirdly, the purpose of the amendment.

The current law, as many members will recognize, gives to county commissioners in each of the counties of the Commonwealth the authority to establish salaries. We gave that authority to county commissioners in 1979, I believe it was. At that time, however, we said that if they were going to grant salary increases to any particular row officer, they had to grant salary increases at that same time to all row officers in the same percentage.

In the opinion of county officials in Allegheny, that has presented a problem. They have some row office positions that they would like to extend salary increases to, and they would like to do that and to pay those individuals or those positions commensurate with their responsibilities without a significant pay hike across the board and without, as would be required under current law, giving themselves a pay raise as well. Remember, current law would require the commissioners, if they want to give the coroner an increase, they would have to give themselves an equal increase as well. They want to change that.

Originally they asked that we consider with special legislation dealing specifically with the salaries for the coroner, for the sheriff, and for the two jury commissioners - one Republican and one Democrat - in Allegheny County, and that is the version of SB 654 which is currently before us.

If you will look at that, the only thing in that bill is language that would establish a salary for the coroner, for the sheriff, and for the jury commissioners. I would like to have us amend that. In my opinion, we ought not, in this legislature, get back into the business of establishing salaries for these offices. We gave that authority to the county commissioners, and we ought to tell them that they ought to keep it. They ought to keep it in Allegheny County as they have it in every other county of the Commonwealth.

However, I would like to see us do something that will enable them to deal with these positions and at the same time not be in a position of being forced to give a salary hike to all row officers, including themselves. That is the purpose of the amendment which I am offering.

If you will examine the amendment, it is two pages and it is very simple. The first section establishes as minimum salaries for county officials in Allegheny County the numbers that appear in the amendment, and those numbers reflect the current law. That is what these positions are currently entitled to. We are establishing that as the base.

The second sentence simply says that the commissioners of Allegheny County in the future, effective immediately, will have the authority to establish salaries for all of these positions, as they see fit.

What it does, the impact would be to allow them immediately to offer increases for the positions—any positions, actually, but as a practical matter—the positions of sheriff, coroner, and the two jury commissioners - four positions that are on the current ballot where individuals would be eligible for additional compensation starting next January. It would allow them to extend to those positions a pay raise without having to give themselves a pay raise as commissioners and without having to give a percentage-wise commensurate increase across the board.

I would be happy to respond to any questions about that, but I would ask for the adoption of the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the amendment offered by Mr. Cowell, the Chair recognizes the gentleman from Allegheny, Mr. Duffy.

Mr. DUFFY. I would like to ask Mr. Cowell, the maker of the amendment, a question.

The SPEAKER. The gentleman, Mr. Cowell, indicates he will stand for interrogation. You are in order, and you may proceed, sir.

Mr. DUFFY. Now, are these row officers going to get a 16-percent raise the 1st of the year regardless of what we do here today?

Mr. COWELL. Mr. Speaker, I do not know the percentage of increase, but again, as is the case in each and every county, we have individuals elected on a staggered basis. Some row officers were elected in 1983; others are elected in 1985. It is true that the individuals on the ballot today, if reelected, or whoever is elected to those positions will be able to get an increase starting January 1 of 1986 above the level that they are currently getting. That is a result of action by the county commissioners in 1983, I believe, or 1982 when they did extend to the commissioners themselves at that time and to all the row offices a percentage increase equal across the board.

The commissioners and the other row officers who were elected in 1983 have been collecting that higher level of pay since they were sworn in in January of 1984. Because the coroner, the sheriff, and the two jury commissioners were in midterm at that point, they were not able to begin to collect that higher salary. It is prohibited by our Constitution. So what they are eligible for already would be a catchup. It will put them on some kind of parity with the salaries that were extended to the row officers first elected in 1983. It is really a catchup. One might, if you want to be fair about it, say that they have been underpaid or paid less than their peers in the other row offices for the last 2 years.

Mr. DUFFY. I would like to get an answer to my question. Are they going to get a 16-percent raise the 1st of the year? Yes or no.

Mr. COWELL. I do not know what the percentage increase would be. I just described the process by which they will be eligible for more than they are currently receiving.

The SPEAKER. You have the floor, Mr. Duffy. You may continue.

Mr. DUFFY. All right.

I know just a few minutes ago here other people came in and they were talking about raises for part-time district attorneys, and they were turned down. Now, in this situation here, today the county commissioners in Allegheny County percentage-wise can raise their wages. Mr. Cowell is talking about selectively raising these wages. Personally, the ones that I see there do a good job. They all should be entitled to a raise, not some a lot more than others, but I think a percentage basis is a fair way to do it, and I would ask everybody to vote "no" on this. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Pott.

Mr. POTT. Thank you, Mr. Speaker.

Like my distinguished colleague, Representative Duffy, I also oppose the Cowell amendment. I believe that SB 654 has had a rather unique history in the past 5 or 6 days. It came over to the House of Representatives appropriating money for a veterans home. In an amendment offered by Representative Cowell, it was amended to increase the salary of the county coroner from his present \$30,000 to \$55,000; to increase the salary of the county sheriff from his present \$30,000 to \$55,000; and to increase the salary of our two dedicated, hardworking jury commissioners from \$25,700 to \$45,000. Now Mr. Cowell, after successfully inserting that amendment into this bill in the Appropriations Committee, offers another amendment, for some reason I do not know, but there seems to be a change in the philosophy or the orchestra leader seems to be changing the way the players are fiddling to this little bill. Now we come back and say, oh, no, let us not do it here at the State level; let us turn it back to the county commissioners and let them have the discretion over what every row office in the county should be.

I think that this amendment that Mr. Cowell is offering is a shade bit better than the amendment that he offered in the Appropriations Committee. However, this amendment I fear will lead the county commissioners not to evaluate the value of the office to increase pay raises but to evaluate the political makeup of the person occupying that office. In other words, Mr. Cowell's amendment says that the salaries listed here are to be the minimum salaries. If someone who is politically unaligned to a county commissioner happens to—and heaven forbid this should happen in Allegheny County—but someone who is politically unaligned to a county commissioner in Allegheny County, where the minority party is outregistered by about 2 1/2 to 1, there is nothing that will prohibit those county commissioners from reducing the salary to these minimums after they may have increased them over the years. I believe that in offices like county controller, where that controller is charged with the responsibility of auditing county funds, that independence can be lost because the commissioners control the purse strings and the salary of the person who is auditing their expenditures.

