

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, FEBRUARY 11, 1986

SESSION OF 1986

170TH OF THE GENERAL ASSEMBLY

No. 11

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER DISPENSED WITH

The SPEAKER. The prayer will be omitted. Due to the weather, the Reverend Dr. Hoover cannot be here.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal for Monday, February 10, 1986, will be postponed until that Journal is in print. The Chair hears no objection.

The members are especially urged to report to the floor. We need to know how many members are able to gather here today in order to make decisions about what shall be offered and what shall not be offered.

MASTER ROLL CALL

The SPEAKER. The Chair is going to call now for the master roll call. We will keep the master roll call open for 5 minutes. Members will proceed to vote on the master roll.

The following roll call was recorded:

PRESENT—195

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

Broujos	Gannon	Michlovic	Staback
Bunt	Geist	Micozzie	Stairs
Burd	George	Miller	Stevens
Burns	Gladeck	Moehlmann	Stewart
Bush	Godshall	Morris	Stuban
Caltagirone	Greenwood	Mowery	Sweet
Cappabianca	Gruitza	Mrkonic	Swift
Carlson	Gruppo	Murphy	Taylor, E. Z.
Carn	Hagarty	Nahill	Taylor, F. E.
Cawley	Haluska	Noye	Taylor, J.
Cessar	Harper	O'Brien	Telek
Chadwick	Hasay	O'Donnell	Trello
Civera	Hayes	Olasz	Truman
Clark	Herman	Oliver	Van Horne
Clymer	Hershey	Perzel	Veon
Cohen	Honaman	Petrarca	Wambach
Colafiglia	Howlett	Petrone	Wass
Cole	Hutchinson	Phillips	Weston
Cordisco	Itkin	Piccola	Wiggins
Cornell	Jackson	Pievsky	Wilson
Coslett	Jarolin	Pistella	Wogan
Cowell	Johnson	Pitts	Wozniak
Coy	Josephs	Pott	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			

ADDITIONS—1

Steighner

NOT VOTING—3

Durham

Freind

Vroon

EXCUSED—2

Cimini

Tigue

LEAVES ADDED—4

Durham

Freind

Nahill

Vroon

LEAVES CANCELED—1

Nahill

FILMING PERMISSION

The SPEAKER. The Chair has given permission for PPTN to film today on the floor of the House.

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 from the Democratic side at this time.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Delaware County, Mr. FREIND, for the day; the gentleman from Montgomery County, Mr. NAHILL, for the day; the gentleman from Chester County, Mr. VROON, for the day; and the lady from Delaware County, Mrs. DURHAM, for the day.

The SPEAKER. The Chair hears no objections to the granting of the leaves. The leaves are therefore granted.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the following bills be lifted from the tabled calendar and placed on the active calendar:

- HB 2089;
- HB 2090;
- HB 2091;
- HB 2097;
- HB 2098;
- HB 2099;
- HB 2100;
- HB 2101;
- HB 2102;
- HB 2103;
- HB 2104;
- HB 2105; and
- HB 2118.

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

MEMBER'S PRESENCE RECORDED

The SPEAKER. Why does the gentleman from Butler, Mr. Steighner, rise in place?

Mr. STEIGHNER. I would like my name to be placed on the master roll.

The SPEAKER. The gentleman's name will be so placed.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2121 By Representatives MOWERY and A. C. FOSTER, JR.

An Act amending the act of February 1, 1974 (P. L. 34, No. 15), known as the "Pennsylvania Municipal Retirement Law," further providing for the definitions of "actuarially sound" and "actuary", annual estimates to municipalities, existing local systems, the source of municipal funds, determination of municipal liability, withdrawal from the system, contributions by members and contracts for optional retirement plans.

Referred to Committee on LOCAL GOVERNMENT, February 11, 1986.

No. 2122 By Representatives MOWERY and A. C. FOSTER, JR.

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," further providing for payments into certain pension funds.

Referred to Committee on URBAN AFFAIRS, February 11, 1986.

No. 2123 By Representatives MOWERY and A. C. FOSTER, JR.

An Act amending the act of August 1, 1975 (P. L. 169, No. 87), entitled "An act relating to pensions for employees of the City of Pittsburgh," further providing for the contribution rate of members and contributions by the city; and requiring the board to retain an actuary.

Referred to Committee on URBAN AFFAIRS, February 11, 1986.

No. 2124 By Representatives MOWERY and A. C. FOSTER, JR.

An Act amending the act of May 22, 1935 (P. L. 233, No. 99), referred to as the "Second Class City Policemen Relief Law," further providing for payments by the city and contributions by members into the fund.

Referred to Committee on URBAN AFFAIRS, February 11, 1986.

No. 2125 By Representatives MOWERY and A. C. FOSTER, JR.

An Act amending the act of July 3, 1947 (P. L. 1242, No. 507), entitled "An act relating to police and firemen's pension funds in cities of the second class A, and directing such cities to appropriate certain moneys thereto, and requiring reports and audits," further providing for payments by the city into the police and firemen's pension funds and for credit for military service.

Referred to Committee on URBAN AFFAIRS, February 11, 1986.

No. 2126 By Representatives MOWERY and A. C. FOSTER, JR.

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

Referred to Committee on LOCAL GOVERNMENT, February 11, 1986.

No. 2127 By Representatives MOWERY and A. C. FOSTER, JR.

An Act amending the act of May 23, 1945 (P. L. 903, No. 362), entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employees independently of any pension system or systems existing in such cities," further providing for payments by the city and contributors into the retirement fund.

Referred to Committee on URBAN AFFAIRS, February 11, 1986.

No. 2128 By Representatives MOWERY and
A. C. FOSTER, JR.

An Act amending the act of May 20, 1949 (P. L. 1488, No. 444), entitled "An act relating to police pension funds in boroughs, towns and townships, and authorizing such political subdivisions to appropriate monies thereto," further providing for payments into the police pension fund.

Referred to Committee on LOCAL GOVERNMENT, February 11, 1986.

No. 2129 By Representatives MOWERY and
A. C. FOSTER, JR.

An Act amending the act of May 29, 1956 (1955 P. L. 1804, No. 600), referred to as the "Municipal Police Pension Law," further providing for benefits, determination of actuarial soundness, municipal appropriations to the fund, use of State aid and the expense of administering funds.

Referred to Committee on LOCAL GOVERNMENT, February 11, 1986.

No. 2130 By Representatives MOWERY and
A. C. FOSTER, JR.

An Act amending the act of June 1, 1937 (P. L. 1168, No. 294), known as the "Pennsylvania Labor Relations Act," further providing for unfair labor practices; and imposing an obligation upon persons who acquire certain businesses.

Referred to Committee on LABOR RELATIONS, February 11, 1986.

No. 2131 By Representatives MOWERY and
A. C. FOSTER, JR.

An Act amending the act of July 29, 1953 (P. L. 1034, No. 270), known as the "Public Auditorium Authorities Law," further providing for an authority's power regarding pension or retirement funds.

Referred to Committee on URBAN AFFAIRS, February 11, 1986.

No. 2132 By Representatives MOWERY and
A. C. FOSTER, JR.

An Act amending the act of November 10, 1965 (P. L. 835, No. 351), entitled "An act providing pensions for surviving spouses of police officers in cities of the second class A under certain terms and conditions, and providing for contributions by members of the police pension or retirement fund and appropriations by the city for that purpose," further providing for contributions by members and annual appropriations by the city.

Referred to Committee on URBAN AFFAIRS, February 11, 1986.

No. 2133 By Representatives MOWERY and
A. C. FOSTER, JR.

An Act amending the act of May 24, 1893 (P. L. 129, No. 82), entitled "An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor and regulating and providing for the regulation of the same," further providing for the annual appropriation by cities.

Referred to Committee on URBAN AFFAIRS, February 11, 1986.

No. 2134 By Representatives MOWERY and
A. C. FOSTER, JR.

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

Referred to Committee on LOCAL GOVERNMENT, February 11, 1986.

No. 2135 By Representatives MOWERY and
A. C. FOSTER, JR.

An Act amending the act of September 23, 1959 (P. L. 970, No. 400), referred to as the "Second Class A City Employee Pension Law," further providing for administration of the fund, for member contributions and for appropriations by the city to the fund.

Referred to Committee on URBAN AFFAIRS, February 11, 1986.

No. 2136 By Representatives MOWERY and
A. C. FOSTER, JR.

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," further providing for compensation for certain aged employees; and providing for funding of police pensions.

Referred to Committee on LOCAL GOVERNMENT, February 11, 1986.

No. 2137 By Representatives MOWERY and
A. C. FOSTER, JR.

An Act amending the act of December 6, 1972 (P. L. 1383, No. 293), entitled "An act requiring municipal pension systems to have an actuarial investigation of the fund made by an actuary who shall report his findings to the Department of Community Affairs," further providing for reports by certain municipalities and local governmental units, for the filing of reports and for failure to file timely reports.

Referred to Committee on LOCAL GOVERNMENT, February 11, 1986.

No. 2138 By Representatives MOWERY and
A. C. FOSTER, JR.

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), known as the "Municipality Authorities Act of 1945," further providing for the power of an authority to make contracts of insurance.

Referred to Committee on LOCAL GOVERNMENT, February 11, 1986.

No. 2139 By Representatives MOWERY and
A. C. FOSTER, JR.

An Act amending the act of June 5, 1947 (P. L. 458, No. 208), known as the "Parking Authority Law," further providing for the power of an authority regarding pensions.

Referred to Committee on URBAN AFFAIRS, February 11, 1986.

No. 2140 By Representatives MOWERY and
A. C. FOSTER, JR.

An Act amending the act of August 17, 1951 (P. L. 1254, No. 295), entitled "An act fixing the minimum pensions of policemen and firemen in certain cities," further providing for annual appropriations to police and firefighters' pension funds.

Referred to Committee on URBAN AFFAIRS, February 11, 1986.

No. 2141 By Representatives MOWERY and A. C. FOSTER, JR.

An Act amending the act of May 7, 1965 (P. L. 48, No. 38), entitled "A supplement to the act of May 28, 1915 (P. L. 596, No. 259), entitled 'An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulating the administration and the payment of such pensions,' as to employes of second class A cities, reducing the number of years of employment to qualify for a pension; and increasing pension payments and contributions," further providing for contributions by members.

Referred to Committee on URBAN AFFAIRS, February 11, 1986.

No. 2142 By Representatives MOWERY and A. C. FOSTER, JR.

An Act amending the act of May 25, 1933 (P. L. 1050, No. 242), referred to as the "Second Class City Firemen Relief Law," further providing for payments by the city and members into the pension fund and for payment of dues to certain members.

Referred to Committee on URBAN AFFAIRS, February 11, 1986.

No. 2143 By Representatives MOWERY and A. C. FOSTER, JR.

An Act amending the act of April 5, 1917 (P. L. 39, No. 20), entitled "An act relating to police pensions funds in cities of the second class, and directing such cities to appropriate certain moneys thereto," further providing for payments by the city into the police pension fund.

Referred to Committee on URBAN AFFAIRS, February 11, 1986.

No. 2144 By Representatives MOWERY and A. C. FOSTER, JR.

An Act amending the act of May 28, 1915 (P. L. 596, No. 259), referred to as the "Second Class City Employe Pension Law," further providing for payments by contributors and the city to the board of pensions.

Referred to Committee on URBAN AFFAIRS, February 11, 1986.

No. 2145 By Representatives MOWERY and A. C. FOSTER, JR.

An Act amending the act of May 20, 1915 (P. L. 566, No. 242), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities; and regulating the administration and the payment of such pensions," further providing for payments by the city and public employes to the board of pensions.

Referred to Committee on URBAN AFFAIRS, February 11, 1986.

No. 2146 By Representatives MOWERY and A. C. FOSTER, JR.

An Act amending the act of May 12, 1943 (P. L. 259, No. 120), referred to as the "Foreign Casualty Insurance Premium Tax Allocation Law," further providing for the return of unused moneys; and repealing provisions relating to payments to municipalities.

Referred to Committee on FINANCE, February 11, 1986.

No. 2147 By Representatives MOWERY, GEIST, PHILLIPS, HERMAN and DORR

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," increasing the amount of bookkeeping costs allowed to be deducted.

Referred to Committee on FINANCE, February 11, 1986.

No. 2148 By Representatives TIGUE and McCALL

An Act designating a section of highway in Carbon and Luzerne Counties as Lehigh Gorge Drive.

Referred to Committee on TRANSPORTATION, February 11, 1986.

No. 2149 By Representatives GEORGE, JAROLIN, STEIGHNER and LUCYK

An Act declaring and adopting the song "Pennsylvania Has Everything," words and music by Mary T. Mohnal, as the State song of the Commonwealth of Pennsylvania.

Referred to Committee on STATE GOVERNMENT, February 11, 1986.

No. 2150 By Representatives COLAFELLA, LESCOVITZ, VEON and LAUGHLIN

An Act making an appropriation to the Department of Commerce for urban redevelopment.

Referred to Committee on APPROPRIATIONS, February 11, 1986.

No. 2151 By Representatives BROUJOS, BURNS, VAN HORNE, JOHNSON, JACKSON, RAYMOND, COLE, HERSHEY, MICOZZIE, HERMAN, GEIST, SIRIANNI, E. Z. TAYLOR, KENNEY, ARTY, WOZNIAK, BARLEY, O'DONNELL, JAROLIN, MORRIS, WOGAN, J. TAYLOR, PISTELLA, COY, CHADWICK, BLACK, BELARDI, ANGSTADT, DAWIDA and SEMMEL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring proof of financial responsibility for registration and renewal of registration of vehicles; requiring up-to-date records of financial responsibility; imposing duties on insurance carriers; providing for revocation of registration for lack of financial responsibility; authorizing the seizure of registration plates and cards; and imposing charges.

Referred to Committee on TRANSPORTATION, February 11, 1986.

No. 2152 By Representative WESTON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for securing loads on vehicles; and requiring certain loads to be covered.

Referred to Committee on TRANSPORTATION, February 11, 1986.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 236

(Concurrent) By Representatives HERSHEY, RUDY, GEIST, BURNS, SCHULER, COY, BATTISTO, HONAMAN, KUKOVICH, CHADWICK, STUBAN, BUSH, SHOWERS, JOHNSON, STAIRS, FOX, GRUPPO, FLICK, MORRIS, SWEET, SIRIANNI, HERMAN, SEMMEL, FISCHER, FATTAH, BURD, KOSINSKI and E. Z. TAYLOR

Recognizing the Board of Trustees of The Pennsylvania State University for its role in the development of rural leadership.

Referred to Committee on RULES, February 11, 1986.

SENATE BILLS FOR CONCURRENCE

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

SB 239, PN 1826

Referred to Committee on TRANSPORTATION, February 11, 1986.

SB 1223, PN 1581

Referred to Committee on TRANSPORTATION, February 11, 1986.

SB 1343, PN 1828

Referred to Committee on JUDICIARY, February 11, 1986.

WELCOMES

The SPEAKER. The Chair is delighted to welcome to the hall of the House two young ladies who are here from Germany. They are Luise and Karola Jassmann. Welcome to the hall of the House.

Representative Dave Mayernik has as his guests William and Sherri Schrim. They are from North Hills, Allegheny County. Welcome to the hall of the House. Glad to have you here.

CALENDAR

BILLS ON SECOND CONSIDERATION

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

HB 792, PN 2876.

* * *

The House proceeded to second consideration of **HB 548, PN 2852**, entitled:

An Act providing compensation for those communities which are affected by public utility electricity generating stations and which incur economic loss by virtue of having these facilities situated within their jurisdictions.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 548 be recommitted for a fiscal note to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

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

HB 1246, PN 2654.

* * *

The House proceeded to second consideration of **HB 1835, PN 2853**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for exceptions and appeals.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 1835 be recommitted for a fiscal note to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

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

HB 943, PN 1780.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 724, PN 829**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Mr. LASHINGER offered the following amendments No. A0213:

Amend Sec.1 (Sec. 7), page 2, line 2, by striking out "one thousand eight hundred dollars (\$1,800)" and inserting two thousand dollars (\$2,000)

Amend Sec. 1 (Sec. 7), page 2, line 6, by striking out "one thousand eight hundred dollars (\$1,800)" and inserting two thousand dollars (\$2,000)

On the question,

Will the House agree to the amendments?

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, SB 724 raises the maximum grant award to Commonwealth students who are attending postsecondary institutions in our Commonwealth from the current level of \$1,500 to \$1,800. My amendment, quite simply, will raise the level from \$1,800 to \$2,000.

The Commonwealth and the administration, Mr. Speaker, are expecting to absorb a cost of \$3.23 million in raising the level from \$1,650 to \$1,800. It is my belief that the Commonwealth can sustain an additional \$3.5 million in raising the level from \$1,800 to \$2,000.

