

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 29, 1985

SESSION OF 1985

169TH OF THE GENERAL ASSEMBLY

No. 66

HOUSE OF REPRESENTATIVES

The House convened at 11 a.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:

Immortal, Invisible, and Most Wise God, as humble workmen of Thine we come to Thee with the fullest realization that Thou art our strength and the joy of our salvation. The problems, trials, and difficulties in life prompt us to turn to Thee for the help which Thou hast to give. We call upon Thee for the ability to meet and overcome the temptations and enticements we encounter. We beseech Thee to guide and direct our lives that we may show forth Thy praise before all mankind. And when our life comes to an end, we rest in the assurance that Thou wilt call us to share with Thee the blessings of eternity. In Thy blest name, we pray. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. The Journal for Monday, October 28, 1985, not yet being in print, without objection the approval of said Journal will be postponed until the Journal is in print, and the Chair does not hear objection.

COMMUNICATION LOBBYIST LIST PRESENTED

The SPEAKER. The Chair acknowledges receipt from the Secretary of the Senate and from the Chief Clerk of the House of the listing of various lobbying groups, in compliance with Act 712, which the clerk will file.

The following communication was submitted:

Senate of Pennsylvania
October 29, 1985

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

of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from September 28, 1985 through October 28, 1985 inclusive for the 169th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:
Mark R. Corrigan
Secretary of the Senate
John J. Zubeck
Chief Clerk
House of Representatives

(For list, see Appendix.)

COMMUNICATION FROM AUDITOR GENERAL

The SPEAKER. The Chair also acknowledges, dated October 25, 1985, according to the provisions of Article VIII, section 7, of the Constitution, certificate notification from Don Bailey, Auditor General of the Commonwealth, which the clerk will file.

The following communication was submitted:

Commonwealth of Pennsylvania
Office of the Auditor General
Harrisburg 17120
October 25, 1985

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

Dear Speaker Irvis:

In accordance with the provisions of Article VIII, Section 7 of the Constitution of the Commonwealth of Pennsylvania and Section 1604B of the Fiscal Code, as amended, the Governor has requested a certificate in connection with the settlement of the sale of the Commonwealth of Pennsylvania bonds in the principal amount of sixty million dollars on October 29, 1985.

A duplicate original of my certificate is enclosed herewith.

Sincerely,
Don Bailey
Auditor General

DB/dme
Enclosure

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

SENATE MESSAGE

**AMENDED HOUSE BILL
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned **HB 969, PN 2310**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

**HOUSE BILLS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 206, PN 2160; HB 242, PN 259; HB 702, PN 800; and HB 1307, PN 1556**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

**ADJOURNMENT RESOLUTION
FOR CONCURRENCE**

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

In the Senate, October 28, 1985

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, November 12, 1985 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Tuesday, November 12, 1985 unless sooner recalled by the Speaker.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

LEAVES OF ABSENCE

The SPEAKER. The Chair now turns to leaves of absence and recognizes the gentleman from Lawrence, Mr. Fee.

Mr. FEE. Mr. Speaker, there are no leaves for the Democratic side at this time.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority whip.

Mr. Hayes indicates there are no leaves. The Chair thanks the gentleman.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll call for today. Members are urged to get to the floor. We are going to have a long and perhaps very convoluted voting day today. Members will proceed on the master roll.

The following roll call was recorded:

PRESENT—202

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Hutchinson

WELCOMES

The SPEAKER. The Chair is delighted to welcome to the hall of the House a very charming and very pretty little girl, Little Miss Pennsylvania. She is Melissa Hamscher. She is here with her mother, Carol; her sister, Michelle; and her grandmother, Marie Kloiber. They are here as the guests of Representative Afflerbach. Welcome to the hall of the House.

We have in the gallery Nancy Schrader, who is district aide to Representative Chadwick; Helena Ipsen, who is an exchange student from Denmark; and Julie Johnston, who is a 12th grade student at S.R.U. High School. They are here in the gallery as the guests of Representative Chadwick. Welcome to the hall of the House.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1845 By Representatives CIMINI, OLIVER, DAWIDA, SALOOM, J. L. WRIGHT, JOHNSON, OLASZ, GRUPPO, COHEN, STABACK, GALLAGHER, KENNEY, GEIST, TRUMAN, R. C. WRIGHT, LANGTRY, DISTLER, MERRY, HERMAN and MANMILLER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for lights on certain vehicles in funeral processions.

Referred to Committee on TRANSPORTATION, October 29, 1985.

No. 1846 By Representatives LLOYD, BELARDI, HERMAN, TRUMAN, PRATT, CIVERA, TRELLO, JOSEPHS, BATTISTO, AFFLERBACH, DEAL, E. Z. TAYLOR, LINTON, MAIALE, SWEET, WOGAN, BLAUM, JACKSON, SEMMEL, JOHNSON, BALDWIN, O'DONNELL, J. L. WRIGHT, DeWEESE, STABACK, MORRIS, BELFANTI, ITKIN, WOZNIAK, TIGUE, HALUSKA, MICHLOVIC, KUKOVICH and FARGO

An Act requiring district attorneys to notify the appropriate State board when a health care professional is convicted of a felony.

Referred to Committee on PROFESSIONAL LICENSURE, October 29, 1985.

No. 1847 By Representatives LLOYD, KUKOVICH, FARGO, MICHLOVIC, HALUSKA, TIGUE, WOZNIAK, ITKIN, BELFANTI, MORRIS, STABACK, DeWEESE, J. L. WRIGHT, O'DONNELL, BALDWIN, SEMMEL, JACKSON, BLAUM, SWEET, MAIALE, LINTON, E. Z. TAYLOR, DEAL, AFFLERBACH, BATTISTO, JOSEPHS, TRELLO, CIVERA, PRATT, TRUMAN, HERMAN and BELARDI

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), known as the "Health Care Facilities Act," further providing for the reporting of incidents of professional misconduct.

Referred to Committee on PROFESSIONAL LICENSURE, October 29, 1985.

No. 1848 By Representatives BUNT, TRELLO, FARGO, RAYMOND, WOZNIAK, NAHILL, J. L. WRIGHT, JOHNSON, FOX, KENNEY, SEMMEL, BUSH, DISTLER, J. TAYLOR, SAURMAN, LASHINGER, WOGAN, PETRONE, SIRIANNI, NOYE, AFFLERBACH, BATTISTO, TELEK, MERRY and SERAFINI

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing special tax provisions for an increase in value of real estate resulting from commercial construction.

Referred to Committee on FINANCE, October 29, 1985.

No. 1849 By Representatives MARKOSEK, LIVENGOOD, PISTELLA, PRESSMANN, J. L. WRIGHT, RAYMOND, NAHILL, BLAUM, DEAL, CHADWICK, FISCHER, HERMAN, J. TAYLOR, SEMMEL, VEON, STABACK, TRUMAN and FOX

An Act amending Titles 18 (Crimes and Offenses) and Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for an offense relating to the failure to render assistance in certain circumstances.

Referred to Committee on JUDICIARY, October 29, 1985.

No. 1850 By Representatives MARKOSEK, LIVENGOOD, PISTELLA, FOX, PRESSMANN, J. L. WRIGHT, RAYMOND, MRKONIC, NAHILL, COHEN, BLAUM, ITKIN, DEAL, OLASZ, CARN, CHADWICK, FISCHER, HERMAN, J. TAYLOR, SEMMEL, VEON, MICHLOVIC, STABACK and TRUMAN

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," adding provisions for the compensation of persons who suffer death or injury as a result of rendering reasonable assistance.

Referred to Committee on JUDICIARY, October 29, 1985.

No. 1851 By Representatives TRELLO, STABACK, TRUMAN, GAMBLE, FLICK and A. C. FOSTER, JR.

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for the minimum number of school days in the event of a strike by professional employees.

Referred to Committee on EDUCATION, October 29, 1985.

No. 1852 By Representatives COHEN, PITTS, BELARDI, PETRARCA, PUNT, DeWEESE, CAWLEY, MERRY, JACKSON, CARLSON, ACOSTA, CARN, FREEMAN, RICHARDSON, STEWART, PETRONE, RYBAK, FREIND, FATTAH,

JOSEPHS, LEVDANSKY, DeLUCA,
BELFANTI, CORDISCO, KASUNIC,
DALEY, SIRIANNI, KOSINSKI,
CHADWICK, E. Z. TAYLOR, HOWLETT
and FLICK

An Act amending Title 77 (Workers' Compensation) of the Pennsylvania Consolidated Statutes, adding revised, compiled and codified provisions relating to workers' compensation; making conforming amendments to Titles 30, 35, 40, 42, 51 and 71; and making repeals.

Referred to Committee on LABOR RELATIONS,
October 29, 1985.

No. 1853 By Representatives FARGO, TRELLO,
WILSON, BUNT, KENNEY,
VAN HORNE, SEVENTY, ROBBINS,
A. C. FOSTER, JR. and MERRY

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for forgiveness of income tax liability because of poverty.

Referred to Committee on FINANCE, October 29, 1985.

No. 1854 By Representatives SWEET, ARTY,
KUKOVICH, CAWLEY, RAYMOND,
DURHAM, O'BRIEN, KOSINSKI,
TRUMAN, MRKONIC, HARPER and
R. C. WRIGHT

An Act regulating the practice of electrolysis and thermolysis; creating the State Board of Electrologists and conferring powers and duties on the board; and imposing penalties.

Referred to Committee on PROFESSIONAL LICENSURE,
October 29, 1985.

No. 1855 By Representatives PICCOLA,
WAMBACH, MANMILLER, OLIVER and
DININNI

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to convey to Susquehanna Township a tract of land situate in Susquehanna Township, Dauphin County, Pennsylvania.

Referred to Committee on STATE GOVERNMENT,
October 29, 1985.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 184
(Concurrent) By Representatives MARKOSEK,
LIVENGOOD, PISTELLA, FOX,
PRESSMANN, J. L. WRIGHT,
RAYMOND, MRKONIC, COHEN,
BLAUM, ITKIN, DEAL, OLASZ, CARN,
CHADWICK, FISCHER, HERMAN,
J. TAYLOR, SEMMEL, VEON and
STABACK

Memorializing the Governor to recognize individuals who receive Carnegie Medals.

Referred to Committee on RULES, October 29, 1985.

SENATE BILLS FOR CONCURRENCE

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

SB 670, PN 1478

Referred to Committee on TRANSPORTATION,
October 29, 1985.

SB 673, PN 1479

Referred to Committee on LOCAL GOVERNMENT,
October 29, 1985.

SB 1144, PN 1434

Referred to Committee on LOCAL GOVERNMENT,
October 29, 1985.

SB 1145, PN 1435

Referred to Committee on LOCAL GOVERNMENT,
October 29, 1985.

BILLS SIGNED BY SPEAKER

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

HB 206, PN 2160

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Environmental Resources, to convey to the Promised Land Volunteer Fire Company 0.34 acres of land, more or less, situate in Greene Township, Pike County, Pennsylvania.

HB 242, PN 259

An Act amending the act of May 27, 1937 (P. L. 926, No. 249), referred to as the "Bedding and Upholstery Law," further regulating reports of certain licensees.

HB 702, PN 800

An Act authorizing the Department of Transportation, with the approval of the Governor, to convey to the Wyalusing Municipal Authority approximately one and one-third acres of land located in Wyalusing Borough, Bradford County.

HB 1307, PN 1556

An Act authorizing and directing the Department of General Services, with the approval of the Governor, the Secretary of Environmental Resources and the United States Secretary of the Interior, to convey to Peter C. Fick a certain parcel of land situated in Hanover Township, Beaver County, Pennsylvania, in exchange for a tract of land of equal value.

WELCOMES

The SPEAKER. We have a group from Allegheny County and Westmoreland County in the gallery as the guests of Representative Joe Markosek. Welcome to the hall of the House.

We are particularly pleased to welcome Alice Teeple, who is the godchild of Representative Kosinski. Alice is here as the guest of Representative Kosinski and Representative Ruth Rudy. Welcome to the hall of the House.

CITATION PRESENTED

The SPEAKER. The Chair recognizes the lady from Chester, Mrs. Taylor, who wishes to present a citation.

Mrs. TAYLOR. Thank you, Mr. Speaker.

During the month of October, a week has been designated for foster care. Today I have the honor to present to you the first child care agency in the Commonwealth. They have brought the original charter with them, which is now housed in the archives at the Swarthmore Library.

I would like to present this to the executive director, Mrs. Coate, and the citation reads:

WHEREAS, Friends Association for the Care and Protection of Children, chartered in 1822, is acknowledged as the oldest child welfare agency in the Commonwealth of Pennsylvania. Beginning as a network of homes for abandoned black children in Philadelphia, the Friends Association has had a long tradition of outstanding service and commitment to vulnerable and neglected youth in Chester County; and

WHEREAS, Over the years Friends Association has faithfully followed its commitment to help children of all races and creeds; and nowhere is the Friends Association for the Care and Protection of Children's commitment and caring attitude better reflected than in their creed: "to provide not only shelter, food and clothing but also loving attention and reasoned discipline to assist children of all races to realize their own potentials as human beings and become productive members of society;" and

WHEREAS, This Quaker organization continues its tradition of service to youth in need. The agency now provides exemplary programs which fill many gaps in community service for youngsters and their families, specialized foster care for older difficult-to-place children; an emergency shelter for families in crisis situations, and an in-home service program for families who are homeless or in jeopardy of losing their housing.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania recognizes the accomplishments, contributions and on-going efforts of the Friends Association for Care and Protection of Children and commends this fine organization for its one hundred sixty-three years of dedicated service; and further directs that a copy of this citation be delivered to the Friends Association for Care and Protection of Children, 222 North Walnut Street, West Chester, Pennsylvania 19380.

I would like to present to you folks the executive director, Mrs. Coate; a foster parent and a foster child; and Cleona Jackson from the Friends Association for the Care and Protection of Children. Thank you very much.

WELCOMES

The SPEAKER. Representative Evans and Representative Carn have as their guest Ms. Melonease Shaw-Taylor of the Pace Data Systems, Inc. Welcome to the hall of the House.

And the Chair is delighted to have as the guest of every single member former Representative—the one who probably set the long-distance record for all of us—Joe Wargo. Welcome to the hall of the House, Joe.

CITATION PRESENTED

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin, for the purpose of presenting a citation.

Mr. ITKIN. Mr. Speaker, I have the distinct privilege and honor to provide a citation by this House of Representatives to a most distinguished staffer of the Pennsylvania General Assembly. As you may be aware, Dick Campbell, who served as the executive director of our Legislative Data Processing Center, is retiring after many, many years of service, and I feel very proud that this House would formally commend him on those years of faithful service and wish him well for the future.

Dick Campbell, would you come front and center, please? Dick, I would like to read this citation by the House of Representatives:

WHEREAS, Dick Campbell is retiring as Executive Director of Legislative Data Processing following a distinguished and noteworthy career. Mr. Campbell graduated from the University of Pennsylvania and served as a pilot with the United States Army Air Corps during World War II. He began his dedicated career with Legislative Data Processing in 1967 and was appointed Executive Director in 1969.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania heartily congratulates Dick Campbell on his retirement and wishes him happiness and good fortune in the years ahead; and further directs that a copy of this citation be delivered to Dick Campbell, 940 West Foxcroft Drive, Camp Hill, Pennsylvania 17011.

We have here with us Dick Campbell. Dick, would you like to say a few words to the House, please?

Mr. CAMPBELL. Mr. Itkin, Mr. Speaker, ladies and gentlemen of the House of Representatives, I salute you. You are a beautiful General Assembly. It has been my undoubted pleasure to have served behind the scenes in your data processing facility. I will never forget you. They will continue downstairs to do whatever they can to make your job easier. I thank you from the bottom of my heart and wish you all well. Thank you.

The SPEAKER. Dick, we all thank you, and in thanking you we take recognition of the fact that this House could not function, could not function, without the loyal support and the hard work of the staff people who make it run. And we want to put that on the public record.

CALENDAR**BILLS ON SECOND CONSIDERATION**

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

SB 615, PN 744; and HB 64, PN 2363.

* * *

The House proceeded to second consideration of **HB 1721, PN 2365**, entitled:

An Act regulating private prisons; providing for contracts between the Commonwealth and counties and private contractors; and providing for approval by the Attorney General and for the licensing and inspection of private prisons by the Department of Corrections.

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 1721 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 401, PN 431**, entitled:

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

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

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

* * *

The House proceeded to second consideration of **HB 861, PN 987**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the refund of certain taxes and the utilization of the tax refunds for snowmobiles.

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

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

* * *

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

HB 1004, PN 1141; HB 1506, PN 1885; and HB 1524, PN 1914.

* * *

The House proceeded to second consideration of **HB 1729, PN 2203**, entitled:

An Act directing the Department of Transportation to redesignate that portion of Legislative Route 64089 which is located in Murrysville, Westmoreland County, and is now designated as Mill Street as Vincent Hall Road and to make appropriate sign changes.

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 1729 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 1812, PN 2331**, entitled:

An Act amending the act of July 9, 1985 (P. L. 187, No. 47), known as the "Transportation Partnership Act," further providing for transportation development districts and financing.

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 1812 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.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1736, PN 2347**, entitled:

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

On the question,
Will the House agree to the bill on third consideration?
Mr. PIEVSKY offered the following amendments No. A3542:

Amend Sec. 1, page 2, line 1, by striking out "\$1,594,000," and inserting

\$1,595,000,

Amend Sec. 2, page 2, by inserting between lines 17 and 18
(11) Youngwood Borough, Westmoreland County

Amend Sec. 2, page 2, line 18, by striking out "(11)" and inserting

(12)

Amend Sec. 2, page 2, line 19, by striking out "(12)" and inserting

(13)

Amend Sec. 2, page 2, line 20, by striking out "(13)" and inserting

(14)

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

The SPEAKER. On the question, the Chair recognizes the gentleman from Philadelphia, Mr. Pievsky.

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, all this amendment does is add another municipality in Westmoreland County—it is Youngwood Borough—and increases the appropriation by \$1,000. I am offering it for Amos Hutchinson, who is on leave. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—196

Acosta	Dietz	Lescovitz	Robbins
Afflerbach	Dininni	Letterman	Roebuck
Angstadt	Distler	Levdansky	Rudy
Argall	Dombrowski	Levin	Ryan
Arty	Donatucci	Linton	Rybak
Baldwin	Dorr	Livengood	Saloom
Barber	Duffy	Lloyd	Saurman
Barley	Durham	Lucy	Scheetz
Battisto	Evans	McCall	Schuler
Belardi	Fargo	McClatchy	Semmel
Belfanti	Fee	McHale	Serafini
Birmelin	Fischer	McVerry	Seventy
Black	Flick	Mackowski	Showers
Blaum	Foster, Jr., A.	Maiale	Smith, B.
Book	Fox	Manderino	Smith, L. E.
Bortner	Freeman	Manmiller	Snyder, D. W.

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

NAYS—0

NOT VOTING—6

Carn	Josephs	Richardson	Sirianni
Fattah	Merry		

EXCUSED—1

Hutchinson

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

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

Mr. LLOYD offered the following amendments No. A3549:

Amend Title, page 1, line 3, by inserting after "WEST-MORELAND"

, Somerset

Amend Sec. 1, page 2, line 1, by striking out "\$1,594,000" and inserting

\$1,599,000

Amend Sec. 2, page 2, by inserting between lines 20 and 21

(14) Lower Turkeyfoot Township, Somerset County

5,000

Amend Bill, page 3, by inserting between lines 4 and 5

Section 5. The sum of \$46,400, or as much thereof as may be necessary, is hereby appropriated to the Pennsylvania Emergency Management Agency to reimburse the following municipalities for flood damages incurred as a result of the storm of August 13, 1984:

- (1) Summit Township, Somerset County \$5,000
- (2) Northampton Township, Somerset County 23,500
- (3) Meyersdale Borough, Somerset County 15,500

(4) Fairhope Township, Somerset County 2,400
 Amend Sec. 5, page 3, line 5, by striking out "5" and insert-
 ing

6

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this simply adds things in the same way that the Pievsky amendment did on some expenses which were not available when the bill was considered in Appropriations.

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

Mr. RYAN. Mr. Speaker, will the gentleman consent to interrogation?

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

Mr. RYAN. Will the gentleman advise me where the figures came from that are placed in his amendment?

Mr. LLOYD. The figures were supplied by the Somerset County Emergency Management Agency after contacting all of the affected municipalities and checking on their documentation.

Mr. RYAN. Will the gentleman advise me whether the State Government, through PEMA (Pennsylvania Emergency Management Agency), has had an opportunity to look over these figures and if it agrees with them?