For these reasons, I ask you to vote against the Cowell amendment to this bill. Thank you.

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

Mr. GALLEN. Mr. Speaker, I would like to interrogate Mr. Cowell.

The SPEAKER. Mr. Cowell indicates he will stand for interrogation. You are in order, Mr. Gallen, and you may proceed.

Mr. GALLEN. Mr. Speaker, what are the duties of the jury commissioner in Allegheny County?

Mr. COWELL. Mr. Speaker, the duties of the jury commissioner in Allegheny County are the same, fundamentally, as the duties of a jury commissioner in any county, and I think you will find them described in the law. However, in Allegheny County, because of the size of the county, it is a bit more sophisticated and they have taken steps to computerize the system, and on a bipartisan basis, because as in all counties we have a Republican and a Democratic jury commissioner, they have made improvements.

Mr. GALLEN. Thank you, Mr. Speaker. That is the end of the interrogation, Mr. Speaker.

Mr. Speaker, I do not know for whom the sponsor of this amendment is really grinding an ax, but he said the duties of the jury commissioner in Allegheny County are the same as in any other county. Well, the duties of the jury commissioner in Berks County are to stop in there 1 day a year, and the salary is something like \$6,000 a year, which it probably should be in Allegheny County. I do not understand \$45,000 a year for a job like that. Mr. Cowell does not think a legislator is worth \$35,000 but he thinks a jury commissioner is worth \$45,000. I do not quite understand that rationale.

PARLIAMENTARY INQUIRY

Mr. GALLEN. Mr. Speaker, I think there are other problems with this bill, and I have a point of parliamentary inquiry.

The SPEAKER. The gentleman will state the point.

Mr. GALLEN. Mr. Speaker, can, under the rules of this House, the Appropriations Committee change the entire substance of a bill - one that comes to them for consideration of its fiscal impact?

The SPEAKER. The Appropriations Committee, unless the bill originates in the Appropriations Committee, in which case it of course has total jurisdiction, can change only what it is instructed to change. If the bill did not originate in the Appropriations Committee, then the limited power of the Appropriations Committee is to issue a fiscal note.

Mr. GALLEN. I guess I assume, though, this bill was immediately directed to the Appropriations Committee when it came over from the Senate, I would assume.

The SPEAKER. We will check and find out. I believe it was.

Mr. GALLEN. Okay. The question is answered. Thank you, Mr. Speaker.

Mr. Speaker, what we are doing here is getting too much involved in Allegheny County politics. I would ask for the

defeat of this amendment. There are other problems that I have with it, and it seems that the Allegheny County delegation is split all over the place, and I do not know why we should mess with it. Thank you, Mr. Speaker.

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

Mr. BURNS. Thank you, Mr. Speaker.

Mr. Speaker, I do not know what is happening in Allegheny County either, but I think Mr. Gallen alluded to this: In Bucks County, which is a third-class county, the jury commissioners are called king or queen for a day. They make about \$7,000 or \$8,000 a year; they work 1 day a year, and I am sure it does not change that much—especially with the use of computers—in Allegheny County. To have a person come in to certify maybe 1 day, even if it were a month, and pay them a minimum of \$25,700 or a maximum of \$45,000, I think that is the biggest ripoff since Jesse James rode through the West. But on that basis I could not vote for this bill or the amendment. Thank you, Mr. Speaker.

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

Mr. GAMBLE. Mr. Speaker, I rise in support of the Cowell amendment. What could be more fair than having the county commissioners raise the pay of the county elected officials? I do not know what the county officials make in Lackawanna or Bucks or Berks County, nor do I care. We have bared our soul on this bill of what the elected officials make, and in many cases they are very low for the jobs and the background they must have.

All we are asking is for you to let Allegheny County commissioners set the rate of pay for the elected officials of Allegheny County out of Allegheny County tax money, not State funds, and we ask that you do that today by voting for the Cowell amendment. Thank you.

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

Mr. PRESTON. Thank you, Mr. Speaker.

I have heard several gentlemen allude to, for example, the jury commissioners. I would like to invite each and every one of them to our jury commissioners' office within Allegheny County, Democrat or Republican. I am sorry if their jury commissioner only goes to work 1 day a year for \$6,000, but that is not true within Allegheny County. We are very proud to have one of the most efficient systems as far as jury selection within the United States. For those of you who are not aware, it runs on a computer system with a CISC system. There is only one area within the United States that teaches that, and you will find that in Cincinnati. There is a very special language; there is a very special hookup. We are very proud to say that most of the people who are within a jury selection, when they come down they are there for 1 day. So, again, I invite you. I am sorry, you know, for \$6,000 for 1 day a year, but that is not true within Allegheny County. I am sure that you can come there many days and you will always find our jury commissioners present.

Then there are some other instances that were alluded to as far as salaries are concerned, and I wish people would understand what the amendment does. The amendment does not do anything as far as what the present language within the bill says. It does not touch the salaries. What we are doing is giving the authority to the respective body within Allegheny County, which is a second-class county, to make them accountable to the people whom they actually represent. Now, we often have stated that the people should have a voice and that elected officials should be accountable, and all we are trying to do is to be able to make the county commissioners and those respective row officers accountable.

Also, for the last 20 years our coroner—if you will notice the present salary, he makes \$30,000 a year—but for the last 20 years in Allegheny County, that gentleman has held a J.D. (doctor of laws) and an M.D. (doctor of medicine). He has been an attorney and a doctor. And to pay a gentleman such as that with a full-time job \$30,000 a year—basically let us put it like that—is an insult. I would invite each and every one of you, if you do not have people who meet those kinds of qualifications within your county, come on down to Allegheny County and see how proud we are as far as our government is concerned.

I am going to rise and ask you to support the Cowell amendment. I think that the people are deserving to be able to have the Allegheny County commissioners and the respective officers to be able to vote on their salaries, just like we do ourselves. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Duffy, for the second time on the amendment.

