

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, MARCH 10, 1986

SESSION OF 1986

170TH OF THE GENERAL ASSEMBLY

No. 16

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

REV. DR. DAVID R. HOOVER, chaplain of the House of Representatives, from McConnellsburg, Pennsylvania, offered the following prayer:

O Lord, our Lord, Thy praise is from everlasting to everlasting, and Thy glory extends to the end of the universe. As the recipients of Thy grace and the benefactors of Thy love, we reach out to Thee in all of Thy magnificence in this afternoon hour. We humbly pray that in this season of penitence we may confess our mistakes and receive Thy forgiveness; we may turn to Thy will and way and graciously walk therein; and we may rejoice in the benediction of Thy blessed peace, through Thine almighty and eternal guidance, forever and ever, world without end. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNALS APPROVED

The SPEAKER. The Chair is informed that the Journals for Tuesday, November 26; Wednesday, November 27; Tuesday, December 3; and Wednesday, December 4, 1985, are all now in print. Unless the Chair hears objection, the Journals will remain as read with no corrections, and the Chair does not hear any objection.

JOURNAL APPROVAL POSTPONED

The SPEAKER. The Journal for Wednesday, February 19, 1986, is not yet in print, and the approval of that Journal will be postponed, without objection, until the Journal is in print. The Chair does not hear objection.

COMMUNICATION

The SPEAKER. The Chair would like to read into the record the following letter to Irvin G. Zimmerman, chairman of the Independent Regulatory Review Commission:

Dear Chairman Zimmerman,

This letter is to advise that, pursuant to the provisions of Act 16 of 1986, we have designated the same committees as were formerly assigned to the various agencies under the previous Act. We will not be notifying the various agencies and committees again of this assignment, but you should feel free to include this information in any correspondence you may send to the agencies and committees.

Should you have any questions, please contact my office.

Sincerely,

K. Leroy Irvis

SUNSET REVIEW RESOLUTIONS SUBMITTED

The SPEAKER. Pursuant to Sunset Leadership Committee Resolutions adopted February 25, 1985, and August 19, 1985 [see below], the following agencies have had their termination dates extended under the Sunset Act until April 30, 1986:

Pennsylvania Commission on Crime and Delinquency
State Soil Conservation Commission
State Transportation Commission
State Board of Public Welfare
Commission on Charitable Organizations
State Horse Racing Commission
State Harness Racing Commission
Pennsylvania Commission on Sentencing
Pennsylvania Crime Commission

The aforementioned Leadership Committee Resolutions also require that unless legislation is enacted prior to March 1, 1986, regarding the aforementioned agencies, the presiding officer of each House shall cause resolutions to be placed on their respective calendars.

Therefore, the Speaker notes that resolutions for the aforementioned agencies will appear on tomorrow's calendar.

(Copies of resolutions are on file with the Chief Clerk.)

SUNSET LEADERSHIP COMMITTEE RESOLUTION

Whereas, on October 2, 1984, the Sunset Leadership Committee approved the postponement of the performance audit by the Legislative Budget and Finance Committee until June 26, 1985, for several agencies.

Whereas, the Sunset Leadership Committee is authorized by Section 4(4) of Act 142 of 1981 to postpone the review and termination of any agency for a period not to exceed one year;

Therefore be it resolved that on or before January 1, 1986, the standing committees designated to review and evaluate the Penn-

sylvania Commission on Crime and Delinquency, the State Soil Conservation Commission, the State Transportation Commission, the State Board of Public Welfare and the Commission on Charitable Organizations shall make a report to the General Assembly; and

Therefore be it resolved that unless legislation is enacted prior to March 1, 1986, regarding the aforementioned agencies, the presiding officer of each House shall cause resolutions to be placed on their respective calendars; and

Therefore be it resolved the termination date for the aforementioned agencies shall be extended until April 30, 1986.

2/25/85

Robert C. Jubelirer	K. Leroy Irvis, Chairman
John Stauffer	James J. Manderino
Robert J. Mellow	Matthew J. Ryan

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Whereas, the Sunset Leadership Committee is authorized by Section 4(4) of Act 142 of 1981 to postpone the review and termination of any agency for a period not to exceed one year;

Therefore, be it resolved that on or before January 1, 1986, the standing committees designated to review and evaluate the State Horse Racing Commission, State Harness Racing Commission, Pennsylvania Commission on Sentencing, and Pennsylvania Crime Commission, shall make a report to the General Assembly; and

Therefore be it resolved that unless legislation is enacted prior to March 1, 1986, regarding the aforementioned agencies, the presiding officer of each House shall cause resolutions to be placed on their respective calendars; and

Therefore, be it resolved that the termination date for the aforementioned agencies shall be extended until April 30, 1986.

8/19/85

Robert C. Jubelirer	K. Leroy Irvis, Chairman
John Stauffer	James J. Manderino
Robert J. Mellow	Matthew J. Ryan

LEAVES OF ABSENCE

The SPEAKER. The Chair now turns to leaves of absence.