Mr. Speaker, we not only have an obligation to the students in the Commonwealth, but we have an obligation to the parents of those students in the Commonwealth. I can remember the \$1,500 level being \$1,250 in excess of 10 years ago and how little that \$1,250 did towards helping defray the cost of tuition at our Commonwealth schools. This body raised the \$1,250 to \$1,500 almost 10 years ago and has not raised the level since that time, Mr. Speaker. During that same period, tuition costs in the Commonwealth have risen almost 7 to 10 percent per year. That is 7 to 10 percent per year, Mr. Speaker, and we have not raised the grant level in the Commonwealth for the last 10 years.

In 1987-88 the expectation is that the Gramm-Rudman cuts at the Federal level will deeply cut into the PELL Program

and the other Federal student aid programs for our students. Therefore, the requirement for the State to pick up some of that slack will be increased even further.

I am asking to raise the current \$1,800 to \$2,000 at a time when the average tuition cost in our State system is \$1,800 for just tuition alone. Pitt and Penn State are averaging approximately \$2,800 for just tuition alone; that does not include room and board, Mr. Speaker. So we are only making up under our grant program a small portion.

Let me also remind the members present today, Mr. Speaker, that raising this level to \$2,000 helps most of those people whom most of us represent - the middle class, the working middle class, who are finding it less and less possible to send their children, and those people who are going back to school who are finding it less possible to attend our system of higher learning because of the increased tuition costs.

At the same time that I have communicated this desire to raise the \$1,800 that is called for in SB 724 to \$2,000, I also want to remind the membership that most of our constituents, because of the maximum income eligibility level that PHEAA (Pennsylvania Higher Education Assistance Agency) uses, the current \$33,000, that most of our constituents, with inflationary indexing of their wages, have also been bumped out of the PHEAA program. I think at the same time that this body wants to raise the grant level, we should also be pressuring PHEAA to raise the adjusted gross income eligibility level so that more of our constituents and our constituents' children qualify for our system of higher education and grants for that system of higher education.

I would therefore ask the membership to agree with the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the amendment, the Chair recognizes the gentleman from Bucks, Mr. Gallagher.

Mr. GALLAGHER. Mr. Speaker, I am here to let everybody know that it is a well-intentioned amendment offered by Representative Lashinger, but it will not fit within the confines of the Governor's proposed budget or within the amount of money that has been appropriated to PHEAA. The amount of \$1,800, which the bill before us provides for us to go up to \$1,800, would allow us to prepare awards this year for the amount of \$1,650. To go beyond that, we will need over and above what we have already received so far. We would need an additional \$3.3 million to get up to the \$1,800. To go to \$2,000 awards, it would cost us probably between 6.9 to 11 million additional dollars over and above what the Governor has proposed. So we are in that kind of a bind that nobody can guarantee that you are going to be able to raise that kind of money in the proposed budget of the Governor.

Secondly, the PHEAA Board has already calculated for awards at \$1,650, hoping that this bill passes and becomes law. If we amend it now, it would have to go back to the Senate for concurrence, it would probably wind up in a conference committee, and the awards that were supposed to be given out by the end of March or the beginning of April, we would not be able to meet that need.

So I would suggest that Representative Lashinger consider withdrawing his amendment and letting us pass this bill until such time as— If you are successful in getting more money appropriated for 1986-87, we would be more than happy to consider your amendment as a bill to increase it to \$2,000. Otherwise, we are not going to be able to make it, and it would create the illusion to the students that they are going to get up to \$2,000, and that is far out of line as to what is really before us now and what is proposed by the Governor.

So if the gentleman does not wish to withdraw the amendment, then I urge the members to vote “no” on the amendment.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. Mr. Speaker, and I say this respectfully to Mr. Gallagher, at a time—and I have seen the revenue estimates for this year—when the Commonwealth is experiencing already what is expected to be a \$126-million surplus, we are talking about the difference of \$3 million between what the Governor has already agreed to do, and I have here from PHEAA the cost estimates, and the \$1,800 which is agreed to is costing this Commonwealth \$3.23 million. My proposal is going to cost the Commonwealth \$6.79 million, roughly \$3.5 million, Mr. Speaker.

Mr. Speaker, we are raising it 10 percent today. We have not raised it for 10 years. That averages out to an increase of 1 percent per year for the students and the parents of those students in the Commonwealth. My increase only averages out to about 2 to 2.5 percent per year, at a time when the costs have been running about 7 to 10 percent per year. Mr. Speaker, and I say this with all respect, I think the votes are here for this measure, I think the votes are here in the Senate with the type of surplus that we have in the Commonwealth today, and I think we have an obligation to the students in the Commonwealth to do this, Mr. Speaker.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from Bucks, Mr. Gallagher.

Mr. GALLAGHER. Mr. Speaker, with the big surplus the Governor has, he fully understands the needs for the students in the Commonwealth of Pennsylvania and he could have very easily put that in his proposed budget, but he did not. And we cannot take things for granted that we are going to be able to get, you say 6.9 or 7.3; I judge it between 6.9 to 11 million additional dollars to go up to the \$2,000.

So what is before us today is, in the proposed budget the Governor has put enough money in for 1986-87, with which we could go up to the \$1,800 award, but it is not there for the \$2,000 award. I think it is rather foolish to try to create this illusion that we are doing this for the students when we do not know that you or I can generate another 7 or 11 additional million dollars for this fund out of the great surplus which the Governor has already calculated that he is going to use in certain ways. And there are other members of this House who want to use that surplus money many other different ways.

I think we ought to stay within the recommendations of the PHEAA Board, the Appropriations Committee that reported it out, and stay with the bill as it is and vote “no” on the amendment. Thank you.

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

The following roll call was recorded:

YEAS—184

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

NAYS—9

Birmelin	Letterman	Preston
Dawida	Manderino	Smith, L. E.
Gallagher	Pievsky	
		Irvis,
		Speaker

NOT VOTING—2

Baldwin	Oliver
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EXCUSED—6

Cimini	Freind	Tigue	Vroon
Durham	Nahill		

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—192

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

NAYS—1

Birmelin

NOT VOTING—2

Cornell

Mochlmann

EXCUSED—6

Cimini
Durham

Freind
Nahill

Tigue

Vroon

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passes finally.

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

BILLS ON CONCURRENCE
IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **HB 784, PN 2848**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act reenacting and amending the act of June 25, 1982 (P. L. 633, No. 181), entitled "Regulatory Review Act," continuing the existence of the commission; and further providing for agency submissions of rulemaking and for time periods for review of rulemaking.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the majority leader, who moves that the House do concur in amendments inserted by the Senate to HB 784.

On concurrence, the Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, could we know from Mr. Manderino what the amendments put in by the Senate are?

The SPEAKER. Does Mr. Manderino have them? The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I was given a briefing on what the Senate did. Basically, the Senate made some changes in the obligations and responsibilities of our committees with regard to regulatory review, but there are some substantial changes that were made that I am not in agreement with, but I am asking that the concurrence be held so that IRRC (Independent Regulatory Review Commission) can go back into business. There will be legislation that will be run to attempt to correct some of the things that I think the Senate did to the bill that they should not have.

Now, that is not a very good explanation, and I do not ask the members to vote on that. I would ask that this bill be put over until we can get them a definitive explanation of what the Senate did, and we will do that this afternoon, Mr. Speaker.

The SPEAKER. Very well.

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 784 will go over temporarily.

* * *

The clerk of the Senate, being introduced, returned the following **HB 1000, PN 2833**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," requiring a statement of purpose and explanation to be prepared, published and posted for any ballot question; further providing for the powers and duties of the county boards of elections and certain courts; and eliminating cross-filing for Statewide judicial candidates.

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

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

Mr. COY. Thank you, Mr. Speaker.

HB 1000, many of you may recall, passed the House of Representatives in June of 1985 as a simple amendment to the Election Code which would provide for plain-English explanation of ballot questions. The bill was amended on several occasions in the State Senate and ended up being tabled and removed from the table and many different actions in the Senate. At any rate, the bill was finally passed in the Senate last week with many different amendments in it. Suffice it to say that the changes in the bill were substantive enough that I believe that the proper thing to do is to nonconcur with the amendments so that we may take this bill to conference committee and work out the differences between the Senate and the House whereby we can pass an appropriate bill.

Therefore, I move that the House do nonconcur in the amendments placed by the Senate in HB 1000.

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

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I concur with the gentleman, Mr. Coy. I would ask for nonconcurrence.

The SPEAKER. On the question, shall the House concur in Senate amendments to HB 1000, the gentleman, Mr. Coy, and the gentleman, Mr. Ryan, suggest that the vote be in the negative. Those in favor of concurring will vote in the affirmative; those who favor nonconcurrence will vote in the negative.

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—4

Hutchinson	Letterman	Livengood	Petrarca
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NAYS—189

Acosta	Deal	Lashinger	Roebuck
Afflerbach	Dietz	Laughlin	Rudy
Angstadt	Dininni	Lescovitz	Ryan
Argall	Distler	Levdanský	Rybak
Arty	Dombrowski	Linton	Saloom
Baldwin	Donatucci	Lloyd	Saurman
Barber	Dorr	Lucyk	Scheetz
Barley	Duffy	McCall	Schuler
Battisto	Fargo	McClatchy	Semmel
Belardi	Fattah	McHale	Serafini

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

NOT VOTING—2

Burns	Evans
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EXCUSED—6

Cimini	Freind	Tigue	Vroon
Durham	Nahill		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

WELCOME

The SPEAKER. The Chair welcomes to the hall of the House Mr. Henry Pulkowski, Jr.—he is the administrative assistant in the sheriff's office in Allegheny County—and Mr. Bob Dzvonic, deputy sheriff. They are here as the guests of Representative Mayernik and Representative McCall. Welcome to the hall of the House, gentlemen.

BILLS ON THIRD
CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1942, PN 2587**, entitled:

An Act requiring written agreements between municipalities and volunteer providers.

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

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

The question is, shall the bill pass finally?

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

Mr. BROUJOS. HB 1942 provides a relatively simple solution to a serious problem. The simple solution is, anything that fire companies and boroughs and townships agree to with respect to their fire service shall be reduced to writing. That simple solution meets the serious problem that the entire Commonwealth has faced in different areas, within the 199th, and it is a problem in almost every county, and that problem in this: For a long time fire companies developed as rather independent organizations performing a very important service. The townships did not exercise too much control over them. However, the townships found that they had to pay a workmen's compensation premium to the borough that housed and was the parent municipality of the fire company. As a result, disputes arose. In a number of other areas among municipalities and fire companies there are disputes, and the requirement of a written agreement simplifies that problem.

This is supported by the Firemen's Legislative Federation. There has been no objection from the Townships and Boroughs Associations, and I ask for an affirmative vote. This bill did pass last session and was sent to the House.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. FRYER. Mr. Speaker, it is with regret that I take the floor in opposing this proposal by my good friend, Mr. Broujos. This bill represents an effort to impose an unworkable solution on a nonexistent problem. I believe that our volunteer fire companies were doing just fine before the lawyers got into the picture, and I say that with all due respect to the gentleman from Carlisle and the learned profession of which he is an honored member.

When we have a fire in Berks County, Mr. Speaker, the procedure is very simple - someone calls the fire company and the firemen come and they fight the fire. That is all there is to it. We do not need a bunch of lawyers standing around on the sidewalk negotiating a 20-page contract while the house burns down. They should be off chasing ambulances, not fire trucks.

Mr. Speaker, the present system works just fine the way it is. We have a dedicated group of volunteers and they are indispensable to our communities, and they are opposing this bill. I have letters from various groups who oppose this bill, Mr. Speaker, contrary to what you may have been told by the sponsor of this bill. Now, they have enough headaches without this additional burden, Mr. Speaker. They just do not have time for more foolish paperwork. And, Mr. Speaker, this seems to me to fit into that prime category of someone trying to fix something that works. Shame, shame.

If Cumberland County firefighters want to spend their time sitting around lawyers' offices negotiating contracts, let them do so, but for the rest of the State, Mr. Speaker, I ask for a "no" vote on this monstrosity of a bill. Thank you, Mr. Speaker.

The SPEAKER. On that monstrosity of a bill, the Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, I did not ask for the floor. I wanted to be sure nobody else spoke so I could have the last word.

The SPEAKER. We will see to it that you get the last word on it.

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

Mr. MERRY. Mr. Speaker, I would like to interrogate the maker of the bill, Representative Broujos.

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

Mr. MERRY. Mr. Speaker, I would like to delve a little bit more deeply into your intent of this bill.

Mr. BROUJOS. Could you speak louder?

Mr. MERRY. All right.

I would like to know more about your intent on this bill, because just this morning I talked to firemen who had a concern about legislation of this nature, but almost in the exact opposite that I understand you to present it. Now, is it your intention to have legislation that would make it more mandatory to have written agreements than what we do at present?

Mr. BROUJOS. Yes; that is correct.

Mr. MERRY. It is my understanding that the courts have held and the insurance companies have been ready to agree that they were asking for written agreements even at this time without legislation. Is that your understanding?

Mr. BROUJOS. I really am sorry. I cannot understand you.

The SPEAKER. Ask your question again, Mr. Merry.

Mr. MERRY. It is my understanding that the insurance companies and many of the courts have interpreted our present law to say that you should have a written agreement; otherwise, they will not cover you for workmen's compensation. Is that your understanding?

Mr. BROUJOS. I do not understand that, but I do know that they encourage it, want it, and if those agreements are not present, there are a lot of problems that are created.

Mr. MERRY. Okay.

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

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

Mr. MERRY. I believe that I am standing up to oppose this bill, because I think the maker has done exactly the opposite of what should be done. The concerns of firemen have been that they are now already being told, under court interpretation and under language in insurance coverages, to go out and get these written agreements. The concern that has

been told to me is that fire companies are afraid that if you make it mandatory to have a written agreement, that through some small act of omission or carelessness or just not having gotten around to it, this will immediately make the coverage null and void. Here we have groups of firemen who are going out at no pay—at least that is the case up in the rural areas, and I think it is the majority of the cases in Pennsylvania—volunteers who are going out there just to help out where they can. They are already being told by insurance companies that you have to have written agreements.

Now, that is fine, if everything is in a neat, little package where you have a certain number of blocks and only one municipality to deal with, but in the rural areas we are looking at situations where you have two, three, and four municipalities, and to have the proper agreements done at the proper time to insure coverage of workmen's compensation is not in the best interest of our volunteer fire departments.

I would like to hear more discussion on this bill, and if I do not hear something offered in a better way, I think this bill should go back to the committee and be studied further and be changed so that you do not have to have written agreements but only a letter of intent that is done on a periodic basis so that these fire companies can have their agreements but not have to renew it time and time again.

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

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

I would like to also interrogate the prime sponsor of the legislative proposal.

The SPEAKER. Mr. Broujos indicates he will stand again for interrogation. You may proceed, sir. You are in order.

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

Mr. Speaker, a few questions about the bill. First of all, under the definition of "volunteer provider," included in that definition are the words "and which is subject to regulation by municipalities." I would like some clarification on that particular phrase. Does that mean if a municipality is obligated to pay workmen's compensation, that they therefore are regulating that service, or does it mean that there have to be already ordinances on the books regulating that particular organization?

Mr. BROUJOS. The municipality codes for boroughs and townships provide that fire companies and fire service are regulated by the municipalities. It is not clear that ambulances are and other groups. So this was intended to limit the scope of the act so that it did not apply to some private ambulance company that the municipality had no control over. I think it is a limiting factor that says only if the municipality has authority are the agreements required.

Mr. D. W. SNYDER. Mr. Speaker, you have noted my concern by mentioning the ambulance corps. You have noted the ambulance corps as being a question, and the purpose of my interrogation is to try to clarify the position of the ambulance corps. If an ambulance corps is located within a particular municipality, under workmen's compensation law that municipality must pay the workmen's compensation of that

volunteer ambulance corps even though that ambulance corps may serve a large region.

There are, as you noted, no specific powers that townships and boroughs have to provide that type of service. Is it your understanding that ambulance corps would be covered by this act as I just currently described it?

Mr. BROUJOS. That is a question for the local solicitors to advise their municipalities on. I do not know that municipalities have the authority to control the operation of all ambulance companies within the municipality. I do know that they have the authority to control fire operations, and the rescue would be related to that, but the narrow interest you are concerned with on workmen's comp is not affected.

Now, the prior speaker failed to address—and I would appreciate if the prior speaker would attend to this observation—the prior speaker failed to address section 5(b), which says that failure of a municipality to enter into a written agreement shall not render any person ineligible for workmen's compensation. So the prior speaker did not know what he was saying when he talked about workmen's comp being left out of the situation. It is clearly covered, and in your situation it is covered because whatever workmen's compensation law pertains to the ambulance service will prevail and will not be affected by this.

Mr. D. W. SNYDER. All right. Mr. Speaker, if I understand the language of the act dealing with ambulance corps, if an ambulance corps serves perhaps 10 municipalities, the municipality in which the ambulance corps is located plus the ambulance corps and each municipality in which they serve would have to enter into separate agreements. In other words, if they serve 10 municipalities, there would have to be 10 agreements negotiated and finalized in order to comply with this act.