Mr. DUFFY. Everybody here is talking from Allegheny County. I am usually on the same side with them. The county commissioners today can raise everybody's wages. The wages have to be a certain percentage across the board, which I think is more than fair. Now, when Mr. Preston was talking about the jury commissioners' office, under this proposed bill that was changed very drastically here, each jury commissioner would make \$45,000 a year. There are approximately 43 or 44 employees in that office.

So I would request of everybody here, let the county commissioners under the present setup raise their wages. They have the right to do it, and I think they also have an obligation under the present bill to raise it for the row officers. Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I rise in support of the Cowell amendment. The Cowell amendment makes very little change to the present law as we have it today. We some time ago decided that the row office salaries - jury commissioners, recorders of deeds, clerks of court, county commissioners themselves - should no longer be set by the General Assembly. Mr. Speaker, we decided that that decision ought to be made at the local level by the county commissioners in each county, and I think the system has worked well. We did put into that act, when we passed it here in the Assembly, a protection for

row officers who may be of a different political party than the majority commissioners in a county, and we said when you raise row office salaries, you have to raise everybody the same percentage. We did that because we did not want Democratic county commissioners raising the salaries of Democrats by 15 percent and Republicans by 7 percent, and vice versa. I think that was a good amendment.

What Allegheny County is telling us today—and there is no question of political party in Allegheny County; they are all Democrats that we are talking about—but what they are telling us is that there are certain offices within Allegheny County in the row offices that deserve more of a percentage than the others, because of the nature of the work they do. And they have selected and they have advertised back home and they have come out in the newspaper—in fact, I think Mr. Foerster, who is chairman of the commissioners, and Barbara Hafer, who is the minority commissioner, Republican in Allegheny County, have all indicated that the percentage change, that they have to keep it the same for everyone, does not do justice to the offices. What they are asking is, let us, without requiring that the same percentage change be made in all the row offices, all they are simply saying is, let us make the change in Allegheny County at this time that we think is fair for the offices that we are talking about. And the jury commissioners' office, Mr. Burns, in Allegheny County is a full-time job. They are there every day and beyond a 40-hour week.

I would suggest that the coroner, the sheriff, and the jury commissioner in Allegheny County are the offices that were picked by the county commissioners, and they have asked us—and that is not all of them; that is at least two, one Democrat and one Republican—they have asked us to make this change.

I think that we are staying with the philosophy that we have always engaged or for some time have engaged up here in letting the local officials settle those problems at the local level, and we are doing nothing more than that here today. We are simply saying to the county commissioners in Allegheny County only, because of the plea that you have made with us that the percentage change will not do justice, and you are asking that we allow you to set the salary of these offices at home without regard to keeping the percentages the same, we ought to let them do it. They have asked us for that; it is local control. I think we ought to support the Cowell amendment and pass the bill.

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

Mr. TRELLO. Mr. Speaker, I rise to support the amendment also. This is our little corner of the world, Allegheny County, and our problems are probably different than yours. I think the idea that the Cowell amendment has is a good one for Allegheny County. I live there; I certainly support it, and I am asking for your support also. Thank you.

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

Mr. ITKIN. Mr. Speaker, I rose because I did not think that the majority leader was going to speak on this issue, and I want to commend him for such an eloquent presentation.

This is an amendment that goes beyond Mr. Cowell. This is an amendment that is supported by every row officer in Allegheny County, to the best of my knowledge, and supported overwhelmingly by your colleagues here from Allegheny County. Although there have been some members who have taken the floor to disagree, you will find out that an overwhelming number of us from Allegheny County support these changes. I urge you—this is the last day for us to do it—to give swift approval to this amendment and to ultimately support the bill on final passage. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Very briefly, I left out of my remarks, Mr. Speaker, Allegheny County commissioners are telling us that they need to make different raises than the percentage that we mandate. I have not delved into that to find out whether or not they do, but in keeping with our philosophy of letting them decide these issues locally, I would rather they decide it locally on whether or not, in this particular case, the coroner, who happens to be a lawyer and an M.D., if that is the case—and I am not sure that it is the case; I know it has been in the past—if he deserves, because of the work he does and the high rate of cases that has to go through his office, if they decide that locally, we ought to let them decide it locally. Otherwise, they are going to be pressing us to put the numbers on those offices, and I do not want to do that, Mr. Speaker.

The SPEAKER. Mr. Duffy, we cannot recognize you for a third time.

Mr. DUFFY. I would like to ask Mr. Manderino a question.

The SPEAKER. Sorry. You have been up twice. We cannot recognize you again.

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

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, I echo Mr. Manderino's words. This is vitally important to us in Allegheny County in that once we pass this, the commissioners will then have the power forever after to set salaries and raises for particular row officers.

A lot of you continually complain about being set on to effect these changes in your counties. What we are asking you to do is support the effort to give the power to the commissioners to do it, and they will never be back to ask us again. So I would appreciate a "yes" vote on the amendment. Thank you.

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I support the Cowell amendment. There is one thing that we should remember here. Let us not short-change the voters of Allegheny County. The commissioners will have to raise the salaries, and I am sure and I have confidence in the voters that if they are not justified, then they are going to have to pay the dues.

So I urge my colleagues here, let us have faith in the voters of Allegheny County. If the raises are not justified, then the commissioners will be held accountable in Allegheny County. Thank you.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I am wondering if Mr. Cowell or Mr. Manderino or anyone else can tell me what the law is with respect to the other counties. In my county, is it necessary that all the row officers be raised the same percentage, or can the county commissioners, or council in our case, discriminate between row officers?

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

Mr. COWELL. Mr. Speaker, in response to the question, my understanding is that Act 82 of 1979 is currently applicable to all counties, with the exception of Philadelphia. That is secondhand information I have, but that is my understanding. The answer is "yes."

In all of those counties, with the exception of Philadelphia, under current law, Act 82 of 1979, any percentage increase would have to be across the board, applied to all row officers as well as the county commissioners.

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

Mr. LETTERMAN. Mr. Speaker, that was my question also, and I was trying to figure out how to amend the bill at this time to include all the other counties. Is there any way that this amendment can be broken down or anything done with it to include all counties?

The SPEAKER. No. The only way you can do that which you wish is to amend the bill itself. Amendments may not be amended.

