

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, NOVEMBER 12, 1985

SESSION OF 1985

169TH OF THE GENERAL ASSEMBLY

No. 67

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

REV. WILLARD S. RABERT, JR., pastor of the New Covenant United Church of Christ, Williamsport, Pennsylvania, and guest chaplain, offered the following prayer:

Let us pray:

O God, our hope and light, who led our fathers and mothers to this land of freedom and opportunity, accept our thanks for all Your blessings. Give, we ask, wisdom to all who govern this Commonwealth that they may work together for the good of all - the young and the old; the poor and rich; those working and those unemployed; the satisfied and the hurting; and those who lack physically, mentally, materially, and spiritually.

O Lord, King and Ruler of all, You hear all prayers - spoken, silent, and those offered in tears. The last are the prayers You hear and answer more than any others, and there are many who pray in this land in tears of sorrow and hopelessness. May the people of this State have their cries answered by you, O God, and by the members of this General Assembly who will be caring, loving, and wise in all their deliberations and decisions. Bless this body in this session and in the days to come that they in turn may be a blessing to those they serve. We ask this prayer in Your name, God, our Creator and our Father. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal for Tuesday, October 29, 1985, will be postponed until the Journal is in print, and the Chair hears no such objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1856 By Representatives CESSAR, IRVIS, McVERRY, BURD, DUFFY, PRESTON, MARKOSEK, MAYERNIK, GALLEN, DIETZ, DAVIES, TELEK, POTT, BOOK, TRELLO and SWEET

An Act amending the act of July 20, 1974 (P. L. 551, No. 190), known as the "Medical Practice Act of 1974," further providing for licensing.

Referred to Committee on HEALTH AND WELFARE, November 12, 1985.

No. 1857 By Representatives CESSAR, IRVIS, McVERRY, BURD, DUFFY, PRESTON, MARKOSEK, MAYERNIK, GALLEN, DIETZ, DAVIES, TELEK, POTT, BOOK, TRELLO and SWEET

An Act amending the act of May 22, 1951 (P. L. 317, No. 69), known as "The Professional Nursing Law," further providing for the licensing of certain persons.

Referred to Committee on HEALTH AND WELFARE, November 12, 1985.

No. 1858 By Representatives CESSAR, IRVIS, McVERRY, BURD, DUFFY, PRESTON, MARKOSEK, MAYERNIK, GALLEN, DIETZ, DAVIES, TELEK, POTT, BOOK, TRELLO and SWEET

An Act amending the act of March 2, 1956 (1955 P. L. 1211, No. 376), known as the "Practical Nurse Law," further providing for the licensing of certain persons.

Referred to Committee on HEALTH AND WELFARE, November 12, 1985.

No. 1859 By Representatives CESSAR, IRVIS, McVERRY, BURD, DUFFY, PRESTON, MARKOSEK, MAYERNIK, GALLEN, DIETZ, DAVIES, TELEK, POTT, BOOK, TRELLO and SWEET

An Act amending the act of May 1, 1933 (P. L. 216, No. 76), known as "The Dental Law," further providing for the powers of the board to license certain persons.

Referred to Committee on HEALTH AND WELFARE, November 12, 1985.

No. 1860 By Representatives CESSAR, IRVIS, McVERRY, BURD, DUFFY, PRESTON, MARKOSEK, MAYERNIK, GALLEN, DIETZ, DAVIES, TELEK, POTT, BOOK, TRELLO and SWEET

An Act amending the act of September 27, 1961 (P. L. 1700, No. 699), known as the "Pharmacy Act," further providing for the licensing of certain persons.

Referred to Committee on HEALTH AND WELFARE, November 12, 1985.

No. 1861 By Representatives CESSAR, IRVIS, McVERRY, BURD, DUFFY, PRESTON, MARKOSEK, MAYERNIK, GALLEN, DIETZ, DAVIES, TELEK, POTT, BOOK, TRELLO and SWEET

An Act amending the act of October 5, 1978 (P. L. 1109, No. 261), known as the "Osteopathic Medical Practice Act," further providing for the licensing of certain persons.

Referred to Committee on HEALTH AND WELFARE, November 12, 1985.

No. 1862 By Representatives KENNEY, TRELLO, WILSON, RAYMOND, WESTON, WOGAN, CHADWICK, J. TAYLOR, FOX, LANGTRY, O'BRIEN, DURHAM, ANGSTADT, KOSINSKI, HASAY, BURD, PERZEL, VROON, CARLSON, HALUSKA, JOSEPHS, ACOSTA, BOYES, TIGUE, NAHILL, JOHNSON, SEMMEL, COHEN, STABACK, ITKIN, TRUMAN, NOYE, D. W. SNYDER, DISTLER, GANNON, E. Z. TAYLOR and FISCHER

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," further providing for eligibility.

Referred to Committee on HEALTH AND WELFARE, November 12, 1985.

No. 1863 By Representatives JACKSON, MARKOSEK, MOEHLMANN and CARLSON

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for eligibility for tuition credits.

Referred to Committee on MILITARY AND VETERANS AFFAIRS, November 12, 1985.

No. 1864 By Representatives BUSH, HALUSKA, SCHULER, CHADWICK, GODSHALL, SALOOM, LANGTRY, BLACK, RAYMOND, MORRIS, FARGO, JACKSON, CARLSON, COHEN, NAHILL, JOHNSON, J. L. WRIGHT, STABACK, BIRMEIN, SEMMEL, GREENWOOD, KENNEY, GRUPPO, DISTLER, BARLEY, FLICK, J. TAYLOR, NOYE,

D. W. SNYDER, MOWERY, SIRIANNI and CESSAR

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for limitations on the liability of local agencies.

Referred to Committee on JUDICIARY, November 12, 1985.