Mr. BROUJOS. If, in fact, they serve on a regular basis. Now, practically what happens is that fire companies and ambulance and rescue that are located, let us say, within a borough will serve three, four, or five in the adjacent area on a regular basis. If they go out on emergency calls or are called up into another county or there is a 10-alarm or 8-alarm fire, that is not covered by this provision because it says, those that they serve only on a regular basis.

Mr. D. W. SNYDER. What if they serve on a regular basis as a backup, as you are saying? It does not say primary or secondary service, and I think that is part of the problem with the clarification. If you serve as a backup, say a suburban fire department serves as a backup for a city, they do not regularly serve that on first call, but they have agreements to back up—

Mr. HUTCHINSON. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman from Westmoreland, Mr. Hutchinson, interrupt the debate?

Mr. HUTCHINSON. I would like to table this bill. Am I in order?

The SPEAKER. No. You may not interrupt the debate except for a point of personal privilege. The debate must go on. When the Chair recognizes you, which will be the next speaker, then you may place your motion.

Mr. Snyder, you may proceed.

Mr. D. W. SNYDER. Thank you.

If a fire department or an ambulance corps has an agreement presently to provide backup service to another municipality's services and that backup is basically on a regular basis, that at any time they may be called in, is that your intent here? In other words, if there is an agreement—

Mr. BROUJOS. No. If I could answer that.

There is another section that says the term does not preclude service in emergencies in a municipality not subject to an agreement. In other words, if they do provide backup, I would consider that to be in an emergency situation other than the normal regular service to an adjacent municipality. That is on the top of page 2; bottom of page 1, performance on a regular basis.

You see, most of them have agreements, and if they do not have agreements, that is what creates the problem. So if you have somebody that provides on a regular basis five, six, or seven municipalities and have an agreement, fine. They are doing it now.

Now, the problem is that when they do not have it, the question arises, how is workmen's compensation going to be provided for? Workmen's compensation is provided in this manner: In another municipality that is covered, it is known as an outside area under the regulations, and that outside area is a population of, say, 3,000 in an adjacent township. The workmen's compensation carrier goes in, audits, and finds out they serve and then gives the parent municipality a bill. Now, when that parent municipality gets the bill, they go out into the township and say, hey, pay us \$500 out of that \$1,500 bill we have, the premium. The township says, gee, we did not know anything about that, or we did not promise to pay, and that has created not only problems as to interpretation of the liability for workmen's compensation and the prorated share; it has also caused some municipality to say, we did not promise to pay, take your fire engines and go somewhere else, and coverage is stopped for more than one municipality. And that, of course, was improperly so. I mean, they had to provide coverage.

Now, these are the problems that have arisen. One whole county, in fact, said of all the boroughs in the entire county we need written agreements.

Mr. D. W. SNYDER. One final question, Mr. Speaker.

What does the enactment of this law do to mutual aid agreements that are currently in existence? Does that make them null and void?

Mr. BROUJOS. No, because a mutual aid agreement is in fact a written agreement. Now, the beauty of it is that a mutual aid agreement is entered into and nobody minds that, and it is in writing, and it is not 20 pages, and it is no more than 2 pages or maybe 1 page. The mutual agreements are in fact written agreements for service between municipalities.

Mr. D. W. SNYDER. Except, Mr. Speaker, the mutual aid agreements are between two fire companies or an ambulance corps and another ambulance corps. Under this act the municipality in which the corps is located or the fire service is located would also have to be a party to those agreements.

Mr. BROUJOS. That is right, because what is little understood and what this agreement attempts to bring to the attention of the townships, the boroughs, the firemen, and legislators, is that that municipality that is the parent of the fire company that goes to another municipality controls its area of activity and controls how many municipalities it serves. People do not understand that. This will help to clarify it.

Mr. D. W. SNYDER. But to answer my question, if the municipality does not become a party to the mutual aid agreement, then that contract is not in compliance with this act.

Mr. BROUJOS. That is right, but there are no penalties except if somebody wants to come in and enforce it. And contrary, again, to what the prior speaker said, it clearly states that failure of a municipality to have a written agreement does not render any person ineligible for workmen's compensation. So the concern about workmen's compensation is taken care of in this bill. Workmen's compensation is not a problem in terms of coverage because you are always covered. The fireman, the ambulance, the rescue is always covered because the law says he is covered, whether or not there is an agreement.

Mr. D. W. SNYDER. I am sorry. I have one other question as a result of your comments.

If a municipality decides that they do not want to allow an emergency service to provide services to other municipalities and refuses to enter into any other agreements, would that municipal emergency service be in any other jeopardy, or would they still be allowed to continue to provide service in those municipalities?

Mr. BROUJOS. Well, Mr. Speaker, let me say that that concern applies whether there is a written or oral agreement. The decision as to whether that municipality that does not agree to service in another municipality affects that service or contract is something outside the scope of this question. This only says now that a municipality which houses that fire service must be a party to it, and the reason is that they pay the workmen's compensation premium and they have the authority to control what municipality is served outside this particular town borough.

Mr. D. W. SNYDER. Thank you.

Mr. Speaker, if I may just make one short comment.

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

Mr. D. W. SNYDER. Mr. Speaker, I supported this legislation last session and agree wholeheartedly with the intent of the sponsor, especially as it deals with trying to share the cost of the workmen's compensation with those municipalities that are enjoying the benefits of a service that currently they have basically no financial obligation to support; also, to put those municipalities on notice.

However, I am concerned, number one, as it affects ambulance corps and some of the ambiguities that have been raised as far as what position ambulance corps would be in following enactment of this law and also concern about its impact on existing mutual aid agreements. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GALLEN. Mr. Speaker, a couple of years ago there was a story—I am sure many of you heard it—about the dogfood manufacturer who decided to come out with a new product. He developed the finest ingredients, the finest scientific methods, went through a tremendous promotional campaign, and the thing just fell flat. The dogfood did not sell, and he did all kinds of research to determine why this dogfood did not sell. The upshot of it was that dogs did not like it.

We have a piece of legislation here ostensibly designed for firefighters and firemen, and the firefighters do not like it, and they do not want it. The communications I am getting from the people back home is they do not want this bill.

This bill was considered at a meeting which lasted about 30 seconds in the back of the House, a bill that I wanted to speak to but was unable to get to the meeting. The bill really has not had committee consideration. It was my intent to attempt to recommit this bill so it could get that committee consideration, but I think this bill is so bad that it does not deserve that good a fate.

I think that we should overwhelmingly defeat it. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, I rise to oppose HB 1942. I think what we are doing here is trying to kill the goose that laid the golden egg.

The voluntary services in our communities have made a great contribution to the health and welfare of our communities, and we are already experiencing in some cases a very difficult time trying to get volunteer firemen organizations in small communities. Imposing mandatory regulations such as this would certainly do very much to destroy the initiative of these people to participate. They do not mind working if they have a little leeway to do what they want to do and to work with the communities, the governing bodies in that particular community and the surrounding communities, and over the years they have experienced that they can do this well. Why should we interfere with it at this point?

I ask for a "no" vote. Thank you.

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

Mr. FRYER. Mr. Speaker, several items have been distorted here. We have mistaken the intent of the sponsor with reading the bill. I say, read the bill.

The question was made, one, suppose they do not want to do this thing. The question was answered in the fact that, well, it is up to them. On page 3 of the bill, item (a): "Each municipality or provider providing and each municipality receiving service on the effective date of this act shall comply"—shall, not may—"shall comply with the provisions of this act within 180 days after the effective date."

The question was then asked of the prime sponsor of this bill, are there any penalties? The answer, get this, there is no

penalty, quote, unless they want to enforce it. Is that not interesting? Then we read in the bill on page 3, line 13, "Compliance with this act may be enforced by an action in law or equity."

Mr. Speaker, our local officials do not want to negotiate these contracts. The firemen do not want it. We have had mutual aid in effect for over 200 years; a noble history. I say, keep hands off; the thing is doing fine.

I call for the defeat of this bill, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. HUTCHINSON. Benjamin Franklin would roll over in his grave if he read this bill.

Last week we had a fire over on Cameron Street and they called in firemen from all over the country. From 25 miles out they came in to help fight the fire. Who the devil would ever think about getting Carlisle to sign a contract with the city of Harrisburg or any other "burg."

I say this bill ought to be defeated. I wanted to put it on the table, but now I want to defeat it.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Cumberland, Mr. Broujos, to sum up.

Mr. BROUJOS. Mr. Speaker, I would like to address Mr. Hutchinson's observation first.

I already had made it clear, and if he read the bill he would see, that there is no requirement for an agreement from any of 18 fire companies responding to the Harrisburg fire. Now, if he wants to go on believing that, he can, but if he is capable of reading this bill and seeing that it simply says at the bottom of page 1, for services intended to be performed on a regular basis, that is very clear and it takes care of the answer to that question.

Now, with respect to Mr. Fryer's observations. First, there is a distinct difference between a penalty and enforcement by an action of mandamus or an action in court saying, hey, get these agreements prepared and written. No, there is no penalty; yes, there is a right to enforce it in court.

Now, with respect to mutual aid, again Mr. Fryer misunderstands the nature of these agreements and throughout his comments seems to misunderstand the whole nature of the relationship of fire companies to municipalities. Mutual aid agreements are between two municipalities providing for service or fire companies for service. Now, if they want to enter into those agreements, fine. That does not change the responsibility of the township and the borough to insure that there is coverage within their municipality, and secondly, to insure that there is control over any fire company within the borough that serves outside.

The whole question of workmen's compensation is very simply handled in this manner. Every fireman, every ambulance driver, every rescue person is covered by workmen's compensation whether there is an agreement or not, whether he is subject to any type of agreement between municipalities, because the law says a volunteer fireman is an employee, period, under the act, which means that he is covered. It is not

a question of the coverage of workmen's compensation, and that is just a red herring dragged across this thing to try and bring out the fact that maybe there are problems with workmen's comp. There is no problem with coverage. The only problem is the question of these premiums being paid and how they are paid.

Now, with respect to Mr. Snyder's observations. There is no ambiguity. The ambiguities have been clarified. The mutual aid question is merely, again, a question of who covers in a municipality between two fire companies. If they can agree, fine, but this provides for a written agreement to insure that municipalities and townships and boroughs simply put into writing whatever they have agreed to.

As I said at the beginning, the simplicity of this bill is what really gives it the advantage and help to municipalities. It simply says, if you have an understanding now between you and among you for service, put it in writing. And I have heard nothing from any letter or received anything from Representative Fryer, and he had someone who objected to it. I said I would like to talk to that person; I would like to sit down with him, and he did not provide me that opportunity. So I am bringing to your attention a bill which has been thought out, which has been gone over in the House committee in the last session, passed this House, and I ask now for an affirmative vote.

On the question recurring,
Shall the bill pass finally?

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

YEAS—25

Acosta	Coy	Greenwood	Mrkonic
Belardi	Deal	Josephs	Noye
Bortner	Donatucci	Kosinski	Oliver
Bowley	Evans	Linton	Preston
Broujos	Fattah	McHale	Richardson
Caltagirone	Freeman	Miller	Rieger
Carn			

NAYS—169

Afflerbach	Distler	Letterman	Saurman
Angstadt	Dombrowski	Levdansky	Scheetz
Argall	Dorr	Livengood	Schuler
Arty	Duffy	Lloyd	Semmel
Baldwin	Fargo	Lucyk	Serafini
Barber	Fee	McCall	Seventy
Barley	Fischer	McClatchy	Showers
Battisto	Flick	McVerry	Sirianni
Belfanti	Foster, Jr., A.	Mackowski	Smith, B.
Birmelin	Fox	Maiale	Smith, L. E.
Black	Fryer	Manderino	Snyder, D. W.
Blaum	Gallagher	Manmiller	Snyder, G. M.
Book	Gallen	Markosek	Staback
Bowser	Gamble	Mayernik	Stairs
Boyes	Gannon	Merry	Steighner
Brandt	Geist	Michlovic	Stevens
Bunt	George	Micozzie	Stewart
Burd	Gladeck	Moehlmann	Stuban
Burns	Godshall	Morris	Sweet
Bush	Gruitza	Mowery	Swift
Cappabianca	Gruppo	Murphy	Taylor, E. Z.
Carlson	Hagarty	O'Brien	Taylor, F. E.
Cawley	Haluska	Olasz	Taylor, J.
Cessar	Harper	Perzel	Telek
Chadwick	Hasay	Petrarca	Trello
Civera	Hayes	Petrone	Truman

Clark	Herman	Phillips	Van Horne
Clymer	Hershey	Piccola	Veon
Cohen	Honaman	Pievsky	Wambach
Colafella	Howlett	Pistella	Wass
Cole	Hutchinson	Pitts	Weston
Cordisco	Itkin	Pott	Wiggins
Cornell	Jackson	Pressmann	Wilson
Coslett	Jarolin	Punt	Wogan
Cowell	Johnson	Raymond	Wozniak
Deluca	Kasunic	Reber	Wright, D. R.
DeVerter	Kennedy	Reinard	Wright, J. L.
DeWeese	Kenney	Robbins	Wright, R. C.
Daley	Kukovich	Roebuck	Yandrisevits
Davies	Langtry	Rudy	
Dawida	Lashingier	Ryan	Irvis,
Dietz	Laughlin	Rybak	Speaker
Dininni	Lescovitz	Saloom	

NOT VOTING—1

O'Donnell

EXCUSED—6

Cimini	Freind	Tigue	Vroon
Durham	Nahill		

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

* * *

The House proceeded to third consideration of **SB 934, PN 1108**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for investments.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I rise to ask my colleagues to vote for my motion to recommend this bill. I am speaking as a member of the Insurance Committee, and from my discussion with both minority and majority people on that committee, I understand that there are a number of amendments proposed by my colleague, my esteemed colleague, Mr. DeVerter, which are technical amendments to this bill. For reasons that had to do with scheduling conflicts and all of the way we rush around on the floor and in our committees, he did not have the opportunity to present them to us in committee. I, for one, and I believe many of my colleagues in that committee, would like to have the opportunity to discuss them in an atmosphere which is more conducive to making some sort of intelligent decision about them.

I had a discussion with Mr. DeVerter I think 2 weeks ago. I hope he is still of the same opinion. He expressed to me the fact that he thought the committee could meet on them rather soon, discuss them rather briefly but intelligently, and bring them back.

I ask for your support to recommit these bills to the House Insurance Committee.

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

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

Mr. RYAN. Mr. Speaker, I oppose the motion to recommit.

These bills have been around for a long time. There have been any number of contacts made with all of the legislators by people interested in these bills. There are, as I look at the calendar, some five or six members with amendments to offer. Those amendments are not going to disappear in a committee. They are going to be back on the floor whenever we face these bills. I think it is high time we just bite the bullet and address this issue, and I suggest we vote against recommitment.

The SPEAKER. On the lady's motion, the Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Thank you, Mr. Speaker.

Excuse me; if the members will bear with me. I have a very sore throat and it is going to be difficult. That is too bad, I know.

My remarks on this bill would apply to SB 935 and SB 936 as well, Mr. Speaker. I agree with Representative Josephs relative to her motion to recommit these bills. These bills were considered very hastily in the rear of the floor of this House. We did not have the opportunity at that time to present the amendments. There are a considerable number of amendments, not only from myself but from other members, as I understand, from the committee, and we would like the opportunity to sit down in committee and do that, to discuss them and hopefully bring out bills that we can ask the members to support and quickly move.

With respect to that, I would like to pose a question to the majority chairman of the committee, Mr. Rybak, if that would be in order.

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

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, would it be your intent, if the bills are recommitment to your committee, to promptly call a committee meeting that we may discuss all of the amendments, not only mine but a number of other members who have drafted amendments to these bills?

Mr. RYBAK. First of all I would like to correct some of the remarks made by the minority chairman.

These bills were considered by the committee. We have had three hearings on them and we had all sides of them discussed, so they were considered by the committee. Now, the amendments were not, and I have no objection to discussing those amendments if the bill is reported back to committee.

Mr. DeVERTER. Would it be your intent, sir, if they are recommitment, to hold a meeting in the very near future?

Mr. RYBAK. No problem.

Mr. DeVERTER. With that, Mr. Speaker, I would suggest that the members do support the motion to recommit so that we might consider them promptly and have them rereported to the floor. Thank you.

The SPEAKER. The motion is that SB 934 be recommitment to the Committee on Insurance. Those in favor of recommitment will vote "aye"; those opposed will vote "no."