Mr. LETTERMAN. Do we have time if we do it tomorrow, or do we not?

The SPEAKER. The Chair, in listening to the debate, was informed that tomorrow would be too late for the bill to pass. As the Chair understands it, the bill has to be printed, if it is amended, before the Senate will accept it. That is correct, is it not? Which means that the Senate would not get it until tomorrow at the earliest. If the Senate acts on it promptly and the Governor signs it, then the bill would become effective within the time frame that the sponsors are trying to make it effective. If the bill was delayed even 1 day, it is the opinion of the Chair that the time frame could not be met.

Mr. LETTERMAN. Okay. That is the question.

May I make a statement?

The SPEAKER. On the amendment?

Mr. LETTERMAN. Yes.

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

Mr. LETTERMAN. I think when someone comes across an error like this in something that we have done, I think it should be corrected for the entire State, not just for his own county. That is where I object. They found their error, but nobody else seemed to run across it yet, but you know they are going to. If we do not do it by this election, then I understand

there is nothing that can be done for another 4 years for any of our people. I really think this is just a bad way of running this piece of legislation, and I am going to ask that this bill be held over long enough for me to go get the amendment ready to include all counties.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, each of the counties is in a separate code, as I understand it. This deals with the Second Class County Code, and I think Allegheny County is the only second-class county.

Mr. Speaker, to the best of my knowledge, we have not had complaints from any other county respecting the percentage that we mandated be the same in the row officers' increases in salaries. We did that for a specific purpose and, to the best of my knowledge, it is working well. Allegheny County is the only county that has come up with this specific problem. Now, if Mr. Letterman has a problem in his county as it applies, I would suggest that we run a bill amending that county code and try to do what Allegheny County is doing here, but I ask that we not hold up the bill that we are trying to move today.

The SPEAKER. The majority leader has stated it correctly, Mr. Letterman. The bill is to amend the Second Class County Code, which means only Allegheny County. You would have to run a separate bill or find a bill of your own county code to amend, not this bill.

Mr. LETTERMAN. Okay. Well, I could use this bill. If you guys used it, I could certainly use it, you know. Man, the way it was used I could use it for a 50th-class county.

The SPEAKER. No. You guys are from the Second Class County Code, and you other guys are not.

Mr. LETTERMAN. Okay. But the way it was used I could use it for a 50th-class county if I wanted to establish one.

I will drop my suggestion. Thank you.

The SPEAKER. All right.

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

Mr. MERRY. Mr. Speaker, I would like to interview the maker of the amendment, Representative Cowell.

The SPEAKER. Mr. Cowell will stand for interrogation. You may proceed.

Mr. MERRY. Mr. Speaker, in section 401.1 of your amendment, it lists 1 through 11 certain proposed salaries for county officers. Would you explain to me and for the benefit of the membership whether this represents a raise or not?

Mr. COWELL. Mr. Speaker, the salaries listed in section 401.1 are the salaries to which the row officers are entitled currently. We are not changing the law. The only reason that appears in there at all is to establish a base. We are saying those are the salaries today, and then in the next section we say, if you want to change them, you do it at the local level through the county commissioners.

Mr. MERRY. Thank you, Mr. Speaker.

I would like to remark on the amendment.

The SPEAKER. On the amendment, the gentleman is in order and may proceed.

Mr. MERRY. Mr. Speaker, I felt it necessary to clear up whether this represents a raise or not, because I share Representative Letterman's frustration in the fact that we just turned down a well-deserved bill for raises for assistant district attorneys in many of the smaller counties. That problem arose with district attorneys because of a set percentage that they have not been able to address within their own counties. It would be ill advised for us today to ask for a raise for county row officers in the second-class counties while at the same time we have denied one for fourth- to eighth-class counties for assistant district attorneys.

So I think the point that I would say is that while I had initial objections to this amendment, I would stand with other colleagues in asking for an affirmative vote on this, because it does not change the present salaries of row officers in Allegheny County but it does provide for a future benefit where local officers can use their decisionmaking abilities to provide for those raises in the cases that they are deserving.

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

Miss SIRIANNI. Mr. Speaker, I would like to know why Mr. Cowell is just doing this for Allegheny County.

The SPEAKER. The gentleman, Mr. Cowell, indicates he will stand for interrogation. You may—

Did you hear the question?

Mr. COWELL. I did.

The question was, why are we doing this only for Allegheny County? The only response I can have is that we have been requested by county officials - the commissioners as well as the row officers - to try to correct what they believe is a problem in the current law as it affects Allegheny County. We have not heard that from any other county.

I think most of us on the floor have been advocates of shifting this power to the local commissioners, this responsibility of setting salaries. That is why I prefer my amendment over the current version of the bill which would set salaries.

I think that those who object to us setting a salary ought to be voting in favor of this amendment, because the amendment says we are not going to set salaries. We recognize current salaries as they are, and you county commissioners, if you want to change it, then it is your power, your authority to do so.

The real problem that we are trying to address, Mr. Speaker, has been the one of percentages, and as Representative Manderino suggested, I think almost as an afterthought when he got up for the second time, he indicated that in most counties that equity, if you will, that guaranteed equity, appears to be working well. But in Allegheny County, for whatever reason—and it may be the size of our county; it may be the sophistication of the coroner's office, or the responsibilities of the sheriff or whatever; I do not know—the system has not been working well. I think in part it is because of the integrity of the commissioners who are saying right now we do not want to give ourselves a percentage increase commensurate with what we think the coroner and the sheriff, in particular, deserve as professional positions, and that is to their credit. They could be using this as a copout to give themselves a big raise.

Miss SIRIANNI. Mr. Speaker?

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

Miss SIRIANNI. Mr. Speaker, I think when we introduce bills in this House, unless there is a state of an emergency, such as a flood or something like that, a bill should be addressed to the entire State and not just to the legislator's district. I think it is wrong to do that, unless it is in a state of an emergency. This obviously is not a state of emergency.

I cannot believe that Mr. Cowell would think that a jury commissioner should receive \$45,000 when he voted against his own salary of \$35,000.

The SPEAKER. Mr. Cowell, do you wish to be recognized for the second time on your amendment? Everyone else seems to be through with the debate.

