

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, JUNE 17, 1986

SESSION OF 1986

170TH OF THE GENERAL ASSEMBLY

No. 46

### HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.d.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:

Most Righteous and Everlasting Father, in the midst of today's challenges we reach out to Thee for Thy abiding love and care. O God, in Thee do we put our trust. We trust Thee to continue Thy protective love and care. We trust Thee to forgive the many mistakes we have made. We trust Thee to grant us the stamina and strength to resist the temptations and allurements we face. We trust Thee to instill power and might to render laudable service in Thy kingdom. We trust Thee to keep us walking steadfastly in Thy way. We trust Thee to keep us safe in the hollow of Thy hand. O God, our hope is in Thee. Amen.

##### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

##### JOURNALS APPROVED

The SPEAKER. The Journals for Tuesday, March 18, and Wednesday, March 19, are now in print, and unless the Chair hears objection thereto, the Journals will stand as approved. The Chair does not hear any such objection.

##### JOURNAL APPROVAL POSTPONED

The SPEAKER. The Journal for Monday, June 16, 1986, not yet being in print, approval of that Journal will be postponed until that Journal is in print, unless someone objects, and no one has objected. Therefore, approval of the Journal is postponed.

##### LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Fee. Are there any requests for leaves of absence?

Mr. FEE. Mr. Speaker, I do not see any leaves at this time.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader. Are there any requests, Mr. Ryan, as far as you know for leaves?

No requests, to your knowledge, at this time.

The Chair will return to requests of leaves if it is necessary.

#### BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

HB 2308, PN 3688 (Amended)

By Rep. F. TAYLOR

An Act amending the act of December 12, 1980 (P. L. 1179, No. 219), entitled, "An act to define and regulate secondary mortgage loans and providing penalties," further limiting unlicensed loans, providing for an application and dishonored check fee and setting the frequency of examinations; prohibiting loanfinders's fees; and further providing for exemptions.

BUSINESS AND COMMERCE.

##### WELCOMES

The SPEAKER. We have as guest pages today Jenny Shugars and Jason Piccola. Jason is the son of Representative Piccola. Welcome to the hall of the House. We are glad to have you here, children.

George Jackson and the rest of the Lancaster delegation have as their guests Catherine Strickler, Stell Caldwell, Debby Caldwell, Dorothy Neal, and Ida Hess. Welcome to the hall of the House. We are delighted to have you.

Curt Bowley has a young woman here who is a guest page, Rebecca Dudenhoeffer. Rebecca is here with her mother, Peggy Dudenhoeffer. Welcome to the floor of the House. We are glad to have you here.

##### MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—201

Acosta	Dietz	Lashingner	Robbins
Afflerbach	Dininni	Laughlin	Roebuck
Angstadt	Distler	Lescovitz	Rudy
Argall	Dombrowski	Letterman	Ryan
Arty	Donatucci	Levdansky	Rybak
Baldwin	Dorr	Linton	Saloom
Barber	Duffy	Livengood	Saurman

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—0

**HOUSE BILLS  
INTRODUCED AND REFERRED**

**No. 2624** By Representatives DUFFY and CESSAR

An Act making appropriations to the Governor for disaster relief.

Referred to Committee on APPROPRIATIONS, June 17, 1986.

**No. 2625** By Representatives REBER and FOX

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

Referred to Committee on TRANSPORTATION, June 17, 1986.

**No. 2626** By Representatives LLOYD, STEIGHNER, ITKIN, VEON, McVERRY, DISTLER,

MILLER, KUKOVICH, BOYES, JOHNSON, GLADECK, TIGUE, SAURMAN, BOOK, NAHILL, BLAUM, CARLSON, HERMAN, MRKONIC, PRESSMANN, STABACK, COLAFELLA, LINTON, E. Z. TAYLOR and DeLUCA

An Act amending the act of June 6, 1980 (P. L. 197, No. 57), known as the "Optometric Practice and Licensure Act," suspending or revoking licenses.

Referred to Committee on CONSUMER AFFAIRS, June 17, 1986.

**No. 2627** By Representatives LLOYD, BELFANTI, HALUSKA, GEORGE, TRELLO, TIGUE, F. TAYLOR, BLAUM, VEON and JOHNSON

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further regulating time of day electric rates.

Referred to Committee on CONSUMER AFFAIRS, June 17, 1986.

**No. 2628** By Representatives LLOYD, F. TAYLOR, TRELLO, LESCOVITZ, PRESTON, HALUSKA and JOHNSON

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," regulating small school district assistance.

Referred to Committee on EDUCATION, June 17, 1986.

**No. 2629** By Representatives LLOYD, TRELLO, COY, BARLEY, PRESTON, VEON, MORRIS, NOYE, F. TAYLOR, HALUSKA, JOHNSON and BATTISTO

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," excluding from the tax the sale at retail or use of property or services by organizations promoting the consumption of agricultural commodities.

Referred to Committee on FINANCE, June 17, 1986.

**No. 2630** By Representatives LLOYD, TRELLO, F. TAYLOR, COY, J. TAYLOR, MORRIS, BLAUM, MRKONIC, WOGAN, RAYMOND, JOHNSON, GODSHALL, FOX, NOYE and BATTISTO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further regulating transfers to and from criminal proceedings.

Referred to Committee on JUDICIARY, June 17, 1986.

**No. 2631** By Representatives HAGARTY and LASHINGER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for penalties for certain indirect criminal contempts.

Referred to Committee on JUDICIARY, June 17, 1986.

### SENATE BILL FOR CONCURRENCE

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

**SB 1464, PN 2219**

Referred to Committee on BUSINESS AND COMMERCE, June 17, 1986.

### WELCOME

The SPEAKER. The Chair welcomes to the floor of the House Valerie Bortner, the wife of Representative Mike Bortner. She is here with her friend, Ruthe Craley, from York. Welcome to the hall of the House. We are delighted to see you.

### MIKE KING PRESENTED

The SPEAKER. The Chair would ask your attention briefly.

We have a very special guest here today, a young man, Mike King, of Cochranville. Mike is here as the guest of Representative Hershey, and I am going to ask Representative Hershey to introduce him.

Mr. HERSHEY. Thank you, Mr. Speaker.

I am privileged today to introduce to you a friend of mine who lives in the same township. He grew up there with our boys. His name is Mike King of Cochranville. Six years ago he had an unfortunate motorcycle accident that has left him without the use of his legs. He is now a paraplegic.

He came to my office last year in March, and he said, I would like to make a wheelchair trip from Fairbanks, Alaska, to Washington, D.C., and have fundraisers along the way to raise money for unfortunate and disabled children. I was really impressed with this, and I said to Mike, why would you want to do this? He said, there is so much despair out there and there are so many people who do not seem to have the positive attitude to do what they could do. He said, I want to encourage people to be the best that they can be with the gifts that God gave them. I was really impressed by this, and he made the trip from Fairbanks, Alaska, to Washington, D.C., from April to August, and he raised \$80,000 for unfortunate children.

I would like you to give him a good Pennsylvania welcome at this time, and I will take the mike over and let him speak to you. Thank you.

Mr. KING. Thank you very much.

It is truly an honor and a privilege to be here and be able to speak to you. Eight years ago I would never have thought I would ever have the chance to do something like this, and it is kind of scary to have all of you at my attention and be able to say I guess whatever I please here. But I want to assure you that I am very supportive of my State and very thankful for the help and the dedication that they have shown me to help me realize the potential and the strength that I do have internally to get back out there and to be a success. That is the

same kind of strength and determination that I choose to share with other disabled people, as well as able-bodied people, in my community - that they do have the strength, the determination, and the power to get themselves through those difficult times in their life.

Eight years ago I pretty much thought life was over for me when I had my motorcycle accident which left me paralyzed from the waist down. I remember hearing a quote at Tabor College, where I did my undergraduate work a couple years ago, that said, the strength of any society should be shown in their ability to pick up those less fortunate. I did not really understand what that meant when I heard it, but I had to think back of my home community down in Cochranville in Chester County, but not only my home community but the broad community of Lancaster County and the whole State of Pennsylvania. I am really thankful that this State believes in picking up those less fortunate. And that does not mean carrying them the rest of the way through life, but what it does mean is helping them back on their feet, so to speak, where they can get out there, support themselves, and in turn give that same support back to other people.

In my trip last summer from Fairbanks, Alaska, to Washington, D.C., I had the opportunity to share that with a lot of communities all across the Nation, and I can say with all honesty that I really believe Pennsylvania is one of the best States for its laws and orders on making the disabled feel more of a part in its communities and its societies.

I want to thank you and commend you on the work that I am sure you have done and will continue to do in helping disabled people feel like they are a part of society - not that you are carrying us all the way through life, but you are helping us get started again. I would encourage you to continue to do that, and I know over the past 5 to 10 years a lot of changes have been made, a lot of good changes to help us feel like we are normal people, even though we are in wheelchairs and have a little more difficulty getting around than some. But I think the State also has a lot of work they can do yet, and I would encourage you to keep those issues and those ideas open and continue to look at how you can better the community for not only certain people but everyone who is involved. Thank you very much.

The SPEAKER. Mike, with your courage and determination, you stand taller than some of us who are still walking around on our own two feet. We are the ones who are honored by your presence here today. We are very proud of you. Keep on carrying the banner of your courage across the Nation. Congratulations.

### DELE LOWMAN PRESENTED

The SPEAKER. We have another very special guest here today. The Chair would ask your indulgence that you be a little bit quieter than normal. This is a young woman who has never faced an audience this size before. Her name is Dele Lowman, and she won a contest in which she competed against hundreds of boys and girls, a contest which originated

in my office. With the help of the American Wind Symphony, we are going to be sending Dele Lowman to the rededication of the Statue of Liberty in New York Harbor on July 3 and July 4. I would ask you to pay attention to the words she will say.

Dele, will you come to this microphone, please?

This is Dele Lowman, student at the Liberty Public School in Pittsburgh, Pennsylvania. Dele.

Miss LOWMAN. Hello. My name is Dele Lowman. My classmates, other Liberty students, and I recently entered a contest concerning the restoration of the Statue of Liberty. I became one of the four finalists and was interviewed by Della Crews. I am proud to announce that I won first place. My prizes are an airplane trip to New York City, a new outfit for the day, and a reserved place on the Barge Point Counterpoint II to watch the opening ceremonies of the rededication of the Statue of Liberty.

It will be an honor for me to represent Pittsburgh in this historic and memorable event. I would like to share my winning poem and essay.

Dear Mr. Irvis:

I became very excited when I heard about the contest and the possibility of representing the black children of Pittsburgh at the dedication ceremony of the Statue of Liberty. My name is Dele and I'm 10 years old. I go to Liberty International Studies Academy and I study Spanish. I have 2 younger brothers and of course 2 parents.

When I am grown, I want to adopt 2 children, become a poet, a writer, freelance photographer, and join the Peace Corps. I want to make this world a better place for mankind. For example, eliminating poverty is one way I would like to help. As Martin Luther King, Jr., once said, "I have a dream and I have a dream, too.

I would truly be honored to be picked as the black student representative to see Miss Liberty in person.

Sincerely,  
Dele Lowman

P.S. Here's a poem I wrote:

I love Lady Liberty,  
She stands so brave and tall.  
Towering above New York Harbor,  
Her justice will never fall.  
She's welcomed immigrants  
With her mighty torch,  
Greeting them,  
On her front porch.  
She stands for freedom,  
Hope and peace,  
I'm sure her love,  
Will never cease.

Thank you.

The SPEAKER. I need not point out to you the irony of the fact that a young black child stands here, in the integrated Commonwealth of Pennsylvania, speaking of liberty and freedom and hope, and halfway around the world there are other young black children in the Union of South Africa and there are young white children in the Union of South Africa

who may never live long enough to grow up to see that sort of hope.

With Dele are her mother and father and her brother; the principal of her school, Pat Reidbord—Mrs. Reidbord, congratulations—and a very gifted and brilliant young teacher who has always been able to coach her students better than others to win these prizes, Ms. Kelso.

Ms. Kelso made me proud of the fact, when I met her, that I have always been primarily a teacher and I have been proud to be a teacher, and I know of no profession, other than that of mother and father, which is so important to the future of our children and our country. Congratulations to you.

## CALENDAR

### BILL ON SECOND CONSIDERATION

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

SB 1138, PN 1951.

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2457, PN 3433**, entitled:

An Act making an appropriation to the Department of Community Affairs for limited subsidence assistance.

On the question,

Will the House agree to the bill on third consideration?

Mrs. HARPER offered the following amendment No. A2943:

Amend Bill, page 1, lines 5 through 14, by striking out all of said lines and inserting

Section 1. The sum of \$200,000, or as much thereof as may be necessary, is hereby appropriated to the Department of Community Affairs for the fiscal year July 1, 1985, to June 30, 1986, to reimburse any city of the first class or any agency thereof which incurs expenses in the relocation of individuals because the residences of such individuals were determined to be imminently or structurally dangerous due to subsidence. Such dangerous property has a blighting influence on the community and the elimination of such blighting influence and the activities incident to such elimination, including the relocation of individuals adversely affected, is hereby declared to be a public purpose. The reimbursement to a city of the first class or an agency thereof shall be for the actual expenses of relocation. The maximum amount of reimbursement per residential unit shall not exceed \$5,000.

Section 2. This appropriation shall be a continuing appropriation and shall not lapse.

Section 3. This act shall be retroactive to July 1, 1985.

Section 4. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

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

Mrs. HARPER. Thank you, Mr. Speaker.

This amendment changes the bill and also increases the amount from \$70,000 to \$200,000. The reason we increased the amount is because after the investigation by the city and State, we have found that there are more than nine homes that are imminently dangerous. There are 29 homes that are about to collapse, and the people who are living in these homes are unable to relocate.

I will tell you, we held a public hearing in Philadelphia on these sinking homes, and it was pathetic to hear these people come before us and tell us that they have been asked by the city to move out of these sinking homes but they do not have funds to move. I remember one man who spoke before the committee. He spoke of his wife and children who are sleeping every night in his home over this sinking creek. Imagine going to bed each night knowing that you might fall - your home and your family might fall - into this creek and being unable to move. I do not think I could endure such a hardship.

There are 14 families living over this creek, knowing that their homes can collapse at any time, and I ask for your support on this amendment.

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

Mr. RYAN. Mr. Speaker, so as not to alarm the lady, I intend to vote "yes" on this, but I think in fairness, some comments should be made.

First, there is a special committee that was sanctioned by this House to look into and investigate the Logan situation. To the best of my knowledge, that committee has made no report. It was my understanding that the purpose of the committee was to look into things, make a report to the legislature, upon which we may or may not act.

Secondly, Mr. Speaker, I believe that the Constitution of Pennsylvania probably prohibits what we are doing now, and I emphasize the word "probably" because I am really not sure. It seems to me that this could be construed by the courts as special legislation, in that it is earmarking only a selected section of the city of Philadelphia.

My remarks at an earlier time when we had a relief bill such as this were to the effect that we are not opposed to trying to help people, but it is questionable whether our laws, as they are now on our books, permit it. I just think this should be on the record.

I see the lady has risen in response to my question with respect to the special committee, and I would be anxious to hear her reply.

**PARLIAMENTARY INQUIRY**

Mr. RYAN. Mr. Speaker, if I may?

The SPEAKER. Mr. Ryan.

Mr. RYAN. By way of parliamentary inquiry—and I think I know the answer—would this be construed as a nonpreferred appropriation?

The SPEAKER. At first glance it does not appear to be that to the Speaker because it is an appropriation to the Department of Community Affairs.

The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Thank you, Mr. Speaker.

Mr. Speaker, we have had a report from the city and the State on the sinking homes in Philadelphia. I thought you had that here, also. In fact, I read it in the news here in Harrisburg.

One other thing I would like to say is that the reason for this amendment is to change the bill to make sure that it is constitutional. In the first version of the bill, there was a possibility of a question of constitutionality. That is why we change this section of the bill in this amendment.

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

The following roll call was recorded:

**YEAS—155**

Acosta	Dombrowski	Laughlin	Robbins
Afflerbach	Donatucci	Lescovitz	Roebuck
Angstadt	Duffy	Letterman	Rudy
Argall	Durham	Levdansky	Ryan
Arty	Evans	Linton	Rybak
Baldwin	Fattah	Livengood	Saloom
Barber	Fee	Lloyd	Scheetz
Barley	Fischer	McCall	Semmel
Battisto	Fox	McClatchy	Serafini
Belardi	Freeman	McHale	Seventy
Belfanti	Freind	McVerry	Showers
Blaum	Fryer	Mackowski	Smith, B.
Book	Gallagher	Maiale	Snyder, D. W.
Bortner	Gamble	Manderino	Snyder, G.
Bowser	Gannon	Markosek	Staback
Brandt	Geist	Mayernik	Stairs
Broujos	George	Michlovic	Steighner
Bunt	Gladeck	Micozzie	Stevens
Burd	Godshall	Miller	Stewart
Burns	Gruppo	Morris	Stuban
Caltagirone	Haluska	Mowery	Swift
Cappabianca	Harper	Mrkonic	Taylor, F.
Cawley	Hasay	Murphy	Telek
Cessar	Hayes	O'Donnell	Tigue
Chadwick	Hershey	Olasz	Trello
Cimini	Honaman	Oliver	Truman
Civera	Howlett	Perzel	Van Horne
Clark	Hutchinson	Petrarca	Veon
Cohen	Itkin	Petrone	Wambach
Colafella	Jackson	Phillips	Wass
Cole	Jarolin	Pievsky	Wilson
Coslett	Johnson	Pistella	Wozniak
Cowell	Josephs	Pott	Wright, D. R.
Coy	Kasunic	Pressmann	Wright, J. L.
Deluca	Kennedy	Preston	Wright, R. C.
DeWeese	Kosinski	Punt	Yandrisevits
Daley	Kukovich	Raymond	
Davies	Langtry	Richardson	Irvis,
Dawida	Lashinger	Rieger	Speaker
Deal			

**NAYS—41**

Birmelin	Distler	Lucyk	Reinard
Black	Dorr	Manmiller	Saurman
Bowley	Fargo	Merry	Schuler
Boyes	Flick	Moehlmann	Sirianni
Bush	Foster	Nahill	Smith, L. E.
Carlson	Gallen	Noye	Taylor, E. Z.
Clymer	Greenwood	O'Brien	Taylor, J.

Cornell	Hagarty	Piccola	Vroon
DeVerter	Herman	Pitts	Weston
Dietz	Kenney	Reber	Wogan
Dininni			

NOT VOTING—5

Carn	Gruitza	Sweet	Wiggins
Cordisco			

EXCUSED—0

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?

Mr. D. W. SNYDER offered the following amendments No. A2322:

Amend Title, page 1, line 2, by removing the period after "assistance" and inserting  
; and providing for a study of sinkhole insurance.

Amend Bill, page 1, by inserting between lines 13 and 14

Section 2. (a) The Joint State Government Commission, in cooperation with the Local Government Commission, the Insurance Department and the Bureau of Topographic and Geologic Survey in the Department of Environmental Resources, shall study the feasibility of establishing a Commonwealth-operated sinkhole subsidence insurance fund for the purpose of insuring commercial, public and residential properties and facilities against sinkhole subsidence prevention and repair.

(b) The Joint State Government Commission shall report its findings and recommendations for legislation to the House of Representatives and the Senate of Pennsylvania no later than six months from the effective date of this act.

Amend Sec. 2, page 1, line 14, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

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

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

Mr. Speaker, as the previous sponsor of the bill noted, subsidence is certainly a dramatic problem for persons who have come face to face with the possibility of losing their home. The greatest cause of subsidence in the Commonwealth is due to sinkholes, whether it be because of a geological formation or other problems that may develop under the surface. However, Mr. Speaker, private property owners at this point in time do not have the ability to protect themselves from the risk of property damage due to subsidence caused by sinkholes.

Over the past 2 years, I have been working with the various departments to try to find means of providing protection for those homeowners. However, the insurance companies have resisted and we are now seeking ways in which we can find a means of providing some form of insurance protection for homeowners. Perhaps a program similar to what is now available for mine subsidence may be the answer.

This amendment, Mr. Speaker, strictly limits the motion to a study by the Joint State Government Commission to deter-

mine whether or not such an insurance program would be feasible by gathering information from the Insurance Department, the Bureau of Topographic and Geologic Survey in the Department of Environmental Resources, and the Local Government Commission in order to have all the facts and the economic impact of what such a program would have.

I would please ask for the members' support of this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—192

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

NAYS—2

Coslett	Dietz
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NOT VOTING—7

Barber	Cordisco	Haluska	Wiggins
Carn	Evans	Sweet	

EXCUSED—0

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—174

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

NAYS—17

Birmelin	Dorr	Kenney	Reinard
Cimini	Fargo	Moehlmann	Rudy
DeVerter	Flick	Mowery	Smith, L. E.
Dietz	Herman	Noye	Wogan
Distler			

NOT VOTING—10

Barber	Cordisco	Merry	Sweet
Bush	Evans	Oliver	Wiggins
Carn	Haluska		

EXCUSED—0

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 House proceeded to third consideration of **HB 2596**, **PN 3644**, 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 a reduction in the personal income tax and corporate net income tax rates and a change in the estimated tax limit; adding an exemption to the capital stock-franchise tax definitions; reducing tentative tax payments for the capital stock-franchise tax; and providing for a job creation tax credit.

On the question,

Will the House agree to the bill on third consideration?

Mr. WASS offered the following amendments No. A3056:

Amend Title, page 1, line 13, by inserting after "LIMIT;" providing a limited local school district tax relief program;

Amend Title, page 1, line 15, by striking out "AND"

Amend Title, page 1, line 16, by removing the period after "CREDIT" and inserting ; and making an appropriation.