Mr. LLOYD. To the best of my knowledge, the answer to that is "no."

Mr. RYAN. Would you advise me whether or not there was any declaration of a disaster declared by either the Federal or State Government in connection with this storm?

Mr. LLOYD. There are two different storms covered in this amendment. With regard to the one dealing with Lower Turkeyfoot Township, that was the flood that occurred in July of this year in which there were disaster declarations in some parts. That particular township in Somerset County was not included because there was not a sufficient number of homes damaged. I did discuss that particular situation with the PEMA people in order to determine that there was no possibility to have the disaster area extended, but from conversations with the Appropriations Committee, it appears that the same kinds of expenses that are being reimbursed under the bill were incurred by Lower Turkeyfoot Township. With regard to the other four municipalities, those were part of the disaster declaration last August.

Mr. RYAN. I thank the gentleman, Mr. Speaker.

Mr. Speaker, I just want the members to be aware of what is taking place here in HB 1736. I am addressing myself to these amendments, but my remarks essentially extend over to the entire second section of the bill if the amendment goes in, or even without the amendment.

What we are doing now is we are—assuming this amendment goes in and the bill passes—we are giving money to

municipalities based on their assertion that damage took place in a storm; the storm being one that was never declared to be a national or State emergency. If you look at this amendment and also look at the bill, you will find that municipalities are asking for relief for amounts as low as \$2,400 and in the bill for amounts as low as \$1,000.

My concern is that we are opening the door to every heavy rainstorm that causes damage, having each municipality coming in to ask for reimbursement. I am not suggesting it is right or it is wrong. It is different, and I just leave it to you as to whether or not you want to start passing on the reimbursement to municipalities for damages almost no matter how slight—when you get down to \$1,000—as something that we should be getting into where the storm is not one that has been declared a disaster by either the State or Federal Government.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Yes, Mr. Speaker. I just want to make sure everybody is aware that the bulk of this amendment does deal with an area which was covered by a disaster declaration.

Secondly, the question that Mr. Ryan raised is a valid one, but that really goes to things which are already in the bill. If you want to vote against the bill, vote against the bill. All I am asking for is equality. If we are going to give it to Westmoreland and Fayette Counties, then we ought to give the same thing to Somerset County. So I would ask for a "yes" vote.

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

The following roll call was recorded:

YEAS—173

Acosta	Dombrowski	Levin	Roebuck
Afflerbach	Donatucci	Linton	Rudy
Angstadt	Dorr	Livengood	Rybak
Argall	Duffy	Lloyd	Saloom
Arty	Durham	Lucyk	Scheetz
Baldwin	Evans	McCall	Schuler
Barber	Fattah	McClatchy	Semmel
Battisto	Fee	McHale	Serafini
Belardi	Fischer	McVerry	Seventy
Belfanti	Foster, Jr., A.	Mackowski	Showers
Blaum	Fox	Maiale	Sirianni
Bortner	Freeman	Manderino	Smith, B.
Bowley	Freind	Manmiller	Snyder, G. M.
Bowser	Fryer	Markosek	Staback
Boyes	Gallagher	Mayernik	Stairs
Brandt	Gamble	Merry	Steighner
Broujos	Gannon	Michlovic	Stevens
Burd	Geist	Micozzie	Stewart
Burns	George	Miller	Stuban
Bush	Godshall	Morris	Sweet
Caltagirone	Gruitza	Mowery	Swift
Cappabianca	Gruppo	Mrkonic	Taylor, E. Z.
Carn	Hagarty	Murphy	Taylor, F. E.
Cawley	Haluska	Nahill	Taylor, J.
Cessar	Harper	Noye	Telek
Civera	Hasay	O'Brien	Tigue
Clark	Hayes	O'Donnell	Trello
Cohen	Herman	Olasz	Truman
Colafella	Honaman	Oliver	Van Horne
Cole	Howlett	Perzel	Veon
Cordisco	Itkin	Petrarca	Wambach
Cornell	Jarolin	Petrone	Wass

Coslett	Johnson	Phillips	Weston
Cowell	Josephs	Piccola	Wiggins
Coy	Kasunic	Pievsky	Wilson
Deluca	Kennedy	Pistella	Wogan
DeWeese	Kenney	Pratt	Wozniak
Daley	Kosinski	Pressmann	Wright, D. R.
Davies	Kukovich	Preston	Wright, J. L.
Dawida	Lashinger	Punt	Yandrisevits
Deal	Laughlin	Reber	
Dietz	Lescovitz	Reinard	Irvis,
Dininni	Letterman	Richardson	Speaker
Distler	Levdansky	Rieger	

NAYS—27

Barley	Clymer	Hershey	Ryan
Birmelin	DeVerter	Jackson	Saurman
Black	Fargo	Langtry	Smith, L. E.
Bunt	Flick	Pitts	Snyder, D. W.
Carlson	Gallen	Pott	Vroon
Chadwick	Gladeck	Raymond	Wright, R. C.
Cimini	Greenwood	Robbins	

NOT VOTING—2

Book Moehlmann

EXCUSED—1

Hutchinson

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?

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, my remarks with respect to the Lloyd amendment apply here to a greater extent, of course, with the bill. This bill has a provision to expend \$11 million to take care of problems that occurred in connection with the hurricane this past summer, in September, and that was declared an emergency, of course.

The bill also provides, without regard to the amendments, for the sum of \$1,600,000, or as much thereof as is necessary, to be appropriated to different municipalities. I do not believe any of these are covered by any declaration of emergency, but rather it was just a bad storm in the western part of the State. The Pennsylvania Emergency Management Agency never declared it an emergency. I do not know whether they have ever examined these funds that are being asked for, but speaking for myself, I am not as bothered by the appropriation of a million dollars to the city of Jeannette as I am by the thousand dollars being paid to Penn Borough. If we have to start worrying about every thousand-dollar item after a torrential rainstorm, I think we are going to be bogged down and there is going to be abuse.

I am voting against it for that reason, not because I think Jeannette should be deprived of aid but because of some of these small communities. I think it is a precedent that we do not dare get involved in.

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.

(Members proceeded to vote.)

PARLIAMENTARY INQUIRY

Mr. RYAN. Mr. Speaker, it is my understanding that this is a nonpreferred appropriation. Is that correct?

The SPEAKER. We will have to check it. It is not so listed.

Mr. RYAN. By reason of the first portion of the bill where the \$11 million is made available to individuals, I am told by our legal staff that it is a nonpreferred.

VOTE STRICKEN

The SPEAKER. Strike the vote.

Mr. Pievsky, would you stand for interrogation?

Mr. PIEVSKY. Mr. Speaker, actually it is an appropriation to the Governor of the Commonwealth, and it is not a non-preferred appropriation. I believe it is on the first page of the bill.

The SPEAKER. The House will stand at ease. Will the majority leader come here, and also Mr. Pievsky.

FINANCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Trello, who wishes to announce a committee meeting.

Mr. TRELLO. There will be a meeting of the Finance Committee immediately at the back of the House.

The SPEAKER. A meeting of the Finance Committee immediately, during this hiatus, at the rear of the hall of the House.

STATE GOVERNMENT COMMITTEE MEETING

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

Mr. OLIVER. Thank you, Mr. Speaker.

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

The SPEAKER. The Chair thanks the gentleman.

CONSIDERATION OF HB 1736 CONTINUED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, it is my understanding that Mr. Ryan is insisting that someone make a decision on whether or not this piece of legislation needs a two-thirds vote to pass or not. I think that there is confusion about that, and I think the question is moot if it does get a two-thirds vote, and a higher authority may have to decide it sometime, but certainly we do not have to decide that question today. I would respectfully request the Chair to refrain from making such decision until it becomes important on whether or not a bill has passed or not passed this Assembly.

The SPEAKER. The Chair recognizes the minority leader.
 Mr. RYAN. Mr. Speaker, I have pending a point of parliamentary inquiry where I have asked the Chair to advise this House if it is not true that under the Constitution of the Commonwealth of Pennsylvania this bill requires a two-thirds vote to pass.

The SPEAKER. The Chair is of the opinion that the bill will require a two-thirds vote in order to pass.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I would ask that all of the members vote in favor of this bill, because despite the fact that I have some reluctance to get involved in the \$1,000 and \$2,000 claims of townships and boroughs where there has been no declaration of an emergency, there is, nevertheless, a huge problem in Jeannette that is in excess of \$1 million, and of course, there are huge problems that need to be rectified with the moneys available to compensate people and municipalities for the damages caused by Hurricane Gloria. Under those circumstances, I would hope that this House passes unanimously this bill.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader on final passage.

Mr. MANDERINO. Mr. Speaker, I, too, urge an affirmative vote. Whether or not this bill requires a two-thirds vote I still think is problematical. I do not think it is in the province of the Chair to make such ruling, although the Chair has decided to make such ruling. I think that that is up to the House and up to the courts of the Commonwealth.

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—202

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

Chadwick	Haluska	O'Donnell	Tigue
Cimini	Harper	Olasz	Trello
Civiera	Hasay	Oliver	Truman
Clark	Hayes	Perzel	Van Horne
Clymer	Herman	Petrarca	Veon
Cohen	Hershey	Petrone	Vroon
Colafella	Honaman	Phillips	Wambach
Cole	Howlett	Piccola	Wass
Cordisco	Itkin	Pievsky	Weston
Cornell	Jackson	Pistella	Wiggins
Coslett	Jarolin	Pitts	Wilson
Cowell	Johnson	Pott	Wogan
Coy	Josephs	Pratt	Wozniak
Deluca	Kasunic	Pressmann	Wright, D. R.
DeVerter	Kennedy	Preston	Wright, J. L.
DeWeese	Kenney	Punt	Wright, R. C.
Daley	Kosinski	Raymond	Yandrisevits
Davies	Kukovich	Reber	
Dawida	Langtry	Reinard	Irvis,
Deal	Lashingier	Richardson	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Hutchinson

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

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

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Book, rise?

Mr. BOOK. Mr. Speaker, on amendment 3549 to HB 1736, my switch was not working. I would like to be voted in the affirmative.

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

BILL ON FINAL PASSAGE POSTPONED

The House proceeded to SB 654, PN 1509, on final passage postponed, 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 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.

On the question recurring,
 Shall the bill pass finally?

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

Mr. CLARK. Thank you, Mr. Speaker.

They say, what a difference a day makes. I was on leave yesterday, so I missed the amendment, until this morning, that went into this bill. Before that amendment went into the

bill, the bill was calling for between 63- and 66-percent pay raises for three row officers in Allegheny County. Now the amendment has retrenched those pay raises to their current level and puts the authority with the county commissioners for setting salaries in second-class counties. Now, we are setting up a difference with this bill between second-class counties and all other counties, because in all other counties every raise must be applied on the same percentage to every row office. But now in Allegheny County the commissioners can set any percentage for any row officer without regard to applying that provision of Act 82 of 1979 equally, and I think that is a good thing to make them make the vote.

The issue, I believe, on this bill was the county commissioners and the row officers were trying to get us to do their dirty work for them. They were trying to get us to pass 65-percent pay increases on average for row officers where they would not have to answer to them. The Cowell amendment improved this bill dramatically.

In preparing for this bill, I went back to 1979 and looked at the Journal from when we passed Act 82 of 1979, which set wage scales for every county. The debate was very interesting, because the same proponents of this bill today supported allowing the commissioners to set their own wage scale, and here they were in 1985 proposing massive wage increases without the commissioners voting.

I support this bill in its current form, because I think the commissioners should make the vote on pay increases. The other version of the bill was a mess and I think was a ripoff that was designed to take those people off the hook. Thank you, Mr. Speaker.

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

Mr. DUFFY. Thank you, Mr. Speaker.

I would like to ask the maker of the amendment to the bill if he could answer a couple of questions.

The SPEAKER. Is it Mr. Cowell to whom you are directing your attention?

Mr. DUFFY. Yes.

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

Mr. DUFFY. I would like to find out how this bill is any different from the bill that is currently in law, which allows the commissioners to raise the wages of the row officers in Allegheny County.

Mr. COWELL. As has been stated several times on the floor yesterday and as Mr. Clark just reiterated, the basic difference between the current law and the provisions of this proposed law, or this bill, deals with the degree to which increases may or must be granted across the board. The current law requires the commissioners to give the same percentage increase across the board to all row officers, including themselves, if they grant anybody an increase. The legislation as is currently before us in Allegheny County would exempt them from that requirement for the same percentage across-the-board increase. That is the basic difference.

Mr. DUFFY. I would like to ask you one other question. If any of these row officers would possibly fall out of favor with the people giving out the raises, could they be frozen at their present wage?

Mr. COWELL. The bill before us establishes minimums and then gives to the commissioners the responsibility for setting salaries henceforth.

Mr. DUFFY. In other words, what they could do is freeze somebody. If today they were making \$30,000, if they fall out of favor with the commissioners, there is a possibility in 4 years they would still be making the \$30,000.

Mr. COWELL. Mr. Speaker, again, I think the legislation is clear. It gives to the commissioners the authority to establish salaries. I think that it is obvious that they will do that at a public meeting. I think it is obvious that any time we in the legislature, or officials in large areas as well as small areas, I believe, of the State, get into salary questions, there is a lot of public scrutiny; there is a lot of public accountability, and so those decisions are made, certainly, in the light of public scrutiny.

Mr. DUFFY. Could it happen the way I described? Could they be frozen in that category, Mr. Speaker?

Mr. COWELL. Mr. Speaker, again, I think that it is clear the commissioners have the power to establish salaries. The requirement of the law, if we would approve this legislation, is that they would not be able to go below the minimums which are established in the bill.

Mr. DUFFY. I take it your answer is yes then.

I sincerely believe that the commissioners today have the right in Allegheny County—

The SPEAKER. Mr. Duffy, are you finished with the interrogation?

Mr. DUFFY. Yes, sir.

The SPEAKER. You may now speak on the bill.

Mr. DUFFY. I think that the commissioners have the right today to go ahead and give the row officers, plus themselves, a raise. There is a guarantee in there that everybody, no matter of what party, will get the same percentage raise.

I am still against the bill, and I hope that you vote "no" on it. Thank you.

PARLIAMENTARY INQUIRY

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

Mr. PUNT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Another one?

Mr. PUNT. Yes.

The SPEAKER. Let us hope it is easier than the last one. Go right ahead, Mr. Punt.

Mr. PUNT. Mr. Speaker, yesterday Representative Cowell and a number of others said that it was imperative this bill pass yesterday. Representative Letterman asked to have the bill held over for today to have an amendment drafted to offer. You ruled the bill could not be held over, that it had to have been considered yesterday, if in fact whatever is to

happen should this pass would take place. Now, has something changed in the schedule that would now give this additional day?

The SPEAKER. Yes; there is.

Mr. PUNT. What, sir?

The SPEAKER. The problem with passing a bill in the House as amended is that the Senate will not accept it until it is in print. We cannot send the original bill plus the amendment to the Senate; it will not accept it. We have to have it reprinted. By delaying, by ordering the bill to be reprinted, as the Chair did last night, the bill today is in exactly the same physical position it would have been in had it been passed yesterday and reprinted and sent to the Senate. The only difference is that if we had passed it yesterday, the bill would now be in the Senate as reprinted. We have it as reprinted today. If it is passed today, it can be sent immediately to the Senate; the Senate can accept it because it is reprinted.

I hope all of you understand that, that that was not done to delay the bill. But the Speaker knows the rule of the Senate is, we will not accept a bill as amended unless it is reprinted. That is the reason.

Mr. PUNT. Thank you.

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—146

Acosta	Deal	Letterman	Richardson
Afflerbach	Dombrowski	Levdansky	Rudy
Argall	Durham	Linton	Ryan
Arty	Evans	Livengood	Rybak
Baldwin	Fargo	McCall	Saurman
Barber	Fattah	McClatchy	Scheetz
Barley	Fee	McHale	Serafini
Battisto	Flick	McVerry	Seventy
Blaum	Fox	Mackowski	Showers
Book	Freeman	Majale	Smith, B.
Bortner	Freind	Manderino	Smith, L. E.
Bowser	Gallagher	Markosck	Staback
Brandt	Gallen	Mayernik	Steighner
Bunt	Gamble	Merry	Stevens
Burd	Gannon	Michlovic	Stewart
Burns	Geist	Micozzie	Sweet
Bush	Gladeck	Mochlmann	Taylor, E. Z.
Caltagirone	Godshail	Murphy	Taylor, F. E.
Cappabianca	Greenwood	Nahill	Taylor, J.
Carn	Gruppo	Noye	Tigue
Cawley	Hagarty	O'Brien	Trello
Cessar	Haluska	O'Donnell	Van Horne
Civera	Harper	Olasz	Vroon
Clark	Hayes	Oliver	Wambach
Cohen	Hershey	Perzel	Wass
Colafella	Howlett	Petrarca	Weston
Cole	Itkin	Petrone	Wiggins
Cordisco	Jarolin	Pievsky	Wilson
Cornell	Johnson	Pistella	Wogan
Coslett	Josephs	Pitts	Wozniak
Cowell	Kasunic	Pratt	Wright, D. R.
Coy	Kenney	Pressmann	Wright, J. L.
Deluca	Kosinski	Preston	Wright, R. C.
DeVerter	Kukovich	Punt	Yandrisevits
DeWeese	Lashingier	Raymond	
Daley	Laughlin	Reber	Irvis,
Dawida	Lescovitz	Reinard	Speaker

NAYS—55

Angstadt	Dininni	Kennedy	Roebuck
Belardi	Distler	Langtry	Saloom
Belfanti	Donatucci	Levin	Schuler
Birmelin	Dorr	Lloyd	Semmel
Black	Duffy	Lucyk	Sirianni
Bowley	Fischer	Manmiller	Snyder, D. W.
Boyes	Foster, Jr., A.	Miller	Snyder, G. M.
Broujos	Fryer	Morris	Stairs
Carlson	George	Mrkonic	Stuban
Chadwick	Gruitza	Phillips	Swift
Cimini	Hasay	Piccola	Telek
Clymer	Herman	Pott	Truman
Davies	Honaman	Rieger	Veon
Dietz	Jackson	Robbins	

NOT VOTING—1

Mowery

EXCUSED—1

Hutchinson

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

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

REMARKS ON VOTE

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

Miss SIRIANNI. Mr. Speaker, on the amendment to HB 1736, A3542, I was out of my seat, and I would like to be recorded in the affirmative.

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

We are going to break for lunch now, and we will return at 1:30. Break for lunch; there is no other vote on the floor. You may now leave the floor and return at 1:30.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 986, PN 1122 By Rep. OLIVER

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," further providing for the creation of new election districts in townships and boroughs.

STATE GOVERNMENT.

HB 1440, PN 1769 By Rep. OLIVER

An Act amending the act of September 2, 1961 (P. L. 1177, No. 525), referred to as the "Board and Commission Compensation Law," increasing the maximum amount which may be paid annually to members of the State Civil Service Commission, allowing for payment of actual days worked.

STATE GOVERNMENT.

SB 826, PN 1514 (Amended)

By Rep. TRELLO

An Act amending the act of June 11, 1941 (P. L. 113, No. 54), entitled "An act authorizing cities of the first class which have issued or may hereafter issue bonds to redeem the same and issue and sell new bonds therefor," further providing for refunding bonds upon or prior to maturity, for the sale of bonds at private or public sale at less than par and in an amount necessary to refund the bonds and for tax exempt treatment of the bonds; and further providing that under certain conditions the bonds not be deemed outstanding debts of such cities.

FINANCE.

SB 900, PN 1515 (Amended)

By Rep. TRELLO

An Act amending the act of July 10, 1981 (P. L. 219, No. 69), entitled "An act providing that a city of the first class shall sell bonds or other securities, except as provided herein, issued by it at public sale after not less than one public notice for such price, at, above or below their par value plus accrued interest, as shall be determined by the authorities of the city and providing that such a city may sell bonds or other securities at private sale when no conforming bid has been received at a prior public sale; and providing that the provisions hereof shall apply to all borrowings and the issuance of bonds or other securities therefor, whenever authorized," authorizing sales of bonds or securities at private negotiated sales without public notice to bid; changing advertising requirements; and deleting the requirement that the legislative body approve private negotiated sales.

FINANCE.

RECESS

The SPEAKER. The House stands in recess until 1:30.

AFTER RECESS

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

SENATE BILLS FOR CONCURRENCE

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

SB 259, PN 1476

Referred to Committee on HEALTH AND WELFARE, October 29, 1985.

SB 602, PN 1477

Referred to Committee on LOCAL GOVERNMENT, October 29, 1985.

SB 772, PN 1480

Referred to Committee on LOCAL GOVERNMENT, October 29, 1985.