Mr. COWELL. Yes, I would, Mr. Speaker.

Let me try to briefly respond to some of the questions that have been raised. First of all, I want to emphasize what we have before us. We have a bill that says \$55,000 for the coroner, \$55,000 for the sheriff, and \$45,000 for the two jury commissioners, and we have an amendment that says the current salaries for those positions are \$30,000 for the coroner, \$30,000 for the sheriff, and \$25,700 for the jury commissioners. Those are the two options.

Those who oppose \$45,000 for a jury commissioner or who think that we ought not to be in the business of setting salaries at all ought to be voting for the amendment, which simply reverts to current salary levels and says if there are going to be any changes, it is up to the county commissioners to make those changes.

I agree fullheartedly with those who suggest that we ought not to get back into the business of trying to establish salaries in any counties. I think that that is a mistake. I think that we did the smart thing in 1979 when we said it will be the responsibility of the county commissioners. That is why I offer the amendment.

What we are trying to do with the amendment that is different from current law is simply saying in a county, which I happen to represent, we have an identified problem with this percentage across the board to all row officers, and we would like to give the commissioners enough flexibility to give salary increases to a coroner who has an M.D. degree and a law degree who is making about \$30,000 a year and to a sheriff who has deputies and assistants who make thousands of dollars more than he does under current law. What we are asking for is enough flexibility for those commissioners to deal with those offices and make judgments in a public meeting under the provisions of the Sunshine Law as to what fair salaries ought to be in those cases or in any other cases that would come before them dealing with row officers. That is what we are offering.

But I remind you, the current bill establishes salaries, high salaries, and I think we ought not to be in that business. That is why I offer the amendment, which does not deal with salaries other than to say this is the responsibility of the county commissioners.

I ask for the amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—125

Acosta	Deal	McCall	Semmel
Afflerbach	Dininni	McHale	Serafini
Argall	Donatucci	McVerry	Seventy
Baldwin	Dorr	Maiale	Showers
Barber	Evans	Manderino	Smith, L. E.
Belfanti	Fargo	Markosiek	Snyder, D. W.
Birmelin	Fattah	Mayernik	Snyder, G. M.
Blaum	Foster, Jr., A.	Merry	Staback
Book	Freeman	Michlovic	Steighner
Bortner	Gallagher	Micozzie	Stevens
Bowley	Gamble	Miller	Stewart
Boyes	Gannon	Murphy	Sweet
Burd	Gladeck	Noye	Taylor, J.
Bush	Godshall	O'Brien	Tigue
Caltagirone	Haluska	O'Donnell	Treilo
Cappabianca	Harper	Oliver	Truman
Carn	Howlett	Perzel	Van Horne
Cawley	Itkin	Petrarca	Veon
Cessar	Jarolin	Petrone	Wambach
Cimini	Johnson	Pievsky	Wass
Civera	Josephs	Pistella	Weston
Cohen	Kenney	Pitts	Wiggins
Colafella	Kosinski	Pressmann	Wilson
Cole	Kukovich	Preston	Wogan
Cordisco	Laughlin	Punt	Wozniak
Cowell	Lescovitz	Raymond	Wright, D. R.
Coy	Letterman	Rieger	Wright, R. C.
Deluca	Levdansky	Roebuck	Yandrisevits
DeVerter	Levin	Rudy	
Daley	Linton	Rybak	Irvis,
Davies	Livengood	Saurman	Speaker
Dawida	Lloyd	Scheetz	

NAYS—72

Angstadt	Distler	Hershey	Pott
Arty	Dombrowski	Honaman	Pratt
Barley	Duffy	Jackson	Reber
Battisto	Durham	Kasunic	Reinard
Belardi	Fee	Kennedy	Robbins
Black	Fischer	Langtry	Ryan
Bowser	Fox	Lashingier	Saloom
Brandt	Fryer	Lucyk	Schuler
Broujos	Gallen	McClatchy	Sirianni
Bunt	Geist	Mackowski	Smith, B.
Burns	George	Moehlmann	Stairs
Carlson	Greenwood	Morris	Stuban
Chadwick	Gruitza	Mowery	Swift
Clymer	Gruppo	Mrkonic	Taylor, E. Z.
Cornell	Hagarty	Nahill	Taylor, F. E.
Coslett	Hasay	Olasz	Telek
DeWeese	Hayes	Phillips	Vroon
Dietz	Herman	Piccola	Wright, J. L.

NOT VOTING—2

Flick Manmiller

EXCUSED—4

Clark Freind Hutchinson Richardson

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

On the question,

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

The SPEAKER. Do you have an amendment, Mr. Duffy?
Mr. DUFFY. I gave an amendment early today to Mr. Itkin's office and also one to Mr. Noye on the other side.

The SPEAKER. We have not seen it.

Mr. DUFFY. It was delivered to them early today.

The SPEAKER. Did you deliver it to the amendment clerk?

Mr. DUFFY. No. I am sorry. I did not.

The SPEAKER. We do not have it, therefore.

Do you have a copy of the amendment?

The House will stand in recess.

REPUBLICAN CAUCUS

The SPEAKER. Prior to the recess, Mr. Noye wishes to make an announcement on the Republican caucus before everyone disappears.

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

Mr. NOYE. Thank you, Mr. Speaker.

For the Republican members, we will caucus tomorrow morning at 10 a.m.; we will caucus tomorrow morning at 10 a.m.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin. Do you wish to make a caucus announcement during this interim?

Mr. ITKIN. Mr. Speaker, because of the lateness of the hour and the desire to finish our floor session, we will hold caucus tomorrow morning at 10 a.m., and we will then go into session at 11 o'clock, and if it is necessary to caucus some more, then we will do it at the luncheon break.

The SPEAKER. The Chair thanks the gentleman.

ANNOUNCEMENT BY MR. VROON

The SPEAKER. For what purpose does the gentleman from Chester, Mr. Vroon, rise in place?

Mr. VROON. Mr. Speaker, I would like to announce to the Republican members of the Urban Affairs Committee a very brief caucus in room 243A immediately upon dismissal.

ANNOUNCEMENT BY MR. DAWIDA

The SPEAKER. Are there any other announcements during this time when we are in recess?