Amend Sec. 1 (Sec. 302), page 2, line 10, by striking out "FIRST SIX MONTHS OF THE"

Amend Sec. 1 (Sec. 302), page 2, line 11, by inserting after "1986,"

and for the first six months of the taxable year commencing on or after January 1, 1987,

Amend Sec. 1 (Sec. 302), page 2, line 13, by striking out "1986" and inserting 1987

Amend Sec. 1 (Sec. 302), page 2, lines 27 and 28, by striking out "FIRST SIX MONTHS OF THE"

Amend Sec. 1 (Sec. 302), page 2, line 28, by inserting after "1986,"

and for the first six months of the taxable year commencing on or after January 1, 1987,

Amend Sec. 1 (Sec. 302), page 2, line 30, by striking out "1986" and inserting 1987

Amend Sec. 1 (Sec. 302), page 3, by inserting between lines 3 and 4

(c) One-tenth of one per cent of the annual tax rate of two and two-tenths per cent levied under subsections (a) and (b) shall be set aside by the Department of Revenue for deposit by the State Treasurer into a restricted account in the General Fund to be called the Local School District Tax Relief Fund. The funds in this account shall be distributed by the Department of Education to each local school district on a per pupil basis for the purpose of local school district tax relief. This program shall be limited to fiscal year 1986-1987 and shall be in addition to any other local tax relief programs.

Amend Bill, page 12, by inserting between lines 3 and 4 Section 7. The sum of \$114,000,000, or as much thereof as may be necessary, is specifically appropriated to the Department of Education for fiscal year 1986-1987 to carry out the provisions of section 302(c) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

Amend Sec. 7, page 12, line 4, by striking out "7" and inserting

8

Amend Sec. 8, page 12, line 10, by striking out "8" and inserting

9

Amend Sec. 9, page 12, line 12, by striking out "9" and inserting

10

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to offer an amendment to HB 2596.

Mr. Speaker, the amendment I offer today is designed to save local taxpayers many dollars in real estate taxes. The amendment provides an additional \$114 million for local school district property tax relief. The amendment eliminates the proposed reduction of the current 2.2 percent State income tax to 2.1 percent and instead allocates the one-tenth of 1 percent in revenue to the local school districts on a per-pupil basis. The package amounts to \$68.72 per pupil. Adding a property tax relief plan proposed by the Governor, the total per-pupil allocation would amount to \$86.81. The \$114 million would be combined with the \$30-million tax relief proposal suggested by the Governor for a total appropriation equal to 5.4 percent of all local property taxes.

Mr. Speaker, I believe the \$114 million in my amendment goes much farther in local real estate tax relief than the 39-cent weekly savings the average wage earner will receive by reducing the State income tax. In my home area, Mr. Speaker, of Indiana County, my proposal, coupled with the Governor's tax relief plan, would result in tax relief totaling almost \$1.3 million for the 1986-87 school year. In Allegheny County the tax relief would amount to almost \$14.7 million; and in Philadelphia it comes close to \$17 million, Mr. Speaker.

If you look at the first support sheet that you find, you would find that 63 of the 67 counties get a larger amount of return, a larger amount of return through the real estate tax relief program than they do through their paychecks.

Mr. Speaker, in Allegheny County, Chester County, Delaware and Montgomery, they will fall short of the revenues produced by the one-tenth of 1 percent. But, Mr. Speaker, while they fall a little short, they gain \$14 million in tax relief dollars in Allegheny; they gain \$4 million in Chester; \$5 million in Delaware; and \$6.5 million in Montgomery.

If you turn to the fact sheet where I have individual school districts, you will see where the poor districts, as in Purchase Line in Indiana County, will have a 17-percent reduction in real estate taxes. In the West Branch of Clearfield, they will have a 28-percent reduction, and in Fayette they will have a 24-percent reduction.

Mr. Speaker, I know it is great to vote for tax reductions here in Harrisburg, but out in the school districts we hear about the millage increases. Mr. Speaker, our property owners are pleading for tax reform and property tax relief. Let us retain the 2.2 percent personal income tax, and the \$114 million, with the Governor's effort of \$30 million, will bring something real and meaningful to our local districts.

I ask for your support for this amendment.

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

Mr. RYAN. Mr. Speaker, I thought this was a bad amendment before I heard my county did worse than the others, but that really did not influence me but simply substantiated my earlier feelings that this particular amendment, although attractive, I do not believe has a place in the process at the moment in that the people of Pennsylvania have been promised a tax reduction; the businesses of Pennsylvania have been promised a tax reduction by the Governor.

I believe the majority of the House and the Senate have all concurred that tax reductions are in order right now, and I for one intend to vote against the gentleman's amendment and would encourage others to do the same thing. Thank you, Mr. Speaker.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment. I agree with Mr. Wass' proposal to postpone the tax cut for 6 months and to plow that money into the public schools. I proposed to do that in last year's budget, but I think that the distribution that he has proposed is totally unacceptable, because what he is saying should be done with this money is that it is to be used for tax relief, and he has not said how that is to be done, whether that means that for every dollar it gets, the local school district must cut its taxes, and which taxes it has to cut.

But leaving that aside, the real problem for me is that he wants to pass this out on a basis of per pupil, and I know what that means in rural areas of the State. I have school districts with aid ratios that are almost 80, but if we pass this money out on a basis of per pupil, the big city school districts are going to be the big winners under this amendment, and that is not, in my opinion, the way we ought to be doing things.

If we are going to put off the tax cut and we are going to put more money into basic education, which I think we ought to do, then we at least ought to have that money passed out in a way which is going to be beneficial to those areas of the State where we have high unemployment and high aid ratios. The Wass amendment does not do that, and for that reason, I would urge a "no" vote.

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

Mr. HALUSKA. May I interrogate the maker of the amendment, Mr. Wass, please?

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



Mr. HALUSKA. Mr. Speaker, this allocation for a property tax reduction is based on 1 year only. Is this correct?

Mr. WASS. That is right, sir.

Mr. HALUSKA. What are the school districts going to do next year to make this up? That means they are going to have to increase the taxes again next year.

Mr. WASS. Mr. Speaker, I do not know what the State is going to do next year. This is based on following the Governor's wish to return money to the people. The Governor suggested that we return one-tenth of 1 percent to the people in their paychecks, 39 cents a week. Mr. Speaker, he went on to say that we should return \$30 million in property tax relief, giving it out as per pupil. Mr. Speaker, this enhances that activity. If you want to return money this year to the people of Pennsylvania, do not do it here in Harrisburg; return it to them locally where they have the pressures of real estate taxes, Mr. Speaker.

Mr. Speaker, every district in my county has raised its millage. Mr. Speaker, last Thursday the farmers gathered at the Homer-Center High School to protest the millage increase in Homer-Center School District, and I am going to go home and put in my flier that I reduced their personal income tax in Harrisburg, but, boy, I sure cannot tell them I held the line in my local district. And, Mr. Speaker, as I debated that and thought about that, I called the school board and said, "What is the starting salary of our teachers in the Homer-Center system?" And they said, "\$15,000." And I said, "Sir, what do you pay your janitors?" They said, "\$5 an hour." Mr. Speaker—

The SPEAKER. Just a moment, Mr. Wass.

Mr. Wass, you have gone a long, long, long ways away from answering the question.

The answer to your question Mr. Wass gave was, I do not know. Do you have a further question?

Mr. HALUSKA. No. I would like to speak on the issue, Mr. Speaker.

Mr. WASS. Thank you, Mr. Speaker. That helps.

Mr. HALUSKA. Mr. Speaker, there is nothing more devastating to a school district than to offer a plum, and then after you eat it, you have to try to restore it the following year.

It is very difficult in school districts to give some concession on tax relief without any knowledge that you can follow through in the succeeding years. I think we are falsifying the school board's hopes, and I think this would be a very detrimental measure.

I ask for a negative vote on this amendment. Thank you.

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

Mr. PRESSMANN. Mr. Speaker, will the gentleman stand for a very brief period of interrogation?

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

Mr. PRESSMANN. Mr. Speaker, will the gentleman tell me, the revenue that he hopes to gain to help the school districts - you are talking about only doing away with the cut in the personal income tax?

Mr. WASS. Right.

Mr. PRESSMANN. Not the corporate income tax.

Mr. WASS. Right.

Mr. PRESSMANN. You are only going to get that money from the taxpayers, not from the corporations.

Mr. WASS. Right.

Mr. PRESSMANN. Thank you, Mr. Speaker.

The SPEAKER. On the amendment for the second time, the Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Mr. Speaker, I realize that the budget will be cut in the conference committee. I understand that, and I understand there is possibly some feeling about this amendment being proposed at this particular time, but, Mr. Speaker, on the floor of this House there is not one State Representative, I do not believe, who is not concerned about the property tax increases back home to fund schools.

We have been saying down through the years that we believe in tax reform; we are going to create a broader base to fund our schools. Mr. Speaker, we have failed the taxpayers, and I thought this amendment would be a beginning. Thank you very much.

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

The following roll call was recorded:

YEAS—68

Afflerbach	Coy	Kasunic	Rieger
Angstadt	DeWeese	Kukovich	Rybak
Arty	Daley	Laughlin	Saloom
Battisto	Dietz	Lescovitz	Serafini
Belardi	Durham	Letterman	Staback
Blaum	Fischer	Livengood	Stairs
Bortner	Freeman	McHale	Stevens
Boyes	George	Micozzie	Sweet
Burns	Greenwood	Miller	Taylor, F.
Caltagirone	Harper	Mrkonic	Tigue
Cawley	Hasay	Petrarca	Truman
Civera	Herman	Pressmann	Veon
Clark	Hershey	Punt	Wass
Cohen	Howlett	Raymond	Wozniak
Colafella	Hutchinson	Reber	Wright, J. L.
Cole	Jarolin	Reinard	Wright, R. C.
Cordisco	Josephs	Richardson	Yandrisevits

NAYS—127

Argall	Duffy	Lucyk	Roebuck
Baldwin	Fargo	McCall	Rudy
Barley	Fattah	McClatchy	Ryan
Belfanti	Fee	McVerry	Saurman
Birmelin	Flick	Mackowski	Scheetz
Black	Foster	Maiale	Schuler
Book	Fox	Manderino	Semmel
Bowley	Freind	Manmiller	Seventy
Bowser	Fryer	Markosek	Showers
Brandt	Gallagher	Mayernik	Sirianni
Broujos	Gallen	Merry	Smith, B.
Bunt	Gamble	Michlovic	Smith, L. E.
Burd	Gannon	Moehlmann	Snyder, D. W.
Bush	Geist	Morris	Snyder, G.
Cappabianca	Gladeck	Mowery	Steighner
Carlson	Godshall	Murphy	Stewart
Cessar	Gruppo	Nahill	Suban
Chadwick	Hagarty	Noye	Swift
Cimini	Haluska	O'Brien	Taylor, E. Z.
Clymer	Hayes	O'Donnell	Taylor, J.
Cornell	Honaman	Olasz	Telek
Coslett	Itkin	Oliver	Trello

Cowell	Jackson	Perzel	Van Horne
Deluca	Johnson	Petrone	Vroon
DeVerter	Kennedy	Phillips	Wambach
Davies	Kenney	Piccola	Weston
Dawida	Kosinski	Pievsky	Wilson
Deal	Langtry	Pistella	Wogan
Dininni	Lashinger	Pitts	Wright, D. R.
Distler	Levdansky	Pott	
Dombrowski	Linton	Preston	Irvis,
Donatucci	Lloyd	Robbins	Speaker
Dorr			

## NOT VOTING—6

Acosta	Carn	Gruitza	Wiggins
Barber	Evans		

## EXCUSED—0

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

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I rise to voice some concerns about this legislation. It strikes me, and I understand as well as my colleagues here understand, that this budget will be cut, this deal will be cut, off the floor of this House, but I want to make a statement.

Reducing the corporate income tax from 9 1/2 to 8 1/2 strikes me as a very unwise measure for us to take. If I were the person who was working on this budget, the person who had the power to make the changes, I would reduce that reduction by half, and I would take the difference and I would return it, as we are supposed to, to the people of this State; I would return it in the form of subsidies to mass transit.

I cannot understand a corporation wanting to get its taxes cut that finds out its workers cannot make it in the morning to work because they cannot afford what it costs to ride on mass transit in this State. I hope that when the leaders of my party and the other party get together, there will be some way to return this money so people can use it so we really can improve the economic condition in this State and we do not give cuts to corporations, many of whom absolutely do not need it. Thank you, Mr. Speaker.

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

Mr. LETTERMAN. Mr. Speaker, I think we should do away with mass transit altogether, and I think that the rural people should start to stand up and say do away with mass transit altogether. We should try to cut corporate taxes to try to bring more jobs to Pennsylvania, and those people who need mass transit should either buy an automobile and learn what it is, as far as expenses go, so that they understand better what the people out in the rural areas have to pay just to get around. I think this is the proper way to go.

I do not like to see us cut taxes in any way, because probably next year we are going to be asked to raise them. But I am going to go along with this idiotic move that we are making here today; I am going to vote for this. I think that probably we are going to pay for it next year when we all have to raise taxes again, and I think we are just giving the money away that we should be finding other ways to use it, but I know that I am not going to get the opportunity to vote to use this money in any better way, so I am going to vote for this piece of legislation.

The SPEAKER. On final passage, the Chair recognizes the majority leader.

Mr. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, this bill represents the tax reduction package that was incorporated in the Democratic budget proposal announced by Representative Pievsky 2 weeks ago. Our tax proposals represent a continuation of our efforts in the last several budgets to encourage meaningful economic development that will bring new jobs to Pennsylvania.

In our budget proposal last year for the current fiscal year, we proposed a reduction of the personal income tax to the rate of 2 percent. At that time the Governor's revenue estimate was lower than ours, so we ended up with a smaller reduction in income taxes than we had proposed. Now that the Governor is forecasting a budget surplus for the year, he apparently agrees that we could have afforded the reduction we had asked for. This year we have again included a personal income tax reduction in our budget. The bill reduces the personal income tax to 2.1 percent effective July 1, 1986.

During the last several budgets we have initiated and enacted a series of programs under the Pennsylvania Economic Revitalization Fund to finance economic development in Pennsylvania. Properly administered and promoted, we feel that this targeted approach to economic development provides the most cost-efficient method of encouraging business growth. This year, as part of our continuing goal of bringing new opportunities to Pennsylvania, we are proposing a job creation tax credit to target tax reduction funds directly to new job creation. The proposals we have seen from the administration over the past few budgets lack focus on the real goal of business tax reduction - job-generating growth. Our proposal ties tax reduction directly to the creation of new jobs and at the same time removes a disincentive for new hiring in Pennsylvania which presently exists in Federal law.

Nationwide all employers pay a Federal unemployment compensation tax of \$56 per employee. Employers in States which have UC debts to the Federal Government pay additional penalty taxes. These penalty taxes on the Pennsylvania employers provide no current benefits to the unemployed and they increase the cost of expanding employment or going into business in Pennsylvania. These Federal taxes are a real deterrent to additional hiring because the penalties continue to increase each year until the Federal debt is repaid. Our proposal is specifically timed to take effect at a point where employers are facing a tripling of the rate of future penalty tax hikes. In 1990, when the State expects to repay its debt,

the Federal taxes imposed on all Pennsylvania employers will amount to \$224 for each employee.

By reimbursing the employer for the Federal tax he would incur on a new employee, we will lower the cost of expanding employment in Pennsylvania or locating a new business here in a way that is directly tied to new employment. We propose reimbursing the employer for the Federal tax cost of hiring each employee added from July 1, 1986, until the Commonwealth's UC debt to the Federal Government is repaid.

In addition, for new nonconstruction businesses just starting or relocating to Pennsylvania, we propose to refund to the employer not only the Federal UC tax he would incur on his employees but his entire State UC tax as well. This reimbursement would last until such time as the employer is eligible to establish a State UC tax rate based on his layoff experience, as existing employers do. It is felt that this proposal makes the most efficient use of the tax reduction dollars and provides a very targeted approach to job creation.

Our State reduction proposal also includes business tax reductions of a full 1 percent, from 9.5 to 8.5, on the corporate income tax, as well as a \$50,000 exemption and a 5-percent reduction in the prepayment requirement on the capital stock franchise tax. This combination of targeted and general business tax reductions allows all the Commonwealth employers to share in the budget surplus but provides greater benefit where new jobs are being created in line with our continuing efforts to target economic and job development funds in Pennsylvania.

Mr. Speaker, I urge all members to support the legislation before us. Thank you.

The SPEAKER. On final passage, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I think it goes without saying that everyone in government today takes great pleasure in the opportunity to reduce taxes. I do not think it is an original idea with the Democratic Party, nor do I think it is original with the Republican Party. It is something particularly in an election year that is very attractive.

The proposals, however, that the gentleman, Mr. Manderino, raises with respect to the unemployment compensation portion of this bill we of course support, but we do so with a caveat, and that is we do not believe that as of the moment there are accurate numbers as to the cost of the proposal. We have been told by the majority Appropriations Committee that the proposal will cost approximately \$25 million. If that is accurate, we will all be very pleased and I think also very pleasantly surprised.

It is my understanding that there is a meeting this afternoon at which time the members of the respective Appropriations Committee staffs will meet with the staff from the executive branch to try and determine just what these numbers are. I have heard reports, Mr. Speaker, that the proposed UC change, if you will, could cost as much as \$116 and up to \$175 million for a year. If that is the case, then as proposed, of course, we cannot in a fiscally responsible manner pass that particular piece of legislation. We all hope that the amount

will be closer to the numbers that Mr. Manderino has said, \$25 million. He did not say it on the record, but I think that is the generally accepted amount, and it is my understanding that that is the amount that was contained in the Appropriations Committee fiscal note.

I am encouraging everyone to vote favorably on final passage. I reiterate the caveat that the cost of this portion of the proposal may be so high that fine tuning of the proposal will have to necessarily be made. I hope I am wrong, but people who have greater access to the records seem to indicate that this could cost not \$25 million but as much as \$150 or \$175 million, but we should know that within the next couple of days. The Senate will have an opportunity to address that.

The SPEAKER. On final passage, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, we can understand the minority leader's reluctance to embrace wholeheartedly a program proposed by Democrats to help business, and we can understand his skepticism.

Let me say that the track record of those of the employees in the Democratic Caucus and Appropriations Committee is such that I am confident that the figures given are correct. For this program to cost \$175 or \$117 million, we would have to create some 700,000 new jobs. I hope you are right. I hope you are right that it costs that, because with the 700,000 new jobs, the income tax paid by those people will well over quadruple in tax revenues to this Commonwealth the cost of the program. I do not expect it to be that costly. I expect new jobs to be created. I would expect that the cost of the program to the Commonwealth would be somewhere in the neighborhood of what we have estimated, but we certainly will and are open to the further discussions that the gentleman has indicated will take place.

The SPEAKER. On final passage, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I never have problems embracing good ideas, and I have no trouble embracing an idea which is something that we have done regularly over the years; that is, propose tax cuts rather than increase spending. We are pleased to see that our Democrat friends have joined with us in this policy of trying to help business, which helps the working man, and trying to return money to the taxpayer rather than spend it. 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—196

Acosta	Dietz	Lescovitz	Robbins
Afflerbach	Dininni	Letterman	Roebuck
Angstadt	Distler	Levdansky	Rudy
Argall	Dombrowski	Linton	Ryan
Arty	Donatucci	Livengood	Rybak
Baldwin	Dorr	Lloyd	Saloom
Barley	Duffy	Lucyk	Saurman
Battisto	Durham	McCall	Scheetz
Belardi	Evans	McClatchy	Schuler
Belfanti	Fargo	McHale	Semmel
Birmelin	Fee	McVerry	Serafini

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

NAYS—1

Josephs

NOT VOTING—4

Barber            Fattah            Kukovich            Wiggins

EXCUSED—0

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.

WELCOMES

The SPEAKER. The Chair welcomes to the hall of the House, as guests of Carmel Sirianni, Ruth Iris Steele and Bruce Steele. Welcome to the hall of the House. We are delighted to have you.

Carmel Sirianni and Representative Chadwick have also a guest page here today, Shannon Blackall.

Ben Wilson has Bernie O'Neill here from Warminster, Bucks County. Welcome to the hall of the House. We are delighted to have you here. Is it Bernie or Rernie? It is Bernie. All right. Sometimes we have problems reading. Mr. Wilson is a better pilot than he is a writer, let us say that.

STATEMENT SUBMITTED FOR THE RECORD

REMARKS ON VOTES

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

Mr. STEVENS. Mr. Speaker, I would like to submit remarks for the record concerning the voting of Monday, June 16, 1986.

The SPEAKER. The gentleman will send those remarks forward. They will be recorded.

Mr. STEVENS. Thank you.

Mr. STEVENS submitted the following remarks for the Legislative Journal:

Mr. Speaker, in order to assist several of my constituents with a serious problem, I was unable to arrive in Harrisburg Monday, June 16, 1986, in time to vote in favor of the nonpreferred appropriations.

Had I been present, I would have placed a "yea" vote on the record for those appropriations. Thank you.

REMARKS ON VOTES

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

Mrs. RUDY. To correct a vote, Mr. Speaker.

The SPEAKER. The lady will proceed.

Mrs. RUDY. On amendment 2943 to HB 2457, I inadvertently voted "yes" and would like to be recorded in the negative.

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

Why does the gentleman from Allegheny, Mr. Coslett, rise?

Mr. COSLETT. To correct the record, Mr. Speaker.

The SPEAKER. You may proceed.

Mr. COSLETT. On HB 2457 on Snyder's amendment 2322, I would like to be recorded in the affirmative.

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

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

Mr. HERSHEY. Mr. Speaker, I would like to correct a vote on amendment A3056 to HB 2596. I was recorded in the affirmative. I would like to be recorded in the negative.

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

HB 2596 RECONSIDERED

The SPEAKER. The Chair has in its hands a reconsideration motion on the vote by which HB 2596 was passed on this the 17th day of June 1986.