SB 931, PN 1481

Referred to Committee on LOCAL GOVERNMENT, October 29, 1985.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair is in receipt of a list of additions and deletions from the majority leader, which the clerk will file.

The following list was submitted:

ADDITIONS:

HB 322, Fox; HB 861, Steighner; HB 971, Dawida; HB 1194, Langtry; HB 1587, Kasunic; HB 1626, Serafini; HB 1639, Steighner; HB 1689, Barley; HB 1695, O'Brien, Mayernik, Serafini, Vroon, Kukovich, Caltagirone, Seventy, Johnson, Kasunic; HB 1708, Kasunic; HB 1709, Kasunic; HB 1711, Serafini; HB 1741, Levdansky; HB 1786, R. C. Wright; HB 1797, Kasunic; HB 1799, Kasunic; HB 1823, Levdansky, Serafini, Pratt, Fattah, DeLuca; HB 1832, Pratt, Kasunic, Burd; HB 1834, Steighner, Burd; HB 1836, McHale, J. J. Taylor, Michlovic; HR 167, Broujos; HR 173, Broujos; HR 176, Staback; HR 177, Staback.

DELETIONS:

HB 1487, Perzel; HB 1808, Baldwin.

SUNSET REVIEW RESOLUTIONS SUBMITTED

The SPEAKER. Pursuant to section 7(b) of Act 142 of 1981, the Sunset Act, the Speaker is hereby submitting resolutions continuing existence of those agencies scheduled for termination on December 31, 1985.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 5, PN 1589**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, prohibiting investments in corporations doing business in the Republic of South Africa or Namibia.

On the question,

Will the House agree to the bill on third consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 5, PN 1589, be placed on the tabled calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to third consideration of **HB 6, PN 1590**, entitled:

An Act requiring State-related universities and member institutions of the State System of Higher Education to divest themselves of investments in the Republic of South Africa or Namibia.

On the question,

Will the House agree to the bill on third consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 6, PN 1590, be placed on the tabled calendar.

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

* * *

The House proceeded to third consideration of **HB 7, PN 1591**, entitled:

An Act requiring cities to enact responsible investment ordinances requiring the withdrawal of city funds from banks and business entities doing business with the Republic of South Africa.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 7, PN 1591, be placed on the tabled calendar.

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

* * *

The House proceeded to third consideration of **HB 9, PN 13**, entitled:

An Act providing priorities for the investment of public moneys.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 9, PN 13, be placed on the tabled calendar.

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

BILL ON FINAL PASSAGE POSTPONED

The House proceeded to **HB 4, PN 1588**, on final passage postponed, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, prohibiting investments in corporations doing business in the Republic of South Africa or Namibia.

On the question recurring,
Shall the bill pass finally?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 4, PN 1588, be placed on the tabled calendar.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 1074, PN 1323**, entitled:

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

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

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

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—196

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

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

NAYS—0

NOT VOTING—6

Belfanti	Levdansky	Pratt	Richardson
Bowley	Livengood		

EXCUSED—1

Hutchinson

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

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

* * *

The House proceeded to third consideration of **HB 1498, PN 2343**, entitled:

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

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

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

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Mr. Speaker, I am the prime sponsor of this bill. I will be very brief.

This piece of legislation arises out of a decision that was made by the Pennsylvania Commission on Sentencing last April. The Sentencing Commission at that point, Mr. Speaker, made the decision, which I believed was erroneous at the time, that a criminal defendant, once convicted, could not be sentenced to a tougher sentence merely because he possessed a deadly weapon at the time the crime was perpetrated. The commission made the decision in April—it was published shortly thereafter—that only if the weapon were actually used in the commission of the crime could it result in a more severe sentence. I cast one of the two dissenting votes on the commission at the time that decision was made.

Mr. Speaker, basically, the bill before the House right now overrides the decision of the Sentencing Commission in

stating that the Commonwealth of Pennsylvania will provide protection to our innocent citizens before they are the victims of a deadly weapon. This legislation, which has strong bipartisan support, will allow a judge in sentencing a convicted criminal to take into consideration that at the time of the crime the weapon was possessed. It need not be used; it need only be possessed.

I believe, Mr. Speaker, the message that we want to send is that the Commonwealth of Pennsylvania obviously does not want the criminal code violated. But just as significantly, if it is to be violated, we want to send an absolutely clear message to the criminal element in our State that a deadly weapon had better not be possessed at the time of the crime and that if it is, it is going to result in a tougher sentence.

Mr. Speaker, that is the heart of the bill. I would be happy to respond to any questions. I believe very strongly that this is a measure that will protect our innocent citizens and ought to be promptly enacted into law. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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—199

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

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

NAYS—0

NOT VOTING—3

Johnson Richardson Snyder, G. M.

EXCUSED—1

Hutchinson

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

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

* * *

The House proceeded to third consideration of **HB 1130, PN 1864**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for the use of binding arbitration procedures between certain public employees and their public employers.

On the question,

Will the House agree to the bill on third consideration?

Mr. FREIND offered the following amendments No. A2686:

Amend Title, page 1, line 2, by striking out "the use of"

Amend Title, page 1, line 3, by striking out "procedures between" and inserting
for

Amend Title, page 1, lines 3 and 4, by striking out "and their public employers"

Amend Sec. 1, page 1, lines 9 through 17; page 2, lines 1 through 8, by striking out all of said lines on said pages and inserting

That section 31 of Article III be amended to read:

§ 31. Delegation of certain powers prohibited.

(a) The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

(b) Notwithstanding the foregoing limitation or any other provision of the Constitution, the General Assembly may enact laws which provide that the findings of panels or commissions, selected and acting in accordance with law for the adjustment or settlement of grievances or disputes or for collective bargaining between [policemen and firemen] classes of essential public employees designated by the General Assembly and their public employers, shall be binding upon all parties and shall constitute a mandate to the head of the political subdivision which is the employer, or to the appropriate officer of the Commonwealth if the Commonwealth is the employer, with respect to matters which can be remedied by administrative action, and to the law-making body of such political subdivision or of the Commonwealth, with respect to matters which require legislative action, to take the action necessary to carry out such findings.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

This amendment is agreed to with the prime sponsor of this legislation, Mr. Itkin.

To explain what the amendment does, let me briefly explain what the present state of the law is. Right now this legislature can only mandate binding arbitration for two classes of public employees - policemen and firemen. If we want to mandate binding arbitration for any other class, the first thing we have to do is amend the Constitution. What the bill does, HB 1130, is propose to amend the Constitution to permit binding arbitration for E.M.T.'s (emergency medical technicians) and certain rescue personnel.

In addition, there are a number of other amendments which are being proposed today, if this amendment does not pass, for other specific types of individuals, such as physicians, nurses, different types of inspectors, law enforcement personnel, et cetera.

What my amendment does is permit the legislature—if passed; it is a constitutional amendment which would permit the legislature—at its pleasure to mandate by enabling legislation binding arbitration for any class of public employee for whom it desired to do so. What in fact more than anything else the amendment does is it says that these 203 members and the 50 in the Senate ought to be the arbiters of what classes of public employees should be mandated by arbitration and what should not.

Now, keep in mind this is a constitutional amendment. It has to pass the House and the Senate in identical form in two consecutive terms and then has to be adopted by a referendum of the people. If in fact all of that happens and it is adopted in a referendum, nothing will happen to change anything unless and until this legislature introduces specific enabling legislation. It could be for any particular class of public employee. All this does is gives us the latitude to make those decisions without continuing to attempt to piecemeal amend the Constitution.

I might also add that I have had long discussions with PSEA (Pennsylvania State Education Association) concerning this, and PSEA does not oppose this amendment. And any time PSEA and Steve Freind agree on something, I think it is a worthwhile amendment, and I would very much appreciate your support for it. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. ITKIN. Mr. Speaker, I believe Mr. Freind's amendment is a good one, and I support it and urge everyone to vote for it.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Bucks, Mr. Gallagher.

Mr. GALLAGHER. Mr. Speaker, first I would like to interrogate the sponsor of the amendment, Representative Freind.

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

Mr. GALLAGHER. The amendment that you offered states, I believe, the words "classified employees." Is that the amendment you are using?

Mr. FREIND. "...classes of essential public employees designated by the General Assembly...."

Mr. GALLAGHER. "Classified," is that right? "Classified employees of—"

Mr. FREIND. "...classes of...public employees designated by the General Assembly...."

Mr. GALLAGHER. All right. So that includes any employee of the Commonwealth or government? Does that include local government, too?

Mr. FREIND. That is correct. That is the definition of "public employee," if we designate it so.

Mr. GALLAGHER. And if the referendum passes by the public, after it passes the House and Senate, then it gives the General Assembly the authority to define the classifications. Is that right?

Mr. FREIND. That is exactly right, Mr. Speaker.

Mr. GALLAGHER. So that could include all employees of this Commonwealth and local government? Is that right?

Mr. FREIND. It could, Mr. Speaker. It would be up to the legislature.

Mr. GALLAGHER. Okay. I thank you, Mr. Speaker.

Mr. Speaker, on the amendment?

The SPEAKER. On the amendment, the gentleman is recognized and may speak.

Mr. GALLAGHER. Mr. Speaker, if this bill passes the House and Senate and the referendum passes by the public in regular voting procedures, it will give this General Assembly the authority to set the classifications of those employees of State and local governments for various means, primarily of binding arbitration, prohibition of strikes.

Now, Representative Freind indicated that PSEA is in favor of the amendment. I am not aware of that, but I do not know that PSBA (Pennsylvania School Boards Association) is in favor of the bill. The problem you have is not prohibiting strikes; the problem that you really have is opening up the door for binding arbitration on local government as well as State Government.

Article III, section 31, of our State Constitution by referendum provides that policemen and firemen shall not strike and they shall have a binding arbitration, and that is what we are faced with right now. What this amendment would do is expand it to all employees of government, State or local, school districts, et cetera, and set up the General Assembly the opportunity, if it is passed into law amending our Constitution, to give us the authority to set up the classifications and to decide that the employees of a State hospital shall not strike and they shall have binding arbitration or that the employees of a municipal borough shall not strike and they shall have binding arbitration or that schoolteachers of a school district or an intermediate unit or a State college would not have the right to strike but would have binding arbitration. That is how

far it goes. It sounds easy; it sounds reasonable, but it can go to that whole gamut of binding arbitration where the salaries and expenses to be spent on behalf of the employees shall be decided by a nonelective group, usually in binding arbitration.

I urge the members to seriously consider all of these facets that you can be faced with if this becomes law and amends our Constitution. I personally have not been touched by PSEA or PSBA that they are in favor of this amendment or this bill. I personally feel that we are going a little too far in taking the chance of winding up with binding arbitration and making the decision of how much it is going to cost to employ those employees as designated by this General Assembly if this amendment and bill become part of our State Constitution. I personally am going to vote "no" on the amendment, and I urge the members to consider all these facets before you make a quick decision on that. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Freind amendment, the Chair recognizes the gentleman from Chester, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

I think it is important to point out that what the gentleman, Mr. Freind, is attempting to do is to save our Constitution from being cluttered with a various number of employee groups or categories that we may feel should not be striking and should not be affecting the health, safety, and welfare of the citizens of Pennsylvania. The gentleman, Mr. Itkin, has a bill that rightfully so would provide that the emergency medical service individuals would be restricted from striking. They in fact would be a part of the group that could go into binding arbitration. That is a group that we as individuals here should be seriously considering to put into binding arbitration.

There are other groups. The amendments on the floor indicate there are a great number of these areas that we as the elected officials representing our constituents should take action on. But rather than clutter up the Constitution by delineating these groups one by one, the gentleman from Delaware County, Representative Freind, has suggested we have an amendment that will give us the authority to set the classes of people who can go into binding arbitration. I think that this is a good point. I think this is one that we do not have to look down the road at this point and say, well, gee, it opens the door.

There are groups and categories of employees that should be prohibited from striking and in fact should be open to binding arbitration. I think we should support this amendment. I think it makes the bill better and I think it accomplishes what the others in the chamber here feel we should be doing. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—182

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

NAYS—15

Acosta	Dawida	George	Rybak
Afflerbach	Fee	Kosinski	Sweet
Carn	Freeman	Levdansky	Yandrisevits
DeWeese	Gallagher	Levin	

NOT VOTING—5

Barber	Pratt	Preston	Saloom
Gannon			

EXCUSED—1

Hutchinson

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

On the question,

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

Mr. PICCOLA offered the following amendments No. A2943:

Amend Title, page 1, line 1, by striking out "an amendment" and inserting amendments

Amend Title, page 1, line 4, by removing the period after "employers" and inserting ; and providing for a Judicial Qualifications Commission and judicial appointments by the Governor.

Amend Sec. 1, page 1, line 7, by striking out "amendment" and inserting amendments

Amend Sec. 1, page 1, line 8, by striking out "is" and inserting

are

Amend Sec. 1, page 1, line 9, by inserting before "That"

(1)

Amend Sec. 1, page 2, by inserting after line 8

(2) That section 8(b) of Article IV be amended to read:

§ 8. Appointing power.

(b) The Governor shall fill vacancies in offices to which he appoints, including appointments made pursuant to section 13(d) of Article V, by nominating to the Senate a proper person to fill the vacancy within 90 days of the first day of the vacancy and not thereafter except that, in the case of appointments made pursuant to section 13(d) of Article V, the Governor shall nominate a person to fill the vacancy within 90 days of the first date he receives a list of qualified persons submitted by the Judicial Qualifications Commission. The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first. If the nomination is made during a recess or after adjournment sine die, the Senate shall act upon it within 25 legislative days after its return or reconvening. If the Senate for any reason fails to act upon a nomination submitted to it within the required 25 legislative days, the nominee shall take office as if the appointment had been consented to by the Senate. The Governor shall in a similar manner fill vacancies in the offices of Auditor General, State Treasurer, [justice,] judge, justice of the peace and in any other elective office he is authorized to fill. In the case of a vacancy in an elective office, a person shall be elected to the office on the next election day appropriate to the office unless the first day of the vacancy is within two calendar months immediately preceding the election day in which case the election shall be held on the second succeeding election day appropriate to the office.

(3) That sections 12(a), 13 and 14 of Article V be amended to read:

§ 12. Qualifications of justices, judges and justices of the peace.

(a) Justices, judges and justices of the peace shall be citizens of [the] this Commonwealth. Justices and judges, except the judges of the traffic court in the City of Philadelphia, shall be members of the bar of the Supreme Court. Justices and judges of statewide courts, for a period of one year preceding their [election or] appointment and during their continuance in office, shall reside within [the] this Commonwealth. Other judges and justices of the peace, for a period of one year preceding their election or appointment and during their continuance in office, shall reside within their respective districts, except as provided in this article for temporary assignments.

§ 13. Election and appointment of justices, judges and justices of the peace; vacancies.

(a) [Justices, judges] Judges and justices of the peace, other than justices and judges of statewide courts, shall be elected at the

municipal election next preceding the commencement of their respective terms of office by the electors of [the] this Commonwealth or the respective districts in which they are to serve.

(b) A vacancy in the office of [justice,] judge or justice of the peace, other than justices and judges of statewide courts, shall be filled by appointment by the Governor. The appointment shall be with the advice and consent of two-thirds of the members elected to the Senate, except in the case of justices of the peace which shall be by a majority. The person so appointed shall serve for a term ending on the first Monday of January following the next municipal election more than ten months after the vacancy occurs or for the remainder of the unexpired term, whichever is less, except in the case of persons selected as additional judges to the Superior Court, where the General Assembly may stagger and fix the length of the initial terms of such additional judges by reference to any of the first, second and third municipal elections more than ten months after the additional judges are selected. The manner by which any additional judges are selected shall be provided by this section for the filling of vacancies in judicial offices.

(c) The provisions of [section 13(b)] subsection (b) shall not apply either in the case of a vacancy to be filled by retention election as provided in section 15(b), or in the case of a vacancy created by failure of a justice or judge to file a declaration for retention election as provided in section 15(b). In the case of a vacancy occurring at the expiration of an appointive term under [section 13(b)] subsection (b), the vacancy shall be filled by election as provided in [section 13(a)] subsection (a).

(d) At the primary election in 1969, the electors of the Commonwealth may elect to have the justices and judges of the Supreme, Superior, Commonwealth and all other statewide courts appointed by the Governor from a list of persons qualified for the offices submitted to him by the Judicial Qualifications Commission. If a majority vote of those voting on the question is in favor of this method of appointment, then whenever any vacancy occurs thereafter for any reason in such court, the Governor shall fill the vacancy by appointment in the manner prescribed in this subsection. Only common pleas judges, Superior Court and Commonwealth Court judges shall be eligible for appointment. Common pleas judges must have been elected and served for a period of three years in order to be eligible for appointment. Such appointment shall not require the consent of the Senate.

(e) Each justice or judge appointed by the Governor under section 13(d) shall hold office for an initial term ending the first Monday of January following the next municipal election more than 24 months following the appointment.]

(d) Justices and judges of the Supreme, Superior and Commonwealth Courts and all other statewide courts hereafter created shall be appointed by the Governor from a list of persons qualified for the offices submitted to him by the Judicial Qualifications Commission. Whenever any vacancy occurs thereafter for any reason in any of these courts, the Governor shall fill the vacancy by appointment in the manner prescribed in this subsection. Only common pleas judges, Superior Court judges and Commonwealth Court judges shall be eligible for appointment. Common pleas judges must have been elected and served for a period of three years in order to be eligible for appointment. The appointment shall require the consent of a majority of the members elected to the Senate in the manner prescribed by section 8 of Article IV.

(e) Each justice or judge appointed by the Governor under subsection (d) shall hold office for an initial term ending the first Monday of January following the next municipal election more than 24 months following the appointment.

§ 14. Judicial Qualifications Commission.

(a) Should the method of judicial selection be adopted as provided in section 13(d), there shall be a Judicial Qualifications

Commission, composed of four non-lawyer electors appointed by the Governor and three non-judge members of the bar of the Supreme Court appointed by the Supreme Court. No more than four members shall be of the same political party. The members of the commission shall serve for terms of seven years, with one member being selected each year. The commission shall consider all names submitted to it and recommend to the Governor not fewer than ten nor more than 20 of those qualified for each vacancy to be filled.

(b) During his term, no member shall hold a public office or public appointment for which he receives compensation, nor shall he hold office in a political party or political organization.

(c) A vacancy on the commission shall be filled by the appointing authority for the balance of the term.]

(a) There shall be a Judicial Qualifications Commission, composed of four non-lawyer electors appointed by the Governor and three non-judge members of the bar of the Supreme Court selected by members of the bar of the Supreme Court in the manner prescribed by rules of the Supreme Court. No more than four members shall be of the same political party. The members of the commission shall serve for terms of seven years with one member being selected each year. The commission shall consider all names submitted to it and recommend to the Governor a list of names containing not less than five nor more than ten of those qualified for each vacancy to be filled. The Governor shall select a nominee from the list and shall not request that the commission submit additional names.

(b) During his term, no member shall hold a public office or public appointment for which he receives compensation nor shall he hold office in a political party or political organization.

(c) A vacancy on the commission shall be filled by the appointing authority for the balance of the term. The respective appointing authority may only remove a member for cause. For the purpose of removal, the Supreme Court shall be deemed to be the appointing authority of members of the commission selected by members of the bar.

(d) The General Assembly may enact laws, not inconsistent with this section, to implement its provisions.

On the question,

Will the House agree to the amendments?

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I think it is appropriate that this amendment be considered today in that we are approaching a municipal election in which we will be selecting several appellate court judges to sit on our Superior Court. I think this coming election has demonstrated that the method by which we select our appellate court judges in Pennsylvania is archaic and not working and has turned into a lottery-like system.

We have a system of crossfiling which, in this particular election, has resulted in two Republicans on the Democratic ballot, the one contested seat being contested by a Republican and a Democrat, leading to a great deal of confusion among our voters. Crossfiling has directly resulted in that, but there have been other factors, including the inability of our judges to raise adequate campaign funds in order to get their message across; restrictions placed upon candidates for judicial office by the courts, which restricts the method by which they can campaign; as well as regional voting and name identification voting, in which people with famous names tend to get elected.

This amendment, Mr. Speaker, is a constitutional amendment which would change that procedure and have a system of appointment or merit selection, if you will. I know many of you do not appreciate or would not be in favor of a merit selection because you feel there should be some political process involved, and I think you should realize, Mr. Speaker, that this amendment will not take the politics out of the selection of appellate judicial candidates.

First of all, the amendment requires that the appellate court candidate first, before he be selected, have some prior judicial experience, preferably in the court of common pleas. That means he would have to have at least exposed himself to the election process in the county of his origin.