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

The following roll call was recorded:

YEAS—138

Acosta	Distler	Levdansky	Rudy
Afflerbach	Dombrowski	Linton	Rybak
Baldwin	Donatucci	Livengood	Saloom
Barber	Duffy	Lloyd	Scheetz
Barley	Evans	Lucyk	Semmel
Battisto	Fargo	McCall	Serafini
Belardi	Fattah	McHale	Seventy
Belfanti	Fee	McVerry	Showers
Birmelin	Freeman	Maiale	Sirianni
Black	Fryer	Manderino	Snyder, D. W.
Blaum	Gallagher	Markosek	Staback
Book	Gallen	Mayernik	Stairs
Bortner	Gamble	Michlovic	Steighner
Bowley	George	Moehlmann	Stevens
Broujos	Gladeck	Morris	Stewart
Burns	Gruitza	Mrkonic	Suban
Bush	Gruppo	Murphy	Sweet
Caltagirone	Hagarty	Noye	Taylor, F. E.
Cappabianca	Haluska	O'Brien	Taylor, J.
Carn	Harper	O'Donnell	Telek
Cawley	Herman	Olasz	Trello
Clark	Howlett	Oliver	Truman
Clymer	Hutchinson	Perzel	Van Horne
Cohen	Itkin	Petrarca	Veon
Colafella	Jackson	Petrone	Wambach
Cole	Jarolin	Pievsky	Weston
Cordisco	Josephs	Pistella	Wiggins
Cowell	Kasunic	Pott	Wilson
Deluca	Kennedy	Pressmann	Wogan
DeVerter	Kenney	Preston	Wozniak
DeWeese	Kosinski	Reber	Wright, D. R.
Daley	Kukovich	Reinard	Yandrisevits
Davies	Langtry	Richardson	
Deal	Laughlin	Rieger	Irvis,
Dietz	Letterman	Roebuck	Speaker

NAYS—57

Angstadt	Dawida	Honaman	Punt
Argall	Dininni	Johnson	Raymond
Arty	Dorr	Lashinger	Robbins
Bowser	Fischer	Lescovitz	Ryan
Boyes	Flick	McClatchy	Saurman
Brandt	Foster, Jr., A.	Mackowski	Schuler
Bunt	Fox	Manmiller	Smith, B.
Burd	Gannon	Merry	Smith, L. E.
Carlson	Geist	Micozzie	Snyder, G. M.
Cessar	Godshall	Miller	Swift
Chadwick	Greenwood	Mowery	Taylor, E. Z.
Civera	Hasay	Phillips	Wass
Cornell	Hayes	Piccola	Wright, J. L.
Coslett	Hershey	Pitts	Wright, R. C.
Coy			

NOT VOTING—0

EXCUSED—6

Cimini Freind Tigue Vroon
Durham Nahill

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

* * *

The House proceeded to third consideration of **SB 935, PN 1681**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for investments.

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

BILL RECOMMENDED

The **SPEAKER**. The Chair recognizes the lady from Philadelphia, Ms. Josephs, who moves that SB 935 be recommitted to the Committee on Insurance.

This is an identical motion for SB 935 that was submitted for SB 934.

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

The following roll call was recorded:

YEAS—131

Acosta	Distler	Linton	Roebuck
Afflerbach	Dombrowski	Livengood	Rudy
Argall	Donatucci	Lloyd	Rybak
Baldwin	Duffy	Lucyk	Saloom
Barber	Evans	McCall	Scheetz
Battisto	Fargo	McHale	Semmel
Belardi	Fattah	McVerry	Serafini
Belfanti	Fee	Maiale	Seventy
Birmelin	Freeman	Manderino	Showers
Black	Fryer	Markosek	Sirianni
Blaum	Gallagher	Mayernik	Snyder, D. W.
Book	Gallen	Merry	Staback
Bortner	George	Michlovic	Steighner
Bowley	Gladeck	Moehlmann	Stevens
Burns	Gruitza	Morris	Stewart
Bush	Gruppo	Mrkonic	Stuban
Caltagirone	Hagarty	Murphy	Sweet
Cappabianca	Haluska	Noye	Taylor, F. E.
Carn	Harper	O'Brien	Taylor, J.
Cawley	Herman	Olasz	Telek
Clark	Howlett	Oliver	Trello
Clymer	Itkin	Perzel	Truman
Cohen	Jarolin	Petrarca	Van Horne
Colafella	Josephs	Petrone	Veon
Cole	Kasunic	Pievsky	Weston
Cordisco	Kennedy	Pistella	Wiggins
Cowell	Kenney	Pott	Wilson
Deluca	Kosinski	Pressmann	Wozniak
DeVerter	Kukovich	Preston	Wright, D. R.
DeWeese	Langtry	Reber	Yandrisevits
Daley	Laughlin	Reinard	
Davies	Letterman	Richardson	Irvis,
Deal	Levdansky	Rieger	Speaker
Dietz			

NAYS—63

Angstadt	Dawida	Jackson	Robbins
Arty	Dininni	Johnson	Ryan
Barley	Dorr	Lashingier	Saurman
Bowser	Fischer	Lescovitz	Schuler
Boyes	Flick	McClatchy	Smith, B.
Brandt	Foster, Jr., A.	Mackowski	Smith, L. E.
Broujos	Fox	Manmiller	Snyder, G. M.
Bunt	Gannon	Micozzie	Stairs
Burd	Geist	Miller	Swift
Carlson	Godshall	Mowery	Taylor, E. Z.
Cessar	Greenwood	O'Donnell	Wambach
Chadwick	Hasay	Phillips	Wass
Civera	Hayes	Piccola	Wogan
Cornell	Hershey	Pitts	Wright, J. L.
Coslett	Honaman	Punt	Wright, R. C.
Coy	Hutchinson	Raymond	

NOT VOTING—1

Gamble

EXCUSED—6

Cimini Freind Tigue Vroon
Durham Nahill

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

* * *

The House proceeded to third consideration of **SB 936, PN 1110**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," authorizing stock insurers to establish more than one class or series of shares and to permit different voting rights according to the class of shares.

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

BILL RECOMMENDED

The **SPEAKER**. The Chair again recognizes the lady from Philadelphia, Ms. Josephs, who moves that SB 936 be recommitted to the Committee on Insurance.

This is the same motion, applied to SB 936.

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

The following roll call was recorded:

YEAS—128

Acosta	Distler	Linton	Rieger
Afflerbach	Donatucci	Livengood	Roebuck
Argall	Duffy	Lloyd	Rudy
Baldwin	Evans	Lucyk	Rybak
Barber	Fargo	McCall	Saloom
Battisto	Fattah	McHale	Scheetz
Belardi	Fee	McVerry	Semmel
Belfanti	Freeman	Maiale	Serafini
Birmelin	Fryer	Manderino	Seventy
Black	Gallagher	Markosek	Showers
Blaum	Gallen	Mayernik	Snyder, D. W.
Book	Gamble	Michlovic	Staback
Bortner	George	Moehlmann	Steighner
Bowley	Gladeck	Morris	Stevens
Burns	Gruitza	Mrkonic	Stewart
Bush	Gruppo	Murphy	Stuban
Caltagirone	Hagarty	Noye	Taylor, F. E.

Cappabianca	Haluska	O'Brien	Taylor, J.
Cawley	Harper	O'Donnell	Telek
Clark	Herman	Olasz	Trello
Clymer	Howlett	Oliver	Truman
Cohen	Itkin	Perzel	Van Horne
Colafrella	Jarolin	Petrarca	Veon
Cole	Josephs	Petrone	Weston
Cordisco	Kasunic	Pievsky	Wiggins
Cowell	Kennedy	Pistella	Wilson
Deluca	Kenney	Pott	Wozniak
DeVerter	Kosinski	Pressmann	Wright, D. R.
DeWeese	Kukovich	Preston	Yandrisevits
Daley	Langtry	Reber	
Davies	Laughlin	Reinard	Irvis,
Deal	Letterman	Richardson	Speaker
Dietz	Levdansky		

NAYS—66

Angstadt	Dininni	Johnson	Ryan
Arty	Dombrowski	Lashingner	Saurman
Barley	Dorr	Lescovitz	Schuler
Bowser	Fischer	McClatchy	Sirianni
Boyes	Flick	Mackowski	Smith, B.
Brandt	Foster, Jr., A.	Manmiller	Smith, L. E.
Broujos	Fox	Merry	Snyder, G. M.
Bunt	Gannon	Micozzie	Stairs
Burd	Geist	Miller	Sweet
Carlson	Godshall	Mowery	Swift
Cessar	Greenwood	Phillips	Taylor, E. Z.
Chadwick	Hasay	Piccola	Wambach
Civera	Hayes	Pitts	Wass
Cornell	Hershey	Punt	Wogan
Coslett	Honaman	Raymond	Wright, J. L.
Coy	Hutchinson	Robbins	Wright, R. C.
Dawida	Jackson		

NOT VOTING—1

Carn

EXCUSED—6

Cimini	Freind	Tigue	Vroon
Durham	Nahill		

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

CONFERENCE COMMITTEE APPOINTMENT

The SPEAKER. Yesterday the Chair appointed to the Committee of Conference on HB 1073 the gentleman from Columbia, Mr. Stuban. The gentleman, Mr. Stuban, has resigned from that appointment and in his place the Chair names the gentleman from Mercer, Mr. Gruitza, to serve on the Committee of Conference on HB 1073.

RULES COMMITTEE MEETING

The SPEAKER. At the declaration of the lunch break, which will be for 2 hours—the reason for that is that it is required that the Republican Party have a caucus, and I am assuming that Mr. Noye will announce that caucus—but at the lunch break the Committee on Rules will meet on the floor of the House with the majority leader.

REPUBLICAN CAUCUS

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

Mr. NOYE. Mr. Speaker, Republicans will caucus at a quarter after 1 in the Republican caucus room to take up that package of bills that is on the calendar—a quarter after 1 in the Republican caucus room.

LOCAL GOVERNMENT COMMITTEE MEETING

The SPEAKER. To announce a meeting, the Chair recognizes the gentleman from Berks, Mr. Fryer.

Mr. FRYER. Mr. Speaker, the members of the Local Government Committee have been notified that there will be a meeting of the committee in the members' lounge immediately upon the break.

CONFERENCE COMMITTEE MEETING

The SPEAKER. In room 612 there will be a committee meeting of the Committee of Conference on HB 1073 immediately.

RECESS

The SPEAKER. We will return to the floor at 2:15. The House will stand in recess until 2:15.

RECESS EXTENDED

The time of recess was extended until 2:30 p.m.; further extended until 2:45 p.m.

AFTER RECESS

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

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, February 10, 1986

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, March 10, 1986, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Tuesday, February 18, 1986, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the House of Representatives adjourns the week of February 18, 1986, it reconvene on Monday, March 10, 1986, unless sooner recalled by the Speaker of the House of Representatives.

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.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 1440, PN 2821**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

HOUSE AMENDMENTS NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 370, PN 1704**, and has appointed Senators LOEPER, HOWARD and EARLY a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that **HB 772** be lifted from the tabled calendar and placed on the active calendar.

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

RESOLUTIONS REPORTED FROM COMMITTEE

HR 233, PN 2835 By Rep. MANDERINO
Designating February 16, 1986, as "Elks American Patriotism Day" in celebration of the Elks' 118th anniversary.

RULES.

HR 235, PN 2854 By Rep. MANDERINO
Proclaiming March 1 as Saint David's Day to be observed throughout this Commonwealth.

RULES.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The gentleman from Montgomery, Mr. Nahill's name will be added to the master roll.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 383, PN 1275**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further providing for licenses for certain performing arts facilities; and adding special provisions for hotel liquor licenses.

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

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd, who offers the following amendment, which the clerk will read.

Mr. LLOYD. Mr. Speaker, a matter of parliamentary procedure.

The chairman of the Liquor Control Committee has indicated that he is willing to deal with my amendment as a piece of separate legislation at his next meeting, and on the basis of that commitment I withdraw my amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. WILSON offered the following amendments No. A0526:

Amend Title, page 1, line 18, by removing the semicolon after "facilities" and inserting

and for the surrender of licenses for the benefit of licensees; further providing for the number of retail licenses issued in each municipality; defining resort areas;

Amend Bill, page 2, by inserting between lines 26 and 27

Section 2. Section 461(a) and (b) of the act, amended December 17, 1982 (P.L. 1390, No. 319), are amended to read:

Section 461. Limiting Number of Retail Licenses To Be Issued In Each Municipality.—(a) No licenses shall hereafter be granted by the board for the retail sale of malt or brewed beverages or the retail sale of liquor and malt or brewed beverages in excess of one of such licenses of any class for each [two] three thousand inhabitants in any municipality, exclusive of licenses granted to airport restaurants, municipal golf courses, hotels, privately-owned public golf courses, as defined in this section, and clubs; but at least one such license may be granted in each municipality and in each part of a municipality where such municipality is split so that each part thereof is separated by another municipality, except in municipalities where the electors have voted against the granting of any retail licenses and except in that part of a split municipality where the electors have voted against the granting of any retail licenses. Nothing contained in this section shall be construed as denying the right to the board to renew or to transfer existing retail licenses of any class notwithstanding that the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed; but where such number exceeds the limitation prescribed by this section, no new license, except for hotels, municipal golf courses, airport restaurants, privately-owned public golf courses and privately-owned private golf course licensees, as defined in this section, shall be granted so long as said limitation is exceeded.

(b) The board shall have the power to increase the number of licenses in any such municipality which [in the opinion of the board] is located within a resort area. The words "resort area" as

used in this subsection shall mean an area in the Commonwealth consisting of not less than twenty-five acres of contiguous land which has commercial establishments, including hotels, which devote substantial space to public recreational pursuits, both indoors and outdoors, such as dining, entertaining, sports, theaters, dancehalls, swimming pools, tennis courts, golf courses, riding stables and such other activities that are normally associated with recreation, tourism and vacation.

Amend Sec. 2, page 2, line 27, by striking out "2" and inserting

3

Amend Bill, page 3, by inserting between lines 7 and 8

Section 4. Section 474 of the act, added July 20, 1968 (P.L. 429, No. 201), is amended to read:

Section 474. Surrender of [Club] Licenses for Benefit of Licensees.—Whenever a [club] license has been returned to the board for the benefit of the licensee due to the licensed establishment not having been in operation for any reason whatsoever for a period of time not exceeding fifteen days, the license shall be held by the board for the benefit of the licensee for a period of time not exceeding one year, or, upon proper application to the board, for an additional year, and the license shall be revoked at the termination of the period, and transfer of the license shall not be permitted after the termination of the period.

Amend Sec. 3, page 3, line 8, by striking out "3" and inserting

5

Amend Sec. 4, page 3, line 10, by striking out "4" and inserting

6

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the gentleman from Bucks, Mr. Wilson, is now recognized.

Mr. WILSON. Mr. Speaker, if I may explain the amendment. We are attempting to do three things here.

First of all, we are changing the allocation of a retail liquor license to one license per 3,000 inhabitants or 3,000 population in any municipality. The current law says 2,000; we would increase this to 3,000. This would have nothing to do with the current operating licenses, but it would have an effect in the forthcoming census in 1990. Holy cow; I can hardly think about that, huh? But it would simply say that the current licenses stay there. Any increase in population would have to go up to 3,000 before you would have increased licenses.

In addition to that, we have had the Liquor Control Board use the words "resort" or "resort license," and the second part of our amendment here would define a "resort area" for a resort license to be one that had not less than 25 acres and had all intentions of being a resort by having sports, entertainment, theaters, swimming pools, et cetera, as you would normally conceive of a resort area.

Lastly, currently club licenses if put in storage expire in 2 years. We would say that any license put into cold storage, as you would have it, would expire in 2 years if not reused.

I would urge the adoption of the amendment. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Saloom.

Mr. SALOOM. Mr. Speaker, I totally agree with the maker of the amendment in the first part of changing the allocation or the amount of population from 2,000 to 3,000 for the issue of a license. In fact, we have legislation drafted but have not yet presented it for signatures to do just that.

The only problem that I have with this amendment would be to establish a resort license that a person must have 25 acres of contiguous land on which they would have a hotel or a commercial business and devote space to recreational activities, like dining room, sports, swimming pools, golf courses, tennis, or riding stables. The problem with some of the areas that have a nice resort area and a nice hotel, it would almost be impossible for them to obtain 25 contiguous acres for this business.

Also, dealing with the licenses in safekeeping, this will mean every license - hotels, restaurants, taverns, and clubs - that they could be held in escrow only for a period of 1 year. An additional year may be granted if the board sees fit. I this morning did favor this amendment but, after reading it over, would ask for a negative vote on the whole amendment and we will take it up in bill form.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wilson, for the second time on the amendment.

Mr. WILSON. I kind of changed sides here. I wanted to talk to Representative Saloom.

If I could explain that resort area, perhaps the gentleman might agree with me. What we are talking about is a contiguous area of 25 acres as being a resort area. That does not mean that a hotel would have to own the 25 acres; it simply means that the 25 acres would have the connotation of being a resort area containing some of the things suggested in the language, such as swimming pools, dining areas, entertainment, sports arenas, theaters, et cetera, but that would be the conception of a resort area.