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

The following roll call was recorded:

YEAS—173

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

NAYS—1

Letterman

NOT VOTING—27

Barber	Deal	Hutchinson	Richardson
Broujos	Dininni	Linton	Sirianni
Burd	Evans	Lucyk	Veon
Bush	Freeman	Mrkonic	Wiggins
Carn	Gamble	Murphy	Wright, D. R.
Colafella	Greenwood	Nahill	Wright, R. C.
Cordisco	Hagarty	Perzel	

EXCUSED—0

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

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—198

Acosta	Dietz	Lashinger	Rieger
Afflerbach	Dininni	Laughlin	Robbins
Angstadt	Distler	Lescovitz	Roebuck
Argall	Dombrowski	Letterman	Rudy
Arty	Donatucci	Levdansky	Ryan

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

NAYS—0

NOT VOTING—3

Barber Fattah Wiggins

EXCUSED—0

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.

**BILLS REPORTED FROM COMMITTEES,  
CONSIDERED FIRST TIME, AND  
RECOMMITTED TO COMMITTEE ON RULES**

**HB 2377, PN 3293**

By Rep. PETRARCA

An Act amending the act of May 31, 1945 (P. L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act," providing for the establishment of an emergency bond fund to reclaim certain surface mined lands; and further providing for the obligations of operators.

## MINES AND ENERGY MANAGEMENT.

**HB 2465, PN 3693 (Amended)**

By Rep. FRYER

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), known as "The Fourth to Eighth Class County Assessment Law," providing for an adjustment in the rate of a dedicated tax for particular purposes in certain cases.

## LOCAL GOVERNMENT.

**HB 2607, PN 3662**

By Rep. FRYER

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," making provision for children to accompany electors into polling places and into voting compartments or voting machine booths.

## LOCAL GOVERNMENT.

**HB 2617, PN 3694 (Amended)**

By Rep. FRYER

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), known as the "County Pension Law," changing the definition of "regular interest."

## LOCAL GOVERNMENT.

**BILL REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED****SB 1397, PN 2192**

By Rep. PETRARCA

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for the exclusion of construction of hydroelectric generating facilities from the tax on utilities.

## MINES AND ENERGY MANAGEMENT.

**STATE GOVERNMENT COMMITTEE MEETING**

The SPEAKER. In order to make an announcement of a committee meeting, the Chair recognizes the gentleman from Philadelphia, Mr. Oliver.

Mr. OLIVER. Thank you, Mr. Speaker.

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

**INSURANCE COMMITTEE MEETING**

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

Mr. RYBAK. Thank you, Mr. Speaker.

On the call of the recess, there will be a House Insurance Committee meeting in room 401. I use this method to tell my staff I will meet them there. Thank you.

**APPROPRIATIONS COMMITTEE MEETING**

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

Mr. PIEVSKY. Thank you, Mr. Speaker.

At the call of the lunch recess, there will be a brief meeting at the rear of the chamber of the House Appropriations Committee. Thank you, Mr. Speaker.

**REPUBLICAN CAUCUS**

The SPEAKER. The Chair recognizes the minority leader to make an announcement on caucus.

Mr. RYAN. Mr. Speaker, the Republicans will go to caucus immediately for 20 minutes or half an hour and then break for lunch. The subject of the caucus will be HB 361 on the Philadelphia wage tax, and also, I guess some questions will be raised with respect to the Philadelphia Convention Center Authority vote. Both of these will come up in our caucus right now. So I would appreciate anyone who has any interest in these things to immediately retire to the caucus room.

**BILLS REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND  
RECOMMITTED TO COMMITTEE ON RULES****HB 299, PN 329**

By Rep. HUTCHINSON

An Act regulating motor vehicle rustproofing; and providing penalties.

## TRANSPORTATION.

**HB 2256, PN 3106**

By Rep. HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further prohibiting the use of certain hearing impairment devices.

## TRANSPORTATION.

**HB 2363, PN 3692 (Amended)**

By Rep. HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for school bus plates and for prisoner of war plates.

## TRANSPORTATION.

**HB 2407, PN 3351**

By Rep. HUTCHINSON

An Act designating a certain bridge crossing the Susquehanna River as the Veterans Memorial Bridge.

## TRANSPORTATION.

**HB 2594, PN 3650**

By Rep. HUTCHINSON

An Act amending the act of December 22, 1981 (P. L. 518, No. 144), known as the "High Speed Intercity Rail Passenger Commission Act," further providing for the expiration of the commission.

## TRANSPORTATION.

**BILL REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED****SB 1124, PN 2240 (Amended)**

By Rep. HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining the term "Articulated bus," and providing for violations concerning television screens.

## TRANSPORTATION.

**DEMOCRATIC CAUCUS**

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

Mr. ITKIN. Mr. Speaker, before the members leave the floor, the Democrats will also have a caucus immediately on the declaration of the recess. This will be on HB 361. We should be out in about 20 minutes. Would all members attend the caucus immediately upon the recess.

**RECESS**

The SPEAKER. The House will stand in recess for purposes of caucusing and lunch. The Chair will open the session this afternoon at 1:45. The House stands in recess.

**AFTER RECESS**

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

**SENATE MESSAGE****ADJOURNMENT RESOLUTION  
FOR CONCURRENCE**

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

In the Senate, June 16, 1986

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 23, 1986, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, June 23, 1986, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILLS SIGNED BY SPEAKER**

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

**SB 1040, PN 1288**

An Act amending the act of December 5, 1972 (P. L. 1280, No. 284), entitled "Pennsylvania Securities Act of 1972," providing for cease and desist orders and summary cease and desist orders; increasing the statute of limitations for securities fraud; and further providing for the denial, suspension and revocation of registration of broker-dealers, agents and investment advisers.

**SB 1415, PN 1926**

An Act making appropriations to the Department of General Services out of various funds for payment of rental charges to The General State Authority.

**ACTUARIAL NOTES**

The SPEAKER. The Chair acknowledges receipt of the actuarial notes on HB 2025, HB 2106, and HB 82, which the clerk will file.

(Copies of actuarial notes are on file with the Journal clerk.)

**BILLS REPORTED FROM COMMITTEES,  
CONSIDERED FIRST TIME, AND  
RECOMMITTED TO COMMITTEE ON RULES****HB 2199, PN 3739 (Amended)**

By Rep. OLIVER

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to convey to Emsworth Borough 7.5 acres of land, more or less, situate in Kilbuck Township, Allegheny County, Pennsylvania.

**STATE GOVERNMENT.****HB 2624, PN 3699**

By Rep. PIEVSKY

An Act making appropriations to the Governor for disaster relief.

**APPROPRIATIONS.****BILL REREPORTED FROM COMMITTEE****HB 2518, PN 3525**

By Rep. PIEVSKY

An Act making an appropriation to the Trustees of Drexel University, Philadelphia, Pennsylvania.

**APPROPRIATIONS.****WELCOME**

The SPEAKER. The Chair is delighted to welcome as a guest page for today Miss Denise Hoffman, who is here as the guest of Representative Mowery. Miss Hoffman will be a senior at Camp Hill High School. Welcome to the hall of the House, Denise.

**CALENDAR CONTINUED****BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 595, PN 3640**, entitled:

An Act amending the act of March 30, 1811 (P. L. 145, No. 99), entitled "An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public monies, and for other purposes," authorizing deferred compensation programs for State employees.

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

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

The question is, shall the bill pass finally?

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

YEAS—201

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, some of you may have noticed that we were conferring up here with the leaders. The President of the United States has announced the resignation of Chief Justice Burger as Chief Justice of the Supreme Court and from the Supreme Court, effective at the end of this term of the court, and the President of the United States has announced that the new Chief Justice nominee will be Justice Rehnquist. The President has also announced that he is sending a name into Congress to fill the spot of Chief Justice Burger, because there will be a vacancy on the court. The radio transmission was garbled at that point and the Speaker did not get the name of the new man who is to be nominated. But the Chief Justice of the United States is resigning at the end of this term.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 433, PN 3281**, entitled:

An Act regulating sheriffs' foreclosure and tax sales.

On the question,

Will the House agree to the bill on third consideration?

Mr. DeLUCA offered the following amendments No. A2338:

Amend Title, page 1, line 1, by inserting after "Regulating" certain

Amend Sec. 1, page 1, line 4, by inserting after "sales;" owner-occupied

Amend Sec. 1, page 2, lines 15 through 30; page 3, lines 1 through 15, by striking out all of said lines on said pages and inserting

(a) Fair market value.—No sheriff's sale or writ of execution against one or two family owner-occupied residential real estate in a mortgage foreclosure proceeding shall be valid nor shall a deed be delivered unless, prior thereto, a court-appointed appraiser has determined and published the fair market value of the residence based upon competent evidence, including, but not limited to, the original purchase price of the property and such appreciation customary for a property of comparable size, condition and location in its vicinity. The costs of the appraisal shall be added to the costs of the sale. The foreclosing creditor may petition the court to issue an order requiring the owner of the property to permit the appraiser to enter the premises for the purpose of making the appraisal.

(b) Minimum sale price.—No sheriff's sale or writ of execution against one or two family owner-occupied residential real estate in a mortgage foreclosure proceeding shall be valid nor shall a deed be delivered if the proceeds of the sale are less than 60% of the value of the property interest being sold. The value of the property interest being sold shall equal the fair market value as determined in subsection (a) minus the balance due on any lien that would remain on the property after consummation of the sheriff's sale and taking into account any other record interests in the property that would remain valid after consummation of the sheriff's sale.



(c) Payment by successful bidder.—A successful bidder at a sheriff's sale shall deposit not less than 5% of the total amount of the purchase money bid on the date of the sale and shall pay the remainder to the sheriff within 60 days.

(d) Additional sales.—In the event the requirements of subsection (b) are not met at the sale of the property or a successful bidder is unable to complete payment within 60 days, the sheriff shall put the property up for sale again in accordance with the provisions of this act. Such additional sale shall be held within 30 days of notice being given pursuant to subsection (e) or at such time as provided by local rule of court but not to exceed 45 days.

(e) Notice.—Notice under this act shall be provided in accordance with the following:

(1) Causing a notice listing the property to be sold and the information in paragraph (3) to be placed in a newspaper of general circulation, as defined by 45 Pa.C.S. Ch. 3 (relating to legal advertising), which is circulated in the political subdivision where the sale will be held.

(2) Posting a copy of the notice prominently at the principal office of the agency holding the sale or at the public building in which the sale is to be held.

(3) The notice shall state the fair market value of the property, the balance due on any lien and any other interest of record that would remain on the property after the consummation of the sheriff's sale.

(f) Poundage.—If the successful bidder is the plaintiff, so long as said plaintiff shall take title to the property by accepting delivery of sheriff's deed and recording the same, any poundage which may be payable to the sheriff on the cash amount paid by the plaintiff, in excess of the indebtedness due to the plaintiff to meet the requirements of subsection (b), shall be waived.

(g) Other remedies.—The remedies provided for by this act are in addition to any other remedies provided by law.

On the question,

Will the House agree to the amendments?

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, HB 433 is a spinoff of Act 91, which was designed to provide emergency loans to homeowners facing foreclosure. This act has been effective by helping persons who have good prospects for immediate redevelopment and can therefore resume paying their mortgages. But roughly, Mr. Speaker, half of those applying for assistance are turned down because they have no such immediate prospects of employment. Many people have found jobs, including some who are working two jobs, are working for minimum wages, and still do not make enough to meet a mortgage payment. Therefore, Act 91 is of no help to those people who need it the most. But HB 433 with amendment A2338 would help these people by at least preserving some of the equity which these people have built up in their houses, perhaps allowing them to purchase a more modest one or at least pay for rent or groceries to help their families.

Mr. Speaker, when I talk about equity, let me give you a few statistics here. In Allegheny County, where this originally originated with the sheriff of Allegheny County with an investigation he conducted over a 5-year period, in January of 1986 there were 133 homes foreclosed on; 77 were sold; and the money, the equity returned back to the homeowner, was zero. In February of 1986 there were 87 homes foreclosed on; 53

were sold; the equity returned was 1. In March of 1986 there were 113 homes foreclosed on; 79 sold; the equity returned to the homeowner was zero, for a total of 3 months in 1986 of 333 filed, 209 sold, and the equity returned was 1.

In July to December of 1985, Mr. Speaker, in Allegheny County there were 678 homes foreclosed on, 444 were sold, and the equity that was returned to the homeowner was 1.

What we are trying to accomplish with this amendment is some fairness in the Mortgage Foreclosure Act. When I say fairness, fairness on behalf of the person who has been working and paying all his life on one of the things that is most precious, his homeownership, and through no fault of his own has been forced out of a job; he cannot make the mortgage payments; he has no prospects of a new job, and he does not qualify for Act 91, the Mortgage Foreclosure Act. So therefore, he is forced to relinquish his house and, therefore, lose all the equity he has accumulated over the years.

What we are doing with the amendment is trying to return HB 433 to its original intent when it was presented in committee, but it was stripped out in committee and sent to this House floor with an amendment that is totally unacceptable, I hope to this whole body here. What HB 433 does now is takes some of the rights off the homeowner and gives it to the banks and to the lending institutions. This amendment is trying to take away the excessive profiteering that some speculators were obtaining from the financially distressed and the poor, the sick and the unemployed, by using the mortgage foreclosure laws to their advantage. While this is presently legal, Mr. Speaker, it is certainly immoral, and it was not the intention of the foreclosure law to make some certain individuals rich through the misfortune of the unemployed and poor.

This amendment, Mr. Speaker, would apply to sheriffs' sales of one- and two-family owner-occupied residential real estate in mortgage foreclosure proceedings. It will require a court-directed appraisal to determine the fair market value before any one- or two-family owner-occupied residential pieces of real estate are sold. The cost of the appraisal would be added to the cost of the sale. The foreclosing creditor can petition the court for an order to permit the appraiser on the premises to make that appraisal. It would establish a minimum sale price of not less than 60 percent of the appraised fair market value minus the balance due on any lien that would remain on the property after sale. It would reduce the downpayment required at sheriffs' sales from the current 10 percent to 5 percent. It would also increase the time from the present 5 days to pay the balance off to 60 days to give more people an opportunity to go out and secure a mortgage. It would require readvertising of the property if a 60-percent bid is not received at the first sale or if the bidder fails to pay the balance within 60 days. A rebidding of the property must be held within 30 days of the readvertisement or at least such time as provided by local rule of the court, not to exceed 45 days.

Mr. Speaker, this amendment is attempting, like I said before, to prevent speculators from buying homes at a fraction of the real estate value and reselling them for excessive

profit. It would also eliminate the speculators or the lending institutions from making excess profits.

What we are talking about here is a bill that has not only been endorsed by various groups - the AFL-CIO has endorsed it; the churches have endorsed it; the newspapers have endorsed it; the TV stations have endorsed it - it has a broad amount of support. The local elected officials - the mayor of the city of Pittsburgh, the city council, the sheriff, the district attorney, and the row officers in Allegheny County - have endorsed this bill; the county commissioners. The Philadelphia unemployed community has endorsed this who are presently, to this day, fighting to try to get some equity back for the people who are falling under ill times in the economic climate of our State today. The United Steelworkers, United Auto Workers have endorsed this proposal. The Pennsylvania Catholic Conference has endorsed this proposal. The Pennsylvania Council of Churches has endorsed this proposal.

This proposal is not just an Allegheny County proposal; it is a proposal that will affect the whole State, people in all situations. Take our farmers out there. They are falling into that situation today of having their farms closed and mortgage foreclosure problems.

Mr. Speaker, in 1983 a study was made by the sheriff of Allegheny County that showed that 50 percent of the people having mortgage foreclosures were unemployed and unable to find work. Thirty-five percent, Mr. Speaker, were self-employed, people who had lost their businesses, small businesses that we must drastically go back to if we are going to stimulate this economy in the Commonwealth of Pennsylvania.

Mr. Speaker, this is a bill that not only shows compassion on behalf of these people but shows a sense of fair play and it shows that we know here in this House that there is a crack in our mortgage foreclosure system. We have a moral obligation as responsible elected officials to close that crack, and that is what we are trying to do today, Mr. Speaker. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Bradford, Mr. Chadwick.

Mr. CHADWICK. Thank you, Mr. Speaker.

Mr. Speaker, this is an amendment that we should oppose for several reasons. It requires that in every mortgage foreclosure, before the foreclosure sale can be held, the court must appoint an appraiser who must do an appraisal of the property and the results of that appraisal must be published in a local newspaper. Mr. Speaker, I practiced law for 6 1/2 years before I came to the legislature and I did a lot of mortgage foreclosure work, and I cannot recall a single case in which the problem Mr. DeLuca refers to happened in my county. Far more often, there were entirely too many delays in attempting to get to the conclusion of a mortgage foreclosure. I can remember several occasions where on the very day of the mortgage foreclosure sale, I was served with a notice of the filing of bankruptcy, which was filed for no other purpose than to delay the sale of the house until you could go to Federal court and get a release from the bankruptcy. Mr. Speaker, all we are doing is adding a built-in delay, and it is

going to make it harder for the average person to get a mortgage and at higher interest rates if we permit this to happen.

There is one other argument, and I would like to direct this argument, if I may, to those members who are genuinely looking for a reason to help people whose houses are being foreclosed upon. In the bill in its current form, a person whose house is being foreclosed upon has the right within 30 days after the sale, if he believes the house has sold for less than 70 percent of its fair market value, to petition the court for relief. The court will appoint an appraiser, and if in fact it goes for less than 70 percent, there is relief. In this bill we are requiring an appraisal in every single case and requiring that the results of that appraisal be published in the newspaper. It further says in this amendment that the cost of the appraisal and the cost of publication will be added to the cost of the sale, and that means that the person whose home is being foreclosed upon is going to pay for that appraisal whether it was needed or not and whether or not the property sold above or below or near the fair market value.

If you really want to help the person whose house is being foreclosed upon, keep the bill in its present form and give him the right, if he feels it went for less than the fair market value, to go into court and ask for relief. Do not make him pay for an appraisal and publication when it is not warranted. Thank you, Mr. Speaker.

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

Mr. TRELLO. Mr. Speaker, this morning we heard from a very courageous young man who had a very unfortunate accident that left him in a wheelchair. He made a statement this morning that a municipality or a community is judged by its willingness to help the less fortunate. I think in this amendment we have an opportunity to show our concern about the unemployed and the less fortunate. I would certainly ask this House to vote in the affirmative for the DeLuca amendment, because we know what the problems are in communities that are depressed. Thank you very much.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Schuylkill, Mr. Lucyk.

Mr. LUCYK. Mr. Speaker, I would like to ask a question, please.

The SPEAKER. Of the gentleman, Mr. DeLuca?

Mr. LUCYK. Yes.

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

Mr. LUCYK. Mr. Speaker, after the first sale fails to produce the 60-percent level that we are talking about in this amendment, what happens then with the second try around? Do we still have to shoot for the 60-percent mark or does it go for whatever the sale brings?

Mr. DeLUCA. Mr. Speaker, we continue the 60-percent minimum. The reason for that, Mr. Speaker, is that we believe by opening up the process to a lot of young couples who have not been able to secure homes because of their financial situation, they will take advantage of the 40-percent discount of fair market value, and by reducing the downpay-

ment and letting them have more time to secure a mortgage, we do not have any problems with the house being sold.

Mr. LUCYK. Mr. Speaker, may I make a statement?

The SPEAKER. The gentleman is in order, and you may make a statement on the amendment.

Mr. LUCYK. Mr. Speaker, I do not think there is anyone in this House who in the past has not shown empathy or sympathy for a person who is about to lose his or her home through a sheriff's sale. Going back to I believe it was Act 97, we made money available for these people to extend their payments, to meet with the lenders and secure help.

I would not be against having the sheriff given the power or given the duties in each county to make sure that every person who is going through this is advised of all their rights. I believe in even appointing an attorney to make sure the person's rights are not violated. But I feel to guarantee 60 percent of the market value over and over again is really not in the best interest of the lending institutions or of anyone who in the future is going to want to secure a home mortgage. What we are seeing here is an escape mechanism, I feel, that forever and ever, if I am not guaranteed 60 percent of the market value of my home, my home cannot be taken away from me. I could quit paying my mortgage payments forever, and as long as my house does not bring 60 percent of its fair market value at a sheriff's sale, my house will never be taken away from me.

So in effect this could happen. And who does it hurt? We say it is not hurting anyone, that it is helping the poor people who are losing their homes. But you mark my word, if I am a lender, if I am a banker or another lending institution and I get burned several times on something like this, the next time a young person comes in to borrow money to buy a home, to secure a mortgage, I am going to make darn sure that this does not happen again. You talk about downpayments; I am going to make sure there is enough money there that I do not get burned.

Mr. Speaker, again I would like to say, I think we all feel sympathy, empathy for the people who are about to lose their homes, but I think this artificial mechanism that we are looking at here today is not the solution, and I ask for a negative vote.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. F. TAYLOR. Thank you, Mr. Speaker.

I rise to support the amendment. The Business and Commerce Committee had several hearings in Pittsburgh on this particular issue, and at that time it was in the Pittsburgh-Allegheny area that this issue was more prevalent. It is my information now that it does exist in other areas of our Commonwealth.

There is a high speculation on these properties. There are speculative people running around trying to take advantage of people when they are in a bad situation. This amendment does nothing other than establish a fair market value for that property and at least 60 percent of it. I do not think there is any institution in this Commonwealth that could not buy those

properties back at that and sell them and still pay off the note that is owed against it and at least return some equity to those people.

There are many instances that we were told of where the title of the property never came back to the institution but went to a third party, and that in itself smacks of high speculation and speculative people out there in the marketplace taking advantage of these people at a time when they are having difficulty in paying those mortgage payments. I do not think the amendment goes far enough, but I have an amendment to this bill, and I would appreciate the support of this House here in giving an affirmative vote to this measure today.

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

Mr. AFFLERBACH. Thank you, Mr. Speaker.

HB 433 attempts to put into practice a new procedure in sheriffs' sales. It attempts to draw a fine balance between the rights of an individual who in good conscience and in good faith took a mortgage loan to purchase a residential property and the rights of that mortgage lender who also in good conscience and in good faith made that loan.