Secondly, the Governor would have to make an appointment after the committee which is to be created selects him as one of several names. The confirmation process by the Senate, of course, is a political process, and the candidate, if selected and confirmed, would have to stand for retention.

Specifically, Mr. Speaker, this amendment provides for the creation of a judicial qualification commission by appointment, a majority of which would be nonlawyer electors appointed by the Governor. This commission, when a vacancy occurs on an appellate court, would send 5 to 10 names to the Governor and the Governor would be required to select a candidate to fill that position from the 5 to 10 names. At that point in time, the process would continue as it does now, where the Senate would confirm, although by a majority vote.

I think it is important, Mr. Speaker, to keep in mind that this is just the first step in adopting a constitutional amendment. Such an amendment would have to be approved by the Senate, adopted in identical form by the Senate, and it would have to then be adopted in identical form by the next General Assembly. I think it is well past our time to move in this direction, and I have to say that I personally have come to this conclusion rather reluctantly, because I, too, favor an election system wherever possible. But I have after the last several years come to the conclusion that some form of merit selection is necessary to select our appellate court judges, and I am proposing this to the House today. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Washington, Mr. Sweet.

Mr. SWEET. Thank you, Mr. Speaker.

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

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

Mr. SWEET. Mr. Speaker, does your amendment supplement Mr. Itkin's language or does it replace it?

Mr. PICCOLA. It supplements it, Mr. Speaker.

Mr. SWEET. Thank you, Mr. Speaker.

CONSTITUTIONAL POINT OF ORDER

Mr. SWEET. Mr. Speaker, may I make a motion?

The SPEAKER. What is the motion?

Mr. SWEET. Mr. Speaker, I would like to move that the Piccola amendment is unconstitutional. The reason that I believe it is unconstitutional and I have raised this objection—

The SPEAKER. Just a moment.

The gentleman, Mr. Sweet, suggests to the House that the Piccola amendment, A2943, violates the State Constitution. The question is for the House.

On the question,

Will the House sustain the constitutionality of the amendments?

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

Mr. SWEET. Thank you, Mr. Speaker.

Let me preface this, Mr. Speaker, by saying that I have been a supporter of merit selection of appellate court judges. However, Mr. Speaker, I think that proceeding in this fashion with this amendment flies in the face of the constitutional prohibition against considering a bill which deals with two separate subject matters.

We already have a bill before us, albeit in the form of a joint resolution, which is a constitutional amendment proposal, which deals with binding arbitration for public employees. If Mr. Piccola's amendment is adopted, then the members of the General Assembly will be forced to vote on what is in effect a bill which will deal with two completely different subjects - one, binding arbitration for public employees; secondly, merit selection of appellate court judges.

That runs directly counter to the spirit of the constitutional prohibition. The reason it does so is this: I, for example, am a member of the General Assembly. I just voted "no" on the last proposal, the Freind amendment. I want to vote "yes" on this one. Then, and assume the Piccola amendment is passed, I will then be sitting over there and the Speaker will call this bill—actually this joint resolution but in effect a bill—call this bill up for a vote on final passage, and I will be confronted with just the dilemma the Constitution was intended to prevent, and that is being forced to vote on a matter that is in effect a bill which deals with two completely different subject matters.

Therefore, Mr. Speaker, while I regret it because I want to support merit selection of appellate court judges in some form—although I am not quite sure in this form; I have not had a chance to read it yet—I would object, Mr. Speaker, to proceeding in this fashion, because I believe it violates the constitutional provision that I have discussed. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, is the amendment constitutional, the Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

In rebuttal to the argument presented by the gentleman, Mr. Sweet, first of all let me say that it is constitutional

because it is amending the Constitution. It is both constitutional and germane.

We in this House over the last few years have put very few restrictions on what we insert in other legislation in terms of amendments, and we have in the past on this particular issue, my recollection is, passed bills—specifically bills that amend the Constitution—that deal with two and probably sometimes three and four different subjects. My recollection is, in one recent session, a constitutional amendment which amended the Constitution - one on the subject dealing with assessment, I believe, in Philadelphia and another on the other subject dealing with the governing of aviation moneys. My recollection is those were the two subjects - totally unrelated but both amendments to the Constitution in the same bill.

We have done it in the past. The subject is germane since it is amending the Constitution, and I do not see any prohibition in the Constitution that would make this particular proposal unconstitutional.

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

Mr. ITKIN. Mr. Speaker, on the subject of constitutionality.

I believe that Representative Sweet is probably more correct in addressing the spirit of the Constitution, because the Constitution requires that whatever we pass in the General Assembly this session with respect to proposed amendments must be identically proposed in the next succeeding General Assembly. I propose the following consideration, where you have two different subjects contained in the same bill and the next session of the General Assembly, independently elected, decides to accept one-half of the constitutional provisions and rejects the other half. Then, of course, what happens to the half that both sessions concurred in? It would not be sufficient for it to gain approval to go before the voters.

It seems to me that we would be establishing a very bad precedent by combining such unrelated matters together in one bill or joint resolution. I would support the contention of the gentleman from Washington County that the Piccola amendment ought to be set aside as being unconstitutionally offered.

The SPEAKER. The Chair thanks the gentleman.

On the question of constitutionality, the Chair recognizes the gentleman from Allegheny, Mr. Dawida.

Mr. DAWIDA. Might I interrogate the sponsor of the amendment, Mr. Speaker?

The SPEAKER. Mr. Piccola indicates he will stand for interrogation. You may proceed, Mr. Dawida.

Mr. DAWIDA. Mr. Speaker, would you enlighten me as to how the bill that we pass today will proceed? My question is, if your amendment passes and then it goes all the way through the Senate and the House and so on, would this then appear on the ballot? Is that my understanding?

Mr. PICCOLA. No, Mr. Speaker. The next procedure would be that the next General Assembly elected in 1986 would have to consider the language contained in this part of the amendment as well as the language contained in the bill

that is presently before us, either together or separately, but pass the identical language. At that point in time, after that General Assembly has fully acted, it would be duly advertised and placed upon the ballot for the people of Pennsylvania to consider. So that could not take place until, at the very earliest, 1987.

Mr. DAWIDA. Thank you, Mr. Speaker.

Might I address—

The SPEAKER. The question of constitutionality?

Mr. DAWIDA. Yes.

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

Mr. DAWIDA. Mr. Speaker, I believe it is clearly unconstitutional for a very simple reason. Eventually this issue will come before the voters, and can you imagine the confusion of the voters, who are confused often enough by the things we put on the ballot, to have to deal with two separate issues, as Mr. Sweet brought up. It is difficult enough for us to deal with that kind of ambivalence; I would hate to see it on the ballot for the State of Pennsylvania, and I believe the Constitution expressly prohibits that kind of ambivalence. Therefore, I believe we should support Mr. Sweet's motion regarding the fact that this is not a constitutional amendment.

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

Mr. PICCOLA. If I could respond to Mr. Dawida's assertion, the people of Pennsylvania would not vote as we are voting here today. We have chosen that process for ourselves, and I have not always agreed with it. But the people of Pennsylvania would face the ballot question as two separate issues. They would not have to vote for this amendment or the amendment contained in the bill at the same time. The amendment would appear as two separate questions, and the people of Pennsylvania could vote "yes" or "no."

Also, Mr. Speaker, the next General Assembly, I believe, could adopt identical language in two separate bills if they chose, just so long as the identical language was adopted for each amendment.

This process that we are going through here, Mr. Speaker, has been done in the past. I cited before the constitutional amendment which we proposed dealing with aviation, the use of aviation fuel money, and I erred in saying that it had to do with tax assessment. It had to do with a pension question. There are no two subjects more dissimilar than those two, yet we here in this House adopted a constitutional amendment in one bill on those two separate subjects, and I say that we did it then; we can do it now. There is nothing in the Constitution that prohibits that. In fact, the constitutional section that is being cited, I assume, is Article III, section 3, which says, "No bill shall be passed containing more than one subject, which shall be clearly expressed in its title, except a general appropriation bill or a bill codifying or compiling the law or a part thereof." What we are doing is adopting a bill which will be codifying part of a code; namely, the Constitution.

It is permissible under the Constitution. We have done it in the past, and I say, Mr. Speaker, we can do it today. Thank you.

The SPEAKER. For the second time on the question, the Chair recognizes the gentleman, Mr. Sweet.

Mr. SWEET. Thank you, Mr. Speaker. I will try to react to the points Mr. Piccola raised very quickly.

First of all, the last point. He indicated that there are two instances in which a bill could deal with more than one subject. This certainly is neither one of those. To call the Constitution a code is an absurd kind of conclusion and one we ought not make.

Secondly, Mr. Speaker, and I think more importantly, we have fought about this several times. I have raised this question on several separate instances in front of this body, and occasionally the body has agreed. Usually when the body has agreed, it has been because there have been two very complex and very controversial matters in front of us. Mr. Piccola corrected his factual error. The bill dealing with Philadelphia and Pittsburgh property tax assessments also had a second matter appended to it. I do not remember what it was, but I remember it was also controversial, and in that instance the House voted that it was unconstitutional to proceed. The factual circumstance cited by Mr. Piccola—something about pensions and something about aviation—were both very noncontroversial. Both passed, I think, 196 to nothing or something along that line, and probably in that instance we were wrong and should not have taken them together. I was going to raise this objection when we took them together, but it was the second time it had come before the General Assembly and I did not want, for the reasons Mr. Itkin cited, to really screw up, in effect, that bill by forcing a division of those two items. I thought it was wrong then. I certainly think it is wrong today to force the members of this chamber to engage in what I think is a rather absurd process of voting on two completely separate questions.

Finally, Mr. Speaker, if it is crazy for us to operate this way, it is certainly crazy to expect the members of the general public to figure all this out. We are going to rely on the Legislative Reference Bureau to divide these two questions somehow so the public can figure it out. My reliance on the Legislative Reference Bureau is often misplaced. It was misplaced as recently as earlier today. I do not know that we ought to count on someone other than ourselves to present to the voters clear, direct questions for them to vote on. Let us not make them go through the crazy, convoluted process that we force ourselves to go through.

I believe this is an unconstitutional process and would ask that you so vote. Thank you, Mr. Speaker.

The SPEAKER. The question is, is the amendment offered by the gentleman, Mr. Piccola, constitutional? The question is for the House to decide.

Those who believe it to be constitutional will vote "aye"; those who believe it to be unconstitutional will vote "no."

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—63

Argall	Fargo	Lloyd	Saurman
Barley	Freind	McVerry	Scheetz
Black	Godshall	Mackowski	Schuler
Blaum	Greenwood	Manmiller	Semmel
Book	Gruppo	Merry	Sirianni
Bowser	Hagarty	Miller	Smith, L. E.
Brandt	Hasay	Moehlmann	Snyder, D. W.
Burd	Hayes	Mowery	Swift
Burns	Herman	Nahill	Telek
Cessar	Honaman	Noye	Tigue
Chadwick	Jackson	O'Brien	Vroon
Cornell	Kennedy	Perzel	Wass
Coslett	Kenney	Piccola	Wilson
Dietz	Kukovich	Pott	Wogan
Dininni	Langtry	Reinard	Wright, J. L.
Distler	Levin	Robbins	

NAYS—138

Acosta	Davies	Lashinger	Rieger
Afflerbach	Dawida	Laughlin	Roebuck
Angstadt	Deal	Lescovitz	Rudy
Arty	Dombrowski	Letterman	Ryan
Baldwin	Donatucci	Levdansky	Rybak
Barber	Dorr	Linton	Saloom
Battisto	Duffy	Livengood	Serafini
Belardi	Durham	Lucyk	Seventy
Belfanti	Evans	McCall	Showers
Birmelin	Fattah	McClatchy	Smith, B.
Bortner	Fee	McHale	Snyder, G. M.
Bowley	Fischer	Majale	Staback
Boyes	Flick	Manderino	Stairs
Broujos	Foster, Jr., A.	Markosek	Steighner
Bunt	Fox	Mayernik	Stevens
Bush	Freeman	Michlovic	Stewart
Caltagirone	Fryer	Micozzie	Stuban
Cappabianca	Gallagher	Mrkonic	Sweet
Carlson	Gallen	Murphy	Taylor, E. Z.
Carn	Gamble	O'Donnell	Taylor, F. E.
Cawley	Gannon	Olasz	Taylor, J.
Cimini	Geist	Oliver	Trello
Civera	George	Petrarca	Truman
Clark	Gladeck	Petrone	Van Horne
Clymer	Gruitza	Phillips	Veon
Cohen	Haluska	Pievsky	Wambach
Colafella	Harper	Pistella	Weston
Cole	Hershey	Pitts	Wiggins
Cordisco	Howlett	Pratt	Wozniak
Cowell	Itkin	Pressmann	Wright, D. R.
Coy	Jarolin	Preston	Wright, R. C.
Deluca	Johnson	Punt	Yandrisevits
DeVerter	Josephs	Raymond	
DeWeese	Kasunic	Reber	Irvis,
Daley	Kosinski	Richardson	Speaker

NOT VOTING—1

Morris

EXCUSED—1

Hutchinson

Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendments was not sustained.

On the question recurring,

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

Mrs. HAGARTY offered the following amendments No. A3525:

Amend Title, page 1, line 1, by striking out "an amendment" and inserting

amendments

Amend Title, page 1, line 4, by removing the period after "employers" and inserting

; and changing and adding provisions relating to the judiciary.

Amend Sec. 1, page 1, line 7, by striking out "amendment" and inserting

amendments

Amend Sec. 1, page 1, line 8, by striking out "is" and inserting

are

Amend Sec. 1, page 1, line 9, by inserting before "That"

(1)

Amend Sec. 1, page 2, by inserting after line 8

(2) That section 17 of Article V be amended by adding a subsection to read:

§ 17. Prohibited activities.

(e) All justices, judges, justices of the peace and other officers or employees of the unified judicial system who have a personal or private interest in any action, proceeding or appeal pending before their respective court shall disclose that fact to the court of which that person is a member, officer or employee, and shall not act thereon.

(3) That section 18 of Article V be amended to read:

§ 18. Suspension, removal, discipline and compulsory retirement.

(a) There shall be a Judicial Inquiry and Review Board having [nine] 11 members [as follows: three judges of the courts of common pleas from different judicial districts and two judges of the Superior Court, all of whom shall be selected by the Supreme Court; and two non-judge members of the bar of the Supreme Court and two non-lawyer electors, all of whom shall be selected by the Governor.], three of whom shall be appointed by the Governor, one by the President pro tempore of the Senate, one by the Minority Leader of the Senate, one by the Speaker of the House of Representatives, one by the Minority Leader of the House of Representatives and four by the Chief Justice of the Supreme Court. Of the members appointed by the Governor, two persons shall be non-judge members of the bar of the Supreme Court and one shall be a judge. Of the members appointed by the Chief Justice, two persons shall be judges of a statewide court and two shall be judges of the court of common pleas. All of the members appointed by the legislative leaders shall be non-lawyer electors.

(b) [The members shall serve for terms of four years, provided that a member, rather than his successor, shall continue to participate in any hearing in progress at the end of his term. A vacancy on the board shall be filled by the respective appointing authority for the balance of the term. The respective appointing authority may remove a member only for cause. No member shall serve more than four consecutive years; he may be reappointed after a lapse of one year. Annually the members of the board shall elect a chairman. The board shall act only with the concurrence of a majority of its members.] The persons first appointed by the Governor shall have respectively two, three and four-year terms as he shall designate. The persons first appointed by the Chief Justice of the Supreme Court shall have respectively one, two, three and four-year terms as he shall designate. The person first appointed by the President pro tempore of the Senate shall have a one-year term. The person first appointed by the Minority Leader of the Senate shall have a two-year term. The person first appointed by the Speaker of the House of Representatives shall have a four-year term. The person first appointed by the Minority Leader of the House of Representatives shall have a three-year term. Each member of the board shall be appointed thereafter for

a term of four years. Commission membership of a judge appointed by the Governor or the Chief Justice shall terminate if the member ceases to hold the judicial position which qualified him for the appointment. Membership shall also terminate if a member attains a position which would have rendered him ineligible for appointment at the time of his appointment. A vacancy shall be filled by the appointing officer for the remainder of the term. The members of the board shall elect a chairman annually. The board shall act only with the concurrence of a majority of its members.

(c) A member shall not hold office in a political party or political organization. Members, other than judges, shall be compensated for their services as the [Supreme Court] General Assembly shall prescribe. All members shall be reimbursed for expenses necessarily incurred in the discharge of their official duties. The board shall appoint a full-time executive director, a chief counsel and such other staff as it shall deem necessary and proper and shall adopt rules for its operation and shall annually submit a proposed operating budget to the General Assembly and the Governor.

(d) Under the procedure prescribed herein, any justice [or], judge or justice of the peace may be suspended, removed from office or otherwise disciplined or censured for violation of section 17 of this article, misconduct in office, neglect of duty, failure to perform [his duties,] the duties of that office or conduct which prejudices the proper administration of justice or brings the judicial office into disrepute, whether or not such conduct occurred while acting in a judicial capacity or is prohibited by law, and may be retired for disability seriously interfering with the performance of his duties.

(e) The board shall keep informed as to matters relating to grounds for suspension, removal, discipline, censure or compulsory retirement of justices [or], judges or justice of the peace. It shall receive complaints or reports, formal or informal, from any source pertaining to such matters, and shall make such preliminary investigations as it deems necessary.

(f) The board, after such investigation and having found probable cause, may order a hearing concerning the suspension, removal, discipline, censure or compulsory retirement of a justice [or], judge or justice of the peace. The board's orders for attendance of or testimony by witnesses or for the production of documents at any hearing or investigation shall be enforceable by contempt proceedings. Any hearing ordered by the board shall be conducted consistent with the principles of due process and the rules of evidence and shall be confidential except that the justice, judge or justice of the peace who is the subject of the proceeding may waive confidentiality. The filing of papers with the board and the giving of testimony before the board shall be privileged.

(g) [If, after hearing, the board finds good cause therefor, it shall recommend to the Supreme Court the suspension, removal, discipline or compulsory retirement of the justice or judge.] If, after hearing, the board finds good cause therefor, it shall order that a justice, judge or justice of the peace be suspended, removed, disciplined, censured or compulsorily retired. The board shall file the record of any hearing conducted by it with the Supreme Court within ten days of its decision whether or not it ordered suspension, removal, discipline, censure or compulsory retirement. Upon the filing, the board shall make public its findings and conclusions and the record of its proceedings. The information shall be made available for public inspection at the principal office of the board.

(h) [The Supreme Court shall review the record of the board's proceedings on the law and facts and may permit the introduction of additional evidence. It shall order suspension, removal, discipline or compulsory retirement, or wholly reject the recommendation, as it finds just and proper. Upon an order for compulsory retirement, the justice or judge shall be retired with the same rights and privileges were he retired under section 16 of

this article. Upon an order for suspension or removal, the justice or judge shall be suspended or removed from office, and his salary shall cease from the date of such order. All papers filed with and proceedings before the board shall be confidential but upon being filed by the board in the Supreme Court, the record shall lose its confidential character. The filing of papers with and the giving of testimony before the board shall be privileged.] Upon the rendering of a decision by the board, the procedure shall be as follows:

(1) The justice, judge or justice of the peace involved may either accept the order of the board or make written request to the Chief Justice within 30 days after receipt of the determination for a review thereof by the Supreme Court.

(2) If the justice, judge or justice of the peace accepts the order of the board or fails to request a review thereof by the Supreme Court, the board shall thereupon order the suspension, removal, discipline, censure or compulsory retirement of the justice, judge or justice of the peace. Upon an order for compulsory retirement, the justice, judge or justice of the peace shall be retired with the same rights and privileges were he retired under section 16. Upon an order for suspension or removal, the justice, judge or justice of the peace shall be suspended or removed from office and his salary shall cease from the date of the order.

(3) (i) If the justice, judge or justice of the peace seeks review of an order of the board, the Supreme Court or, in the case of a justice, an ad hoc court as set forth in subclause (ii) shall review the board's findings of fact and conclusions of law and the record of the proceedings upon which the board's determination was based and shall also allow the introduction of additional evidence. After the review, the Supreme Court or the ad hoc court, as the case may be, may affirm, revise or reject the ordered sanction.

(ii) In the event a Supreme Court justice is involved and seeks review of an order of the board, an ad hoc court of seven judges shall be drawn by lot from the total combined membership of the Superior and Commonwealth Courts other than senior judges. The ad hoc court shall conduct a review as set forth in subclause (i) and its decision shall have the same effect as if rendered by the Supreme Court.

(4) If, after hearing, the board decides not to order suspension, removal, discipline, censure or compulsory retirement, the Supreme Court or ad hoc court, as the case may be, may, on its own motion, and shall, upon the petition of at least three members of the board, have the board's decision reviewed. After the review, the Supreme Court or ad hoc court may affirm the decision of the board or impose a sanction upon the justice, judge or justice of the peace.

