MONDAY, JUNE 1, 1987

SESSION OF 1987 171ST OF THE GENERAL ASSEMBLY No. 39

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

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

Thank you, Lord, constitutes the expression of gratitude on our lips and the feeling of joy within our hearts for Thy gracious bounty toward us. As humble stewards of Thine, we laud and magnify Thy glorious name and sing Thy praises before our fellow men. We beseech Thee to continue Thy gracious care over these children of Thine and make them productive workmen in Thy kingdom.

O God, we pray that Thy will and Thy way may be reflected in the deeds they bring to maturity, that greater faith may be exhibited in what they do and say, and that peace and satisfaction may crown their every accomplishment, in Thy blest name. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was delivered by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal for Wednesday, May 27, 1987, will be postponed until the Journal is in print. The Chair hears no such objection.

COMMUNICATION

 LOBBYIST LIST PRESENTED

The SPEAKER. The Chair acknowledges the receipt of a list of lobbyists in compliance with Act No. 712 of the 1961 session. The clerk will file the list.

The following communication was submitted:

Senate of Pennsylvania
June 1, 1987

To the Honorable, the Senate of the Commonwealth of Pennsylvania

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from May 1, 1987 through May 31, 1987, inclusive, for the 171st Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:
Mark R. Corrigan, Secretary
Senate of Pennsylvania
John J. Zubeck, Chief Clerk
House of Representatives

(For list, see Appendix.)

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

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

HB 6;
HB 7;
HB 8;
HB 262;
HB 349;
HB 350;
HB 694;
HB 1066;
HB 1254; and
SB 252.

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

BILLS ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:
HB 6, PN 9; HB 7, PN 1624; and HB 8, PN 11.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 6, HB 7, and HB 8 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Fee. Do you have any requests for leaves of absence?

Mr. FEE. Yes, Mr. Speaker. Mr. Speaker, the gentleman from Luzerne, Mr. TIGUE, for the week; the gentleman from Allegheny, Mr. MURPHY, for the week; the gentleman from Franklin, Mr. COY, for today; the gentleman from Allegheny, Mr. DUFFY, for the week; the gentleman from Philadelphia, Mr. DEAL, for the week; and the lady from Philadelphia, Mrs. HARPER, for the week.

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

MASTER ROLL CALL

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

The following roll call was recorded:

Present—193

Acosta
Angstadt
Argall
Arty
Baldwin
Barley
Battisto
Belfauti
Birmelin
Black
Bock
Bortner
Bowley
Bowser
Bowsher
Boyes
Brandt
Broutros
Bunt
Burd
Burns
Bush
Callaghrone
Cappabianca
Carlson
Carn
Cawley
Cessar
Chadwick
Chimini
Civita
Clark

Durham
Evans
Fargo
Farmer
Fattah
Fee
Fischer
Flick
Foster
Fox
Freeman
Friend
Gallen
Gallen
Gamb 

Leh
Lescovitz
Levandersky
Linton
Livengood
Lloyd
Lucy 

Malaie
Maine
Manderino
Mammiller
Markosek
Mayernik
Mello
Merry
Michlovic
Hangarty
Haluska
Hasay
Hayden
Hayes
Heckler
Herman
Hershey
Hess
Honaman

Robbins
Roebeck
Rudy
Ryan
Rybak
Saloom
Saumaran
Scheetz
Schuler
Semmel
Serafini
Seventy
Showers
Sirianini
Smith, B.
Smith, S. H.
Snyder, D. W.
Snyder, G.
Staback
Stairs
Steighner
Stevens
Subban
Suburban
Sweet
Taylor, E. Z.
Taylor, T.
Taylor, J.
Telek
Trelo
Truman
Van Horn
Veen
Vroon
Wass
Weston
Wiggins
Wilson
Wogan
Wozniak
Wright, D. R.
Wright, J. L.
Wright, R. C.
Yandrisievich

ADDITIONS—3

Belardi
Blaum
DeWeese

NOT VOTING—0

Coy
Duffy
Murphy
Tigue

EXCUSED—6

Deal

LEAVES ADDED—5

Dininni
Gallen

LEAVES CANCELED—1

Gannon

Gannon

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 431, PN 469

By Rep. TRELLO

An Act amending the act of December 22, 1981 (P. L. 508, No. 142), known as the “Sunset Act,” further providing for the powers of the Legislative Budget and Finance Committee; and making an editorial change.