As reported from committee, HB 433 does exactly that. It strikes a fair balance to institute a new procedure that will hopefully work against the speculator. The DeLuca amendment, however, destroys that very balance that the committee crafted. It tips the scale and it tips it very favorably to the individual who has taken the mortgage and away from the individual who has seen fit to lend the mortgage.

I believe the net result of legislation such as this, should it be signed into law, would be that those individuals who are on the low end of qualifying for mortgages would find themselves shut out of the market entirely. The only recourse lending institutions will have is to increase the requirements of job security, increase the requirements of average income, increase the requirements of downpayment; in short, take every increase that they can take on that mortgage application to further solidify their loan.

I do not think that is the message we want to send to the lending institutions across Pennsylvania. I am certain it is not the message we want to send to the individuals who are at the marginal qualifying point already in obtaining a mortgage to own their home. I would very strongly urge defeat of the DeLuca amendment and passage of the bill as it came from committee.

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

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, I think the intent of the sponsor of the amendment is well thought out; unfortunately, I think what he is intending to do is already very much embodied in our law, is a process that is already there, and most importantly, I think it will not stymie the free flow of mortgage money, which is going to have a ripple effect if this particular type of procedure is in fact embodied into law.

The procedure that I am alluding to that exists is current law under the Pennsylvania Rules of Civil Procedure, specifically 3123, which does allow an individual who is having his particular property foreclosed upon to have the right—he now currently has the right—to petition the court, and upon proper cause being shown—and in this instance I guess we are talking about an inadequacy of price derived at the sheriff's sale—he then can have the sale set aside and a new sale re-ordered at a price that would hopefully be of a substantially higher value. This is a common practice that can be done under current law. It is a practice that does not have the burdensome requirements of delay; it does not have the financial fiscal impact, if you will, of costs for appraisers; it does not have the burdening practice to the court of having a motions court make determinations on presale appraisals, if you will, which in most instances are going to be carried out at time of sale in any event.

I think the concept is fine. I think the vehicle is atrocious. I would suggest that you defeat the amendment. There is no need for it under current law. Thank you.

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

Mr. COWELL. Mr. Speaker, those who have spoken in opposition to the DeLuca amendment have used a couple different arguments. Most recently we heard that there is adequate protection in the current law. Previous speakers said that the current law is not adequate but that the bill as it was reported from committee is adequate. Does it not strike us though that all of the people, so many organizations that in fact work with unemployed persons, who do try to help those who are about to lose their homes, from unions to local officials to our church groups, argue that neither is the case—neither the current law nor HB 433 as reported from committee will do the job? Neither provides some essential protection to that person who is about to lose his home. Neither the current law nor the bill as proposed, as it was reported from committee, provides that essential balance, that essential fairness.

We are not really talking about the conditions under which somebody will get a home in the future. That is not really the issue at stake today. What we are trying to deal with are the conditions under which and the process under which somebody will have their home taken away from them, particularly a person who has worked for years and years and has invested a good bit of a lifetime in buying a home and has a substantial financial stake, financial equity in that home.

The question is, will some speculator or some financial institution be able to come in and take advantage of a distressful situation already confronting that family and tell them that on top of everything else, we are not only going to take your home away but we are going to make sure that you do not get a fair return on the investment that you have made for the last 5 or 10 or 15 or 20 years? That is what we are really debating today, and that issue really touches families all over this State in one way or another, and it might someday touch any one of our families; any one of us could find ourselves in that situation.

I do not think that a speculator ought to be able to come in and, on the backs of somebody who has recently lost their job or lost their job a number of years ago, be able to take over a home at nominal cost and then realize excessive profits when they, in a very short period of time, resell that home at a substantially increased price. That is what we are trying to avoid, and what we are trying to protect is the investment and the integrity of that family that has tried over a number of years to buy a home and in fact has been successfully buying a home until some recent tragedy, perhaps unemployment, has hit that family. That is what is really at stake.

But I would remind all of us that those who work with these families, those who work with these individuals, I think without any disagreement, have argued to us and have argued to the public that the current law is not adequate and that HB 433 as reported from committee is a sham. We ought not to pass it if that is the best we can do. The DeLuca amendment adds important protection that ought to be found in this bill and should ultimately be passed into law, and I therefore urge that we pass the DeLuca amendment.

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

Mr. DAWIDA. Mr. Speaker, as a lawyer for 8 years, I know the dry particulars of how this particular amendment will affect our current law, and I have some small sympathy for the banks on that regard. However, as a legislator in a hard-hit area in the Mon Valley, I have also worked with people who are losing their homes—proud people, hard-working people, people who have worked all their lives for a home and are seeing it evaporate.

The reality of this situation is simply this: This amendment will help protect them in some small way and it will not genuinely affect the position of the banks, and I have talked to several of my own bankers for their private opinions on this issue. What is at stake here is the American dream of owning a home and being able to keep it, and the very least we can do is vote for the DeLuca amendment. Thank you.

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

Mr. DUFFY. Thank you, Mr. Speaker.

I think the DeLuca amendment should be included in HB 433. I think the banks and building and loans that handle mortgages will see that the procedure will go a little bit faster and in the future will protect people who run into adverse conditions through unemployment. I feel it would be something that would make this law much better. Thank you, Mr. Speaker.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from Allegheny, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, one of the previous speakers mentioned the fact that under civil law 3123 they do have regress, and that is true, Mr. Speaker. So far in 40 years, only two people, two—let me mention that—two people have used that to address that situation. How do we expect the person who has lost his

house, who has lost his job, who does not have any money, to go and hire an attorney to take a mortgage foreclosure to court to fight on his behalf that he has not gotten a fair shake out of the equity that rightfully belongs to him?

Under this current bill, Mr. Speaker, it was alluded to the fact that it addresses the situation. Well, let me state to you what that does in this current bill coming out of committee. It takes the right away from the homeowners. Right now they have the opportunity to go to court. They will only have that opportunity providing a third party intercedes. The savings and loans and lending institutions will not be required to go to court— If the savings and loans and lending institutions are successful in taking that property, then the homeowner has no regress but to go along with what they are paying. And let me state—it was mentioned under present law—let me state what present law is. Under present law, property may be sold at sheriff's sale without—listen to this, Mr. Speaker—without regard to actual value of the property. Now, is that fair to a person who has been working all his life, who has had a home for 15 or 20 years? Where is the fairness in that? We have heard about fairness on this floor today. Where is the fairness of that?

This situation has only come into play in the last 8 or 9 years because of the people and the economic conditions. If we had the economic conditions long before that, this situation might have come to this House.

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

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—89

Acosta	Duffy	McCall	Seventy
Angstadt	Evans	McHale	Stairs
Barber	Fattah	Manderino	Steighner
Battisto	Fee	Markosek	Stevens
Belardi	Fischer	Mayernik	Stuban
Blaum	Freeman	Michlovic	Sweet
Bortner	Fryer	Morris	Taylor, F.
Caltagirone	Gallagher	Mrkonic	Telek
Cappabianca	Gamble	Murphy	Tigue
Carn	George	O'Donnell	Trello
Cawley	Gruitza	Olasz	Truman
Clark	Haluska	Oliver	Van Horne
Cohen	Harper	Petrarca	Veon
Colafella	Howlett	Petrone	Wambach
Cole	Hutchinson	Pievsky	Wass
Cordisco	Itkin	Pistella	Wiggins
Cowell	Jarolin	Pressmann	Wright, D. R.
Deluca	Josephs	Preston	Wright, R. C.
DeWeese	Kasunic	Raymond	Yandrisevits
Daley	Kukovich	Richardson	
Dawida	Levdansky	Rybak	Irvis,
Deal	Linton	Saloom	Speaker
Dombrowski	Lloyd	Serafini	

NAYS—110

Afflerbach	Davies	Kenney	Reber
Argall	Dietz	Kosinski	Reinard
Arty	Diniinni	Langtry	Rieger
Baldwin	Distler	Lashingier	Robbins
Barley	Donatucci	Lescovitz	Rudy
Belfanti	Dorr	Letterman	Ryan
Birmelin	Durham	Livengood	Saurman

Black	Fargo	Lucyk	Scheetz
Book	Flick	McClatchy	Schuler
Bowley	Foster	McVerry	Semmel
Bowser	Fox	Mackowski	Showers
Boyes	Freind	Maiale	Sirianni
Brandt	Gallen	Manmiller	Smith, B.
Broujos	Gannon	Merry	Smith, L. E.
Bunt	Geist	Micozzie	Snyder, D. W.
Burd	Gladeck	Miller	Snyder, G.
Burns	Godshall	Moehlmann	Staback
Bush	Greenwood	Mowery	Stewart
Carlson	Gruppo	Nahill	Swift
Cessar	Hagarty	Noye	Taylor, E. Z.
Chadwick	Hasay	O'Brien	Taylor, J.
Cimini	Hayes	Perzel	Vroon
Civera	Herman	Phillips	Weston
Clymer	Hershey	Piccola	Wilson
Cornell	Honaman	Pitts	Wogan
Coslett	Jackson	Pott	Wozniak
Coy	Johnson	Punt	Wright, J. L.
DeVerter	Kennedy		

NOT VOTING—2

Laughlin            Roebuck

EXCUSED—0

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. LESCOVITZ offered the following amendment No. A1959:

Amend Sec. 1, page 2, line 30, by inserting after "CREDITOR."

The sheriff shall advise the property owner of the property owner's rights under this subsection.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Washington, Mr. Lescovitz.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

As you have heard from the previous speakers, one of the main problems is that the individuals do not know that they have the right to have an appraisal done. What this amendment does is say that the sheriff shall advise the property owner of the property owner's rights under this subsection, which means that someone at least has to inform the property owner that he does have the right to have an appraisal done 30 days after the sale. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—143

Afflerbach	Donatucci	Livengood	Schuler
Angstadt	Duffy	Lloyd	Serafini
Argall	Fargo	Lucyk	Seventy
Baldwin	Fattah	McCall	Showers
Battisto	Fee	McClatchy	Sirianni
Belardi	Fischer	McHale	Smith, L. E.
Belfanti	Fox	McVerry	Staback
Blaum	Freeman	Mackowski	Stairs
Bortner	Fryer	Maiale	Steighner
Bowley	Gallagher	Manderino	Stevens

Bowser	Gamble	Markosek	Stewart
Broujos	George	Mayernik	Stuban
Burd	Gladeck	Michlovic	Sweet
Burns	Greenwood	Miller	Swift
Bush	Gruitza	Moehlmann	Taylor, E. Z.
Caltagirone	Gruppo	Morris	Taylor, F.
Cappabianca	Hagarty	Mrkoncic	Telek
Carlson	Haluska	Murphy	Tigue
Carn	Harper	Nahill	Truman
Cawley	Hasay	O'Brien	Van Horne
Chadwick	Hershey	O'Donnell	Veon
Clark	Howlett	Olasz	Vron
Cohen	Hutchinson	Oliver	Wambach
Colafella	Itkin	Petrarca	Wass
Cole	Jarolin	Petrone	Weston
Cordisco	Josephs	Pievsky	Wiggins
Cornell	Kasunic	Pistella	Wilson
Coslett	Kennedy	Pott	Wogan
Cowell	Kenney	Pressmann	Wozniak
Coy	Kosinski	Preston	Wright, D. R.
DeLuca	Kukovich	Raymond	Wright, J. L.
DeWeese	Langtry	Richardson	Wright, R. C.
Daley	Laughlin	Rieger	Yandrisevits
Davies	Lescovitz	Rudy	
Dawida	Levdansky	Rybak	Irvis,
Deal	Linton	Saloom	Speaker
Dombrowski			

NAYS—53

Acosta	Dietz	Honaman	Pitts
Arty	Distler	Jackson	Punt
Barley	Dorr	Johnson	Reber
Birmelin	Durham	Lashinger	Reinard
Black	Flick	Letterman	Robbins
Book	Foster	Manmiller	Ryan
Boyes	Freind	Merry	Saurman
Brandt	Gallen	Micozzie	Scheetz
Bunt	Gannon	Mowery	Semmel
Cessar	Geist	Noye	Smith, B.
Cimini	Godshall	Perzel	Snyder, D. W.
Civera	Hayes	Phillips	Snyder, G.
Clymer	Herman	Piccola	Taylor, J.
DeVertter			

NOT VOTING—5

Barber	Evans	Roebuck	Trello
Dininni			

EXCUSED—0

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?

Mr. F. TAYLOR offered the following amendments No. A2493:

Amend Title, page 1, line 1, by inserting after "Regulating" certain

Amend Sec. 1, page 1, line 4, by inserting after "sales;" owner-occupied

Amend Sec. 1, page 2, lines 15 through 30; page 3, lines 1 through 15, by striking out all of said lines on said pages and inserting

(a) Fair market value.—No sheriff's sale or writ of execution against one or two family owner-occupied residential real estate in a mortgage foreclosure proceeding or real estate tax sale shall be valid nor shall a deed be delivered unless, prior thereto, a court-appointed appraiser has determined and published the fair market value of the residence based upon competent evidence,

including, but not limited to, the original purchase price of the property and such appreciation customary for a property of comparable size, condition and location in its vicinity. The costs of the appraisal shall be added to the costs of the sale. The foreclosing creditor may petition the court to issue an order requiring the owner of the property to permit the appraiser to enter the premises for the purpose of making the appraisal.

(b) Minimum sale price.—No sheriff's sale or writ of execution against one or two family owner-occupied residential real estate in a mortgage foreclosure proceeding or real estate tax sale shall be valid nor shall a deed be delivered if the proceeds of the sale are less than 60% of the value of the property interest being sold. The value of the property interest being sold shall equal the fair market value as determined in subsection (a) minus the balance due on any lien that would remain on the property after consummation of the sheriff's sale and taking into account any other record interests in the property that would remain valid after consummation of the sheriff's sale.

(c) Payment by successful bidder.—A successful bidder at a sheriff's sale shall deposit not less than 5% of the total amount of the purchase money bid on the date of the sale and shall pay the remainder to the sheriff within 60 days.

(d) Additional sales.—In the event the requirements of subsection (b) are not met at the sale of the property or a successful bidder is unable to complete payment within 60 days, the sheriff shall put the property up for sale again in accordance with the provisions of this act. Such additional sale shall be held within 30 days of notice being given pursuant to subsection (e) or at such time as provided by local rule of court but not to exceed 45 days.

(e) Notice.—Notice under this act shall be provided in accordance with the following:

(1) Causing a notice listing the property to be sold and the information in paragraph (3) to be placed in a newspaper of general circulation, as defined by 45 Pa.C.S. Ch. 3 (relating to legal advertising), which is circulated in the political subdivision where the sale will be held.

(2) Posting a copy of the notice prominently at the principal office of the agency holding the sale or at the public building in which the sale is to be held.

(3) The notice shall state the fair market value of the property, the balance due on any lien and any other interest of record that would remain on the property after the consummation of the sheriff's sale.

(f) Poundage.—If the successful bidder is the plaintiff, so long as said plaintiff shall take title to the property by accepting delivery of sheriff's deed and recording the same, any poundage which may be payable to the sheriff on the cash amount paid by the plaintiff, in excess of the indebtedness due to the plaintiff to meet the requirements of subsection (b), shall be waived.

(g) Other remedies.—The remedies provided for by this act are in addition to any other remedies provided by law.

On the question,

Will the House agree to the amendments?

AMENDMENTS WITHDRAWN

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. F. TAYLOR. Mr. Speaker, I am withdrawing the amendment. Since the DeLuca amendment failed, there is no need for my amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—155

Acosta	Distler	Lescovitz	Rudy
Afflerbach	Dombrowski	Letterman	Rybak
Angstadt	Donatucci	Levdansky	Saloom
Argall	Duffy	Linton	Schuler
Arty	Durham	Livengood	Serafini
Baldwin	Evans	Lloyd	Seventy
Barber	Fattah	Lucyk	Showers
Battisto	Fee	McCall	Smith, B.
Belardi	Fischer	McClatchy	Snyder, D. W.
Belfanti	Foster	McHale	Staback
Blaum	Fox	McVerry	Stairs
Book	Freeman	Maiale	Steighner
Bortner	Fryer	Manderino	Stevens
Bowley	Gallagher	Markosek	Stewart
Bowser	Gamble	Mayernik	Stuban
Broujos	Gannon	Michlovic	Sweet
Burd	George	Micozzie	Taylor, E. Z.
Burns	Gladeck	Miller	Taylor, F.
Bush	Greenwood	Morris	Taylor, J.
Caltagirone	Gruitza	Mrkonic	Telek
Cappabianca	Gruppo	Murphy	Tigue
Carlson	Hagarty	Nahill	Truman
Carn	Haluska	O'Brien	Van Horne
Cawley	Harper	O'Donnell	Veon
Cessar	Hasay	Olasz	Vroon
Civera	Hershey	Oliver	Wambach
Clark	Howlett	Perzel	Wass
Cohen	Hutchinson	Petrarca	Weston
Colafella	Itkin	Petrone	Wiggins
Cole	Jarolin	Pievsky	Wilson
Cordisco	Josephs	Pistella	Wogan
Coslett	Kasunic	Pott	Wozniak
Cowell	Kennedy	Pressmann	Wright, D. R.
Coy	Kenney	Preston	Wright, J. L.
Deluca	Kosinski	Raymond	Wright, R. C.
DeWeese	Kukovich	Reber	Yandrisevits
Daley	Langtry	Reinard	
Davies	Lashinger	Richardson	Irvis,
Dawida	Laughlin	Rieger	Speaker
Deal			

NAYS—43

Barley	Dietz	Jackson	Punt
Birmelin	Dorr	Johnson	Robbins
Black	Fargo	Mackowski	Ryan
Boyes	Flick	Manmiller	Saurman
Brandt	Freind	Merry	Scheetz
Bunt	Gallen	Moehlmann	Semmel
Chadwick	Geist	Mowery	Sirianni
Cimini	Godshall	Noye	Smith, L. E.
Clymer	Hayes	Phillips	Snyder, G.
Cornell	Herman	Piccola	Swift
DeVerter	Honaman	Pitts	

NOT VOTING—3

Dininni	Roebuck	Trello
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EXCUSED—0

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.

WELCOMES

The SPEAKER. The Chair is delighted to welcome to the hall of the House Nick Skezas, Jim Vitsas, and Tom Evans. They are here as friends of the Allegheny County delegation. Welcome to the hall of the House.

Representative Freind has a friend from back home watching him this time. I think I had better talk to his son. Matthew is on the floor as a guest page, and he is here with Michael Ramar, who is the grandson of Bernie Kirschner. Welcome to the hall of the House. We are delighted to have you here.

Representative Fargo has as his guests his secretary, Tammy Dibler, and a summer intern, Alicia Abersold, both from his district office. Welcome to the hall of the House. We are delighted to have you.

Rick Cessar has Mr. and Mrs. Joseph Sprohr here as guests. Welcome to the hall of the House.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2454, PN 3442**, entitled:

An Act providing for the use of State funds to expand a special supplemental food program for women, infants and children.

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

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

The question is, shall the bill pass finally?

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

YEAS—199

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

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

NAYS—2

Birmelin Merry

NOT VOTING—0

EXCUSED—0

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 SUBMITTED FOR THE RECORD**

The SPEAKER. The gentleman from Philadelphia, Mr. Pievsky, will send his remarks to the clerk for insertion in the record. The Chair thanks the gentleman.

Mr. PIEVSKY. Thank you.

The SPEAKER. Experience counts for a great deal.

Mr. PIEVSKY submitted the following remarks for the Legislative Journal:

This bill would authorize a State supplement to the federally funded WIC (Women, Infants, and Children) Program. WIC is a supplemental food program for women, either pregnant or nursing, infants, and children. The WIC Program combines high-iron food packages and nutritional counseling to low-income women and children in the Commonwealth. We know that WIC is a cost-effective program. Studies conducted on the effectiveness of the WIC Program concluded that for each dollar invested in WIC, an additional three dollars are saved in future health care costs among WIC participants. Currently, the Federal WIC allocation is providing funds to serve approximately 45 percent of those women and children eligible for benefits. With a State supplement, we hope to increase the percentage of people served to over 50 percent.

I urge you to support this legislation.

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 1763, PN 2262**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for time limitation regarding homicide by vehicle.

On the question,

Will the House agree to the bill on third consideration?

Mrs. HAGARTY offered the following amendments No. A2402:

Amend Sec. 1, page 1, line 6, by striking out "5551" and inserting

5552(b)

Amend Sec. 1 (Sec. 5551), page 1, lines 8 through 18, page 2, line 1 and 2, by striking out all of said lines on said pages and inserting

§ 5552. Other offenses.

\*\*\*

(b) Major offenses.—A prosecution for any of the following offenses must be commenced within five years after it is committed:

(1) Under the following provisions of Title 18 (relating to crimes and offenses):

Section 911 (relating to corrupt organizations).

Section 2706 (relating to terroristic threats).

Section 2901 (relating to kidnapping).

Section 3121 (relating to rape).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3301 (relating to arson and related offenses).

Section 3502 (relating to burglary).

Section 3701 (relating to robbery).

Section 3921 (relating to theft by unlawful taking or disposition) through section 3931 (relating to theft of unpublished dramas and musical compositions).

Section 4101 (relating to forgery).

Section 4108 (relating to commercial bribery and breach of duty to act disinterestedly).

Section 4109 (relating to rigging publicly exhibited contest).

Section 4302 (relating to incest).

Section 4701 (relating to bribery in official and political matters) through section 4703 (relating to retaliation for past official action).

Section 4902 (relating to perjury) through section 4912 (relating to impersonating a public servant).

Section 4952 (relating to intimidation of witnesses or victims).

Section 4953 (relating to retaliation against witness or victim).

Section 5101 (relating to obstructing administration of law or other governmental function).

Section 5512 (relating to lotteries, etc.) through section 5514 (relating to pool selling and bookmaking).

Section 5902(b) (relating to prostitution and related offenses).

(2) Any offense punishable under section 13(f) of the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act."

(3) Any conspiracy to commit any of the offenses set forth in paragraphs (1) and (2) and any solicitation to commit any of the offenses in paragraphs (1) and (2) if the solicitation results in the completed offense.



