

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, MARCH 12, 1986

SESSION OF 1986

170TH OF THE GENERAL ASSEMBLY

No. 18

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

#### PRAYER

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

Heavenly Father, Thou who art the God over all and through whom we live and move and have our being, it is with heartfelt thanks and glorious praise and thanksgiving that we pause in Thy presence. We humbly beseech Thee to bless us as Thine own with Thy forgiving love, indwelling spirit, and sustaining counsel and guidance. Be with us in the daily circumstances of life and challenge us to show forth Thy truth in the deeds we bring to maturity. Inspire in us the spirit of daring that we may go forward in conquering new horizons and attaining new heights in Thy kingdom. To Thee, O God, belongs the honor, the glory, and the praise, forever and ever. Amen.

#### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. The Chair is informed that the Journal for Tuesday, March 11, 1986, is not yet in print. Approval of that Journal will be postponed, without objection, until the Journal is in print. The Chair hears no objection.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2216** By Representatives WILSON, GALLAGHER, J. L. WRIGHT, BURNS, IRVIS, TRUMAN, EVANS, NAHILL and OLIVER

An Act designating a section of highway in Bucks County as Martin Luther King Highway.

Referred to Committee on TRANSPORTATION, March 12, 1986.

**No. 2217** By Representative WILSON

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), known as "The General County Assessment Law," exempting charitable and not-for-profit nursing care homes from taxation.

Referred to Committee on FINANCE, March 12, 1986.

**No. 2218** By Representatives NAHILL, TRELLO, FREIND, VROON, CIVERA, DISTLER, E. Z. TAYLOR and FOX

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," authorizing the board of township supervisors to levy additional annual taxes.

Referred to Committee on FINANCE, March 12, 1986.

**No. 2219** By Representatives NAHILL, TRELLO, FREIND, VROON, CIVERA, DISTLER, E. Z. TAYLOR and FOX

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," authorizing the board of township commissioners to levy additional annual taxes.

Referred to Committee on FINANCE, March 12, 1986.

**No. 2220** By Representatives NAHILL, TRELLO, FREIND, VROON, CIVERA, DISTLER, E. Z. TAYLOR and FOX

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," authorizing borough councils to levy additional annual taxes.

Referred to Committee on FINANCE, March 12, 1986.

**No. 2221** By Representatives NAHILL, VROON, JOHNSON, FOX, STEVENS, SIRIANNI, ROBBINS, FARGO, E. Z. TAYLOR, OLASZ, PRATT, SAURMAN and HERMAN

An Act amending the act of July 8, 1978 (P. L. 752, No. 140), known as the "Public Employee Pension Forfeiture Act," further providing for the forfeiture of pensions for felony convictions.

Referred to Committee on JUDICIARY, March 12, 1986.

**No. 2222** By Representatives NAHILL, FOX, JOHNSON, J. L. WRIGHT, HALUSKA, COWELL, CARLSON, STABACK, HERMAN, MORRIS, REBER, DISTLER, RAYMOND, WESTON, CIVERA,

KASUNIC, OLASZ, SEVENTY,  
E. Z. TAYLOR and J. TAYLOR

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

Referred to Committee on HEALTH AND WELFARE, March 12, 1986.

**No. 2223** By Representatives NAHILL, FOX, JOHNSON, J. L. WRIGHT, HALUSKA, CARLSON, STABACK, HERMAN, REBER, DISTLER, WESTON, BUNT, CIVERA, DeLUCA, OLASZ, SEVENTY, GLADECK, KENNEY, E. Z. TAYLOR and TRUMAN

An Act requiring motor vehicle insurance rate reductions for certain senior citizens; and providing for accident prevention courses.

Referred to Committee on INSURANCE, March 12, 1986.

**No. 2224** By Representatives NAHILL, FOX, HERMAN, JOHNSON and FISCHER

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for recorded message calls.

Referred to Committee on CONSUMER AFFAIRS, March 12, 1986.

**No. 2225** By Representatives NAHILL, SCHULER, ARGALL, JOHNSON, ANGSTADT, BOOK, BROUJOS, PETRARCA, TRELLO, NOYE, MRKONIC, CARLSON, ROBBINS, SAURMAN, STABACK, JACKSON, DISTLER, ARTY, SHOWERS, CIVERA, MILLER, BELARDI, McVERRY, FOX, HOWLETT, PRESTON, LASHINGER, CIMINI, CORNELL, GLADECK and COLAFELLA

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 exclusion of certain sales by public libraries from the sales tax.

Referred to Committee on FINANCE, March 12, 1986.

**No. 2226** By Representatives NAHILL, WOGAN, SAURMAN, HERMAN and SEMMEL

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), known as the "Vital Statistics Law of 1953," providing for certification of professional genealogists.

Referred to Committee on HEALTH AND WELFARE, March 12, 1986.

**No. 2227** By Representatives NAHILL, WOGAN, SAURMAN, HERMAN and SEMMEL

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), known as the "Vital Statistics Law of 1953," authorizing the opening of vital statistics records to certified genealogists.

Referred to Committee on HEALTH AND WELFARE, March 12, 1986.

**No. 2228** By Representatives BOOK, LANGTRY, HERMAN, FISCHER, DAWIDA, WOGAN, MOEHLMANN, McVERRY, MAYERNIK, MARKOSEK, POTT and BURD

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

Referred to Committee on JUDICIARY, March 12, 1986.

**No. 2229** 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, March 12, 1986.

**No. 2230** By Representatives BLAUM, GEIST, BARBER, GALLAGHER, PETRONE, TRELLO, STUBAN, SHOWERS, GODSHALL, BROUJOS, COLAFELLA, L. E. SMITH, ARTY, HASAY, SAURMAN, CLYMER, E. Z. TAYLOR and HERMAN

An Act amending the act of October 15, 1975 (P. L. 390, No. 111), known as the "Health Care Services Malpractice Act," amending and adding certain definitions; abolishing common-law medical negligence actions; creating a statutory action for medical negligence; prescribing the elements of the cause of action; defining a physician's duty of care and duty of consent; prescribing the damages recoverable in a medical negligence action relating to nominal damages and damages for noneconomic loss; prohibiting application of collateral source rule; abolishing joint and several liability; limiting circumstances under which punitive damages can be recovered; stating statutes of limitations and repose for medical negligence actions; regulating proceedings prior to trial in medical negligence actions, including setting time limits for discovery, requiring the exchange of expert reports, providing for mandatory pretrial and discovery conferences and requiring priority in scheduling; \*\*\* amending and adding provisions regarding health care liability insurance; establishing the Joint Committee on Health Care Liability and providing for its powers and duties; and making editorial changes.

Referred to Committee on JUDICIARY, March 12, 1986.

**No. 2231** By Representatives SAURMAN, MORRIS, AFFLERBACH, ROBBINS, LANGTRY, JOHNSON, NAHILL, PETRONE, FLICK, MAIALE, HALUSKA, CARLSON, HERMAN, PRESTON, BUNT, DISTLER, E. Z. TAYLOR, SEMMEL and FOX

An Act amending the act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), known as the "Unemployment Compensation Law," further defining "partial benefit credit."

Referred to Committee on LABOR RELATIONS, March 12, 1986.

**No. 2232** By Representatives RICHARDSON, CALTAGIRONE, PETRARCA, HARPER, JOHNSON, IRVIS, ACOSTA and FISCHER

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," excluding pet food from the sales and use tax.

Referred to Committee on FINANCE, March 12, 1986.

**No. 2233** By Representative J. L. WRIGHT

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," increasing the number of inhabitants for determining the issuance of distributor and importing distributor licenses.

Referred to Committee on LIQUOR CONTROL, March 12, 1986.

**No. 2234** By Representatives CORDISCO, KUKOVICH, BALDWIN, SHOWERS and GREENWOOD

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," further providing for the imposition of expenditure limitations and prohibitions on political action committees.

Referred to Committee on STATE GOVERNMENT, March 12, 1986.

**No. 2235** By Representatives EVANS, TRUMAN, KOSINSKI and DEAL

An Act amending the act of August 21, 1953 (P. L. 1273, No. 361), known as "The Private Detective Act of 1953," defining the term "patrol agency"; and further providing for employees and penalties.

Referred to Committee on JUDICIARY, March 12, 1986.

**No. 2236** By Representatives SEVENTY, OLASZ, MURPHY, PETRARCA, BURD, TIGUE, JOHNSON, KOSINSKI, HALUSKA, MACKOWSKI, BELFANTI, SERAFINI, McCALL, VAN HORNE, PRESTON, TRELLO, RAYMOND, WESTON, WILSON, VEON, MILLER, COWELL, WOZNIAK, MAYERNIK, STEIGHNER, KASUNIC, TRUMAN, TELEK, PISTELLA, BELARDI, WOGAN, KUKOVICH, FOX, PRESSMANN, KENNEY, COLAFELLA, STEWART, ITKIN, McVERRY and BUNT

An Act authorizing and directing the Department of Revenue to place an additional 1,000 Lotto machines in certain locations.

Referred to Committee on FINANCE, March 12, 1986.

**No. 2237** By Representatives DeLUCA, MICHLOVIC, COWELL, J. L. WRIGHT, JOHNSON, PISTELLA, TRELLO, BELFANTI, MRKONIC, KUKOVICH, SERAFINI, RAYMOND, FOX, PHILLIPS, DALEY, STEVENS, DeWEESE, EVANS, RICHARDSON and PETRONE

An Act requiring public agencies to hold certain meetings and hearings open to the public; and providing remedies and penalties.

Referred to Committee on STATE GOVERNMENT, March 12, 1986.

**No. 2238** By Representatives PHILLIPS, NOYE, SHOWERS, MORRIS, DeVERTER, HERMAN and JOHNSON

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," repealing occupation taxes based on a percentage or millage basis; repealing per capita taxes; further providing for earned income taxes; and providing a municipal services tax.

Referred to Committee on FINANCE, March 12, 1986.

**No. 2239** By Representatives WILSON, LESCOVITZ, NAHILL, HUTCHINSON, STEIGHNER, VEON, GEIST, PITTS, COLAFELLA, WOZNIAK, PETRONE, VAN HORNE, POTT, BOOK, LANGTRY, BURD, COWELL, GAMBLE and CESSAR

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, placing a limitation on the amount of tax on jet fuels to be paid by a taxpayer in a calendar year.

Referred to Committee on FINANCE, March 12, 1986.

**No. 2240** By Representatives WOGAN, DAWIDA, MACKOWSKI, STABACK, O'BRIEN, RAYMOND, KOSINSKI, L. E. SMITH, HALUSKA, PICCOLA, CARLSON, J. L. WRIGHT, GLADECK, HERMAN, HAGARTY, FOX, KUKOVICH, PRESTON, MRKONIC, J. TAYLOR, KENNEY, BOWSER, DISTLER, CHADWICK and B. SMITH

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting unsolicited commercial telephone calls during certain hours.

Referred to Committee on JUDICIARY, March 12, 1986.

**No. 2241** By Representatives BORTNER, PRESSMANN, AFFLERBACH, BLACK, SWIFT, CALTAGIRONE, WAMBACH, VAN HORNE and YANDRIVEVITS

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," changing the filing fees connected with certain nomination petitions.

Referred to Committee on STATE GOVERNMENT, March 12, 1986.

**No. 2242** By Representatives VAN HORNE, AFFLERBACH, PRESSMANN, BLACK, SWIFT, CALTAGIRONE, WAMBACH and BORTNER

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for general health administration in cities of the third class.

Referred to Committee on URBAN AFFAIRS, March 12, 1986.

**No. 2243** By Representatives VAN HORNE, AFFLERBACH, PRESSMANN, BLACK, SWIFT, CALTAGIRONE, WAMBACH and BORTNER

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," further providing for the administration of public health.

Referred to Committee on URBAN AFFAIRS, March 12, 1986.

**No. 2244** By Representatives AFFLERBACH, PRESSMANN, BLACK, SWIFT, CALTAGIRONE, WAMBACH and VAN HORNE

An Act amending the act of May 25, 1945 (P. L. 1050, No. 394), known as the "Local Tax Collection Law," further providing for the collection of taxes in cities of the third class.

Referred to Committee on URBAN AFFAIRS, March 12, 1986.

**No. 2245** By Representatives FLICK, HALUSKA, SIRIANNI, TRUMAN, JOHNSON, GODSHALL, TIGUE, J. L. WRIGHT, MORRIS, NOYE, FARGO, MERRY, HERMAN, TRELLO, DISTLER, PITTS, REINARD, WOGAN, FOX, SEMMEL, GREENWOOD, GEIST, STAIRS, BOWSER, LANGTRY, FISCHER and R. C. WRIGHT

An Act providing workers' compensation for workers in community work projects; and making an appropriation.

Referred to Committee on LABOR RELATIONS, March 12, 1986.

**No. 2246** By Representatives BROUJOS, HALUSKA, COLE, STUBAN, PISTELLA and PRESSMANN

An Act amending the act of October 11, 1984 (P. L. 906, No. 179), known as the "Community Development Block Grant Entitlement Program for Nonurban Counties and Certain Other Municipalities," reducing the minimum grants for eligible entitlement entities.

Referred to Committee on STATE GOVERNMENT, March 12, 1986.

**No. 2247** By Representatives JAROLIN, B. SMITH, FRYER, GAMBLE, DUFFY, WOZNIAK, YANDRISEVITS, A. C. FOSTER, JR., MACKOWSKI, DISTLER, COSLETT, LLOYD, BROUJOS, CARN, RAYMOND and D. W. SNYDER

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

Referred to Committee on LOCAL GOVERNMENT, March 12, 1986.

**No. 2248** By Representatives WIGGINS, BARBER, IRVIS, TRUMAN, ROEBUCK, OLIVER, JOSEPHS, EVANS, DEAL, CARN, LINTON, WAMBACH, McHALE, FREEMAN, PRESSMANN, HARPER, TIGUE, FEE, CAWLEY, F. E. TAYLOR, DALEY, SWEET, ITKIN, O'DONNELL, MANDERINO, GALLAGHER, D. R. WRIGHT, PIEVSKY, KUKOVICH, MICHLOVIC, PISTELLA, PRESTON and R. C. WRIGHT

An Act providing for the reduction of State funding for institutions who do not withdraw investment from economic enterprises involved by the government of South Africa.

Referred to Committee on FINANCE, March 12, 1986.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 245**  
(Concurrent) By Representatives ARTY, DURHAM, JOSEPHS, WESTON, RUDY, LANGTRY, E. Z. TAYLOR, SIRIANNI, HONAMAN, HAGARTY, HARPER and NAHILL

Commemorating the month of March as "Women In History Month"; and recognizing the contributions of women to America's history.

Referred to Committee on RULES, March 12, 1986.

**No. 246** By Representatives WILSON and McVERRY

Directing the Transportation Committee to undertake a study of the availability of transportation for the handicapped and of the advisability of providing for such services with funding from the State Lottery Fund.

Referred to Committee on RULES, March 12, 1986.

**No. 247** By Representatives WILSON and McVERRY

Directing the Transportation Committee to undertake a study of the issuance of special automobile registration plates and placards granting special parking privileges to handicapped individuals.

Referred to Committee on RULES, March 12, 1986.

**No. 248** By Representatives PERZEL and GANNON

Proclaiming April 24, 1986, as National Day of Remembrance for Victims of Genocide.

Referred to Committee on RULES, March 12, 1986.

**No. 249** By Representatives PERZEL and J. TAYLOR

Declaring English to be the official language of this Commonwealth.

Referred to Committee on RULES, March 12, 1986.

**No. 250** By Representatives R. C. WRIGHT, RAYMOND, CIVERA, GANNON, ARTY, DURHAM, FREIND, LINTON, FATTAH, CARN, TRUMAN, WIGGINS, EVANS, BARBER, PRESTON, LEVDANSKY and DeLUCA

Directing the Department of Education to investigate the extent of asbestos in public schools and determine the cost of removal.

Referred to Committee on RULES, March 12, 1986.

**SENATE BILLS FOR CONCURRENCE**

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

**SB 1030, PN 1842**

Referred to Committee on HEALTH AND WELFARE, March 12, 1986.

**SB 1159, PN 1454**

Referred to Committee on TRANSPORTATION, March 12, 1986.

**SB 1216, PN 1574**

Referred to Committee on TRANSPORTATION, March 12, 1986.

**SB 1350, PN 1801**

Referred to Committee on FINANCE, March 12, 1986.

**BILLS REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 293 and SB 1342 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.

**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 requests?

Mr. PIEVSKY. No, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip. Do you have any requests for leaves of absence?

Not at this time?

If there are any requests at a later time, please advise the Chair.

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—198**

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

**ADDITIONS—0**

**NOT VOTING—0**

**EXCUSED—3**

Dietz                      Dininni                      Taylor, E. Z.

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

**HB 998, PN 1135**

By Rep. HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the suspension of operator's license for property damage vandalism.

TRANSPORTATION.

**HB 1365, PN 3040 (Amended)**

By Rep. HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, exempting recipients of the Congressional Medal of Honor from all title and registration fees.

## TRANSPORTATION.

**HB 1878, PN 3041 (Amended)**

By Rep. HUTCHINSON

An Act amending the act of July 3, 1985 (P. L. 164, No. 45), known as the "Emergency Medical Services Act," further providing for the Emergency Medical Services Operating Fund and the Pennsylvania Trauma Systems Foundation; and making an appropriation.

## TRANSPORTATION.

**HB 2203, PN 3005**

By Rep. HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for qualified person or persons.

## TRANSPORTATION.

**HB 2211, PN 3015**

By Rep. HUTCHINSON

An Act amending the act of October 18, 1972 (P. L. 951, No. 232), entitled "An act amending the act of June 22, 1931 (P. L. 594, No. 203), entitled 'An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act,' changing routes in Centre County," further providing for the effective date.

## TRANSPORTATION.

**REMARKS ON VOTE**

The SPEAKER. Why does the lady from Centre, Mrs. Rudy, stand?

Mrs. RUDY. I rise to correct a vote, Mr. Speaker.

Yesterday, on March 11, on HB 7 on the final passage of the measure, I was recorded as voting "yes." I would like to be recorded as being in the negative.

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

**WELCOMES**

The SPEAKER. The Chair is delighted to welcome to the hall of the House, as the guests of Representative Fryer and the rest of the Berks County delegation, a group of honor students from the Daniel Boone High School. Heading the group is Thomas Kirchner, who is the project chairman for the Daniel Boone Optimists Club. Also along as an adviser is Mr. Leon Kline. The students are Lee Harp, Melissa Weiler, Lisa Care, Beth Ann Ritz, Jeff Reigner, Connie Chappie, Paul Wolfe, and Allen Zampella. Welcome to the hall of the House.

The Chair has as his guest a young man, John Williams, who came here from Pittsburgh to witness the hall of the House in action. The Chair invited him, and the Chair is delighted to have him as a guest. Welcome to the hall of the House, John.

Representative Coy has Mrs. Dorothy Coy and Mrs. Mary Sammel. Welcome to the hall of the House. They are guests of Representative Coy.

**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 2062, PN 2813.**

\* \* \*

The House proceeded to second consideration of **HB 247, PN 264**, entitled:

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.

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

On the question,

Will the House agree to the motion?

Motion was agreed to.

\* \* \*

The House proceeded to second consideration of **HB 1503, PN 1883**, entitled:

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.

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 1503 be recommitted for a fiscal note to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

\* \* \*

The House proceeded to second consideration of **HB 1504, PN 3016**, entitled:

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.

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 1504 be recommitted to the Committee on Appropriations for a fiscal note.

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

\* \* \*

The House proceeded to second consideration of **HB 2025, PN 2760**, entitled:

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

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 2025 be recommitted to the Committee on Appropriations for a fiscal note.

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

\* \* \*

The House proceeded to second consideration of **HB 2106, PN 2877**, entitled:

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

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 2106 be recommitted to the Committee on Appropriations for a fiscal note.

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

\* \* \*

The House proceeded to second consideration of **HB 2163, PN 3022**, entitled:

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.

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 2163 be recommitted to the Committee on Appropriations for a fiscal note.

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

\* \* \*

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

**HB 2063, PN 3020.**

\* \* \*

The House proceeded to second consideration of **HB 2174, PN 2967**, entitled:

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.

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 2174 be recommitted for a fiscal note to the Committee on Appropriations.

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

\* \* \*

The House proceeded to second consideration of **HB 1108, PN 1280**, entitled:

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.

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

**BILL RECOMMENDED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 1108 be recommitted for a fiscal note to the Committee on Appropriations.

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

\* \* \*

The House proceeded to second consideration of **HB 1592, PN 3017**, entitled:

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.

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

**BILL RECOMMENDED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 1592 be recommitted for a fiscal note to the Committee on Appropriations.

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

\* \* \*

The House proceeded to second consideration of **HB 1593, PN 3018**, entitled:

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.

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

**BILL RECOMMENDED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 1593 be recommitted for a fiscal note to the Committee on Appropriations.

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

\* \* \*

The House proceeded to second consideration of **HB 1804, PN 2323**, entitled:

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.

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

**BILL RECOMMENDED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 1804 be recommitted for a fiscal note to the Committee on Appropriations.

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

\* \* \*

The House proceeded to second consideration of **HB 1947, PN 2602**, entitled:

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."

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

**BILL RECOMMENDED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 1947 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 1972, PN 2664.**

\* \* \*

The House proceeded to second consideration of **HB 1978, PN 3019**, entitled:

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.

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 1978, PN 3019, 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.