No. 1865 By Representatives SIRIANNI, MORRIS, NOYE, KUKOVICH, SERAFINI, ARTY, STUBAN, J. L. WRIGHT, JOHNSON, SEMMEL, DISTLER, FOX, PHILLIPS, MICOZZIE, LINTON, BURD, E. Z. TAYLOR, L. E. SMITH and BUSH

An Act providing for recycling; providing further duties of the Department of Environmental Resources and the Department of Revenue; establishing the Recycling Fund and the Clean Communities Fund; imposing a certain tax; providing for grants and other assistance to counties and municipalities for the recycling of waste material and for litter control; making appropriations; and making repeals.

Referred to Committee on CONSERVATION, November 12, 1985.

No. 1866 By Representatives GEIST and PETRARCA

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further prohibiting climbing on or crossing over or under certain railroad or railway equipment.

Referred to Committee on JUDICIARY, November 12, 1985.

No. 1867 By Representatives DOMBROWSKI, DIETZ, FEE, LEVDANSKY, PETRARCA, BOWSER, DISTLER, MERRY, SALOOM, BOYES, GRUITZA, GEORGE, LIVENGOOD and CAPPABIANCA

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), known as "The Game Law," reducing the fee for certain senior citizen lifetime licenses.

Referred to Committee on GAME AND FISHERIES, November 12, 1985.

No. 1868 By Representative SHOWERS

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," further providing for the levying, assessment and collection of certain taxes; authorizing certain counties to levy a tax on earned income; and making repeals.

Referred to Committee on FINANCE, November 12, 1985.

No. 1869 By Representatives PHILLIPS, TRELLO, NOYE, SHOWERS, PETRARCA, SEMMEL, ANGSTADT, AFFLERBACH, MORRIS, CARLSON, JOHNSON, TRUMAN, MERRY, DORR, RAYMOND, TIGUE, BELARDI, ITKIN, PETRONE and R. C. WRIGHT

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 special tax provisions for poverty.

Referred to Committee on FINANCE, November 12, 1985.

No. 1870 By Representatives KENNEDY and SAURMAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the utilization of headlights during periods of rain, snow or fog.

Referred to Committee on TRANSPORTATION, November 12, 1985.

SENATE BILLS FOR CONCURRENCE

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

SB 1052, PN 1300

Referred to Committee on INSURANCE, November 12, 1985.

SB 1083, PN 1511

Referred to Committee on BUSINESS AND COMMERCE, November 12, 1985.

SB 1113, PN 1508

Referred to Committee on PROFESSIONAL LICENSURE, November 12, 1985.

BILLS REMOVED FROM TABLE

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

- HB 90;
- HB 241;
- HB 294;
- HB 371;
- HB 389;
- HB 789;
- HB 790;
- HB 986;
- HB 1196;
- HB 1358;
- HB 1440;
- HB 1670;
- HB 1671;
- HB 1672;
- HB 1676;
- SB 377; and
- SB 417.

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

Motion was agreed to.

LEAVES OF ABSENCE

The SPEAKER. The Chair now turns to leaves of absence. The Chair 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. There are no requests for leaves at this time. The SPEAKER. The Chair thanks the gentleman.

MASTER ROLL CALL

The SPEAKER. The Chair now takes the master roll call for the day. The members will proceed to vote.

The following roll call was recorded:

PRESENT—203

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

Dawida Deal Dietz
 Langtry Lashinger
 Reinard Richardson
 Irvis, Speaker

ADDITIONS—0
 NOT VOTING—0
 EXCUSED—0

COMMUNICATIONS FROM GOVERNOR

BILLS SIGNED BY GOVERNOR

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

APPROVAL OF HBs Nos. 98, 107, 206, 242, 702, 969, 1307, 1636, 1647, 1648 and 1649.

Commonwealth of Pennsylvania
 Governor's Office
 Harrisburg

October 30, 1985

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

I have before me for consideration House Bill 98, Printer's Number 2227. This bill will update and consolidate the various state laws dealing with child support and related domestic issues and bring Pennsylvania law into compliance with a 1984 federal act.

Pennsylvania has the notable distinction of being the national leader in child support collections for the last three years, with a total of more than \$350 million collected by the Department of Public Welfare last year alone. This significant achievement was the result of the efforts being undertaken by my administration to ensure that children are receiving the financial support to which they are entitled from an absent parent, rather than from the tax-paying citizens of this Commonwealth. House Bill 98 would augment the Commonwealth's outstanding performance in this area and by achieving compliance with federal requirements, retain the state's eligibility to receive federal funds for the aid to Families with Dependent Children program.

This legislation also would establish mandatory wage attachment procedures as required by the 1984 federal law, while preserving due process for the wage earner. Mandatory attachment of wages is currently utilized in the courts' discretion to expedite and increase child support collections. Due to the scope of this provision, however, I believe that careful monitoring of the effects of this act are in order to assure that the attachment of wages be exercised judiciously when warranted by the circumstances and that adequate notice be afforded. This is necessary to ensure that the attachment process is not misapplied to persons who generally meet their financial obligations to their family, and that employers are not unduly burdened by this responsibility and are adequately reimbursed through the deduction of two percent of the amount paid for incurred administrative expenses.

With this one caution, I have the honor of informing you that I have today signed House Bill 98. This legislation will further strengthen the demonstrated commitment of my administration to obtain adequate financial support from the responsible absent parent, not the taxpayer, for the most vulnerable segment of our population — our children.

Dick Thornburgh
 Governor

Commonwealth of Pennsylvania
 Governor's Office
 Harrisburg

October 31, 1985

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

I have the honor to inform you that I have this day approved and signed House Bill 1647, Printer's No. 2388, entitled "AN ACT amending the act of February 1, 1966 (1965 P.L. 1656, No. 581), entitled 'An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs,' further providing for the compensation of borough councilmen; and providing for the salary of mayors."

Dick Thornburgh
 Governor

Commonwealth of Pennsylvania
 Governor's Office
 Harrisburg

October 31, 1985

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

I have the honor to inform you that I have this day approved and signed House Bill 1648, Printer's No. 2389, entitled "AN ACT amending the act of May 1, 1933 (P.L. 103, No. 69), entitled 'An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto,' further providing for the compensation of supervisors."