(4) Under the act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code."

(5) Under 75 Pa.C.S. § 3732 (relating to homicide by vehicle).

\*\*\*

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

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

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment. In current law there is a 2-year statute of limitations for homicide by vehicle. The bill itself would lift that statute of limitations so that there would be no statute of limitations for homicide by vehicle. This amendment creates a 5-year statute of limitations for that crime, which is consistent with other major felonies in the Crimes Code, and I ask for its support. Thank you.

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

The following roll call was recorded:

YEAS—191

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

DeWeese	Kosinski	Reinard	
Daley	Kukovich	Richardson	Irvis,
Davies	Langtry	Rieger	Speaker
Deal			

NAYS—5

Cessar	Gallen	Pressmann	Tigue
Dawida			

NOT VOTING—5

Evans	Manderino	O'Donnell	Roebuck
Hutchinson			

EXCUSED—0

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. BLAUM. Thank you, Mr. Speaker.

The whole reason for this bill was in 1981 a speeding automobile which was swerving on East Main Street in the city of Wilkes-Barre jumped on the sidewalk, hitting two young boys. Ten days later, one of those 8-year-old kids died and an investigation began into searching for this hit-and-run driver. That investigation lasted for 2 years, when it was still considered an open case, with the Wilkes-Barre police still gathering information and trying to make an arrest. When that 2-year period was up, the entire community was quite shocked to find out that the 2-year statute of limitations on the crime of homicide by motor vehicle had expired.

In a case when somebody dies, it is our belief that the statute of limitations for the crime of homicide by motor vehicle should be increased, and I ask for the members' support for HB 1763 as amended.

The SPEAKER. On final passage, the Chair recognizes the lady from Allegheny, Mrs. Langtry.

Mrs. LANGTRY. Mr. Speaker, I have an amendment to HB 1763.

The SPEAKER. Do we have any Langtry amendment? Did you send the amendment forward, Mrs. Langtry?

Mrs. LANGTRY. I have it here, Mr. Speaker. I sent the notice.

The SPEAKER. You did not send it to the clerk?

Mrs. LANGTRY. I have it here. It just came down, Mr. Speaker.

The SPEAKER. My mother warned me. She said, one day you will be Speaker of the House of Representatives in Pennsylvania and there will be days like this.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that the bill is on final passage, and the Chair announces that the bill is on third consideration. The Chair hears no objection.

On the question recurring,

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. Pass the bill over temporarily. Duplicate the Langtry amendment, and let me know when it is ready, please.

Mrs. LANGTRY. Thank you.

\* \* \*

The House proceeded to third consideration of **SB 1113, PN 2062**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for the reporting of insurance claims; providing for budget preparation; providing that fees be adopted by regulation; and making editorial changes.

On the question,

Will the House agree to the bill on third consideration?

Mr. LLOYD offered the following amendments No. A3161:

Amend Sec. 1 (Sec. 202), page 2, line 23, by inserting brackets before and after "Optometrical Examiners" and inserting immediately thereafter

Optometry

Amend Sec. 1 (Sec. 202), page 2, line 29, by inserting brackets before and after "Medical Examiners" and inserting immediately thereafter

Medicine

Amend Sec. 1 (Sec. 202), page 3, line 10, by inserting brackets before and after "Psychologist Examiners" and inserting immediately thereafter

Psychology

Amend Sec. 2 (Sec. 207.1), page 4, lines 27 and 28, by inserting brackets before and after "Optometrical Examiners" and inserting immediately thereafter

Optometry

Amend Sec. 2 (Sec. 207.1), page 4, lines 29 and 30, by inserting brackets before and after "Medical Examiners" and inserting immediately thereafter

Medicine

Amend Sec. 2 (Sec. 207.1), page 5, line 2, by striking out the bracket after "of"

Amend Sec. 2 (Sec. 207.1), page 5, line 2, by inserting after "Examiners"

] Psychology

Amend Sec. 3 (Sec. 810), page 18, line 13, by inserting brackets before and after the period and inserting immediately thereafter an underscored semicolon

Amend Sec. 4 (Sec. 815), page 23, line 16, by striking out "REGULATIONS" and inserting

registrations

Amend Sec. 4 (Sec. 815), page 23, lines 28 and 29, by striking out all of said lines and inserting

(9) Administrative expenses, legal expenses for prosecutors and counsel, investigatory expenses and enforcement expenses;

Amend Sec. 4 (Sec. 816), page 24, line 14, by inserting after "ENTERED"

on or after the effective date of this section

Amend Sec. 4 (Sec. 816), page 24, line 27, by inserting after "ENTERED"

on or after the effective date of this section

Amend Sec. 4 (Sec. 816), page 25, line 11, by inserting after "REGISTRANT,"

Information received pursuant to this section shall not be considered public information for the purposes of the act of July 19, 1974 (P.L.486, No.175), referred to as the Public Agency Open Meeting Law, and the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, until used in a formal disciplinary proceeding.

On the question,

Will the House agree to the amendments?

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this amendment makes several changes in the bill as it came out of committee, many of which are technical. It changes the names of some of the professional health care licensing boards to recognize the fact that subsequent to committee consideration, a number of sunset bills passed which changed those names, and this simply would change the Administrative Code to be consistent.

In addition, it corrects an error in spelling. It also clarifies the kind of expenses which must be itemized as part of the budget process for the Bureau of Professional and Occupational Affairs. And finally, it includes a number of changes in the insurance reporting requested by the administration and the Insurance Department to make clear that the reporting requirements apply only prospectively, and also, that any information turned over to the boards as a result of this reporting requirement would not become public information until such time as it was actually used in a public hearing in a disciplinary proceeding.

I would ask for a "yes" vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—192

Acosta	Deal	Lescovitz	Rudy
Afflerbach	Dietz	Levdansky	Ryan
Angstadt	Dininni	Linton	Rybak
Argall	Distler	Livengood	Saloom
Arty	Dombrowski	Lloyd	Saurman
Baldwin	Donatucci	Lucyk	Scheetz
Barber	Dorr	McCall	Schuler
Barley	Duffy	McClatchy	Semmel
Battisto	Durham	McHale	Serafini
Belardi	Evans	McVerry	Seventy
Belfanti	Fargo	Mackowski	Showers
Birmelin	Fattah	Maiale	Sirianni
Black	Fee	Manderino	Smith, B.
Blaum	Fischer	Manmiller	Smith, L. E.
Book	Flick	Markosek	Snyder, D. W.
Bortner	Foster	Mayernik	Snyder, G.
Bowley	Fox	Merry	Staback
Bowser	Freeman	Michlovic	Stairs
Boyes	Freind	Micozzie	Steighner
Brandt	Fryer	Miller	Stevens

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

NAYS—0

NOT VOTING—9

Cordisco	Hagarty	Hutchinson	Morris
Gamble	Honaman	Letterman	O'Donnell
Gladeck			

EXCUSED—0

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

On the question,

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

Mr. GREENWOOD offered the following amendments No. A1825:

Amend Title, page 1, line 29, by inserting after "regulation;" further providing for granting of easements by the Department of Environmental Resources;

Amend Bill, page 25, by inserting between lines 18 and 19

Section 5. Section 1906-A of the act is amended by adding a clause to read:

Section 1906-A. Parks.—The Department of Environmental Resources shall have the power, and its duty shall be:

\*\*\*

(12) To grant easements or rights of way upon, over, under, across or through any State park, to political subdivisions or volunteer fire companies who may apply therefor, for the purpose of installing or placing equipment necessary for or designed to facilitate the fighting of fires, including, but not limited to, the laying of pipes from water sources and the installation of standpipes: Provided, That the grant of an easement or right of way will not so adversely affect the land as to interfere with its usual and orderly administration, and that the interests of the Commonwealth or its citizens will be promoted by such grant.

Amend Sec. 5, page 25, line 19, by striking out "5" and inserting

6

Amend Sec. 6, page 25, line 21, by striking out "6" and inserting

7

On the question,

Will the House agree to the amendments?

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

This amendment does not affect the intent of the rest of the bill. It simply gives the power and the duty to DER (Department of Environmental Resources) to grant easements or rights-of-way upon, over, under, or through any State park to municipalities or fire companies that need that easement to install or place equipment necessary to facilitate the fighting of fires. I am simply trying to permit DER to allow local fire companies to cross over the State park.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—3

Gladeck Hutchinson Roebuck  
EXCUSED—0

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

On the question recurring,

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

Mr. FREIND offered the following amendments No. A3179:

Amend Title, page 1, line 29, by inserting after "regulation;" authorizing a program for the provision of assistance and counseling to women with crisis pregnancies who have chosen childbirth as an alternative to abortion; making an appropriation;

Amend Bill, page 25, by inserting between lines 18 and 19

Section 5. The act is amended by adding a section to read:

Section 2333. Program of Assistance and Counseling for Women with Crisis Pregnancies.—(a) The Department of Public Welfare shall have the power and its duty shall be to establish and implement a program for the purchase of services from nonprofit agencies, exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. § 501(c)(3)), for the provision of assistance and counseling to women faced with crisis pregnancies who have chosen childbirth as an alternative to abortion.

(b) No funds for the program authorized by this section shall be used for the purchase of services from any agency that conditions its services upon an agreement to place the child for adoption.

(c) The funds appropriated herein shall be used exclusively for the purchase of services from organizations which do not, directly or indirectly, provide, perform, promote or refer for abortion services or abortion counseling. The term shall include options counseling by which any individual is counseled in any way that abortion is an alternative to childbirth.

(d) No organization shall be eligible for the purchase of services program authorized by this section unless it establishes to the satisfaction of the department that it has been engaged, for not less than twelve (12) consecutive months before making application for this program, as a section 501(c)(3) tax exempt organization in providing assistance and counseling to women with crisis pregnancies who have chosen childbirth as an alternative to abortion.

Section 6. If section 5 of this act is enjoined, in whole or in part, all payments made from any appropriation funding section 5 shall be suspended for the time that any such injunction remains in effect. If section 5 of this act is declared invalid, in whole or in part, section 5 shall be invalidated in its entirety and no further payments or appropriations shall be made under the authority of section 7.

Section 7. The sum of \$2,000,000 is hereby appropriated, as a continuing, nonlapsing appropriation, to the Department of Public Welfare for the purpose of purchasing the services authorized by section 5.

Amend Sec. 5, page 25, line 19, by striking out "5" and inserting

8

Amend Sec. 6, page 25, line 21, by striking out "6" and inserting

9

On the question,

Will the House agree to the amendments?

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

Mr. FREIND. Thank you, Mr. Speaker.

This amendment is identical to the amendment we passed to the budget bill last week by a vote of 146 to 51. It is also identical to HB 1965, cosponsored by some 35 or 40 members.

To briefly recap what this does, it sets up a new appropriation of new money - \$2 million. That money goes to the Department of Public Welfare for the purchase of services from those groups that assist pregnant women with crisis pregnancies. The organizations that receive this money have to have three characteristics: number one, a nonprofit organization - 501(c)(3) in the IRS Code; number two, they cannot predicate their services upon a requirement that the woman give up her baby for adoption; and number three, the groups can have no connection whatsoever with abortion, including the performance of abortions, options counseling, or abortion referrals.

Keep in mind that no attempt is being made to take money for this appropriation from existing family planning money. Also, keep in mind that the family planning groups which are affiliated with abortion, either abortion referrals or options counseling, already get over \$10 million a year from State-appropriated Federal title 20 money and title 10 money.

This, in the purest sense of the word, is a choice amendment. There are those women who need help, who seek help, but will not go to any organization which is connected in any way with abortion. These individuals also have a right to be helped.

An argument has been made that this is unconstitutional, that it is depriving people of their free speech. That is not true, Mr. Speaker. No one is being deprived of their free speech. What this amendment says is, if an organization wants to apply for the money, they have to adhere to the requirements.

Finally, the last section says that if any one of these provisions are stricken, the entire appropriation is stricken and becomes null and void.

It passed overwhelmingly last week. The reason why we run it today is because we passed it to the budget last year and it was taken out in conference committee. We want to have a better shot of making it law. I ask for the support of all of the members, and I thank you, Mr. Speaker.

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

I wonder if the maker of the amendment would stand for a number of questions.

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

Mr. Speaker, I want to ask you a hypothetical question. A woman arrives at one of these agencies that has been funded by this money. She says to the person or people who are coun-

selling her, I cannot go through with this pregnancy; I want your advice. What kind of advice is that counselor allowed to give her if the money is to be retained by the agency employing that counselor?

Mr. FREIND. Well, number one, Mr. Speaker, if an individual said, I cannot go through the pregnancy, that would probably end the conversation right there. The organization would advise that this is an organization which has no connection whatsoever with abortion, including options counseling or abortion referrals, and if they still felt that way, they would have to go elsewhere. I am certain though that these organizations, which I might add do a super job, would provide alternatives for this woman; would let the woman know a lot of things she does not know about the help that is available for food and shelter and clothing and medical assistance, both before and after the delivery of the baby. So they would provide for her a whole smorgasbord of opportunities that were available if she in fact decided to have her baby. Keep in mind, Mr. Speaker, that the language, if you look at the amendment, says for those women with crisis pregnancies who have decided that they want to have their babies.

Ms. JOSEPHS. I do not believe you have answered my question. Let me put it more pointedly.

Mr. FREIND. I do my best.

Ms. JOSEPHS. The woman says, I want an abortion; help me. What does the counselor say?

Mr. FREIND. The counselor says, no, we cannot help you; you have to go elsewhere. Probably also says, to us abortion is the killing of an unborn child and, as such, is anathema; we cannot help you there.

Ms. JOSEPHS. And does this person, after having put his or her opinion on somebody else, then make some kind of attempt to give that person any kind of referral?

Mr. FREIND. It is very clear from the language that there can be no abortion referrals. It is also very clear that the situation you brought up would probably not arise since these organizations, as a matter of fact, are very clear that they are offering alternatives to women who want to have their baby. But, no, they cannot refer for an abortion.

Given the fact, though, Mr. Speaker, that it is a Fortune 500 business and all you have to do is look in your yellow pages under "abortion" or on your billboards, that woman will not have a real difficult time finding a group that will assist her in killing an unborn child.

Ms. JOSEPHS. Thank you, Mr. Speaker.

May I make a few remarks?

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

Ms. JOSEPHS. Thank you.

I find my colleague's responses very interesting, particularly because, first of all, every agency that I know of—and I am aware of almost all of them—in this Commonwealth that does options counseling does just that. If a person comes and wants to go through with the pregnancy and needs help, financial, emotional, supportive help, that person will get it or that person will get a referral. So on that count I cannot imagine the need for an agency to do that again duplicatively.

Second of all, I have heard from women who have looked in the yellow pages, have found agencies very much like what the maker of this amendment would like to receive this money. These agencies would like to have our money and the maker of this amendment would like to give it to them, and these groups advertise themselves as options counseling when they are not. When they are asked by women about the availability of abortions, either they are told that it is not legal—and there are many people who do not know that it is legal. That seems strange to all of us, but it is true. They are told that the abortion will kill them, which is not true. As a matter of fact, the most dangerous thing that can happen to you if you are pregnant is to have the baby. That is the second most dangerous thing. The first most dangerous thing is to have an illegal abortion. Or they are showed fetuses in bottles, pictures of torn-up women, or anything else that occurs to people who run these agencies who advertise in the yellow pages who call themselves something that sounds feminist but they are something that is very, very different.

I hope that the people who voted against this amendment when it went into the budget will vote against it again, and I hope that a number of other people will join us. This is very destructive. It is destructive of women; it is destructive of the way we counsel; it is destructive of the use of taxpayer money, and I ask for your vote against this amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, I have felt for some time that we as a society and this General Assembly as a legislature have done far too little to assist young women who have chosen childbirth and who are desperately in need of aid. Last week when we voted on the Freind amendment to the budget, I voted for it. Today we see an identical amendment. Today I read it a bit more carefully.

I am convinced that although I fully agree with the intent of the Freind amendment, and I have conveyed that to the gentleman, Mr. Freind, privately, I believe very strongly that the language which he has included in this amendment is blatantly unconstitutional. For that reason, it is my belief that the Freind amendment will fail in its essential purpose to provide aid to young women who desperately need that aid.

I would ask the members to review very briefly the content of the Freind amendment, and specifically, I would call the members' attention to subparagraph 5(c). In that paragraph the following language appears:

The funds appropriated herein shall be used exclusively for the purchase of services from organizations which do not—

Now, I am skipping over a brief passage, and this is the important language—

promote or refer for abortion services or abortion counseling. The term shall include options counseling by which any individual is counseled in any way that abortion is an alternative to childbirth.

I agree with the moral principle contained in those phrases, contained in that sentence and a half. Nevertheless, the United States Supreme Court has made it clear that options counseling is protected by the first amendment. I may not morally agree with that, and in fact under most circumstances I do not, but legally, clearly, that is constitutionally protected speech.

We cannot condition government aid on the prior restraint of constitutionally protected speech. If citizens are allowed to discuss options counseling, we cannot refuse to provide aid to an organization because it exercises free speech. Now, that has an implication obviously for the agency involved, but more importantly and on a very practical level, it has a major implication with regard to the effectiveness of the Freind amendment. What good does it do if we pass an amendment, make a statement of principle that we will provide \$2 million to desperate women, and then discover a year from now or 2 years from now, when once again we have made another trip to the United States Supreme Court, that the amendment is unconstitutional?

I call the members' attention to section 6, which eliminates any possibility of severability. If any portion of this amendment is struck down, the appropriation dies with it. Therefore, the decision we are making today, that we must make today, is whether we are serious about providing aid to desperate women, as I think we should, or whether we are simply looking at several years of what I believe will be ultimately unsuccessful litigation.

I do not want to see any more cases from Pennsylvania be struck down by the United States Supreme Court. The bottom line is that if the Freind amendment passes, the women who so desperately need aid will not receive any at all.

Now, the next amendment that will be brought before this House is an amendment of which I am the prime sponsor. My amendment is virtually identical to the Freind amendment with two exceptions. My amendment provides \$1 million more in funding for women who choose childbirth than would be provided under the Freind amendment. The gentleman, Mr. Freind, provides \$2 million; I provide \$3 million.

Most importantly, however, my amendment strikes the language which I believe flies in the face of the first amendment. The question is not whether or not you approve of options counseling. I want to emphasize that on a moral level, in most cases I do not approve of such counseling, but clearly the Supreme Court has said that counseling is protected by the first amendment. If we are serious—and I believe most members in this chamber are—in our effort to provide aid to young women who desperately need that aid, we will not pass the Freind amendment; we will vote “no” on the Freind amendment, and we will subsequently pass the McHale amendment, which I believe stands a reasonable chance of passing constitutional muster.

I have felt during the 4 years that I have been in this chamber that we have shown a particular lack of compassion for young women who choose childbirth. I believe we have both a moral and a legal obligation to provide assistance to

those women. But if we are to be successful in our effort, we must do it in a constitutional manner. Otherwise, all we achieve are headlines, a trip to the Supreme Court, and ultimate defeat, leaving young men and women, particularly the women who carry the child to birth, in a position without any assistance. I believe that we ought to provide assistance to those young women. I believe that my amendment does so in a constitutional manner, and therefore, Mr. Speaker—

### POINT OF ORDER

Mr. GANNON. Mr. Speaker?

The SPEAKER. Why does the gentleman from Delaware, Mr. Gannon, rise and interrupt the debate?

Mr. GANNON. Are we on the McHale amendment or the Freind amendment?

The SPEAKER. We are on the Freind amendment.

Mr. GANNON. Then I would respectfully request that the speaker address the Freind amendment, which is before the House.

The SPEAKER. Mr. McHale, you will limit your remarks to the Freind amendment, which is before the House.

Mr. McHALE. Thank you, Mr. Speaker.

Let me conclude with this: The choice we are making is whether we will pass an unconstitutional amendment which would provide \$2 million in funding—that is the Freind amendment—or a constitutional amendment which will provide \$3 million in funding. That is the direct choice before this body today.

I urge all of my colleagues to vote “no” on the Freind amendment, proceed immediately to the McHale amendment, provide more money, and do it in a constitutional manner. Thank you, Mr. Speaker.

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

Mr. FOSTER. Thank you, Mr. Speaker.

I rise in support of the Freind amendment, and I think the very least, the very least that this chamber can do is to offer its assistance and compassion to those young women who have the moral courage to have their child rather than go through with an abortion.

And, Mr. Speaker, as to the arguments as to why they are being deprived of any alternative, as to why they are, as Ms. Josephs asked, why they are not to receive advice on a certain question, all you have to do is look through the phone book. The vendors of death are listed very prominently.

Let us address the problem and show the same moral courage that these women show in having their child rather than giving it up to death.

I strongly support the Freind amendment.

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

Mr. DeWEESE. Mr. Speaker, once again we have heard the impeccable legal arguments of the gentleman from the Lehigh Valley, Mr. McHale. Prior to Mr. McHale's definitive analysis of the unconstitutionality of this measure, we were again

buffeted by the insipid ululations of a shrill ideologue that continues to hammer away at an issue that the American public since the 1950's has stated over and over again its position upon. ABC (American Broadcasting Company), NBC (National Broadcasting Company), CBS (Columbia Broadcasting System), Gallup, Harris, and the people of Pennsylvania, the people in Veon's district, the people in DeWeese's district, the people in Kukovich's district, the people in Greenwood's district, the people of Pennsylvania have said that the shrill ideologues that come to us today with this amendment are wrong. Seven out of 10 Americans from the Korean war to today agree that a woman has the right to make up her own mind regarding reproductive freedom.

Aside from the keen, acute, definitive analysis of Mr. McHale that countervails the logic of the gentleman from Delaware, there is an emotional and passionate and spiritual side of the argument, that the men and women—and I can count by the way—the men and women who are going to foist this kind of legislative syrup upon us will not be willing, will not be anxious, will not be helpful when it comes time to provide for food and clothing and shelter and on down the line for children, for poor people, for families in Pennsylvania in the long haul.