(5) In reviewing an order of the board under clauses (3) and (4), the Supreme Court or ad hoc court shall complete its review and render its judgment within 60 days of the request for review. If the review is not completed and judgment not rendered within 60 days, the order of the board shall be imposed by the board.

(i) No justice or judge shall participate as a member of the board or of the Supreme Court in any proceeding involving, either directly or indirectly, or otherwise collateral to, his suspension, removal, discipline or compulsory retirement.

(j) No judge shall participate as a member of the board in any proceeding involving a judge of the same court. No member shall participate as a member of the board in any proceeding involving a justice, judge or justice of the peace who resides in the same county as that of the board member.

[(j)] (k) The Supreme Court shall prescribe rules of procedure [under this section] for its review of decisions by the board.

[(k) The Supreme Court shall prescribe rules of procedure for the suspension, removal, discipline and compulsory retirement of justices of the peace.]

(l) A justice, judge or justice of the peace convicted of misbehavior in office by a court, disbarred as a member of the bar of

the Supreme Court or removed under this section 18 shall forfeit automatically his judicial office and thereafter be ineligible for judicial office.

(m) A justice or judge who shall file for nomination for or election to any public office other than a judicial office shall forfeit automatically his judicial office.

(n) This section is in addition to and not in substitution for the provisions for impeachment for misbehavior in office contained in Article VI. No justice, judge or justice of the peace against whom impeachment proceedings are pending in the Senate shall exercise any of the duties of his office until he has been acquitted.

On the question,

Will the House agree to the amendments?

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

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, I am encouraged today at this opportunity, for the first time since this bill was first introduced in July of 1983, to allow this legislature to vote on the issue of judicial reform. This bill was put forth by me as prime sponsor in July of 1983. During the last session of this General Assembly, a bill substantially similar was reported out of the House Judiciary Committee and buried in the Appropriations Committee. I think that it is important—it was important then and it continues to be important now—for this General Assembly to have an opportunity to express itself on the issue of confidence in our courts and the need for reform of that system.

There has been, in my opinion, a lack of public confidence in our court system throughout Pennsylvania in particular. In studying the constitutional provisions, I have found that the provisions for the review of judges in Pennsylvania are inherently subject to the kind of problem that causes a lack of public confidence. The problem is the judges are incapable of sanctioning their peers, who are part of the same small and elite group. Our present system lacks the structure to allow for independent and effective action in judicial review, which is what I believe the citizens of Pennsylvania are looking for.

Accordingly, this amendment today makes several important proposed changes in the structure of the Judicial Review Board, which sanctions judges. What I consider to be the most important proposal is that we would increase the membership of lay people on the Judicial Inquiry and Review Board. Not only would the number of lay people be increased significantly, but the control of the board would be shifted to nonjudges.

Under my proposal, the Chief Justice of the Supreme Court would appoint four judges - two from the court and two from the appellate court. The Governor would appoint one judge and two lawyers, and the four State legislative leaders would appoint four lay people. Presently there are only two lay people on the board, both appointed by the Governor. The remainder of the board is composed of five judges appointed by the Supreme Court, and two lawyers.

Next, the board would prescribe its own rules of procedure. Presently the rules are prescribed by the Supreme Court.

Another important provision is that the board would now have the authority to actually order the suspension, removal, discipline, or compulsory retirement of a justice or judge. Presently the board is a weak board. It may only recommend to the Supreme Court what action is to be taken.

Another crucial change that this would make in the Judicial Inquiry and Review Board is that following the board's decision, the record would be open to the public. That record would be opened whether or not discipline was recommended, so that the public could insure itself that the decision reached was fair and have some public access to the sanctioning of judges.

I think that this proposal is one which promotes good government and one which improves public accountability and responsiveness on the part of our judicial community. It will improve public confidence in our judicial system because it opens the review process to lay people and takes the process from behind closed doors. I believe it will mean more effective judicial review, because the reviewers will know that the job they are doing is one in which the people of Pennsylvania will have a part, and not just a closed, tight-knit peer group.

Mr. Speaker, I implore you to give yourself this opportunity to vote on judicial reform. This bill, when it was introduced this session and last session, has had substantial bipartisan support. There has been no real disagreement; there has been no real opposition by the members of this body or by the voters to this concept. To defeat this bill now or not to give this General Assembly today at this time an opportunity for this vote is to say to the public that we are not going to address judicial reform, because there has not been an opportunity to do so. I implore you to vote today on this issue and to restore confidence in our courts. Thank you.

The SPEAKER. The Chair thanks the lady.

CONSTITUTIONAL POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Sweet, on the Hagarty amendment.

Mr. SWEET. Thank you, Mr. Speaker.

Mr. Speaker, for the same reasons as cited in the last debate, I think this is an unconstitutional procedure, even though I believe it may well be a meritorious amendment, and therefore, I would move that the consideration of the Hagarty amendment is unconstitutional.

The SPEAKER. Mr. Sweet raises a question of constitutionality of the Hagarty amendment.

On the question,

Will the House sustain the constitutionality of the amendments?

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I will not repeat the arguments that I made on the previous motion or question raised by Mr. Sweet, but I will bring to the attention of the House the specific constitutional amendment which we passed in 1981, SB 319, a joint resolution which

contained amendments to two separate articles of the Constitution - Article III, section 26, which dealt with retirement benefits; and Article VIII, section 11, which dealt with the use of aviation fuel tax money.

Again, we have done this in the past, Mr. Speaker. The question is not one of controversiality; it is one of constitutionality, and it is strictly constitutional according to our past practice, and there is nothing in the Constitution that prohibits this action. I urge the House to indicate that this amendment by Mrs. Hagarty is constitutional.

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

Mrs. HAGARTY. Thank you, Mr. Speaker.

I simply want to ask the members, as you consider whether or not this is constitutional, I think that you should consider the purposes of our Constitution. You should think about what you are going to accomplish when you make this decision today on whether or not this amendment is constitutional.

If you vote that this is constitutional, you will then have an opportunity to vote on an amendment that I believe we all want to vote on in this General Assembly. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Sweet, for the second time on the constitutional question.

Mr. SWEET. Thank you, Mr. Speaker.

Mr. Speaker, I am not making some cute parliamentary maneuver, nor is this a specious argument. I have raised this before; the House has agreed before that this is unconstitutional. Mr. Piccola cited an instance where I believe we erred. I think we ought to correct our errors today. I do not think we ought to continue to put ourselves or the voting public in the awkward position that we did in that instance, and I regret that I did not fight harder to stop that one.

I would hope that all the members would vote that this is an unconstitutional process.

The SPEAKER. Those who believe the Hagarty amendment to be constitutional will vote "aye"; those who believe it to be unconstitutional will vote "no."

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—89

Argall	Dorr	Lloyd	Ryan
Barley	Fargo	McClatchy	Saurman
Battisto	Fischer	McVerry	Scheetz
Black	Flick	Mackowski	Schuler
Blaum	Foster, Jr., A.	Manmiller	Semmel
Book	Fox	Merry	Serafini
Bowser	Freind	Micozzie	Sirianni
Brandt	Fryer	Miller	Smith, B.
Bunt	Greenwood	Moehlmann	Smith, L. E.
Burd	Gruppo	Morris	Snyder, D. W.
Burns	Hagarty	Mowery	Stairs
Caltagirone	Haluska	Nahill	Swift
Carlson	Hayes	Noye	Taylor, E. Z.
Cessar	Herman	O'Brien	Taylor, J.
Chadwick	Honaman	Perzel	Telek

Civera	Jackson	Phillips	Tigue
Clymer	Johnson	Piccola	Vroon
Cornell	Kennedy	Pott	Wass
Coslett	Kenney	Punt	Weston
Davies	Kukovich	Raymond	Wilson
Dietz	Langtry	Reinard	Wogan
Diminni	Lashingner	Robbins	Wright, J. L.
Distler			

NAYS—112

Acosta	Dawida	Letterman	Rieger
Afflerbach	Deal	Levdansky	Roebuck
Angstadt	Dombrowski	Levin	Rudy
Arty	Donatucci	Linton	Rybak
Baldwin	Durham	Livengood	Saloom
Barber	Evans	Lucyk	Seventy
Belardi	Fattah	McCall	Showers
Belfanti	Fee	McHale	Snyder, G. M.
Birmelin	Freeman	Maiale	Staback
Bortner	Gallagher	Manderino	Steighner
Bowley	Gallen	Markosek	Stevens
Boyes	Gamble	Mayernik	Stewart
Broujos	Gannon	Michlovic	Suban
Bush	Geist	Mrkonic	Sweet
Cappabianca	George	Murphy	Taylor, F. E.
Carn	Gladeck	O'Donnell	Trello
Cawley	Godshall	Olasz	Truman
Cimini	Gruitza	Oliver	Van Horne
Clark	Harper	Petrarca	Veon
Cohen	Hasay	Petrone	Wambach
Colafella	Hershey	Pievsky	Wiggins
Cole	Howlett	Pistella	Wozniak
Cordisco	Itkin	Pitts	Wright, D. R.
Cowell	Jarolin	Pratt	Wright, R. C.
Coy	Josephs	Pressmann	Yandrisevits
Deluca	Kasunic	Preston	
DeVertter	Kosinski	Reber	Irvis,
DeWeese	Laughlin	Richardson	Speaker
Daley	Lescovitz		

NOT VOTING—1

Duffy

EXCUSED—1

Hutchinson

Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendments was not sustained.

WELCOME

The SPEAKER. The Chair welcomes at this time the parents of Representative Reinard, Mr. and Mrs. Roy Reinard. They are here with Mr. and Mrs. Robert Clair and Mr. Gene Fedel. They are visiting the Capitol, of course, as the guests of Representative Reinard. Welcome to the hall of the House. Delighted to have you.

REMARKS ON VOTES

The SPEAKER. Why does the gentleman from Chester, Mr. Flick, rise?

Mr. FLICK. Thank you, Mr. Speaker.

On the constitutionality of the Piccola amendment A2943, my vote was recorded in the negative. I wish to be recorded in the affirmative, please.

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

Why does the gentleman from Chester, Mr. Morris, rise?

Mr. MORRIS. I am afraid I was not recorded on the constitutionality of the Piccola amendment A2943, Mr. Speaker, and I would like to be recorded in the affirmative.

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

CONSIDERATION OF HB 1130 CONTINUED

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—199

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

Daley	Kukovich	Raymond	
Davies	Langtry	Reber	Irvis,
Dawida	Lashingier	Reinard	Speaker
Deal			

NAYS—3

Freeman	Sweet	Yandrisevits
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NOT VOTING—0

EXCUSED—1

Hutchinson

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

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

REMARKS ON VOTE

The SPEAKER. Why does the gentleman from York, Mr. Snyder, rise?

Mr. G. M. SNYDER. To record a vote.

The SPEAKER. The gentleman may proceed.

Mr. G. M. SNYDER. Mr. Speaker, on HB 1498, PN 2343, at the time that vote was taken, I was in the back of the hall of the House and could not reach my seat. I would like to be recorded in the affirmative. Thank you.

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

BILL ON THIRD CONSIDERATION POSTPONED

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

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

On the question recurring,

Will the House agree to the bill on third consideration?

(Amendment A3110, offered by Mr. Itkin on October 22, 1985, was withdrawn.)

Mr. ITKIN offered the following amendments No. A3431:

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

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

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

§ 102. Definitions.

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

"Classic motor vehicle." A self-propelled vehicle, but not a reproduction thereof, manufactured more than ten years prior to the current year and[, because of discontinued production and limited availability,] determined by the department to be a model

or make of significant value to collectors or exhibitors and which has been maintained in or restored to a condition which is substantially in conformity with manufacturer specifications and appearance.

Section 2. Sections 1340(b) and 4572 of Title 75 are amended to read:

§ 1340. Antique and classic plates.

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

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

3

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, in view of the House's concern last week for the amendment I proposed to HB 571 dealing with the special classic motor vehicle tags, and in discussion with a number of the members on the issue, I have had a new amendment prepared which would very simply remove the requirement that a classic motor vehicle must be of discontinued production and limited availability.

As you may recall, many of our constituents are running into problems because manufacturers are bringing back the same name that they used on earlier vehicles. On that basis, PennDOT is saying that the vehicle is no longer of discontinued production and refusing to issue classic tags. It goes so far that the people who have a classic tag and sell the vehicle, the new owners are unable to get classic tags for their vehicle after the sale, even though the prior owner had such tags, because of this name problem. With this change in the law, I am assured by PennDOT that they will no longer require that vehicles not have the same name as an earlier version in order to qualify for the classic motor vehicle tag.

In addition, there is one other minor change in the amendment. We define "occasional transportation" to mean no more than 1 day a week. Right now, antique and classic plates are limited to participation in club activities, exhibits, tours, parades, occasional transportation, and similar uses, but there has been no definition on what is occasional transportation. Since there is one lifetime fee and no annual renewal to these plates, it seems that restricting occasional transportation to 1 day a week would be proper while they can still engage in all of the other activities that I mentioned currently in the law.

Mr. Speaker, I believe that those who had objections to my original amendment are satisfied with the current draft, and I urge its adoption.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LLOYD. Mr. Speaker, I would like to interrogate Mr. Itkin.

The SPEAKER. Mr. Itkin indicates he will stand for inter-rogation. You are in order, and you may proceed, sir.

Mr. LLOYD. Mr. Speaker, you indicated that the current law has no definition of "occasional transportation" and your amendment does not provide one either. I wonder if you could tell me, if I had a classic automobile or an antique auto-mobile and I wanted to go to the other end of the State of Pennsylvania for an exhibition and I went down one day and came back the next day, is that trip down or back, under this language, considered to be occasional transportation, or is that covered within the language of exhibits?

Mr. ITKIN. Mr. Speaker, I believe that it is covered under the language of exhibits. That "occasional transportation" is everything in addition to and not specified in what is now per-mitted, so that a trip across the State to an exhibit would be covered under the exhibit exemption, and the "occasional transportation" could be used for those activities for which there is no specific allowance provided.

Mr. LLOYD. Mr. Speaker, if I could continue, the concern I have is whether in the existing regulations there is anything which attempts to either define "occasional transportation" or which attempts to put some restrictions in terms of the number of hours or the number of days a week.

Mr. ITKIN. Mr. Speaker, I really do not know the answer to that question. I will say this, that even though I have indi-cated this change in the law, I do not see how really we can adequately enforce its provisions.

AMENDMENTS DIVIDED

Mr. LLOYD. Well, in view of that, Mr. Speaker, I would ask the Chair to rule whether this amendment can be divided, and if it can be, whether it could be separated into section 1 and section 2. In other words, divide it right at the beginning where it reads, "Section 2. Sections 1340(b)..." and so forth. That could be the dividing point in the amendment.

The SPEAKER. Let us see if the Chair understands the place where you would divide it. Do you wish to divide it after the words "specifications and appearance"? Is that correct?

Mr. LLOYD. That is correct.

The SPEAKER. And all the language above that would be one amendment?

Mr. LLOYD. And all the language below that is another amendment.

The SPEAKER. It appears to the Chair that it is so divis-ible.

Mr. LLOYD. Then, Mr. Speaker, I would ask that we divide the question and vote on the two sections individually.

The SPEAKER. The Chair rules that amendment A3431, being divisible at the line which the Chair will indicate, is hereby divided. The Chair places before the House the follow-ing amendment only, beginning with "Amend Title, page 1, line 2, by inserting after 'for'" and ending with the words "in conformity with manufacturer specifications and appear-ance." That would be the only amendment currently in front of the House. Is that understood?

On the question,
Will the House agree to part I of the amendments?

The following roll call was recorded:

YEAS—198

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

NAYS—3

DeWeese	Moehlmann	Pott
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NOT VOTING—1

Foster, Jr., A.

EXCUSED—1

Hutchinson

The question was determined in the affirmative, and part I of the amendments was agreed to.

The SPEAKER. Part B would read, "Section 2. Sections 1340(b),..." ending with the words "Amend Sec. 2, page 3, line 6, by striking out '2' and inserting 3." That is the amend-ment currently before the House.

On the question,
Will the House agree to part II of the amendments?

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

Mr. LLOYD. Mr. Speaker, what concerns me is that we are attempting to put limitations on occasional transportation use of antique and classic vehicles. That may very well be the right thing to do, but it seems to me if we are going to do that, we have got to have a clearer understanding of what is occasional, because I do not want a situation in which a constituent comes to me and says, hey, I was taking my car down to the other end of the State and we went to a couple different functions and we were coming home—it took 2 or 3 days—and we were getting hassled by the State Police. I think we ought to have the thing nailed down before we enact that kind of restriction, and I would hope therefore that either Mr. Itkin would withdraw the amendment or we would defeat it and address this matter some other day.

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

Mr. ITKIN. Mr. Speaker, I would respectfully request support for the amendment. I would like the members of the House to appreciate the fact that without such restriction, we basically give an individual an opportunity to use his vehicle like any other vehicle, but we charge other individuals \$20 a year for the privilege to drive on our highways as the cost of registration. Without such restriction, you are therefore allowing a classic motor vehicle owner to use his classic motor vehicle, for which he pays no annual fee, the same privilege that you provide any other motorist having his car registered in Pennsylvania. It does not seem fair to me that a person who gets a lifetime free tag after the first initial fee should not have these restrictions imposed on him.

I recognize the fact that this is very difficult to enforce. It is basically a message to our classic vehicle owner that we expect them to honor this type of consideration by limiting the use of their vehicle.

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

Mr. DORR. Mr. Speaker, I respectfully disagree with my colleague from Allegheny County. As a matter of fact, as the members will see by reading the amendment, the present law—that is, the portion of the section which is not underlined—does in fact contain a prohibition against the general use of such a classic registered vehicle. It states in fact that it would be unlawful to operate such a vehicle for general daily transportation.

Mr. Speaker, the gentleman, Mr. Lloyd, raises a good point and I have had constituents raise an additional point with regard to what in fact is presently a PennDOT regulation, and that is this 1-day-per-week rule. The problem is that some classic motor vehicles require more than 1 day per week usage in order to maintain them in proper working order and in an order that they can be exhibited and can win prizes and those sorts of things that people do with classic vehicles. Some of them require operation more than simply 1 day a week.

I agree with the gentleman that we need to make sure that they are not used for general transportation, that they are not used in a manner which other people pay \$24 a year for. I think there is a better way; there surely must be a better way than to simply limit it to no more than 1 day per week. I respectfully request that this section of the amendment be defeated. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Luzerne, Mr. Hasay.

Mr. HASAY. Thank you, Mr. Speaker.

I am asking the members on this side of the aisle to vote against this amendment. I am the owner of an antique vehicle, and sometimes I may not get that vehicle out except for a couple of days in the summer. The reason I am against the amendment—and I would support an amendment that would limit the occasional use of an antique vehicle—I may get my batteries charged up in the vehicle, try to get it out and get it going and might drive it 2 or 3 days and put it back in the garage for the rest of the year.

I know the antique owners of the Wilkes-Barre-Scranton area would be opposed to this amendment, so I am asking both sides of the aisle to oppose this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Greene, Mr. DeWeese, on the amendment.

Mr. DeWEESE. Mr. Speaker, I would also agree with Mr. Dorr and Mr. Hasay and ask that Mr. Itkin's amendment be defeated.

The SPEAKER. The Chair thanks the gentleman.

PART II OF AMENDMENTS WITHDRAWN

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

Mr. ITKIN. Mr. Speaker, in view of the fact that many members still have a problem with that part of the section, and although most individuals feel that there must be some clarification required, this may not be the appropriate language. I will withdraw the amendment.

The SPEAKER. The Chair thanks the gentleman.

For the gentleman's information, he also has lodged with the Chair amendment A3110, and the Chair assumes you wish to withdraw that one also.

Mr. ITKIN. That is correct, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—197

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

NAYS—5

Fargo	Moehlmann	Pott	Robbins
Langtry			

NOT VOTING—0

EXCUSED—1

Hutchinson

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

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

RESOLUTIONS

Mr. MANDERINO called up **HR 92, PN 1301**, entitled:

Protesting the sale of South African gold currency within the Commonwealth.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HR 92 be placed upon the tabled calendar.

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

* * *

Mr. MANDERINO called up **HR 93, PN 1302**, entitled:

Relating to the granting of credit to South Africa by the Export-Import Bank.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. I move that HR 93 be placed upon the tabled calendar.

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

* * *

Mr. MANDERINO called up **HR 94, PN 1303**, entitled:

Relating to economic sanctions placed against Namibia.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. I move that HR 94 be placed upon the tabled calendar.