**WELCOME**

The SPEAKER. The Chair welcomes to the hall of the House, as guests of Representative Gallen and Representative Angstadt, Mr. and Mrs. Russel Schaefer and Mr. and Mrs. Edward Loeper. Welcome to the hall of the House. We are delighted to have you.

**BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED****HB 256, PN 3042 (Amended)**

By Rep. LAUGHLIN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, regulating outages at electric generating units.

CONSUMER AFFAIRS.

**HB 1637, PN 2089**

By Rep. LAUGHLIN

An Act requiring the Department of Health to conduct tests of certain persons operating emissions testing machines.

CONSUMER AFFAIRS.

**BILLS ON SECOND CONSIDERATION CONTINUED**

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

**HB 68, PN 72; HB 1033, PN 1307; and HB 1475, PN 1822.**

\* \* \*

The House proceeded to second consideration of **HB 1405, PN 1726**, entitled:

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.

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 1405 be recommitted for a fiscal note to the Committee on Appropriations.

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

\* \* \*

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

**HB 1556, PN 1945; HB 1900, PN 2516; HB 1949, PN 2604; and HB 2081, PN 3021.**

\* \* \*

The House proceeded to second consideration of **HB 2172, PN 2965**, entitled:

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.

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 2172 be recommitted for a fiscal note to the Committee on Appropriations.

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

\* \* \*

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

**SB 239, PN 1826; and SB 670, PN 1900.**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2061, PN 2927**, entitled:

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.

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

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

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the gentleman from Allegheny, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, HB 2061 essentially does four things. It requires the authorities to prepare a tentative budget prior to adoption by the authority. It also gives them the opportunity to give a progress report on the operation of the authority, including long-range plans, and it requires them to give a report on the status of the employees. It also requires them to give a financial report and periodic reports on long-term obligations of the authority prior to the approval.

Essentially what this bill will do is it will make the local governments who appoint the municipal authorities more knowledgeable so they can let the public be more knowledgeable, and if they want to inform the public of what is happening in authorities, to build up their confidence in our authorities today.

I ask for an affirmative vote on HB 2061. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Fargo, on final passage.

Mr. FARGO. Thank you, Mr. Speaker.

Would the maker of the bill please stand for a little interrogation?

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

Mr. FARGO. Mr. Speaker, I am aware that there are several different types of authorities, and some of them are operating authorities that actually have operations throughout the year, such as a sewerage authority in which they collect the sewer bills and so forth, but there are also authorities that are not operating authorities that really do nothing except meet once a year and at that particular time pay off the obligation. Are they going to be required to go through all the steps that are required in this bill?

Mr. DeLUCA. Mr. Speaker, I really could not hear your whole question. Could you repeat it, please?

The SPEAKER. Try it again, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

Now, I am concerned that some municipal authorities are set up as nonoperating municipal authorities. They meet once a year and determine that the rental that they receive from the municipal, whatever it might be that is running, is turned over on the bonds and is taken care of, and that is it. That is all they do. I am wondering if that type of an authority is going to come under this particular bill requiring annual progress reports and annual reports of status and so forth. It seems to me like it would be a little bit of a problem for them.

Mr. DeLUCA. No, Mr. Speaker. That was not the intent of the bill.

Mr. FARGO. Okay. Thank you, then.

Mr. DeLUCA. Thank you.

On the question recurring,

Shall the bill pass finally?

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

YEAS—174

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

NAYS—23

Angstadt	Burd	Jackson	Pott
Argall	Distler	Livengood	Robbins
Black	Fargo	McVerry	Rudy
Book	Godshall	Merry	Swift
Boyes	Hasay	Noye	Wilson
Broujos	Herman	Piccola	

NOT VOTING—1

Cohen

EXCUSED—3

Dietz                      Dininni                      Taylor, E. Z.

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.

**REMARKS ON VOTE**

The SPEAKER. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter. Why does the gentleman rise in place?

Mr. DeVERTER. Mr. Speaker, on HB 2061, PN 2927, I was inadvertently voted in the affirmative. I wish to be voted in the negative, please.

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

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 775, PN 875**, entitled:

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.

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.  
The question is, shall the bill pass finally?

On final passage, the Chair recognizes the gentleman from Luzerne, Mr. Jarolin.

Mr. JAROLIN. Thank you, Mr. Speaker.

HB 775 is a domestic bidders bill. Everybody in the State of Pennsylvania knows the problem that we have had with manufacturing concerns all through Pennsylvania, especially in the boot industry, the garment industry, and the shoe industry, yet the State of Pennsylvania departments are purchasing foreign-made products and distributing them to their State agencies. This is a bill to try and help correct that problem.

I would appreciate as much support as possible. Thank you very much.

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

Mr. MURPHY. Mr. Speaker, I would like to interrogate the author of the bill.

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

Mr. MURPHY. Mr. Speaker, it is my understanding that this would include all purchases by the Commonwealth?

Mr. JAROLIN. Yes.

Mr. MURPHY. That would include automobiles and computers?

Mr. JAROLIN. I believe right now it is the policy of General Services to furnish American-made automobiles.

Mr. MURPHY. Mr. Speaker, is there any limit on how much more we would pay for comparable goods with this in here?

Mr. JAROLIN. Oh, there is definitely a possibility as far as the boot industry is concerned. I would just give you a prime

example. A product made in Korea costs approximately \$8 for a pair of boots. The American-made product of a much better quality would probably cost about \$9.50.

Mr. MURPHY. Mr. Speaker, do you have any language in your legislation that provides some limits as to what excessive amount we would have to spend to meet this requirement?

Mr. JAROLIN. No, I do not.

Mr. MURPHY. So we might end up being forced to pay 100 or 200 percent more for an item because of the domestic content?

Mr. JAROLIN. Most certainly.

Mr. MURPHY. Thank you, Mr. Speaker.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, would the maker of the bill stand for interrogation?

The SPEAKER. Mr. Davies wishes to interrogate Mr. Jarolin. Mr. Jarolin is ready to be interrogated. You may proceed, Mr. Davies.

Mr. DAVIES. On the 50-percent requirement, sir, let us suppose that it was a metal product and some of the ores were imported ores, let us say 25 percent of the ores were imported ores, and then the balance of it, let us say 31 percent of it, was assembled in the United States. Would that then meet the criteria of 50 percent, those combinations? Does it mean and/or, or does it mean that if any one of those processes does not meet the 50-percent standard, then the item does not qualify, or just what? Would you explain how that operates?

Mr. JAROLIN. As long as the higher percentage is assembled and manufactured in the United States, that is the way it would qualify. If in the event it is only 31 percent or 25 percent on the import fees, well, then, that would not affect this bill at all.

Mr. DAVIES. Thank you, Mr. Speaker.

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—174**

Acosta	Fargo	Livengood	Ryan
Afflerbach	Fattah	Lloyd	Rybak
Angstadt	Fee	McCall	Saloom
Arty	Fischer	McClatchy	Saurman
Baldwin	Flick	McHale	Scheetz
Barber	Fox	McVerry	Semmel
Battisto	Freeman	Mackowski	Serafini
Belardi	Fryer	Maiale	Seventy
Belfanti	Gallagher	Manderino	Showers
Blaum	Gallen	Manmiller	Sirianni
Book	Gamble	Markosek	Smith, B.
Bowser	Gannon	Mayernik	Smith, L. E.
Bunt	Geist	Merry	Snyder, D. W.
Burns	George	Michlovic	Snyder, G. M.
Bush	Gladeck	Micozzie	Staback
Caltagirone	Godshall	Miller	Stairs
Cappabianca	Greenwood	Morris	Steighner
Carlson	Gruitza	Mowery	Stevens
Carn	Gruppo	Mrkonjic	Stewart
Cawley	Hagarty	Murphy	Stuban
Cessar	Haluska	Nahill	Sweet
Chadwick	Harper	O'Brien	Taylor, F. E.
Cimini	Hasay	O'Donnell	Taylor, J.

Clark	Hayes	Olasz	Telek
Colafella	Herman	Oliver	Tigue
Cole	Hershey	Perzel	Trello
Cordisco	Howlett	Petrarca	Truman
Cornell	Hutchinson	Petrone	Van Horne
Coslett	Itkin	Phillips	Veon
Cowell	Jarolin	Piccola	Vroon
Coy	Johnson	Pievsky	Wambach
Deluca	Josephs	Pistella	Wass
DeVerter	Kasunic	Pitts	Weston
DeWeese	Kennedy	Pott	Wiggins
Daley	Kenney	Pressmann	Wilson
Davies	Kosinski	Preston	Wogan
Dawida	Kukovich	Punt	Wozniak
Deal	Langtry	Raymond	Wright, D. R.
Distler	Lashingier	Reber	Wright, J. L.
Dombrowski	Laughlin	Reinard	Wright, R. C.
Dorr	Lescovitz	Richardson	Yandrisevits
Duffy	Letterman	Rieger	
Durham	Levdansky	Roebuck	Irvis,
Evans	Linton	Rudy	Speaker

NAYS—19

Argall	Bowley	Clymer	Noye
Barley	Boyes	Foster, Jr., A.	Robbins
Birmelin	Brandt	Honaman	Schuler
Black	Broujos	Jackson	Swift
Bortner	Burd	Moehlmann	

NOT VOTING—5

Civera	Donatucci	Freind	Lucyk
Cohen			

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
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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.

\* \* \*

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye. Why do you rise?

Mr. NOYE. Mr. Speaker, I just spoke with the aide to the majority leader on this, SB 776. On the marked calendar there were two errors. SB 776 is marked "caucused on" and it has not been. We are going to take a look at that. We are not going to ask to hold it up, but I would like just a little time to review that.

The SPEAKER. Over temporarily; is that it?

Mr. NOYE. Yes, please.

And HB 2095 was marked that it had not been caucused on and it had been, so we have no problem with that. If you will just give us a couple minutes, Mr. Pievsky, we will be happy to move with it.

The SPEAKER. A couple of minutes? You mean on the floor of the House or you want—

Well, we will mark it over temporarily. Then, Mr. Pievsky, when you are advised that it is ready to go, we will call it up. All right?

Mr. Noye says they are ready on the bill.

\* \* \*

The House proceeded to third consideration of SB 776, PN 1901, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the gentleman from Philadelphia, Mr. Pievsky.

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, SB 776 amends the Administrative Code by prohibiting the Department of Public Welfare from housing or providing service at Philadelphia State Hospital to any individual charged with or convicted of a criminal offense. According to the bill, the services to these individuals will be terminated as of April 1, 1986.

Mr. Speaker, the existence of a forensic unit at the Philadelphia State Hospital has long been a major source of concern to those living near the institution. Various attempts by the homeowners in the area to move this facility have been resisted by the Governor's Office and the Department of Public Welfare. Unlike most clients of this facility, those being provided forensic services are extremely dangerous, thereby posing a threat to the surrounding community.

Mr. Speaker, this issue will not be put to rest until this General Assembly takes action. Now voting for SB 776 is certainly a step in the right direction. Thank you, Mr. Speaker.

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

Mr. KENNEY. Mr. Speaker, I rise to support the gentleman, Mr. Pievsky. Philadelphia State Hospital is situated in my legislative district. As Mr. Pievsky has stated, we have been trying to work with the Department of Public Welfare for over a year, and as he said, the homeowners are frightened because of their security and devaluation of their properties. I just ask my colleagues in the House to support myself and Mr. Pievsky in this effort, and I ask for a "yea" 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—192

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

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

NAYS—0

NOT VOTING—6

Civera	Donatucci	Rieger	Sirianni
Cohen	Micozzie		

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
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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.

RESOLUTIONS

Mr. BARBER called up **HR 237, PN 2945**, entitled:

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

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—3

Howlett	Merry	Sweet
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EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
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The question was determined in the affirmative, and the resolution was adopted.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, in connection with the resolution that we just passed, I would like to advise the House that I had a meeting on this with respect to the expenditure of funds, that it had been explained to me the need for the funds. The chairman of the House Welfare Committee, Mr. Dorr, advised me that he agreed with this need, and it was on this basis that I made no comments as I usually do in connection with resolutions such as this.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Piccola. Why do you rise?

Mr. PICCOLA. Mr. Speaker, I do not believe the Chair went over HB 452, the veto by the Governor, but I would, at the appropriate time, like to interpose an objection to—

The SPEAKER. The Chair is aware of it, and the Chair is merely trying to get noncontroversial things out of the way before lunch. After the lunch period we will take up the question of overriding the Governor's veto and the Port Authority of Allegheny.

\* \* \*

Mr. SCHEETZ called up **HR 242, PN 3013**, entitled:

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.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

Daley	Kosinski	Reber	
Davies	Kukovich	Reinard	Irvis,
Dawida	Langtry	Richardson	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
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The question was determined in the affirmative, and the resolution was adopted.

\* \* \*

Mr. KOSINSKI called up **HR 244, PN 3024**, entitled:

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

On the question,  
Will the House adopt the resolution?

Mr. REBER offered the following amendment No. A0969:

Amend Fourth Whereas Clause, page 1, line 12, by inserting after "Hogan,"

the National Wrestling Alliance and American Wrestling Association have

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Montgomery, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, in reviewing HR 244 as drafted, I noted that apparently "Hulkamania" was running wild in the mind of the drafter, and accordingly I have developed some additional insertions for portions of this particular resolution.

Mr. Speaker, over the years Bob Backlund, a former WWF (World Wrestling Federation) world's champion, has been devoting much of his time to students, to athletes, in the wrestling arena. I think it would be remiss if we did not recognize some of the other alliances and associations that do in fact compete in the professional wrestling area. Accordingly, this particular amendment will do that. I would ask for its insertion, and I believe the prime sponsor does not have any objection to that.

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

Mr. KOSINSKI. Thank you, Mr. Speaker.

Normally I would ask Mr. Itkin for a caucus on an amendment like this, but since it is a Wednesday, I will not put the members through that trouble. I have no problem with this amendment, Mr. Speaker.

The SPEAKER. Which wrestler are we voting in favor of now?

Mr. REBER. No particular wrestler, although "King Kong" Bundy did say he was going to indulge in a giant splash match with the maker of the amendment.

The SPEAKER. I do not want to go through any movements with any wrestler, so I am going to vote for the amendment.

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

The following roll call was recorded:

YEAS—192

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

NAYS—2

Foster, Jr., A. Reinard

NOT VOTING—4

Cohen Donatucci Rieger Sweet

EXCUSED—3

Dietz Dininni Taylor, E. Z.

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

On the question,  
Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—189

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

NAYS—2

Foster, Jr., A. Reinard

NOT VOTING—7

Cohen Geist Linton Rieger  
Donatucci Hagarty Mowery

EXCUSED—3

Dietz Dininni Taylor, E. Z.

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind. Why do you rise?

Mr. FREIND. Mr. Speaker, on HB 775 I failed to hit my switch. I would like to be recorded in the affirmative, please.

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

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. We have a number of reconsiderations, so many of them that we think it unwise to start them this close to the lunch period. Immediately on the return to the floor we will present those different resolutions and be advised by the majority leader as to whether that particular bill, or whatever the resolution is, is to be taken up or not. You would be advised to be on the floor on time, for if he says that we are to take the bill up immediately, it may be your bill. All these reconsiderations that we have are going to be read across the desk immediately after the lunch period—is that clear?—so that you are not in your office and worrying why we are voting on a bill which you sponsored and you were not advised. You are now being advised of that.

### RECESS

The SPEAKER. The House will stand in recess until 1 p.m.

### AFTER RECESS

The time of recess having expired, the House will come to order.

### ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The majority leader has filed the following additions and deletions for sponsorships of bills, which will be recorded by the clerk.

The following list was submitted:

#### ADDITIONS:

HB 563, Veon; HB 877, Cimini; HB 1075, Arty; HB 1160, Irvic; HB 1161, Levdansky; HB 1162, Levdansky; HB 1163, Levdansky; HB 1164, Levdansky; HB 1305, Cimini; HB 1437, Caltagirone; HB 1695, Cessar, Coslett, Barber, O'Donnell, Distler, George, E. Z. Taylor; HB 1819, Nahill; HB 1854, O'Brien, Geist, Burd (second sponsor); HB 1890, Caltagirone; HB 1949, Fee; HB 1959, Nahill; HB 1993, Geist, Gladeck; HB 2011, Stuban, Jackson; HB 2016, Angstadt; HB 2041, Itkin; HB 2051, E. Z. Taylor; HB 2053, Richardson; HB 2056, E. Z. Taylor; HB 2080, Veon; HB 2094, Gannon, Richardson; HB 2097, Rudy; HB 2098, Rudy; HB 2099, Rudy; HB 2102, Rudy; HB 2103, Rudy; HB 2151, Wilson; HB 2153, Truman, Belardi, Fargo, Fox; HB 2163, Veon, Fox, Lucyk, Belardi, Telek; HB 2166, Richardson; HB 2173, Deal, Fox, Truman; HB 2177, Caltagirone, Maiale; HB 2184, Truman, Bowser; HB 2185, Langtry, Bowser, Rybak; HB 2204, Itkin; HB 2205, Itkin; HR 237, Fox, Deal, DeLuca; HR 242, Colafella, Fischer, Stairs, Itkin, Arty, Bowser, Burd, Geist, Civera, B. Smith.

#### DELETIONS:

HB 105, Broujos; HB 1650, Haluska; HB 1954, Petrarca; HB 2035, Baldwin; HB 2036, Baldwin; HB 2040, Baldwin; HB 2041, Coy, Baldwin; HB 2055, DeWeese.

### SENATE MESSAGE

#### SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The clerk of the Senate, being introduced, informed that the Senate has adopted the Report of the Committee of Conference on the subject of the differences existing between the two Houses on **HB 1073, PN 2931**.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 307, PN 3034**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

The SPEAKER. Mr. Manderino and Mr. Hayes, we have here three reconsideration votes. If there is no objection from the leaders, what the Chair will do is take a voice vote on the reconsiderations to put them on the postponed calendar; then the members can call them up from there. Is there any objection to that? All right.

### HB 7 RECONSIDERED

The SPEAKER. The Chair has in front of it a reconsideration motion signed by the gentleman from Philadelphia, Mr. Richardson, whereby he moves that the vote by which **HB 7, PN 3037**, was defeated on the 11th day of March be reconsidered.

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

On the question recurring,  
Shall the bill pass finally?

### BILL PLACED ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER. **HB 7** will now be placed on the final passage postponed calendar.

### SB 1208 RECONSIDERED

The SPEAKER. The Chair has before it a motion signed by the gentleman from Schuylkill, Mr. Baldwin, and the gentleman from Bucks, Mr. Cordisco, whereby they move that the vote by which **SB 1208, PN 1913**, was passed on the 11th day of March be reconsidered.

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

On the question recurring,  
Shall the bill pass finally?

**BILL PLACED ON FINAL PASSAGE  
POSTPONED CALENDAR**

The SPEAKER. SB 1208 will appear on the final passage postponed calendar.

**HB 4 RECONSIDERED**

The SPEAKER. The Chair has before it a motion signed by the gentleman from Chester, Mr. Vroon, whereby he moves that the vote by which HB 4, PN 3036, was passed on the 11th day of March be reconsidered.

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

On the question recurring,  
Shall the bill pass finally?

**BILL PLACED ON FINAL PASSAGE  
POSTPONED CALENDAR**

The SPEAKER. HB 4 will appear on the final passage postponed calendar.

**HB 2061 RECONSIDERED**

The SPEAKER. The Chair has before it a motion signed by the gentleman from Mifflin, Mr. DeVerter, in which he moves that the vote by which HB 2061, PN 2927, was passed on the 12th day of March be reconsidered.

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

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. On final passage, the Chair recognizes the gentleman from Crawford, Mr. Merry.

Mr. MERRY. Mr. Speaker, I feel that my negative vote on the original ballot on this bill is the way that I want to stand. I feel that the rest of you members may not have paid attention to exactly the implications of this bill upon the smaller communities.

In talking to one of the cosponsors of the bill, or at least one of the ones who was on the committee, he said that the bill was initiated because there was a problem in a municipality where their authority did not respond to the wishes of the people. They felt that there should be some discipline then enforced upon the authorities to assure that the appointing municipality still had something to say about the way the authority was being run.

I find no fault with maybe trying to refine our system, but I suggest that HB 2061 goes too far in that, at least as it affects

the smaller municipalities. Out in my areas, and I suspect we all have similar ones, we have authorities who, first of all, are volunteers. They serve on a random basis in that they meet occasionally, nothing too formal. Many of them strive for a once-a-month meeting if enough show up for a quorum. They have no staff people, no secretary other than a volunteer who has accepted to do the job, and they keep minutes in a notebook. If they are handling a great deal of money, they perhaps have an agreement with the bank that acts as a repository to their funds and furnishes them an occasional report. Beyond that, that is the way that functions in a rural-type setting.

Now, here in this bill—it is a very simple bill; it only has 2 pages—but on the back page, page 2, line 12, it says that the authorities shall present the following to the municipality which organized it, and then it lists about six things which are very important. It requires a quarterly financial report. Now, can you imagine asking a small authority, volunteer people, unskilled people in many cases, to furnish a quarterly—every 3 months—financial statement? Number 2, (b) here, says a tentative budget also must be furnished prior to the adoption of the budget by the authority. Now, this sets up a good many roadblocks to authorities. A tentative budget has to be made up by, again, unskilled, unprofessional people, unpaid people, and presented to a municipality some several months before the deadline for filing a budget. I suggest that this puts a great deal of red tape in that procedure.