Now, naturally, we have been through this argument many, many times and we will go through it many, many times in the years ahead. But not only do the cold, austere, and rightful and meaningful and forthright arguments of Mr. McHale need to be understood, need to be listened to, especially by those of you who have keen analytical powers, but the emotional argument does prevail, does insist that one more time the shrill ideologues that bring this kind of nonsense to our chamber over and over and over again, in spite of the fact that 7 out of 10 women in Pennsylvania want to make up their own mind on this decision.

If Mr. Freind's amendment is accepted and is incorporated into the body of our law, those women, those people in our State, those 7 out of 10 from Grove City to the Main Line will not have the choice that they have today. I call for the absolute destruction of his amendment. Thank you.

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

I will not belabor the point, because I can count as well and I think we will probably lose this argument, but the recent events with regard to Pennsylvania's statute and the Supreme Court, I think, point once again to the fact that Mr. Freind and his advocates and his compatriots on this issue, by taking the extreme position that they always take, ultimately fail.

Because we have never in this body been able to reach any kind of an accord that is an attempt at a compromise, that is an attempt to seek a common agenda to reduce abortions in this State, what we do is we line up on opposite sides of the pole and do absolutely nothing. Not one abortion has been prevented by the Abortion Control Act in Pennsylvania. Not one abortion will be prevented by this statute, by this amendment. Mr. McHale's amendment, I think, is an attempt to

reach that compromise, and I think that we make a grave mistake if once again we pass clearly unconstitutional language, spin our wheels, waste the taxpayers' time and money because both sides of this argument completely refuse to seek any kind of a middle ground.

I think we have an opportunity to find that middle ground if we vote the Freind amendment down today.

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

Mr. KOSINSKI. Thank you, Mr. Speaker.

I rise in support of the Freind amendment. I am somewhat taken aback at Mr. DeWeese's comments about not voting for food, clothing, and shelter, because many of the people whom you would like to put as prolife are very, very concerned about the unborn and the born, and consistently when the appropriations come up for food, clothing, and shelter for these pregnant women, we vote for those appropriations. We are not uncaring. We are not people who try to violate the law. We sit down; we try to craft the law within the guidelines of our State Supreme Court and the Federal Supreme Court.

As an attorney, I have sat down and I have examined the Freind amendment. I find not only is it a reasonable effort, but it is also a constitutional effort, and I ask all my colleagues to vote "yes."

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, the colleague on the other side of the aisle reflected some of the remarks that I had planned to say. I support the Freind amendment, and I remind the members that life is not trivial or a so-called nonsense issue, and I ask an affirmative vote on this amendment. Thank you.

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

Mrs. HARPER. Thank you, Mr. Speaker.

I rise to oppose the Freind amendment. I was just listening to some of the other speakers, and I believe that a woman has the right to choose. I have always believed that and I always will. But what amazes me is that some of the members of this House of Representatives will vote against people who cannot help themselves getting a little, a decent cost-of-living check, relief, from welfare. Just this morning some so-called righteous people in this chamber voted against a bill to appropriate a little money to save families from falling into a creek, yet they will vote for an amendment like this.

I ask for you to vote against this amendment. Thank you.

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

Mr. GAMBLE. I rise to support the Freind amendment. I was not going to get up until Bill DeWeese got up and made his liberal speech. It is right in your heart. You know it is right, and Freind is right again. So let us put up the green votes. Thank you.

**CONSTITUTIONAL POINT OF ORDER**

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

I have listened to all this debate. I was very impressed by my colleague, Mr. McHale's argument on constitutionality. I know that a number of other people must also have been impressed. I will not repeat his arguments for fear of not doing them as well. I know I could not do them as well as he has done them, but I make a motion, if it be in order now, that the Freind amendment to this bill is unconstitutional.

The SPEAKER. The question of constitutionality is a matter for the floor.

The question is, is the Freind amendment constitutional? Those who believe it to be constitutional will vote "aye"; those who believe it to be unconstitutional will vote "no."

On the question,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

**YEAS—138**

Angstadt	Dawida	Kosinski	Reinard
Argall	Dietz	Langtry	Rieger
Arty	Dininni	Lashinger	Robbins
Baldwin	Distler	Lescovitz	Ryan
Barley	Dombrowski	Letterman	Rybak
Belardi	Donatucci	Livengood	Saloom
Belfanti	Duffy	Lloyd	Saurman
Birmelin	Durham	Lucyk	Schuler
Black	Fargo	McCall	Semmel
Blaum	Fee	McClatchy	Serafini
Book	Fischer	McVerry	Seventy
Boyes	Flick	Mackowski	Sirianni
Brandt	Foster	Majale	Snyder, D. W.
Bunt	Fox	Manderino	Snyder, G.
Burd	Freind	Manmiller	Staback
Burns	Gallagher	Markosek	Stairs
Bush	Gallen	Mayernik	Steighner
Caltagirone	Gamble	Micozzie	Stevens
Cappabianca	Gannon	Miller	Stewart
Carlson	Geist	Morris	Stuban
Cawley	George	Mowery	Taylor, E. Z.
Cessar	Godshall	Mrkonic	Taylor, F.
Chadwick	Gruitza	Murphy	Taylor, J.
Cimini	Gruppo	Noye	Telek
Civera	Haluska	O'Brien	Tigue
Clark	Hasay	Olasz	Trello
Clymer	Hayes	Perzel	Vroon
Colafella	Herman	Petrarca	Wass
Cole	Hershey	Petrone	Weston
Cordisco	Howlett	Phillips	Wilson
Coslett	Jarolin	Pitts	Wogan
Cowell	Johnson	Pott	Wozniak
Coy	Kasunic	Punt	Wright, D. R.
Deluca	Kennedy	Raymond	Yandrisevits
Daley	Kenney		

**NAYS—61**

Acosta	Evans	Merry	Showers
Afflerbach	Fattah	Michlovic	Smith, B.
Barber	Freeman	Moehlmann	Smith, L. E.
Battisto	Fryer	Nahill	Sweet
Bortner	Gladeck	O'Donnell	Swift
Bowley	Greenwood	Oliver	Truman
Bowser	Hagarty	Piccola	Van Horne
Broujos	Harper	Pievsky	Veon

Carn	Honaman	Pistella	Wambach
Cohen	Itkin	Pressmann	Wiggins
Cornell	Jackson	Preston	Wright, J. L.
DeVerter	Josephs	Reber	Wright, R. C.
DeWeese	Kukovich	Richardson	
Davies	Levdansky	Roebuck	Irvis,
Deal	Linton	Rudy	Speaker
Dorr	McHale	Scheetz	

**NOT VOTING—2**

Hutchinson Laughlin

**EXCUSED—0**

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

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. On the Freind amendment for the second time, the Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, my message this afternoon on this particular amendment is very simple. There are desperate young women in this State who have chosen childbirth who need our assistance. If we pass the Freind amendment, we will give them headlines and another court case from which we will eventually emerge unsuccessful. They will not receive the aid that they deserve; they will not receive the aid that they need. Instead, we will see members of this House once again on TV explaining why one of our bills was declared unconstitutional.

I believe that we ought to look beyond November. I believe that we ought to show a sense of compassion for those young women who have chosen childbirth, and I believe we ought to give them \$3 million in funding in a manner that conforms to the United States Constitution.

I cannot believe that any attorney would look at this amendment and conclude that it was constitutional. You cannot restrict free speech. The content of that speech is irrelevant. You cannot restrict it; you cannot condition government aid on the prior restraint of free speech.

If you care about those young women as I do, you will strike down the Freind amendment, promptly pass the McHale amendment, and give those women the \$3 million that they so desperately need. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

**YEAS—138**

Angstadt	Daley	Kennedy	Reinard
Argall	Dawida	Kenney	Rieger
Arty	Dietz	Kosinski	Robbins
Baldwin	Dininni	Langtry	Ryan
Barley	Distler	Lescovitz	Rybak
Belardi	Dombrowski	Letterman	Saloom
Belfanti	Donatucci	Livengood	Saurman
Birmelin	Duffy	Lloyd	Scheetz
Black	Durham	Lucyk	Schuler
Blaum	Fargo	McCall	Serafini
Book	Fee	McClatchy	Seventy
Boyes	Fischer	McVerry	Sirianni



Brandt	Flick	Mackowski	Snyder, G.
Bunt	Foster	Maiale	Staback
Burd	Fox	Manderino	Stairs
Burns	Freind	Manmiller	Steighner
Bush	Gallagher	Markosek	Stevens
Caltagirone	Gallen	Mayernik	Stewart
Cappabianca	Gamble	Micozzie	Stuban
Carlson	Gannon	Morris	Taylor, E. Z.
Cawley	Geist	Mowery	Taylor, F.
Cessar	George	Mrkonic	Taylor, J.
Chadwick	Godshall	Murphy	Telek
Cimini	Gruitza	Noye	Tigue
Civera	Gruppo	O'Brien	Trello
Clark	Haluska	Olasz	Veon
Clymer	Hasay	Perzel	Vroon
Cohen	Hayes	Petrarca	Wass
Colafella	Herman	Petrone	Weston
Cole	Hershey	Phillips	Wilson
Cordisco	Honaman	Pitts	Wogan
Coslett	Howlett	Pott	Wozniak
Cowell	Jarolin	Punt	Wright, D. R.
Coy	Johnson	Raymond	Yandrisevits
Deluca	Kasunic		

NAYS—60

Acosta	Fattah	Michlovic	Showers
Afflerbach	Freeman	Moehlmann	Smith, B.
Barber	Fryer	Nahill	Smith, L. E.
Battisto	Gladeck	O'Donnell	Snyder, D. W.
Bortner	Greenwood	Oliver	Sweet
Bowley	Hagarty	Piccola	Swift
Bowser	Harper	Pievsky	Truman
Broujos	Itkin	Pistella	Van Horne
Carn	Jackson	Pressmann	Wambach
Cornell	Josephs	Preston	Wiggins
DeVerter	Kukovich	Reber	Wright, J. L.
DeWeese	Lashingner	Richardson	Wright, R. C.
Davies	Levdansky	Roebuck	
Deal	Linton	Rudy	Irvis,
Dorr	McHale	Semmel	Speaker
Evans	Merry		

NOT VOTING—3

Hutchinson	Laughlin	Miller
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EXCUSED—0

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

On the question recurring,

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

Mr. McHALE offered the following amendments No. A3279:

Amend Title, page 1, line 29, by inserting after "regulation;" authorizing a program for the provision of assistance and counseling to women with crisis pregnancies who have chosen childbirth as an alternative to abortion; making an appropriation;

Amend Bill, page 25, by inserting between lines 18 and 19

Section 5. The act is amended by adding a section to read:

Section 2333. Program of Assistance and Counseling for Women with Crisis Pregnancies.—(a) The Department of Public Welfare shall have the power and its duty shall be to establish and implement a program for the purchase of services from nonprofit agencies, exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. § 501(c)(3)), for the provision of assistance and counseling to women faced with crisis pregnancies who have chosen childbirth as an alternative to abortion.

(b) No funds for the program authorized by this section shall be used for the purchase of services from any agency that conditions its services upon an agreement to place the child for adoption.

(c) The funds appropriated herein shall be used exclusively for the purchase of services from organizations which do not, directly or indirectly, provide or perform abortion services.

(d) No organization shall be eligible for the purchase of services program authorized by this section unless it establishes to the satisfaction of the department that it has been engaged, for not less than twelve (12) consecutive months before making application for this program, as a section 501(c)(3) tax exempt organization in providing assistance and counseling to women with crisis pregnancies who have chosen childbirth as an alternative to abortion.

Section 6. The sum of \$3,000,000 is hereby appropriated, as a continuing, nonlapsing appropriation, to the Department of Public Welfare for the purpose of purchasing the services authorized by section 5.

Amend Sec. 5, page 25, line 19, by striking out "5" and inserting

7

Amend Sec. 6, page 25, line 21, by striking out "6" and inserting

8

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, I now offer the House the opportunity to increase the funding by \$1 million.

I appreciate the difficulty that some members may have had in opposing the Freind amendment. The majority of the members of this House have now voted in favor of the Freind amendment, and that will be reflected in your voting record. However, I am informed by the Parliamentarian that should my amendment now pass, it will replace, it will supplant, the Freind amendment.

I urge the members of this House to think not about November but think about those young, courageous women who have chosen childbirth, the very same women whom Mr. Freind seeks to assist and the very same women who will receive nothing, in my opinion, under his amendment.

My amendment deletes the language that places a prior restraint on constitutional speech. That may sound like constitutional theory simply floating through the chamber; it has a very practical effect. I believe that my amendment is constitutional. I sincerely believe that if my amendment now passes, you will have had an affirmative vote in support of the Freind amendment—you cannot be criticized for taking that stand—but you will have had an opportunity to do some constitutional housekeeping in conformity with the first amendment and simultaneously provide \$1 million more for those needy, young women.

I urge my colleagues in the House to show some compassion; look beyond November. Let us really make a commitment to those young women who need assistance. Do that through the passage of the McHale amendment. Thank you, Mr. Speaker.

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

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose the McHale amendment, and I do so for several reasons. Let me state at the outset that I know the gentleman, Mr. McHale, is completely sincere. I do not believe, however, one statement that he made, that we look beyond November. I do not think this legislature when it votes on the issue looks to November; I think they look to the issue.

Now, the problem with the McHale amendment is, number one, it would undo what we just did. Number two, it would provide \$3 million, the vast majority of which would go to the other side, to the groups who believe in the things that the majority of this membership time and again does not believe in; to those groups which perform options counseling; to those groups that perform abortion referrals; and to some of those groups which in fact themselves perform abortions, the killing of unborn children.

You have to remember, we are not taking any family planning money away. The Planned Parenthoods, that bastion of good women's choice, that supports women's choice as long as they believe with their philosophy only, they are getting their money. They are getting about \$6 million in title 10 money; they are getting about \$5.2 million in title 20 money. These organizations which we are trying to help cannot qualify for that money. They cannot qualify for that money because of the Federal regulations that say there is no choice. That is not the law; it is guidelines never passed by Congress that says if you take the title 10 money, you have to provide options counseling; you have to provide abortion referrals. And so if we are talking about compassion, what we do if we adopt this amendment is those women who have already exercised the choice, a choice for life over death, childbirth over abortion, they have no place to go, those women who will not be treated by organizations which have any connection whatsoever with the killing of unborn children.

This issue does not relate to whether or not you are for or against abortion, but for women who want childbirth and consider abortion anathema, do they not have rights, too? Do they not have the rights to the assistance that they so badly need? We answered "yes" about 5 minutes ago by passing the Freind amendment. I hope we still say "yes" by defeating the McHale amendment. Thank you, Mr. Speaker.

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

Mr. FOSTER. Thank you, Mr. Speaker.

For those of you who have been here for more than a couple of terms, you will probably remember that I am wholeheartedly in favor of funding for family planning, and I have fought for that on the floor of this House. The gentleman, Mr. Freind, is exactly right; this amendment takes nothing away from family planning funding. If it did so, I would be here to contest him. He is exactly right. This is in addition to; it takes nothing away from family planning. It simply gives money to those women who want to avail themselves of the services of organizations that will not counsel abortion, and I think that is perfectly correct.

I would urge a negative vote so that we do not undo what we have done in the previous amendment. And for those who raise their voices so eloquently today in opposition to this approach, I say this: There will not be any dollars lost if the Freind amendment goes unchallenged. Use your eloquence to dissuade those organizations who would take us into court on the matter.

Furthermore, as to that trek to the Supreme Court, I am prepared to go there as many times as it takes and as often as it takes. I would just remind you that the Dred Scott decision was never overturned, but it was finally relegated to the backwaters of history by the insistence of those who demanded freedom in this Nation. May we see something similar in the near future on this issue.

The SPEAKER. For the second time on his amendment, the Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

During his last comments, the gentleman, Mr. Freind, indicated that should my amendment pass, funding would in some way go to those organizations that perform abortions. I do not think he meant to say that. Clearly, the language of my amendment does not say that, and I will assume it was a slip of the tongue on the gentleman's part.

To clarify that issue, I would call the members' attention to subparagraph (c) of my amendment, which reads as follows: "The funds appropriated herein shall be used exclusively for the purchase of services from organizations which do not, directly or indirectly, provide or perform abortion services." Not one penny of my amendment would go to any organization which performed or provided abortion services.

There is no difference of opinion between the gentleman, Mr. Freind, and myself as to the goal of his amendment and what I believe is the compatible goal of my amendment. We want to provide money to organizations which assist young women who have chosen childbirth. I believe that for constitutional reasons his approach will not work. I believe that because my amendment is drafted in conformity with the first amendment to the United States Constitution, my amendment would be successful. My strong belief is, with the passage of the Freind amendment, if we do not subsequently pass the McHale amendment, we have simply bought another lawsuit which we will lose. You cannot restrict free speech even if you dislike the content of that free speech.

I urge the members once again, think about the young women who need help. They will not get it from the Freind amendment unless we now pass the McHale amendment. Let us not leave those women out in the cold alone and defenseless any longer. We have the opportunity to assist them.

I urge an affirmative vote.

The SPEAKER. On the McHale amendment, the Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Mr. Speaker, will the gentleman, Mr. McHale, submit to interrogation?

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

Mr. PITTS. Mr. Speaker, in looking at the section you just referred to—

Mr. McHALE. Mr. Speaker, I am sorry; I cannot hear the gentleman.

The SPEAKER. Now state your question, Mr. Pitts.

Mr. PITTS. Thank you, Mr. Speaker.

In looking at the section of your amendment that you just referred to, I understood you to put words in Mr. Freind's mouth that he did not say. You said that he said that agencies that perform abortions would get the money. As I understood him to say, agencies that refer for abortions or do options counseling would be available for the money. Now, the question to you is, is that true? Would agencies that refer for abortions or do options counseling be available for this funding?

Mr. McHALE. Mr. Speaker, during the comments made by the gentleman, Mr. Freind, he did make reference to those agencies performing abortions being able to receive money under my amendment. I denied that and I think the gentleman in retrospect would probably agree with me. The point that you raised, Mr. Speaker, is accurate, not because I want it to be that way but because the first amendment to the Constitution, whether or not I agree with that options counseling, entitles a person to engage in it. Frankly, on a moral level I do not approve of it, but the first amendment, as interpreted by our Supreme Court, allows options counseling. If we condition our aid on the prior restraint of that constitutionally protected speech, we will ultimately lose. We will not affect options counseling; we will simply close the door on providing assistance to those women who need it.

The simple answer to your question is, yes, those organizations which provide options counseling would in fact still be able to receive aid under my amendment so long as they did not perform or provide abortions in any manner. I think that is the minimum requirement placed upon us by the first amendment to the Constitution.

Mr. PITTS. Thank you, Mr. Speaker.

I understand your rationale. I understand your position. The simple fact is, Mr. Speaker, that if we pass the McHale amendment, all of those agencies now that do receive the \$10 million, that do options counseling, that refer for abortions, will be eligible to receive these funds. There are, if you do not know it, more agencies and programs out there doing counseling for crisis pregnancy for young ladies who choose childbirth, who are prolife in essence, than there are the other types.

The SPEAKER. Will the gentleman yield.

You may now continue, Mr. Pitts.

Mr. PITTS. Thank you, Mr. Speaker.

There are more programs doing crisis pregnancies, counseling, trying to provide alternatives for those who choose childbirth, than there are the prochoice or proabortion agencies which are funded by tax funds. I think it is time that we do make available some funds to them. They are not in it for the funds, obviously; they have been doing it without funds for many years. But I think it is time we help them provide these alternatives to the young ladies who do choose childbirth as their preference.

So I would urge the defeat of the McHale amendment. It would make more money, this money, available to the programs now that are doing options and abortions counseling and referral. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—64

Acosta	Fryer	Miller	Smith, B.
Afferbach	Gladeck	Nahill	Smith, L. E.
Barber	Godshall	O'Donnell	Stewart
Battisto	Greenwood	Olasz	Sweet
Bortner	Gruitza	Oliver	Truman
Bowley	Hagarty	Piccola	Van Horne
Broujos	Harper	Pistella	Veon
Carn	Hutchinson	Pressmann	Wambach
Cowell	Itkin	Preston	Wiggins
DeVerter	Jarolin	Reber	Wozniak
DeWeese	Kukovich	Richardson	Wright, D. R.
Davies	Levdansky	Roebuck	Wright, J. L.
Deal	Linton	Rudy	Wright, R. C.
Dorr	Livengood	Saurman	
Evans	McHale	Seventy	Irvis,
Fattah	Mayernik	Showers	Speaker
Freeman	Michlovic		

NAYS—134

Angstadt	Deluca	Kasunic	Pott
Argall	Daley	Kennedy	Punt
Baldwin	Dawida	Kenney	Raymond
Barley	Dietz	Kosinski	Reinard
Belardi	Dininni	Langtry	Rieger
Belfanti	Distler	Lashingner	Robbins
Birmelin	Dombrowski	Lescovitz	Ryan
Black	Donatucci	Letterman	Rybak
Blaum	Duffy	Lloyd	Saloom
Book	Durham	Lucyk	Scheetz
Bowser	Fargo	McCall	Schuler
Boyes	Fee	McClatchy	Semmel
Brandt	Fischer	McVerry	Serafini
Bunt	Flick	Mackowski	Sirianni
Burd	Foster	Maiale	Snyder, D. W.
Burns	Fox	Manderino	Snyder, G.
Bush	Freind	Manmiller	Staback
Caltagirone	Gallagher	Markosek	Steighner
Cappabianca	Gallen	Merry	Stevens
Carlson	Gamble	Micozzi	Stuban
Cawley	Gannon	Moehlmann	Swift
Cessar	Geist	Morris	Taylor, E. Z.
Chadwick	George	Mowery	Taylor, F.
Cimini	Gruppo	Mrkonic	Taylor, J.
Civera	Haluska	Murphy	Telek
Clark	Hasay	Noye	Tigue
Clymer	Hayes	O'Brien	Trello
Cohen	Herman	Perzel	Vroon
Colafella	Hershey	Petrarca	Wass
Cole	Honaman	Petrone	Weston
Cordisco	Howlett	Phillips	Wilson
Cornell	Jackson	Pievsky	Wogan
Coslett	Johnson	Pitts	Yandrisevits
Coy	Josephs		

NOT VOTING—3

Arty	Laughlin	Stairs
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EXCUSED—0

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

On the question recurring,

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

Mr. SWEET offered the following amendments No. A3261:

Amend Title, page 1, line 27, by inserting after "Enforcement;"

further providing for administrative boards and commissions; adding and changing definitions relating to crime victims' compensation; further providing for eligibility for crime victims' compensation and for awards; providing for the responsibilities of providers of service to crime victims; further providing for the allocation of certain funds; extending the limitations period for the filing of claims for crime victims' compensation by child victims;

Amend Title, page 1, line 29, by inserting after "regulation;" making repeals;

Amend Bill, page 16, by inserting between lines 18 and 19

Section 3. Sections 477 and 477.3(c) and (d), amended June 30, 1984 (P.L.458, No.96), are amended to read:

Section 477. Definitions.—So far as it relates to the crime victim's compensation provisions, the following terms shall be defined as:

"Board" means the Crime Victim's Compensation Board.