The Chair recognizes the gentleman from Philadelphia, Mr. PIEVSKY. Do you have any leaves for the Democrats?

Mr. PIEVSKY. Yes, Mr. Speaker. Thank you.

We ask leave of absence for the gentleman from Union, Mr. SHOWERS, for today, and the gentleman from Bucks, Mr. CORDISCO, for today.

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

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the lady from Chester, Mrs. TAYLOR, for the week; the gentleman from Bedford, Mr. DIETZ, for the week; and the gentleman from Luzerne, Mr. STEVENS, for the day.

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

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—196

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Cordisco	Showers	Stevens	Taylor, E. Z.
Dietz			

COMMUNICATIONS FROM GOVERNOR

BILLS SIGNED BY GOVERNOR

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

APPROVAL OF HBs Nos. 784, 1000, 1345 and 1402.

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

February 19, 1986

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

I have the honor to inform you that I have this day approved and signed House Bill 1000, Printer's No. 2932. This legislation amends the Election Code to eliminate cross-filing by statewide judicial candidates, clarify existing provisions on the creation of new election districts, ballot questions and revise rules for the nomination of certain candidates.

This is the third bill affecting the subject of cross-filing which the General Assembly has passed by overwhelming margins during my current term as governor.

I vetoed both previous bills because they eliminated cross-filing for school directors, local judges and district justices and because they would have allowed political activity by district justices, raising serious constitutional concerns by overriding court rules limiting political activity by judicial officers. I believe cross-filing for these offices has been somewhat successful in providing for non-partisanship and I am pleased that those provisions which I opposed have been removed from this legislation.

The two previous bills which I vetoed also provided, as this legislation does, for the elimination of cross-filing for statewide judicial candidates. I stated in my messages on these bills, and continue to strongly believe, that the preferred way to select all judges and justices is through the merit selection process utilized by the overwhelming majority of states today.

I have advocated this kind of constitutional reform for over 20 years as I believe it would encourage the best-qualified candidates to seek positions on our appellate courts. The enormous costs and rigors of sustaining a statewide election campaign have deterred many of our most capable attorneys and lower court judges from seeking appellate judgeships. The process of gaining political endorsements and raising campaign funds can endanger judicial independence and impartiality and adversely affect public confidence in the judiciary. The current system also poses increased difficulties for minorities, women and those from rural areas who seek statewide seats.

However, as I also explained in my previous messages, I recognize that cross-filing has not worked as effectively for statewide judicial candidates as it has for local offices. Unlike candidates for county and local offices, those seeking statewide office are generally not as well-known to the electorate. Factors such as name recognition, ballot position, regionalism and funds available for campaign advertising have unduly influenced the selection process.

In summary, while I continue to believe merit selection is preferred over any other system for selecting judges and justices and will continue to work for institution of such a system, I believe that elimination of cross-filing for statewide judgeships is to be preferred over the current system. For this reason and because other provisions in this legislation are needed, I am affixing my signature to this bill.

Dick Thornburgh
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

February 21, 1986

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

I have the honor to inform you that I have this day approved and signed House Bill 784, Printer's No. 2848, which reenacts the Regulatory Review Act until December 31, 1986. Although I continue to support regulatory reform vigorously, I feel it is necessary to express two reservations I have regarding this legislation.

First, I am concerned that provisions of the act which allow a *single chamber of the General Assembly to veto proposed regulations* may violate important provisions of the Pennsylvania Constitution which require legislative action to be taken by both the House and the Senate and which require presentation of legislative resolutions to the governor for review and approval. The United States Supreme Court found similar provisions of federal law to be unconstitutional in *Immigration and Naturalization Services v. Chadha*, 462 U.S. 919 (1983). These provisions of the law should be revised, together with eliminating other technical deficiencies of the current law, prior to extending the law beyond December 31, 1986.

Secondly, as revised by the state Senate, this legislation now requires that the Independent Regulatory Review Commission "shall first and foremost make a determination that [a] . . . proposed regulation is not contrary to the statutory authority of the agency and the intention of the General Assembly in the enactment of the statute upon which the proposed regulation is based." I am concerned that the commission not misconstrue this language to authorize the agency to make determinations regarding the form and legality of regulations which are more properly the function of the General Counsel, the Attorney General and the courts. Instead, the commission should focus its review on the question of whether proposed regulations are in the public interest and are consistent with the overall legislative intent and purpose of enabling statutes. This matter has been discussed with the former and future designated members of the commission. They concur that this language would not authorize the commission to become an arbiter of the form and legality of regulations. Prior to extending the law beyond its December 31, 1986 sunset date, the proper scope of the commission's authority should be carefully defined.

Dick Thornburgh
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

February 21, 1986

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

I have the honor to inform you that I have this day approved and signed House Bill 1345, Printer's No. 2277, entitled "AN ACT designating a certain bridge crossing the Allegheny River in the City of Pittsburgh as the VETERANS Memorial Bridge."