The bill further says an annual progress report on the operations, including a long-range plan. Now we are into hiring a consultant or an engineer to furnish something that this authority can forward to its municipality. The bill further proposes that they submit an annual report and, lastly, to read verbatim, "Proposed long-term obligations of the Authority, prior to the Authority's approval of the obligation." Now, there is nothing really wrong with that, but I suggest that this bill is overly restrictive. If it applies to a municipality or an authority that has professional staff and they are equipped to do this sort of thing, well and good. There should be better communication between authorities and municipalities. But to subject the majority of authorities that serve in this Commonwealth with this overburden of restriction I think goes too far.

You and I as legislators are already in trouble with our local municipalities and authorities in that we put too many restrictions on them. Let us think better on this HB 2061 and cast a negative vote on it. That is my request, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Elk, Mr. Distler, on final passage.

Mr. DISTLER. Thank you, Mr. Speaker.

I agree with my colleague, Mr. Merry, on this bill. I, too, represent a rural area and I find this bill very restrictive. We have an awful lot of authorities in my area that are volunteer people also. I find disturbing the part as far as employees are concerned. In small rural areas a lot of the employees happen to be related in some way to some members of the authority.

Also, Mr. Speaker, I question the annual report. I understand that it is law now that you must have an annual report, that all authorities must submit an annual report. Therefore, Mr. Speaker, I agree with my colleague, Mr. Merry, and I oppose HB 2061. Thank you.

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I consider this a piece of legislation that is people's legislation. There are no sacred cows in the Commonwealth of Pennsylvania. No matter how small, there is nothing too small that the right of the people to know is overshadowed by how small an authority is. What my bill does, it is not a hardship on the authorities. As we also know, authorities must once a year submit a plan to the Department of Community Affairs. All this does is gives the municipal government that appointed these authorities the opportunity to be knowledgeable on what is happening in the authorities.

Mr. Speaker, I can tell you, in my county with the authorities, they are being abused. To give you an example: My school board signed up for a trip to a seminar in Las Vegas with the National Board of Education. They were criticized in the paper because they were taking a junket. These authorities use public funds for junkets every day and the public does not even know what is going on about them. They should be knowledgeable of what is happening. The governing body should be knowledgeable, and all this does is give knowledge to the municipal bodies that appointed them.

I see nothing wrong with the public and the municipal officials who appoint these authorities from having the knowledge of what is going on. If anybody can dispute that, I wish they would. They are required to report once a year to the State. Why not to the municipal government that appoints them? I ask for an affirmative vote on this. Thank you.

**MOTION TO RECOMMIT**

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Fargo, on final passage.

Mr. FARGO. Thank you, Mr. Speaker.

I concur 100 percent with the maker of the bill on the need for this legislation. I would also concur with Representative Merry in that the bill is too all inclusive, and I believe sincerely that this bill ought to be looked at from the point of view of possibly setting a volume limit or at least determining that it has to be an operating authority. A nonoperating authority, which this would cover, would be one such that has a school authority within its district by itself and has issued bonds in that school authority, and once a year they meet to collect the rent and to pay the bonds, and that is it. To ask them to make a quarterly financial report, to ask them to make a tentative budget just really does not make a lot of sense. I believe this bill just needs some more fine tuning, and I would move that this bill be recommitted to the Committee on Local Government for further consideration.

The SPEAKER. Moved by the gentleman from Mercer, Mr. Fargo, that HB 2061 be recommitted to the Committee on Local Government.

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

The following roll call was recorded:

**YEAS—95**

Angstadt	Donatucci	Kenney	Reinard
Argall	Dorr	Langtry	Rieger
Arty	Durham	Lashingner	Robbins
Barley	Fargo	McClatchy	Rudy
Birmelin	Fischer	McVerry	Ryan
Black	Flick	Mackowski	Saurman
Book	Fox	Manmiller	Scheetz
Bowley	Freind	Mayernik	Schuler
Bowser	Gallen	Merry	Semmel
Boyes	Gannon	Miller	Sirianni
Brandt	Geist	Moehlmann	Smith, B.
Bunt	Gladeck	Morris	Smith, L. E.
Burd	Godshall	Mowery	Snyder, D. W.
Bush	Gruppo	Nahill	Snyder, G. M.
Carlson	Hagarty	Noye	Taylor, J.
Cessar	Haluska	O'Brien	Telek
Chadwick	Hasay	Perzel	Vroon
Cimini	Hayes	Phillips	Wass
Civera	Herman	Piccola	Weston
Clymer	Hershey	Pitts	Wilson
Coslett	Honaman	Pott	Wogan
Coy	Jackson	Punt	Wright, J. L.
DeVerter	Johnson	Raymond	Wright, R. C.
Distler	Kennedy	Reber	

**NAYS—98**

Acosta	Deal	Letterman	Rybak
Afflerbach	Dombrowski	Levdansky	Saloom
Baldwin	Duffy	Linton	Serafini
Barber	Evans	Livengood	Seventy
Battisto	Fattah	Lloyd	Showers
Belardi	Fee	Lucyk	Staback
Belfanti	Foster, Jr., A.	McCall	Stairs
Blaum	Freeman	McHale	Steighner
Bortner	Fryer	Maiale	Stevens
Broujos	Gallagher	Manderino	Stewart
Burns	Gamble	Markosek	Stuban
Caltagirone	George	Michlovic	Sweet
Carn	Greenwood	Mrkonic	Taylor, F. E.
Cawley	Gruitza	Murphy	Tigue
Clark	Harper	O'Donnell	Trello
Cohen	Howlett	Olasz	Truman
Colafella	Hutchinson	Oliver	Van Horne
Cole	Itkin	Petrarca	Veon
Cordisco	Jarolin	Petrone	Wambach
Cowell	Josephs	Pievsky	Wiggins
Deluca	Kasunic	Pistella	Wozniak
DeWeese	Kosinski	Pressmann	Yandrisevits
Daley	Kukovich	Preston	
Davies	Laughlin	Richardson	Irvis,
Dawida	Lescovitz	Roebuck	Speaker

**NOT VOTING—5**

Cappabianca	Micozzie	Swift	Wright, D. R.
Cornell			

**EXCUSED—3**

Dietz	Dininni	Taylor, E. Z.
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The question was determined in the negative, and the motion was not agreed to.

On the question recurring,  
Shall the bill pass finally?

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

Mr. PRESSMANN. Thank you, Mr. Speaker. I will be very brief.

I rise to support this bill. I came out of local government and was a county commissioner, and any bill that can be introduced in this legislature and passed by this legislature that will make authorities more accountable to the local governments that created them is a good idea. Too often in this Commonwealth we have authorities going off on their own doing what they want to do with no real accountability. I think that Mr. DeLuca's bill will strengthen that accountability and is a good bill, and I urge your support. Thank you.

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

Mr. McVERRY. Thank you, Mr. Speaker.

Would the prime sponsor of the bill stand for brief interrogation?

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

Mr. McVERRY. Mr. Speaker, can you give me the genesis or the reason why subsection (G) is proposed to be amended such that no authority may hire or retain, as an agent, employee, independent contractor, officer or servant, a natural child, an adopted child, a stepchild, a spouse or a sibling of an incumbent member of the board?

Mr. DeLUCA. Yes, Mr. Speaker.

The reason for that section is because of the abuse that authority members are playing with nepotism and featherbedding that if they were elected officials, they would be put out of office. Being that the public does not know what is happening in these authorities, they are permitted to be hiring their relatives and featherbedding. That is a safeguard. No one should be able to do that without public scrutiny. We cannot do it as elected officials without being criticized and run out of office, so why should appointed members have that opportunity?

Mr. McVERRY. Do you have any specific evidence of abuse of that type happening?

Mr. DeLUCA. I have evidence, Mr. Speaker, but I do not think it would be appropriate for me to give you that evidence on the floor of the House, in public.

Mr. McVERRY. So you are making a conclusion that no relative of any board member should be hired, based upon the fact of evidence that you have, a specific instance that you believe is in violation of some code?

Mr. DeLUCA. Mr. Speaker, are you saying that you are in favor of board members—regardless if it is not happening—are you saying that you are in favor of board members hiring relatives and featherbedding? Are you saying that you favor that?

Mr. McVERRY. I am under the impression that you are under interrogation, Representative.

Mr. DeLUCA. Well, if it is not happening—

Mr. McVERRY. Pardon me—

Mr. DeLUCA. —Mr. Speaker, this section will not hurt anything.

Mr. McVERRY. —you are under interrogation.

The SPEAKER. Just a moment. Just a moment. Now, this is not going to emerge as a brawl on the floor of this House.

Now, Mr. McVerry, you may continue interrogation. Mr. DeLuca, you will answer, if you please, and we will follow the order of the House.

Mr. McVERRY. Mr. Speaker, is it your intention that by passage of this act, anyone who is currently in the employ of any authority who happens to be related to an incumbent board member would in fact lose their job?

Mr. DeLUCA. No, Mr. Speaker. This is only for practices that will happen after this bill is enacted.

Mr. McVERRY. I suggest to you that the wording of the bill therefore is fatally flawed insofar as it reads, "No authority may hire or retain, as an agent, employe, independent contractor,..." et cetera. "Retain" means to keep on from that which one has been doing. Therefore, I suggest to you that the language as drafted is unconstitutional, because it would have the effect of causing persons who are lawfully in the employ of an authority to potentially lose their positions. And I question— Mr. Speaker?

The SPEAKER. The constitutionality of the bill has been challenged.

Mr. DeLUCA. Mr. Speaker?

May I make a suggestion that we temporarily hold the bill over, and I will have an amendment to satisfy the speaker's concern.

The SPEAKER. Temporarily over or over for this week? We are going to be out of here this afternoon.

Mr. DeLUCA. All right. Over for this week.

The SPEAKER. HB 2061 will, without objection, be passed over.

#### BILL PASSED OVER TEMPORARILY

Mr. DeLUCA. Mr. Speaker, point of order.

The SPEAKER. What is the gentleman's point of order?

Mr. DeLUCA. If I would have that amendment—it is only a minor amendment—if I would have that drafted up, could we run that bill today?

The SPEAKER. If the gentleman wishes for the Chair to mark it over temporarily until they can do that—

Mr. DeLUCA. I would make that suggestion, that we mark it over temporarily and I will have the amendment drafted.

The SPEAKER. The Chair will mark it over temporarily so it is available to the gentleman if he has his amendment.

Mr. DeLUCA. Thank you.

#### BILL ON FINAL PASSAGE POSTPONED

The House proceeded to **SB 1208**, **PN 1913**, on final passage postponed, entitled:

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 Professional and Occupational Affairs.

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. This is a bill which Mr. Lloyd and Mr. Dorr debated yesterday and Mr. Lloyd amended, if you will recall.

On final passage, those in favor will vote "aye"; those opposed, "no." Now, let us get this over because I understand the Senate wants this bill quickly.

On the question recurring,  
Shall the bill pass finally?

(A roll-call vote was taken.)

The SPEAKER. Mr. Ryan is not around, is he? I think I am about to turn the Chair over to him for the rest of the day. Now we find out that someone was voted wrong on the Senate bill which we should have voted yesterday.

For the record, the gentleman from Philadelphia, Mr. Cohen, intended to vote in the affirmative and— Oh, he wanted to vote in the negative?

Now all of you, we are going to take SB 1208 the last time. Each person make sure you vote the way you want to vote, because we are not going over it again.

Mr. BROUJOS. Mr. Speaker?

The SPEAKER. You want to speak on final passage?

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

Mr. BROUJOS. I would like to say that I have absolutely no idea what that Senate bill stands for. I have no idea, Mr. Speaker.

The SPEAKER. Mr. Lloyd, would you please explain to the assembled Representatives of the Commonwealth of Pennsylvania what SB 1208 is comprised of?

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this is the bill that we talked about yesterday. It has to pass quickly. It has been run because some people got their votes up wrong. What it takes care of immediately is the problem of the osteopaths who cannot take the licensing exam in May because they are now required, under the osteopathic law, to have third-party testing for the oral and practical exam, and they have told us that there is not going to be one available in time.

It also takes care of people in Mr. Baldwin's and Mr. Argall's districts and other places who have come in from out of State, who want to get jobs in Pennsylvania, who have given up their other jobs and who are interested in getting licensed in Pennsylvania and cannot do that because they cannot take the oral and practical exam. It also makes a couple other changes consistent with other bills on sunset, but that is the essence of the bill.

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

Mr. DORR. Mr. Speaker, a point of rhetorical inquiry.

I think Mr. Lloyd answered my question, but is this the bill that it was absolutely a matter of life and death that it pass yesterday and, therefore, a lot of members cast a vote against small business on, and we held it over so people could get their name on the roll call?

Mr. LLOYD. Mr. Speaker?

Mr. DORR. It was a rhetorical inquiry, Mr. Speaker.

The SPEAKER. Mr. Speaker—

It is time for me to retire, to leave the place and go. I think so.

Mr. LLOYD. The rhetorical answer, Mr. Speaker, is that I was not aware until 5 minutes to 1 that the bill was not already in the possession of the Senate, and as a courtesy, apparently somebody filed a reconsideration motion yesterday. It is going to go to the Senate this afternoon.

The SPEAKER. As quickly as the Chair can send it there, I assure all of you.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—196

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

Cowell	Josephs	Pressmann	Wright, D. R.
Coy	Kasunic	Preston	Wright, J. L.
Deluca	Kennedy	Punt	Wright, R. C.
DeVerter	Kenney	Raymond	Yandrisevits
DeWeese	Kosinski	Reinard	
Daley	Kukovich	Richardson	Irvis,
Davies	Langtry	Rieger	Speaker
Dawida	Lashingier		

NAYS—0

NOT VOTING—2

Howlett            Reber

EXCUSED—3

Dietz            Dininni            Taylor, E. Z.

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.

The SPEAKER. The clerk is informed by the Chair to make that bill move as rapidly as possible out of this House.

**REMARKS ON VOTE**

The SPEAKER. Why does the gentleman from Montgomery, Mr. Reber, rise?

Mr. REBER. Mr. Speaker, I did not get to my switch in time on that last vote. I would like to be recorded in the affirmative on SB 1208.

The SPEAKER. The Chair thanks the gentleman. He will be so recorded.

**CALENDAR CONTINUED  
BILL VETOED BY  
THE GOVERNOR POSTPONED**

Mr. PICCOLA called up from the postponed calendar the veto message on **HB 452, PN 2832**, entitled:

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,

Shall the bill become law, the objections of the Governor to the contrary notwithstanding?

The SPEAKER. For the information of the members, you have had on your desks two different communications, both of which were authorized by the Speaker, even though it does not appear on the one. On the unisex communication, Mr. Piccola asked for permission and it was granted, and the Speaker signed that but they did not duplicate his signature. The Governor's letter was okayed by the Speaker; it was sent simultaneously to the Speaker, to the majority leader, and to the minority leader.

Now on the question, the Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I would urge the House today to cast an affirmative vote on the question of whether we should approve this legislation, the objections of the Governor notwithstanding.

Earlier today, as the Speaker indicated, you received a communication from the Governor further outlining his objections to this bill, and I would briefly like to respond to some of the information contained in that letter and then give you some additional reasons as to why I think we should cast an affirmative vote on this question.

The Governor in his letter indicates that under unisex, automobile insurance rates will be based upon rational factors, not gender. As a matter of fact, gender is a rational factor. It is an extremely rational factor because it is an actuarial fact that young women are safer drivers than young men, and they pay rates accordingly, and they should pay rates accordingly.

Now, the question that comes to mind is, what rational factors is the Governor talking about? The Governor's Acting Insurance Commissioner testified before the House Insurance Committee in December and told us that they have not been able to identify those factors. Other States, five other States, that have adopted unisex rating have not identified those factors and they have no idea whether or not such factors even exist, because no one has been able to identify those factors.

Then on the other hand, the Governor says he is willing to support a study of the issue, later in his letter. Well, you cannot have it both ways, Mr. Speaker. Either you are going to have the rational factors which the Governor says exist, which his Insurance Commissioner says do not exist, or you have a study to try to find those out. I suggest a study would be fruitless and such factors could not be found.

Now, the fact of the matter is, Mr. Speaker, that if we do not override this veto, 600,000 or more young women in this State will have their automobile insurance premiums increased by an average of 33 percent, and some as high as 65 percent. The notices on those increases are going to arrive in their mailboxes, Mr. Speaker, right around the time of our primary election, or maybe a little bit before.

If we permit unisex rating to go into effect, we will permit, unfairly, safe drivers to subsidize unsafe drivers, and that, Mr. Speaker, I do not believe is very fair. Unisex ratings that have been adopted in five other States have been a disaster, and eight States have outrightly rejected unisex rating, as well as the United States Congress.

This is not an issue of constitutionality, Mr. Speaker; this is not an issue of discrimination. It is an issue of fairness - fairness to your constituents to pay the rates which they are entitled to pay and fairly pay. I urge an affirmative vote.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Piccola, ended his remarks asking for an override of the Governor's veto with, this is not a matter of constitutionality, this is not a matter of discrimination; it is a matter of fairness. Nothing could be further from the truth. We are talking about

a matter of constitutionality, and we are talking about a matter of discrimination.

Since 1971, the Constitution of Pennsylvania has had in it that there will not be discrimination because of sex of any individual. In 1980, the Insurance Commissioner of Pennsylvania, observing that we did discriminate because of sex and sex alone in setting insurance rates, ordered that this no longer take place. And this was challenged in court. In 1982, the Commonwealth Court decided that we indeed discriminated and it was no longer to take place in setting insurance rates. An appeal was taken to the Supreme Court.

The Supreme Court, in 1984, indeed agreed and said there will no longer be discrimination according to sex. The Insurance Commissioner of Pennsylvania has indicated to all the insurance companies that they will file their ratings on insurance policies so that they are gender neutral, and that is where we are today. The insurance companies now are coming to you and saying regardless of what the Constitution of Pennsylvania says, regardless of what the court case said in the Commonwealth Court, regardless of what the Supreme Court of Pennsylvania said, Mr. Speaker, let us continue to discriminate.

Six hundred thousand women will be affected, they tell you. How many of you heard from your insurance agent or all the generated mail that they came up with, how many of you heard that 600,000 men are going to have their premiums lowered by an average of \$150 each? They did not tell you that. Well, the Insurance Commissioner has said in Pennsylvania that the companies cannot make money on this. If they are going to raise premiums for females because of the court case, they have to lower premiums for males by the same dollar value. This is the order of the Insurance Commission. They did not tell you that.

This is a matter of discrimination. This is a matter of constitutionality. And, Mr. Speaker, the campaign that has been put on by the insurance industry is the same campaign that we saw many years ago when the Assembly enacted a tax and repealed the tax in I think a 2-week period. The insurance companies are using scare tactics; they are using half truths; they are talking in terms of what we are permitted to do when they know darn well the Constitution of Pennsylvania and the court cases have indicated that we cannot do what they want us to do, and all they are doing is buying time for another court case.

Now, if you remember when this matter was considered before here in the House, this House voted very substantially in the first instance for the position that the Governor takes today, that we would suffer a continuation of rates that were not gender neutral for a period of time to allow a committee to study and bring back to the Assembly an alternative, and the Governor says he will accept that. He understands that it is a complicated matter. He is not asking that the rates be changed without a study looking for an alternative. And that is what we decided here in the House rather overwhelmingly. We sent that bill to the Senate and that bill is still in the Senate. They have not touched it; they have not moved it. The

bill that calls for the study, allows the rates to stay where they are, is in the Senate and could be moved by them that quickly if they wanted to. And they will want to if you do not override the Governor's veto today. They will move that bill, I am convinced. And if they do not, Mr. Rybak, the chairman of the Insurance Committee, indicates to me that he has a vehicle in his committee where we can next week send them another bill doing the same thing - allowing the ratings to remain as they are now until the study is complete. What is fairer than that? Where are you hurt by that? Who gets hurt by ratings? Why do we not try to do the right thing? Why do we not try to do that which is constitutional, that which is nondiscriminatory, that which really gives recognition to the equal rights amendment in our Constitution?

You know, if women were going to be hurt by what the Governor proposes and what I propose here in a negative vote, would we have the League of Women Voters, the American Association of University Women, Women's Way, the National Organization for Women, and other responsible and legitimate women's groups urging you to vote negative on this veto?

I urge you, along with them, to vote in the negative on the override of the Governor's veto.

The SPEAKER. On the question, the Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask that we do not override the Governor's veto. It is very unusual for me to feel that this Governor has done what I think is absolutely correct, but I do in this case, and I would ask that everybody take this under consideration.

Insurance companies have run this State long enough and they have told us enough lies that we have changed our entire automobile insurance and screwed it up so badly that nobody knows what they are paying for, too. I think it is about time that we in this House decide now that this Governor has done the right thing, and he is showing us a way to go that we should not override and say that young men have to pay more than young women. I believe what he says, that if a young man has the accidents, the insurance company has the ability to raise that rate, and that is exactly what they should do, and raise it enough after accident after accident that they cannot even drive in this State. But to say to a young man that you are a criminal before you even get a chance is absolutely wrong.

One of the things that has always concerned me was the fact that young men have to pay so much more for insurance when most of them are the ones who have to go out and look for a job and they have to use a car to do that. They are expected to go out and look for that job, and what do we do with insurance companies? We let them charge them enough that most of them cannot even earn enough to pay the insurance rate to go out and do it. There is not anything in the insurance laws that says that the insurance companies should come on this floor with propaganda and tell us that they are going to raise young women's insurance to such a rate that it will triple the

amount they are paying. If that is the case, then they should lower the young men by that same amount, and I do not know why they should not do that. They would be getting and hogging the same amount of money they hog now.