Dick Thornburgh
 Governor

Commonwealth of Pennsylvania
 Governor's Office
 Harrisburg

October 31, 1985

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

I have the honor to inform you that I have this day approved and signed House Bill 1649, Printer's No. 2390, entitled "AN ACT amending the act of June 24, 1931 (P.L. 1206, No. 331), entitled 'An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto,' further providing for the compensation of commissioners."

Dick Thornburgh
 Governor

Commonwealth of Pennsylvania
 Governor's Office
 Harrisburg

November 6, 1985

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

I have the honor to inform you that I have this day approved and signed House Bill 107, Printer's No. 115, entitled "AN ACT amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring the issuance of a receipt upon surrender of a driver's license to the Department of Transportation."

Dick Thornburgh
 Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

November 6, 1985

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

I have the honor to inform you that I have this day approved and signed House Bill 206, Printer's No. 2160, entitled "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."

Dick Thornburgh
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

November 6, 1985

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

I have the honor to inform you that I have this day approved and signed House Bill 242, Printer's No. 259, entitled "AN ACT amending the act of May 27, 1937 (P.L. 926, No. 249), entitled, as amended, 'An act relating to the manufacture, repair, renovating, cleansing, sterilizing, and disinfecting of mattresses, pillows, bolsters, feather beds, and other filled bedding, cushions, upholstered furniture and bulk materials intended for use in such products intended for sale or lease, and to the sale or lease thereof; requiring the placing of tag and adhesive stamp on such material; providing for the sale of adhesive stamps; authorizing and requiring the Department of Labor and Industry to adopt rules and regulations; providing penalties; and repealing certain acts,' further regulating reports of certain licensees."

Dick Thornburgh
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

November 6, 1985

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

I have the honor to inform you that I have this day approved and signed House Bill 702, Printer's No. 800, entitled "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."

Dick Thornburgh
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

November 6, 1985

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

I have the honor to inform you that I have this day approved and signed House Bill 969, Printer's No. 2310, entitled "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."

Dick Thornburgh
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

November 6, 1985

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

I have the honor to inform you that I have this day approved and signed House Bill 1307, Printer's No. 1556, entitled "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."

Dick Thornburgh
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

November 6, 1985

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

I have this day approved and signed House Bill 1636, Printer's No. 2387, entitled "AN ACT amending the act of July 7, 1947 (P.L. 1368, No. 542), entitled, as amended, 'An act amending, revising and consolidating the laws relating to delinquent county, city, except of the first and second class and second class A, borough, town, township, school district, except of the first class and school districts within cities of the second class A, and institution district taxes, providing when, how and upon what property, and to what extent liens shall be allowed for such taxes, the return and entering of claims therefor; the collection and adjudication of such claims, sales of real property, including seated and unseated lands, subject to the lien of such tax claims; the disposition of the proceeds thereof, including State taxes and municipal claims recovered and the redemption of property; providing for the discharge and divestiture by certain tax sales of all estates in property and of mortgages and liens on such property, and the proceedings therefor; creating a Tax Claim Bureau in each county, except counties of the first and second class, to act as agent for taxing districts; defining its powers and duties, including sales of property, the management of property taken in sequestration, and the management, sale and disposition of property heretofore sold to the county commissioners, taxing districts and trustees at tax sales; providing a method for the service of process and notices; imposing duties on taxing districts and their officers and on tax collectors, and certain expenses on counties and for their reimbursement by taxing districts; and repealing existing laws,' 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."

Dick Thornburgh
Governor

REPORT SUBMITTED

The SPEAKER. The Chair acknowledges receipt of a report from the minority members of the Select Committee to Investigate Compliance with the Steel Products Procurement Act, filed by the gentleman, Mr. James Wright, Jr., pursuant to HR 239 of 1984, which the clerk will file.

(Copy of report is on file with the Chief Clerk.)

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1013, PN 2075**, entitled:

An Act providing for the adoption of capital projects to be financed from current revenues of the Game Fund.

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

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

The question is, shall the bill pass finally?

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

YEAS—201

Acosta	Dietz	Laughlin	Rieger
Afflerbach	Dininni	Lescovitz	Robbins
Angstadt	Distler	Letterman	Roebeck
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	Sirrianni
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	Hutchinson	Pievsky	Weston

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

NAYS—0

NOT VOTING—2

Kukovich Yandrisevits

EXCUSED—0

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.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 361, PN 2420 (Amended)

By Rep. TRELLO

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," authorizing governing bodies to establish periods during which interest and penalties on earned income taxes will be waived if the taxes are paid in full.

FINANCE.

HB 740, PN 840

By Rep. GALLAGHER

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," establishing high school graduation requirements; and providing for certain exemptions.

EDUCATION.

HB 1036, PN 2421 (Amended)

By Rep. GALLAGHER

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 what services may be contracted out.

EDUCATION.

HB 1106, PN 2422 (Amended)

By Rep. GALLAGHER

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," mandating that all school districts provide instruction for the safe driving of motor vehicles; further providing for payments to school districts for driver education; and making editorial changes.

EDUCATION.

HB 1321, PN 2423 (Amended)

By Rep. GALLAGHER

An Act amending the act of August 9, 1963 (P. L. 628, No. 337), known as the "Solicitation of Charitable Funds Act," further providing for exclusions from registration.

EDUCATION.

HB 1645, PN 2424 (Amended)

By Rep. GALLAGHER

An Act amending the act of June 14, 1961 (P. L. 324, No. 188), known as "The Library Code," further providing for library circulation records.

EDUCATION.

HB 1660, PN 2425 (Amended)

By Rep. FRYER

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," further providing for the imposition of taxes on earned income by school districts which eliminate certain other taxes.

LOCAL GOVERNMENT.