Dick Thornburgh
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

February 21, 1986

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

I have the honor to inform you that I have this day approved and signed House Bill 1402, Printer's No. 1707, entitled "AN ACT amending the act of May 18, 1933 (P.L. 810, No. 128), entitled 'An act requiring recorders of deeds to note releases of mortgages on the margin of the record of such mortgages,' eliminating marginal notations of mortgage releases in certain cases."

Dick Thornburgh
Governor

**COMMUNICATION FROM COMMONWEALTH
COMMISSION ON BICENTENNIAL
OF U.S. CONSTITUTION**

The SPEAKER. The Chair acknowledges receipt from the Honorable Samuel J. Roberts, chairman of the Commission on the Bicentennial of the United States Constitution, which the clerk will read.

The following communication was read:

The Superior Court of Pennsylvania
Judge's Chambers
County Courthouse
Erie, PA 16501
February 27, 1986

The Honorable K. Leroy Irvis
Speaker
House of Representatives
Commonwealth of Pennsylvania
The Capitol
Harrisburg, Pa.

Dear Speaker Irvis:

In accordance with Section 5 of Act 26, the Commission on the Bicentennial of the United States Constitution is pleased to submit the attached Report containing its recommendations for commemorating and coordinating the Bicentennial.

Respectfully submitted,
Commonwealth Commission
on the Bicentennial
of the United States
Constitution

By Samuel J. Roberts
Chairman

SJR:js

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

COMMUNICATION FROM AUDITOR GENERAL

The SPEAKER. From the Auditor General, Don Bailey, the Chair acknowledges receipt of a report, under the provisions of Article VII of the Constitution of Pennsylvania. The clerk will file the report.

The following communication was submitted:

Commonwealth of Pennsylvania
Office of the Auditor General
Harrisburg 17120
February 28, 1986

Honorable K. Leroy Irvis
Speaker
House of Representatives
139 Main Capitol Building
Harrisburg, PA 17120

Dear Speaker Irvis:

In accordance with the provisions of Article VII of the Constitution of Pennsylvania and Section 1604B of the Fiscal Code, as amended, the Auditor General is required on or before each March 1 and September 1 to make a certification to the Governor and the General Assembly.

A duplicate original of my certificate is enclosed herewith.

Sincerely,
Don Bailey
Auditor General

DB/dme
Enclosure

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

ACTUARIAL NOTE

The SPEAKER. The Chair acknowledges receipt of the actuarial note for HB 1069, which the clerk will file.

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

**COMMUNICATION
LOBBYIST LIST PRESENTED**

The SPEAKER. The Chair acknowledges receipt from the gentleman, Mr. Corrigan, and the gentleman, Mr. Zubeck, of the list of lobbyists in compliance with Act No. 712.

The following communication was submitted:

Senate of Pennsylvania
March 10, 1986

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from February 1, 1986 through February 28, 1986 inclusive for the 170th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:
Mark R. Corrigan
Secretary
Senate of Pennsylvania

John J. Zubeck
Chief Clerk
House of Representatives

(For list, see Appendix.)

**HOUSE RESOLUTION
INTRODUCED AND REFERRED**

No. 244 By Representatives KOSINSKI,
MAYERNIK, COLE, WOZNIAK,
PETRONE, MARKOSEK, SEVENTY,
CALTAGIRONE, TRELLO, PETRARCA,
LUCYK, GLADECK, POTT, NOYE,

CARLSON, HERMAN, BOWSER,
BARLEY, FARGO, RAYMOND,
JACKSON, GEIST, FISCHER, DISTLER,
HERSHEY, SEMMEL, B. SMITH,
LASHINGER and ANGSTADT

Declaring the week of March 16 through 22, 1986, as "Wrestling Week" in Pennsylvania.

Referred to Committee on RULES, March 10, 1986.

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 1160;
HB 1777;
HB 1784;
HB 1813;
HB 1882;
HB 1885;
HB 1946;
HB 2023;
HB 2079; and
HB 2154.

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

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 68, PN 72 By Rep. SALOOM

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," providing special occasion permits for local arts agencies.

LIQUOR CONTROL.

HB 247, PN 264 By Rep. GALLAGHER

An Act defining and providing for the licensing and regulation of private schools; establishing the State Board of Private Licensed Schools; imposing penalties; and making repeals.

EDUCATION.

HB 1033, PN 1307 By Rep. SALOOM

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," granting additional rights to private citizens and community groups to seek injunctions barring nuisances.

LIQUOR CONTROL.

HB 1108, PN 1280 By Rep. TRELLO

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for the exemption of rail transportation equipment.

FINANCE.

HB 1405, PN 1726 By Rep. HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for certain vehicle owners to pay a processing fee in lieu of a registration fee.

TRANSPORTATION.