It is about time that the trial lawyers, Mr. Speaker, learn about insurance also, and I am here to help show you that way. Thank you very much. Do not override.

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

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, I can think of some reasons to argue in behalf of the override, but rationality is not one of them.

I have never heard anybody suggest the insurance industry was rational. If it is so rational, why do women over 25 years old pay the same rate as men though their accident rate is 40 percent less? They should obviously be paying 40 percent less in premiums if they were rational. They do not.

It is obvious the insurance industry is driven by two things beyond rationality. One is to maximize profits, which is fine, and the other is market conditions, and those market conditions dictate more than rationality what they ought to do. We have seen that in no-fault. We see it now in the liability crisis. We have seen it time and again in insurance issues here that the market forces are the driving force; rationality takes a second place.

So interestingly enough, this issue is somewhat unique because it brings together two concerns. One is the very basic question in the insurance industry of ratemaking, and the other is the principle of discrimination and what can and cannot be used to discriminate in our society and to classify people in groups for the sake of insurance rating. What we are saying in attempting to oppose this override is two things: that the ratemaking in the insurance industry ought to be questioned, that gender should not be used any longer as a basis to set insurance rates just like race is no longer used and religion is no longer used and ethnic origin is no longer used. Also what we are saying is because of the ERA amendment that we passed to our Constitution in 1971, that in 1986 the Commonwealth of Pennsylvania ought to go on record as saying it does not support the continuation of sex discrimination, be it in insurance or be it in asking women to ride in the back of the bus. Thank you.

### FILMING PERMISSION

The SPEAKER. The Chair has given permission for Jim Murtha of channel 29 to film on the floor of the House.

### CONSIDERATION OF HB 452 CONTINUED

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

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, it seems that we here in the House never learn from history. It seems not too long ago I stood at this microphone and pleaded with my colleagues not to move in the direction that we moved in away from a no-fault plan into the

auto financial responsibility law that is now on the books of this Commonwealth and governs how automobiles are insured in this State, and it seems we are bent on doing the same thing again. We are moving in a direction for which we have no sure footing and one in which—and I will recite a few examples to you shortly—in which I think some of you will once again look at what we have done here, as the passage goes. I can reflect upon the debate on no-fault and auto financial responsibility. I can reflect on that aspect of it that dealt with the Catastrophic Loss Fund, and at that time I think you recall that many of us said that the system the way it was to be devised could not possibly air to the good of the people of this Commonwealth, and thus far it has not. You have not seen a stabilization of rates.

I took a poll as recently as Saturday night at a Grange meeting where there were approximately 150 people. I posed the question because the insurance question was raised as to why we did not do something about the rate increases. Quite frankly, when I asked the question, how many people's rates went down under the new system, there was not one hand that went up in the audience. When I asked the question, how many went up, they all went up. That is what we are looking at when we say that we are going to remove just a small part of the rating factors to determine premiums for the motorists of this Commonwealth. You are talking not about gender, particularly; you are talking about statistical data that reflects individuals in classifications, whether they are male or female—it is too bad we all cannot be neutered; then we would not have this argument, I guess—but the fact remains that all of that data shows that there is a substantial difference in the driving habits and records of young males and young females. And if we are to go about removing all of that—and that is what the next attempt will be—as to determining rates, you are going to begin to see rates in other areas of insurance do likewise. The problem with that is that you are going to see everyone pay more to make up for those who are in a high-risk category, be that health, life, auto, or whatever. That is what you are going to see occur.

I would like to just for a brief moment, Mr. Speaker, give the members a little flavor about sustaining the Governor's veto if they would like to see the approximately 600,000 young females in this State have their rates go up. Let us look at the Harrisburg area as an example. A 20-year-old female driver with driver training; she is driving a 1982 Olds. Her current semiannual premium is \$1,050.70; her unisex semiannual premium will be \$1,598.30, a semiannual increase due to unisex rating of \$547— I am sorry; that is Philadelphia. In Harrisburg with the same 20-year-old female driver with driver training, current semiannual premium, \$353.80; unisex semiannual premium, \$537.80, or an increase of \$184, or for the year, \$368. In Pittsburgh for the same 20-year-old female driver with driver ed driving the same vehicle, current semiannual premium, \$534.90; unisex semiannual premium, \$816.90, for an increase of \$282 semiannually, or \$564 annually.

Mr. Speaker, as recently as a month ago I had some people right here in the Harrisburg area whose daughter was finally able to acquire a motor vehicle - 19 years old and had not yet completed 3 years of experienced driving - who went to purchase insurance for a 1982 Pontiac for which she paid \$4,000. The annual premium on that vehicle quoted by the company whom her parents were with for 30-some years, \$1,630. Can you imagine what that young lady is going to pay when unisex rates go into effect?

I know some of my colleagues feel very strongly that males and females should not be discriminated against, but I think we lose sight of the fact that insurance is not a guarantee; insurance is to cover people in time of need. And when there is an automobile accident, when there is an automobile accident, somebody pays and pays dearly, and we all share in that risk. But when we look at the rating factors and we look at the actuarial statistics that are involved in making up those rating factors, I think we have to agree that gender ought to be part—

The SPEAKER. Mr. DeVerter, will you yield for a moment.

The Sergeant at Arms, the Sergeant at Arms, pay attention to this: I want the lobbyists cleared from that area near the post office. The members cannot walk through there without being buttonholed. I will not permit that. Clear them out of there.

Mr. DeVERTER. Amen to that, Mr. Speaker.

The SPEAKER. You may continue, Mr. DeVerter.

Mr. DeVERTER. Thank you, Mr. Speaker.

Finally, I would just say this: Many of you, during the past summer of 1985, were in touch with me or people within our staffs relative to the Catastrophic Loss Fund. I daresay to you that once the premium notices begin to hit in April and May of this year, you are going to hear not just from the young women affected, and you are not going to hear from the young males whose rates go down, if at all, because part of that risk is going to be picked up in additional rate increases, you can bet on that, and the commissioner is going to have to grant them, but you are going to be hearing from insurance agents who are going to have to deal with those girls on a first-line basis, and that, Mr. Speaker, is not going to be a pleasant experience.

I ask you, just once, to reflect on the history of what we have done here in recent years on auto insurance and think twice. I would encourage an override of the Governor's veto, because in this instance he is wrong.

#### FILMING PERMISSION

The SPEAKER. The Chair has given permission for Lorne Matalon of WPVI-TV to film on the floor of the House.

#### CONSIDERATION OF HB 452 CONTINUED

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

Mr. GALLEN. Mr. Speaker, I rise to urge you to vote to override the Governor's veto. You know, to my way of thinking, the Governor vetoed the wrong bill. He should have vetoed the bill which contained the notorious Cat Fund and the bill which the trial lawyers wrote and all of you ladies and gentlemen fell for, Mr. Speaker.

Mr. Speaker, there is one thing that has not been mentioned by Mr. Manderino nor by the other speakers who spoke here. The fact of the matter is, yes, indeed, the rates for young women will increase if the Governor's veto is not overridden; and no, indeed, young men's rates will not go down, because insurance companies have already let it be known that they will not write young men. Young men will end up in the assigned risk. So if you think you are doing something for the young men of the Commonwealth, you are not doing it. They will not write young male drivers because they are not getting an appropriate rate for it, and that is really what is going to happen here.

I strongly urge you to override the Governor's veto.

#### FILMING PERMISSION

The SPEAKER. Bill Martin of KDKA has been given permission also on the floor.

#### CONSIDERATION OF HB 452 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Cawley.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. DeVerter mentioned that he thought everything would be fine if all of us were neutered. I do not know if Mr. DeVerter knows this or not, but we have been. That has been taken care of by the leadership. That is right.

Mr. Speaker, I agree with the override vote. I believe that we should keep the status quo which will not increase women's rates, and we should keep the status quo until somebody like Bill Lloyd can come up with a better idea as to how we are going to lower the rates of the male drivers. We had surveys. Tom Tigue and some other Representatives sent surveys out to constituents asking them how many of their rates went up since we got rid of no-fault, and something like 95 percent of the people indicated that the rates had gone up. We also created a \$35-million fund for the insurance companies and the rates still went up.

I agree with Mr. Manderino that even if we sustain the Governor's veto or whether we override the veto, the insurance companies are going to benefit from this; they are definitely going to benefit from this. And even though, if I am under 25 years old and a male, my rates are going to go down with the implementation of this unisex law, you can rest assured that my rates are going up the next time my premiums come out; you can rest assured of that, that the rates are definitely going up.

It is my firm belief, and I think the belief of everybody in this room or most everyone in this room, that women should not be paying more and that men should be paying less, and

that people who drive recklessly should at least be paying what they are paying now or paying more. This issue does not straighten that out.

So seriously, I think that we should override the veto, keep the status quo, and come up with some type of a system where we are going to get the people running these insurance companies on the right track, because it is like dealing with the James brothers, Jesse and Frank. The only way we are going to do it is to make sure that we control the rates in this State. Thank you.

### WELCOME

The SPEAKER. The Chair apologizes to Representative Chadwick. I just noticed that Representative Chadwick has the mayor of Troy Borough in Bradford County, John Vineski. Welcome to the hall of the House.

The Chair apologizes, Representative Chadwick. He just noticed this. He should have announced him earlier.

### CONSIDERATION OF HB 452 CONTINUED

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

Mr. SEVENTY. Thank you, Mr. Speaker.

Mr. Speaker, I have heard two conflicting opinions on the original content of the bill. Now, I am not sure who can answer this question, but I would really like to know if this bill also applies to health insurance. Can anybody answer that question? Originally I heard it did not, but it can be construed to apply to health insurance. Can anybody answer that question for me?

The SPEAKER. Are you going to try it, Mr. Piccola? Mr. Piccola says he will stand for interrogation. Repeat the question, please.

Mr. SEVENTY. Thank you.

Mr. Speaker, I have heard two conflicting opinions on the original content of the bill - one that it did apply to health insurance and one that it did not apply to health insurance also. Can you answer that question for me, please.

Mr. PICCOLA. It does not apply to health insurance. It only applies to automobile insurance, only. No other types of insurance.

Mr. SEVENTY. Can you give me the basis of your response on that?

Mr. PICCOLA. If you read the bill, I believe on the last page it specifically says that it applies only to automobile insurance rates. It has nothing to do with any other type of insurance.

Mr. SEVENTY. Thank you very much. That answered my question, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, with respect to gender-based rating, obviously, I guess, if all males and all females at every age level drove the exact number of miles each year, then there would

be some rational basis, maybe, for gender-based rating. You know and I know that is not the case. For example, take a male who is 25 years old and drives 12,000 miles a year; a female, a saleslady, for example, who is 25 years old and drives 80,000 miles a year. Obviously there is a greater risk with the 25-year-old female driving 80,000 miles a year. Gender-based alone is not a rational basis. Generally speaking, it might be. The only rational basis would be a combination of miles driven, an examination of the individual records of the persons, and maybe to some degree gender, if all things were equal, but all things are not equal. We do not all drive the same number of miles each year.

The House did the right thing before Christmas. The House passed a bill which I voted for and the majority did, and that is, it would have continued gender-based for 18 months pending the outcome of some kind of rational study. The other side talks about rationality. By the way, I might say for the purpose of this debate, maybe we ought to exchange sides because it looks as if we are on the Governor's side, and I am, very frankly.

Therefore, I strongly urge, strongly urge that we sustain the Governor's veto. Thank you very much.

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

Mr. BORTNER. Thank you, Mr. Speaker.

I intend to be brief, and I would like to just address myself to one portion of Mr. Piccola's comments.

Mr. Piccola stated that the Governor's veto message contained a contradiction, a contradiction in that he vetoed the legislation while at the same time indicates that he would defer the imposition of gender-neutral rates while this matter could be studied. That is not a contradiction. I think that the Governor believes, as Mr. Manderino does and as I do, that unisex rates are appropriate, that they are proper, and that they are consistent with the Constitution. But I think he also recognizes something that the insurance industry will not recognize: that this is a complicated issue and that reasonable minds can differ. Therefore, in his veto message he has indicated that he is perfectly willing to go along with the status quo, that we would not impose new rates on anybody at this time while a neutral third party, a joint legislative executive committee, could further study this matter. That is the essence of the Sweet amendment that the House passed back in December before we recessed for Christmas.

Nobody has been able to tell me yet what harm will result from us continuing the status quo, from putting off the irreversible decision and allowing some further study of the issue. We do this all the time on much less controversial matters. I do not understand why, on a matter that is so important as this, we cannot at least vote or favor the side of caution.

I voted for the unisex rates when this legislation came before the House, but I would be honest to admit that I consider this a very complicated issue and that I am not 100 percent sure of my position. I would be perfectly willing to reconsider my position if I had the benefit of some more information from a source that I would consider to be a little

more neutral and perhaps not as tainted as either the insurance industry itself or some of the women's organizations that may have a vested interest in this. It is for that reason that I would ask this House to not override the Governor's veto.

There is another reason for me, perhaps a more personal reason, and that is that I think this presents a rare opportunity. I have the opportunity to vote with my Governor and with my majority leader, and that is an opportunity that I guess I frankly cannot pass up and I would ask some of you to consider. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Herman.

Mr. HERMAN. Thank you, Mr. Speaker.

I would like to encourage my colleagues of the House to vote in favor of this override. While we have debated the issue of gender-based rating and whether young males' or young females' rates are going up or down, there is an underlying theme here that needs to be expressed.

I feel that we need to recognize that there is an inherent difference between young men and young females in regard to the attitudes and behaviors they exemplify when they are driving motor vehicles. I say this because I think that we have to recognize that young men are more likely to soup up their cars, their motor vehicles, with mag wheels and more powerful engines, and I think young men are also more likely to use those souped-up vehicles in order to impress their peers or other young ladies. I know that those of us who are young men here in this House of Representatives or young ladies know that this is true. Young males are more likely to abrogate all the safe driving laws and rules in this Commonwealth in order to be more impressive to the other young men or women that they run around with. I think this is the reason why their accident rates or their fatality rates are so much higher.

These really need to be reflective in the basing and the prediction in insurance rates, and I think that is why we need to exercise our efforts here to override the Governor's veto. Thank you, Mr. Speaker.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I think that it is very easy for all of us to put a title on something, and we have done this with this unisex word. What we are really talking about or ought to be talking about is experience rating. What we need to do, ideally of course, is to distribute the costs of the accidents over all persons who drive, and obviously, if we did that, then there would be those who drive more, those who drive less carefully, those who drive late at night, those who drive in crowded situations.

Traditionally, the insurance company has in fact weighted the rates of those who drive with those factors taken in mind. Remember that Representative O'Donnell introduced some legislation or an amendment which took into consideration these kinds of things. In checking into that, I find that the insurance companies have been doing this in determining

rates. But what happens to the new driver who does not have the experience upon which the insurance company can rate this? Anyone who does not have the experience then should be charged a rate which represents the fact that they cannot be certain what that person's experience rating is. Representative O'Donnell said that for 5 years there would be a rate that could be adjusted, not on the basis of sex, not on the basis of age, but on the basis of the fact that that individual has not proven or established a driving record up until that time, and so there could be a surcharge for that person who does not have that experience.

If we really want to be fair, this is the way the insurance rates should be adjusted. But I submit to you that if at this time we override the Governor's veto, we are going to put to rest this entire insurance situation and we are going to let the insurance companies off the hook and nothing is going to happen about looking into this thing for equity. I suggest that we are not in a position of having those bills go out and having all of those phone calls come from young women, if in fact we sustain this veto, because it was not the Governor who vetoed this; it was the Senate who vetoed the opportunity that we gave for an 18-month extension so that we could in fact look at this. Keep the status quo for the next 18 months, study it, come up with a real solution, not on the basis of whether it is a male or a female or whatever age, but truly on the basis of who should pay and how much they should pay.

I urge you to sustain the Governor's veto at this time and to move ahead with our legislation for an 18-month extension and get serious about solving the problem and not prolonging it, not keeping it where it is now with its inequities. Please consider it. It is extremely important, and it is not a matter that we can just toss aside and say that somebody is going to complain. We have a leadership position; we have a leadership responsibility that we ought not shirk. This is the time for us to exert our leadership. Please, do so at this time. We are not in a position of cutting this whole thing apart. We can go with an 18-month extension; we can resolve the problems. Let us do that. Thank you.

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I urge the members of the House to override the Governor's veto. The reasons I ask for that override are the questions of fairness and discrimination as have been mentioned many times on the floor. There seems to be a mind set by some of the members that when we confront the issue of gender, which is a fact of life, that we are being asked to deny that very fact, and that those of us who admit the truth, that there is a difference in gender, are somehow being discriminatory on the basis of sex. I do not see that that is true, Mr. Speaker.

I think in coming to grips with this issue, we should look at some simple facts that are very relevant, Mr. Speaker. Teenaged male drivers have by far the highest rate of involvement in crash deaths in automobiles and deaths for which they are responsible. Per license holder, male teenage drivers kill

more than four times as many people as female teenage drivers. Of the 6,086 occupant deaths studied by the Insurance Institute for Highway Safety, male teenage drivers were involved in 84 percent of these deaths whereas female teenage drivers accounted for only 16 percent. What we are being asked to do by those who would support the Governor is that we discriminate against those safe drivers by asking them to pay additional premiums for those drivers who have been involved in these fatal accidents.

There has been a lot of talk about or some discussion about, well, the male driver has to go to work and drive back and forth, and why should he pay a higher rate, even though he is a higher risk, than the female driver who is not driving back and forth to work. Now, I would at first, at the very threshold, Mr. Speaker, disagree with that premise, because I think there are many, if not as many females who drive back and forth to work as males. We have a lot of women in the workplace today.

But let us look at some statistics. Those States that have enacted a curfew on drivers - that is, where they have restricted operation of a motor vehicle by young drivers, particularly as it affects male drivers - have seen a 40-percent decrease in their accident rates, and that reduction took place during the hours of 11 p.m. and 5 a.m. The worst time for the worst types of accidents - the time when the worst accidents occur, particularly involving young male drivers 16 to 17 years old - is between the hours of 11:30 p.m. and 4:30 a.m.

Finally, Mr. Speaker, Pennsylvania not too long ago put restrictions on its licensees and said that 16-year-old drivers could not operate their vehicles between 12 p.m., midnight, and 5 a.m. unless they were accompanied by a parent or a spouse over 18 and also said that if you were 17 years old you could not drive between those hours if you had not had a driver training course, and we saw a 69-percent reduction in serious accidents between the hours of 12 and 5 a.m. So I think those simple facts would negate any argument about people driving back and forth to work. The most serious accidents occur in those early hours and the most serious accidents involve young male drivers, and we are being asked to put the burden on the young female drivers whose driving experience is much better, accounting for only 16 percent of those bad accidents.

I think those simple facts alone warrant an override of the Governor's veto so that we do not have the discrimination which will take place, Mr. Speaker. I urge a vote of "yes" on the override. Thank you.

### PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Franklin, Mr. Coy, who has a parliamentary inquiry. Would you state the parliamentary inquiry?

Mr. COY. On this issue, Mr. Speaker, how many votes will be required to override the Governor's veto?

The SPEAKER. One hundred thirty-four votes—134 votes—will be needed to override the Governor's veto.

Mr. COY. Thank you, Mr. Speaker.

### WELCOME

The SPEAKER. The Chair welcomes to the hall of the House Kay Wardle and William Young. William Young is the coroner of Butler County. They are here to the left of the Speaker as the guests of the Butler County delegation. Welcome to the hall of the House.

### CONSIDERATION OF HB 452 CONTINUED

The SPEAKER. We checked on it to make sure we are right. One hundred thirty-four is the accurate count.

Now the Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, I would like to know if I can interrogate the prime sponsor of the override measure.

The SPEAKER. Do you mean Mr. Piccola, who is arguing for the override?

Mr. Piccola indicates he will stand for interrogation. You may proceed, sir.

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

Mr. Speaker, could you tell the members of this House whether or not insurance rates under the override of the Governor's veto on women would in fact increase or decrease in terms of its number of rates for those premiums?

Mr. PICCOLA. I am not sure I understand the gentleman's question but—

Mr. RICHARDSON. I will specifically ask it again, Mr. Speaker.

Mr. Speaker, specifically I am asking whether or not women's insurance premiums would be increased if this House overrode the Governor's veto.

Mr. PICCOLA. Will be decreased, did you say?

Mr. RICHARDSON. No; would be increased - i-n-c-r-e-a-s-e-d.

Mr. PICCOLA. If the Governor's veto is overridden, the current rating structure will remain the same. Now, premiums may increase or decrease for other reasons, but if we do not override the veto, women's rates will go up because they must be rated the same as men. Currently gender is a factor in the writing of automobile insurance premiums.

Mr. RICHARDSON. Mr. Speaker, if in fact you could give us an example of a company, picking any one of them, with their response now to the rates that have already risen from our last vote on auto insurance for persons in the Commonwealth. Can you show me a comparison of that which may apply to a woman who is presently 26 years of age now, the result of what her premium would be, and then the result of the change in voting to override the Governor's veto, what the premium would then be after this measure, if it were to pass?

Mr. PICCOLA. Okay. Mr. Speaker, I have an example of a 24-year-old female driver in Philadelphia, and the assumptions, Mr. Speaker, would be a principal operator of a 1982 Oldsmobile not used for work with coverages of ACV (actual

cash value) comprehensive, \$100 collision, \$50,000 property damage, \$100,000/\$300,000 bodily injury, \$100,000 medical pay, \$5,000 income loss, \$1,500 funeral benefit, and \$15,000/\$30,000 uninsured motorist coverage and drives at least 8,000 miles a year. Currently that individual is paying \$857 in a semiannual premium. Under unisex that individual will pay \$1,244, or an increase of over 45 percent or \$386 semiannually. So that would be an annual increase of over \$700 for that individual.