HB 1661, PN 2426 (Amended)

By Rep. TRELLO

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing for an exclusion from the tax of sales by charitable, volunteer firemen's, ambulance, rescue and religious organizations, and nonprofit educational institutions in certain isolated transactions.

FINANCE.

HB 1732, PN 2427 (Amended)

By Rep. FRYER

An Act imposing limitations on the use of eminent domain by municipalities to obtain certain real estate or facilities; providing for certain additional court proceedings; and making certain repeals.

LOCAL GOVERNMENT.

HB 1810, PN 2329

By Rep. GALLAGHER

An Act amending the act of July 9, 1985 (P. L. 184, No. 46), known as the "Institutional Equipment Grants Act," further defining "eligible institution"; and making an appropriation.

EDUCATION.

HB 1831, PN 2374

By Rep. GALLAGHER

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," authorizing the use of mail ballots by joint school directors.

EDUCATION.

SB 724, PN 829

By Rep. GALLAGHER

An Act amending the act of January 25, 1966 (1965 P. L. 1546, No. 541), entitled "An act providing scholarships and providing funds to secure Federal funds for qualified students of the Commonwealth of Pennsylvania who need financial assistance to attend postsecondary institutions of higher learning, making an appropriation, and providing for the administration of this act," providing for grants for full-time students.

EDUCATION.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Yandrisevits.

Mr. YANDRISEVITS. Thank you, Mr. Speaker.

On HB 1013 I was temporarily out of my seat. Had I been in my seat, I would have voted in the affirmative.

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

WELCOMES

The SPEAKER. The Chair welcomes to the floor of the House Mr. Joe David, a cousin of the majority leader. He is from Aliquippa. And Mr. Andy Zadylak from Hopewell Township. Welcome to the hall of the House.

The Lancaster and Lebanon delegations welcome to the floor of the House school superintendents and officials of Lancaster and Lebanon. Welcome to the hall of the House.

Representative Don Snyder has as his guests Bernice Brown and Jane Baker. Welcome to the hall of the House.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 375, PN 2072**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. SWEET offered the following amendments No. A3645:

Amend Sec. 2 (Sec. 1930-A), page 3, line 12, by striking out "ALL PROPOSED" and inserting

any final

Amend Sec. 2 (Sec. 1930-A), page 3, line 15, by striking out "FIRST"

Amend Sec. 2 (Sec. 1930-A), page 3, line 16, by striking out "AT LEAST THIRTY DAYS PRIOR TO" and inserting

within thirty days after

Amend Sec. 2 (Sec. 1930-A), page 3, line 17, by inserting after "CONSENT"

order and

Amend Sec. 2 (Sec. 1930-A), page 3, lines 19 through 25, by striking out "THE THIRTY-DAY PERIOD SHALL BE PROVIDED FOR" in line 19 and all of lines 20 through 25

On the question,

Will the House agree to the amendments?

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

Mr. SWEET. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding that one of the provisions of this bill says that any proposed consent agreement or order entered into with the Department of Environmental Resources would be, in effect, held in abeyance for a 30-day period until there could be public access and public comment

on that consent agreement. My amendment would provide, Mr. Speaker, that that public comment period come after the agreement was finalized.

I do not see, Mr. Speaker, under our current law, any real value in holding up a consent order for 30 days while some third or fourth or fifth party, not aggrieved, not a party at interest in the proceeding, has the ability to comment. If indeed there is public objection to the consent agreement, that member of the public has several other ways he or she can get their matter before the Environmental Hearing Board, before the court, under our primacy legislation.

Mr. Speaker, under current law, if I, for example, am a coal operator and I am running a business and I am found to be in violation, I can receive no other permit for any other activity anywhere else in the Commonwealth until that matter is resolved. What this bill would do, without my amendment, is it would in effect put a 30-day hold on any permit processing anywhere else in the Commonwealth, no matter how justified my permit, no matter how well substantiated, and no matter how much that particular job is needed for the economy of that area, while some third or fourth or fifth party argued about whether or not the consent agreement that I entered into with DER dealing with the particular violation in front of them was or was not appropriate to that person.

Mr. Speaker, what I am really saying is that this bill, without this amendment, would add one more impediment, one more delay, one more piece of regulatory burden to those elements of our responsible industry that are trying to move forward and provide jobs and mine coal and do other things in this State. Therefore, Mr. Speaker, my amendment would allow, would require, as a matter of fact, public access to the consent order much the way we as members of the General Assembly have access to consent orders, but would not delay for a 30-day period the implementation and the execution of that agreement. I would ask for an affirmative vote, Mr. Speaker.

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

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I agree with the gentleman, Mr. Sweet's amendment. It seems to me that without such an amendment as proposed by Mr. Sweet, we will put into the negotiations any number of people who perhaps are not familiar with the matter under negotiation which results in the consent decree. I think it serves the public interest by having the provision for notice after the consent decree has been entered into, after the compromise has been struck, and I, speaking only on my own behalf, think that the Sweet amendment makes a lot of sense and it is in the best interest of all concerned to adopt it. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Mr. Speaker, I am going to have to try to explain my position on this amendment somewhat differently than my two previous colleagues did in that I am not an attorney, but the reason for the original amendment that was

placed in this bill—and I would hope that every individual in this House would give me the courtesy of 30 seconds so I can explain why I would hope that we would defeat this amendment.

This Committee on Conservation I think has done a fine job in trying to find out why so many people across this Commonwealth, the confines, have found very much disillusionment in the way that DER has been handling consent agreements. And the attorneys know very well that as long as the consent agreement is not signed, it can be changed and changed again and changed again.

Truthfully, if we were to accept this amendment, Mr. Speaker, we would not only be back where we started from, we would even worsen the situation in that we can prove, just by reading the report of the Conservation Committee, that there was a consent agreement written on a tannery which allowed an infraction 28 times greater than the original infraction, and that is why DER and the company that was in violation said they wanted this type of consent. Our only argument is that when the people are made aware of what is contained in a consent agreement, then much is served in the fact that they have been enlightened and there is a decision to be made. But if in fact the people of Pennsylvania, or at least the people in a certain area, are only going to know what is contained in the consent agreement after it has literally been signed, then in my opinion you do much harm not only to the environment but to the integrity of any consent agreement.