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

Mr. DAWIDA. Not to belabor a point, but everyone is invited tomorrow morning for a meeting at 8:30 in room 407 of the fellowship group of all the legislators.

CONSIDERATION OF SB 654 CONTINUED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, with the cooperation of the Chair, the minority leader and the majority leader feel

that this amendment might be able to be handled without it being in print for the members.

The SPEAKER. Fine.

Mr. MANDERINO. Mr. Speaker, to that end, may I question the offerer of the amendment?

The SPEAKER. The two floor leaders have agreed that the amendment may be handled without being duplicated.

The gentleman, Mr. Duffy, indicates he will stand for interrogation by the majority leader.

Mr. Manderino, let us read the amendment. We forgot the formalities. Will the clerk read the Duffy amendment so we have it on record.

On the question recurring,

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

Mr. DUFFY offered the following amendments No. A3481:

Amend Title, page 1, line 11, by inserting after "THERETO,"

further providing for restrictions of office for elected county officials;

Amend Bill, page 2, by inserting between lines 16 and 17

Section 2. Section 402 of the act is amended to read:

Section 402. Incompatible Offices and Restrictions of Office.—(a) No elected county officer shall at the same time serve as a member of the legislative body of any city, borough, town or township of any class, nor as school director of any school district, nor as a member of any board of health.

(b) No member of Congress from this State nor any person holding or exercising any office or appointment of trust or profit under the United States shall at the same time hold or exercise any county office in this State to which a salary, fee or perquisites are attached.

(c) Each elected county officer shall devote full time to his official duties during the normal working hours of his office.

(d) Any elected county officer who seeks another elected office shall resign from his office upon the filing of a petition to run for an office other than that which he holds.

Amend Sec. 2, page 2, line 17, by striking out "2" and inserting

3

Amend Sec. 3, page 2, line 24, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the majority leader to interrogate Mr. Duffy.

Mr. MANDERINO. Mr. Speaker, it is my understanding that this amendment makes two changes in the bill that is before us, and the purpose of my interrogation with you is to see whether we fully understand the amendment that is before us. It is my understanding that the first change that is made is that each elected county officer shall devote full time to his official duties during the normal working hours of his office. Is that one change?

Mr. DUFFY. That is one part of the amendment.

Mr. MANDERINO. The second part of the amendment is that any elected county officer who seeks another elected

office shall resign from his office upon filing a petition to run for an office other than the one which he holds. Is that the essence of the second change?

Mr. DUFFY. That is correct.

Mr. MANDERINO. Is that all that the amendment does, Mr. Speaker?

Mr. DUFFY. To my knowledge, yes.

Mr. MANDERINO. Mr. Speaker, I would ask, unless there are objections, that we debate the amendment on that basis.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Wambach.

Do you object to the amendment?

Mr. WAMBACH. Mr. Speaker, I would like to suspend rule 27 so we can consider the amendment without it being on our desks.

Mr. MANDERINO. Mr. Speaker, it is my understanding that if it is done without objection, the rule is implied to be suspended.

The SPEAKER. The Chair was about to inform the gentleman.

Do you object to us doing this?

Mr. WAMBACH. I do not believe there is any objection needed. I think we should suspend rule 27 before we consider it.

The SPEAKER. It has been moved by the gentleman, Mr. Wambach, that— There is no need for the motion, Mr. Wambach.

Mr. WAMBACH. Why?

The SPEAKER. The amendment is now ready to be circulated. We will wait for a few moments and then we will not have to suspend any rules.

Have copies of the amendment been distributed now?

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

Mr. DUFFY. Thank you, Mr. Speaker.

I would like to emphasize to everybody on the floor this is for second-class counties only, and it is to bring them in compliance with the first-class county and what is in their city code in Philadelphia. They are going to be highly paid after this bill is passed, if it is passed. I expect them to go ahead and put full time into the job. Some at this particular time I do not know whether they do.

Again what I would like to have them do, in case they happen to run for another office and they are an elected officer in the second-class county, immediately following the filing of their papers they have to resign that office. This is to bring the people in Allegheny County in line with the people in Philadelphia, and this is taken from their charter.

It is simple, direct, and it will solve a great many problems. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Duffy amendment, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, in analyzing and making a decision about this amendment, I would suggest that we consider whether this is

the kind of principle that we are willing to impose on all public officials in the Commonwealth including ourselves. I would suggest that the answer to that is no.

There are a number of problems with the amendment, the first of which would be any attempt to define or ascertain "full time."

On the second point - that is, the question of resigning to seek some other office - the suggestion was made that there is an attempt to bring us into compliance with Philadelphia, a first-class county. I would suggest that we have passed no State law that deals with these issues for Philadelphia. It was the voters of Philadelphia and the elected leaders of Philadelphia who made decisions, rightfully so, I believe, about their salaries, about the conditions of employment, and about the conditions under which somebody may seek some other office. We have not addressed that through State law, and I think it would be highly inappropriate for us to begin to address that through State law for Philadelphia, Allegheny County, or any other office. I would suggest that the amendment as proposed is entirely inappropriate.

The suggestion has been made that if these people are going to collect high salaries. I would remind you that in the current version of the bill, we do not speak to the issue of salaries; we do not set salaries. We say it is up to the county commissioners to establish salaries, and I think as they establish salaries, high or low, whatever they choose, I think it is also up to them to establish the conditions of employment and potential candidacy.

I would urge we defeat the amendment. Thank you.

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

Miss SIRIANNI. Mr. Speaker, may I interrogate Mr. Cowell?

The SPEAKER. Mr. Cowell indicates he will stand for interrogation. You are in order, and you may proceed, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, do I understand you to say that you object to their being full-time employees?

Mr. COWELL. Mr. Speaker, I did not say—and if the lady thought she heard me, she misheard—I did not say that I object to the principle of full-time employment for any of these positions, including our own, as a matter of fact.

I do not think that it is right for us to try to put into law and I do not think it is very practical for us to put into law that condition of employment, that language "full time," simply because I do not think that the folks in the lady's district ought to be telling the elected officials in Allegheny County how many hours a week they are going to work, as I would not attempt to tell the lady herself or her county officials in her district how many hours a week they ought to work. It is that to which I object.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Duffy, for the second time on his amendment.