FINANCE.

HB 978, PN 1075

By Rep. TRELLO

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as “The Administrative Code of 1929,” providing for the submission to the General Assembly of information relating to tax expenditures.

FINANCE.

HB 1015, PN 1117

By Rep. TRELLO


FINANCE.

SB 747, PN 1040 (Amended)

By Rep. TRELLO


FINANCE.
LEAVES OF ABSENCE

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

Mr. HAYES. Yes, Mr. Speaker. I request a leave for the gentleman from Lancaster County, Mr. SCHETZ, for the day; the gentleman from Dauphin County, Mr. DININNI, for the day; the gentleman from Luzerne County, Mr. STEVENS, for the day; the gentleman from Delaware County, Mr. GANNON, for the day; and the gentleman from Berks County, Mr. GALLEN, for today and tomorrow.

The SPEAKER. The requests are granted, there being no objection. The Chair hears no such objection.

MEMBERS' PRESENCE RECORDED

The SPEAKER. The gentleman, Mr. Belardi's and the gentleman, Mr. Blaum's names will be added to the master roll.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of HB 452, PN 490, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," providing limited Pennsylvania Fair Campaign funding of certain Statewide elections; limiting certain contributions; imposing powers and duties on the Department of State; and providing penalties.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 452 be recommitted for a fiscal note to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to second consideration of HB 926, PN 1588, entitled:

An Act establishing the Pennsylvania Heritage Affairs Commission and prescribing its powers and duties; establishing the Cultural Heritage Board and prescribing its powers and duties; imposing duties on local political subdivisions of this Commonwealth; authorizing the creation of local cultural heritage authorities; providing for cultural heritage project areas; and making an appropriation.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 618 be recommitted for a fiscal note to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to second consideration of HB 1183, PN 1347, entitled:


On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 618 be recommitted for a fiscal note to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.
PARLIAMENTARY INQUIRY

The SPEAKER. Why does the gentleman from Somerset, Mr. Lloyd, rise?

Mr. LLOYD. Mr. Speaker, on HB 1183 you recommitted that to Appropriations. It was my understanding that it was to be rereferred to Mines and Energy.

The SPEAKER. The note that the Speaker has is to rerefer to Appropriations for a fiscal note.

Mr. LLOYD. That is fine. Thank you, Mr. Speaker.

The SPEAKER. If that is an error, check with the majority leader and we will change it.

Mr. Lloyd, we will bring to the attention of the majority leader that question and let him finalize it.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 76, PN 1515, entitled:

An Act amending the act of December 7, 1983 (P. L. 784, No. 225), known as the “Dog Law,” imposing duties on persons who sell dogs in the regular course of business; providing a summary offense for misrepresentation of pedigree and health of dogs bred for sale; and providing for the enforcement of this act by the Attorney General.

On the question,
Will the House agree to the bill on third consideration?
Mr. BOOK offered the following amendment No. A1 145:

Amend Sec. 3, page 3, lines 27 through 30; page 4, lines 1 and 2, by striking out all of said lines on said pages and inserting Section 3. Penalties.

A violation of any provision of this act shall be deemed to be a violation of the act of December 17, 1968 (P.L. 1224, No. 387), known as the Unfair Trade Practices and Consumer Protection Law.

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

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

Mr. BOOK. Thank you, Mr. Speaker.

This is amendment 1145. This is an agreed-to amendment by the Agriculture Department and the Agriculture Committee, of course. What this says is, “Section 3. Penalties. A violation of any provision of this act shall be deemed to be a violation of the act of December 17, 1968...known as the Unfair Trade Practices and Consumer Protection Law.”

MEMBER’S PRESENCE RECORDED

The SPEAKER. The gentleman, Mr. DeWesco’s name will be added to the master roll.

CONSIDERATION OF HB 76 CONTINUED

The SPEAKER. On the question, the Chair recognizes the gentleman from Chester, Mr. Morris.
Will the House agree to the bill on third consideration as amended?