Mr. Speaker, I live in a town called Houtzdale, and we have been boiling our water for 2 years. I also have in my area an area called Egypt. There have been five different consent agreements brought forward and none of them have been carried out at this moment. It is not just Representative George's area; it is your area. Yours could be next, and if it is, I am sure you would want your people to know that what is contained in the consent agreement will be given to your people so they will know whether it is a sweetheart deal or whether it is legitimately a document that will force someone to comply with the law.

I would urge the defeat of this amendment.

The SPEAKER. The Chair thanks the gentleman.

The question is, will the House adopt the Sweet amendment? On that question, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, very briefly, I agree with the gentleman who has just spoken, Mr. George, that the Sweet amendment should be defeated. The Sweet amendment really gives you a 30-day period in which you can make input after the barn door has been closed. The agreement has been finalized, the agreement is being implemented, and then the public can comment. That is silly.

The bill as it stands now allows the public to make its comment after a publication in the Pennsylvania Bulletin of the proposed decree or the proposed settlement. This is what I think the people in our communities are asking, that they have a chance to know what is being proposed by DER as a settlement or a consent decree in any of the violation cases for haz-

ardous toxic wastes, et cetera, solid wastes, before the decree is entered into. And to change that by the Sweet amendment is ludicrous. You really are saying, once you have made your agreement and you have decided what to do, then just tell us what you did. Well, anybody who wants to find out can find out what they did. Any period of comment after it has been finalized is meaningless. The comment should come into play before there is any finalization, as the bill presently reads. That 30-day period shall be a period for public input. Certainly we would not expect DER to change its mind in every case, but there are two protections: one, the fact that they have to tell the public what they are about to agree to certainly is going to make them be very careful about what they are about to agree to; and secondly, I would expect that in some cases they would change their mind on what they propose to do after hearing public input.

I would ask for a defeat of the amendment.

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

Mr. SWEET. Very briefly, Mr. Speaker, the majority leader has used some words like "ludicrous" and "silly" that I think are a little too strong in terms of analyzing this particular proposition. What is being discussed here today is to return this bill to the way almost all of the rest of not only our environmental law but our criminal law and every other element of our law operates. You have what is in effect a prosecutorial agency, which is DER, who has in effect entered into a plea bargain of sorts with a guilty party.

I think that those who are offering this 30-day comment as some sort of real hope to somebody is really giving them an illusory remedy. All you are doing is saying something is going to be published in the Pennsylvania Bulletin, and anyone, for good or for bad reasons, including a business competitor of someone, can come in and complain about it. They do not have standing; they are not a party at interest; they cannot get the agreement changed. All they can do is talk about it.

Now, it seems to me, Mr. Speaker, that we ought to be providing access to these agreements just as members of the legislature get access to agreements about consent orders. But to try to hand people something that is really not an appropriate remedy and to call it something other than it is is really wrong. This proposal would allow public access to these consent orders but would not hold up legitimate business operations for 30 days while this so-called review and comment period exists.

Mr. Speaker, I would ask for an affirmative vote.

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

Mr. BROUJOS. Would the gentleman, Mr. Sweet, consent to interrogation?

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

Mr. BROUJOS. Mr. Speaker, have you in your review of this bill determined how many days prior to publication date

in the Pennsylvania Bulletin is there required a submission to the Bulletin for publication?

Mr. SWEET. No; I have not, Mr. Speaker.

Mr. BROUJOS. Do you know anybody who knows that answer?

Mr. SWEET. I do not see anybody rising with it, Mr. Speaker.

Mr. BROUJOS. Okay. That concludes my interrogation.

I would like to comment on the bill, Mr. Speaker.

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

Mr. BROUJOS. It seems to me that a very important missing element for this House to make a decision on a 30-day delay in implementation of an agreement is the amount of time for submission prior to publication. I cannot see the Pennsylvania Bulletin receiving something say a week in advance and putting it together and publishing it, and if it is 30 days in advance of publication, then there is sure going to be a 60-day delay instead of 30 days for implementation, and I think the sponsors of this bill should make this House aware of the time element as it affects implementation for publication. I would be constrained to vote against this bill and for the amendment without that information. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority whip on the amendment.

Mr. HAYES. Thank you, Mr. Speaker.

Mr. Speaker, I agree with the majority leader when he frames for the House the real question at hand. If we adopt Mr. Sweet's amendment, we really will return this bill to basically what the law of Pennsylvania is at the present time. At the present time, if there are persons in the general public who feel aggrieved for one reason or another about a consent agreement that has been entered into by the Department of Environmental Resources and some other person in Pennsylvania, the general public already has the right to petition the government of Pennsylvania with regard to their feelings, moods, attitudes, objections, support, whatever the case may be, with regard to the consent agreement. Without the Sweet amendment, what this legislation does is allow that to happen before all the ink is dry, before it is necessary to secure legal counsel so that you can be represented before the various panels of State Government in order to have your voice heard.

It seems to me that we could save a great deal of public aggravation. It seems to me that we could do a great deal in establishing harmony between a regulatory agency and the citizens of Pennsylvania if we offered them the opportunity to express themselves for this brief period of time before all the ink is dry; before it is necessary to go to legal war; before it is necessary to expend great numbers of dollars, their private dollars, in defending their constitutional right for clean air and clean water.

The majority leader is right. We have to make a choice here today whether we want to give people a chance to express themselves before the consent agreement is published and in fact final, before all the legal due process begins, or whether we want to open the process beforehand. I believe in 1985 we

should open the process to people. There is too much aggravation, agitation, and hard feelings with the process the way it is at the present time.