"Claimant" means the person filing a claim pursuant to this act.

"Crime" means an act committed in Pennsylvania which, if committed by a mentally competent, criminally responsible adult, who had no legal exemption or defense, would constitute a crime as defined in and proscribed by Title 18 of the "Pennsylvania Consolidated Statutes," (relating to crimes and offenses) or enumerated in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act" or such as would constitute a crime as defined in and proscribed by 75 Pa.C.S. § 3731(a) (relating to driving under influence of alcohol or controlled substance): Provided, however, That no act involving the operation of a motor vehicle which results in injury shall constitute a crime for the purpose of this act unless such injury was intentionally inflicted through the use of a motor vehicle or unless the injury or death was a result of an accident involving a legally intoxicated operator of a motor vehicle.

"Family," when used in reference to a person, shall mean (i) anyone related to such person within the third degree of consanguinity or affinity, (ii) anyone maintaining a common-law relationship with such person, or (iii) anyone residing in the same household with such person.

"Injury" shall include physical or mental damages and aggravation of existing injuries if additional losses can be attributed to the result of the crime.

"Intervenor" shall mean a person who goes to the aid of another and suffers bodily injury or death as a direct result of acting not recklessly to prevent the commission of a crime, or to lawfully apprehend a person reasonably suspected of having committed such crime, or to aid the victim of such crime.

"Local law enforcement agency" means a police department of a city, borough, incorporated town or township.

"Loss of earnings," in addition to its ordinary meaning, shall mean the loss of the cash equivalent of a social security [payment where social security], railroad retirement, or support payment, where said payment is the primary source of the victim's or claimant's income and where the victim is deprived of the money as a direct result of a crime; or the loss of earning power resulting from the injury as herein defined, to the victim or claimant.

"Out-of-pocket loss" means the unreimbursed and unreimbursable expenses or indebtedness incurred for medical care, nonmedical remedial care and treatment rendered in accor-

dance with a religious method of healing as approved by the board, or other services, including psychological counseling, reasonably necessary as a result of the injury upon which the claim is based and for which the claimant, persons eligible under section 477.3, either has paid or is liable, to include expenses for physical examinations and materials used to obtain evidence. In no case shall property damages or compensation for pain and suffering be included.

"Victim" shall mean a person against whom a crime has been committed, other than the alleged offender, who suffers [bodily] physical or mental injury, death or the loss of [the proceeds of a social security payment which is the primary income of the recipient as a direct result of a crime] earnings as herein defined.

Section 477.3. Persons Eligible for Compensation.—\*\*\*

(c) [A person who is not a resident of Pennsylvania at the time of occurrence of the crime upon which the claim is based, shall be eligible for compensation only if the law of the state of which he is a resident at the time of occurrence of the crime upon which the claim is based provides for compensation to Pennsylvania residents who are victims of crime in such state.

(d) If the victim's state of residence provides payments to its residents injured in Pennsylvania, primary responsibility for payment to the victim shall rest with the victim's state of residence.] Eligibility of a claimant shall be determined without regard to residency of the claimant or victim.

Section 4. Section 477.4(b) of the act, added July 9, 1976 (P.L.574, No.139), is amended to read:

Section 477.4. Filing of Claims for Compensation.—\*\*\*

(b) A claim must be filed not later than one year after the occurrence of the crime upon which the claim is based, or not later than one year after the death of the victim or intervenor: Provided, however, That for good cause the board may extend the time for filing for a period not exceeding two years after such occurrence. Where a victim is under the age of eighteen at the time of the occurrence of the crime and the alleged offender is the victim's parent or a person responsible for the victim's welfare, or any individual residing in the same home as the victim, or a paramour of the victim's parent, the board may, for good cause, extend the time for filing for a period not exceeding five years after such occurrence.

\*\*\*

Section 5. Section 477.5 of the act is repealed.

Section 6. Section 477.9 of the act is amended by adding subsections to read:

Section 477.9. Awards.—\*\*\*

(c.1) Where an order of restitution has been entered on behalf of the victim, those amounts actually collected shall first be applied to property losses incident to the crime and secondly to personal injury losses as set forth in subsection (f) of this section.

(c.2) Provisions of or awards made pursuant to this or any other act compensating or benefiting a victim or claimant as defined by this act shall in no way affect the claimant or victim's eligibility under public assistance or any other State or federally created social benefit or assistance program.

\*\*\*

Section 7. The act is amended by adding a section to read:

Section 477.19. Responsibilities of Service Providers and Insurance Companies.—(a) Providers of services, including, but not limited to, doctors, hospitals, counselors and insurance companies providing reimbursement to victims or claimants, shall respond, in writing to the board's request for confirmation under this act within thirty days of receipt of the board's request.

(b) Any provider who fails to respond within thirty days of receipt of the request shall be subject to civil penalty of not more than ten dollars (\$10) per day up to, and including the date of compliance.

(c) The office of district attorney of the county in which the provider is located or the Attorney General shall be charged with enforcement of this section.

Section 8. Section 479.5 is amended by adding a subsection to read:

Section 479.5. Grant Program for Services.—\* \* \*

(f) In the allocation of funds for services under section 479.4, the commission shall consider the revenue collected by potential grant recipients under the penalty assessments authorized in section 477.15 of this act and section 1203 of the act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code," pertaining to domestic violence and rape crisis services.

Amend Sec. 3, page 16, line 19, by striking out "3" and inserting

9

Amend Sec. 4, page 21, line 4, by striking out "4" and inserting

10

Amend Sec. 5, page 25, line 19, by striking out "5" and inserting

11

Amend Sec. 6, page 25, line 21, by striking out "6" and inserting

12

On the question,

Will the House agree to the amendments?

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

Mr. SWEET. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is the crime victims' portion of SB 180. If the members will remember, this House passed a bill a couple of weeks ago that was SB 180. It had two major parts to it. One part was some substantial reform of the crime victims' compensation program and the second part was agency shop. SB 180 has gone to the Senate, is encountering substantial resistance in some small amount of study. I would suggest that in order to get the kinds of reforms and changes to our crime victims' program that we want, we need to pass a separate amendment to do just that, and that is what this amendment does. It is exactly the same as what you passed before, and I would move the amendment, Mr. Speaker.

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

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

The SPEAKER. The gentleman, Mr. Sweet, indicates he will so stand. You may proceed, Mr. Ryan.

Mr. RYAN. Is the gentleman telling us that some weeks ago we passed this exact legislation, although it had other things in with it?

Mr. SWEET. Yes. This is the crime victims' part of SB 180. It was originally a Judiciary Committee bill dealing with crime victims, and the amendment I am offering right now deals only with the crime victims' compensation program.

Mr. RYAN. And this amendment that you are offering today is a duplicate of language that we passed here some weeks ago?

Mr. SWEET. Right, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—2

Laughlin

Pistella

EXCUSED—0

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—190

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

NAYS—9

DeVerter	Dorr	Linton	Smith, B.
Davies	Itkin	Richardson	Smith, L. E.
Deal			

NOT VOTING—2

Laughlin	Manderino
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EXCUSED—0

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.

WELCOME

The SPEAKER. The Chair welcomes to the hall of the House Brian Zerbe, who is a summer intern for Representative Bruce Smith. Welcome to the hall of the House.

REMARKS ON VOTES

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

Mr. D. W. SNYDER. Mr. Speaker, to correct the record.

On amendment 3179 to SB 1113, I was inadvertently voted in the negative. I would like it shown in the affirmative.

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

Why does the lady from Delaware, Mrs. Arty, rise?

Mrs. ARTY. Mr. Speaker, I am voted on SB 1113, amendment 3279, as not voting. I would like to be recorded as voting in the negative. Thank you.

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

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

Mr. JAROLIN. On SB 1113, amendment 3279, I would like to be recorded in the negative.

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

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

Mr. J. J. TAYLOR. Mr. Speaker, on amendment 1959 to HB 433, I was recorded in the negative. I would like to be recorded in the affirmative.

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

Why does the gentleman from Allegheny, Mr. Pistella, rise?

Mr. PISTELLA. Mr. Speaker, on the Sweet amendment A3261 to SB 1113, I was not in my seat and recorded as voting. I would like the record to show that I would have voted in the affirmative.

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

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

Mr. MORRIS. I do not believe I was recorded on the Lloyd amendment A3161 to SB 1113. I would like the record to show that I would have voted in the affirmative if that is the case.

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

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **HB 361, PN 3428**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act authorizing cities of the first class to levy, assess and collect taxes on all subjects of taxation which, with certain exceptions, are not subject to State taxation; imposing limitations on certain taxation; and making repeals.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. On that question, the Chair recognizes the majority whip.

Mr. O'DONNELL. Thank you, Mr. Speaker.

HB 361 is the Philadelphia wage tax bill. That is an issue that has had a long and unhappy history in this chamber, and HB 361 represents probably the least thoughtful and most controversial approach to this problem that we have yet seen. The bill in part repeals the Sterling Act, which governs taxation in Philadelphia, and then reinstates it but forgets to put in residents of New Jersey and other places that are outside of Pennsylvania. The definition of "nonresident" does not include these folks and the definition of "resident" does not include these folks.

There is also a provision in this bill that says that Philadelphia may not tax any business which is taxed or licensed by the State of Pennsylvania or may hereafter be taxed or licensed. That particular provision arguably has the effect of excluding from taxation every bank and a whole series of other licensed businesses in Pennsylvania.

There is also a set of taxes which are rendered in Philadelphia which, by virtue of the way this bill is written, would no longer be available and would cost the city of Philadelphia an extra \$50 million, probably through inadvertence.

There is a long lawyer-like argument that goes behind each of these three points and which could occupy the rest of the afternoon. The question really before the House is, how did a bill this bad ever get in front of this House? Who could have possibly thought this up and expected this House to seriously consider it? The answer is that they are a small group of people who have put this issue on the House floor directly without consideration by committee because of the strength of their feeling about the subject, and they do not really care about what the impact is. Briefly, the impact is as follows: The fiscal integrity of the city of Philadelphia would be severely jeopardized by this bill.

Those of you who have never been terribly sympathetic to Philadelphia have always at least been fair. The benefits that are accorded to various localities through our State efforts have always been balanced and they have been balanced in the pull and tug of this process. This bill is extraordinary. It stands apart from that process. This bill, if passed, would place the city of Philadelphia in severe financial jeopardy.

#### MOTION TO RECOMMIT

Mr. O'DONNELL. Mr. Speaker, for those reasons I would move that this bill be committed to the Committee on Appropriations.

The SPEAKER. The gentleman, Mr. O'Donnell, has moved for the recommittal of HB 361 on concurrence in

Senate amendments to the Committee on Appropriations. The question is solely on that motion.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, believe it or not, I am confused. We have had so many mixed signals on HB 361 today that, frankly, keeping a diagram of the rumors would look something like a roadmap.

Now, it was my understanding that this bill, A, was not going to be called up. I had advised the Chair that I had not intended to call it up, and it was called up. I was told by one of our members that the reason I was requested not to call it up was because there was a commitment from the other side—I did not hear this commitment—that the bill would be left on the calendar, that it would be called up at some later date, and in the interim the question of local tax reform would be discussed to include within this particular bill. That was my understanding of the program until just several moments ago.

#### PARLIAMENTARY INQUIRY

Mr. RYAN. Under those circumstances I am going to ask that the gentleman, Mr. O'Donnell, either withdraw his motion or—and I ask this as a matter of parliamentary inquiry—whether a motion to table would take precedence over the motion to recommit.

The SPEAKER. Let us check and see—

Mr. RYAN. It is my recollection that it would, but I am not certain.

The SPEAKER. I think that is true, but let me check.

The gentleman, Mr. Ryan, is correct. A call to lay the bill on the table would take precedence over the motion to recommit.

#### MOTION TO TABLE

Mr. RYAN. Mr. Speaker, then I accordingly would make that motion for a separate reason as well.

Mr. MANDERINO. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Ryan, has made a motion which takes precedence over the motion on the floor. Now, do you wish to debate the motion?

Mr. MANDERINO. Yes, Mr. Speaker.

The SPEAKER. Mr. Ryan, were you finished?

Mr. RYAN. No; I was not.

The SPEAKER. Oh, I am sorry. You may finish and then Mr. Manderino.

Mr. RYAN. Thank you.

#### PARLIAMENTARY INQUIRY

Mr. RYAN. The other thing that bothers me—and frankly I again have a little trouble with my recollection of the rules, which we sometimes bend, and I have been guilty of it—when

a House bill is back on concurrence, I question the propriety of a motion to recommit a bill that is here on concurrence to a standing House committee. I believe somewhere in the distant past of my recollection it has been done, but I know it is not done as a matter of practice, and I would ask what the rules of the House are with respect to that question.

The SPEAKER. Under Mason's, chapter 72, section 766, subsection 3, "It is proper for a house, upon receiving an amended bill with a request to concur, to refer the message with the bill to a committee for consideration and a report upon concurrence," and it has, in fact. The gentleman, Mr. Seltzer, being in the Chair on October 10, 1979, Mr. Ritter raised exactly that same parliamentary inquiry, and the gentleman, Mr. Seltzer, ruled correctly that it was within the parliamentary purviews of this House to recommit.

Mr. RYAN. Thank you, Mr. Speaker.

I knew that it had been done. I know that it is something that is very infrequently done.

My motion, however, Mr. Speaker, is that the bill either be passed over or placed upon the table—I think the proper motion is placed on the table—

The SPEAKER. Placed on the table would be proper.

Mr. RYAN. —so that those interested in local tax reform, not only the Philadelphia wage tax as it affects people from the suburban counties and New Jersey and the like but also other areas of local tax reform, will have an opportunity to get together over the next perhaps week, perhaps summer—I do not know—and come up with an overall plan that perhaps can be attached to this particular bill and take care of a lot of problems all at once. Thank you, Mr. Speaker.

On the question,

Will the House agree to the motion to table?

The SPEAKER. On the motion to table, the Chair recognizes the majority leader.

Mr. MANDERINO. Thank you, Mr. Speaker.

And the gentleman, the minority leader, was able to say all of that with a straight face.

Mr. Speaker, the gentleman, Mr. Ryan, indicated that the bill would be called up today. I had indicated that I had it marked over for the day. The gentleman insisted that we go to caucus on HB 361 and a later vote on the convention center, which will be taken after this vote. He left the noon recess, he left the hall of the House with every intention of calling this bill up and evidently has since then counted votes. Well, we have counted votes, too, and I ordinarily would have no objection to allowing my marking to stand, but Mr. Ryan will just wait—and I am saying this for the people on this side of the aisle—he will just wait until there are three or four of my members who are missing from the floor of the House for whatever business they have to do and choose that day - whether it be tomorrow, next Monday, or next Tuesday - to call the bill up and to do what he had planned to do before he counted his votes today, and that is what I suspect this is all about.

I know it is going to be difficult, but I am going to ask you to vote against the motion to table so that we will revert back

to the recommittal motion or the committal motion of Mr. O'Donnell and that we can place this bill in a committee for its study and that committee's recommendation. Otherwise, we are just playing Russian roulette with who it is that on any particular day in such a close House has more people on the floor of the House. I do not think that is the way important issues ought to be decided, and that is where we are heading with what Mr. Ryan wants to do. I would ask for a negative vote on the motion to table and an affirmative vote on the committal motion of Mr. O'Donnell. Thank you, Mr. Speaker.

The SPEAKER. The motion is not debatable except by the leaders on the floor.

Mr. MURPHY. Mr. Speaker?

The SPEAKER. The motion is not debatable to lay upon the table except by the leaders. That is all.

Those in favor of tabling will vote "aye"; those opposed will vote "no."

On the question recurring,

Will the House agree to the motion to table?

The following roll call was recorded:

YEAS—93

Angstadt	Davies	Honaman	Reber
Argall	Dietz	Jackson	Reinard
Arty	Distler	Johnson	Robbins
Barley	Dorr	Kennedy	Ryan
Birmelin	Durham	Langtry	Saurman
Black	Fargo	Lashinger	Scheetz
Book	Fischer	McClatchy	Schuler
Bowser	Flick	McVerry	Semmel
Boyes	Foster	Mackowski	Serafini
Brandt	Fox	Manmiller	Smith, B.
Bunt	Freind	Merry	Smith, L. E.
Burd	Gallen	Micozzie	Snyder, D. W.
Burns	Gannon	Miller	Taylor, G.
Bush	Geist	Moehlmann	Stairs
Carlson	Gladeck	Mowery	Stevens
Cessar	Godshall	Nahill	Swift
Chadwick	Greenwood	Noye	Taylor, E. Z.
Cimini	Gruppo	Phillips	Telek
Civera	Hagarty	Piccola	Vroon
Clymer	Hasay	Pitts	Wass
Cordisco	Hayes	Pott	Wilson
Cornell	Herman	Punt	Wright, J. L.
Coslett	Hershey	Raymond	Wright, R. C.
DeVerter			

NAYS—103

Acosta	Donatucci	Lloyd	Saloom
Afflerbach	Duffy	Lucyk	Seventy
Baldwin	Evans	McCall	Showers
Barber	Fattah	McHale	Sirianni
Battisto	Fee	Maiale	Staback
Belardi	Freeman	Manderino	Steighner
Belfanti	Fryer	Markosek	Stewart
Blaum	Gallagher	Mayernik	Stuban
Bortner	Gamble	Michlovic	Sweet
Bowley	George	Mrkonic	Taylor, F.
Broujos	Gruitza	Murphy	Taylor, J.
Caltagirone	Haluska	O'Brien	Tigue
Cappabianca	Harper	Olasz	Trello
Carn	Howlett	Oliver	Truman
Cawley	Hutchinson	Perzel	Van Horne
Clark	Itkin	Petrarca	Veon
Cohen	Jarolin	Petrone	Wambach
Colafella	Josephs	Pievsky	Weston
Cole	Kasunic	Pistella	Wiggins



Cowell	Kenney	Pressmann	Wogan
Coy	Kukovich	Preston	Wozniak
Deluca	Lescovitz	Richardson	Wright, D. R.
DeWeese	Letterman	Rieger	Yandrisevits
Daley	Levdansky	Roebuck	
Dawida	Linton	Rudy	Irvis,
Deal	Livengood	Rybak	Speaker
Dombrowski			

NOT VOTING—5

Dininni	Laughlin	Morris	O'Donnell
Kosinski			

EXCUSED—0

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

**BILL RECOMMENDED**

The SPEAKER. The question recurs, will the House adopt the motion to recommit to the Committee on Appropriations?

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

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

Mr. RYAN. Mr. Speaker, there is a valuable lesson to be learned here today by some of my members; that is, be careful whose word you take. I again would oppose the recommittal, Mr. Speaker, and ask for a negative vote.

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

Mr. MANDERINO. Mr. Speaker, I have no idea whose word Mr. Ryan is taking or any of his caucus is taking, but this gentleman at this microphone gave nobody any word about anything and neither did Mr. O'Donnell.

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

Mr. FREIND. Mr. Speaker, obviously I am against the motion to recommit. I am not even going to get into the issue of the wage tax for the suburbanites. Everybody knows what a disaster it is. Everybody also knows that it is killing Philadelphia. Even Philadelphia admits it. They admit that it is a problem, but they either do not have the ability, the courage, or the determination to solve the problem, so it is burying them, too.

But I know, in talking to a lot of my colleagues on the other side of the aisle, in fact within the last couple hours, one hopeful note was the fact that if HB 361 stayed around—and there were some assurances from the other side—that there would be discussion during this term of meaningful local tax reform where Democrats and Republicans could get together, not just for the wage tax issue but for the whole issue of local tax reform - third-class cities, Allegheny County, you name it. I think you better be aware, if this motion passes and HB 361 is buried in Appropriations, that is the end, once again, for local tax reform.

I sincerely hope that we defeat the motion to recommit. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—102

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

NAYS—95

Angstadt	Dietz	Honaman	Reber
Arty	Dininni	Jackson	Reinard
Barley	Distler	Johnson	Robbins
Birmelin	Dorr	Kennedy	Ryan
Black	Durham	Langtry	Saurman
Book	Fargo	Lashingner	Scheetz
Bowser	Fischer	McClatchy	Schuler
Boyes	Flick	McVerry	Semmel
Brandt	Foster	Mackowski	Serafini
Bunt	Fox	Manmiller	Smith, B.
Burd	Freind	Merry	Smith, L. E.
Burns	Gallagher	Micozzie	Snyder, D. W.
Bush	Gallen	Miller	Snyder, G.
Carlson	Gannon	Moehlmann	Stairs
Cessar	Geist	Morris	Stevens
Chadwick	Gladeck	Mowery	Swift
Cimini	Godshall	Nahill	Taylor, E. Z.
Civiera	Greenwood	Noye	Telek
Clymer	Gruppo	Phillips	Vroon
Cordisco	Hagarty	Piccola	Wass
Cornell	Hasay	Pitts	Wilson
Coslett	Hayes	Pott	Wright, J. L.
DeVerter	Herman	Punt	Wright, R. C.
Davies	Hershey	Raymond	

NOT VOTING—4

Fryer	Laughlin	Murphy	Sirianni
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EXCUSED—0

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

**REMARKS ON VOTE**

The SPEAKER. The Chair recognizes the majority leader for a correction of a vote. He would have voted in the affirmative on SB 1113. The record will so show.