Mr. BOOK offered the following amendment No. A1146:

Amend Sec. 2, page 3, line 14, by inserting after "operator" or other person

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

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

Mr. BOOK. Mr. Speaker, in A1146 what we are doing is inserting after the word "operator" the words "or other person," which means neighbors who would be selling dogs. Maybe they only sell five or six a year, but this is going to pertain to people who are selling dogs for profits, small or large. This also has been an agreed-to amendment.

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

Mr. MORRIS. It is agreed to, Mr. Speaker.

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

The following roll call was recorded:

YEAS—187

Acosta  Dombrowski  LaGrotta  Raymond
Angstadt  Donatucci  Leh  Reber
Argall  Dorr  Losovitz  Robbins
Arty  Durham  Letterman  Roebuck
Baldwin  Evans  Ledvansky  Rudy
Barley  Fargo  Linton  Ryan
Battisto  Farmer  Livengood  Rybak
Belardi  Fee  Lloyd  Saloom
Belfanti  Fischer  Lucyk  Saurman
Birmelin  Flick  Mccall  Schuler
Black  Fox  McClatchey  Semmel
Blaum  Freeman  McHale  Serafini
Book  Freid  McVerry  Severcy
Bortner  Gamble  Mialle  Showers
Bowley  Geist  Maine  Stiarni
Bower  George  Manderino  Smith, B.
Boyce  Gladeck  Mammiller  Smith, S. H.
Brandt  Godshall  Markosek  Snyder, D. W.
Broujos  Gruiza  Mayernik  Snyder, G.
Bunt  Groupo  Melo  Staback
Burds  Hagarty  Merry  Stairs
Burns  Haluska  Michlovic  Steighner
Bush  Hasay  Miozzi  Stubar
Cattagiones  Hayden  Miller  Sweet
Cappabianca  Hayes  Moehlmann  Taylor, E. Z.
Carlson  Heckler  Mowery  Taylor, F.
Carn  Herman  Mkonic  Taylor, J.
Cawley  Hershey  Nahill  Tekel
Cesnars  Hess  Noyer  Tello
Chadwick  Honaman  O'Brien  Truman
Ciminini  Hulst  O'Donnell  Van Horn
Civera  Hughes  Olasz  Veon
Clark  Hutchinson  Oliver  Vroon
Clymer  Itkin  Perzel  Wambach
Cohen  Jackson  Petracca  Wass
Colafella  Jadlowiec  Petrome  Weston
Cole  Jarolin  Phillips  Wiggins
Cornell  Johnson  Piccola  Wilson
Corrigan  Josephs  Pjesky  Wogan
Cowell  Kasunc  Pistella  Wozniak
Della  Kennedy  Pits  Wright, D. R.
DeVerter  Kenney  Pressnann  Wright, J. L.
DeWeese  Kosinski  Preston  Wright, R. C.
Daley  Kukovich  Punt  Yandresvits

NAYS—0

NOT VOTING—4

Fattah Foster Morris Richardson
Deal Galen Murphy Tigue
Diainni Gannon Scheetz

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

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

Mr. BOOK offered the following amendments No. A1148:

Amend Sec. 2, page 3, line 17, by striking out "not later than 30 days after the date" and inserting at the time

Amend Sec. 2, page 3, lines 19 and 20, by striking out all of said lines

Amend Sec. 2, page 3, line 21, by striking out "“(2)” and inserting

(1) Amend Sec. 2, page 3, line 23, by striking out "“(3)” and inserting

(2) Amend Sec. 2, page 3, lines 25 and 26, by striking out all of said lines and inserting

All documentation necessary to transfer the registered ownership of the dog, including the dog registration application and any supplemental ownership transfer papers, as well as other information required by the registrar, shall be provided by the seller to the owner within 120 days of the date of sale.

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

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

Mr. BOOK. Thank you, Mr. Speaker.

A1148 also is an agreed-to amendment. What it says is, “All documentation necessary to transfer the registered ownership of the dog, including the dog registration application and any supplemental ownership transfer papers, as well as other information required by the registrar, shall be provided by the seller to the owner within 120 days of the date...”. The original bill had 90 days.

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

Mr. MORRIS. Again, Mr. Speaker, it is an agreed-to amendment.

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

The following roll call was recorded:
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?
The SPEAKER. Why does the lady from Centre, Mrs. Rudy, rise?

Mrs. RUDY. To correct the record, Mr. Speaker.

The SPEAKER. What is the correction?