Mr. DUFFY. The speaker from Allegheny County brought up about it is a percentage, a raise, and quite a few other things. Last week it was under the guise of \$55,000, \$55,000, and \$45,000.

To wrap everything up here, I think the officials who drew up the charter in the city of Philadelphia and the county of Philadelphia made a wise decision to set it up the way they did, and I would ask people to support this amendment. Thank you.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, will the gentleman, Mr. Duffy, stand for interrogation?

The SPEAKER. Mr. Duffy indicates he will so stand. Mr. Ryan, you may proceed.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I believe that I know the answer to my own question, but to establish legislative intent I would like the author of this amendment to advise the House whether he intends, by the first portion of his amendment where he adds to the title "further providing for restrictions of office for elected county officials," whether he intends there to delete the terminology "second class A" and make this language apply to second-class-A counties.

Mr. DUFFY. No. This is just for second-class counties, Allegheny County.

Mr. RYAN. Thank you, Mr. Speaker.

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

Mr. ITKIN. Mr. Speaker, very briefly.

I think it would be a shame if this House should adopt this amendment. Certainly we can understand the problems faced by public officeholders who have a desire subsequently to run for some other office. Most of us are not independently wealthy and we cannot choose to give up our occupation while we proceed to run for another office.

Mr. Speaker, if it is okay for members of the United States Senate to run for President and hold their office, I think it should be all right for a county row officer to maintain his office while he chooses to campaign for some other. Thank you very much.

REQUEST TO DIVIDE AMENDMENTS

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni, for the second time on the amendment.

Miss SIRIANNI. Mr. Speaker, I would like to make the motion that this amendment be divided.

The SPEAKER. Where would the lady suggest the division be made?

Miss SIRIANNI. I would like to divide section (c) from section (d).

The SPEAKER. The lady is informed that that will not be sufficient, the reason being when an amendment is divided, each section must be able to stand on its own. If we were to put the line where you suggest, Miss Sirianni, section (d) would have nothing to connect it to the rest of the bill. Therefore, we cannot so divide it.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—53

Acosta	Fee	Kennedy	Semmel
Angstadt	Fischer	Kosinski	Sirianni
Battisto	Foster, Jr., A.	Kukovich	Snyder, D. W.
Burd	Freeman	Lashinger	Stairs
Caltagirone	Fryer	Levin	Stewart
Carn	Gallen	Linton	Stuban
Civera	Gladeck	Lucyk	Taylor, E. Z.
Coslett	Godshall	Miller	Telek
Davies	Greenwood	Mrkonic	Truman
Deal	Gruppo	O'Brien	Wass
Dietz	Haluska	Piccola	Weston
Dombrowski	Hasay	Pott	Wogan
Duffy	Josephs	Roebuck	Wozniak
Fattah			

NAYS—131

Afflerbach	Daley	Lloyd	Rudy
Argall	Dawida	McCall	Ryan
Arty	Dininni	McClatchy	Rybak
Baldwin	Distler	McHale	Saloom
Barber	Donatucci	McVerry	Saurman
Barley	Dorr	Mackowski	Scheetz
Belardi	Durham	Manderino	Schuler
Belfanti	Evans	Manmiller	Serafini
Birmelin	Fargo	Markosek	Seventy
Black	Flick	Mayernik	Showers
Book	Fox	Merry	Smith, B.
Bortner	Gallagher	Michlovic	Smith, L. E.
Bowley	Gamble	Micozzie	Snyder, G. M.
Bowser	Gannon	Mowery	Staback
Boyes	Geist	Murphy	Stevens
Brandt	George	Nahill	Sweet
Broujos	Gruitza	Noye	Swift
Bunt	Hagarty	O'Donnell	Taylor, F. E.
Bush	Hayes	Olasz	Tigue
Carlson	Herman	Oliver	Trello
Cawley	Hershey	Petrone	Van Horne
Cessar	Honaman	Phillips	Veon
Chadwick	Itkin	Pievsy	Vroon
Cimini	Jackson	Pistella	Wambach
Clymer	Johnson	Pratt	Wiggins
Cohen	Kasunic	Pressmann	Wilson
Colafella	Kenney	Preston	Wright, D. R.
Cole	Langtry	Punt	Wright, J. L.
Cornell	Laughlin	Raymond	Wright, R. C.
Cowell	Lescovitz	Reber	Yandrisevits
Coy	Letterman	Reinard	
Deluca	Levdansky	Rieger	Irvis,
DeVerter	Livengood	Robbins	Speaker
DeWeese			

NOT VOTING—15

Blaum	Harper	Moehlmann	Pitts
Burns	Howlett	Morris	Steighner
Cappabianca	Jarolin	Perzel	Taylor, J.
Cordisco	Maiale	Petrarca	

EXCUSED—4

Clark	Freind	Hutchinson	Richardson
-------	--------	------------	------------

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—79

Acosta	Dawida	Letterman	Rieger
Baldwin	Deal	Levdansky	Roebuck
Barber	Dombrowski	Levin	Rudy
Battisto	Donatucci	Linton	Seventy
Belfanti	Evans	Livengood	Showers
Blaum	Fattah	McCall	Staback
Book	Fee	McVerry	Steighner
Bortner	Gallagher	Maiale	Stewart
Bush	Gamble	Manderino	Sweet
Caltagirone	Gruitza	Markosek	Taylor, F. E.
Cappabianca	Haluska	Mayernik	Tigue
Carn	Harper	Michlovic	Trello
Cawley	Howlett	Morris	Van Horne
Cessar	Itkin	Murphy	Wambach
Cohen	Jarolin	O'Donnell	Wiggins
Colafella	Josephs	Oliver	Wright, D. R.
Cole	Kasunic	Petrone	Wright, R. C.
Cordisco	Kosinski	Pievsy	
Cowell	Kukovich	Pistella	Irvis,
Deluca	Laughlin	Preston	Speaker
Daley			