**FILMING PERMISSION**

The SPEAKER. The Chair gives permission for Terry Way of UPI, Jim Murtha of WPVI-TV, and Sam Ringgold of channel 29 to film for 10 minutes on the floor of the House.

**CONFERENCE COMMITTEE REPORT  
POSTPONED**

The House proceeded to consideration on the postponed calendar of the Conference Committee Report on **SB 655, PN 1850**, entitled:

An Act to provide a convention center facility in cities of the first class; creating the Pennsylvania Convention Center Authority; defining its powers and duties; and authorizing a hotel room rental tax.

On the question recurring,

Will the House adopt the report of the committee of conference?

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

**YEAS—103**

Acosta	Fattah	McHale	Raymond
Afflerbach	Fee	McVerry	Rieger
Arty	Flick	Maiale	Ryan
Battisto	Freeman	Manderino	Rybak
Belardi	Gamble	Manmiller	Saurman
Brandt	Gannon	Markosek	Serafini
Broujos	Gruitza	Mayernik	Seventy
Bunt	Gruppo	Michlovic	Sirianni
Cappabianca	Hagarty	Micozzie	Smith, L. E.
Cawley	Haluska	Miller	Staback
Cessar	Hershey	Moehlmann	Steighner
Civera	Howlett	Morris	Stewart
Clark	Hutchinson	Mowery	Sweet
Cohen	Itkin	Nahill	Taylor, J.
Colafella	Jackson	O'Brien	Trello
Cole	Josephs	O'Donnell	Truman
Cowell	Kasunic	Olasz	Van Horne
Deluca	Kenney	Perzel	Veon
DeWeese	Kosinski	Petrarca	Wambach
Daley	Kukovich	Petrone	Weston
Dawida	Langtry	Piccola	Wiggins
Dininni	Lescovitz	Pievsky	Wogan
Dombrowski	Levdansky	Pistella	Yandrisevits
Donatucci	Livengood	Pott	
Duffy	Lloyd	Pressmann	Irvis,
Durham	McClatchy	Preston	Speaker
Evans			

**NAYS—93**

Angstadt	Coslett	Herman	Rudy
Argall	Coy	Honaman	Saloom
Baldwin	DeVerter	Jarolin	Scheetz
Barber	Davies	Johnson	Schuler
Barley	Deal	Kennedy	Semmel
Belfanti	Dietz	Lashinger	Showers
Birmelin	Distler	Letterman	Smith, B.
Black	Dorr	Linton	Snyder, D. W.
Blaum	Fargo	Lucyk	Snyder, G.
Book	Fischer	Mackowski	Stairs
Bortner	Foster	Merry	Stevens
Bowley	Fox	Mrkonic	Stuban
Bowser	Freind	Murphy	Swift
Boyes	Fryer	Noye	Taylor, E. Z.
Burd	Gallen	Oliver	Taylor, F.
Burns	Geist	Phillips	Telek
Bush	George	Pitts	Tigue

Caltagirone	Gladeck	Punt	Vroon
Carlson	Godshall	Reber	Wass
Carn	Greenwood	Reinard	Wilson
Chadwick	Harper	Richardson	Wozniak
Cimini	Hasay	Robbins	Wright, D. R.
Clymer	Hayes	Roebuck	Wright, J. L.
Cornell			

**NOT VOTING—5**

Cordisco	Laughlin	McCall	Wright, R. C.
Gallagher			

**EXCUSED—0**

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

**REMARKS ON VOTE**

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

Mr. KOSINSKI. Correction of the record, Mr. Speaker.

The SPEAKER. What is the correction, sir?

Mr. KOSINSKI. On HB 361, the motion to table by Representative Ryan, I was not recorded. I wish to be recorded in the negative.

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

**CONSIDERATION OF HB 1763 CONTINUED**

On the question recurring,

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

Mrs. LANGTRY offered the following amendments No. A3249:

Amend Title, page 1, line 2, by inserting after "Statutes," prohibiting the waiver, suspension or reduction of fines imposed for violations of the Public Employe Relations Act; and

Amend Bill, page 1, by inserting between lines 5 and 6

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

Section 3575. Fines for Violations of Public Employe Relations Act.—Notwithstanding any other provision of law, all fines levied by a court of competent jurisdiction for violations under the act of July 23, 1970 (P.L. 563, No. 195), known as the "Public Employe Relations Act," shall be enforced and collected. The court may not waive, suspend or reduce the fines after the signing of a collective bargaining agreement or as a condition for the agreement.

Amend Sec. 1, page 1, line 6, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 6 and 7, by striking out "of the Pennsylvania Consolidated Statutes"

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

3

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

The SPEAKER. On the amendment, the Chair recognizes the lady from Allegheny, Mrs. Langtry.

Mrs. LANGTRY. Mr. Speaker, thank you.

Amendment A3249. Mr. Speaker, this amendment is designed to lessen the duration of school strikes.

The SPEAKER. Will the lady yield?

Mrs. LANGTRY. Yes.

The SPEAKER. The Chair has been informed that one of the cameramen was photographing the board on that vote. Are you photographing the voting board? Do not do that. You are not permitted to do that.

You may proceed, Mrs. Langtry.

Mrs. LANGTRY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is designed to reduce the duration of illegal long-term school strikes. What this amendment does, Mr. Speaker, is require the collection of fines imposed by the courts. Once those fines have been imposed, this amendment would require that they be collected.

It is important to remember that insofar as this amendment is concerned, the judge will still have the discretion on whether to impose the fine or not to impose such a fine, but once imposed, the court would be compelled to enforce the fine.

Mr. Speaker, I think this amendment would assist the courts in their assistance of ending long-term school strikes in that it is designed to keep the strikers from walking out after the court has said to them, go back to work, hopefully reducing the duration of long strikes.

Essentially that is what it involves, Mr. Speaker. It does not create any new mandates on the courts. The courts already have the option of imposing the fine. This would simply require that once they do impose a fine, then they must collect it.

Mr. Speaker, I urge adoption of the amendment.

**GERMANENESS QUESTIONED**

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, with HB 1763 I believe the House has an opportunity to make a big difference in Pennsylvania law, and that is to extend the statute of limitations in the crime of homicide by motor vehicle from a period of time which we believe is too short of 2 years and extending it to 5. With this amendment in this bill, I believe we will probably see the last of HB 1763.

I do not believe that this amendment is germane to this bill, and at this time I would raise the question of germaneness of this amendment to this bill.

The SPEAKER. The question of germaneness is a question for the floor to decide. The question is, is the Langtry amendment germane?

On the question,  
Will the House sustain the germaneness of the amendments?

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

Mr. POTT. Thank you, Mr. Speaker.

This House has traditionally given members the opportunity to amend applicable codes. The Langtry amendment is to title 42, the same as HB 1763 is an amendment to title 42. Therefore, I encourage everyone on the floor of the House not to vote on the merits of the Langtry amendment but on germaneness. It is an amendment to the same title, title 42, as HB 1763 presently is.

The SPEAKER. Those who believe the Langtry amendment to be germane will vote "aye"; those who do not believe it to be germane will vote "no."

On the question recurring,  
Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

**YEAS—95**

Afflerbach	Davies	Itkin	Raymond
Angstadt	Dietz	Jackson	Reber
Argall	Dininni	Johnson	Reinard
Arty	Distler	Kennedy	Robbins
Barley	Dorr	Kenney	Ryan
Battisto	Durham	Langtry	Saurman
Birmelin	Fargo	Lashingier	Scheetz
Black	Flick	McClatchy	Schuler
Book	Foster	McVerry	Semmel
Bowley	Fox	Mackowski	Serafini
Bowser	Freind	Manmiller	Sirianni
Boyes	Fryer	Merry	Smith, B.
Brandt	Gallen	Micozzie	Smith, L. E.
Bunt	Gamble	Moehlmann	Snyder, D. W.
Burd	Gannon	Mowery	Stevens
Bush	Geist	Nahill	Swift
Carlson	Gladeck	Noye	Taylor, E. Z.
Cessar	Godshall	O'Brien	Taylor, J.
Chadwick	Gruppo	Perzel	Telek
Cimini	Hagarty	Phillips	Vroon
Civera	Hayes	Piccola	Weston
Clymer	Herman	Pitts	Wogan
Cornell	Hershey	Pott	Wright, J. L.
DeVerter	Honaman	Punt	

**NAYS—104**

Acosta	Duffy	McCall	Seventy
Baldwin	Evans	McHale	Showers
Barber	Fattah	Maiale	Snyder, G.
Belardi	Fee	Manderino	Staback
Belfanti	Fischer	Markosek	Stairs
Blaum	Freeman	Mayernik	Steighner
Bortner	Gallagher	Michlovic	Stewart
Broujos	George	Miller	Stuban
Burns	Greenwood	Morris	Sweet
Caltagirone	Gruitza	Mrkonic	Taylor, F.
Cappabianca	Haluska	Murphy	Tigue
Cawley	Harper	O'Donnell	Trello
Clark	Hasay	Olasz	Truman
Cohen	Howlett	Oliver	Van Horne
Colafella	Hutchinson	Petrarca	Veon
Cole	Jarolin	Petrone	Wambach
Cordisco	Josephs	Pievsyky	Wass
Coslett	Kasunic	Pistella	Wiggins
Cowell	Kosinski	Pressmann	Wilson
Coy	Kukovich	Preston	Wozniak

Deluca	Lescovitz	Richardson	Wright, D. R.
DeWeese	Letterman	Rieger	Wright, R. C.
Daley	Levdansky	Roebuck	Yandrisevits
Dawida	Linton	Rudy	
Deal	Livengood	Rybak	Irvis,
Dombrowski	Lloyd	Saloom	Speaker
Donatucci	Lucyk		

NOT VOTING—2

Carn Laughlin

EXCUSED—0

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendments were declared not germane.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—191

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

Deluca	Kasunic	Raymond	Yandrisevits
DeVerter	Kennedy	Reber	
Daley	Kenney	Reinard	Irvis,
Davies	Kosinski	Richardson	Speaker
Dawida			

NAYS—3

Miller Moehlmann Wright, J. L.  
NOT VOTING—7

DeWeese Hutchinson Laughlin Weston  
Deal Langtry Sweet

EXCUSED—0

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.

SB 655 RECONSIDERED

The SPEAKER. The Chair is in receipt of a motion, signed by the gentleman from Montgomery, Mr. Lashinger, whereby he moves that the vote by which the Conference Committee Report on SB 655 was passed on this the 17th day of June be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—188

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

Cole	Howlett	Pitts	Wilson
Cornell	Itkin	Pott	Wogan
Coslett	Jackson	Pressmann	Wozniak
Cowell	Jarolin	Punt	Wright, D. R.
Coy	Johnson	Raymond	Wright, J. L.
Deluca	Josephs	Reber	Wright, R. C.
DeVerter	Kasunic	Reinard	Yandrisevits
DeWeese	Kenney	Richardson	
Daley	Langtry	Robbins	Irvis,
Davies	Lashinger	Roebuck	Speaker
Dawida	Lescovitz		

NAYS—10

Bunt	Kennedy	Letterman	Rieger
Donatucci	Kosinski	Preston	Sirianni
Gruitza	Kukovich		

NOT VOTING—3

Cordisco	Hutchinson	Laughlin
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EXCUSED—0

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

On the question recurring,  
Will the House adopt the report of the committee of conference?

**MOTION TO PLACE BILL ON POSTPONED CALENDAR**

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, at this time I move that the Conference Committee Report on SB 655 be placed on the final passage postponed calendar.

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

**PARLIAMENTARY INQUIRY**

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the rules of the House require that the question on the conference report immediately recur. It is my understanding that a rule must be suspended to do it any other way. Is that correct?

The SPEAKER. Will you repeat the question? The motion of the gentleman, Mr. Lashinger, was not correctly phrased, and we are trying to see whether or not it was so incorrectly phrased—

Mr. MANDERINO. Mr. Speaker, the rules of the House require that the question immediately recur on a reconsideration.

The SPEAKER. That is true.

Mr. MANDERINO. Does that mean that that rule must be suspended in order to do something else?

The SPEAKER. It is the opinion of the Chair that the gentleman, Mr. Lashinger, would have the right to offer the motion without interference.

Mr. MANDERINO. Mr. Speaker, then I would ask for a negative vote on the motion to place on final passage postponed. I would ask that this question be decided once and for all by the House this afternoon and that we immediately vote again on the question by refusing the motion to place on final passage postponed.

The SPEAKER. The motion by Mr. Lashinger should be, and the Chair would assume it would be so stated to be, I move that SB 655, PN 1850, be placed on the conference report postponed calendar.

The question is on that motion. The majority leader has asked that there be a negative vote on that. Mr. Lashinger asks, of course, for an affirmative vote.

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

The following roll call was recorded:

YEAS—83

Angstadt	DeVerter	Hayes	Robbins
Argall	Davies	Herman	Scheetz
Arty	Deal	Honaman	Schuler
Baldwin	Dietz	Johnson	Semmel
Barley	Distler	Lashinger	Showers
Birmelin	Dorr	Linton	Smith, B.
Black	Durham	Lucyk	Snyder, D. W.
Book	Fargo	Mackowski	Snyder, G.
Bowley	Fischer	Manmiller	Stairs
Bowser	Foster	Micozzie	Stevens
Boyes	Fox	Miller	Stewart
Brandt	Freind	Mowery	Swift
Bunt	Fryer	Mrkonic	Taylor, E. Z.
Burns	Gallen	Murphy	Telek
Bush	Gannon	Noye	Tigue
Carlson	Geist	Phillips	Vroon
Chadwick	Gladeck	Pitts	Wass
Civera	Godshall	Pott	Wilson
Clymer	Greenwood	Punt	Wright, J. L.
Cornell	Harper	Reber	Wright, R. C.
Coslett	Hasay	Reinard	

NAYS—112

Acosta	Duffy	Lloyd	Rieger
Afflerbach	Evans	McCall	Roebuck
Barber	Fattah	McClatchy	Ryan
Battisto	Fee	McHale	Rybak
Belardi	Flick	McVerry	Saloom
Belfanti	Freeman	Maiale	Saurman
Blaum	Gallagher	Manderino	Seventy
Bortner	Gamble	Markosek	Sirianni
Broujos	George	Mayernik	Staback
Burd	Gruitza	Merry	Steighner
Caltagirone	Gruppo	Michlovic	Stuban
Cappabianca	Hagarty	Moehlmann	Sweet
Carn	Haluska	Morris	Taylor, F.
Cawley	Hershey	Nahill	Taylor, J.
Cessar	Howlett	O'Brien	Trello
Cimini	Hutchinson	O'Donnell	Truman
Clark	Itkin	Olasz	Van Horne
Cohen	Jackson	Oliver	Veon
Colafella	Jarolin	Perzel	Wambach
Cole	Josephs	Petrarca	Weston
Cordisco	Kasunic	Petrone	Wiggins
Cowell	Kennedy	Piccola	Wogan
Coy	Kenney	Pievsky	Wozniak
Deluca	Kosinski	Pistella	Wright, D. R.
DeWeese	Kukovich	Pressmann	Yandrisevits
Daley	Lescovitz	Preston	
Dawida	Letterman	Raymond	Irvis,
Dombrowski	Levdansky	Richardson	Speaker
Donatucci	Livengood		

NOT VOTING—6

Dininni            Laughlin            Serafini            Smith, L. E.  
Langtry            Rudy

EXCUSED—0

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

On the question recurring,

Will the House adopt the report of the committee of conference?

The SPEAKER. Mr. Merry, why do you rise?

Mr. MERRY. I had asked for recognition here before we got into the other business.

The SPEAKER. The Chair apologizes. The Chair did not see you.

The Chair recognizes the gentleman from Crawford, Mr. Merry, on the question, will the House adopt the committee of conference report.

Mr. MERRY. A question, really, of procedure, Mr. Speaker.

This appears to be one of the most important issues we have had for years, and yet, as followed in other conference reports, we had no explanation of what happened in the conference report.

In addition to that, it appears that many of us voted on that previous consideration with no knowledge of exactly which bill we were voting on. I would like to have some explanation on this conference report, please.

The SPEAKER. Who served on the committee of conference?

Will the gentleman, Mr. Manderino, explain?

The question, Mr. Manderino, is, what does the committee of conference report do?

Mr. MANDERINO. Mr. Speaker, the question was, who served on the committee of conference?

The SPEAKER. Yes.

Mr. MANDERINO. I believe Mr. Ryan did.

The SPEAKER. Mr. Ryan, the gentleman, Mr. Merry, said that he does not understand the committee of conference report. The Chair asked who served on the committee of conference, and the gentleman, Mr. Manderino, indicated that you had served. Would you be willing to explain?

Mr. RYAN. That was very kind of him, yes.

I would be happy to carry his burden. I have all year, it has been pointed out.

Mr. MERRY. Mr. Speaker, am I supposed to interrogate Mr. Ryan or just ask him for an explanation?

The SPEAKER. It is customary for a committee of conference report to be revealed to the House, at least briefly. The Chair asked Mr. Ryan if he would reveal what the conference report contains, and the Chair does not do that lightly. Let us get it over with and answer Mr. Merry's question.

Mr. RYAN. I wonder if the gentleman, Mr. Merry, would be kind enough to ask specific questions. The committee of conference report, which I do not happen to have in front of me at the moment, is voluminous. It contains provisions for

the makeup of the convention center authority, it contains provisions on ethics codes, and on and on and on. Is there anything in particular the gentleman did not receive in caucus?

Mr. MERRY. Does this conference report have any fiscal impact upon the Commonwealth?

Mr. RYAN. Of course it does.

Mr. MERRY. Would you tell me what that amount is?

Mr. RYAN. What was the second part of your question, Mr. Speaker?

Mr. MERRY. Would you tell me what that amount is?

Mr. RYAN. There is no fiscal impact whatsoever by reason of the conference committee report or the creation of the Pennsylvania Convention Center. The fiscal implications will come about at a later date when the funding comes about to fund the center. At that time the State will have an obligation to fund the State's share of the convention center, but as of this date, with this conference report, there technically is no fiscal impact.

Mr. MERRY. And that fiscal impact at that time might be how much? Something over \$100 million?

Mr. RYAN. \$181 or \$185 million, yes.

Mr. MERRY. Does passage of this bill obligate the Commonwealth to pass the financial part of the bill later on?

Mr. RYAN. No.

Mr. MERRY. It does not.

Okay. Thank you, Mr. Speaker.

On the question recurring,

Will the House adopt the report of the committee of conference?

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

YEAS—105

Acosta	Evans	McClatchy	Preston
Afflerbach	Fattah	McHale	Raymond
Arty	Fee	McVerry	Rieger
Battisto	Flick	Maiale	Ryan
Belardi	Freeman	Manderino	Rybak
Brandt	Gallagher	Manmiller	Saurman
Broujos	Gamble	Markosek	Serafini
Cappabianca	Gannon	Mayernik	Seventy
Cawley	Gruitza	Michlovic	Sirianni
Cessar	Gruppo	Micozzie	Staback
Cimini	Hagarty	Miller	Steighner
Civera	Haluska	Moehlmann	Stewart
Clark	Hershey	Morris	Sweet
Cohen	Howlett	Mowery	Taylor, J.
Colafella	Hutchinson	Nahill	Trello
Cole	Itkin	O'Brien	Truman
Cordisco	Jackson	O'Donnell	Van Horne
Cowell	Josephs	Olasz	Veon
Deluca	Kasunic	Oliver	Wambach
DeWeese	Kenney	Perzel	Weston
Daley	Kosinski	Petrarca	Wiggins
Dawida	Kukovich	Petrone	Wogan
Dininni	Langtry	Piccola	Yandrisevits
Dombrowski	Lescovitz	Pievsky	
Donatucci	Levdansky	Pistella	Irvis,
Duffy	Livengood	Pott	Speaker
Durham	Lloyd	Pressmann	

## NAYS—93

Angstadt	Coy	Honaman	Saloom
Argall	DeVerter	Jarolin	Scheetz
Baldwin	Davies	Johnson	Schuler
Barber	Deal	Kennedy	Semmel
Barley	Dietz	Lashinger	Showers
Belfanti	Distler	Letterman	Smith, B.
Birmelin	Dorr	Linton	Snyder, D. W.
Black	Fargo	Lucyk	Snyder, G.
Blaum	Fischer	McCall	Stairs
Book	Foster	Mackowski	Stevens
Bortner	Fox	Merry	Stuban
Bowley	Freind	Mrkonic	Swift
Bowser	Fryer	Murphy	Taylor, E. Z.
Boyes	Gallen	Noye	Taylor, F.
Burd	Geist	Phillips	Telek
Burns	George	Pitts	Tigue
Bush	Gladeck	Punt	Vroon
Caltagirone	Godshall	Reber	Wass
Carlson	Greenwood	Reinard	Wilson
Carn	Harper	Richardson	Wozniak
Chadwick	Hasay	Robbins	Wright, D. R.
Clymer	Hayes	Roebuck	Wright, J. L.
Cornell	Herman	Rudy	Wright, R. C.
Coslett			

## NOT VOTING—3

Bunt            Laughlin            Smith, L. E.

## EXCUSED—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

**COMMITTEE MEETING CANCELED**

The SPEAKER. The meeting Mr. Fryer intended to call for tomorrow has been canceled.

**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER. There being no further business to be brought before this day's session, the Chair recognizes the gentleman from York, Mr. Bortner.

Mr. BORTNER. Mr. Speaker, I move that this House do now adjourn until Wednesday, June 18, 1986, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:12 p.m., e.d.t., the House adjourned.