HB 1475, PN 1822 By Rep. MRKONIC

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the retention of certain military equipment.

MILITARY AND VETERANS AFFAIRS.

HB 1503, PN 1883 By Rep. GALLAGHER

An Act amending the act of July 17, 1961 (P. L. 776, No. 341), known as the "Pennsylvania Fair Educational Opportunities Act," further providing for unfair educational practices.

EDUCATION.

HB 1504, PN 3016 (Amended)

By Rep. GALLAGHER

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," providing for pupils who are unable, because of religious beliefs, to attend classes.

EDUCATION.

HB 1556, PN 1945 By Rep. HUTCHINSON

An Act directing the Department of Transportation to designate Route 28 as the Allegheny Valley Expressway.

TRANSPORTATION.

HB 1592, PN 3017 (Amended)

By Rep. TRELLO

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for the phaseout of the prepayment schedule for capital stock taxes to a quarterly payment schedule.

FINANCE.

HB 1593, PN 3018 (Amended)

By Rep. TRELLO

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for the valuation of the capital stock tax.

FINANCE.

HB 1804, PN 2323 By Rep. TRELLO

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for deductions from the purchase price for purposes of determining the sales tax derived on the sale of a vehicle.

FINANCE.

HB 1900, PN 2516 By Rep. HUTCHINSON

An Act designating the Jay Street Bridge, Lock Haven, Clinton County, as the Veterans Bridge.

TRANSPORTATION.

HB 1947, PN 2602 By Rep. TRELLO

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for the definition of "processing."

FINANCE.

HB 1949, PN 2604 By Rep. HUTCHINSON

An Act designating Interstate Route 79 as the Disabled American Veterans Highway.

TRANSPORTATION.

HB 1972, PN 2664 By Rep. TRELLO

An Act amending the act of August 26, 1971 (P. L. 351, No. 91), known as the "State Lottery Law," prohibiting the awarding of certain prizes.

FINANCE.

HB 1978, PN 3019 (Amended) By Rep. TRELLO

An Act providing for the certification and recertification of assessors; establishing eligibility and training requirements; defining the powers and duties of the State Tax Equalization Board relating to training, certification and recertification of assessors; and authorizing the board to establish fees.

FINANCE.

HB 2025, PN 2760 By Rep. GALLAGHER

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for special early retirement.

EDUCATION.

HB 2063, PN 3020 (Amended) By Rep. GALLAGHER

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," providing that rules and regulations adopted by boards of school directors shall not prevent the photographing, videotaping or recording of meetings of the board.

EDUCATION.

HB 2081, PN 3021 (Amended) By Rep. HUTCHINSON

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for the organization and operation of the State Transportation Commission; and reestablishing the State Transportation Commission in conformity with the Sunset Act.

TRANSPORTATION.

HB 2106, PN 2877 By Rep. GALLAGHER

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for special early retirement and supplemental annuity contribution rate.

EDUCATION.

HB 2163, PN 3022 (Amended) By Rep. GALLAGHER

An Act authorizing a program for the Department of Education to make institutional equipment grants on behalf of full-time equivalent undergraduate and graduate students attending institutions of higher education in this Commonwealth; and making an appropriation.

EDUCATION.

HB 2172, PN 2965 By Rep. HUTCHINSON

An Act amending the act of March 27, 1980 (P. L. 60, No. 24), entitled "An act amending the act of March 4, 1971 (P. L. 6, No.

2), entitled 'An act relating to tax reform and State taxation by codifying and enumerating certain subjects of taxation and imposing taxes thereon; providing procedures for the payment, collection, administration and enforcement thereof; providing for tax credits in certain cases; conferring powers and imposing duties upon the Department of Revenue, certain employers, fiduciaries, individuals, persons, corporations and other entities; prescribing crimes, offenses and penalties,' establishing a credit against gross receipts tax for railroad expenditures on maintenance or right-of-way improvements and imposing restrictions on such credit," extending the period of expiration of the act.

TRANSPORTATION.

HB 2174, PN 2967 By Rep. GALLAGHER

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," providing for the ownership of land and buildings by intermediate units.

EDUCATION.

SB 239, PN 1826 By Rep. HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for certain vehicles to stop at railroad crossings.

TRANSPORTATION.

SB 670, PN 1900 (Amended) By Rep. HUTCHINSON

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

TRANSPORTATION.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON EDUCATION****HB 1595, PN 2030** By Rep. MRKONIC

An Act providing for the waiver of tuition at certain colleges and universities for certain veterans and their dependent children.

MILITARY AND VETERANS AFFAIRS.

CALENDAR

BILL 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 2095, PN 2862.**BILL ON FINAL PASSAGE**

Agreeable to order,

The House proceeded to the consideration on final passage of **HB 2040, PN 2775**, entitled:

An Act authorizing the Department of Labor and Industry to make grants for projects which provide employment opportunities for certain individuals; and making appropriations.