While I do not question the gentleman, Mr. Sweet, in his motive, I do question whether we should go back just to the way it is today, because that is all the Sweet amendment will do. Do not limit yourself to the reading of the language on page 3 as suggested by Mr. Sweet, because it may lead you to conclude that there is some opening of the process even with the Sweet amendment. Really, with the Sweet amendment, you will return this bill to present law, and I do not think that we should be doing that. We should be opening the process.

As we go out into the frontier of solid waste management, we should be involving people, not closing them out. I ask for the defeat of the Sweet amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Clearfield, Mr. George, for the second time on the Sweet amendment.

Mr. GEORGE. Mr. Speaker, I want to echo the sentiments of the gentlemen, Mr. Manderino and Mr. Hayes, in that I think that it has been proven over and over by the research that the Conservation Committee attended to in the visitation of the many areas of Pennsylvania where consent agreements had been drawn, hazardous waste sites filled up, companies taking advantage of the supersedeas in the Commonwealth Court, and the people just barely lying around languishing, so to speak, but nevertheless being offended time after time after time because of inappropriate action.

Again, I urge the defeat of this amendment. The people have a right to know.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York, Mr. Snyder.

Mr. G. M. SNYDER. Thank you, Mr. Speaker.

Very briefly, I would ask all members to consider very seriously defeating the Sweet amendment. The consent agreements and the nature of consent agreements, insofar as DER is concerned, is that there has been an alleged violation of environmental law. The consent agreement by its very nature is a compromised settlement of that. Where you have a land-fill or other environmentally dangerous activity going on, I think the people who live in that area have the right to know just what compromises are being made before they become binding on all parties. You cannot reopen a consent agreement once it has been approved by the court.

Therefore, I very strongly urge the defeat of this amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—9

Caltagirone	Lescovitz	Snyder, D. W.	Vroon
Colafella	Ryan	Sweet	Wogan
Kosinski			

NAYS—186

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

NOT VOTING—8

Acosta	Cessar	Gannon	Roebuck
Arty	Clark	Reber	Wright, R. C.

EXCUSED—0

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

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—201

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

NAYS—0

NOT VOTING—2

Acosta Gannon

EXCUSED—0

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.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair is delighted to be able to announce that Mr. and Mrs. Kevin Blaum welcomed into this world a beautiful 8-pound-5-ounce baby girl last Friday. Congratulations, Kevin.

WELCOME

The SPEAKER. We have in the balcony the faculty and students of the Southern York County Christian School. They are here as the guests of Representative Foster. Welcome to the hall of the House.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1685, PN 2346**, entitled:

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

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

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

The question is, shall the bill pass finally?

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

YEAS—201

Acosta	Dietz	Lashinger	Rieger
Afflerbach	Dininni	Laughlin	Robbins
Angstadt	Distler	Lescovitz	Roebuck
Argall	Dombrowski	Letterman	Rudy
Arty	Donatucci	Levdansky	Ryan
Baldwin	Dorr	Levin	Rybak
Barber	Duffy	Linton	Saloom
Barley	Durham	Livengood	Saurman
Battisto	Evans	Lloyd	Scheetz
Belardi	Fargo	Lucyk	Schuler
Belfanti	Fattah	McCall	Semmel
Birmelin	Fee	McClatchy	Serafini
Black	Fischer	McHale	Showers
Blaum	Flick	McVerry	Sirianni
Book	Foster, Jr., A.	Mackowski	Smith, B.
Bortner	Fox	Maiale	Smith, L. E.
Bowley	Freeman	Manderino	Snyder, D. W.
Bowser	Freind	Manmiller	Snyder, G. M.
Boyes	Fryer	Markosek	Staback
Brandt	Gallagher	Mayernik	Stairs
Broujos	Gallen	Merry	Steighner
Bunt	Gamble	Michlovic	Stevens
Burd	Gannon	Micozzie	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	Hutchinson	Pievsky	Wiggins
Cornell	Itkin	Pistella	Wilson
Coslett	Jackson	Pitts	Wogan

Cowell	Jarolin	Pott	Wozniak
Coy	Johnson	Pratt	Wright, D. R.
DeLuca	Josephs	Pressmann	Wright, J. L.
DeVerter	Kasunic	Preston	Wright, R. C.
DeWeese	Kennedy	Punt	Yandrisevits
Daley	Kenney	Raymond	
Davies	Kosinski	Reber	Irvis,
Dawida	Kukovich	Reinard	Speaker
Deal	Langtry	Richardson	

NAYS—0

NOT VOTING—2

Miller Seventy

EXCUSED—0

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 Philadelphia, Mr. Kosinski, rise?

Mr. KOSINSKI. Mr. Speaker, I rise to correct the record on amendment 3645 to HB 375. Due to a technical malfunction, I was recorded in the affirmative. I wish to be recorded in the negative.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1340, PN 2342**, entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Mr. NOYE offered the following amendments No. A3579:

Amend Title, page 1, lines 2 and 3, by striking out "imposing a moratorium on the use of a" in line 2, all of line 3 and inserting designating and regulating a stun gun as a firearm.

Amend Sec. 1, page 1, line 6, by inserting before "Title" Section 6102 of

Amend Sec. 1, page 1, line 7, by striking out "by adding a section"

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

§ 6102. Definitions.

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

"Firearm." Any pistol or revolver with a barrel less than 12 inches, a stun gun, any shotgun with a barrel less than 24 inches, or any rifle with a barrel less than 15 inches.

"Crime of violence." Any of the following crimes, or an attempt to commit any of the same, namely: murder, rape, aggravated assault, robbery, burglary, entering a building with intent to commit a crime therein, and kidnapping.

On the question,

Will the House agree to the amendments?

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

Mr. NOYE. Thank you, Mr. Speaker.

HB 1340 puts a moratorium on the production and sale of what we call a stun gun here in Pennsylvania. The stun gun was developed as a means of self-protection by people in an attempt to avoid the use of some other kind of lethal weapon. We all know that there are a lot of criticisms concerning the use of handguns in this Commonwealth, and because of this, people involved in technology were able to develop what is known as a stun gun.