What we have had here is— I will give an example to the members: In Doylestown Borough, a little borough in Bucks County, somebody applied for a resort license and got it based on the amount of traffic that went up and down Route 611. I do not believe that was the meaning or the intent of the Liquor Control Act. The meaning and intent was that it would have to be a resort-type area, and that is what we are trying to define here. The best effort that I could find was what we have come up with, this language here. We have checked with people in the Poconos and so forth, and this is what they agreed would be an acceptable, defined resort area.

I would hope that my friend here, Mr. Saloom, would agree with me with that explanation.

The SPEAKER. The Chair recognizes the lady from Philadelphia, Ms. Josephs, on the amendment.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I rise to oppose the amendment. The bill as it stands now is relatively clean. It will help four institutions in the State. I would like it not to be confused with other issues, so I ask the ladies and gentlemen to vote against the amendment. Thank you.

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

Mr. CLYMER. Mr. Speaker, I rise in support of the Wilson amendment and ask for a positive vote. Thank you.

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

Mr. DAVIES. Mr. Speaker, would the maker of the amendment stand for a question?

The SPEAKER. The gentleman, Mr. Wilson, is approaching the microphone. He indicates he will so stand. You are in order, and you may proceed, Mr. Davies.

Mr. DAVIES. Mr. Speaker, how many of the "such as" would an establishment have to have to qualify? There are no specifics. If they would have one - an outdoor skating arena - would that then qualify them, as there are no specifics as to the "such as"?

Mr. WILSON. The "such as" is an indication to those who would make the decision as to what we, the legislature, believe would be in a resort area, "such as" one that contains dining rooms and sports arenas; "such as" ice-skating rinks, et cetera. It does not have to have one or the other or have all of them, but that is the type of thing that would indicate that it is a resort area.

Mr. DAVIES. Mr. Speaker, most golf courses consist of more than 25 acres in themselves, most regular golf courses.

Mr. WILSON. That is true.

Mr. DAVIES. I do not see how you would fit a golf course in with any other facility in your "such as."

Mr. WILSON. You do not have to. You do not have to have a combination of two or more. All we are saying is this is an indication of a resort area simply because it would contain some of or one of or any of this type of thing. Currently in the law there is no definition as to what a resort area is. The Liquor Control Board determines a resort area allegedly by a traffic count of highways. That means almost any place in the Commonwealth of Pennsylvania can be connoted as a resort area and, therefore, be given a liquor license over and above the quota. What we are attempting to do here is define what a resort area would look like in the eyes of the Liquor Control Board and in the eyes of the legislature.

Mr. DAVIES. Thank you, Mr. Speaker.

May I make a statement, Mr. Speaker?

The SPEAKER. The gentleman may make a statement on the adoption of the amendment.

Mr. DAVIES. I certainly think the amendment is well intended. I just have some problems myself that the definition would not be very exacting in the fact of a "such as" without knowing just exactly what must be part and parcel of the resort area. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

REQUEST TO DIVIDE AMENDMENTS

The SPEAKER. For the second time on the Wilson amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Saloom.

Mr. SALOOM. Mr. Speaker, I would like to attempt to divide the amendment.

The SPEAKER. Where would the gentleman ask for the division?

Mr. SALOOM. Mr. Speaker, I would like to divide the amendment accepting the first page down to the small letter (b), where it says "The board shall have the power to increase the number of..."

The SPEAKER. The Speaker has already checked with the Parliamentarian on that possibility. We both agree it cannot be there so divided because that would leave "(b) The board shall have the power,..." et cetera, attached to nothing, which means it cannot stand by itself, and therefore, we cannot divide it.

Mr. SALOOM. I would like to accept the amendment down to the small letter (b) and eliminate the rest of the amendment where it says "The board shall..."

The SPEAKER. No. The answer is in order to divide an amendment, all sections of the divided amendment must be able to stand alone. If we did the division where you are asking, the section starting "(b)" could not stand alone because it would have nothing to which to refer. It cannot be so divided.

Mr. SALOOM. That is the part of the amendment that I would like to not approve.

The SPEAKER. No; you may not do that. You cannot amend an amendment. You are attempting to amend an amendment by removing language. That is not permitted under the rules.

Mr. SALOOM. Thank you, Mr. Speaker.

Then I would ask for the defeat of the amendment.

The SPEAKER. The reason the Speaker answers you so positively is because the Speaker anticipated that that might be a request. We already looked at it, and that is the reason we both agreed you cannot divide it in that manner.

Mr. SALOOM. Then, Mr. Speaker, I would emphasize a "no" vote on the amendment.

The SPEAKER. Very well.

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

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

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

Mr. BATTISTO. Mr. Speaker, let me give you a hypothetical case. I come from a resort area, and actually the entire county is considered a resort area - the whole county is. I have, for example, a restaurant. It is a small restaurant on about maybe an acre. That restaurant gets a license based upon the fact that it is in a resort area. Under your amendment, would that restaurant be able to get a license?

Mr. WILSON. Yes.

Mr. BATTISTO. How? Would you please elaborate.

Mr. WILSON. Because the general area that you are referring to in the Poconos would meet any or all of the suggested

criteria developed in this particular language. In other words, there are in excess of 25 acres by a large number of acreage that contains theaters, sports arenas, entertainment, dancehalls, swimming pools, golf courses, and any of these items so suggested and combinations thereof. As a matter of fact, I talked to your people about this and this is the suggestion they came up with.

Mr. BATTISTO. Then, Mr. Speaker, according to this definition, almost any county in the Commonwealth could be considered a resort county.

Mr. WILSON. Any place that met some of these suggested requirements, yes. Currently the law has no definition but does permit a resort license. The Liquor Control Board uses a traffic count, for example, as a determinant of a resort. I do not believe that the number of vehicles going down a roadway makes a resort. We are trying to pinpoint it and say, these are the types of things, typically, we see in a resort. We see golf courses, tennis courts, swimming pools, entertainment, theaters, et cetera. So, therefore, if you have an area of 25 acres or more that contains some of or any of or some of these types of items, that could be considered by the LCB as a resort, not just the fact they have 20,000 cars going down a road.

Mr. BATTISTO. Mr. Speaker, I see some problems with this amendment though. It seems as if almost any county—Montgomery County, and I do not have anything against Montgomery County—but if you look at these amenities, including hotels, which devote substantial space to public recreational pursuits, both indoor and outdoor, I can think of almost any county that has those kinds of facilities. I was trying to ascertain whether your definition made it more restrictive or made it more expansive. It seems to me as if it is making it more expansive now. I do not mean that I am opposed to that, but I am trying to ascertain whether you mean each specific resort would have to have 25 acres or whether, if you apply this in general, then any county could actually come under this jurisdiction.

Mr. WILSON. Is your question, does this make it more restrictive? Is that your question?

Mr. BATTISTO. Yes.

Mr. WILSON. Absolutely, it does. Absolutely, it does. Today the only criteria is what the Liquor Control Board promulgated as a rule, and it is a traffic count. Doylestown Borough in Bucks County just issued two resort licenses on the basis of a traffic count, no other; no other. There is no golf course in the middle of town; there is no tennis court in the middle of town; there is no resort in the middle of town. It is not a resort area. It happens to be the seat of the county courthouse; that is it, period. If that is a resort, if that is fun and games, so be it, but it is not a resort in my mind. This is more restrictive.

Mr. BATTISTO. Thank you, Mr. Speaker. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Butler, Mr. Burd, on the amendment.

Mr. BURD. I wonder if the gentleman, Mr. Wilson, would subject himself to further interrogation?

The SPEAKER. Mr. Wilson will stand for further interrogation. You are in order, and you may proceed, Mr. Burd.

Mr. BURD. Mr. Speaker, if I might pose to you a hypothetical case. Let us take a rural area where there is a State park or let us suppose also in that area there are State game lands. Now, it is obvious that the State park is not going to sell any alcoholic beverages; neither are they going to be served on any State game lands. However, it would provide a need or a possible need for someone who wanted to open up a restaurant-type facility in that particular area. Now, as I read your amendment, you are requiring that person to put that type of an establishment on 25 acres, more or less. My question would be, would any allowance be made acreagewise that the State park itself had covered or the State game lands had covered in providing that type of recreation that would also establish the need for this type of a license?

Mr. WILSON. If I understand the gentleman's question referring to State game lands, the amendment specifically says it is an area of not less than 25 acres of contiguous land which has commercial establishments. I do not believe your State game land allows any commercial establishments on it, so the State game land will not allow a qualification because it is there as a recreational area. I do not believe that is—

Mr. BURD. And that, Mr. Speaker, is exactly what my question is. It is because of the State park or the State game land that established the need for a licensed restaurant and liquor license in that particular area. But your amendment would require that person who wanted to open that type of a restaurant with a liquor license, if you will, to provide that service to that particular area, you would require him to have 25 acres, and that 25 acres would have to provide other types of indoor/outdoor types of recreation before this license could be issued.

Mr. WILSON. Well, what we see here is not that he has to buy 25 acres but that his establishment be in an area of 25 acres that contains this sort of thing connoted as a recreational area. That is all we are saying. He does not have to own the 25 acres; he does not have to be the single owner of the 25-acre parcel. It is simply that 25 acres containing items such as suggested in here would be the connotation of a recreational area. Therefore, the LCB could approve it under those circumstances.

Mr. BURD. Well, you know, Mr. Speaker, I heard your explanation to my question and, friends as we are, I am still having trouble deciding whether this amendment that you are putting in would actually eliminate some of the resort area licenses that I know exist in the Commonwealth. I am thinking also of another area in which it becomes gray, if you will; it is a gray area in the law. I am privileged to have in my county a racetrack - a racetrack that has been deemed as the best dirt track in the United States. Now, because they cannot seat a certain amount of people, they cannot apply for or get a resort-type license. However, because of rivers, hunting land, and everything else that is around it within the county, there is a possibility that they could apply for a resort-type license. But it would appear to me that your amendment would not

allow that to happen either because of the requirement of 25 acres, and I know that this establishment I am talking about does not cover 25 acres.

Mr. WILSON. Is that a question?

Mr. BURD. Yes, it is. How would it apply to that as well?

Mr. WILSON. But what you are saying is that this particular owner does not individually own 25 acres.

Mr. BURD. That is right.

Mr. WILSON. That should not preclude him from applying for a resort license at all. He would simply have to be in a contiguous area, a total of 25 acres that meets the definition of a resort as we define it here, which could be open space for that matter, as long as there is maybe a golf course or a tennis court somewhere in the 25 acres. It does not mean that there has to be total coverage wall to wall with a golf course, either.

Mr. BURD. But, Mr. Speaker, you are saying contiguous, which says to me that it must join that particular area that was deemed or is considered a resort area. I am saying to you that in my county there are areas where you can hunt and there are areas where you cannot hunt, and infrastructurewise or roadwise it may not be the feasible thing to do to put it right next door to nothing, if you will, as opposed to putting it within a 25-square-mile area of the particular resort area itself.

Mr. WILSON. But you are missing the point. Still—

Mr. BURD. Plus the fact that it is very hard to get ground up against a State park, you know. All the ground I know of that has State parks in my county, that ground is very jealously guarded around there by the property owners who maybe want to use it for reasons other than to provide this type of a service.

Mr. WILSON. I do not know how to answer that. It is not really a question. All I am saying is—

Mr. BURD. Well, my concern, Mr. Speaker, with it is you are saying contiguous. I am saying that in a resort area, that area could cover a lot of square miles, and although the facility and the services that a liquor license could do for that area— And my arguments are coming out of my involvement with tourism, Mr. Speaker, and my concern for promotion of areas that I feel could use this type of service or facility but cannot get ground that is contiguous with what you are deeming here as being a resort area, and that is what is giving me my problem with your amendment.

Mr. WILSON. I fail to understand why even if your individual had a small facility within an area that is connoted to be a resort area that exceeds 25 acres— He does not have to own it; he does not have to have a facility such as this extending throughout the entire 25 acres. It is simply an area that is known as a recreational area simply because it has something like whatever we have described in here in this long list of things or something similar to it, and therefore, the Liquor Control Board decides it is a recreational or resort area. It is as simple as that. I do not know how else you would define a resort area.

Mr. BURD. Let me give you a hypothetical, if you will, and I will not belabor it any further than this one question. Moraine State Park covers 17,000 acres in Butler County. If I

wanted to go in and look for a resort area liquor license in that area, could I go 10 miles down the road and apply for that license? Did you hear the question?

Moraine State Park covers 17,000 acres in Butler County. If I would go 10 miles down the road from that park—and it is obviously a resort area—if I would go down the road 10 miles from that park and apply for a resort area liquor license, could I legally do so under this amendment?

Mr. WILSON. You know, I do not know the area, but it sounds to me like you would. What kind of facility are you going to have 10 miles down the road?

Mr. BURD. I would like to open a beautiful restaurant and sell liquor.

Mr. WILSON. That is fine. Are you going to serve food, and dining, and all that?

Mr. BURD. I said I would open a beautiful restaurant and sell liquor.

Mr. WILSON. I do not see that you would have any problem.

Mr. BURD. I know I can do it now under the present law. Under your amendment, I am not sure I can.

Mr. WILSON. I do not think you would have any problem.

Mr. BURD. That is all the further questioning, Mr. Speaker. If I may make a statement, please?

The SPEAKER. The gentleman may make a statement on the amendment.

Mr. BURD. Knowing the maker of the amendment as well as I do and the friendship that was established over the 10 years, I obviously and unfortunately have to oppose this amendment for the arguments that I have been raising here for the last 10 minutes or so. I feel that we are creating a problem here that back over the years the LCB has been able to solve for some of us who represent the rural areas, and I therefore would have to oppose the gentleman's amendment. Thank you, Mr. Speaker.

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

Mr. GRUITZA. Thank you, Mr. Speaker.

I rise in opposition to this amendment, if the House would bear with me.

This bill provides for a transfer of a restaurant liquor license to a performing arts facility and also helps us out with these two businesses that were knocked out of business because of the tornadoes in May. It is going on almost a year now that these people have been out of business because we have been unable, as a General Assembly, to pass legislation without these types of amendments. It is my hope that the House will refrain today from passing the amendments that are being offered and try to assist these people who desperately need our help. For this reason, I would ask for your negative vote on this amendment.

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

Mr. GREENWOOD. Will the maker of the amendment stand for interrogation, please?

The SPEAKER. Mr. Wilson indicates he will stand for further interrogation. You are in order, and you may proceed, Mr. Greenwood.

Mr. GREENWOOD. Thank you, Mr. Speaker.

According to the language of the amendment here, the language indicates that the municipality itself would have to be located within the resort area. I would like to know whether in fact that is what you mean to say. Do you mean to say that the entire municipality must be located within the boundary defined by the resort area?

Mr. WILSON. No. What you are looking at is the current language, because licenses are allocated according to a formula based in the municipality, the borders of the municipality. If you want to locate the new license called the resort license, you are going to locate it in some municipality - a township, a borough, whatever - and that simply says in any such municipality where you seek to locate it, the entire municipality does not have to be the resort, but an area that would be contiguous with the establishment so requesting the license would have to be included in a 25-acre area that is considered resort. It could be part of the municipality, the next municipality, and the next municipality. It is not necessarily the same municipality.

Mr. GREENWOOD. I do not doubt that that is what the maker of the amendment intends to do, but I have no doubt that in fact the language of the amendment fails to do that. The language of the amendment says very clearly that the Liquor Control Board shall have the power to increase the number of licenses in any such municipality which is located within a resort area. So the municipality would have to be located within a resort area, and then the resort area is further defined by the new language.

Mr. Speaker, I have finished my interrogation. I would like to make a brief statement.

The SPEAKER. The gentleman may make the statement.

Mr. GREENWOOD. As I said during my interrogation, I very clearly and very decisively support the maker of the amendment in his intent. The problem is that the language is fatally flawed, and I think that it would have the result of doing perhaps the reverse of what it intends to do. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

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

Mr. GRUPPO. Mr. Speaker, can this amendment be amended? There are no line numbers here, but the part that is underlined, can any of that be amended?

The SPEAKER. Under the rules of the House, you may not amend an amendment.

Mr. GRUPPO. I wonder if I could just interrogate the maker of the amendment?

The SPEAKER. You may certainly interrogate Mr. Wilson. He will stand for interrogation. You may proceed, Mr. Gruppo.

Mr. GRUPPO. Mr. Speaker, I have the same problem that some of the other speakers have had and expressed. I know what you are trying to do, and I think we all would like to do the same thing. I was going to make a suggestion on amending this, but since we cannot amend it, I was wondering if it would be possible for you at this time to withdraw the amendment and consider it at another time, since it has caused such controversy, because I am one who cannot support the amendment. I would like to do what you are intending to do, but I do not think we can do it with this amendment.

Mr. WILSON. I have no problem if the bill can be held for such drafting.

The SPEAKER. The gentleman says he will not withdraw the amendment. Therefore, the question recurs, will the House adopt the amendment?