Mr. RICHARDSON. Fine.

Mr. Speaker, now that you have given me someone who is under the age of 26, can you show me in that same comparison what it would then be for the women 26 years of age and older?

Mr. PICCOLA. Twenty-six years of age or over are not as dramatically affected by this change in the unisex rating, so I do not have those statistics presently for you, Mr. Speaker. They would be affected, but not as dramatically.

Mr. RICHARDSON. Mr. Speaker, dramatically or not, if you do not have that, give me some type of ballpark figure then that you are referring to when you say it will not be that much. What is "that much"?

Mr. PICCOLA. Are you speaking, Mr. Speaker, of a 26-year-old?

Mr. RICHARDSON. And older, because I think you have given me something under 26, but I think you are at a crossroads, particularly when you are 25 and younger as you are when you are 25 and older, and I think we need to know what both of them are in some kind of comparison. Do you have that information?

Mr. PICCOLA. Mr. Speaker, I would hesitate to give you a figure on that because it would be sheer speculation on my part and it would probably vary from company to company. But I believe that in the close-in range of 26, that is to say 26 to 30, there will be some negative impact on those young female drivers. The older the individual, the less the impact, obviously.

Mr. RICHARDSON. Mr. Speaker, can you share with us, other than only in the Philadelphia area, whether or not generally for women who are now on the increase in terms of drivership in Pennsylvania, what impact it would have on the rest of the women across the State of Pennsylvania, excluding Philadelphia?

Mr. PICCOLA. Okay. Yes, Mr. Speaker.

I have a lot of examples, but I will give you a similar 24-year-old that I previously described in the central Pennsylvania area, Cumberland County.

Currently that individual pays a semiannual premium of \$298.90. Under the unisex they would pay \$388.70, for a 30-percent increase or an \$89.80 semiannual increase or a yearly increase of almost \$180.

Mr. RICHARDSON. Okay.

Mr. PICCOLA. Now, that was for rural Cumberland County.

Mr. RICHARDSON. Yes; right. I understood that. You gave me an example for the rest of the Commonwealth.

Mr. Speaker, there has been much discussion around what we did last time with our vote on auto rates for Pennsylvanians, men as well as women, and it seems as though there were a number of persons who had a great increase in their premiums on their car insurance and, as a result, have met with situations where in some cases, based on the year of their car, they are paying more for their insurance than the car is actually worth per year.

What assurances do I have today, if in fact I support your position and vote to override the Governor's veto, that in fact we will not find ourselves in a similar like situation with skyrocketed premiums even after you tell me that they may be frozen but some people may get damaged?

Mr. PICCOLA. If I understand the gentleman's question, you want to know what kind of assurances you may have that if you accept my position and vote to override the veto, that there will not be any additional increases in automobile insurance for your constituents. Was that your question?

Mr. RICHARDSON. And more specifically, women.

You see, you have gone through the route, Mr. Speaker, of explaining what 24 and under would mean, but we have not gotten a solid position on what an example of 26 and over would mean. You see, it is okay to share that under the position of 26, but it does not help us back home for those who are 26 and older to be able to answer, what specific information did you receive that made you vote that way?

Mr. PICCOLA. Mr. Speaker, I cannot guarantee that you are not going to see insurance premiums increased in this State if this veto is overridden. I do not know. I would hope that we would see a leveling off of insurance premiums in this State given our new law, and that is my hope. But I can assure you that the increases that I cited to you in my earlier responses for young women will go into effect on June 1 of this year and they will go into effect in addition to any other increases that are filed for and are found to be appropriate by the Insurance Commissioner and are justified under our rating system. So not only would they be getting the increases that I cited to you earlier; any other increases that might be appropriate would be added onto that. So I cannot guarantee that they will not increase if you accept my position, but I can guarantee that if you accept my position, those 600,000 or 700,000 young women will not have an inordinate burden to bear with respect to increases.

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

Mr. Speaker, I have finished my interrogation and I would like to speak on—

The SPEAKER. The gentleman may speak on the question of override.

Mr. RICHARDSON. Mr. Speaker, I wanted to try to set for the record some kind of clarity as to really where we are in the State of Pennsylvania on this question of unisex, particularly as it relates to this question on auto insurance.

The last time we were here on the floor of this House and we debated it to quite an extent—I think it was SB 934—there was much discussion around, where are we in terms of if we support this measure or if we do not support it? Many said

that if we supported it, it would in fact help to clear up the problem that we have presently now under no-fault and we would not have this large abundance of insurance premiums rising on our constituents. Well, evidently that certainly was not the case and we find now that so many people are caught in the situation where they are paying a lot of money for insurance.

I would like to know if there is a rush on this matter and why we have to rush into this action today. It seems to me that there is no affirmative discussion coming from the speaker on his motion at this time to override the Governor's veto that in fact there will not be further increases on women within this Commonwealth as a result of their override, and I think that *perhaps maybe all those components necessary to sit down need to sit down*. It seems that the insurance company is always in a position of taking our constituents' premiums and increasing them, and then they have no real fight left to be able to stop any action being taken against them. I think that that makes them powerless to speak. I think that my position at this time, based on the information that I have received and based on how things have been moving, is that we will vote to sustain the Governor's veto.

I am calling on a town meeting in my own legislative district of all the components who are involved in this entire situation to sit down with my constituents and to explain exactly how their rates will not increase or how they will increase so that people will get a better idea of what they are actually going through, because it seems to me that the constituents on the outside always catch heck because of something that we do here on the floor of this House as it relates to their rates. If we are to really be about the business of representing our constituents, then it would seem to me that the town-meeting concept may be one that you may want to also move on to make sure that people know what is in this bill and what the future holds for future premiums. There are some companies that charge two times the amount that the gentleman shared, as one particular figure around \$700 to \$800. Some people are paying \$1,600 on the same car, same make, et cetera, and a lot of circumstances are supposed to be tied into that factor.

I think that we will do Pennsylvania great justice today if we in fact support a number of constituents' positions saying that they do not want their insurance rates to increase sky high, and since you are going to tell me that on June 1 that is when they go into effect, then I would suggest that we have from now until June 1 to work out whatever is necessary in order to make sure that by June 1 we do not have these increases in the premiums on our women. Therefore, Mr. Speaker, I am urging our colleagues to vote to sustain the Governor's veto.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

As I said to you before in this debate on an earlier occasion, each of us members has approximately 3,000 young female drivers in this category in our districts. Each of us has approximately 3,000 young drivers. In a recent memo I got from the

Insurance Committee's research analyst, the Pennsylvania Insurance Department has announced that increases for the approximately 600,000 young women drivers will be capped at 65 percent - that is, the increases for the 600,000 women drivers will be capped at 65 percent. With an average premium in my area of \$600, this translates into a \$400 increase.

I think that the same information would relate to every one of your districts, and I would urge that we all get together and override the Governor's veto. Thank you.

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

Mr. FISCHER. Mr. Speaker, I urge that we override the Governor's veto. The young women of Pennsylvania should certainly not have to pay these kinds of rate increases. Each time I have watched us try these kinds of artificial things, we have seen disastrous results - with the Cat (Catastrophic) Fund, with the no-fault insurance. Insurance should be based on your driving experience and that alone. The person who makes the mistakes, who causes the problems, who gets the tickets, who causes the accidents should pay for them, and we, who are good drivers, should not.

So, Mr. Speaker, I urge that we begin with this step of overriding the Governor's veto and then begin to take a long, hard look at the way we establish insurance rates and get back to that concept of the person who creates the problem pays for it. Thank you.

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

I intend to debate this issue, but before I start with my argument I would like to say something about how I have been feeling listening to my colleagues stand up and say the kinds of things that I never thought I would ever hear said again about inherent differences between males and females. To me, those kinds of remarks, and I believe to the majority of people in this Commonwealth, those kinds of remarks are no more acceptable than the kinds of remarks we used to hear, and fortunately do not hear so much of anymore, that talk about inherent differences of persons of different races and creeds and national origins. I am disappointed to have heard those remarks.

On the other hand, it is a great pleasure, I must say, to be able to support the Republican Governor. It does occur to me that every person has some good points, and I am happy to have discovered that Governor Thornburgh has at least one and that his veto of this bill was right, it was reasonable, and that his message was very logical and, not only that, very political, to the political advantage of those of us who agree with him.

Several speakers have said this, but I will say this again for those of you who were out of the room or wherever when it was said: If we do nothing here, if we do not override, we are setting the stage for a study contained in a bill which we sent the Senate and which they rejected out of hand. It lies in the Senate and it can still be acted upon. Several people here from both sides of the aisle have made very thoughtful remarks

about how the insurance industry bases its rates. They have talked about mileage; they have talked about experience of individual drivers. Some of them have said we need to override this veto in order to discuss these issues. That, in my opinion, is not correct. We need to sustain this veto and the Senate will have to act on the study, and we then can discuss these issues.

I would like to talk a little bit about the constituent letters that many of you have received. I call them robot letters. I think they reflect the resources of the insurance industry and not the feelings of your constituents, and I would like to tell you why.

I received a number of these letters. Some of them were very strangely addressed, the return address. They came from Continental, Pennsylvania, which I thought was interesting. But I received one of these letters from a person whom I know very well. She is a person who belongs to a number of the organizations that Mr. Manderino mentioned - the League of Women Voters and the National Organization for Women among them. She had signed a letter that said, please vote against unisex. I called her up; I asked her why she did that. She said she was misled. She wrote me another letter immediately—it came the day after I had spoken to her—that said, we cannot tolerate the tactics of the insurance industry. You will have to take my word for it, Mr. Speaker, that this is not a stupid or foolish woman whom I am talking about.

I should also like to tell you that I answered every single letter that came to me as thoughtfully and as thoroughly as I could. I also shared my response to constituent letters with a number of other Representatives, and I think that some of them used my response. I find it interesting that once I had written to these young women, they apparently, at least to judge from their response to my answer to them, were satisfied. I never got another constituent letter from any person to whom I wrote, not one, Mr. Speaker.

I am very interested; I would like to speak a little bit about the question that Representative Richardson asked Representative Piccola. If you remember, Mr. Speaker, he was trying to find out what was going to happen to drivers who are over 26 years old; that is to say drivers whom the insurance company considers adults. In some cases that is over 30, but let us say adult drivers regardless of their age. That is an interesting question to me because adult drivers make up 80 percent of the insurance business and youthful drivers make up the other 20 percent. So you can see that the insurance companies are going to be much more careful about protecting what happens in their 80-percent line than in their 20-percent line. It makes you wonder in that case why they are making such a stand on this sex discrimination below the 25-year-old age.

In that respect it is interesting, and let me take you back to some of the Insurance Committee hearings when I asked on two different occasions, suppose you have a female youthful driver and you compare her premiums to an adult male driver - her father, let us say. If all things are equal - that is to say they are driving the same type of car, the same year, it is

garaged in the same place, they are both principal drivers, whatever - who pays the highest premium? I was told on two occasions the youthful female driver pays higher premiums than her father.

I would submit to you, Mr. Speaker, that that is where the crux of this issue lies. If we do not allow the insurance industry, which is unregulated by Federal laws and has not been regulated very well by the State until the present Acting Commissioner took office, we will see that adult drivers in the adult drivers' range, female drivers subsidize male drivers. I would say in answer to Mr. Richardson's question, if we force the insurance industry or if the Joint State Government Commission forces the insurance industry to stop using sex as a surrogate but to look to miles driven, experience, use of alcohol, and a number of other factors that are really related to the kinds of accidents that people have, we will see drivers over 26 who are females—

The SPEAKER. Just a moment, Ms. Josephs. They are getting noisy again.

Try it now, Ms. Josephs.

Ms. JOSEPHS. Mr. Speaker, thank you very much.

What I was saying, Mr. Speaker, is if we go to a system—a system that many people here have said we would like to go to, and I think they are right—of looking at those things which really are related to accidents, like miles driven, use of alcohol, the person's previous accident record, and so on, we are going to find that adult female drivers will experience a 30- to 50-percent reduction in their premiums, because female drivers who are adults pay as much for their premiums to get the same coverage as male drivers, but PennDOT's statistics tell us that female drivers have about half as many accidents. Now, it is true that male drivers have more fatal accidents, but I also submit that we need to look at other lifestyle factors to figure out why that is. I would guess the people who have fatal accidents, whether they are male or female, have them under the influence of alcohol and that for some reason we get more men out drinking than we have women. So we ought to be looking at alcohol and not at gender.

I would like to say just once more again, we need to sustain the Governor's veto and we need to do it because the bill is in the Senate that we want, that we passed, that we know is the right bill, that the Governor has said he will sign. There is no rush. Please sustain the veto. Thank you very much, Mr. Speaker.

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

Mr. AFFLERBACH. Mr. Speaker, several of our colleagues have suggested that we should vote to override the veto of HB 452 because failure to do so will result in a redistribution of how much an individual may pay for identical insurance premiums. They make this argument as though a redistribution of responsibility were something foreign to this Assembly. It is not. Every time we make a policy decision in this Assembly, we are redistributing wealth, we are redistributing responsibility. The question is not whether we redistribute; the question is whether we redistribute fairly.

Others of our colleagues have suggested that we vote to override the veto in order to maintain the status quo. Both the Governor of this Commonwealth and this Assembly have said that we are willing to do that, on one condition - that we allow an independent committee to make a factual study of rating criteria and to compare that criteria and recommend to this Assembly the possibility of a better rating method than the use of gender. Even that single request was too much and remains too much for the insurance industry. Why do you suppose the insurance industry wishes to keep the lid of secrecy on the ratesetting process? Do you suppose it is to help the policyholder? Hardly. Hardly is it to help the policyholder.

I suggest that until the insurance industry is willing to open up the ratesetting process and is willing to allow this Assembly to have that select committee perform that independent study, we should sustain the Governor's veto. For far too long the insurance industry has ravished not only the women of Pennsylvania but every citizen of Pennsylvania. It is time that we sustain the Governor in telling this industry that they shall no longer have wanton range to pillage Pennsylvanians. I urge that we sustain the Governor in his action on this issue.

The SPEAKER. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter, for the second time on the issue.

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, just briefly, there has been much discussion here today about a study. The court decision was handed down, what, a year, a year and a half ago, Representative Piccola? Something like that. There have been no forthcoming proposals to change the ratemaking system.

And let me say this: We have all recently experienced a crisis in the liability area. Why did we experience that, other than the cyclical situation? Well, because back in the late seventies, early eighties, the industry saw that it could reduce premiums, go out into the marketplace and get a higher cash flow which they could invest, and perhaps some companies thought they could perhaps corner the market. They did so in hopes that they could keep premiums down, interest rates would remain high on those investments, and therefore the premium that the municipalities, the dramshops, day-care centers, et cetera, would pay would remain low. But that did not happen. Interest rates began to fall, the investment return was not there anymore, so the liability premium had to go up.

Now I say to you, if that is the case for automobile insurance, then a company that would have the wherewithal to devise a method to use other than gender as part of its ratemaking, do you not think they would have done that by now, to go out and begin to influence the marketplace even to a greater extent than they try now? It is not a question of whether or not the gender situation is built into it. It is a question of classification. And we seem to have lost track of that.

I do not know what the answer is as far as the rates, but I do know this, that every industry official has indicated that these rates are for real. The Insurance Commissioner has indicated that these rates are for real, and were it not for the fact that he placed a cap of 65 percent on them—and I am sure that will be

challenged in the courts if unisex rates go into effect—that he would not have done so. I would ask for an affirmative vote to override the veto. Thank you, Mr. Speaker.

The SPEAKER. For the second time, the Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, just to be very short, there are some facts that I have listened to that I cannot believe some of these people have been putting out and they are not able to answer some of the questions that are being asked. But the very good facts, though, are this: The average insurance cost for a young male is \$800; for a young woman, it is \$530. You take \$150 away from one and put it onto the other and you are \$20 apart. The Governor's message tells us exactly that figure. These guys are trying to put facts and figures together that just do not even jive. They cannot answer Mr. Richardson; they cannot answer anybody who asks them anything. All you have to do is use a little mathematics and you can see where it is at. And if the insurance companies cannot do it, maybe we should give them some accountants from this House and do their work for them, too.

I ask that we sustain the Governor's veto. Thank you.

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

Mr. SWEET. Mr. Speaker, I had not intended to talk about this problem because there has already been an awful lot of talk. The whole issue does pain many of us, because there are a lot of people who do not want to see young women's rates go up quickly but who just deep down in their gut do not believe that in 1986 we ought to be voting to sustain an insurance system that fundamentally makes a discrimination based on sex. That just is not the right thing to do in the twentieth century. We have come too far to rely on that kind of insurance ratemaking system.

I was not going to speak, but the gentleman, Mr. DeVerter, said some things that really distort the members' notion of how insurance ratemaking is done. The reason nobody has studied the problem for 2 years is because the way insurance rates are made is the companies submit rate filings to the Insurance Commissioner. He essentially has a passive role. His role is to either approve the filing or disapprove it. He does not have the staff—primarily because vacancies have not been filled—he does not have the staff to actively go out and develop new ratemaking systems. He responds to what the companies give him, and what the companies want is a continuation of the current system.

So, Mr. Speaker, let us not say that the thing has not been studied because people have not been interested in it. The reason it has not been studied is that the people who are primarily interested have a vested position in keeping the current system because it is simple and it is easy and it is administratively inexpensive. The problem with it is it is fundamentally unfair because it discriminates on a basis that is entirely irrelevant and is also repugnant to our thinking in 1986, and that is that it discriminates on the basis of sex.

Mr. Speaker, I was the person who suggested that we ought to wait 18 months. We ought to continue a system that I do not like, but we ought to do it so that we get a nonpartisan group, a group that has no vested interest in this thing, to try to come up with a nondiscriminatory ratemaking system that all of us can live with. The Senate has refused to do that, Mr. Speaker. I think by sustaining the Governor's veto we can force the Senate into adopting that kind of proposal.

Let us not today take a step backward, a step back into the dark ages of sexual discrimination. No one would argue here that people on the basis of race or religion ought to pay higher or lower auto insurance premiums. Nineteen eighty-six is far too late in the day to argue that people's auto insurance premiums ought to be based on one factor, and that factor being sex.

Mr. Speaker, I would ask that we sustain the Governor's veto.

The SPEAKER. On the question, the Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Thank you, Mr. Speaker.

I rise to ask that we sustain the Governor's veto. I firmly believe that insurance rates should be based on a person's driving record, regardless of whether it is a woman or a man. I firmly believe in equal pay for equal work, and I believe that women should be judged the same as men on their driving record. Thank you, Mr. Speaker.

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

Mr. FLICK. Thank you, Mr. Speaker.

Mr. Speaker, I think it is important for my colleagues not to rush into something here that can be dealt with and will be dealt with in a matter of time. On two occasions we in the House of Representatives have voted this issue. On two separate occasions we voted the unisex issue. We voted December 11 and we voted February 11. On both occasions we were led to believe that this was the midnight hour and that if we did not take action, the sky would fall. We took action, and on both occasions we sent legislation to the Senate— Excuse me; on the initial occasion we sent legislation to the Senate. That legislation still resides in the Senate. SB 1037 was laid on the table February 4, and to replace that legislation, also on February 4 HB 452 was amended and sent back to the House.

Now, there is legislation that is alive in the Senate that the Senate can deal with. This is not a crisis hour. The effect of unisex does not go into place until June 1. I would urge my colleagues on this side of the aisle to support the Governor's veto, with a full understanding that in his message he indicated he would sign legislation that enacted a moratorium for 12 to 18 months and that provided for a joint study commission to study the issue. He has agreed to sign legislation that we in fact have already passed in this chamber. I think that it is not the responsibility of the House to come to immediate action; it is the responsibility of the Senate to deal with the bill that we sent to them.

I would urge my members not to be swayed by the fear of hundreds of phone calls from young ladies who are going to

get bills increasing their insurance rates. We have time. The Governor pledged to me today that he will work with— Well, I just wanted to see if you were all listening. I am glad that you are. The Governor pledged to me today that he would work with the necessary members of the House and the Senate to bring this to a conclusion. I would urge my members from this side of the aisle not to vote to override his veto but in turn to work with him and resolve this situation. Thank you.

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

Miss SIRIANNI. Mr. Speaker, we all know how we are going to vote. Why do we not vote?

The SPEAKER. The Chair wishes officially to congratulate the lady. Finally we heard some sense on the floor, did we not?

Miss SIRIANNI. Thank you.

The SPEAKER. The only thing the Chair would point out is that if any man thinks that we are the equivalent of women, he is forgetting, we are their inferiors.

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

Mr. PICCOLA. Mr. Speaker, I agree with the lady, Miss Sirianni. Vote "yes." Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I am asking for a negative vote on the motion to override. We have heard a lot of numbers this afternoon. We have heard the horror stories that Mr. Piccola and Mr. DeVerter gave you about premiums that run to \$1,500 and are going to go up well past \$2,000. The facts are that the average premium for a woman in the class that we are talking about is \$530 in the Commonwealth. The average for a male is \$850, and the only reason that there is a difference between the two is because one is male and one is female.