For those of you who are not familiar with a stun gun, this is what one looks like. It is very light; it is powered by a 9-volt battery which is rechargeable, and it propels an electric shock, but it does not reach out and issue that shock to any individual unless it comes in contact with them. So you would have to be very close to use it. What it does, when you press the trigger, is just issue a voltage, and it is very low amperage, and it gives them a severe jolt. In fact, that 9-volt battery will knock you to the floor.

Now, if we are going to attempt to ask people to refrain from the use of handguns, it seems counterproductive—

The SPEAKER. Will the gentleman yield for a moment?

Mrs. Arty, would you like to have time to get out from behind that stun gun?

Now you may proceed.

Mr. NOYE. I promise I will not use it on her, unless she votes wrong.

We are going to issue these to the whips come budget time.

It seems counterproductive, if we are going to ask people to develop some kind of alternative to the use of handguns in self-protection, if we are going to, every time they come up with some kind of—

The SPEAKER. Will the gentleman yield for a moment?

Would you come here for a moment, please, and bring the device here.

The reason for the interruption is this: It was brought to the attention of the Chair, and the Chair should have recognized it before it was brought to his attention, that it is not wise for us to permit the demonstration of any such weapon, even though it is not a fatal weapon, because somebody might use that as a precedent to come on the floor with a different type of weapon to show that it is perfectly safe, but it might not be.

The gentleman, Mr. Noye, has therefore voluntarily withdrawn the demonstration of the weapon, and from now on the members are advised that the Chair will not permit any such demonstrations. The gentleman was not in error. The Chair should have caught it and did not.

The gentleman may proceed.

Mr. NOYE. Thank you, Mr. Speaker.

The purpose for the amendment is to allow the use of these weapons, self-defense weapons, and to place it under the *Uniform Firearms Act*. It is our feeling that it is better to have this weapon available to those who choose to purchase it but to restrict it by placing it on the restricted weapons list, in which case, as in the case of any other firearm, they would have to be registered. You would have to purchase them the same as you would any other firearm here in the Commonwealth.

I have checked with various groups who are concerned about this, and although some still do not agree with the use of the stun guns, they like this idea better than no restriction at all, and then on the other hand, those who favor it feel that it is better than a moratorium.

So I would ask the members to support the amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. DAWIDA. Mr. Speaker, I would urge the defeat of this amendment. The purpose of the moratorium is to develop a coherent legislative plan for the use of stun guns, which I believe this amendment defeats. Right now most groups are in agreement, including all the police at various different levels, with this moratorium so that we can develop a serious approach to how we regulate stun guns, which are unique compared to other weapons.

I am not speaking against the use of stun guns. We may come out with a proposal which allows their use, but I think this amendment is not the approach that ought to be used. We had a hearing on this subject, and most agreed that the best approach would be to take the stun guns out of circulation for a while, except for the police departments that are currently using them, and check out during the 6 months how we best can use stun guns appropriately.

I think Mr. Noye's amendment defeats that serious intention and ought to be defeated.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I rise in support of the Noye amendment. The Noye amendment would eliminate the language contained in HB 1340, and I think that is appropriate, because it is language I do not believe belongs in the Crimes Code. There is no criminal offense created; there is no criminal penalty provided for.

Secondly, the language of the bill, which the Noye amendment would remove, is quite vague. It says that we are going to have this moratorium until guidelines for safe and restricted use can be implemented. The questions that come to mind are, Mr. Speaker, who is going to implement these guidelines? Who is going to come up with them? Upon whom are they to be enforced? These are unanswered questions.

The bill is quite vague, and I would urge that the House vote in the affirmative for the Noye amendment, which is quite specific and governed by current law. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

FILMING PERMISSION

The SPEAKER. The Chair gives permission for 10 minutes' still photography by UPI photographer Terry Way to begin now.

CONSIDERATION OF HB 1340 CONTINUED

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

Mr. MAYERNIK. Thank you, Mr. Speaker.

I would like to question the maker of the amendment.

The SPEAKER. The gentleman, Mr. Noye, indicates he will stand for interrogation. You may proceed, Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

Is it your intention, Mr. Speaker, to include stun gun under the definition of "firearm"?

Mr. NOYE. To place it under the Uniform Firearms Act; yes, sir.

Mr. MAYERNIK. Okay. In doing so would it be necessary to register said firearm with the State Police and the county sheriff?

Mr. NOYE. Same as you do with any other firearm; yes, sir.

Mr. MAYERNIK. The stun gun that you had in your possession before, did that have serial numbers on it?

Mr. NOYE. Yes, sir.

Mr. MAYERNIK. So each individual stun gun possesses serial numbers from the manufacturer?

Mr. NOYE. I believe that is correct, sir.

Mr. MAYERNIK. Okay. You are positive of that?

Mr. NOYE. If I would be allowed to take another look at that, I can check that for you.

Mr. Speaker, is that permissible?

The SPEAKER. Off the floor of the House; yes. If you wish to, we will put the House in recess for 5 minutes.

You can do it in 2 minutes? All right.

The House will be at ease temporarily.

The House will return to order.

Mr. Mayernik, you may continue your questioning.

Mr. NOYE. Mr. Speaker, in checking the gun, I was in error. It does not have a serial number; it has a manufacturer's number on it. I do not think that that would be any problem to have that added to the plastic case which it comes in, but on that particular model that I had, it just has a manufacturer's model number on it.

Mr. MAYERNIK. Thank you, Mr. Speaker.

One of the questions I pose then, whenever you purchase a firearm, whether it be a rifle, a shotgun, or a revolver, the State Police record it according to the serial number that is embedded inside the metal of the weapon. In this case there is no serial number on this weapon, so I question how the State Police would record that.

Mr. NOYE. Mr. Speaker, I do not view that as a problem, because right now I think the intent is really to find out who owns these guns. There is only at the present time one particular type on the market, and it is just a matter of finding out who owns them. It does not matter what model it is—there is no caliber involved—it is just a matter of knowing whether someone owns one or if someone does not, and the police, as long as they would be registered and purchased through the appropriate channels, would know who has and who does not.