Mrs. RUDY. On amendment 1145 to HB 76 I was inadvertently recorded in the negative, and I would like to be recorded in the positive.

I also would like to point out for the record that the switchers were all interchanged in these two rows over the weekend, so perhaps someone should check into that in the future.

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

WELCOME

The SPEAKER. The Chair is glad to welcome to the hall of the House a group of women from western Pennsylvania from the Black Women’s Political Crusade. They are led by the Speaker’s wife, Cathy Irvis. She has brought with her Alice Turner—will you rise as you are introduced, please—Cathy Irvis, Alice Turner, Pinkie Reed, Emily Davis, Joann Monroe, Katie Johnson, Mary Jane Page, Constance Parker Morris, Trudy Avery, Esq., Dr. Edna B. McKenzie, and Ann Martin. Welcome to the hall of the House. We are delighted to have you here, ladies.

The House will stand at ease temporarily. We are going to check these switches that Mrs. Rudy complained about. The House will stand at ease.

WELCOME

The SPEAKER. We are glad to have in the hall of the House from North Penn High School, Montgomery County, the academic decathlon team. They won the Pennsylvania Academic Decathlon in the Pennsylvania championships and represented this State in Irving, Texas, at the nationals and did very well at the nationals. They are the guests of Representative Godshall and Representative Bunt.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

This body on many occasions gets—We get the State basketball championship team, the State football championship team, and today I have the State academic decathlon champions from North Penn High School in Montgomery County. I would appreciate it if everybody would give the North Penn High School decathlon championship team a hand.

For the record, I would like for it to be known that the team they beat out for the State championship was Lower Merion in Montgomery County.

The SPEAKER. It is all right. You may applaud that.

Mr. GODSHALL. What the students had to do is write essays. They took a daylong battery of tests in such diverse subjects as fine art, science, literature, and math. And also during the 2-day State competition that ended with a super-quiz, students gave impromptu and prepared speeches and were interviewed by volunteers. They went from the State of Pennsylvania down to Irving, Texas. All members of the team took honors down at Texas.

At this time I would like for the Speaker, if he would, please, to read the names of the team members and their coaches into the House record. Thank you, Mr. Speaker.

The SPEAKER. The team members present are Dave Pedrazzani, Jeff Whalen, Dave Groff, Lewis Tanzos, and John Bruni. One team member could not make it. His name is Andy Serotta. There are alternates here—May-Win Thein, Seema Misra, Sue Baik, and Daniel Abraham. They are brought here by their coach, Jan Funk. Ken Arnhold is a teacher, and the associate is Paul Matusky. Welcome to the floor of the House. We are proud of you and delighted to have you here.

BILLS ON THIRD
CONSIDERATION CONTINUED

The House proceeded to third consideration of HB 362, PN 395, entitled:

An Act amending the act of July 20, 1917 (P. L. 1158, No. 401), referred to as the “Constable Fee Law,” further providing for mileage of constables.

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

Mr. ITKIN offered the following amendments No. A1054:

Amend Sec. 1 (Sec. 1), page 1, line 16, by inserting brackets before and after “fifteen cents for each mile” and inserting immediately thereafter mileage as hereinafter provided

Amend Sec. 1 (Sec. 1), page 2, line 1, by inserting brackets before and after “fifteen cents per mile” and inserting immediately thereafter mileage as hereinafter provided

Amend Sec. 1 (Sec. 1), page 4, line 15, by inserting a bracket before “fifteen”

Amend Sec. 1 (Sec. 1), page 4, line 18, by inserting after “in” a rate per mile which is equal to the maximum standard mileage rate allowed as a business deduction by the Internal Revenue Service, regardless of the number of miles traveled. Actual mileage traveled shall be computed using the issuing authority’s office or the constable’s place of business, whichever is less. Constables shall be compensated for other travel expenses not to exceed accountable expenses if travel is by other than motor vehicle.

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

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

Mr. ITKIN. Mr. Speaker, this bill affects reimbursements to constables with respect to miles traveled. Currently constables are provided 15 cents a mile as reimbursement for performance of their duties. My amendment would permit the use of the mileage as permitted by the Internal Revenue Service, which I believe now is 22 cents.
On the question recurring, Will the House agree to the amendments?