Mr. Saurman made considerable sense when he said, if you pass up this opportunity to make the insurance companies get back to rating on experience, to get back to rating on those factors that count so far as accidents are concerned, then we are missing the boat. And Mr. Fischer, who said it is time we make those who cause the problems pay for the problems, ought to be voting with us in the negative, because if you vote in the affirmative to override, you are never going to get that kind of an insurance system. You are going to keep condoning what is going on.

But be that as it may, what those of us who are asking for a negative vote are saying to you today is we do not want to see drastic increases of anybody's premium. We do not want to see the insurance field disrupted. We are simply saying, give us an opportunity to study the matter, and in the meantime there will be a moratorium on the changing of rates in those lower classes. We will continue to do exactly what we are doing until the study is completed. Now, what is more fair? If at the time the study that looks for an alternative is completed you cannot accept the alternative, that is the time that you will have to make a decision on what will be done that might affect premiums. Now is not the time.

I told you at the time—I am sure others spoke to you on the floor of the House—that there was no dire emergency out there to move and to do what the insurance industry was crying for you to do, and it is not there now. We are simply saying, give us an opportunity to move the legislation out of the Senate, or out of the House committee if we have to do it again, that will go to the study.

I ask for a negative vote on the motion to override.

The SPEAKER. The Chair will repeat the question; listen carefully.

The question is, shall HB 452 become law, the objections of the Governor to the contrary notwithstanding? If you believe HB 452 should be the law, you will vote “yes.” If you believe it should not be, you will vote “no.” Mr. Manderino has suggested a negative vote. Mr. Piccola has suggested a positive vote.

On the question recurring,

Shall the bill become law, the objections of the Governor to the contrary notwithstanding?

(Members proceeded to vote.)

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, would you remind the members that they are not permitted to be on the board if they are not here and in their seat.

The SPEAKER. The gentleman is quite correct. You know the rule. This is certainly a very most important vote, and the Chair will keep the vote open. If there are any challenges, we will run the stopwatch on the vote.

Mr. MANDERINO. And, Mr. Speaker, that is on both sides of the aisle.

The SPEAKER. Both sides of the aisle. We will run the stopwatch on this, and the Chair would ask, so no member be embarrassed—obviously this is a media event—if you see someone who is being voted who is not present on the floor, you will do him or her a favor by striking that vote, rather than forcing someone to rise and call that name out for the record.

Let me remind you, the magic number, because we are missing two members on the floor of the House, is 134 instead of 136; 134 is required.

We have not closed out the voting. We will keep it open for challenges.

Mr. MANDERINO. Mr. Speaker, must we lock the switches of those people who are not voting at this moment?

The SPEAKER. If, again the Chair says, you have people in your row who are being voted on this very critical matter and those people are not seated, you will do them a favor by removing that vote voluntarily. The majority leader has tried not to embarrass anyone on the floor, but if it is necessary, then the switches will be locked.

The clerk will record the vote.

On the question recurring,

Shall the bill become law, the objections of the Governor to the contrary notwithstanding?

The following roll call was recorded:

YEAS—133

Angstadt	Dorr	Kenney	Robbins
Argall	Duffy	Kosinski	Rudy
Arty	Durham	Langtry	Ryan
Baldwin	Fargo	Laughlin	Saloom
Barley	Fattah	Lescovitz	Scheetz
Belfanti	Fee	Linton	Schuler
Birmelin	Fischer	Livengood	Semmel
Black	Foster, Jr., A.	Lloyd	Serafini
Blaum	Fox	Lucyk	Seventy
Book	Freind	McCall	Showers
Bowser	Fryer	McClatchy	Sirianni
Boyes	Gallagher	Mackowski	Smith, B.
Broujos	Gallen	Manmiller	Smith, L. E.
Bunt	Gamble	Markosek	Snyder, G. M.
Burd	Gannon	Mayernik	Staback
Burns	Geist	Merry	Stairs
Bush	George	Miller	Steighner
Cappabianca	Godshall	Moehlmann	Stuban
Carlson	Greenwood	Morris	Swift
Cawley	Gruitza	Mrkonic	Taylor, F. E.
Cessar	Gruppo	Nahill	Taylor, J.
Chadwick	Hagarty	Noye	Telek
Clymer	Haluska	Olasz	Tigue
Cordisco	Hasay	Perzel	Trello
Cornell	Hayes	Petrone	Truman
Coslett	Herman	Phillips	Veon
Coy	Hershey	Piccola	Vroon
Deluca	Honaman	Pistella	Wass
DeVerter	Hutchinson	Pitts	Weston
Daley	Jackson	Punt	Wilson
Davies	Johnson	Raymond	Wogan
Distler	Kasunic	Reber	Wright, R. C.
Dombrowski	Kennedy	Reinard	Yandrisevits
Donatucci			

NAYS—49

Acosta	Deal	McHale	Roebuck
Afflerbach	Evans	McVerry	Rybak
Battisto	Flick	Manderino	Saurman
Belardi	Freeman	Michlovic	Snyder, D. W.
Bortner	Gladeck	Murphy	Stewart
Bowley	Harper	O'Donnell	Sweet
Caltagirone	Itkin	Oliver	Van Horne
Carn	Jarolin	Petrarca	Wozniak
Cohen	Josephs	Pievsky	Wright, D. R.
Cole	Kukovich	Pott	
Cowell	Lashingner	Pressmann	Irvis,
DeWeese	Letterman	Preston	Speaker
Dawida	Levdansky	Richardson	

NOT VOTING—16

Barber	Clark	Micozzie	Stevens
Brandt	Colafella	Mowery	Wambach
Cimini	Howlett	O'Brien	Wiggins
Civera	Maiale	Rieger	Wright, J. L.

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
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The SPEAKER. The “yeas” are 133; the “nays,” 49. Less than the majority having voted to override the veto of the Governor, it is the vote of the House that HB 452 be not the law, and the Governor’s veto thereto has been sustained.

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

Mr. PICCOLA. I have filed a reconsideration motion, which I would like to have considered.

The SPEAKER. Do you want us to take it up immediately?  
Mr. PICCOLA. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, in the order of business, do we not go to the next order of business?

The SPEAKER. If that is the request of the majority leader, he certainly is right.

We will read this, Mr. Piccola, before the day is over, if that is your request and the majority leader agrees to that, but we must now go on to other things, and I think that is wise anyway. Let us get moving on something different.

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 2095, PN 2862**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," further providing for absentee ballots.

On the question,

Will the House agree to the bill on third consideration?

Mr. BOWLEY offered the following amendments No. A0916:

Amend Title, page 1, line 11, by removing the period after "ballots" and inserting ; and eliminating straight party voting.

Amend Bill, page 2, by inserting between lines 14 and 15 Section 2. Section 1003(a) of the act, amended December 10, 1974 (P.L.835, No.280), is amended to read:

Section 1003. Form of Official Election Ballot.—

(a) The official ballots for general, municipal and special elections shall be in substantially the following form:

**OFFICIAL BALLOT**

..... District, ..... Ward, City of .....  
County of ..... State of Pennsylvania .....  
Election held on the .... day of ....., 19.....  
A cross (X) or check (/) mark in the square opposite the name of any candidate indicates a vote for that candidate.

[To vote a straight party ticket, mark a cross (X) or check (/) in the square, in the Party Column, opposite the name of the party of your choice.] To vote for [an individual] any candidate [of another party after making a mark in the party square,] mark a cross (X) or check (/) opposite his name. For an office where more than one candidate is to be voted for, the voter[, after marking in the party square,] may divide his vote among the candidates of the various parties by marking a cross (X) or check (/) to the right of each candidate for whom he or she desires to vote. For such office votes shall not be counted for candidates not individually marked.

To vote for a person whose name is not on the ballot, write, print or paste his name in the blank space provided for that purpose. A cross (X) or check (/) mark in the square opposite the names of the candidates of any party for President and Vice-President of the United States indicates a vote for all the candidates of that party for presidential elector. To vote for individual candidates for presidential elector, write, print or paste their names in the blank spaces provided for that purpose under the title "Presidential Electors." Mark ballot only in black lead pencil, indelible pencil or blue, black or blue-black ink, in fountain pen or ball point pen; use the same pencil or pen for all markings you place on the ballot.

Before leaving the voting compartment, fold this ballot, without displaying the markings thereon, in the same way it was folded when received, then leave the compartment and exhibit the ballot to one of the election officers who shall ascertain by an inspection of the number appearing upon the right hand corner of the back of the ballot whether the ballot so exhibited to him is the same ballot which the elector received before entering the voting compartment. If it is the same, the election officer shall direct the elector, without unfolding the ballot, to remove the perforated corner containing the number, and the elector shall immediately deposit the ballot in the ballot box. Any ballot deposited in a ballot box at any primary or election without having the said number torn off shall be void and shall not be counted.

Party Column [To Vote a Straight Party Ticket Mark a Cross (X) or Check (/) in this Column.]	Presidential Electors (Vote for the candidates of one party for President and Vice-President, or insert the names of candidates.) For John Stiles and Richard Doe, Democratic _____ For John Doe and Richard Roe, Republican _____ For John Smith and William Jones, Socialist _____
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Citizens	United States Senator. (Vote for one) Richard Roe ..... Democratic John Doe ..... Republican Richard Stiles ..... Socialist
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	Governor. (Vote for one) Richard Roe ..... Democratic John Doe ..... Republican Richard Stiles ..... Socialist
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	Representative in Congress, District. (Vote for one) Richard Roe ..... Democratic John Doe ..... Republican Richard Stiles ..... Socialist
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	Senator in the General Assembly, District. (Vote for one) John Doe ..... Democratic Richard Roe ..... Republican
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Section 3. Sections 1107(b) and 1216(d) and (f) of the act are amended to read:

Section 1107. Requirements of Voting Machines.—No voting machine shall, upon any examination or reexamination, be approved by the Secretary of the Commonwealth, or by any examiner appointed by him, unless it shall, at the time, satisfy the following requirements:

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(b) It shall not permit [each] a voter[, at other than primary elections,] to vote a straight political party ticket in one operation[, and, in one operation, to vote for all the candidates of one

political party for presidential electors, and, in one operation, to vote for all the candidates of one political party for every office to be voted for, except those offices as to which he votes for individual candidates].

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Section 1216. Instructions of Voters and Manner of Voting in Districts in Which Voting Machines are Used.—

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(d) At primaries, he shall vote for each candidate individually by operating the key, handle, pointer or knob, upon or adjacent to which the name of such candidate is placed. At elections, he may vote for each candidate individually by operating the key, handle, pointer or knob, upon or adjacent to which the names of candidates of his choice are placed, or he may vote a straight political party ticket in one operation by operating the straight political party lever of the political party or political body of his choice, if such machine has thereon a separate lever for all the candidates of the political body. He may also, [after having operated the straight party lever, and] before recording his vote, cancel the vote for any candidate of such political party or political body by replacing the individual key, handle, pointer or knob of such candidate, and may thereupon vote for a candidate of another party, or political body for the same office by operating the key, handle, pointer or knob, upon or adjacent to which the name of such candidate appears. In the case of a question submitted to the vote of the electors, the elector shall operate the key, handle, pointer or knob corresponding to the answer which he desires to give.

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(f) At any general election at which presidential electors are to be chosen, each elector shall be permitted to vote [by one operation] for all the presidential electors of a political party or political body. For each party or body nominating presidential electors, a ballot label shall be provided containing only the words "Presidential Electors," preceded by the names of the party or body and followed by the names of the candidates thereof for the office of President and Vice-President, and the corresponding counter or registering device shall register votes cast for said electors when thus voted for collectively. If an elector desires to vote a ticket for presidential electors made up of the names of persons nominated by different parties or bodies, or partially of names of persons so in nomination and partially of names of persons not in nomination by any party or body, or wholly of names of persons not in nomination by any party or body, he may write or deposit a paper ballot prepared by himself in the receptacle provided in or on the machine for the purpose. The machine shall be so constructed that it will not be possible for any one voter to vote a straight party ticket for presidential electors and at the same time to deposit a ballot for presidential electors in a receptacle as hereinabove provided. When the votes for presidential electors are counted, the votes appearing upon the counter or registering device corresponding to the ballot label containing the names of the candidates for President and Vice-President of any party or body shall be counted as votes for each of the candidates for presidential elector of such party or body, and thereupon all candidates for presidential elector shall be credited, in addition, with the votes cast for them upon the ballots deposited in the machine, as hereinabove provided.

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Section 4. Section 1223(b) of the act, amended January 8, 1960 (1959 P.L.2142, No.790), is amended to read:

Section 1223. What Ballots Shall Be Counted; Manner of Counting; Defective Ballots.—\*\*\*

(b) At November elections, a cross (X) or check (/) mark in the square opposite the name of [political party or political body in] the [party column shall be counted as a vote for every candidate of that party or body so marked, including its candidates for presidential electors, except for those offices as to which the voter

has indicated a choice for] individual candidates [of the same or another party or body] in any office block, [in which case the ballot for such office block] shall be counted only for the candidates thus individually marked, [notwithstanding the fact that the voter has made a mark in the party column, and] even though in the case of an office for which more than one candidate is to be voted for, he has not individually marked for such office the full number of candidates for which he is entitled to vote.

Amend Sec. 2, page 2, line 15, by striking out "2" and inserting

5

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

6

Amend Sec. 4, page 7, line 3, by striking out "4" and inserting

7

Amend Sec. 5, page 7, line 12, by striking out "5" and inserting

8

On the question,

Will the House agree to the amendments?

The SPEAKER. On the question, the Chair recognizes the gentleman from Warren, Mr. Bowley.

Mr. BOWLEY. Thank you, Mr. Speaker.

I am sorry to offer this amendment at this time because I know we have been here a long time, but I feel this is an appropriate piece of legislation to try to adopt this amendment into.

This particular amendment, I feel, is a good government amendment. This would eliminate the straight party vote in the State of Pennsylvania by pulling one party lever, marking one box on a paper ballot, or punching one hole on a punchcard. A voter may still vote a straight party vote; they would just have to do that individually by the candidates. I think this would eliminate the coattail effect. We are 1 of only 18 States left in the United States that have this method of voting.

I think it is a good government vote, and I would ask for an affirmative vote on the amendment.

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

Mr. RYAN. Mr. Speaker, would the gentleman stand for a brief period of interrogation?

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

Mr. RYAN. Mr. Speaker, is it your intention in this amendment to include all ballots? In other words, be they paper ballots, machine ballots, or electronic ballots?

Mr. BOWLEY. Yes, Mr. Speaker.

Mr. RYAN. It is my information from our legal counsel that your amendment does not include electronic voting.

Mr. BOWLEY. If it does not, it is probably a mistake of the Reference Bureau to not include that. I intended to include all types of voting in the Commonwealth.

Mr. RYAN. Mr. Speaker, for the reasons stated, as well as others if it is necessary, I oppose the amendment.

The SPEAKER. The Chair recognizes the gentleman from Warren, Mr. Bowley. What decision have you made, Mr. Bowley?

Mr. BOWLEY. Mr. Speaker, I would think section 1216 of the amendment on the third page, which covers voting machines, I think that would cover electronic voting. I am not positive on that though.

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

Mr. ITKIN. Mr. Speaker, beyond the obvious technical problems that we have with the legislation, there are considerable substantive problems that I have and many of the members of this House have with the proposal.

I just urge a simple "no" vote and separate the amendment from a good bill.

The SPEAKER. The Chair recognizes the gentleman from Elk, Mr. Distler, on the amendment.

Mr. DISTLER. Mr. Speaker, I rise to support the Bowley amendment. However, if there is a problem with the possible elimination of the voting machines, I would like to suggest that the amendment be drafted properly and that we hold this bill over.

The SPEAKER. The Chair is not certain, in just scanning the amendment, whether or not Mr. Ryan is correct or Mr. Bowley. In one part of the amendment it eliminates completely any discussion of electronic voting, and in another part of the amendment it talks about voting machines.

This is Mr. Itkin's bill. Mr. Itkin, are you willing to have the bill passed over?

Mr. ITKIN. Mr. Speaker, my answer is no because—

The SPEAKER. Mr. Itkin, the Chair is not giving an opinion on it. We just want to know— If you are willing to pass it over, we will pass it over. If you are unwilling, we will keep it where it is.

Mr. ITKIN. Yes. Now, let me explain to the membership why. Normally I would do this, but this is the implementation legislation of the constitutional amendment the voters of Pennsylvania adopted last November which would allow for absentee ballot provisions. We would like to get this bill passed into law before this primary so the benefits of that legislation may be received by the voters of Pennsylvania.

The SPEAKER. Very well.

The Chair recognizes the gentleman from Warren, Mr. Bowley, on the amendment.

Mr. BOWLEY. Mr. Speaker, I am not so sure how the other members feel, but I see no reason why we cannot hold this bill until Monday, and I will have this properly drafted.

The SPEAKER. No.

Mr. BOWLEY. It is my opinion, though, that this does include electronic voting.

The SPEAKER. Mr. Bowley, the Chair gives the courtesy to the sponsor of the bill to decide that, and the only one really who could override that would be the House of Representatives. The Chair would suggest you not carry it to that extent.

Mr. BOWLEY. Mr. Speaker, then may I speak on the bill the second time?

The SPEAKER. On the amendment?

Mr. BOWLEY. On the amendment.

The SPEAKER. Certainly, sir.

Mr. BOWLEY. Thank you, Mr. Speaker.

I am not sure if this is technically drawn up correctly or not. However, I want to make it perfectly clear that this would include electronic voting. I just feel that we should join the other States in the country that have eliminated being able to vote for a straight party by pulling one lever, knob, or punchboard. A person, just like in the primary, would have to vote for the individual candidate. If they want to vote a straight party line, they can, but they would have to vote each individual person from the Federal, the State, and the local candidates.

I think it is a good government bill, and I would ask for an affirmative vote on the amendment. Thank you.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

I think our voting process is difficult enough, and I urge us not to make it any more difficult.

I would urge a "no" vote on this amendment.

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

Mr. HALUSKA. Mr. Speaker, I would like to ask for a negative vote on this amendment. We have a lot of elderly people. It would be very difficult for them to pick individual names, and it is much easier for them to make a selection.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—50

Afflerbach	Cowell	Langtry	Semmel
Book	Coy	Letterman	Showers
Bortner	Dawida	Lloyd	Snyder, D. W.
Bowley	Distler	McHale	Stairs
Boyes	Dombrowski	McVerry	Steighner
Broujos	Fischer	Morris	Sweet
Burd	Freeman	O'Brien	Taylor, J.
Burns	Freind	Perzel	Telek
Cappabianca	Fryer	Pott	Wilson
Cawley	Hasay	Pressmann	Wogan
Civera	Josephs	Rybak	Wright, D. R.
Cole	Kenney	Saloom	Yandrisevits
Cordisco	Kukovich		

NAYS—142

Acosta	Durham	Laughlin	Raymond
Angstadt	Evans	Lescovitz	Reber
Argall	Fargo	Levdansky	Reinard
Arty	Fattah	Linton	Richardson
Baldwin	Fee	Livengood	Rieger
Barber	Flick	Lucyk	Robbins
Barley	Foster, Jr., A.	McCall	Roebuck
Battisto	Fox	McClatchy	Rudy
Belardi	Gallagher	Mackowski	Ryan
Belfanti	Gallen	Maiale	Saurman
Black	Gamble	Manderino	Scheetz
Blaum	Gannon	Manmiller	Schuler
Bowser	Geist	Markosek	Seventy
Brandt	George	Mayernik	Sirianni
Bunt	Gladeck	Merry	Smith, B.
Bush	Godshall	Michlovic	Smith, L. E.
Caltagirone	Greenwood	Micozzie	Snyder, G. M.
Carlson	Gruitza	Miller	Staback

Carn	Gruppo	Moehlmann	Stewart
Cessar	Hagarty	Mowery	Stuban
Chadwick	Haluska	Mrkonic	Swift
Clark	Harper	Murphy	Taylor, F. E.
Clymer	Hayes	Nahill	Tigue
Cohen	Herman	Noye	Trello
Colafella	Hershey	O'Donnell	Truman
Cornell	Honaman	Olasz	Veon
Coslett	Howlett	Oliver	Vroon
Deluca	Hutchinson	Petrarca	Wambach
DeVerter	Itkin	Petrone	Wass
DeWeese	Jackson	Phillips	Weston
Daley	Jarolin	Piccola	Wozniak
Davies	Johnson	Pievsky	Wright, J. L.
Deal	Kasunic	Pistella	Wright, R. C.
Donatucci	Kennedy	Pitts	
Dorr	Kosinski	Preston	Irvis,
Duffy	Lashingner	Punt	Speaker

NOT VOTING—6

Birmelin	Serafini	Van Horne	Wiggins
Cimini	Stevens		

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.	
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. FOX offered the following amendments No. A1023:

Amend Title, page 1, line 11, by removing the period after "ballots" and inserting

; and further providing for certain written statements relating to disability.

Amend Sec. 3, page 3, line 6, by inserting after "1302(e)," (e.1),

Amend Sec. 3 (Sec. 1302), page 6, line 6, by striking out all of said line and inserting

(e.1) Any qualified registered elector, including any qualified bedridden or hospitalized veteran, who is unable because of illness or physical disability to attend his polling place on the day of any primary or election or operate a voting machine and state distinctly and audibly that he is unable to do so as required by section 1218 of this act may, with the certification by his attending physician that he is permanently disabled, and physically unable to attend the polls or operate a voting machine and make the distinct and audible statement required by section 1218 appended to the application hereinbefore required, be placed on a permanently disabled absentee ballot list file. An absentee ballot application shall be mailed to every such person for each primary or election so long as he does not lose his voting rights by failure to vote as otherwise required by this act. Such person shall not be required to file a physician's certificate of disability with each application as required in subsection (e) of this section [but such person must submit a written statement asserting continuing disability every two years in order to maintain his eligibility to vote under the provisions of this subsection]. Should any such person lose his disability he shall inform the county board of elections of the county of his residence.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Montgomery, Mr. Fox.