For the second time on the amendment, the Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, in answer to the gentleman, Mr. Gruppo's question, I said I have no problem with holding the amendment if the bill could be held to prepare said amendment, and I could move to—

The SPEAKER. Just a moment, Mr. Wilson. There are other people who wish to offer amendments to this bill, and apparently they consider it a bill which must be taken seriously. It is a Senate bill; therefore, we cannot ask the sponsor.

Mr. SALOOM, Mr. Wilson says he would like to have the bill held so he can reconstruct the amendment.

Mr. SALOOM. Mr. Speaker, I cannot hear.

The SPEAKER. I am not surprised.

Mr. Wilson was asked if he would withdraw his amendment. The Chair misunderstood his answer. The Chair thought he said that he was satisfied with the wording. What he really said is that he had no objection to withdrawing the amendment if the bill could be held so that a new amendment could be prepared by him. The Chair is asking you, as the chairman of the Liquor Control Committee, whether you believe the bill should be passed over or not.

Mr. SALOOM. Mr. Speaker, this bill is a Senate bill. It has been drafted and, of course, it has been considered by the House committee and was not amended in the House committee, at the request of one of the members of the House. It is a piece of legislation that would enhance somehow life in Philadelphia to the residents there, and we would like to pass the bill without amendment so that it may go straight to the Governor.

The SPEAKER. The Chair takes it that the gentleman has refused to hold the bill.

BILL PLACED ON THIRD CONSIDERATION POSTPONED CALENDAR

The SPEAKER. Does the gentleman, Mr. Wilson, insist on his amendment?

Mr. WILSON. Yes, Mr. Speaker. I would move that the bill be put on the third consideration postponed calendar.

The SPEAKER. The motion by Mr. Wilson is that SB 383 be placed on the third consideration postponed calendar.

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

The following roll call was recorded:

YEAS—127

Acosta	Distler	Letterman	Robbins
Afflerbach	Duffy	Livengood	Rudy
Angstadt	Fargo	Lucyk	Ryan
Argall	Fattah	McClatchy	Rybak
Arty	Fischer	McHale	Saurman
Baldwin	Flick	McVerry	Scheetz
Barley	Foster, Jr., A.	Maiale	Schuler
Battisto	Fox	Manderino	Semmel
Birmelin	Freeman	Manmiller	Serafini
Black	Gallen	Markosek	Showers
Book	Gannon	Mayernik	Sirianni
Bowley	Geist	Merry	Smith, B.
Boyes	George	Micozzie	Smith, L. E.
Brandt	Gladeck	Miller	Snyder, D. W.
Bunt	Godshall	Moehlmann	Snyder, G. M.
Burd	Greenwood	Morris	Stairs
Burns	Gruppo	Mowery	Stevens
Bush	Hagarty	Mrkonic	Stuban
Carlson	Haluska	Nahill	Swift
Cessar	Hasay	Noye	Taylor, E. Z.
Chadwick	Hayes	O'Brien	Taylor, J.
Civera	Herman	Perzel	Telek
Clymer	Hershey	Petrone	Trello
Cordisco	Honaman	Phillips	Truman
Cornell	Hutchinson	Piccola	Wambach
Coslett	Jackson	Pitts	Wass
Cowell	Johnson	Pott	Weston
Coy	Kennedy	Pressmann	Wilson
DeVerter	Kenney	Punt	Wogan
Davies	Kosinski	Raymond	Wright, J. L.
Dietz	Langtry	Reber	Wright, R. C.
Dininni	Lashingier	Reinard	

NAYS—63

Barber	Dawida	Laughlin	Roebuck
Belardi	Deal	Lescovitz	Saloom
Belfanti	Dombrowski	Levdansky	Seventy
Blaum	Dorr	Linton	Staback
Bortner	Evans	Lloyd	Steighner
Bowser	Fee	McCall	Stewart
Broujos	Fryer	Mackowski	Taylor, F. E.
Caltagirone	Gallagher	Michlovic	Van Horne
Cappabianca	Gamble	Murphy	Veon
Carn	Gruitza	O'Donnell	Wiggins
Cawley	Harper	Olasz	Wozniak
Clark	Itkin	Petrarca	Wright, D. R.
Colafella	Jarolin	Pievsky	Yandrisevits
Cole	Josephs	Pistella	
Deluca	Kasunic	Preston	Irvis,
DeWeese	Kukovich	Richardson	Speaker
Daley			

NOT VOTING—6

Cohen	Howlett	Rieger	Sweet
Donatucci	Oliver		

EXCUSED—5

Cimini	Freind	Tigue	Vroon
Durham			

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

CONSIDERATION OF HB 784 CONTINUED

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the House of Representatives sent to the Senate HB 784, which took the language that establishes the Regulatory Review Commission and changed the act in a number of ways. The Senate, when they received the bill, struck out all of the House language and replaced the House language with a reenactment of the statute which established IRRC, and once they had done that, they made certain amendments to the original IRRC statute, some of which were contained in the bill that we sent over to them. So when we discuss what the Senate did to the bill, if we are talking about what it did to the original IRRC statute, some of that had gone through the House, but I will try to take you through each of the things that I think need comment that the Senate may have put in the bill, some of which were in the House version of the bill.

First, the Senate took the sunset bill that we sent over to them and reestablished IRRC only through December 31, 1986. Secondly, since there is a hiatus from when IRRC went out of existence until when IRRC will go back into existence if this legislation passes, the Senate made a provision so that the employees of IRRC would have continuous service and not have a loss in either service time or pension rights.

Mr. Speaker, in even-numbered years the legislature goes out of existence at the end of November, and the IRRC statute provided that regulations that might come from a department after we had adjourned or just before we had adjourned for the even-numbered year, we would begin counting the time limitation that our committees would have to work on the legislation or the regulations beginning the first day of January in the next year. To give the General Assembly more time, this bill that is before us now allows until the fourth Monday in January, which will allow our committees to organize in the odd-numbered year prior to having to deal with the regulations and the IRRC statute. Mr. Speaker, that was a provision that was in the bill that we sent over. It is worded almost the same and it perhaps is in a different part of the bill, but that was in what we sent them and it presently is in what the Senate is giving us.

Mr. Speaker, the Senate made another change which gives more time to the committees by allowing the committee's time of review—the 20-day committee time and the 30-day Regulatory Review Committee time—to begin not when the new regulation is received by the committee or by the Legislative Reference Bureau, but the time does not begin to run for either IRRC or for the committee until the Pennsylvania Bulletin actually publishes the new regulation.

Another change made in the bill, Mr. Speaker, is that a quorum of IRRC will consist of four members of that commission. That is a Senate-added amendment.

Mr. Speaker, two other changes were made by way of addition, and each of those was to make sure that the reason or at

least a new reason for the General Assembly committee or for IRRC to reject a regulatory rule or a regulation would be that the regulation does not follow legislative intent or that the regulation does not follow the statutory authority given within the legislation that the Assembly passed.

Two items that we had sent to the Senate were removed and no longer appear in the version that came back to us. We had a provision in the legislation that we sent over for a legislative liaison from IRRC to the Assembly. That has been removed and deleted by the Senate. And there was a provision in the bill that we sent to the Senate which required the standing committee a second review if there were changes made in the regulation from the time the department first made the regulation until the time it was published. The Senate also removed that particular second chance to review by the House committees.

Mr. Speaker, those are the changes that the Senate made. My recommendation is that we concur in the changes made by the Senate. I think that there are some things that we may still want to do insofar as IRRC is concerned that may or may not have appeared in our original version, but I would suggest that we put IRRC back in business and that we, by separate legislation, attempt to rectify anything that is not to our liking within the bill at this time. I ask for a concurrence, Mr. Speaker, in the Senate amendments.

The SPEAKER. Those in favor of concurrence will vote "aye"; those opposed to concurrence will vote "no."

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—192

Acosta	Dietz	Lashingar	Richardson
Afflerbach	Dininni	Laughlin	Rieger
Angstadt	Distler	Lescovitz	Robbins
Argall	Dombrowski	Letterman	Roebuck
Arty	Donatucci	Levdansky	Rudy
Baldwin	Dorr	Linton	Ryan
Barber	Duffy	Livengood	Rybak
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	Manderino	Sirianni
Bortner	Freeman	Manmiller	Smith, B.
Bowley	Fryer	Markosek	Smith, L. E.
Bowser	Gallagher	Mayernik	Snyder, D. W.
Boyes	Gallen	Merry	Snyder, G. M.
Brandt	Gamble	Michlovic	Staback
Bunt	Gannon	Micozzie	Stairs
Burd	Geist	Miller	Steighner
Burns	George	Moehlmann	Stevens
Bush	Gladeck	Morris	Stewart
Caltagirone	Godshall	Mowery	Stuban
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	Trello
Civera	Hasay	Olasz	Truman

Clark	Hayes	Oliver	Van Horne
Clymer	Herman	Perzel	Veon
Cohen	Hershey	Petrarca	Wambach
Colafella	Honaman	Petrone	Wass
Cole	Howlett	Phillips	Weston
Cordisco	Hutchinson	Piccola	Wiggins
Cornell	Itkin	Pievsky	Wilson
Coslett	Jackson	Pistella	Wogan
Cowell	Jarolin	Pitts	Wozniak
Coy	Johnson	Pott	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		

NAYS—3

Broujos	Saloom	Sweet
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NOT VOTING—1

Maiale

EXCUSED—5

Cimini	Freind	Tigue	Vroon
Durham			

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.

CONDOLENCE RESOLUTION ADOPTED

The SPEAKER. The Chair has before it a condolence resolution on the death of a former member. The members will take their seats.

The clerk will read the resolution.

The following resolution was read:

HOUSE OF REPRESENTATIVES
HARRISBURG, PA.
OFFICE OF THE CHIEF CLERK
RESOLUTION

WHEREAS, Mrs. Franklin Markley, Republican state legislator for Lehigh County from 1950 to 1968, passed away at age seventy-nine; and

WHEREAS, Mrs. Markley was the first woman to represent Lehigh County in the state legislature. She served as chairman of the House Standing Committee on Motor Vehicles and Highway Safety in 1963 and 1967 and as chairman of the Joint State Government Commission in 1967. Prior to her tenure as legislator, she was secretary to former House Speaker and Majority Leader, Franklin Lichtenwalter, for seven years; and

WHEREAS, Mrs. Markley received the 1968 "Woman of the Year" award from the Pennsylvania Federation of Business and Professional Women's Clubs and in 1973 she was one of seven outstanding women honored by the Allentown YMCA for distinguished service to the community. She was named a Distinguished Daughter of Pennsylvania by members of the Lehigh Council of Republican Women in 1974. She was a member of the board of directors of Cedar Crest College, which awarded her an honorary Doctor of Laws degree in 1966; a member of the board of directors of Phoebe Home, the Lehigh Valley Guidance Clinic, the American Red Cross, Lehigh County Chapter; Pennsylvania State Board of Public Welfare, Sacred Heart Hospital, and the

American Cancer Society, Lehigh County Unit. In 1972, she was business and industry chairman for the Central Lehigh County Heart Drive. She was also a member of Solomon's United Church of Christ, Macungie; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania notes with sadness the passing of Mrs. Franklin Markley, an outstanding public servant; extends its heartfelt condolences to her sister, Mrs. Beatrice Latshaw, and her brother, Mr. John E. Hall; and be it further

RESOLVED, That a copy of this resolution be delivered to Mrs. Beatrice Latshaw, 7171 Linden Road, A.O. Macungie, Pennsylvania 18062.

We hereby certify that the foregoing is an exact copy of a resolution introduced in the House of Representatives by the Honorable Donald W. Snyder, and unanimously adopted by the House of Representatives on the 3rd day of February 1986.

K. Leroy Irvis,
Speaker

ATTEST:

John J. Zubeck,
Chief Clerk

On the question,
Will the House adopt the resolution?

The SPEAKER. *The members will rise and stand in place.*
(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2061, PN 2927 (Amended)

By Rep. FRYER

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), known as the "Municipality Authorities Act of 1945," further providing for powers and duties of municipality authorities.

LOCAL GOVERNMENT.

BILLS ON CONCURRENCE IN SENATE AMENDMENTS CONTINUED

The clerk of the Senate, being introduced, returned the following **HB 452, PN 2832**, 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 11, 1947 (P. L. 538, No. 246), entitled "The Casualty and Surety Rate Regulatory Act," further providing for ratemaking.

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

MOTION TO SUSPEND RULES

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

Mr. SWEET. Thank you, Mr. Speaker.

Mr. Speaker, I would like to move that the rules of the House be suspended so that I might offer amendment A0531 to HB 452.

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

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

Mr. RYAN. Mr. Speaker, I oppose the suspension of rules. The amendment that the gentleman wishes to add to the bill is an amendment that is similar to a bill that we sent over to the Senate several weeks ago, which they rejected, dealing with the unisex question. We have to address this issue by March 1; it has to be resolved, rather, by March 1. I suggest that today and tomorrow are the last 2 days that this matter can be addressed head on. I see no sense in avoiding the question. We have a bill that has been passed by the Senate that solves the problem, and I suggest that we do not suspend the rules but rather simply concur in the Senate's bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, to do what the minority leader suggests would be to concur with and condone the arrogance of the Senate of Pennsylvania.

Mr. Speaker, we sent them a bill on unisex where it was necessary for us to suspend the rules of the House in order to deal with the issue because what they sent us was a bill that the House had passed dealing with another subject matter into which they put the unisex issue and sent it to us. Mr. Speaker, if they did not agree with what we wanted done in the House of Representatives, they should have nonconcurring so we could go to a conference committee; not face the issue in the manner in which they are again asking us to face the issue, by a concurrence in their amendment.

Mr. Speaker, we ought to do exactly what we did the last time - we ought to amend this bill to put it in conformance with the bill that we sent to the Senate, and which they can again nonconcur in if they would like, so that we can, Mr. Speaker, have the voice of the House of Representatives, as it has already spoken, dealt with at the conference committee table.

Mr. Speaker, I have heard the argument that comes from the Senate that we have not dealt with the issue straight up. That is not correct; we have dealt with the issue. We have amended the Senate versions that have come to us. We have sent our version of the remedy to the issue that is before us to the Senate, and they refuse to run the legislation that we send them and pick another piece of legislation which dealt with a different subject matter and do the same thing to it. They are trying, with their arrogance, to force the House of Representatives to make a decision in a certain manner on the issue that is before us, and I would ask that we suspend the rules and do exactly what we did before.

The SPEAKER. For the information of the members standing up, you may as well be seated. Under a motion to suspend the rules, the Chair can recognize only the leaders for debate. Other than that, it is not debatable.

On debate, the Chair recognizes the minority leader.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I cannot believe that we are going to go back to our various districts and tell the people, yes, we left the question of unisex up in the air; the question of your insurance billing is up in the air; the question of what is going to happen to your insurance over the next year is up in the air, and we did that because that Senate is arrogant; we do not really care about your problems, but we are going to put manners on the Senate. Now, that is the most illogical argument I have ever heard - send another piece of legislation over to the Senate so that it can be rejected by them; let the people wonder what is going to happen; let the insurance industry, which has to send out bills by March 1, not know what to do so they end up billing our people for an amount perhaps far in excess of what they ordinarily would have been billed.

I do not think we should be worrying so much about the so-called arrogance of the Senate, but rather, we should be worrying about our own arrogance if we do that in ignoring the people of our district. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader, on the motion.

Mr. MANDERINO. Mr. Speaker, we are not, by speaking to the issue, we are not leaving it up in the air. Over 2 weeks ago, perhaps longer, we sent to the Senate a solution to the problem. It may have been before Christmas that we sent a solution to the Senate, and we said that we could continue the manner in which we did business in this area for an 18-month period, that a study be done, and a decision will be made at that time. There is nothing wrong. That is a reasonable solution to the problem that is before us. The Senate again, and I will repeat, in their arrogance has chosen to do nothing until now, and when they do choose to do something on the issue again, they pick another bill and send it to us on concurrence hoping to stuff it down our throats.

Mr. Speaker, I ask that we suspend the rules and do again what we did in December of 1985 and send it to them with our proposition being the solution to the problem, and if they do not like our remedy to solve the problem, let us sit down at a conference table so that their views and our views can be merged into a remedy. Mr. Speaker, I ask for a suspension of the rules.

PARLIAMENTARY INQUIRY

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

Mr. RYAN. Mr. Speaker, a question of parliamentary inquiry.

The SPEAKER. The gentleman will state the point.

Mr. RYAN. I believe that to suspend the rules now it would require 101 votes?

The SPEAKER. The count is correct, Mr. Ryan. We are missing two members, so a constitutional majority would be 101.

Mr. RYAN. I would hope that members who are in their offices would come from their offices so that there would be no vacant seats when the vote is cast, and only those in their seats be permitted to be counted.

The SPEAKER. Mr. Ryan, we will run a stopwatch check on the vote. Apparently it is going to be needed, and we will watch for the directions from you and from the majority leader on this vote.