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

* * *

Mrs. HARPER called up **HR 169, PN 2221**, entitled:

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

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—2

Cordisco Sweet

EXCUSED—1

Hutchinson

The question was determined in the affirmative, and the resolution was adopted.

* * *

Mr. HAYES called up **HR 178, PN 2314**, entitled:

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

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—202

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Hutchinson

The question was determined in the affirmative, and the resolution was adopted.

* * *

Mr. FOX called up **HR 179, PN 2315**, entitled:

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

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—3

Harper	Manderino	O'Donnell
EXCUSED—1		

Hutchinson

The question was determined in the affirmative, and the resolution was adopted.

* * *

Mr. MILLER called up **HR 168, PN 2220**, entitled:

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.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—202

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Hutchinson

The question was determined in the affirmative, and the resolution was adopted.

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

SENATE MESSAGE

**AMENDED HOUSE BILLS
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned **HB 1636, PN 2387; HB 1647, PN 2388; HB 1648, PN 2389; and HB 1649, PN 2390**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**SUPPLEMENTAL CALENDAR A
BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 969, PN 2310**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the act of December 1, 1977 (P. L. 249, No. 83), entitled "An act prohibiting employers from firing employees who lose time from employment in the line of duty as volunteer firemen and providing penalties," further providing for actions to enforce the provisions of this act; and providing for damages.

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

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Markosek, for a brief explanation of the Senate amendments.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, this bill provides for attorney's fees in any action brought by a volunteer fireman who has in his opinion been fired illegally while he has been called out for a fire and then let go from his job.

What the Senate amendments do is they narrow down the area in which you can claim lawyer's fees to the action in the courtroom itself. I think basically, as I understand it, it eliminates lawyer's fees for just consulting fees. So this really limits the payment of legal fees to the courtroom action itself.

I ask for an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. Moved by the gentleman, Mr. Markosek, that the House concur in the amendments inserted by the Senate to HB 969.

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

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

YEAS—201

Acosta	Dietz	Laughlin	Robbins
Afflerbach	Dininni	Lescovitz	Roebuck
Angstadt	Distler	Letterman	Rudy
Argall	Dombrowski	Levdansky	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	Sirjanni
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	Trelio
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	Pratt	Wozniak
Coy	Josephs	Pressmann	Wright, D. R.
Deluca	Kasunic	Preston	Wright, J. L.
DeVerter	Kennedy	Punt	Wright, R. C.
DeWeese	Kenney	Raymond	Yandrisevits
Daley	Kosinski	Reber	
Davies	Kukovich	Reinard	Irvis,
Dawida	Langtry	Richardson	Speaker
Deal	Lashingier	Rieger	

NAYS—1

Pott

NOT VOTING—0

EXCUSED—1

Hutchinson

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The clerk of the Senate, being introduced, returned the following **HB 1636, PN 2387**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), known as the "Real Estate Tax Sale Law," reviving provisions relating to extension of the redemption period; authorizing counties to extend the redemption period at the option of the county commissioners; and making a repeal.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Beaver, Mr. Laughlin. A brief explanation of what the Senate amendments did to HB 1636, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, the Senate amendments were merely additional language that corrected one of the lines dealing with a section of the bill that has no effect on the overall effect of the bill, and it was merely a journalistic endeavor on the part of the Senate. So I would ask that the Senate amendments be concurred in, Mr. Speaker, and that the legislation be sent to the Governor as quickly as possible so that we can save the homes of those people who are threatened with sales through the tax claim bureaus. Thank you, Mr. Speaker.

The SPEAKER. Mr. Noye, do you wish to be recognized on this?

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

Mr. NOYE. Mr. Speaker, we did not get a chance to go over this in the caucus, but it is a technical change. I concur with the explanation that Mr. Laughlin gave.

The SPEAKER. The Chair thanks the gentleman.

Moved by the gentleman, Mr. Laughlin, that the House concur in the amendments inserted by the Senate to HB 1636.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—201

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

NAYS—0

NOT VOTING—1

Staback

EXCUSED—1

Hutchinson

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The clerk of the Senate, being introduced, returned the following **HB 1647, PN 2388**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

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

On the question,

Will the House concur in Senate amendments?

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

Mr. DUFFY. Mr. Speaker, I say we concur in the changes made by the Senate. What they did is they put four categories together and gave the lower echelon people a small increase, and also they put the mayor categories together in the boroughs and gave them a small increase.

I would say we concur in this.

The SPEAKER. Moved by the gentleman from Allegheny, Mr. Duffy, that the House concur.

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

Mr. FOSTER. Thank you, Mr. Speaker.

I join my colleague, Mr. Duffy, in urging concurrence.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—202

Acosta	Dietz	Laughlin	Rieger
Afflerbach	Dininni	Lescovitz	Robbins
Angstadt	Distler	Letterman	Roebuck
Argall	Dombrowski	Levdansky	Rudy
Arty	Donatucci	Levin	Ryan
Baldwin	Dorr	Linton	Rybak
Barber	Duffy	Livengood	Saloom
Barley	Durham	Lloyd	Saurman
Battisto	Evans	Lucyk	Scheetz
Belardi	Fargo	McCall	Schuler
Belfanti	Fattah	McClatchy	Semmel

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Hutchinson

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The clerk of the Senate, being introduced, returned the following **HB 1648, PN 2389**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

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

On the question,

Will the House concur in Senate amendments?

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

Mr. DUFFY. Thank you, Mr. Speaker.

I would suggest we concur in the amendments that were made by the Senate. Again, in the lower echelon they put the four groups together and gave the first two categories a raise.

I would suggest that we, like I say, concur. There is another technical amendment that has to do with meetings, and since they are going to be paid a salary, why, this is done away with. So I would suggest we concur in it.

The SPEAKER. Moved by the gentleman from Allegheny, Mr. Duffy, that the House concur in the amendments inserted by the Senate into HB 1648.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—202

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Hutchinson

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

Ordered, That the clerk inform the Senate accordingly.

WELCOME

The SPEAKER. Tom Petrone has as his guests Thomas Callahan and James Friday, here from Allegheny County, Pittsburgh. Welcome to the hall of the House.

BILLS ON CONCURRENCE IN
SENATE AMENDMENTS CONTINUED

The clerk of the Senate, being introduced, returned the following **HB 1649, PN 2390**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

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

On the question,

Will the House concur in Senate amendments?

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

Mr. DUFFY. Thank you, Mr. Speaker.

The changes in this bill are the same as in the other two bills, and I would suggest we concur in the amendments made by the Senate.

The SPEAKER. Moved by the gentleman from Allegheny, Mr. Duffy, that the House concur in amendments inserted by the Senate to HB 1649.

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

Mr. REBER. Thank you, Mr. Speaker.

I am wondering if the sponsor of this bill would stand for brief interrogation?

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

Mr. REBER. Mr. Speaker, under this bill and the plethora of bills that we have already passed rather rapidly preceding this, is it true that prior to the passage of these particular pieces of legislation, the local officials would have pay raises totally governed solely by action of this governing body here, the General Assembly, and would not have to pass an ordinance to establish those salaries?

Mr. DUFFY. I would imagine what they would have to do in their local area there is pass a resolution and say how much of the raise that we put on the books they are going to take.

Mr. REBER. Okay. I understand what the bills say. The bills are now saying that heretofore upon enacting this into law, the governing bodies of the respective municipalities, to enact any type of pay raise, or for that matter, as I read it, to

set their salary structure for these elected officials, will have to do it by ordinance. My question is, under current law and prior to this time, was it necessary for local government officials to pass an ordinance setting their salary structure? I do not know; maybe Representative Fryer, chairman of the Local Government Committee, could better answer that question.

The SPEAKER. The gentleman, Mr. Fryer, indicates he will stand for interrogation. The Chair recognizes the gentleman from Berks, Mr. Fryer.

Mr. FRYER. Mr. Speaker, under this legislation the legislature merely sets a cap. The local officials then act, if they choose to, to set that, subject, of course, to that cap. Now, prior to this the present law, for instance, as it relates to second-class townships, covers on a meeting basis \$25 per meeting with a maximum of 50 meetings per year. Under this legislation we make them all uniform in the sense that we bring the population factor and the other factors into play to make them consistent and hoping to establish some sense of uniformity in the compensation of our local government officials.

Have I answered the question?

Mr. REBER. Not really. Let me try it one more time.

Mr. Speaker, I think I would like maybe a simple yes or no answer, if I could elicit that by appropriately phrasing the question so that we could both agree at least on the question.

Up until this legislation was proposed, or should I say under current law, a local official will not have to pass an ordinance to establish his salary. Is that correct?

Mr. FRYER. No. It depends upon the code that you are working with, Mr. Speaker.

Mr. REBER. Okay. Mr. Speaker, I would like to keep my interrogation to the First Class Township Code, which I think HB 1649, which is presently before us, addresses. It is my understanding that under current law, as we stand here today, current law, this General Assembly at some time in the past has established the respective salaries of first-class township commissioners, and those first-class township commissioners received that salary without any action whatsoever by them at any time. Is that correct?

Mr. FRYER. That is correct, Mr. Speaker.

The SPEAKER. Does the gentleman have further questions?

Mr. REBER. Mr. Speaker, could I please be recognized to speak on the bill?

The SPEAKER. The gentleman is in order and may speak not on the bill; on the amendments inserted by the Senate only. We are on concurrence in Senate amendments.

Mr. REBER. Fine. Fine.

The SPEAKER. You will have to address simply that.

Mr. REBER. On the amendment, yes, Mr. Speaker.

It appears to me in reviewing this legislation that the Senate has inserted an amendment that changes the current status of the law in first-class townships. It is my understanding the current state of the law simply requires the particular first-class township commissioners to be paid that which the

General Assembly has heretofore enacted as the base salary for that township based upon possibly a population determination. My concern is that here in the future if this becomes law, not only will that be the case, but the triggering mechanism will be necessitated by the passing of an ordinance by our local officials to establish their own salary. It seems to me that the amendment inserted by the Senate is now putting a pay raise issue, if you will, before our local officials each time they have to make some determination by that particular ordinance in the establishment of what their particular salary might be. I am not so sure that all the members are aware of that. That does not necessarily trouble me, but I think we should be informed that we are requiring our local officials to enact an ordinance to get paid that heretofore they never had to do. I will leave that to each individual member for his consideration.

I think that there has been a significant change in the Borough Code as well. I am not as much troubled by what was done for second-class townships because, according to Representative Fryer, there was some deliberation that had to be done on a per-meeting basis prior to this time. Thank you.

The SPEAKER. Do you wish to be recognized instead of Mr. Fryer, Mr. Duffy? The Chair recognizes the gentleman from Allegheny, Mr. Duffy.

Mr. DUFFY. Well, it just states in the bill here that they may receive a salary established by ordinance. I think this might be good, because it will bring it forth before the public and let them know what is happening with their governing body. So I would suggest that we pass this. Thank you.

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

Mr. FRYER. Mr. Speaker, I think it is important for the members of the House to remember that many of our local government officials do not accept any salary whatsoever. Mindful of that, it was the feeling of the Local Government Committee that they should establish a ceiling, and then it is up to the local officials as to what they want to do in the form of compensation. As one member put it, we in Harrisburg do not want to force anything upon them, and they are in the position of deciding what is fair, subject to that cap.

So I would repeat to the gentleman from Montgomery, it is not our intent to force things upon them, merely to establish a ceiling, and they who are in the best position to know, to evaluate, can determine that. That to me is true local government at the grass-roots level. Thank you, Mr. Speaker.

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

Mr. FOSTER. Thank you, Mr. Speaker.

I would refer the gentleman from Montgomery, Mr. Reber, to section 603 of the First Class Township Code, which states that the commissioners shall from time to time by ordinance set their salaries.

The SPEAKER. Moved by the gentleman, Mr. Duffy, that the House do concur—

Mr. FOSTER. Excuse me. Could I add just one thing, Mr. Speaker?

The SPEAKER. Yes, Mr. Foster.

Mr. FOSTER. That does then represent no change from existing law.

The SPEAKER. The Chair thanks the gentleman.

Moved by the gentleman, Mr. Duffy, that the House concur in amendments inserted by the Senate to HB 1649.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—202

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Hutchinson

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

Ordered, That the clerk inform the Senate accordingly.

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

SB 417, PN 1518 (Amended)

By Rep. GEORGE

An Act providing for an Appalachian States Low-Level Radioactive Waste Compact.

CONSERVATION.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Cordisco. You wish to correct a vote. Is that right, sir?

Mr. CORDISCO. Mr. Speaker, on HB 571 my switch malfunctioned. I would like to be recorded in the affirmative.

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

Why does the gentleman from Blair, Mr. Johnson, rise in place?

Mr. JOHNSON. Mr. Speaker, on HB 1498, PN 2343, I would like to be recorded in the affirmative.

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

BILLS SIGNED BY SPEAKER

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

HB 969, PN 2310

An Act amending the act of December 1, 1977 (P. L. 249, No. 83), entitled "An act prohibiting employers from firing employees who lose time from employment in the line of duty as volunteer firemen and providing penalties," further providing for actions to enforce the provisions of this act; and providing for damages.

HB 1636, PN 2387

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), known as the "Real Estate Tax Sale Law," reviving provisions relating to extension of the redemption period; authorizing counties to extend the redemption period at the option of the county commissioners; and making a repeal.

HB 1647, PN 2388

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

HB 1648, PN 2389

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

HB 1649, PN 2390

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

SB 704, PN 1067

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.

CALENDAR CONTINUED

The SPEAKER. The House will stand at ease. We have only one piece of business to conclude, and that is the amendment on the regular calendar on page 10. Mr. Ryan has an amendment drafted for this resolution, and we understand the amendment is not yet available.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, the amendment that I had prepared and was circulated has two technical defects in it. They are really very simple. At one place it is just a number that has to be substituted, and in another place the words "and be it therefore" are to be inserted.

The SPEAKER. Let us see if we can get along with it then. Read to me, Mr. Ryan, if you will, the first correction.

Mr. RYAN. Mr. Speaker, the second place you find the words "Amend Resolution," about the middle of the page, it says, "Amend Resolution, page 2, lines 10 through 17."

The SPEAKER. Yes.

Mr. RYAN. It should read, "Amend Resolution, page 1."

The SPEAKER. Lines 10 through 17. Is that correct?

Mr. RYAN. Yes; that is correct.

The SPEAKER. All right.

Where is the second correction?

Mr. RYAN. At the very end of the amendment that the Speaker is reading from, after the word "war" there should be a semicolon and the words "and be it further."

The SPEAKER. Just before the "resolved" clause? Is that what you are reading?

Mr. RYAN. The last words on the amendment page would be "and be it further."

The SPEAKER. In other words, you would be adding words after the word "war." Is that correct?

Mr. RYAN. Yes, sir; a semicolon and then those three or four words.

The SPEAKER. Please pay attention. We are going to do something which we hope will get you out of here a few minutes earlier.

On page 10 the gentleman, Mr. Kukovich, calls up HR 185, which the clerk will read.

RESOLUTION

Mr. KUKOVICH called up **HR 185, PN 2386**, entitled:

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

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the minority leader. Mr. Ryan will offer an amendment which reads as follows. Please pick up amendment A3589.

Where the words are now "Amend Resolution, page 2." Do you see those words? Strike the figure "2" out and replace it with "1." It should read, "Amend Resolution, page 1, lines 10 through 17." Is that clear?

At the very end of the resolution, the words read, "the possibilities of nuclear war." Put a semicolon there and add "and be it further". If you do that, the amendment you have in your hands will be accurate.

On the question recurring,
Will the House adopt the resolution?

Mr. RYAN offered the following amendments No. A3589:

Amend Resolution, page 1, lines 1 and 2, by striking out all of said lines and inserting
Supporting the goal of working toward a treaty with the U.S.S.R. which would substantially reduce the nuclear arsenals of the United States and the U.S.S.R. in a manner that will greatly diminish the possibilities of nuclear war.

Amend Resolution, page 2, lines 10 through 17, by striking out all of said lines and inserting

WHEREAS, While legitimate differences of opinion may exist on negotiating strategies and the best means of achieving a treaty that will promote world peace, most Americans support the objective of reaching an agreement with the Soviet Union that will lead to a substantial bilateral reduction in the nuclear arsenals of both nations in a manner that will greatly diminish the possibility of nuclear war; therefore be it

RESOLVED, That the House of Representatives support the goal of using the Geneva Summit Meeting to work with Secretary Gorbachev of the U.S.S.R. toward a treaty which would substantially reduce the nuclear arsenals of both nations in a manner that will greatly diminish the possibilities of nuclear war.

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

RULES SUSPENDED

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

Mr. WAMBACH. Mr. Speaker, I think we should suspend rule 27 if we are going to consider the Ryan amendment.

The SPEAKER. Do you object to our doing it this way, Mr. Wambach?

Mr. WAMBACH. Yes; because, Mr. Speaker—

The SPEAKER. Very well.

Moved by the gentleman, Mr. Wambach, that rule 27 be temporarily suspended.

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

The following roll call was recorded:

YEAS—183

Acosta	Diminni	Letterman	Rudy
Afflerbach	Distler	Levdansky	Ryan
Angstadt	Donatucci	Levin	Rybak
Arty	Durham	Linton	Saloom

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

NAYS—1

Kukovich

NOT VOTING—18

Argall	Dombrowski	McCall	Reber
Civera	Dorr	McVerry	Reinard
Cohen	Duffy	Micozzie	Truman
Cordisco	Freind	Nahill	Veon
Cowell	Gruitza		

EXCUSED—1

Hutchinson

A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,
Will the House adopt the resolution?

Mr. RYAN offered the following amendments No. A3589:

Amend Resolution, page 1, lines 1 and 2, by striking out all of said lines and inserting
Supporting the goal of working toward a treaty with the U.S.S.R. which would substantially reduce the nuclear arsenals of the United States and the U.S.S.R. in a manner that will greatly diminish the possibilities of nuclear war.

Amend Resolution, page 2, lines 10 through 17, by striking out all of said lines and inserting

WHEREAS, While legitimate differences of opinion may exist on negotiating strategies and the best means of achieving a treaty that will promote world peace, most Americans support the objective of reaching an agreement with the Soviet Union that will lead to a substantial bilateral reduction in the nuclear arsenals of both nations in a manner that will greatly diminish the possibility of nuclear war; therefore be it

RESOLVED, That the House of Representatives support the goal of using the Geneva Summit Meeting to work with Secretary Gorbachev of the U.S.S.R. toward a treaty which would substantially reduce the nuclear arsenals of both nations in a manner that will greatly diminish the possibilities of nuclear war.

On the question,

Will the House agree to the amendments?

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

Mr. WAMBACH. Mr. Speaker?

The SPEAKER. Why does the gentleman from Dauphin, Mr. Wambach, rise?

Mr. WAMBACH. Mr. Speaker, I realize that the amendment that we have before us and the changes that Mr. Ryan made to it are not that huge of a change, but I do not want to see the designation up there as A3589. We are not considering amendment A3589.

The SPEAKER. Mr. Wambach, if you insist, we will recess the House until the correct number of the amendment is placed on the amendment. Do you insist, sir?

Mr. WAMBACH. I think the House should be run by the rules, Mr. Speaker.

The SPEAKER. Do you insist, sir?

Mr. WAMBACH. If you so want me to, I will.

RECESS

The SPEAKER. The House will stand in recess.

AFTER RECESS

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

CONSIDERATION OF HR 185 RESUMED

On the question recurring,

Will the House adopt the resolution?

Mr. RYAN offered the following amendments No. A3600:

Amend Resolution, page 1, lines 1 and 2, by striking out all of said lines and inserting

Supporting the goal of working toward a treaty with the U.S.S.R. which would substantially reduce the nuclear arsenals of the United States and the U.S.S.R. in a manner that will greatly diminish the possibilities of nuclear war.

Amend Resolution, page 1, lines 10 through 17, by striking out all of said lines and inserting

WHEREAS, While legitimate differences of opinion may exist on negotiating strategies and the best means of achieving a treaty that will promote world peace, most Americans support the objective of reaching an agreement with the Soviet Union that will lead to a substantial bilateral reduction in the nuclear arsenals of both nations in a manner that will greatly diminish the possibility of nuclear war; therefore be it

RESOLVED, That the House of Representatives support the goal of using the Geneva Summit Meeting to work with Secretary Gorbachev of the U.S.S.R. toward a treaty which would substantially reduce the nuclear arsenals of both nations in a manner that will greatly diminish the possibilities of nuclear war; and be it further

On the question,

Will the House agree to the amendments?