The following roll call was recorded:

**YEAS—187**

Acosta
Angstadt
Argall
Arty
Baldwin
Barley
Battisto
Belardi
Belfanti
Birmelin
Black
Blaum
Book
Bortner
Bowley
Bowser
Boyes
Brandt
Broujos
Bust
Burd
Burns
Bush
Caltagirone
Cappabianca
Carlson
Carn
Cawley
Cassel
Chadwick
Cinini
Civera
Clark
Clymer
Cohen
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**NAYS—0**

**NOT VOTING—4**

Hughes
Lettiman
Richardson
Wiggins

**EXCUSED—11**

Coy
Duffy
Harper
Stevens

Deal
Gallen
Murphy
Tigue

Doninni
Gannon
Scheetz

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

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

Bill as amended was agreed to.

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

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

**YEAS—184**

Acosta
Angstadt
Argall
Arty
Baldwin
Barley
Battisto
Belardi
Belfanti
Birmelin
Black
Blaum
Book
Bortner
Bortner
Bowley
Bowser
Boyse
Brandt
Broujos
Bust
Burd
Burns
Bush
Caltagirone
Cappabianca
Carlson
Carn
Cawley
Cassel
Cinini
Civera
Clark
Clymer
Cohen
Colafella
Cole
Cornell
Corrigan
Cowell
DeLuca
DeVerter
DeWeese
Daley
Davies
Dawida
Dieterick
Distler
Donatucci

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**NAYS—3**

| Broujos     | Corrigan   | Pressmann|
| Brotte      |            |          |

**NOT VOTING—11**

Hughes
Lettiman
Richardson
Wiggins

**EXCUSED—11**

Coy
Duffy
Harper
Stevens

Deal
Gallen
Murphy
Tigue

Doninni
Gannon
Scheetz

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

Ordered, That the clerk present the same to the Senate for concurrence.
The House proceeded to third consideration of HB 421, PN 1517, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for certain restrictions on trucks registered in Class 10 or higher.

On the question,

Will the House agree to the bill on third consideration?

Mr. SAURMAN offered the following amendments No. A1311:

Amend Title, page 1, line 2, by inserting after “for” revocation of habitual offender’s license and for Amend Bill, page 1, by inserting between lines 5 and 6 Section 1. Section 1542(b) of Title 75 of the Pennsylvania Consolidated Statutes is amended to read: § 1542. Revocation of habitual offender’s license. ** * * * (b) Offenses enumerated.—Three convictions arising from separate and distinct acts of any one or more of the following offenses committed [either] singularly [or in combination] by any person shall result in such person being designated as a habitual offender:

1. Any offense set forth in section 1532 (relating to revocation or suspension of operating privilege).
2. Operation following suspension of registration as defined in section 1371 (relating to operation following suspension of registration).
3. Making use of or operating any vehicle without the knowledge or consent of the owner or custodian thereof.
4. Utilizing a vehicle in the unlawful transportation or unlawful sale of alcohol or any controlled substance.
5. Any felony in the commission of which a court determines that a vehicle was essentially involved.

** * * *

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 4, by striking out “2” and inserting

3

On the question,

Will the House agree to the amendments?

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment has passed this House on two other occasions with two other bills, and I just wanted to get it into one more so that out of the Senate perhaps one of the three would get through, and I would appreciate your support.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—188

Baldwin Fargo Linton Rudy
Barley Farmer Livingood Ryan
Bartlit Fattah Lloyd Rybak
Belardi Fee Lucyk Saloom
Belfanti Fischer McClure Saursman
Birmelin Flick McClatchy Schuler
Black Foster McHale Semmel
Blau Fox McVerry Serafini
Book Freeman Mains Senate
Bortner Freind Maine Showers
Bowley Gamble Mandarino Siriani
Bowser Geist Mammoler Smith, B.
Boyes George Markosek Smith, S. H.
Brandt Gladock Mayeraiik Snyder, D. W.
Broujos Godshall Melo Snyder, G.
Bunt Graitzia Merry Stanback
Burns Groppo Michoic Stairs
Burns Hagarty Miccozie Steighner
Bush Haluska Miller Stuban
calagione Hasay Mochlmann Sweet
Cappabianca Hayden Morris Taylor, E. Z.
Carlson Hayes Mowery Taylor, F.
Carr Heckler Mroscik Taylor, J.
Cawley Herman Nahill Teke
Cessar Hershey Noye Trello
Chadwick Hess O'Brien Truman
Cimini Honaman O'Donnell Van Horne
Civera Howlett Okaz Veon
Clark Hutchinson Oliver Vos
Clymer Iikin Peerz Wilamkoski
Cohen Jackson Petraca Wiss
Colafella Jadiumwe Petrione Weston
Cole Jarolin Phillips Wiggins
Cornell Johnson Piccola Wilson
Corrigan Josephs Piercy Wogan
Cowell Kusunic Pittelia Wozniak
Del.aca Kennedy Pitts Wright, D. R.
Deverter Kenney Pressmann Wright, J. L.
DeWeese Kosinski Preston Wright, R. C.
Daley Kukovich Punt Yandrezivals
Daves LaGrotta Raymond
Dawida Langtry Reber
Dietterick Lashinger Renard
Distler Laughlin