Mr. FOX. Thank you, Mr. Speaker.

This is a housekeeping amendment. Mr. Speaker, right now we have a situation where those who are disabled permanently must get a doctor's certificate and must do so every 2 years, which is an unnecessary cost to the constituents. Once they are permanently disabled, they are permanently disabled. Under this amendment, which is not opposed by the maker of the bill, we have the safeguard that every person who is permanently disabled must submit a written statement asserting that every 2 years, and should they lose their disability, they must so inform the county board of elections, but this will eliminate the cost of having to visit a doctor for the certificate.

I ask for passage of the amendment.

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

Mr. ITKIN. Mr. Speaker, no objection.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—192

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

NAYS—2

Deal Richardson

NOT VOTING—4

Barber Evans Maiale Wiggins

EXCUSED—3

Dietz Dininni Taylor, E. Z.

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—191

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

NAYS—0

NOT VOTING—7

Blaum Evans Jarolin Wiggins  
Cappabianca Howlett Maiale

EXCUSED—3

Dietz Dininni Taylor, E. Z.

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.

COMMITTEE APPOINTED

The SPEAKER. Before we go to the next bill, the Chair wishes to announce, because this is the last day of this week's session, that under instructions of the House under HR 238, the Chair has created a nine-member select committee to investigate the incidents of fraudulent practices in the Commonwealth's medical assistance program. The following have been appointed: Allen Kukovich, chairman; Peter Truman; Tom Caltagirone; Andrew Carn; Frank Yandrisevits; Mary Ann Arty; Donald Dorr; Terrence McVerry; John Perzel. They will get written notices of this later this week.

REMARKS ON VOTES

The SPEAKER. Why does the gentleman from Luzerne, Mr. Blaum, rise?

Mr. BLAUM. Mr. Speaker, on final passage of HB 2095, my switch did not work. I would like to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Luzerne, Mr. Jarolin. Why do you rise, sir?

Mr. JAROLIN. My switch did not work, Mr. Speaker. I would like to be recorded in the affirmative on HB 2095.

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

CONSIDERATION OF HB 2061 CONTINUED

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its decision that the bill has been agreed to on third consideration. The Chair hears no objection.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. DeLUCA offered the following amendment No. A1024:

Amend Sec. 1 (Sec. 4), page 2, line 7, by striking out "OR RETAIN,"

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

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—7

Acosta	Howlett	Sirianni	Wiggins
Evans	Maiale	Sweet	

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
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The question was determined in the affirmative, and the amendment was agreed to.

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. MERRY. Mr. Speaker, my congratulations to the sponsor for correcting a fault there in the bill. At this point then on the second page, referring to whether a member of an authority may have a relative have a job, it has been corrected as far as those who now exist on the payrolls. Again, I compliment him on changing that.

However, I am wondering, is it right in the small rural areas again—I am sorry, but that is where I come from. Many times it is difficult to find a member of a borough council or an authority who does not have some relative around, and it is very apt to be within the definition of this bill, a child, an adopted child, a stepchild, or a spouse. Sometimes that is the only way you can fill these positions, so I am concerned.

I want you to think about that, because I think that section relating to how you hire, while there are many moral virtues of having it otherwise, and I am sure that exists in the larger authorities, it does not exist in the smaller authorities.

Representative Fargo some time ago made a motion to table this bill for further study. In talking with him, he indicated to me that he felt that while the bill attempts to accomplish a noble purpose, since it discriminates between large, professional-type authorities and what I regard as rural, volunteer, and many times unprofessional-type authorities, it overregulates one while possibly not regulating the other sufficiently. I would like to have suggested that the committee could have come up with authorities number one and number two, by population or by the number of employees that they had, so that you would be talking apples and apples.

Right now we have a bill here that has a very good purpose. If it was limited to the professional-type authorities, I would vote for it, but I am going to have to urge you at this point to not vote for it, Mr. Speaker, because it goes too far for the hundreds of authorities out there that do not meet often and are what I am calling unprofessional in that they have very few employees; they have no staff; they operate with volunteers. I feel it is unfair to create this burden on them that is going to cause them to not accept a job, resign from the authority, or in the reverse, cause that authority to hire people on a consulting basis, professional people, to supply all these forms, and that is going to raise the water rates and the sewer rates for senior citizens and the handicapped and the disadvantaged much more than they are now, and I am sure we all do not want to further burden financially these people who are having trouble paying their bills.

So, Mr. Speaker, I urge the defeat of HB 2061.

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

Mr. FRYER. Mr. Speaker, I find myself in sharp disagreement with the gentleman, Mr. Merry. I also come from a rural area, and we are discussing basically what would be regarded as sound business practices.

Mr. Speaker, I have letters on file in the office which state some of the abuses that had been created. Now, I would be the first to say that most authority members are dedicated public servants. However, we have some who have been taking advantage of their position by hiring relatives of questionable competence at the public's expense, by putting them in jobs of dubious necessity, by paying them salaries far in excess of their value for their so-called services, and then, and then attempting to keep this secret. Bear in mind, Mr. Speaker, that the authority members are not in an elected position that they face the voters as public elected officials. Now, if you believe that they can continue this practice, then I say stand up and vote against this bill, because then maybe you truly believe that charity begins at home. Let them say then, I like secrecy; the less the people know, the better they will be.

Mr. Speaker, the public is paying for this process, and the point that they cannot get this one or that one unless they can put a well-deserved relative into such a position that the public can only grit its teeth and pay for that expense, that, Mr. Speaker, I say is an unpardonable defense in a rural district or in an urban area.

For the filing of reports, about which there was such a great fuss created, Mr. Speaker, the Department of Community Affairs has been receiving these reports since the law was passed by the legislature in 1945, but the essence is if you want this to continue, this practice that goes on by a few who are questionable, then vote against the bill. But if you believe that the public is entitled to know, since they are paying for the process, then I say stand with the sponsors of this bill and support it and vote it, Mr. Speaker, hopefully into law. Thank you.

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

Mr. DAVIES. May I interrogate the last speaker?

The SPEAKER. Will the gentleman, Mr. Fryer, stand for interrogation? He indicates that he will so stand. You are in order, Mr. Davies, and you may proceed.

Mr. DAVIES. Mr. Speaker, the gentleman has me confused. He asked me to stand up if I opposed the bill and at last he asked me to stand up if I support the bill. Now, I am utterly confused. I do not know how to cast my vote, whether I am supposed to be standing or sitting.

Mr. FRYER. Mr. Speaker, in reply to the gentleman, as was explained earlier, this is people's legislation, and I must say my fellow colleague from Berks has always stood in the front ranks when the people were concerned. I would not like to have him interrupt that brilliant career by making that change in pace.

He should vote "yes" for the bill—I repeat, "yes"—because he is a learned man and he basically is for the people. Thank you, Mr. Speaker.

The SPEAKER. No one ever tops him, Mr. Davies.

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—165

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

## NAYS—26

Argall	DeVerter	Levdansky	Pott
Bowser	Distler	McVerry	Robbins
Boyes	Fargo	Mayernik	Rudy
Broujos	Godshall	Merry	Smith, L. E.
Bush	Herman	Noye	Stairs
Carlson	Jackson	Petrarca	Swift
Cessar	Langtry		

## NOT VOTING—7

Caltagirone	Evans	Sirianni	Wogan
Civera	Howlett	Telek	

## EXCUSED—3

Dietz	Dininni	Taylor, E. Z.	
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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.

### PRESENTATION TO SPEAKER

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies. Why did you rise, sir?

Mr. DAVIES. Unanimous consent, Mr. Speaker.

The SPEAKER. The Chair hears no objection. The gentleman may proceed.

Mr. DAVIES. I lost that last round again, as far as the verbiage, and I have not been able to do any better with you, sir, so I captured you some other way. To top it off, I have even framed you, so I would like to present you with your frame.

The SPEAKER. I thought he had framed Hefty.

The Chair thanks the gentleman, and he is delighted. Thank you.

This is the original work of Mr. Davies, who obviously is not just an accomplished people's Representative but he is an accomplished artist as well. Thank you very much.

### REMARKS ON VOTES

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

Mr. PETRARCA. Mr. Speaker, on HB 2061 I inadvertently voted in the negative. I would like to be recorded in the positive. Thank you.

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

The Chair recognizes the gentleman from Philadelphia, Mr. Wogan.

Mr. WOGAN. Thank you, Mr. Speaker.

On HB 2061 my switch was inoperative. I would have liked to have been recorded in the affirmative.

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

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

Mr. CALTAGIRONE. I was off the floor at the time of the vote, and I would like to be recorded in the affirmative on HB 2061.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Fargo. Why do you rise, sir?

Mr. FARGO. Thank you, Mr. Speaker.

I would like to have my vote, which was recorded in the affirmative for HB 775, recorded in the negative. Thank you.

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

### BILL ON THIRD CONSIDERATION POSTPONED

The House proceeded to **HB 1876, PN 2475**, on third consideration postponed, entitled:

An Act amending the act of April 6, 1956 (1955 P. L. 1414, No. 465), known as the "Second Class County Port Authority Act," further providing for the board of the authority; and providing for a transit council, audits, service standards and the operation budget.

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

### MOTION TO PLACE BILL ON THIRD CONSIDERATION POSTPONED CALENDAR

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

Mr. POTT. Mr. Speaker, we debated this for hours last night. I would like to move that this bill be passed over for today's session.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the issues in this matter, I think, are clear. The amendments that we spent a lot of time on yesterday, we took up yesterday, the gentleman has been promised that we would handle this today. The same people who talked about the urgency of doing something yesterday when I tried to put it off are now telling us, let us wait until next week.

Mr. Speaker, I think that we ought to continue with the consideration of this bill and get it finished up this afternoon.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Pott, on his motion.

Mr. POTT. Is that motion in order, Mr. Speaker?

The SPEAKER. It is in order. Do you pursue it?

Mr. POTT. Yes, sir.

The SPEAKER. All right.

Mr. Pott has moved that HB 1876 be passed over; in other words, be formally returned to the third consideration postponed calendar.

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

The SPEAKER. The majority leader has urged that the vote on that motion be in the negative.

On the motion, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, of the three people who are speaking to this point thus far, including myself, I appear to be the only one who is consistent in terms of arguing last week, yesterday, and today that we take up this issue and not delay it. We did spend a lot of time yesterday on HB 1876, but we spent all of that time on only one amendment, which was defeated. There are other amendments. I understand that Representative Pistella was about to offer an amendment yesterday when he was persuaded to wait until today, but he was promised that his amendment was the next thing on the agenda and that we would take up HB 1876 today. There were other amendments that were offered, and I understand that there is also a motion that has been submitted to reconsider the amendment that was defeated yesterday. I think the people have the right and deserve the opportunity to consider these amendments and to try to finally dispose of this issue today.

I would urge that we not delay, that we not postpone, that we defeat this motion. Thank you.

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

Mr. FOSTER. Thank you, Mr. Speaker.

As the prime sponsor of the bill, I would like to present you with a very practical reason for postponing consideration, and that is the fact that just a few moments ago we discovered a large number of absentee members in the House. The House is very closely divided on this issue, and I submit that we do not have the sufficient votes here to pass anything today if only members in their seats are voting.

So I would urge all members on this side, all members, that we postpone the bill until next week.

The SPEAKER. Those in favor of the motion, which is to postpone the bill, put it on the postponed calendar, will vote "aye." The majority leader has urged that the vote be in the negative.

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

The following roll call was recorded:

YEAS—91

Table listing names of members who voted 'YEAS' in four columns: Afflerbach, Angstadt, Argall, Arty, Barley, Birmelin, Black, Book, Bowser, Boyes, Burd, Bush, Carlson, Carn, Cessar, Chadwick, Clymer, Cornell, Coslett, Coy, DeVerter, Davies, Dawida, Distler, Donatucci, Dorr, Duffy, Fargo, Fischer, Flick, Foster, Jr., A., Fox, Freind, Gamble, Gannon, Geist, Gladeck, Godshall, Greenwood, Gruppo, Hagarty, Hayes, Herman, Hershey, Honaman, Jackson, Johnson, Kennedy, Kenney, Langtry, Lashinger, Levdansky, McCall, McClatchy, McVerry, Mackowski, Markosek, Merry, Michlovic, Moehlmann, Mrkonic, Murphy, Nahill, Noye, O'Brien, Perzel, Phillips, Pitts, Pott, Punt, Raymond, Reinard, Robbins, Rudy, Ryan, Saurman, Scheetz, Schuler, Semmel, Sirianni, Smith, B., Smith, L. E., Snyder, D. W., Snyder, G. M., Stairs, Stevens, Swift, Van Horne, Vroon, Wilson, Wogan.

NAYS—93

Table listing names of members who voted 'NAYS' in four columns: Acosta, Baldwin, Battisto, Belardi, Belfanti, Blaum, Bortner, Bowley, Broujos, Bunt, Burns, Caltagirone, Cappabianca, Cawley, Clark, Cohen, Cole, Cordisco, Cowell, Deluca, DeWeese, Daley, Deal, Durham, Evans, Fattah, Fee, Freeman, Fryer, Gallagher, Gallen, George, Gruitza, Haluska, Hasay, Hutchinson, Itkin, Jarolin, Josephs, Kasunic, Kosinski, Kukovich, Laughlin, Lescovitz, Letterman, Linton, Lloyd, Lucyk, McHale, Manderino, Manmiller, Mayernik, Miller, Morris, O'Donnell, Olasz, Oliver, Petrarca, Petrone, Piccola, Pievsky, Pistella, Pressmann, Preston, Reber, Richardson, Rieger, Roebuck, Rybak, Seventy, Showers, Staback, Steighner, Stewart, Stuban, Taylor, F. E., Taylor, J., Telek, Tigue, Trello, Truman, Veon, Wambach, Wass, Weston, Wiggins, Wozniak, Wright, D. R., Yandrisevits, Irvis, Speaker.

Dombrowski Livengood Saloom NOT VOTING—14

Table listing names of members who did not vote: Barber, Brandt, Cimini, Civera, Colafella, Harper, Howlett, Maiale, Micozzie, Mowery, Serafini, Sweet, Wright, J. L., Wright, R. C.

EXCUSED—3

Dietz Dininni Taylor, E. Z.

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

On the question recurring, Will the House agree to the bill on third consideration? (Amendment A0973, offered by Mr. Pistella on March 11, 1986, was withdrawn.)

Mr. PISTELLA offered the following amendments No. A1017:

Amend Title, page 1, line 32, by striking out "and" Amend Title, page 1, line 33, by removing the period after "budget" and inserting ; and further providing for collective bargaining by the authority with its employees and their representatives.

Amend Sec. 1 (Sec. 3.1), page 2, lines 6 through 30; page 3, line 1, by striking out all of said lines on said pages and inserting Section 3.1. (a) The authority shall provide for the establishment and maintenance of a citizens advisory committee, to be known as the Allegheny County Transit Council.

(b) The members of the transit council shall, independent of the authority, adopt such bylaws, rules and regulations, and elect such officers as they deem appropriate for the conduct of the council's business.

(c) Although the transit council shall be only advisory, the board shall give careful and due consideration to the transit council's comments and recommendations.

Amend Bill, page 5, lines 11 through 30; page 6, lines 1 through 30; page 7, lines 1 through 4, by striking out all of said lines on said pages and inserting

Section 2. Section 13.2 of the act, added October 7, 1959 (P.L.1266, No.429), is amended to read:

Section 13.2. (a) The authority through its boards shall deal with and enter into written contracts with the employes of the authority through accredited representatives of such employes or representatives of any labor organization authorized to act for such employes concerning wages, salaries, hours, working conditions and pension or retirement provisions.

(b) Collective bargaining shall commence at least ninety days prior to the expiration date of a collective bargaining agreement.

(c) If, upon the expiration of the thirty-day period, after commencement of collective bargaining under subsection (b), a dispute exists between the authority and the authorized representative, both parties shall immediately, in writing, call in the service of the Pennsylvania Bureau of Mediation.

(d) (1) If an agreement is not reached within fifteen days after mediation has commenced, the parties shall submit the dispute to fact-finding. If the parties have not agreed upon a neutral fact-finder, a neutral fact-finder shall be selected by the authority and the authorized representative by alternately striking names from a list of qualified persons maintained and made available at the request of either party by the Pennsylvania Labor Relations Board. Each party shall specify in writing the unresolved issues and its position on each issue to the fact-finder. The fact-finder shall issue his report not later than fifteen days prior

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to the expiration date of the collective bargaining agreement. The report shall make final recommendations as to all unresolved issues and shall set forth supporting factual findings.

(2) In making findings and recommendations for the resolution of the matter, the fact-finder shall take into consideration and give weight to the following factors in determining his recommendations: (i) the financial ability of the authority to pay wages and provide benefits and the authority's expenditure of public funds and revenues toward its obligation of maintaining levels of transit service sufficient to serve the service area; (ii) the amount, if any, of any fare increase and/or additional public subsidy which would be necessary to fund an economic cost increase and the ability of the public to bear such a fare increase, with consideration given to the per capita income of persons in the service area and the impact, if any, upon future ridership levels; (iii) a comparison between the overall wage salary and fringe benefit levels of the authority's represented employes and other workers in the public and private sectors of the metropolitan area who perform similar work and other transit systems in comparable metropolitan areas and/or similar metropolitan transit systems with similar population, size and system and service area; (iv) a comparison of the hours and working conditions of the authority's represented employes and other workers in the public and private sectors of the metropolitan area who perform work requiring similar skills and other transit systems in comparable metropolitan areas and/or similar metropolitan transit systems with similar population, size and system and service areas; (v) the cost of consumer goods and services within the metropolitan area; (vi) any stipulation entered between the authority and the authorized representative; (vii) the hazards of employment, physical and mental qualifications, including the stress and demands of the job, as well as the training and skills of the employes involved; (viii) the hazards of employment in relationship to whether any existing legislation or regulatory agency has any control over the occupational safety and health of the employes.

(3) The findings of fact and recommendations shall be sent by certified mail to the board and to both parties.

(4) Not later than seven days after the findings and recommendations shall have been sent, the authority, by a majority vote of its board, and in the case of the authorized representative, the membership employed by the authority by a majority of the members voting on the fact-finder's recommendations, may reject the recommendations; if neither rejects the recommendations, the recommendations shall be deemed agreed upon as a final resolution of the issues submitted and a collective bargaining agreement shall be executed between the parties, including the fact-finder's recommendations, except as otherwise modified by the parties by mutual agreement. If either party rejects the recommendations, the fact-finder shall make public his findings of fact and recommendations for settlement of the labor dispute.

(e) In case of any labor dispute where collective bargaining, mediation or fact-finding does not result in agreement, [the authority shall offer to submit such dispute] upon the expiration date of the existing collective bargaining agreement, the dispute shall be submitted to arbitration by a board composed of three persons, one appointed by the authority, one appointed by the labor organization representing the employes, and a third member to be agreed upon by the labor organization and the authority. The member selected by the labor organization and the authority shall act as chairman of the board. The determination of the majority of the board of arbitration thus established shall be final and binding on all matters in dispute. If, after a period of ten days from the date of the appointment of the two arbitrators representing the authority and the labor organization, the third arbitrator has not been selected, then either arbitrator may request the American Arbitration Association to furnish a list of five persons from which the third arbitrator shall be selected. The arbitrators appointed by the authority and the labor organiza-

tion, promptly, after the receipt of such list, shall determine, by lot, the order of elimination and, thereafter, each shall, in that order alternately, eliminate one name until only one name remains. The remaining person on the list shall be the third arbitrator. Each party shall pay one-half of the expenses of such arbitration.

(f) At the expiration date of the contract, the board of county commissioners shall be notified of the impasse and of the findings and recommendations of the fact-finder. At such time, the commissioners shall have the opportunity to attempt to resolve any remaining differences between the parties.

(g) The term "labor dispute" as used in this section shall be broadly construed and shall include any controversy involving the formulation of provisions of a collective bargaining agreement concerning wages, salaries, hours, working conditions or benefits, including, but not limited to, health and welfare, sick leave insurance or pension or retirement provisions but not limited thereto, and including any controversy concerning any differences or questions that may arise between the parties including, but not limited to the making or maintaining of collective bargaining agreements, the terms to be included in such agreements and the interpretation or application of such collective bargaining agreements and any grievances that may arise. Each party shall pay one-half of the expenses of such arbitration. Any other terms to be included in such collective bargaining agreement. Controversies which involve past practices or the interpretation or application of provisions of a collective bargaining agreement shall be resolved in accordance with grievance resolution procedures set forth in such collective bargaining agreement.

(h) All managerial rights and functions of the authority which are not otherwise restricted or modified through bargaining or interest arbitration with the employes' representatives, or by the provisions of any agreement or interest arbitration award binding upon both parties or past practice heretofore agreed upon, shall be retained and vested exclusively in the authority; except that any unwritten past practice in effect on the date of this enactment shall remain effective for a period not to exceed three years unless sooner restricted, modified or continued by the provisions of an agreement or arbitration award binding upon both parties. The term "interest arbitration" shall mean the formulation by an arbitration board of provisions governing wages, salaries, benefits, hours of work, and other terms and conditions of employment advanced by the authority and the authorized representative of the employes of the authority.