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

Mr. RYAN. Mr. Speaker, we have made a number of mistakes in our lives as members of this House of Representatives, and too often we have repeated those mistakes. I suspect that today we are going to do the same thing. The mistake I am afraid we will repeat, although I sincerely hope we do not, is in thinking and in being so presumptuous as to think that we really know more or we even know as much as or in fact that we know anything about foreign policy as it affects the United States, particularly as it affects the United States in its upcoming negotiations with the Russians in Geneva. I have stood at this microphone time and time again, and I have said we have absolutely no business trying to affect foreign policy by our various resolutions memorializing Congress to do something or memorializing the President of the United States to do something else.

Now, I do not quarrel for a minute with the intentions of the sponsor of this resolution, which appears to be rather innocuous. It appears to recite everything that we all believe in and want, and that is that there be an end to any threat of nuclear war. But if one reads it, they will find a subtle distinction between what we think we are about to do and in fact what we are going to do if this resolution goes unamended.

To begin with, the resolution was introduced yesterday. It came out of the Rules Committee yesterday and is being voted on today. I believe initially that we should have had more time to study the merits of the proposal, more time to review what the content of this resolution is as opposed to or as contrasted with the policy of the United States as it is published in magazines, periodicals, newspapers, and over the TV. I do not believe under any circumstances, no matter how much we read, we really know everything about what is going on in the State Department.

Now, our South African desk of the State department located here in the House spoke last week, and today the Soviet Union desk of our State department here in the Pennsylvania House is attempting to speak through the lips of Representative Kukovich. You know, if it was not so serious it would really be worth laughing about, but here we are once again looking at foreign policy.

Now, there is no one in this House who for a minute believes that they have expertise in the defense of this Nation or the defense policies of this Nation or on the foreign policy of this Nation. I do not think any of us would be so presumptuous as to think that we could with authority, with expertise, second-guess the decision of the United States Government in refusing to join in the Soviet freeze after the U.S.S.R. has just completed all of its current testing requirements.

Now, this information that I get, one of our staff people went through *Business Week*, *Newsweek*, and all of the well-known periodicals. I have copies of these things, and if this was not being run today, it was my intention to reproduce these copies so you could get some idea as to how serious this matter is. It is the subtle difference.

The resolution proposed by the gentleman, Mr. Kukovich, says, "...Halting nuclear testing is a crucial step in this process;..." that is, the process toward world peace. What he fails to mention is our official position of the United States Government is not to agree at this time to stop the nuclear testing, and the reason for that as expressed here—and I do not know but what I have read in these periodicals, but as expressed here—is the Soviets have completed their nuclear testing of their most sophisticated weapons; we have not. So of course they are saying, we *think everybody should stop the nuclear testing*; we should immediately do it. The President through his spokesman is reported as saying, no, we are not willing to do that, and of course we are not willing to do that, because *they have finished their testing; we have not finished ours*.

Now, I cannot believe that the Soviet Union, or for that matter George Shultz or President Reagan, is going to pay a whole lot of attention to a resolution coming down from Pennsylvania. I think, however, from the standpoint of propaganda value—where a body that I have a tremendous amount of respect for, that is this House; a body that I believe people throughout this Nation have a tremendous amount of respect for—I think from a propaganda standpoint the fact that this House would send a resolution down urging the President to do something that he has said he does not want to do and is unwilling to do and will not do as a result of this resolution, because we have not completed our testing, I think the propaganda value of that hurts the United States. Frankly, I think it makes us look foolish trying to again interfere in foreign policy.

But aside from that, somewhere, someday, somehow it could be—it could be—that a resolution passed by this body is brought to light as, you do not have the support of your country behind you; here is a resolution passed—and it is not going to pass unanimously, I assure you of that—by the Pennsylvania House of Representatives showing you, Mr. President or Mr. Secretary of State, that what you are proposing from the United States is not really the thinking of your country, as shown by this resolution.

Now, I am not in favor of meddling around in foreign policy, and everyone in this place knows that if they have ever bothered to listen to me, and if you did I think you are a little goofy, *listening to the speeches that go on here sometimes*. But what I am proposing to do is offer an amendment at this time, one that really states what I think Mr. Kukovich is trying to say, and that is, look, we have to put an end to nuclear wars; we have to try and do whatever is necessary to assure the people of this world, not just this Nation or this State, but the people of this world that there will be nuclear peace in the future. What I am asking be done, if we have to

adopt a resolution at all, I am asking that the buzzwords of the Russians, that is to stop the nuclear testing now, those buzzwords be removed—and that is what they are; they are buzzwords—and instead put into this resolution the language that is in the amendment that is on your desks where we are supporting the goal of working toward a treaty with the U.S.S.R. which would substantially reduce the nuclear arsenals of the United States and the U.S.S.R. in a manner that will greatly diminish the possibilities of nuclear war.

I go on in the next paragraph in my amendment stating that there are legitimate differences of opinion, perhaps, that may exist on *negotiating strategies and the best means of achieving a treaty that will promote world peace and that most Americans support the objective of reaching an agreement with the Soviet Union that will lead to a substantial bilateral reduction in the nuclear arsenals of both Nations in a manner that will greatly diminish the possibility of nuclear war*.

I would ask the reporters to make note of the fact that I raised my voice for added emphasis on the word "bilateral."

The last "resolved" clause of my amendment is that the House support the goal of using the summit meeting to work with the U.S.S.R. toward a treaty which would substantially reduce the nuclear arsenals of both Nations in a manner that will greatly diminish the possibilities of nuclear war.

Now, I think included in my amendment is what we think should happen. We want to go over there, we want to engage in negotiations with the U.S.S.R., and we hope that these negotiations lead to the reduction of any possibility of nuclear war. I do not think anyone in this room wants our Secretary of State, our President to go over there armed not with our shake of confidence or pat on the back go-get-them-and-do-the-best-job-you-can, but rather go over armed with our resolution that says you are wrong in what you stand for.

Mr. Speaker, I would ask that this amendment be adopted immediately.

The SPEAKER. The Chair thanks the gentleman.

On the Ryan amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, once again the minority leader has dazzled us with obfuscation, which he is very good at, and hyperbole, I should say. This was a very simple resolution recently adopted in the city of Pittsburgh and various other jurisdictions prior to the summit in Geneva. I would just point out that the resolution itself does not dictate any type of policy; it just memorializes the President to work toward a test ban treaty.

The language in this amendment is nice, but it does very little. It is a better statement than nothing, but barely better than nothing. *The resolution without this amendment just speaks directly toward a process for which we should aim*. The United States took a step in 1963 for a partial ban of nuclear testing. We are not saying that we have the expertise to say whether that ban should be immediate today; we are just saying that should be a goal. Everyone on both sides of this issue agrees that that should be a goal. I think it is a simple thing for the Pennsylvania House of Representatives to say, and I would ask for a negative vote on the amendment.

I would also suggest in the argument that we should not get involved in foreign policy, many, many times in legislation and various resolutions we address foreign policy issues. There was a statement made during the debate 2 or 3 weeks ago on apartheid that simply because Pennsylvania became a member of the Union, we should not abdicate our responsibility to speak out on moral issues. This is one of the major moral imperatives of our day.

I do not think HR 185 without this amendment goes overly far. I think it is very cautious, and I would ask for a "no" vote on the amendment.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, the gentleman I think makes no case, but let me make reference to the case he is attempting to make. He neglects to say, as he blithely says we are looking only for a limitation or a halt of nuclear testing, the words of his resolution are "immediately halt," "immediately halt" nuclear testing. Now I refer you—and this is the sum and substance of my knowledge—to these articles from magazines by well-known writers.

In a Time Magazine article back in August, the Soviets said, within hours of the United States announcement, that the Soviet Union would launch a 5-month moratorium on nuclear testing beginning in August, the 40th anniversary of the atom-bomb detonation what have you, and it would extend indefinitely if Washington joined in. The United States rejected the offer.

Now, the only reason I say that is that this proposition of immediately halting has been put to the United States and it has been rejected by the United States Government. And they say:

For one thing—

The Secretary of State says—

Shultz noted as he arrived in Helsinki, the Soviets had proclaimed such a unilateral moratorium before, in the late '50s and early '60s, and then had abruptly begun what he described as "the largest nuclear-testing program ever undertaken." Nonetheless, the...proposal's simplicity and emotional appeal had distinct propaganda advantages, particularly in Western Europe.

There is another place here, and I want to find it because I think it is important to this argument. This is the last time I will bother you. I am very sincere with this amendment and with this problem, and I think it is important.

In Time Magazine, August 19, 1985 - same kind of a problem.

To defuse the issue—

And this again is this test-ban issue—

U.S. officials are portraying the Soviet moratorium as merely a propaganda maneuver. The Soviets, they say, have just completed an extensive and accelerated series of tests on their most modern intercontinental weapons, while the U.S. has yet to test its own equivalents. A moratorium would thus give them a public relations victory without costing them any military

ground. "They don't have any more to do," President Reagan said...last week. So far this year, however, nine underground explosions have been announced for the U.S. v. five for the Soviets.

And the article goes on and on.

This is not something, Mr. Speaker, that just sounds nice; it is something that has been addressed by the President of the United States and rejected by him. Three weeks now we have to wait before Geneva. I think it is a terrible, terrible mistake to adopt a resolution such as the one you propose which has the buzzword language that the Soviet Union proposed and which was rejected by this United States. I think it is terribly important that we do away with that wording of your resolution, and I am offering my own amendment to do that.

MOTION TO RECOMMIT

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

Mr. FLICK. Mr. Speaker, is it within the order to recommend that we refer the amendment and the resolution to the Rules Committee for further study? If so, I make that motion.

The SPEAKER. Such a motion would lie.

It is moved by the gentleman, Mr. Flick, that HR 185, together with the Ryan amendment, be recommitted to the Committee on Rules for further study.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, this resolution was considered by the Rules Committee. The Rules Committee has reported it to the floor of the House. I do not want to hold another meeting off the floor of the House and report it again. Let us just vote it now.

Mr. Speaker, let us face the issue; let us not refer it back. We have considered it in the Rules Committee.

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

Mr. RYAN. Mr. Speaker, unfortunately, the gentleman, Mr. Manderino, is absolutely correct. If we send this back to Rules, he is just going to pop it right out again. I do not know whether Local Government would be willing to take it, but assuming they would not, I would ask the gentleman, Mr. Flick, to withdraw his motion.

MOTION WITHDRAWN

Mr. FLICK. I withdraw the motion, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman, Mr. Flick.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Ryan, I think does not give to the American people, to each

individual citizen in these United States, and to this General Assembly the proper respect for its opinions and attitudes. He said that the Kukovich resolution asks us to memorialize the President to work towards an immediate test ban, and since the President has already said that he will never do this, we should not get into foreign policy. I think that is stupid, Mr. Ryan, and I think those articles that you read from are just somebody else's opinion. In fact, the paragraphs that you quoted were clearly the opinion of those people who want to characterize, in propaganda terms, the initiative that has been made to halt the testing of nuclear weapons as something that we should not or do not want to do because the President has indicated that.

Mr. Speaker, I can remember not so long ago that the President of these United States said that he would never, never negotiate with the Soviet Union, the U.S.S.R. or its leaders because that was an evil empire. Do you remember that? Guess what? Guess what? He is going to a summit; he is going there to negotiate. How do you think his opinion has changed, that the people of the United States want him to sit down and see whether or not test bans are possible, the reduction of nuclear arms is possible, and the reduction of tensions in the world is possible? Guess what? I think it is expressions like what we are doing this afternoon, what Congress has done, what other Americans have said about his policies, that changed his opinion, and maybe we ought to try to effectuate it. The question should not be, do we have the right to express our opinion on this subject matter? We certainly have that right, not only the right but perhaps we have that duty in these important matters. The question should be, do you agree with the language of the resolution or do you not agree with the language of the resolution? That is the only question.

I can remember the President of the United States talking about South Africa and apartheid and how it was none of our business. And guess what? He changed his opinion. He began imposing sanctions, limited though they may be, but he certainly has changed and reversed his position, modified it at best. Why? Because he heard from people on the issue who felt very strongly about the issue.

Free trade - did not think this country should be engaged in any protectionism measures. Guess what, Mr. Ryan? That is not what he is saying now. He is now talking about changing the whole administrative procedure and placing protectionism sanctions for some of our industries that are really taking it on the chin with the foreign competition because it is unfair competition.

Mr. Speaker, I heard during the campaign when this man was running for President of the United States that nuclear nonproliferation agreements were none of our business. Guess what? We are going to a summit to talk about it.

Mr. Speaker, all of these things have come about because of the expression of the public, individual citizens, Congress, General Assemblies, people who are leaders in their communities, speaking out to change the President's mind. I think we have every right, and that is what I am saying at this time. We have every right to make that expression. You do not give

proper respect to the General Assembly of Pennsylvania, which has the right to ratify amendments to the Constitution, which has many high powers for its elected members. You do not give it proper respect so far as their opinions on these crucial matters are concerned.

Mr. Speaker, the second question is the question of whether or not your language is more preferable to the Kukovich language. I support the Kukovich language. I think that we all have in our arsenals, the nuclear nations, more than is necessary to many times destroy the other, and we ought to, if it will lead to a lessening of tensions, certainly work toward the *stopping of testing and the complete reduction of arms*.

Mr. Speaker, I see nothing wrong with the wording of the Kukovich resolution, and if you want to bring up your resolution tomorrow, Mr. Speaker, I see nothing wrong with your wording either. But to substitute your wording for the Kukovich wording is ludicrous. I think the expression that we make in the Kukovich wording is worthy of this Assembly, and I intend to support it and ask everyone to defeat the amendment.

The SPEAKER. The Chair recognizes the minority leader on the amendment.

Mr. RYAN. *It may be lunacy, but what I am proposing is taking buzzwords out of one resolution and supporting it with terrible things like "Supporting the goal of working toward a treaty," et cetera. I acknowledge that legitimate differences of opinion may exist as to how to achieve this goal, and that we, the House, support the goal of using the summit meeting to work with the U.S.S.R. towards a treaty. How do you vote against those words? That is where you are. I am suggesting you lift the buzzwords out and you put language in that really reflects what we all think, including Mr. Kukovich, I am sure. He agrees with this language; he likes his own better. I am only saying that his language is the buzzwords that have been rejected, for negotiating purposes perhaps, but rejected nevertheless for some reason that we maybe do not even understand.*

My language does not do harm to the Kukovich theme, and I do not know how you explain voting against language such as mine that supports working towards a treaty, et cetera. I do not know. You figure that out yourself. Take a look at the language.

The SPEAKER. Mr. Gladeck, will you yield to Mr. Hayes for a moment?

Mr. GLADECK. Yes, sir, if you would suggest that I do so.

The SPEAKER. The Chair would so suggest.

The Chair recognizes the minority whip.

Mr. HAYES. Mr. Speaker, I will do my very, very best to use the words that are proper for this particular chamber. But I must say, Mr. Speaker, that from time to time I am at least perplexed and sometimes quite weary of those who want to keep sending messages to our President of the United States or to our Congress or to our State Department about what we should be doing about peace.

It was not too many years ago that I left the fields of Southeast Asia, and I respectfully suggest to you that the primary

enemy of peace in this world that we live in is not the President of the United States, it is not the United States Congress, who are elected by the people of this great Nation, or the State Department. I saw the face of the enemy. The face of the enemy was the international communist, and that has not changed in the few years since I have returned to Pennsylvania and the United States of America. Why do we not bring forth a resolution condemning Gorbachev and his government and their actions in Afghanistan? Why do we not send a message to Mr. Gorbachev and his government about the Iron Curtain and the masonry wall that separates people, that separates German from German, that separates the free world from those who do not live free?

Mr. KUKOVICH. Mr. Speaker, point of parliamentary inquiry.

Mr. HAYES. Mr. Speaker, the gentleman does not have to make his parliamentary inquiry. I am going to sit down. But I suggest that instead of sending messages to other fellow Americans, we send some messages to those people who are interfering with the peaceful lives of people around this globe.

If the gentleman, Mr. Manderino, wants to debate this, I will stand and debate with him and I will tell you, Mr. Manderino, what I saw while you stayed home and went to law school.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I rose to offer assistance to the gentleman. If he would kindly sponsor such resolutions, I will have the Rules Committee promptly report them.

The SPEAKER. The Chair recognizes the minority whip.

Mr. HAYES. Mr. Speaker, it is my understanding that the gentleman already has in his committee a resolution dealing with Afghanistan, and to the best of my knowledge, he has not put it on our agenda for consideration.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, very briefly. My clerk tells me that we do have an Afghanistan resolution sponsored by a member from the other side, and as with all resolutions that are considered in the Rules Committee, we will put it on the agenda or consider putting it on the agenda when we have the first request from someone over there to do so.

Mr. HAYES. It is so requested, Mr. Speaker.

Miss SIRIANNI. Mr. Speaker?

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni. You taught school, did you not?

Miss SIRIANNI. Yes; I did.

The SPEAKER. Have you noticed a striking similarity between the performance on the floor of the House and in a schoolroom just before vacation?

Miss SIRIANNI. My schoolroom was never like this. Was yours? I bet yours was not either.

The SPEAKER. Your children were well behaved. Is that it?

Miss SIRIANNI. Yes; they were.

The SPEAKER. We are not so fortunate here today.

You may proceed, Miss Sirianni.

Miss SIRIANNI. May I suggest that we take the time to get the amendment that Mr. Manderino suggested?

The SPEAKER. Mr. Manderino did not suggest an amendment. Mr. Manderino was asked if he would release, if he had one, the resolution condemning the Soviet Union's activities in Afghanistan.

Miss SIRIANNI. Prior to that he made a statement. Prior to that suggestion he made the statement that he would be glad to vote for an amendment asking Gorbachev to do whatever this other resolution is asking the United States to do. I think it is high time we started there, too.

The SPEAKER. May I suggest that we may be a little bit pressed for time in influencing Mr. Gorbachev at this point.

Miss SIRIANNI. Mr. Speaker, I think it is important enough for this country to take the time to try to do it.

The SPEAKER. Mr. Manderino, would you—

Mr. MANDERINO. Mr. Speaker, that young lady over there is going to drive me nuts one of these days.

Miss SIRIANNI. Mr. Speaker, what did he say? I did not hear him.

Mr. MANDERINO. If you listened closely, Mr. Speaker, as I recall what was said, I said that if Mr. Hayes wanted to sponsor such resolutions, I would have them considered by the Rules Committee and reported to the floor. They are resolutions and not amendments to what we are doing today.

Mr. Speaker, I further indicated that when we got the first request from anyone to report the Afghanistan resolution, whatever it is, because I have no personal knowledge of it, we would consider and put it on the agenda of the Rules Committee. Now I will live by both of those commitments.

Miss SIRIANNI. Mr. Speaker, may I suggest then that we take the time to have an amendment prepared to this resolution to change it to suggest to Gorbachev instead of to the United States the things that Mr. Kukovich is trying to do? I think he is a little mixed up in the way he is doing it. I think he has it turned around. Let us turn it around for him.

The SPEAKER. The Chair would have difficulty in sending a memorial statement to Mr. Gorbachev in the U.S.S.R. The Chair would believe that Mr. Gorbachev might not pay too much attention to such a resolution.

Miss SIRIANNI. That is a poor excuse, Mr. Speaker.

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

Mr. GLADECK. Thanks.

I would just like to make a few brief remarks, if I may.

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

Mr. GLADECK. First of all, I would like to correct the majority leader, if I may. I would just like to add that the President of the United States did describe the Soviet Union as the evil empire, but he never refused to negotiate with them.

Secondly, getting to the meat of the issue, I know that the majority leader and my friend, Mr. Kukovich, are very, very sincere about what they are attempting to do. I think that all my friends on the other side of the aisle and the people here on

this side of the aisle are very sincere about wanting to do whatever they can to try to influence the President of the United States and the head of the Soviet Union in Geneva to try to memorialize them to do whatever they can to effect a negotiated settlement that will lead to world peace. However, I really think that perhaps we missed the boat with this resolution. It simply does not go far enough, because a test ban would not stop the threat of nuclear war, nor would it reduce any nuclear weapons that you may have on the face of the Earth. I think really that Mr. Ryan's amendment to the resolution goes a lot further, and really I think it would behoove all of us in the House of Representatives to vote for Mr. Ryan's amendment, because quite honestly, it gets right to the meat of the matter, which is that we would like to have the President of the United States go to Geneva and do whatever he can to end nuclear war and to reduce the stockpiles of nuclear weapons in the world. I do not think that Mr. Kukovich's resolution in its original form does anything to reflect that.