If there are members who are in their offices, they are urged to report promptly on the floor of the House so that they may be recorded on this motion to suspend the rules.

The question is, shall the rules of the House be temporarily suspended so that Mr. Sweet may affix an amendment to HB 452?

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

The following roll call was recorded:

YEAS—88

Afflerbach	Duffy	Linton	Roebuck
Barber	Evans	Livengood	Rudy
Battisto	Fattah	Lloyd	Rybak
Belardi	Fee	McCall	Saloom
Belfanti	Freeman	McHale	Seventy
Blaum	Fryer	Maiale	Showers
Bortner	Gallagher	Manderino	Staback
Broujos	George	Markosek	Stewart
Cappabianca	Gruitza	Mayernik	Sweet
Carn	Haluska	Michlovic	Taylor, F. E.
Cawley	Harper	Mrkonic	Trello
Clark	Howlett	Murphy	Truman
Cohen	Hutchinson	O'Donnell	Van Horne
Colafella	Itkin	Olasz	Veon
Cole	Jarolin	Oliver	Wambach
Cordisco	Josephs	Petrarca	Wiggins
Cowell	Kasunic	Petrone	Wozniak
Deluca	Kosinski	Pievsky	Wright, D. R.
DeWeese	Kukovich	Pistella	Yandrisevits
Daley	Laughlin	Pressmann	
Dawida	Lescovitz	Preston	Irvis,
Deal	Letterman	Richardson	Speaker
Dombrowski	Levdansky		

NAYS—98

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

NOT VOTING—10

Acosta	Caltagirone	Rieger	Taylor, E. Z.
Arty	Donatucci	Stuban	Wright, R. C.
Baldwin	Micozzie		

EXCUSED—5

Cimini	Freind	Tigue	Vroon
Durham			

Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

PARLIAMENTARY INQUIRY

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

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

The SPEAKER. What is the gentleman's point?

Mr. GALLEN. Mr. Speaker, I heard the colloquy between you and Mr. Ryan regarding what now constitutes a constitutional majority, and there seems to be some agreement among you two or between you two, I should say, because you are fond of correcting my grammar.

The SPEAKER. Yes; I noticed that mistake immediately.

Mr. GALLEN. I challenge whether or not 101 is now a constitutional majority. There have been rulings both ways when we have less than a full complement of members in the House, and I would like to know what—

The SPEAKER. The next time that the question of suspending the rules arises, if the gentleman will issue his challenge at that time, the Chair will address that challenge, but that has now passed.

Mr. GALLEN. Mr. Speaker, I understand that, but I am talking about passing a bill with 101 votes at any time. I think it is timely.

The SPEAKER. That was not the question. The question was whether it took 101 or 102 or 103 to suspend the rules. The next time, the next time there is a motion to suspend the rules, if the gentleman will issue his challenge, we will attempt to answer it.

Mr. GALLEN. Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER. State the point, please.

Mr. GALLEN. What now constitutes a constitutional majority?

The SPEAKER. The Chair does not intend to answer a speculative question. Your question is purely speculative. There is nothing on the floor which requires that answer.

Mr. GALLEN. Mr. Speaker, this is a very vital question. It has to do with the passage of any piece of legislation in this House.

The SPEAKER. Mr. Gallen, yield. There is no question now on the floor which requires the Chair to answer that. You are asking a question in the abstract. The next time an issue

arises, if you will ask the question, the Speaker will address an answer to you.

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I would like to call up the bill that we have before us and ask that we nonconcur so we can send that to a conference committee and the views of the House may be brought to the table with the Senate views.

The SPEAKER. On the question, shall the House concur in amendments inserted by the Senate to HB 452, the majority leader suggests that the vote be in the negative.

PARLIAMENTARY INQUIRY

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

Mr. GALLEN. A point of parliamentary inquiry.

The SPEAKER. What is the gentleman's point.

Mr. GALLEN. Mr. Speaker, on this piece of legislation, what is required to concur? How many votes are required to concur on this piece of legislation?

The SPEAKER. 101 votes.

Mr. GALLEN. Thank you, Mr. Speaker.

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

Mr. DAWIDA. Mr. Speaker, on the issue.

Mr. Speaker, when I first got involved in this issue, I agreed initially with the anti-unisex people because it seemed like a logical thing. But as we got into the subject, I became aware that the issue is a lot deeper than I originally thought. The issue in HB 452 is the way the insurance industry sets its rates, and those of you who vote for it are saying you think it is fine the way the insurance industry sets its automobile rates. I submit to you that the people in my district are not at all happy with the way the insurance industry sets its automobile rates in a dozen different ways. That is why I am against concurrence.

I want it on the record that I think the insurance industry really has to be brought to task for how it sets automobile rates, and we should be against this bill.

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

Mr. MURPHY. Thanks, Mr. Speaker.

Mr. Speaker, I rise to oppose concurrence in the Senate amendments for four reasons. I first ask that everybody look closely at HB 452 and the language in the bill, because the language does not only deal with automobile insurance. Section (E) deals with automobile insurance; section (D) deals with every type of insurance - health insurance, disability insurance, life insurance. It talks about "No rate shall be held to be unfairly discriminatory."

If the insurance industry can prove statistically that those rates can be shown to be not discriminatory, well, tell me, folks, these are the same people who brought you no-fault

insurance because they could prove statistically certain things, that the rates would go down and coverage would be better if they could cut our people's insurance premiums. Of course they could prove whatever they want statistically.

I am suggesting that what you are doing with this piece of legislation is opening up the ability of the insurance industry to ignore completely every ability we have put in to stop discrimination, be it on race, ethnic origin, gender, or religion, because that language is in section (E) but it is not in section (D).

Let me just point out to you that in the 1970's and the 1960's, the insurance industry in fact did use race in some types of insurance to set ratemaking. But in the 1970's, after using that for 100 years, they suddenly said, oh, no, race is now a circuit for other socioeconomic factors and we should not use that anymore. After scientifically proven with their actuary tables for 100 years that it was okay to use, they decided not to use it anymore because they felt that it was not acceptable socially to use that. Well, all we are suggesting is that in 1986 gender should not be used either.

There are four reasons I think you have to look at closely to determine whether you want to support this type of legislation. One is the question of validity. How valid are the insurance industry rates? I want to suggest to you that as the old adage, garbage in, garbage out, why, if gender is such an important factor, males and females pay essentially the same kind of rates when they are over 25 years old, the same kind of rates, and the males have 40 percent more accidents than females? If that is true, why are women's rates who are over 25 years old not 40 percent lower? Because cause is not to the insurance industry's interest; it has nothing to do with the male or the female. Rates, as they do them right now, are not valid.

A second area that I think you have to look at very closely is the a question of constitutionality. In the cases that have brought this issue to us, in any case dealing with the use of sex as a classification in determining either insurance or other factors, it has been clearly held by the Supreme Court that gender can no longer be used because of our ERA (equal rights amendment) in 1971, can no longer be used as a basis to discriminate. The justices in this case that has brought this issue before us clearly refer to the ERA on constitutional grounds as a reason why we should not deal with this issue and why the insurance industry should not be able to use sex discrimination.

The third area is the question of credibility. The insurance industry has focused on and has forced you to focus on one part of this issue - the young female drivers whose rates will go up. I want to suggest to you and ask you to take a look at what happens now with females with health insurance. Do you realize that females pay 50 percent more for health insurance now than males do or for disability insurance? Females pay 50 percent more for disability insurance now than males do for the same type of employment, for performing the same type of work. They pay 50 percent more because the insurance industry says that females use the system more. They say that

females are less healthy than males and have a greater likelihood of having accidents on the job than males by their statistics. All of us know that smoking, the use of alcohol, and a lot of other factors have a more important impact on health than your gender, and yet you are going to be putting in law the fact that gender is an important aspect, is a critical aspect to that whole question of whether health insurance or disability insurance should be determined separately or jointly on unisex.

The fourth issue is the question of fairness. Very simply, it is not fair to distinguish between males and females like that in this day and age. When you look at the number of new companies starting in Pennsylvania and nationally, the highest number of new companies are headed by females, and yet when they go out into the market to buy insurance, they are immediately penalized. They are penalized because they have to pay 50 percent more for health insurance for the same coverage that they need from a male. That is not fair. That is not fair for those women; it is not fair for our society in general. So please understand that this issue does not deal with simply young women under 25 years old; it deals with the issue of how equal are women in the marketplace, in the economic mainstream of our society today.

When you vote for this to concur with this, you are saying that women should be paying more for health insurance, should be paying more for disability insurance, should be paying more or less for automobile insurance, and should be paying more for life insurance. I am saying that in 1986 you do not want to say that, because more than 51 percent of your constituents are women and it is an outrage that you would tell them that they are less healthy, that they have more accidents, that they are subsidizing men in the health insurance business, and that is what you are telling them. That is outrageous in 1986. Maybe you could have gotten away with that in 1886, but in 1986 it is simply no longer acceptable. Thank you.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

While listening to the remarks of Mr. Murphy, I thought for a moment that we had been hit with another blizzard right here in the House of Representatives. I have never heard so much smoke in a debate as I heard from the previous speaker. This bill has absolutely nothing to do with health insurance; it has nothing to do with disability insurance; it deals only with automobile insurance. Those issues are pure smoke and nothing else. In case you have a question on that, I direct you to page 15 of the bill which specifically spells out that this bill applies to automobile insurance and nothing else, Mr. Speaker.

Now, why should we concur in these Senate amendments? Mr. Ryan made the argument earlier as to why we should not suspend the rules, and we have successfully done that. If we do not pass this bill and concur in the amendments inserted by the Senate, 600,000 or more young women drivers in this State—who, incidentally, Mr. Speaker, statistically and actu-

entially are safer drivers than young men; it is a statistical and actuarial fact that they are safer drivers—those 600,000 young women, according to the testimony of the Insurance Commissioner and all of the experts in this field, will have a rate increase on March 1 of at least averaging 33 percent in their automobile insurance premiums, and that will be greater for some young women in some parts of this State; 85,000 to 90,000 of these women will receive increases of 50 percent or more on automobile insurance. Now, if you want to see that occur for your constituents and my constituents, then you do what Mr. Manderino has suggested and you vote “no,” but I do not want to see that, Mr. Speaker.

Mr. Murphy raises the issue of fairness, and, you know, I agree with him on that. It is an issue of fairness. The question is, are we going to be fair to the consumers of insurance in this State and make them pay according to the statistical records which they deserve to pay, or are we going to cloud this issue, as Mr. Murphy would have us do, and spread the costs around on people who are safe drivers to pay for those who are not safe drivers? Mr. Speaker, this is an issue of fairness, but the issue is, are we going to prevent those unjustifiable rate increases and vote to concur? I suggest that we do vote to concur. Thank you, Mr. Speaker.

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

Mr. FATTAH. Mr. Speaker, I ask for a nonconurrence on HB 452. The insurance industry, as reported in the Philadelphia Inquirer, has made a great deal of profit in the latter couple of years. In the rates for our constituents, it went up. We have from time to time attempted to deal with this issue as it relates to auto insurance and we have been unsuccessful. I would like to see us nonconcur. I would like us to approach the issue of auto insurance in a comprehensive way so we can begin to address the legitimate concerns of those people who elected us.

So I would just like to join with the other members and ask for nonconurrence. Thank you.

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

Mr. FOSTER. Thank you, Mr. Speaker.

This particular legislation has brought more constituent letters and phone calls than any I have encountered in the past two sessions and almost unanimously in favor of gender-based insurance.

For those very few people, those couple of people in my district who were in favor of unisex, I asked them the simple question, when do you feel most apprehensive - when your daughter takes the car out or when your son takes it out? If they could give an honest answer at all, they had to agree that they felt safer when their daughter took the car on the road. Statistics prove this; insurance companies have based rates on those statistics.

For those who adhere to Mr. Murphy's type of argument on equality, I can only give the reply that one of my York County women gave to that. Yes, they are going to give us equality even if it hurts us.

Unisex insurance does hurt women, and I strongly urge concurrence today.

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

Mr. GALLEN. Mr. Speaker, the unisex rates which would or can take effect on March 1 I think would be a travesty. We have talked about what would happen to young women drivers if indeed the unisex rates do take effect, but, Mr. Speaker, what will happen to young men is worse. Young men will pay higher rates if we enact this legislation, but they will be able to buy insurance.

If the proper rate for a young male driver, for example, is \$500 under the current system and, because we balance these rates or equalize them, the young man will now pay \$350 for a risk that is worth \$500, no insurance company is going to write him. It is going to dry up the market for young male drivers in the absence of the passage of this legislation.

I urge concurrence.

The SPEAKER. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, I concur wholeheartedly with my colleague, Representative Piccola, in his remarks from the beginning word to the ending. And just to reassure the members, I have here in front of me a copy of the Casualty and Surety Rate Regulatory Act, and the exclusions, which are found in section 2 (40 P.S. § 1182) under “Scope of Act,” go on to relate those things that are excluded. Among them are reinsurance, accident and health insurance, insurance against loss or damage to aircraft, workmen's compensation insurance, et cetera.

So there is no way that I would have the members here today believe that this bill contains any gender-based rating other than what we are addressing, and that is the auto issue.

I would ask the members to concur in HB 452. Thank you, Mr. Speaker.

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I am not surprised that Mr. Foster has indicated that he received a lot of mail about this issue; so have I and so have you. We have received mail from something called the Women's Forum. If you take a close look at the mail that you have received, it is all very similar; it is the same format. We inquired about that of the insurance industry and found out that they had put \$126,000 into Pennsylvania's campaign. The insurance industry put that money into the Women's Forum to get you to pass this bill. It is not surprising to me that you should get a lot of mail because of it. It has been orchestrated, and the worst part about that orchestration is that the people who are paying the insurance premiums are paying that \$126,000 for that campaign to continue to line the pockets of the insurance industry. That is an abomination. We do not allow the utilities to do that; the PUC (Public Utility Commission) prohibits that kind of lobbying activity directly out of operating funds. We do not have any such protections in the insurance industry.

I think that there is a lot of concern expressed about the rise of young women's rates if this legislation is not passed by March 1. The amendment that we sent to the Senate and attempted this afternoon to try to apply to this particular bill would have set the framework to do something about that on a reasonable basis, not on a basis of gender. Whatever formula the insurance industry comes up with, it ought to be a formula that makes some sense, that has some applicability to why accidents occur. What we have found in the Insurance Committee is that there is a very high correlation between the number of miles driven and the number of accidents that a person has. If a young woman or a young man drives a lot, he or she is more likely to have an accident. That is the simple fact. It is not because it is a man or a woman; it is because of the number of miles driven and the statistical likelihood that somewhere along the line that person has an accident. That ought to be the basis on which we set insurance premiums, but what we are doing here today is we are abrogating any kind of responsibility from the insurance companies to go and do that - to do the work; to set up their computers; to set up such a fair and honest system.

This morning Representative Murphy and Representative Josephs and I held a press conference and we were joined at that press conference by a number of people from the League of Women Voters, the representatives of the National Organization for Women. We were also joined on that rostrum by a representative of the American Association of Retired Persons. They, too, understand that they are getting gypped by insurance rates. They get the short end of the stick on this because they do not drive a lot of miles, yet their insurance rates are based on gender - whether they are a man or a woman - not on the number of miles driven. So every elderly person in the State who drives a minimal amount is getting shortchanged by the insurance industry, and our decision today also affects that kind of situation.

For all of these reasons, I suggest to all of my colleagues that we nonconcur in this bill, send a message back to the Senate, and get the 18-month study that we need to really set the system in a better formula. Thank you, Mr. Speaker.

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

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, I am sure that every member of the General Assembly wishes to do what is best for not just their constituents but also for all the drivers of Pennsylvania when considering the issue of unisex rates. If that is the case, I would like to read before you a statement given to the House Insurance Committee on December 2, 1985, by Acting Insurance Commissioner Grode, and I quote: "As of this time, the Insurance Department has not identified any major replacement factors which it is prepared to advocate on the basis of actuarial soundness." That quote was in reference to a question on whether or not there is another factor that can replace gender when considering automobile insurance rating. Again, that is the statement of the Insurance Commissioner of the State.

If you believe the department, if you believe in actuarial soundness of rates, you have to then support concurrence. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I rise to ask for a vote of nonconurrence. I would like to talk a little bit about the constituent mail which several speakers before me have mentioned.