NAVS—0

NOT VOTING—3

Durham Hughes Richardson

EXCUSED—11

Coy Duffy Harper Stevens
Deal Gallen Murphy Tigue
Dininni Gannon Schetz

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—185

Aycoza Donatucci Laughlin Richardson
Angstadt Dorr Leh Rhybak
Argall Durham Lescovitz Ritter
Arty Evans Lescovitz Robbins
The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for and the bill passed finally.

YEAS—186

Not VOTING—6

Cappabianca
Colafella
Coy
Deal
Dininni

Baldwin
Barley
Batista
Belardi
Belfanti
Birmelin
Black
Blbaum
Book
Bortner
Bowley
Bower
Boyce
Brandt
Broujos
Burt
Burd
Burns
Bush
Caltagirone
Carlson
Carn
Cawley
Cesari
Chadwick
Cimini
Civera
Clark
Clymer
Cohen
Cole
Cornell
Corrigan
Cowell
DeLuca
DeVerter
DeWese
Daley
Davies
Dawida
Deitrick
Distler
Dombrowski

Duffy
Dininni

Linton
Livengood
Lloyd
Lucyk
McCall
McClatchy
McHale
McVerry
Maiale
Manderson
Mannmiller
Markosek
Mayeren
Melio
Merry
Michlovic
Micozzie
Miller
Moehlmann
Morris
Mooney
Mukonic
Nabili
Noye
O’Brien
O’Donnell
Olczak
Oliver
Perzel
Petranca
Petrone
Phillips
Piccola
Pievsky
Pisciella
Pitts
Pressmann
Purcell
Raymond
Reber
Reinard

Roebuck
Ryan
Rybak
Salaom
Sauman
Schuler
Sennel
Serafini
Shears
Smith, B.
Smith, R.
Smith, S. H.
Snyder, D. W.
Snyder, G.
Sorber
Staback
Stairs
Steighner
Suban
Sweet
Taylor, E. Z.
Taylor, F.
Taylor, J.
Teiek
Trenton
Van Horne
Veen
Vero
Walhamb
Wass
Weston
Wilton
Wogan
Wozniak
Wright, D. R.
Wright, J. I.
Wright, R. C.
Yandrisevits
Wambach
Wass
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Wiggis
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Wilson
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Wambach
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Wozniak
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Wright

NAYS—0

Not VOTING—6

Cappabianca
Colafella
Coy
Deal
Dininni

Duffy
Harper
Murphy
Scheetz

EXCUSED—11

Cappabianca
Colafella
Coy
Deal
Dininni

Cruittzi
Letterman

Seveny
Wiggins

EXCUSED—11

Coy
Deal
Dininni

Duffy
Harper
Murphy
Scheetz

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

Ordered, That the clerk present the same to the Senate for concurrence.


*
*
*

The House proceeded to third consideration of HB 523, PN 573, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the licensing and regulation of automotive dismantlers and parts recyclers.

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—186

Not VOTING—3

Civera
Colafella
Coy

Halaska
Halleta

Micozzie
Wiggins

EXCUSED—11

Coy
Deal
Dininni

Duffy
Harper
Murphy
Scheetz

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.
Ordered, That the clerk present the same to the Senate for concurrence.

REMARKS ON VOTE

The SPEAKER. Why does the gentleman from Bucks, Mr. Heckler, rise?