So with that, I would say that if you really want to do whatever you can to halt nuclear war and the threat of that, I would suggest that you vote for Mr. Ryan's amendment. If you do not wish to do that, then I would suggest that you support the majority leader and you support Mr. Kukovich, because quite honestly, if you take the time to read the resolution, he is indeed trying to influence the Geneva summit, and I think that what he is trying to do is simply not enough. I would suggest that you support Mr. Ryan and I would hope that all of you would do so. Thank you.

The SPEAKER. Now that we have had all the fun we are going to have on this, we are going back now to what Mr. Wambach insisted on; we are going back to the rules.

The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich, who has not spoken yet on the amendment. He may now speak twice and no more.

Mr. KUKOVICH. Mr. Speaker, all I want to do is roll this vote. Whenever I prepared this resolution, I tried to find neutral language that I thought would be acceptable to everybody. I think that language is still neutral. Those in the chamber who want to read it I think will also decide the same. I feel badly that this resolution has led to what I consider some intemperate language and some of the debate that has occurred here.

I would just like us to vote the amendment, vote the resolution, and get off the floor of the House.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Trello, who has not spoken yet.

Mr. Trello, we have finally calmed down, and we are on the question of shall we adopt the Ryan amendment. You are recognized for that point, sir.

Mr. TRELLO. Mr. Speaker, I rise to talk in reference to some of the dialogue that was made here today.

The SPEAKER. Mr. Trello, if you do not mind, we have had quite enough dialogue. Would you please limit your remarks to what is on the floor in the House before us, the Ryan amendment.

Mr. TRELLO. Okay, Mr. Speaker.

I think that every member of this General Assembly on both sides of the aisle are true Americans and support our President in every area that would bring peace to this great country and also this world of ours. I know that many of us in this General Assembly have faced the enemy in Southeast Asia and the South Pacific and all over the world during our wars, and I think there is not one person in this General Assembly who does support the aggression that took place in Afghanistan or anywhere in communist countries behind the Iron Curtain. I just think that what we should do here is what is expected of all Americans, and that is to support the peace movement all over the world. That is my statement, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Cambria, Mr. Wozniak, on the amendment.

Mr. WOZNIAK. Mr. Speaker, I was just wondering if we can move the previous question and get this vote on the line.

The SPEAKER. Do not upset the things like that, Mr. Wozniak. I think we will get to it pretty quickly.

Mr. WOZNIAK. Okay.

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

Mr. McCLATCHY. Mr. Speaker, I will be brief.

I think what Mr. Kukovich said was probably true in how he tried to prepare his resolution. I think what he has done, inadvertently perhaps, is placed us all in a position, at least from what I read and see in that resolution, is some intent toward unilateral disarmament on the part of the United States. That is the problem.

You may laugh, Mr. Speaker, but that is the problem we are having with it, and I think that Mr. Ryan's amendment clears that problem up and presents it in a much clearer picture. Therefore, we support Mr. Ryan's amendment.

The SPEAKER. The Chair recognizes the gentleman from Venango, Mr. Black, on the amendment.

Mr. BLACK. Mr. Speaker, I believe that the things that Mr. Gladeck said are very true, and if we look at lines 3 and 4 of the resolution, it talks about the nuclear arms race posing a threat to all of humanity, and I contend that not obtaining a tie is what really poses a threat to humanity.

I would ask the maker of the amendment if he would stand for brief interrogation.

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

Mr. BLACK. Mr. Speaker, just one question. When you talk about the bilateral reduction, do you intend in that to mean verification along with it? Because I think the meat of any kind of a bilateral agreement must have verification in it. I know the State Department is going to decide that, but for the matter of the record, since we are sending the message to Washington, my question is, is that part of our message?

Mr. RYAN. Mr. Speaker, yes; it is. And this is further evidence of the fact that we do not know what we are doing up

here. I tried to draft something by way of an amendment that would be representative of the position as it has publicly been stated of the United States in connection with the Geneva conference, and I missed that, the words "bilateral" and "verifiable," and that is why we should not be in this business at all, but we are in it. It is not because I like to be here, and I thank you for calling that to my attention and wish I had thought of that buzzword, too, to put in my amendment. Thank you, sir.

Mr. BLACK. Thank you, Mr. Speaker.

Mr. FREEMAN. Mr. Speaker, I will be brief.

The SPEAKER. You have a right to speak, Mr. Freeman.

The Chair recognizes the gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you.

Mr. Speaker, I do not want to belabor the point. I do, however, want to clarify one thing and make one statement which will be very brief.

The gentleman, Mr. McClatchy, made the point that this was a unilateral resolution. There is no place in this resolution where a unilateral agreement is mentioned. I think the important point—and it is sad that we are missing the point here today—is that both the Kukovich resolution in its present form and the Ryan amendment are both very worthy ends. It is a shame that we are being asked to choose between supporting a nuclear test ban and supporting the aim of reduction of nuclear arms. They are both very worthy ends, and I for one want to support both.

I just want to make the observation that it is regrettable that Mr. Ryan in drafting his amendment made us choose between the two when we should be supporting both. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Miss SIRIANNI. Mr. Speaker?

The SPEAKER. Miss Sirianni, you have spoken more than twice. We cannot allow you to speak again on the same question.

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

The following roll call was recorded:

YEAS—153

Afflerbach	Davies	Kenney	Rudy
Angstadt	Dietz	Kosinski	Ryan
Argall	Dininni	Langtry	Rybak
Arty	Distler	Lashingner	Saloom
Baldwin	Donatucci	Lescovitz	Saurman
Barley	Dorr	Letterman	Scheetz
Battisto	Duffy	Livengood	Schuler
Belardi	Durham	Lloyd	Semmel
Belfanti	Fargo	McClatchy	Serafini
Birmelin	Fischer	McHale	Seventy
Black	Flick	McVerry	Sirianni
Blaum	Foster, Jr., A.	Mackowski	Smith, B.
Book	Fox	Maiale	Smith, L. E.
Bowley	Freeman	Manmiller	Snyder, D. W.
Bowser	Freind	Markosek	Snyder, G. M.
Boyes	Fryer	Mayernik	Staback
Brandt	Gallen	Merry	Stairs
Broujos	Gamble	Micozzie	Steighner
Bunt	Gannon	Miller	Stevens
Burd	Geist	Moehlmann	Stuban
Burns	George	Morris	Swift

Bush	Gladeck	Mowery	Taylor, E. Z.
Caltagirone	Godshall	Murphy	Taylor, F. E.
Cappabianca	Greenwood	Nahill	Taylor, J.
Carlson	Gruppo	Noye	Telek
Cawley	Hagarty	O'Brien	Tigue
Cessar	Haluska	Olasz	Trello
Chadwick	Hasay	Perzel	Van Horne
Cimini	Hayes	Phillips	Vroon
Civera	Herman	Piccola	Wambach
Clymer	Hershey	Pievsky	Wass
Colafella	Honaman	Pitts	Weston
Cole	Howlett	Pott	Wilson
Cornell	Jackson	Punt	Wogan
Coslett	Jarolin	Raymond	Wozniak
Cowell	Johnson	Reber	Wright, J. L.
Coy	Kasunic	Reinard	Wright, R. C.
DeLuca	Kennedy	Robbins	Yandrisevits
DeVerter			

NAYS—40

Bortner	Gallagher	Manderino	Richardson
Carn	Gruitza	Michlovic	Rieger
Cohen	Harper	Mrkonic	Roebuck
Cordisco	Itkin	O'Donnell	Showers
DeWeese	Josephs	Oliver	Stewart
Daley	Kukovich	Petrarca	Sweet
Dawida	Laughlin	Petrone	Truman
Deal	Levdansky	Pistella	
Dombrowski	Levin	Pressmann	Irvis,
Fattah	Linton	Preston	Speaker
Fee	McCall		

NOT VOTING—9

Acosta	Evans	Pratt	Wiggins
Barber	Lucyk	Veon	Wright, D. R.
Clark			

EXCUSED—1

Hutchinson

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

On the question,
Will the House adopt the resolution as amended?

The SPEAKER. The Chair recognizes the minority leader.
Mr. RYAN. Mr. Speaker, I am going to vote "yes," because I do not have the nerve to vote "no," but I do it very reluctantly because I do not think we should be fooling around in this area at all. I am afraid if I vote "no" that I am going to read it in my opponent's literature. That is the only reason I am voting "yes." Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, will the gentleman, Mr. Ryan, consent to interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may proceed, Mr. Manderino.

Mr. MANDERINO. What do you want me to do with Mr. Hayes' request to report the Afghanistan resolution out?

Mr. RYAN. Well, as I understand that—and being on the Rules Committee, I have not had an opportunity to see it, but as I understand from the few comments that were made—that condemns the Russians for their actions in Afghanistan, which is far different than our trying to influence the President of the United States or the Secretary of State in negotiations in Geneva. I think we ought to stay out of that one, too,

but I do not have the problem in a condemnation the same way Mr. Olasz last week had one that he was concerned that I was going to object to, and there was a distinction in that one as well. But when we try and influence the State Department or foreign policy, then I think we are looking for trouble. But I would be happy, Mr. Speaker, to read the Afghanistan resolution and comment further on it.

Mr. MANDERINO. Is that a yes or a no, Mr. Ryan?

Mr. RYAN. Well, not having the resolution brought up by you as the chairman of the Rules Committee, I have not read it yet, and I just said I would be happy to read it and give you my comments at that time.

Mr. MANDERINO. What you are saying, I think, Mr. Speaker, is there is foreign policy and there is foreign policy, and you want to pick and choose where you want to say anything.

Mr. RYAN. No; I did not say that, Mr. Speaker.

You know, the majority leader has got himself in a corner here, I guess. I did not start this personal war with you, Mr. Speaker. My position has always been clear: we should stay out of foreign policy. I have never apologized for that position, and I say to you once again, I have found distinction, such as with Mr. Olasz last week, and it may be the same thing is true in the Afghanistan resolution. Beyond that, you have no right to assume anything.

The SPEAKER. On the question will the House adopt the resolution as amended, the Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, if we cannot get the message to Mr. Gorbachev, how did the little girl from Maine get her message over there?

Mr. MANDERINO. Mr. Speaker, I am glad she asked you and not me.

The SPEAKER. Miss Sirianni, luckily we do not have to memorialize Mr. Gorbachev. We are about to memorialize our President. We can reach him. Let us hope if we get to the point where we have to memorialize Mr. Gorbachev, we will find some little American girl who will write the letter for us.

On the question recurring,
Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—201

Acosta	Dietz	Laughlin	Robbins
Afflerbach	Dininni	Lescovitz	Roebuck
Angstadt	Distler	Letterman	Rudy
Argall	Dombrowski	Levdansky	Ryan
Arty	Donatuucci	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	Pressmann	Wright, D. R.
Deluca	Kasunic	Preston	Wright, J. L.
DeVerter	Kennedy	Punt	Wright, R. C.
DeWeese	Kenney	Raymond	Yandrisevits
Daley	Kosinski	Reber	
Davies	Kukovich	Reinard	Irvis,
Dawida	Langtry	Richardson	Speaker
Deal	Lashingier	Rieger	

NAYS—0

NOT VOTING—1

Pratt

EXCUSED—1

Hutchinson

The question was determined in the affirmative, and the resolution as amended was adopted.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that SB 826 and SB 900 be lifted from the tabled calendar.

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

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that SB 826 and SB 900 be recommitted for fiscal notes to the Committee on Appropriations.

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

RULES SUSPENDED

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

Mr. SAURMAN. Mr. Speaker, I move that the rules of the House be temporarily suspended so that we may immediately consider HR 187.

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

The following roll call was recorded:

YEAS—187

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

NAYS—0

NOT VOTING—15

Caltagirone	Gallagher	McCall	Staback
Clark	Jackson	McVerry	Wilson
Cohen	Laughlin	Morris	Wright, D. R.
Colafella	Lescovitz	Petrarca	

EXCUSED—1

Hutchinson

A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

RESOLUTION ADOPTED

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Saurman, who offers the following resolution, which the clerk will read.

The following resolution was read:

House Resolution No. 187

A RESOLUTION

Urging all of the citizens of Pennsylvania to participate in the "All American Buckle Up Week" program.

WHEREAS, A national safety belt use promotion scheduled for the week of November 24-30, which will be known as "All American Buckle Up Week," was recently announced by Secretary of Transportation Elizabeth Hanford Dole; and

WHEREAS, Barbara Mandrell, the country music star, has agreed to serve as honorary chairman for the week; and

WHEREAS, "Start a Habit for Life" is the theme for the week-long All-American Buckle Up activities. Messages will be targeted to all age groups, including young children, urging them to give safety belts a try for one week and then establish a habit for life; and

WHEREAS, The Buckle Up activities will coincide with the Thanksgiving holiday weekend when motor vehicle travel is heavier than usual; therefore be it

RESOLVED, That the House of Representatives urge all citizens of Pennsylvania to participate in this program.

- George E. Saurman
- Jon D. Fox
- Arthur D. Hershey
- Paul Wass
- Richard A. McClatchy, Jr.
- Raymond Bunt, Jr.
- Charles F. Nahill, Jr.
- Leonard Q. Gruppo
- Jere W. Schuler
- Richard J. Cessar
- Kenneth E. Brandt
- James T. Distler
- Robert D. Robbins
- Paul J. Angstadt
- Ronald E. Black
- Paul W. Semmel

On the question,
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentleman from Montgomery, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

I apologize for this, but we need the time, in order for those who would be interested to participate, to get the information out. The date that would be suggested for this All-American Buckle Up is November 24 to 30. It coincides with the Thanksgiving season. It is a national program, and it was sparked, really, by the Great American Smokeout, wherein if

we get people to stop smoking for 1 week, perhaps they will develop a habit that will continue. The same idea is intended here.

The SPEAKER. Would the gentleman, Mr. Saurman, come down and read that message where the gentleman, Mr. Ryan, can hear it clearly?

Mr. RYAN. I am sorry. I missed that, Mr. Speaker.

The SPEAKER. Mr. Saurman is advocating that we have a national smokeout so that those people who light cigarettes, especially on the floor of the House, might learn better.

Mr. RYAN. I would be happy to cosponsor that resolution.

The SPEAKER. I thought you would.

The Chair recognizes the gentleman, Mr. Saurman.

Mr. SAURMAN. Mr. Speaker, because of the understanding of all of us for the necessity of using seatbelts, perhaps everyone would like to cosponsor this resolution, and we did not have that opportunity to offer it before.

The SPEAKER. Very well. We will take the vote on it, and those who wish to cosponsor it will have an opportunity to sign their names at the end of the session.

For what purpose does the gentleman from Lancaster, Mr. Brandt, rise?

Mr. BRANDT. Just to comment on the resolution, Mr. Speaker.

The SPEAKER. You are in order, and you may proceed.

Mr. BRANDT. I commend Mr. Saurman in bringing this to the front and to the House, but in passing I would also like to comment that in the great county of Lancaster, we have had a program for a number of months called Let's Lifebelt Lancaster, and it has dramatically improved the number of people using seatbelts, and I think this is right along in line with that.

Also, I think you misunderstood Mr. Saurman, Mr. Speaker. What he was talking about was, you are not allowed to smoke when you are using seatbelts. That was the only time you could not smoke.

The SPEAKER. Well, that may suggest that we may have a double use for seatbelts on the floor of the House. That would be one way to keep all of you in your seats. I had not thought of it. Thank you, Mr. Brandt.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—187

Acosta	Distler	Lashingner	Robbins
Afflerbach	Dornbrowski	Letterman	Rudy
Angstadt	Donatucci	Levdansky	Ryan
Argall	Dorr	Linton	Rybak
Arty	Duffy	Livengood	Saloom
Baldwin	Durham	Lucyk	Saurman
Barber	Evans	McCall	Scheetz
Barley	Fargo	McClatchy	Schuler
Battisto	Fattah	McHale	Semmel
Belardi	Fee	Mackowski	Serafini
Belfanti	Fischer	Maiale	Seventy
Birmelin	Flick	Manderino	Showers
Black	Foster, Jr., A.	Manmiller	Sirianni
Blaum	Fox	Markosek	Smith, B.
Book	Freeman	Mayernik	Smith, L. E.
Bortner	Freind	Merry	Snyder, D. W.

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

NAYS—1

Lloyd

NOT VOTING—14

Bowser	DeWeese	Levin	Roebuck
Broujos	Gallagher	McVerry	Wilson
Clark	Laughlin	Petrarca	Wright, D. R.
Colafella	Lescovitz		

EXCUSED—1

Hutchinson

The question was determined in the affirmative, and the resolution was adopted.

The SPEAKER. The clerk will keep the resolution here at the desk for those members who wish to sign their names to it.

REMARKS ON VOTE

The SPEAKER. Now to correct the record, the Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Mr. Speaker, first a suggestion. Perhaps airbags would be better in the House than seatbelts.

The SPEAKER. The problem with that, Mr. Gannon, is they would be filled up with so much hot air that the whole roof would blow off.

Mr. GANNON. Mr. Speaker, on the Freind amendment 2686 to HB 1130, my vote was not reflected on the printout. I would like to be voted in the affirmative.

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

LIQUOR CONTROL COMMITTEE MEETING

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

Mr. SALOOM. Mr. Speaker, on the call of the adjournment today, there will be a meeting of the Liquor Control Committee in room 401, and I wish to request all the members of the House Liquor Control Committee, please come to room 401. Thank you.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, I would like to submit some comments for a matter of record.

The SPEAKER. The Chair thanks the gentleman. Send the comments to the clerk.

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the Members of the Pennsylvania House of Representatives the name of Kirk Groeber, who has recently been awarded Scouting's highest honor—Eagle Scout.

Mr. Speaker, I would like to read to the Members of the House of Representatives the following Citation of Merit honoring Kirk Groeber:

WHEREAS, Kirk Groeber has earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. He is a member of Troop 8.

NOW THEREFORE, The House of Representatives of the Commonwealth of Pennsylvania congratulates Kirk Groeber on the occasion of his being honored with the Eagle Scout Award, commends him on the outstanding work he has done to earn this coveted honor, and wishes him continued success in the future.

Mr. Speaker, it is my pleasure that I place in the Legislative Journal the name of Kirk Groeber.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. FOX. Mr. Speaker, thank you.

I would like to submit comments for the record.

The SPEAKER. The gentleman will send the comments forward for the clerk.

Mr. FOX. Thank you, Mr. Speaker.

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the Members of the Pennsylvania House of Representatives Kenneth J. Foran and George William Riehm who have recently been awarded Scouting's highest honor—Eagle Scout.

Mr. Speaker, on Monday, November 4, 1985, Kenneth J. Foran and George W. Riehm will be officially recognized in an induction ceremony as Eagle Scouts.

Mr. Speaker, I would like to read to the Members of the House of Representatives the following Citation of Merit honoring Kenneth J. Foran and George William Riehm:

WHEREAS, Kenneth J. Foran and George W. Riehm have earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of these young men. Each is a member of Troop 48, St. Paul's Lutheran Church, Glenside, PA 19038.

NOW THEREFORE, The House of Representatives of the Commonwealth of Pennsylvania congratulates Kenneth J. Foran and George W. Riehm on the occasion of each being honored with the Eagle Scout Award, commends them on the outstanding work each has done to earn this coveted honor, and wishes them continued success in the future.

Mr. Speaker, it is my pleasure that I place in the Legislative Journal the names of Kenneth J. Foran and George William Riehm.

REMARKS ON VOTES

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

Mr. FOSTER. Thank you, Mr. Speaker.

The record reflects that I am not recorded on the Itkin amendment A3431 to HB 571. On the first half of that amendment, I would like to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Lackawanna, Mr. Staback.

Mr. STABACK. Mr. Speaker, on concurrence in Senate amendments to HB 1636, my switch did not operate. I would like to be recorded in the affirmative.

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

PARLIAMENTARY INQUIRY

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

Mr. DAVIES. Mr. Speaker, a parliamentary inquiry. It is the same request as before. When permission is granted to the TV cameras, could we have notification on the floor of their facility using—

The SPEAKER. It is the Chair's fault. The Chair was notified by his clerk that "The People's Business" asked to film on the floor. The Chair neglected to announce it. The Chair will not be so careless in the future.

Mr. DAVIES. Thank you, Mr. Speaker.

SENATE MESSAGE**HOUSE AMENDMENTS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 654, PN 1509**.

BILLS SIGNED BY SPEAKER

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

SB 654, PN 1509

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, the "Second Class County Code," 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.

SB 1074, PN 1323

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

BILLS AND RESOLUTION PASSED OVER

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

ADJOURNMENT

The SPEAKER. There being no further business, the Chair recognizes the gentleman from Beaver, Mr. Veon.

Mr. VEON. Mr. Speaker, I move that this House do now adjourn until Tuesday, November 12, 1985, at 1 p.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 4:32 p.m., e.s.t., the House adjourned.