I, like many other of the people here, received mechanically reproduced letters from constituents, one of which came from a woman whom I know very well and who is a member of a number of the organizations that Representative Michlovic just mentioned. She works with the League of Women Voters, which opposes this legislation; she is active in the Philadelphia Women's Law Project, which opposes this legislation; and she works with elderly groups, which also oppose this legislation. I called this particular individual and asked her how it happened that she was advocating for sex-based discrimination in insurance when I knew that her sentiments were on the other side. She said she recalled signing a form letter and sending it to me, and she asked me to send her a copy of it, which I did. She then wrote me another letter in handwriting apologizing for having been misled by the letterhead that she got in the mail which she mistakenly took for being that of one of the women's organizations with which she works. This woman is not an unsophisticated woman; she is not a stupid woman; she is not a careless woman. She is a person who was misled by highly sophisticated, well-funded tactics, and I would suggest that many of you received letters from people who had no knowledge of this issue, who even perhaps felt on the other side of this issue but were overwhelmed by the sophistication of the lobbying efforts which our industry, our Pennsylvania insurance industry, is using against its ratepayers and our constituents and spending our constituents' money and the ratepayers' money in order to wage that publicity campaign.

I would also like to mention to you that I answered every single one of those letters and laid out my reasons for opposing sex-based discrimination in insurance, and I have not gotten one response back from any of those, mostly women, who wrote. Apparently once someone explains it to them in terms which are simple, constituents can understand very well what is going on.

I am very happy to offer my letter as an example for anybody here who has a number of those. It seems to be successful, and I would be happy to share it with anybody who would like it.

I would like to say one thing about youthful drivers as well. While it is true, Mr. Speaker, that bringing in sex-neutral rates will undoubtedly raise the rates of some female youthful drivers, it is very interesting to note the answer to a question which I asked at two different hearings of insurance industry representatives. That question was, all other things being equal - driving records, where the car is garaged, what make of car, and so on - all other things being equal, would the rates

for a youthful female driver be higher than the rates of an adult male driver, and the answer to that question was yes.

It is also interesting to note that about 20 percent of insurance business is written for the youthful driver where a female gets a break. Eighty percent is written for adult and older adult drivers where females and older people of both sexes are subsidizing the male driver.

I want to make that clear on the record. A "yes" vote means that more than 51 percent of your constituents - adults and older Americans, older Pennsylvanians - are subsidizing the insurance premiums of a small number of adult male drivers. Over 51 percent of our voters are subsidizing a much smaller number.

I hope that the members of the House will remember that when they cast their votes, and I hope they will also remember that the insurance industry threatened us with a January 1 deadline, which is now long past, and the State has not exploded nor has the insurance industry, so I hope they will not take seriously this March 1 deadline either.

Please vote "no" on this bill. I thank you, Mr. Speaker.

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

Mr. AFFLERBACH. Thank you, Mr. Speaker.

As I review the amendments the Senate has made to HB 452, I am not at all surprised, and were I a suspicious person, I would suggest that knowing who presently represents the insurance industry and who presently controls the Senate in fact left no doubt as to the legislation we would receive from the Senate in this matter. I do not particularly find that offensive, but I do find it offensive that the Senate has not only given to the insurance industry what it has sought in terms of the present ratemaking status; it has also acceded to the industry by slamming shut the door on any possible serious investigation of the ratemaking process.

As the majority leader indicated, in December this body voted to maintain the present ratemaking process for an additional 18 months, and the only thing we asked in return was that the Joint State Government Commission be authorized to perform an indepth, expert study of the ratemaking process and to provide this chamber with recommendations. The insurance industry wishes to keep the door of secrecy closed on that process, and frankly, from what I have seen in the Insurance Committee hearings, I can understand why they want to do that. The fact that the Senate has agreed to slam shut that door of secrecy I find to be an abomination. I find it to be equally abominable that members of this House would so readily slam shut that door of secrecy and prohibit us from doing an indepth study of that ratemaking process.

I think the majority leader has urged the correct urging - a "no" vote on concurrence so that this bill may go to a conference committee and may be reported back to this floor with a conference report prior to the March 1 deadline so that we will all have time to act and hopefully be able to spring open that door of secrecy and let the public understand how insurance companies are setting these rates. Again, I ask for a "no" vote on the motion to concur.

The SPEAKER. On the question, the Chair recognizes the gentleman from Montgomery, Mr. Godshall.

Mr. GODSHALL. I would like to clear the record a little bit as far as secrecy. I think we had five or six hearings across the State on this issue alone, and to me this issue is very simple. I received over 100 letters in my district in favor of gender-based insurance. Each of us in our districts have approximately 3,000 young women who will be affected by this issue. Their rates, if we do not act, will increase from one-third to 50 percent. Three thousand people in our districts, approximately, will be affected in each district. It is a very simple issue. I am going to vote to concur.

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

Mr. RYBAK. Mr. Speaker, it is time to call a spade a spade. It is high time that we remove the rhetoric and talk about the record and the facts and the real issue that is presented to us at this time.

That record will show that our committee was delegated the authority to investigate in depth the unisex issue, where the Supreme Court said that you cannot discriminate. Our committee worked long and hard and went from the east to the west in this Commonwealth, and there is no question, the record will show, that there is a very high controversial division on this issue, and this is the reason that that committee has taken a cautious approach.

You will recall from the record that this House—this House—took it upon itself to circumvent that work of the committee and, through the amendatory process on December 11, muddied the water. Out of all of that there arose a compromise, a compromise which said, let us continue unisex; let us continue it for 18 months down the road, and let us get an independent Joint State Government Commission to look at this and come up with an appropriate solution. That is what 199 members in this House said in that legislation and sent over to the other chamber. That chamber saw fit to completely ignore that record, to completely ignore the thinking of 199 members in this House, and gutted another bill and said in a dictatorial fashion, you over in the House, we do not care what you say; we do not care what the facts are; take it or leave it.

Now, regardless of what we think about the merits of this case, the gist is, are we going to tolerate that type of maneuver by the Senate? I submit that it is wrong; that it is improper; that it breaks down the committee system; that it is a maneuver that could really do harm to the legislative process in this Commonwealth.

This issue, as I said, is the height of controversy, and it is an important issue. The Senate has an opportunity either through the House bill that is over there to accept the compromise or to nonconcur in this motion, which I think is a proper way to go, so that men of good will can get together with cool heads and try to work out this important problem.

At this time the merits of that bill are not an issue. The issue is, are we going to tolerate this type of dictatorial aggression on the good-thinking men of this General Assembly, and you

can answer that by supporting the motion of nonconcurrency. Thank you very much.

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, first I think we should clarify what the Supreme Court said when it dealt with this issue. There has been some indication that the Supreme Court dealt with equal rights as set out in the Constitution of Pennsylvania and discrimination on the basis of sex and things like that, and that was not the case. When the Supreme Court decided the case that led us to where we are today, it simply said that the Insurance Commissioner had the right to establish the regulation that he did. The Supreme Court did not pass on any sex discrimination in insurance rating. It did not consider that question at all. It simply considered the question of the power of the Insurance Commissioner and it said that he had the power to establish the regulation that he did, and that brings us here today, Mr. Speaker.

We have heard a lot of members talk about fairness and the committee system and discrimination in insurance, and we talk about who gets affected by the regulations as they are now in place. It is not just young women who are affected by this or young men; it is every family who has a young driver. Insurance rating is fairly complex, but basically, if there is a young driver in that household, if it is a young man or a young woman, unless we act on this legislation today and get it to the Governor, we are going to find that those households that have young women as drivers, their rates for their family insurance are going to go up for their automobiles, and if they happen to have a young man as a driver or if it is a family with a young man, their rates are even going to go up higher. So in our districts and throughout the Commonwealth the insurance rates for families are going to increase because of young drivers living in the household.

Mr. Speaker, as I said before, it is a fairly complex issue but I think it can be simplified into a bottom line, and the bottom line is the bottom line, and put quite simply, if we do not get this legislation passed in the House today, insurance rates for young women are going to go up and there are going to be a lot of questions asked of the members of this General Assembly when that happens, and it probably will not happen for several months when the insurance companies send out their bills.

So that is the issue we will be confronted with. Because of our failure to act, rates that are already going up will be increased dramatically, particularly for young women drivers. Thank you, Mr. Speaker.

WELCOME

The SPEAKER. The Chair welcomes to the hall of the House, as the guest of Representative Richardson, Mr. Norman Matlock. Welcome to the hall of the House, sir.

CONSIDERATION OF HB 452 CONTINUED CONSTITUTIONAL POINT OF ORDER

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

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I think it is apparent that the insurance industry is using the scare tactic of rate increases for females to try and bring about the passage of HB 452. But notwithstanding the Supreme Court decision recently, I would also like to add for the record that groups such as the League of Women Voters in Pennsylvania and the Pennsylvania YWCA have long since felt that gender-based insurance is not constitutional. I therefore pose the question, Mr. Speaker, of the constitutionality of the amendments inserted into HB 452.

The SPEAKER. Under rule 4, "The Speaker shall decide all questions of order subject to an appeal by two members. The Speaker may, in the first instance, submit the question to the House. Questions involving the constitutionality of any matters shall be decided by the House."

Those who believe the amendment inserted by the Senate—
Mr. GALLEN. Mr. Speaker?

PARLIAMENTARY INQUIRY

The SPEAKER. What is the purpose of the gentleman from Berks, Mr. Gallen?

Mr. GALLEN. Point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state the point.

Mr. GALLEN. The gentleman, Mr. Belfanti, seemed to say that he was questioning the constitutionality of the amendments inserted by the Senate in this bill.

The SPEAKER. Those are the only things which we can discuss, because only the amendments are on the floor of the House. Our question—and I know you may have lost it after all the debate—but the question before the House is, shall we agree to the amendments inserted by the Senate? That is the only question, not whether or not we approve of the whole bill.

Mr. Belfanti says, in his opinion the amendments which are being run on the floor are unconstitutional, and that question has to be answered by a vote on the floor. That is how we got there.

Mr. GALLEN. But the only thing that is in this bill is the amendments that were inserted by the Senate.

The SPEAKER. And that is what Mr. Belfanti questions the constitutionality of.

It is his right to question it; it is the floor's right to decide it, and it is decided on a simple vote, a simple majority.

Those who believe the amendments inserted by the Senate to be constitutional will vote "yes"; those who believe them to be unconstitutional will vote "no."

On the question,

Will the House sustain the constitutionality of the Senate amendments?

The following roll call was recorded:

YEAS—137

Angstadt	Dorr	Lashinger	Ryan
Argall	Duffy	Laughlin	Saloom
Arty	Fargo	Lescovitz	Saurman
Barley	Fischer	Livengood	Scheetz
Battisto	Flick	Lloyd	Schuler
Birmelin	Foster, Jr., A.	Lucy	Semmel
Black	Fox	McCall	Serafini
Blaum	Fryer	McClatchy	Seventy
Book	Gallagher	McVerry	Sirianni
Bowser	Gallen	Mackowski	Smith, B.
Boyes	Gamble	Maiale	Smith, L. E.
Brandt	Gannon	Manmiller	Snyder, D. W.
Bunt	Geist	Mayernik	Snyder, G. M.
Burd	George	Merry	Staback
Burns	Gladeck	Micozzie	Stairs
Bush	Godshall	Miller	Steighner
Cappabianca	Greenwood	Moehlmann	Stevens
Carlson	Gruitza	Morris	Swift
Cawley	Gruppo	Mowery	Taylor, E. Z.
Cessar	Hagarty	Mrkonic	Taylor, F. E.
Chadwick	Haluska	Nahill	Taylor, J.
Civera	Hasay	Noye	Telek
Clark	Hayes	O'Brien	Trello
Clymer	Herman	Olasz	Van Horne
Colafella	Hershey	Perzel	Veon
Cordisco	Honaman	Petrone	Wambach
Cornell	Hutchinson	Phillips	Wass
Coslett	Jackson	Piccola	Weston
Coy	Jarolin	Pitts	Wilson
DeVerter	Johnson	Pott	Wogan
Daley	Kasunic	Punt	Wozniak
Davies	Kennedy	Raymond	Wright, J. L.
Dietz	Kenney	Reber	Wright, R. C.
Dininni	Langtry	Reinard	Yandrisevits
Distler			

NAYS—51

Afflerbach	Deal	Levdansky	Richardson
Barber	Dombrowski	Linton	Rieger
Belardi	Donatucci	McHale	Roebuck
Belfanti	Evans	Manderino	Rudy
Bortner	Fattah	Markosek	Rybak
Bowley	Fee	Michlovic	Showers
Broujos	Freeman	Murphy	Stewart
Carn	Harper	Oliver	Sweet
Cohen	Itkin	Petrarca	Wiggins
Cole	Josephs	Pievsky	Wright, D. R.
Cowell	Kosinski	Pistella	
Deluca	Kukovich	Pressmann	Irvis,
DeWeese	Letterman	Preston	Speaker
Dawida			

NOT VOTING—8

Acosta	Caltagirone	O'Donnell	Stuban
Baldwin	Howlett	Robbins	Truman

EXCUSED—5

Cimini	Freind	Tigue	Vroon
Durham			

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the Senate amendments was sustained.

On the question recurring,

Will the House concur in Senate amendments?

The SPEAKER. Those who believe the House should agree with the amendments inserted by the Senate will vote "yes"; those who disagree will vote "no."

The majority leader suggested the vote be in the negative; the minority leader suggested the vote be in the affirmative.

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—147

Angstadt	Dietz	Kenney	Robbins
Argall	Dininni	Kosinski	Ryan
Arty	Distler	Langtry	Saloom
Baldwin	Dombrowski	Laughlin	Saurman
Barley	Dorr	Lescovitz	Scheetz
Belfanti	Duffy	Levdansky	Schuler
Birmelin	Fargo	Livengood	Semmel
Black	Fee	Lloyd	Serafini
Blaum	Fischer	Lucy	Seventy
Book	Flick	McCall	Showers
Bowser	Foster, Jr., A.	McClatchy	Sirianni
Boyes	Fox	Mackowski	Smith, B.
Brandt	Fryer	Maiale	Smith, L. E.
Broujos	Gallagher	Manmiller	Snyder, D. W.
Bunt	Gallen	Markosek	Snyder, G. M.
Burd	Gamble	Mayernik	Staback
Burns	Gannon	Merry	Stairs
Bush	Geist	Micozzie	Steighner
Caltagirone	George	Miller	Stevens
Cappabianca	Godshall	Moehlmann	Stuban
Carlson	Greenwood	Morris	Swift
Cawley	Gruitza	Mowery	Taylor, E. Z.
Cessar	Gruppo	Mrkonic	Taylor, F. E.
Chadwick	Hagarty	Nahill	Taylor, J.
Civera	Haluska	Noye	Telek
Clark	Hasay	O'Brien	Trello
Clymer	Hayes	Olasz	Van Horne
Colafella	Herman	Perzel	Veon
Cole	Hershey	Petrone	Wambach
Cordisco	Honaman	Phillips	Wass
Cornell	Howlett	Piccola	Weston
Coslett	Hutchinson	Pistella	Wilson
Coy	Jackson	Pitts	Wogan
Deluca	Jarolin	Punt	Wright, J. L.
DeVerter	Johnson	Raymond	Wright, R. C.
Daley	Kasunic	Reber	Yandrisevits
Davies	Kennedy	Reinard	

NAYS—47

Afflerbach	Evans	McVerry	Rieger
Barber	Fattah	Manderino	Roebuck
Battisto	Freeman	Michlovic	Rudy
Belardi	Gladeck	Murphy	Rybak
Bortner	Harper	O'Donnell	Stewart
Bowley	Itkin	Oliver	Sweet
Carn	Josephs	Petrarca	Wiggins
Cohen	Kukovich	Pievsky	Wozniak
Cowell	Lashinger	Pott	Wright, D. R.
DeWeese	Letterman	Pressmann	
Dawida	Linton	Preston	Irvis,
Deal	McHale	Richardson	Speaker
Donatucci			

NOT VOTING—2

Acosta	Truman
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EXCUSED—5

Cimini	Freind	Tigue	Vroon
Durham			

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 SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, we will send the bill just debated to the Governor. There is some question of whether or not the Governor will sign that legislation or whether he will veto it. Those of you who have preached the doom of what is going to happen if we did not pass that today, will you speak to your Governor?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Okay.

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. PIEVSKY presented the Report of the Committee of Conference on **SB 655, PN 1850**.

MR. FRYER REQUESTED TO PRESIDE

The SPEAKER. The Chair is requesting that his good friend, the gentleman from Berks, Mr. Fryer, preside for tomorrow's session. The Speaker must shuttle back and forth between Pittsburgh and Philadelphia and then back to Pittsburgh all tomorrow.

REMARKS ON VOTES

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

Mr. MARKOSEK. Mr. Speaker, I would like to make a correction of the record, please.

The SPEAKER. The gentleman will state the correction.

Mr. MARKOSEK. On the constitutionality vote of **HB 452**, I would like to be recorded in the affirmative. Thank you.

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

Why does the gentleman from Philadelphia, Mr. Oliver, rise?

Mr. OLIVER. Mr. Speaker, had I been in my seat on the Lashinger amendment **A213 to SB 724**, I would have voted in the affirmative.

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

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 Washington, Mr. Daley.

Mr. DALEY. Mr. Speaker, I move that this House do now adjourn until Wednesday, February 12, 1986, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:42 p.m., e.s.t., the House adjourned.