NAYS—120

Afflerbach	Dorr	Lescovitz	Ryan
Angstadt	Duffy	Lloyd	Rybak
Argall	Durham	Lucyk	Saloom
Arty	Fargo	McClatchy	Saurman
Barley	Fischer	McHale	Scheetz
Belardi	Flick	Mackowski	Schuler
Birmelin	Foster, Jr., A.	Manmiller	Semmel
Black	Fox	Merry	Serafini
Bowley	Freeman	Micozzie	Sirianni
Bowser	Fryer	Miller	Smith, B.
Boyes	Gallen	Moehlmann	Smith, L. E.
Brandt	Gannon	Mowery	Snyder, D. W.
Broujos	Geist	Mrkonic	Snyder, G. M.
Bunt	George	Nahill	Stairs
Burd	Gladeck	Noye	Stevens
Burns	Godshall	O'Brien	Stuban
Carlson	Greenwood	Olasz	Swift
Chadwick	Gruppo	Perzel	Taylor, E. Z.
Cimini	Hagarty	Petrarca	Taylor, J.
Civera	Hasay	Phillips	Telek
Clymer	Hayes	Piccola	Truman
Cornell	Herman	Pitts	Veon
Coslett	Hershey	Pott	Vroon
Coy	Honaman	Pratt	Wass
DeVerter	Jackson	Pressmann	Weston
DeWeese	Johnson	Punt	Wilson
Davies	Kennedy	Raymond	Wogan
Dietz	Kenney	Reber	Wozniak
Dininni	Langtry	Reinard	Wright, J. L.
Distler	Lashinger	Robbins	Yandrisevits

NOT VOTING—0

EXCUSED—4

Clark	Freind	Hutchinson	Richardson
-------	--------	------------	------------

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

LIQUOR CONTROL COMMITTEE MEETING

The SPEAKER. There are a couple of announcements before you leave the floor.

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

Mr. SALOOM. Mr. Speaker, I wish to remind the members of the House Liquor Control Committee that upon the adjournment tomorrow, Tuesday, October 29, there will be a very important meeting of the Liquor Control Committee in room 401. Thank you, Mr. Speaker.

RULES COMMITTEE MEETING

The SPEAKER. On the declaration of the recess, the majority leader requests a meeting of the Rules Committee in his office.

SB 654 RECONSIDERED

The SPEAKER. The Chair has in its possession a motion to reconsider the vote by which SB 654 was defeated on this, the 28th day of October.

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

The following roll call was recorded:

YEAS—192

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

Coslett	Josephs	Pott	Wogan
Cowell	Kasunic	Pratt	Wozniak
Coy	Kennedy	Pressmann	Wright, D. R.
Deluca	Kenney	Preston	Wright, J. L.
DeVerter	Kosinski	Punt	Wright, R. C.
DeWeese	Kukovich	Raymond	Yandrisevits
Daley	Langtry	Reber	
Davies	Lashinger	Reinard	Irvis,
Dawida	Laughlin	Robbins	Speaker
Deal	Lescovitz		

NAYS—2

Fischer Sirianni

NOT VOTING—5

Cordisco	Greenwood	Oliver	Rieger
Donatucci			

EXCUSED—4

Clark	Freind	Hutchinson	Richardson
-------	--------	------------	------------

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

On the question recurring,
Shall the bill pass finally?

MOTION TO RECOMMIT

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that SB 654, PN 1491, be recommitted to the Committee on Appropriations.

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. Strike the vote.
The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, Mr. Cowell, who offered the amendment and who filed the reconsideration, has asked that the bill be reprinted so that the members see clearly what we are doing and have it on the calendar for tomorrow.

**BILL PLACED ON FINAL PASSAGE
POSTPONED CALENDAR**

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

Mr. COWELL. Mr. Speaker, I move that SB 654, PN 1491, as amended, be placed on the final passage postponed calendar.

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

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

Mr. DUFFY. Mr. Speaker, I think we took a vote on this situation. It should go back to the Appropriations Committee.

The SPEAKER. The vote was stricken.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 185 By Representative KUKOVICH

Memorializing President Reagan to work toward halting nuclear testing and toward a test ban treaty.

Referred to Committee on RULES, October 28, 1985.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Fee.

Mr. FEE. Mr. Speaker, on the motion to recommit SB 901, my switch did not function properly. I would like to be voted in favor.

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

The Chair recognizes the gentleman from Butler, Mr. Steighner. Why do you rise?

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, when the vote was taken on the Duffy amendment A3481 to SB 654, my switch malfunctioned. I would like to be recorded in the negative.

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

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

Mr. PETRARCA. Mr. Speaker, on SB 654 I was recorded in the negative. I would like to be recorded in the positive. Thank you.

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

DEMOCRATIC CAUCUS

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

Mr. ITKIN. Mr. Speaker, I just want to reiterate about caucus tomorrow at 10 a.m.

The SPEAKER. The Chair thanks the gentleman.

REMARKS ON VOTE

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

Mr. FLICK. Thank you, Mr. Speaker.

On the Cowell amendment A3520 to SB 654, my vote was not recorded. I would like to be recorded in the affirmative, please.

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

RESOLUTIONS REPORTED FROM COMMITTEE

HR 168, PN 2220 (Concurrent)

By Rep. MANDERINO

Directing the Department of Health to conduct an investigation into the adequacy of Commonwealth law and existing public health measures which may prevent the spread of Acquired Immune Deficiency Syndrome within the population, to make recommendations, to report to the General Assembly, and to engage in such public information activities deemed necessary.

RULES.

HR 169, PN 2221

By Rep. MANDERINO

Proclaiming the week of October 28 through November 2, 1985, as "Youth Club Week" in Pennsylvania.

RULES.

HR 178, PN 2314

By Rep. MANDERINO

Urging the Governor to proclaim Sunday, November 10, 1985, as "Pennsylvania Retired Educators Day."

RULES.

HR 179, PN 2315

By Rep. MANDERINO

Commending the United States Navy personnel who intercepted and forced down the plane carrying Palestinian terrorists.

RULES.

HR 185, PN 2386

By Rep. MANDERINO

Memorializing President Reagan to work toward halting nuclear testing and toward a test ban treaty.

RULES.

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 of the General Assembly, the Chair recognizes the gentleman from Delaware, Mr. Raymond.

Mr. RAYMOND. Mr. Speaker, I move that this House do now adjourn until Tuesday, October 29, 1985, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:36 p.m., e.s.t., the House adjourned.