On the question recurring,
Shall the bill pass finally?

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

Mr. DORR. Mr. Speaker, the legislation before the House is basically designed to provide job training for transitionally needy welfare recipients who have multiple barriers to employment. Mr. Speaker, there is an existing program in the Department of Labor and Industry which does exactly the same thing. It works with the local private industry councils, and about 1,300 general assistance recipients have been benefited through this program.

Actually, Mr. Speaker, not only does this particular bill duplicate an existing program in the Department of Labor but it also duplicates programs that were contained in HB 2035, which passed this House the last time we were in session. The legislation requires no coordination, and that is actually a very important part of what we should be doing here.

Lastly, and perhaps most importantly, Mr. Speaker, the legislation is faulty in its requirements as to distribution of the funds. The way this bill is drafted, the funds may very well go into counties which cannot use the funds. It is designed so that the funds will be distributed based on the number of transitionally needy recipients in each district, in each county, and that, Mr. Speaker, does not relate in any way necessarily to the number of persons eligible for this program, which involves multiple-barrier persons.

So, Mr. Speaker, I am asking the members of the House to vote in the negative on the bill.

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

Mr. PRESTON. Thank you, Mr. Speaker.

Will the gentleman, Mr. Dorr, stand for interrogation? I have some questions.

The SPEAKER. The gentleman, Mr. Dorr, indicates he will so stand. The gentleman may proceed.

Mr. PRESTON. Mr. Speaker, you made a statement concerning that there would be some counties that would get money that could not use the money. Could you elaborate a little bit further on that to me, please?

Mr. DORR. Yes, Mr. Speaker. The bill requires that funds be allocated to service delivery areas approximately in proportion to the relative percentage of the Commonwealth's transitionally needy population residing in that service delivery area. On the other hand, the persons who might benefit from that program are required to have multiple barriers to employment in addition to being in the transitionally needy category. Therefore, we have two separate requirements involved, and the requirement as to disbursement of funds may require funds going into some area that has very few transitionally needy persons with the multiple-barrier requirement.

Mr. PRESTON. I notice that you said "may" versus your first statement that there would be counties that would. In other words, what you are saying now from the questions that I asked is that that might be the case but it does not have to be the case. Am I correct?

Mr. DORR. It depends, Mr. Speaker, on the number of multiple-barrier persons available. The bill requires that the funds go into the counties based on the number of transitionally needy, and we do not know the number of multiple-barrier persons who are in those various districts.

What I said initially was, it is not necessarily proportionate to the number of multiple-barrier candidates.

Mr. PRESTON. Okay. So now you are saying that it is not necessarily or it may happen, but you are not saying that it definitely would happen. Correct? Yes or no, sir.

Mr. DORR. Mr. Speaker, what the gentleman said is correct. I am indicating that the way the bill is drafted, it may require funds to go into some counties which cannot use those funds. It may be important for the members to know that the definition of "transitionally needy" may exclude a good many people who are listed under the multiple-barrier requirements. The two definitions are mutually exclusive in some areas.

Mr. PRESTON. You also mentioned the private industry council and possibly a duplication of services, and I think you mentioned about 1,300 people who had possibly been served by this. Yet I look at my analysis and it says here that it would possibly help 5,100 people. Can you explain to me why you are stating that one is 1,300 people but yet in a sense I am looking here at figures of helping 5,100?

Mr. DORR. Certainly.

Mr. Speaker, the number that the gentleman indicates is a prospective number; that is, the number who may be served under this bill. The number I mentioned - 1,300 people - is the number who have already been served under the existing program.

Mr. PRESTON. Will you tell me how long this existing program has been in existence?

Mr. DORR. I do not have that information in front of me, Mr. Speaker. My guess would be about 2 years.

Mr. PRESTON. So in other words, in 2 years 1,300 people have been processed through this system.

Can you tell me what involvement the private industry council has with the relationship of these programs?

Mr. DORR. As I understand it, Mr. Speaker, in the existing program the private industry councils are utilized to coordinate the servicing of the clients. Private industry councils provide the jobs, provide the processing, and so forth.

Mr. PRESTON. So if the local private industry councils are involved in this, would you not say that the State private industry council also monitors the total system?

Mr. DORR. I am not familiar with how that relationship works, Mr. Speaker, but my assumption would be that you are correct, that the State private industry council would have oversight and would gather statistics and so forth relating to the local private industry council operations.

Mr. PRESTON. Also, would you not probably say, therefore, that the statewide private industry councils would be monitoring the distribution of funds in case those counties that happen to get some money that really cannot use it or they have already had a track record that there are certain sur-

pluses that are available, that these funds would possibly be redistributed?

Mr. DORR. Yes; I would hope so, Mr. Speaker.

Mr. PRESTON. So in other words, what you are saying is in the past where certain counties may get this money there are certain entities appointed by the Governor—as far as a private industry council—to be able to monitor these away from the general administration so that these funds could be more equally distributed should these certain cases happen. Am I correct?