(i) Notwithstanding any provision of the act of July 23, 1970 (P.L. 563, No. 195), known as the "Public Employe Relations Act," there shall be no right to strike in regard to a labor dispute which must be submitted to arbitration under this section. Unless agreed otherwise by the parties, all contract conditions shall remain status quo during the period of arbitration, and there shall be no lockouts, strikes or other interference with or interruption of transit operations during the arbitration proceedings or to upset the arbitration award.

(j) In any binding interest arbitration between the authority and an authorized representative, the arbitrator shall consider and give weight to and describe in the award the impact of the following factors in determining the award:

(1) The financial ability of the authority to pay wages and provide benefits and the authority's expenditure of public funds and revenues toward its obligation of maintaining levels of transit service sufficient to serve the service area.

(2) The amount, if any, of any fare increase and/or public subsidy which would be necessary to fund an economic cost increase and the ability of the public to bear such a fare increase, with consideration given to the per capita income of persons in the service area and the impact, if any, upon future ridership levels.

(3) A comparison between the overall wage salary and fringe benefit levels of the authority's represented employes and other workers in the public and private sectors of the metropolitan area who perform similar work and other transit systems in comparable metropolitan areas and/or similar metropolitan transit systems with similar population, size and system and service area.

(4) A comparison of the hours and working conditions of the authority's represented employes and other workers in the public and private sectors of the metropolitan area who perform work requiring similar skills and other transit systems in comparable metropolitan areas and/or similar metropolitan transit systems with similar population, size and system and service areas.

(5) The cost of consumer goods and services within the metropolitan area.

(6) Any stipulation entered between the authority and the authorized representative.

(7) The hazards of employment, physical and mental qualifications, including the stress and demands of the job, as well as the training and skills of the employes involved.

(8) The hazards of employment in relation to whether any existing legislation or regulatory agency has any control over the occupational safety and health of the employes.

(k) If the authority acquires an existing transportation system, such of the employes of such transportation system, except executive and administrative officers, as are necessary for the operation thereof by the authority, shall be transferred to and appointed as employes of the authority subject to all the rights and benefits of this act. These employes shall be given seniority credit and sick leave, vacation, insurance and pension credits in accordance with the records or labor agreements from the acquired transportation system. Members and beneficiaries of any pension or retirement system or other benefits established by the acquired transportation system shall continue to have rights, privileges, benefits, obligations and status with respect to such established system. The authority shall assume the obligations of any transportation system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for employes. It shall assume the provisions of any collective bargaining agreement between such acquired transportation system and the representatives of its employes. The authority and the employes through their representatives for collective bargaining purposes shall take whatever action may be necessary to have pension trust funds presently under the joint control of the acquired transportation system and the participating employes through their representatives transferred to the trust fund to be established, maintained and administered jointly by the authority and the participating employes through their representatives.

(l) No employe of any acquired transportation system, who is transferred to a position with the authority, shall by reason of such transfer be placed in any worse position with respect to workmen's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits than he enjoyed as an employe of such acquired transportation system.

(m) Employes who have left the employ of any acquired transportation system or leave the employ of the authority to enter the military service of the United States shall have such reemployment rights with the authority as may be granted under any law of the United States or the Commonwealth of Pennsylvania.

Section 3. Nothing in the provisions of this amendatory act shall apply to any labor dispute between the authority and its employes over the terms to be included in a successor agreement replacing the agreements in effect until November 30, 1985, and April 30, 1986, which shall be governed by current laws.

Section 4. The provisions of section 2 of this amendatory act are not severable. If any provision of section 2 of this act or its

application to any person or circumstance is held invalid, the invalidity shall render the entire enactment of that section null and void and the provisions of law amended by section 2 shall remain as heretofore written.

Section 5. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, for the record I would like to show that Representative Preston and Representative Petrone are also cosponsoring this amendment.

I would like to begin by, first of all, indicating to the members what the contents are of this amendment and the effect it would have on Representative Foster's bill, HB 1876. The provisions contained in my amendment, Mr. Speaker, are as follows: First of all, it removes the transportation union's authority to have the right to strike. Second, it establishes mandatory binding arbitration with the procedure to be followed before that is reached. It also establishes a set of criteria that is to be followed by the arbitrator and by the factfinder during that collective-bargaining process. In addition, it keeps the number of members of the port authority board at its current number of 12. In addition, it provides for and establishes a citizens advisory committee on transportation. In regards to past practices, it says that any unwritten past practices must be agreed to within 3 years by both parties. Lastly, it does not affect any current negotiations for any contract that exists or is being negotiated now.

I would like to run very briefly through the collective-bargaining process. My amendment proposes that 90 days prior to the expiration of an existing contract, collective bargaining must commence. After 30 days, if a dispute exists, it must be submitted to mediation. After 15 days, if an agreement is not reached, it must be submitted for factfinding. The factfinder must submit his recommendations no later than 15 days prior to the expiration of the existing contract.

Now, the factfinder must weigh certain factors. These must be considered. There is the authority's ability to pay wages, the community's ability to bear a fair increase, or government's ability to bear an increase in a subsidy. In addition, it must take into consideration similar wages of employees in similar transportation systems with similar demographic backgrounds to Allegheny County. It must also consider the hazards of the employees during the performance of their duties, and it must consider the occupational health, safety, and welfare of those employees.

Within 7 days the factfinder can release to the public his findings. If neither party rejects the factfinder's recommendations, a bargaining agreement is then reached on the basis of the factfinder's recommendations subject to the parties' mutual agreement to any changes that have been recommended by the factfinder. At the end of the period of the existing contract dispute, it shall be sent to arbitration.

In addition, the Allegheny County Board of Commissioners shall have the opportunity to resolve any of the issues that are in dispute. Again I want to emphasize that the arbitrator who is considering the negotiations must follow the exact same criteria as the factfinder followed with wages, the ability to bear a fair increase, the ability of the subsidy to be increased, et cetera.

I would now like to speak very briefly on the effect that this has on Representative Foster's legislation. I am substituting language Representative Foster has that establishes the Allegheny County citizens advisory committee. I am giving the Port Authority of Allegheny County the responsibility to set up its own criteria and establish its own guidelines as to who will sit on that board. In addition, all of the managerial recommendations contained in HB 1876 that have been proposed by Representative Foster stand just the way they are. This will not affect them; I am not changing anything at all.

Last, Representative Foster is proposing that the port authority board be collapsed from 12 members to 9, and I am saying that I would propose in this amendment that the current membership of 12 members be maintained.

I would appreciate your support and consideration for my amendment. Thank you.

The SPEAKER. Does the gentleman from York, Mr. Foster, wish to speak on the amendment?

Mr. FOSTER. Thank you, Mr. Speaker.

I will give you just a brief overview of the two bills that we have had before us dealing with the port authority - HB 1505, sponsored by the gentleman, Mr. Gamble, and HB 1876, sponsored by myself. The two bills came about as a result of our hearings by the Local Government Subcommittee on Counties.

I drafted HB 1876 because I felt that it complemented and augmented Mr. Gamble's bill, HB 1505. It was our intention to run these two bills together as a package. That did not materialize, and after much consideration, a lot of bipartisan consideration, we came up with yesterday's Murphy amendment, which was to be attached to HB 1876.

At this point Mr. Pistella is offering an amendment which simply institutionalizes the problems of the port authority, and I must rise to oppose his amendment. There is no reform in the Pistella amendment. It does not get at the root of the problem; it does not provide for bilateral negotiation. Furthermore, it provides for a complex system of negotiations which, as a matter of fact, at one point provide that the county commissioners shall be involved in the negotiation process.

I would point out that in the Port Authority Act the port authority is not as other authorities are, where members serve for a specific period of years. They serve at the pleasure of the county commissioners. The county commissioners can control the authority at will on that point.

Now, I would ask you, last year during the labor negotiations between the Governor's Office and the State employees union, how would you like at a certain point in time that all these negotiations be dumped back on the floor of the House

of Representatives and the Senate? I think if you want real chaos, that would certainly be one method of achieving it.

Also, we are institutionalizing in the Pistella amendment certain standards involving purely managerial rights. We are going to make that subject to negotiation. These things were isolated in our previous amendment, and that is the way they should be. We should not be bargaining on the color of buses; we should not be bargaining on what types of tools members should be using. We should not institutionalize that into law. That should be, in many cases, managerial decisions and, where so, should be handled through a bargaining process. But basically we have in this amendment something that simply perpetuates the problems of the port authority.

One other thing I would like to point out: In consideration of wage and benefit structure, Mr. Pistella's amendment allows the use of comparable systems elsewhere. Our amendment referred to the Allegheny County-Pittsburgh area, local standards. By doing this you open up the scope of the negotiations so that you are considering wage benefits all over the Nation. I certainly do not think you want to open that can of worms.

Most basically, the Pistella amendment moves us right back to square one where we were before the introduction of the gentleman, Mr. Gamble's bill, HB 1505; really right back to where we were prior to the beginning of the hearings on this. This has been perceived, to many of us who are non-Allegheny Countians, as something that does not affect us. I would like to remind those, particularly on our side of the aisle, that we are all affected by this to the extent that we are required to allocate tax dollars to the port authority, and we had better not be just so blase in saying, oh, this vote does not concern my district; this is an easy vote to just give in one way or another.

This has great impact on the business community. It has great impact on the citizens, not only of Allegheny County but the citizens of the Commonwealth and the people whom we represent. If we do not put genuine reform in this bill, every member of the Commonwealth is going to suffer. I submit that the Pistella amendment is not reform in any sense of the word; it aggravates an existing problem. I would strongly urge every member to vote in the negative on the amendment.

## WELCOME

The SPEAKER. The Chair welcomes to the hall of the House, as the guests of Representative Van Horne and Representative Clark, John, Margaret, and Peggy Graycar. Welcome to the hall of the House.

## REMARKS ON VOTE

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni, who wishes to have the record show that on HB 2061 she wishes to be shown in the affirmative.

The record will so show.

**CONSIDERATION OF HB 1876 CONTINUED**

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

Mr. MURPHY. Thank you, Mr. Speaker.

I rise to oppose this amendment. Very simply, I oppose it because I want to ask, what does the price of apples in Los Angeles have to do with the price of apples in Pittsburgh? What does the salary of a legislator in Washington State or in California or in Oregon have to do with the salary of a legislator in Pennsylvania? And yet, if you pass this piece of legislation, this amendment, what you are saying is the salary of a bus driver or a mechanic with the port authority in Los Angeles or in Houston or in Dallas or in Chicago will have some meaning to that salary in Pittsburgh. What you are doing, in effect, is tying the Pittsburgh area to the economic well-being of the rest of the country, and that, in fact, does not hold true right now. You have heard many a statement about the economic problems in the Pittsburgh area. I wish it were better; I wish we could pay our employees more, but the fact of the matter is we cannot and the fact of the matter is this amendment will embody in law the requiring of an arbitrator, who comes from out of the State in most cases anyhow, to look at Los Angeles or Houston or Dallas or Chicago or Boston to give us what our salaries ought to be for our employees. That does not even make any sense to do that. I would suggest that we should defeat that amendment.

Secondly, this amendment continues the unilateral concept of arbitration whereby one party can force the other to go to arbitration whether they think that it is in the best interests of their point of view or not. That goes contrary to what is in Act 195.

I would like to say here that a lot of the rhetoric we heard yesterday about this being antilabor I could believe if I would see a letter from the AFL-CIO or the PSEA (Pennsylvania State Education Association) or the PFT (Pennsylvania Federation of Teachers) to us telling us that Act 195 is antilabor. When I see that letter, then I will believe that what we tried to do yesterday and what the Pistella amendment does not do is antilabor. It simply is not antilabor. The Pistella amendment is simply poor, poor government. It is interfering with a process. It is continuing a process that has caused untold damage to the port authority in Allegheny County. I would urge your opposition to this amendment. Thank you.

Mr. Speaker, may I also say that on the postponement motion, a number of voters voted who were not in their seats, and I would hope that when we have a vote on this amendment, only those members in their seats will vote. Thank you.

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

Mr. GAMBLE. Mr. Speaker, I rise to oppose the Pistella amendment.

There have been four investigations, four investigative reports which have revealed 21 years of abuses by this union;

21 years of having the taxpayers over a barrel, spelled out in all four reports, and then the union drafts a solution to the problem. This is the union's amendment, and what does it do? Just as you would expect it to do - nothing; not even this. It does absolutely nothing, and if we pass the union's solution to the union problem of having the taxpayers at a disadvantage in Allegheny County, this will be an insult to the people of Allegheny County. Vote this down.

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

Mr. POTT. Thank you, Mr. Speaker.

Will the gentleman, Mr. Pistella, please stand for interrogation?

The SPEAKER. The gentleman is in conversation at the moment. Would you hold your question?

The Chair recognizes the gentleman, Mr. Pott. Will you yield for a moment? I think you may well agree with what Mr. Cessar is about to state.

**BILL TABLED**

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

Mr. CESSAR. Thank you, Mr. Speaker.

I think due to the lateness of the hour and the lightness of the House, and I see members are leaving, I would now like to entertain a motion, Mr. Speaker, that HB 1876, PN 2475, be laid on the table at this time.

On the question,

Will the House agree to the motion?

**PARLIAMENTARY INQUIRY**

Mr. POTT. Point of parliamentary inquiry.

The SPEAKER. The gentleman will state the point.

Mr. POTT. A motion to table would have to be followed by another motion at some other time to remove from the table. Am I correct?

The SPEAKER. That is correct.

The reason Mr. Cessar could not do what he really wanted to do, which was put it on the third consideration postponed calendar, is because your motion already was defeated and no intervening business has occurred. So it has been suggested that we place it on the table, with the understanding that it can be lifted from the table on motion of either the majority leader or Mr. Pistella.

Mr. Manderino, is that satisfactory?

Do you understand? All right.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—178**

Afflerbach	Donatucci	Lescovitz	Robbins
Angstadt	Dorr	Letterman	Roebuck
Argall	Duffy	Levdansky	Rudy
Arty	Durham	Linton	Ryan
Baldwin	Fargo	Lloyd	Rybak

Barber	Fattah	Lucyk	Saloom
Barley	Fee	McCall	Saurman
Battisto	Fischer	McClatchy	Scheetz
Belardi	Flick	McHale	Schuler
Belfanti	Foster, Jr., A.	McVerry	Semmel
Birmelin	Fox	Mackowski	Serafini
Black	Freeman	Maiiale	Seventy
Blaum	Freind	Manderino	Showers
Book	Fryer	Markosek	Sirianni
Bortner	Gallagher	Mayernik	Smith, B.
Bowser	Gallen	Merry	Smith, L. E.
Boyes	Gamble	Michlovic	Snyder, D. W.
Broujos	Gannon	Micozzie	Snyder, G. M.
Bunt	Geist	Miller	Staback
Burd	Gladeck	Moehlmann	Stairs
Bush	Godshall	Morris	Steighner
Caltagirone	Greenwood	Mowery	Stevens
Cappabianca	Gruitza	Mrkonic	Stewart
Carlson	Gruppo	Murphy	Stuban
Carn	Hagarty	Nahill	Taylor, F. E.
Cawley	Haluska	O'Brien	Taylor, J.
Cessar	Harper	O'Donnell	Taylor, J.
Chadwick	Hasay	Olasz	Telek
Cimini	Hayes	Oliver	Tigue
Civera	Herman	Perzel	Trello
Clark	Honaman	Petrarca	Truman
Clymer	Howlett	Petrone	Van Horne
Cohen	Hutchinson	Phillips	Veon
Cole	Itkin	Piccola	Vroon
Cornell	Jackson	Pievsky	Wambach
Coslett	Jarolin	Pistella	Weston
Coy	Johnson	Pitts	Wilson
Deluca	Josephs	Pott	Wogan
DeVerter	Kasunic	Pressmann	Wozniak
DeWeese	Kennedy	Preston	Wright, D. R.
Daley	Kenney	Punt	Wright, J. L.
Davies	Kosinski	Raymond	Wright, R. C.
Dawida	Langtry	Reber	
Distler	Lashinger	Reinard	Irvis,
Dombrowski	Laughlin	Rieger	Speaker

**NAYS—10**

Bowley	Cowell	Livengood	Wass
Burns	George	Manmiller	Yandrisevits
Cordisco	Kukovich		

**NOT VOTING—10**

Acosta	Deal	Noye	Sweet
Brandt	Evans	Richardson	Wiggins
Colafella	Hershey		

**EXCUSED—3**

Dietz	Dininni	Taylor, E. Z.	
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The question was determined in the affirmative, and the motion was agreed to.

**BILL REMOVED FROM TABLE  
AND PLACED ON THIRD  
CONSIDERATION POSTPONED CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 1876 be removed from the table and placed on the final passage postponed calendar.

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

The SPEAKER. HB 1876 is again on the active calendar, and that means, Mr. Pistella, when we return on Monday, you will be the first one recognized to offer an amendment so we get to where we were before.

**PARLIAMENTARY INQUIRY**

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

Mr. POTT. Another point of parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. POTT. I recognized the majority leader's motion to state final passage postponed rather than third consideration.

The SPEAKER. It is third consideration. No matter what was said, it is really third consideration. That is where we are.

Mr. POTT. It will still be available for amendment?

The SPEAKER. Yes. It will be available for all motions, available for all amendments, all debate. Yes.

Mr. POTT. Thank you, Mr. Speaker.

**HB 452 RECONSIDERED**

The SPEAKER. The gentleman, Mr. Piccola, moves that the vote by which the Governor's veto on HB 452 was defeated on this the 12th day of March be reconsidered.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**REMARKS ON VOTE**

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

Mr. WAMBACH. Thank you, Mr. Speaker.

Based on what is happening with the reconsideration motion on the unisex issue, I would like to make a statement for the record.

The SPEAKER. The gentleman may make the statement.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, at the time when the vote was considered before the House, I had sat here for a little over 2 hours and listened intently to the debate. I was called off the floor for a local emergency that I had, and I was unable to vote. Had I been in my seat, I would have supported the measure to override, and I will do so when it is considered next week. Thank you.

The SPEAKER. The Chair thanks the gentleman.

**ANNOUNCEMENT BY MR. LETTERMAN**

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman. Why do you rise?

Mr. LETTERMAN. Mr. Speaker, next week, on Tuesday, HB 2079, the game recodification, should be ready to be run, and I would appreciate it very much—and I imagine every member in this House would—if anybody who has amend-

ments would give them to the leaders on both sides so that we can run that bill. It is a large bill and is very complex, and I hope that they all have their amendments ready.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I apologize to the gentleman, Mr. Letterman. I had promised to make that announcement for him. The recodification of the game laws will be taken up next week, and any of you having amendments, please get them in early on Monday so that we can categorize them and have an orderly consideration of the same.

The SPEAKER. There is no further business on the floor of the House, so the members are free to go.

### REMARKS ON VOTES

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

Mr. CLARK. Thank you, Mr. Speaker.

On the vote on the override motion on HB 452, I was out of my seat. Had I been here, I would have voted in the affirmative.

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

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

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, on March 11, when HB 4, amendment 1588, was presented before the House, my switch malfunctioned. I would like the record to show I would have voted in the negative.

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

When the House adjourns, it will adjourn until 1 p.m. on Monday, unless sooner recalled by the Speaker. And the way we have acted during this week, the Speaker promises you he will not call you back early.

The Chair recognizes the gentleman from Berks, Mr. Davies. Why do you rise, sir?

Mr. DAVIES. Unanimous consent.

The SPEAKER. The Chair hears no objection. You may proceed.

Mr. DAVIES. Just to be forewarned, Mr. Fryer is next in that framing bit.

The SPEAKER. Speaking as an old friend of an old friend, I think he would look well in a frame.

### BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

**HB 244, PN 3047 (Amended)**

By Rep. BARBER

An Act amending the act of December 20, 1985 (P. L. 457, No. 112), known as the "Medical Practice Act of 1985," further providing for the definitions of "clinical clerk" and "foreign medical college"; and further establishing standards for medical training.

### HEALTH AND WELFARE.

**HB 1381, PN 1686**

By Rep. BARBER

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," providing for the eligibility of State blind pension recipients for medical assistance.

### HEALTH AND WELFARE.

**HB 1557, PN 3048 (Amended)**

By Rep. DeWEESE

An Act providing for official visitation of prisons.

### JUDICIARY.

**HB 2200, PN 3049 (Amended)**

By Rep. DeWEESE

An Act amending the act of November 22, 1978 (P. L. 1166, No. 274), referred to as the "Pennsylvania Commission on Crime and Delinquency Law," adding a definition; further providing for the membership, powers and duties of the Pennsylvania Commission on Crime and Delinquency; reestablishing the Pennsylvania Commission on Crime and Delinquency; and making an editorial change.

### JUDICIARY.

### BILL REPORTED AND REREFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS

**HB 1523, PN 1913**

By Rep. BARBER

An Act providing for the control of pesticides.

### HEALTH AND WELFARE.

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 66, PN 3039**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

### BILL SIGNED BY SPEAKER

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

**HB 1073, PN 2931**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the registration of vehicles, for the licensing of drivers, for the depositing of waste from vehicles upon highways, property and waters, for the non-exclusion of insurance benefits for insureds who are under the influence at the time of an accident and the disposition of certain fines and bail forfeitures; and further providing for speed timing devices.

### 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.

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**ADJOURNMENT**

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

Mr. FOX. Mr. Speaker, I move that this House do now adjourn until Monday, March 17, 1986, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:18 p.m., e.s.t., the House adjourned.