Mr. MAYERNIK. Okay. Thank you, Mr. Speaker.

May I make a comment on this amendment?

The SPEAKER. The gentleman may proceed.

Mr. MAYERNIK. Mr. Speaker, earlier this summer Representative Dawida and I and members of the House Judiciary Committee had a hearing in Pittsburgh regarding this matter of stun guns. At that time it was clear that we did not have enough knowledge on the stun gun weapons that we should let them open to the public and that we should conduct further study on this matter. There were police officers who testified to say that they use it with proper training and that they would ask for that to be used only by police officers with ample training.

I think that it would be best if we would restrict this for a matter of 6 months until we look into it further and see what other laws are pending in other States throughout the Nation before we implement this type of legislation, this amendment by Mr. Noye.

I would ask for a negative vote on this amendment and for an affirmative vote on the moratorium. 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—117

Argall	Deluca	Hershey	Reber
Arty	DeVertter	Honaman	Reinard
Baldwin	DeWeese	Jarolin	Robbins
Barley	Davies	Johnson	Rudy
Belardi	Dietz	Kennedy	Ryan
Belfanti	Dininni	Langtry	Saloom
Birmelin	Distler	Lashinger	Saurman
Black	Dombrowski	Lescovitz	Scheetz
Blaum	Dorr	Letterman	Schuler
Book	Fargo	Livengood	Semmel
Bortner	Fischer	Lloyd	Serafini
Bowser	Flick	McClatchy	Showers
Boyes	Foster, Jr., A.	McVerry	Sirianni
Brandt	Fox	Mackowski	Smith, B.
Bunt	Freind	Manmiller	Smith, L. E.
Burd	Gallagher	Merry	Snyder, D. W.
Burns	Gallen	Micozzie	Snyder, G. M.
Bush	Gannon	Miller	Stairs
Carlson	Geist	Mowery	Stevens
Cawley	George	Nahill	Swift
Cessar	Gladeck	Noye	Taylor, E. Z.
Chadwick	Godshall	O'Brien	Taylor, J.
Cimini	Greenwood	Perzel	Telek
Civera	Gruitza	Phillips	Vroon
Clark	Gruppo	Piccola	Wass
Clymer	Hagarty	Pievsky	Wilson
Cordisco	Hasay	Pitts	Wright, D. R.

Cornell	Hayes	Punt	Wright, J. L.
Coslett	Herman	Raymond	Wright, R. C.
Coy			

NAYS—85

Acosta	Fee	Manderino	Seventy
Afflerbach	Freeman	Markosek	Staback
Angstadt	Fryer	Mayernik	Steighner
Barber	Gamble	Michlovic	Stewart
Battisto	Haluska	Moehlmann	Stuban
Bowley	Harper	Morris	Sweet
Broujos	Hutchinson	Mrkonjic	Taylor, F. E.
Caltagirone	Itkin	Murphy	Tigue
Cappabianca	Jackson	O'Donnell	Trello
Carn	Josephs	Olasz	Truman
Cohen	Kasunic	Oliver	Van Horne
Colafella	Kenney	Petrarca	Veon
Cole	Kosinski	Petrone	Wambach
Cowell	Kukovich	Pistella	Weston
Daley	Laughlin	Pott	Wiggins
Dawida	Levdansky	Pratt	Wogan
Deal	Levin	Pressmann	Wozniak
Donatucci	Linton	Preston	Yandrisevits
Duffy	Lucyk	Richardson	
Durham	McCall	Rieger	Irvis,
Evans	McHale	Roebuck	Speaker
Fattah	Maiiale	Rybak	

NOT VOTING—1

Howlett

EXCUSED—0

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—191

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

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

NAYS—10

Cordisco	Manderino	Pott	Richardson
Hutchinson	Moehlmann	Reber	Sirianni
Jackson	Piccola		

NOT VOTING—2

Howlett	Steighner
---------	-----------

EXCUSED—0

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.

RESOLUTION

Mr. MANDERINO called up **HR 159, PN 2216**, entitled:

Establishing a bipartisan investigative committee to investigate implementation of the economic revitalization program; and giving it powers to hire a staff.

On the question,
Will the House adopt the resolution?

RESOLUTION RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HR 159 be recommitted to the Committee on Rules.

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

The following roll call was recorded:

YEAS—193

Acosta	Dawida	Laughlin	Rudy
Afflerbach	Dietz	Lescovitz	Ryan
Angstadt	Dininni	Letterman	Rybak
Argall	Distler	Levdansky	Saloom
Arty	Dombrowski	Levin	Saurman
Baldwin	Donatucci	Linton	Scheetz
Barber	Dorr	Livengood	Schuler

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

NAYS—0

NOT VOTING—10

Deal	Hutchinson	Maiale	Morris
Foster, Jr., A.	Lashingner	Moehlmann	Pott
Howlett	McVerry		

EXCUSED—0

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

REMARKS ON VOTE

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

Mr. RICHARDSON. Mr. Speaker, on HB 1340, PN 2342, my switch was inoperative. I would like to be recorded in the affirmative.

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

DEMOCRATIC CAUCUS

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

Mr. ITKIN. Mr. Speaker, I would just like to advise the Democratic members that there will be caucus today immediately following session.

REPUBLICAN CAUCUS

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

Mr. NOYE. Thank you, Mr. Speaker.

The Republicans will caucus immediately in the caucus room. We have a fairly large number of bills to go over, and I ask the members to be prompt.

ANNOUNCEMENT BY MR. TRELLO

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

Mr. TRELLO. There will be a meeting of the Allegheny County delegation in room 302 of the South Office Building at 2:30.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

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

Mr. KENNEY. Mr. Speaker, I move that this House do now adjourn until Wednesday, November 13, 1985, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 2:03 p.m., e.s.t., the House adjourned.