Mr. DORR. I am sorry. I could not hear the question, Mr. Speaker.

The SPEAKER. Repeat the question, please.

Mr. PRESTON. Thank you, Mr. Speaker.

In other words, from your previous statements, Mr. Speaker, about where counties may get money that really do not have to use it or do not need it at that time because of certain overages, that with the monitoring of the private industry council—which is appointed primarily by the Governor—and the local filing of the local private industry councils, they would be able to be in touch more with the administration to be able to inform them that certain counties are getting more than they should and these funds should be able to be redistributed so they can monitor themselves more closely. Am I correct in that?

Mr. DORR. If you are advocating that, Mr. Speaker, I agree with you. The problem is the bill is written so that that could not in fact take place. The bill requires that the funds be distributed, and again, Mr. Speaker, if I may read from the bill, “Funds shall be allocated to service delivery areas approximately in proportion to the relative percentage of the Commonwealth’s transitionally needy population residing in the service delivery area....”

Mr. PRESTON. Thank you, Mr. Speaker.

May I speak on the bill, please?

The SPEAKER. The gentleman is in order and may speak on final passage.

Mr. PRESTON. Thank you, Mr. Speaker.

I am going to ask the members to support HB 2040. I have heard several statements by my good colleague, Mr. Dorr, that leave an awful lot of gray areas, but truly there are checks and balances to be able to assist these people. I wish the members to note that we are talking about transitionally needy. A lot of these people are people who used to work in your districts; who have been laid off from jobs; who were on unemployment and have run out of unemployment benefits. These are people—a lot of them—who have been in the workforce, who have participated in supporting the tax base of this State of Pennsylvania. I am going to ask you to support these people and to support this bill.

I think that when we can talk about instead of 1,300 people and approximately, who knows, in 2 years when we can clearly define and put enough money in for 5,100 people, which is not an awful lot of people in the Commonwealth of Pennsylvania who are presently in a transitionally needy capability, that we have a chance to vote and appropriate some

funds to be able to help those people who have gone from unemployment; who have gone from needing some form of assistance to put them on a viable marketplace for training, for employment so that they can be back on the tax rolls and support themselves so we can go on to helping some other people. Remember what I am saying - a lot of these people have run out of unemployment benefits. A lot of them are able-bodied and have run out of some of their welfare situations as far as 3 months. So what we are trying to do here is put them in a place where we can help them and put them to be able to help themselves. So let us vote “yes” for HB 2040. Thank you very much.

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—106

Acosta	Dombrowski	Levdansky	Rudy
Afflerbach	Donatucci	Linton	Rybak
Angstadt	Duffy	Livengood	Saloom
Baldwin	Evans	Lloyd	Serafini
Barber	Fattah	Lucyk	Seventy
Battisto	Fee	McCall	Staback
Belardi	Fischer	McHale	Stairs
Belfanti	Freeman	Maiale	Steighner
Blaum	Fryer	Manderino	Stewart
Bortner	Gallagher	Markosek	Stuban
Broujos	Gamble	Mayernik	Sweet
Burns	George	Michlovic	Taylor, F. E.
Caltagirone	Gruitza	Miller	Telek
Cappabianca	Haluska	Mrkonic	Tigue
Carn	Harper	Murphy	Trello
Cawley	Howlett	O'Donnell	Truman
Clark	Hutchinson	Olasz	Van Horne
Cohen	Itkin	Oliver	Veon
Colafella	Jarolin	Petrarca	Wambach
Cole	Josephs	Petrone	Wass
Cowell	Kasunic	Pievsky	Wiggins
Coy	Kosinski	Pistella	Wozniak
DeLuca	Kukovich	Pressmann	Wright, D. R.
DeWeese	Langtry	Preston	Yandrisevits
Daley	Laughlin	Richardson	
Dawida	Lescovitz	Rieger	Irvis,
Deal	Letterman	Roebuck	Speaker

NAYS—87

Argall	Davies	Honaman	Punt
Arty	Dininni	Jackson	Raymond
Barley	Distler	Johnson	Reber
Birmelin	Dorr	Kennedy	Robbins
Black	Durham	Kenney	Ryan
Book	Fargo	Lashinger	Saurman
Bowley	Flick	McClatchy	Scheetz
Bowser	Foster, Jr., A.	McVerry	Schuler
Boyes	Fox	Mackowski	Semmel
Brandt	Freind	Manmiller	Sirianni
Bunt	Gallen	Merry	Smith, B.
Burd	Gannon	Micozzie	Smith, L. E.
Bush	Geist	Moehlmann	Snyder, D. W.
Carlson	Gladeck	Mowery	Snyder, G. M.
Cessar	Godshall	Nahill	Swift
Chadwick	Greenwood	Noye	Taylor, J.
Cimini	Gruppo	O'Brien	Vroon
Civera	Hagarty	Perzel	Weston
Clymer	Hasay	Phillips	Wilson
Cornell	Hayes	Piccola	Wogan
Coslett	Herman	Pitts	Wright, J. L.
DeVerter	Hershey	Pott	

NOT VOTING—3

Morris Reinard Wright, R. C.

EXCUSED—5

Cordisco Showers Stevens Taylor, E. Z.
Dietz

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 present the same to the Senate for concurrence.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **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:

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

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

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

Mr. PICCOLA. Thank you, Mr. Speaker.

All the Senate did was add an amendment which would have made the increases in compensation to the civil service commissioners applicable only to those members who are appointed hereafter, after the effective date of this act. I would urge that the House concur in the amendment inserted by the Senate.

The SPEAKER. Those in favor of concurrence will vote "aye," as suggested by the gentleman, Mr. Piccola. 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—180

Acosta	Dininni	Kosinski	Robbins
Afflerbach	Distler	Kukovich	Roebuck
Angstadt	Dombrowski	Langtry	Rudy
Argall	Donatucci	Lashinger	Ryan
Baldwin	Dorr	Laughlin	Rybak
Barber	Duffy	Lescovitz	Saloom
Barley	Durham	Letterman	Saurman
Battisto	Fargo	Levdansky	Scheetz
Belardi	Fattah	Linton	Schuler
Belfanti	Fee	Livengood	Semmel
Birmelin	Fischer	McCall	Serafini
Black	Flick	McClatchy	Seventy
Book	Foster, Jr., A.	McHale	Sirianni
Bortner	Fox	McVerry	Smith, B.
Bowley	Freeman	Mackowski	Smith, L. E.
Bowser	Freind	Manderino	Snyder, D. W.
Brandt	Fryer	Manmiller	Snyder, G. M.

Broujos	Gallagher	Markosek	Staback
Bunt	Gallen	Mayernik	Stairs
Burd	Gamble	Merry	Steighner
Burns	Gannon	Michlovic	Stewart
Bush	Geist	Micozzie	Stuban
Caltagirone	George	Miller	Sweet
Cappabianca	Gladeck	Moehlmann	Swift
Carlson	Godshall	Mowery	Taylor, F. E.
Carn	Greenwood	Murphy	Taylor, J.
Cawley	Gruitza	Nahill	Telek
Cessar	Gruppo	Noye	Trello
Chadwick	Hagarty	O'Brien	Truman
Cimini	Haluska	O'Donnell	Van Horne
Civera	Harper	Olasz	Veon
Clark	Hasay	Oliver	Vroon
Clymer	Hayes	Perzel	Wambach
Colafella	Herman	Petrarca	Wass
Cole	Hershey	Petrone	Weston
Cornell	Honaman	Phillips	Wiggins
Coslett	Howlett	Piccola	Wilson
Cowell	Hutchinson	Pievsky	Wogan
Coy	Itkin	Pitts	Wozniak
Deluca	Jackson	Pressmann	Wright, D. R.
DeVerter	Jarolin	Preston	Wright, J. L.
DeWeese	Johnson	Punt	Yandrisevits
Daley	Josephs	Reber	
Davies	Kasunic	Richardson	Irvis,
Dawida	Kennedy	Rieger	Speaker
Deal	Kenney		

NAYS—6

Blaum Lloyd Mrkonic Tighe
Boyes Lucyk

NOT VOTING—10

Arty Maiale Pott Reinard
Cohen Morris Raymond Wright, R. C.
Evans Pistella

EXCUSED—5

Cordisco Showers Stevens Taylor, E. Z.
Dietz

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.

CONSERVATION COMMITTEE MEETING

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

Mr. GEORGE. Mr. Speaker, I would like to call a meeting of the Committee on Conservation at the rear of the chamber at your call for recess.

The SPEAKER. The Chair thanks the gentleman.

BILL SIGNED BY SPEAKER

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

HB 1440, PN 2821

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

APPROPRIATIONS COMMITTEE MEETING

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

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, immediately upon the call of the recess there will be an Appropriations Committee meeting in the majority caucus room. House Appropriations Committee meeting in the majority caucus room immediately upon the call of the recess.

The SPEAKER. Appropriations meeting in the majority caucus room on the recess.

RULES COMMITTEE MEETING

The SPEAKER. There will be a Rules Committee meeting in the office of the majority leader on the declaration of the recess.

COURTS SUBCOMMITTEE MEETING

The SPEAKER. Why does the gentleman from Philadelphia, Mr. Kosinski, rise?

Mr. KOSINSKI. Mr. Speaker, I just want to remind the members of the Judiciary Committee Subcommittee on Courts that we will have a meeting immediately following the recess in room 401, Main Capitol.

REMARKS ON VOTE

The SPEAKER. Why does the lady from Allegheny, Mrs. Langtry, rise?

Mrs. LANGTRY. Mr. Speaker, I would like to request that the record show that on HB 2040, had I or my button not malfunctioned, I would have voted "no."

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

Mrs. LANGTRY. Thank you.

MINES AND ENERGY MANAGEMENT COMMITTEE MEETING

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

Mr. PETRARCA. There will be a meeting of the House Mines and Energy Management Committee on Tuesday, March 11, at 10 a.m. in room 202, South Office Building, to consider SB 293. Thank you.

DEMOCRATIC CAUCUS

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

Mr. ITKIN. Mr. Speaker, the Democrats will go into caucus at 2 p.m. in the majority caucus room.

REPUBLICAN CAUCUS

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

Mr. NOYE. Thank you, Mr. Speaker.

The Republicans will likewise caucus at 2 o'clock.

REMARKS ON VOTE

The SPEAKER. Why does the gentleman from Cumberland, Mr. Broujos, rise?

Mr. BROUJOS. Mr. Speaker, I would like my vote on HB 1440 to be in the negative.

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

RECESS

The SPEAKER. The House will be in recess until 2 p.m. When we adjourn, it will be until 11 o'clock tomorrow morning. No further need for the members to remain on the floor. The House stands in recess until 2 p.m.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE**HB 775, PN 875**

By Rep. PIEVSKY

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," requiring certain purchases to be made from domestic bidders; and making editorial changes.

APPROPRIATIONS.**HB 847, PN 2713**

By Rep. PIEVSKY

An Act amending the act of May 31, 1945 (P. L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act," further providing for the protection of water supplies.

APPROPRIATIONS.**HB 1661, PN 2426**

By Rep. PIEVSKY

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

APPROPRIATIONS.**HB 1782, PN 2291**

By Rep. PIEVSKY

An Act amending the act of April 25, 1929 (P. L. 723, No. 315), entitled "An Act regulating the investment of funds by administrative departments, boards, commissions, and officers of the State Government," further providing for investment of funds.

APPROPRIATIONS.

HB 1835, PN 2853

By Rep. PIEVSKY

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

APPROPRIATIONS.

HB 1921, PN 2783

By Rep. PIEVSKY

An Act empowering certain local taxing authorities to provide exemptions from taxation for certain improvements made to certain unimproved residential property.

APPROPRIATIONS.

HB 1969, PN 2662

By Rep. PIEVSKY

An Act amending the act of June 21, 1963 (P. L. 174, No. 104), entitled, as amended, "An act granting and regulating exemption from payment of real estate taxes by war veterans in need thereof who are blind, paraplegic, have suffered the loss of two or more limbs as a result of military service or have a one hundred per cent permanent disability; imposing duties on the State Veterans' Commission; and prohibiting the sale of certain real estate for taxes after grant of an exemption," extending the real property tax exemption to the unmarried surviving spouse of a deceased qualifying veteran.

APPROPRIATIONS.

HB 1970, PN 3023 (Amended)

By Rep. PIEVSKY

An Act relating to charitable organizations; requiring the registration of such organizations; and regulating the solicitation of money and property by or on behalf of charitable organizations.

APPROPRIATIONS.

HB 1989, PN 2700

By Rep. PIEVSKY

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for the State Board of Public Welfare; continuing the agency under the Sunset Act; and making editorial corrections.

APPROPRIATIONS.

SB 776, PN 1901 (Amended)

By Rep. PIEVSKY

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," restricting the operations of certain units at various State hospitals.

APPROPRIATIONS.

SB 1208, PN 1786

By Rep. PIEVSKY

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the powers and duties of the Commissioner of Occupational Affairs.

APPROPRIATIONS.

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

HB 2062, PN 2813

By Rep. PIEVSKY

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," providing for the establishment of a regional office for western Pennsylvania by the Department of Commerce; and making an appropriation.

APPROPRIATIONS.

BILLS ON SECOND CONSIDERATION

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

SB 1208, PN 1786; and SB 776, PN 1901.

RESOLUTIONS REPORTED FROM COMMITTEE

HR 237, PN 2945

By Rep. MANDERINO

Providing for a Committee on Long-Term Care Review to address certain findings and recommendations made pursuant to House Resolution 113 of 1985.

RULES.

HR 242, PN 3013

By Rep. MANDERINO

Supporting United States House of Representatives Bill 839 to require that all containers of imported preserved mushrooms contain conspicuous labeling stating in English the country of origin.

RULES.

HR 244, PN 3024

By Rep. MANDERINO

Declaring the week of March 16 through 22, 1986, as "Wrestling Week" in Pennsylvania.

RULES.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON MINES
AND ENERGY MANAGEMENT**

SB 293, PN 450

By Rep. GEORGE

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for leases on certain areas of State forests.

CONSERVATION.

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 Warren, Mr. Bowley.

Mr. BOWLEY. Mr. Speaker, I move that this House do now adjourn until Tuesday, March 11, 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 2:15 p.m., e.s.t., the House adjourned.