Mr. HECKLER. Mr. Speaker, I find that my vote was not recorded on final passage of HB 76. I would ask to be recorded in the affirmative.

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

Mr. HECKLER. Thank you, Mr. Speaker.

HOUSE BILLS
INTRODUCED AND REFERRED

No. 1407  By Representatives LaGROTTA, VEON, STEIGHNER, KUKOVICH, MELIO, MAIALE, BOWLEY, STABACK, JADLOWEC, FOX, KOSINSKI, McHALE, RYBAK, TRELLO, PETRARCA, BURD, FISCHER, FARMER, JOHNSON and MAINE

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the “Public School Code of 1949,” requiring school districts to devise and adopt tornado and severe storm preparedness plans and to conduct drills implementing the plan.

Referred to Committee on EDUCATION, June 1, 1987.

No. 1408  By Representatives HERMAN, BUNT, SCHULER, ANGSTADT, MORRIS, SHOWERS, FOX, JOHNSON, LASHINGER, MAINE and CIVERA

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for creditable nonstate service.

Referred to Committee on STATE GOVERNMENT, June 1, 1987.

No. 1409  By Representatives HERMAN, BUNT, SCHULER, ANGSTADT, MORRIS, SHOWERS, FOX, JOHNSON, LASHINGER, MAINE and CIVERA

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for creditable nonstate service.

Referred to Committee on STATE GOVERNMENT, June 1, 1987.

No. 1410  By Representatives HERMAN, BUNT, SCHULER, ANGSTADT, MORRIS, SHOWERS, FOX, JOHNSON, LASHINGER, MAINE and CIVERA

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for creditable nonstate service.

Referred to Committee on STATE GOVERNMENT, June 1, 1987.

No. 1411  By Representatives HERMAN, BUNT, SCHULER, ANGSTADT, MORRIS, SHOWERS, FOX, JOHNSON, LASHINGER, MERRY, MAINE and CIVERA

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for creditable nonstate service.

Referred to Committee on STATE GOVERNMENT, June 1, 1987.

No. 1412  By Representatives HERMAN, BUNT, SCHULER, ANGSTADT, WOGAN, MORRIS, SHOWERS, FOX, JOHNSON, LASHINGER, MAINE and CIVERA

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for creditable nonstate service.

Referred to Committee on STATE GOVERNMENT, June 1, 1987.

No. 1413  By Representatives MAIALE and HOWLETT

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further regulating the rights of insurers with respect to underinsured motorist benefits.

Referred to Committee on INSURANCE, June 1, 1987.

No. 1414  By Representatives BRANDT, BROUJOS, SIRIANNI, MORRIS, BATTISTO, SEMMEL, JOSEPHS, NOYE, COWLEY, FARGO, WOGAN, CARN, NAHILL, BARLEY, SCHULER, J. TAYLOR, FOX, G. SNYDER, CLYMER, FARMER, JOHNSON, FOSTER, J. L. WRIGHT, STUBAN and HERSHEY

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the “Liquor Code,” providing for container recycling; and making a repeal.

Referred to Committee on LIQUOR CONTROL, June 1, 1987.

No. 1415  By Representatives CORNELL, JAROLIN, D. W. SNYDER, PRESTON, NAHILL, WOGAN, J. TAYLOR, DISTLER, WAMBAUGH, NOYE, DeLUCA, J. L. WRIGHT, GANNON, HECKLER, SAURMAN, GODSHALL, LASHINGER, BUNT, E. Z. TAYLOR, CESSAR, SEMMEL, FOX, GRUPPO, GLADECK, HAGARTY, GEIST, VEON, JOHNSON, MILLER, SERAFINI, TELEG, FISCHER, BELFANTI, RYBAK, MERRY, LaGROTTA, MICOZZIE, JACKSON, PERZEL, O’BRIEN, WOZNIAK, REBER,
KENNEY, RAYMOND, MORRIS, MCIVER and CIVERA

An Act providing for mental health programs and services for children and youth; providing for further duties of the Department of Public Welfare; further providing for local programs and the responsibilities of local authorities; providing for the establishment of county children and youth mental health boards and for their powers and duties; further providing for procedures for voluntary and involuntary examinations and treatment; making an appropriation; and making repeals.

Referred to Committee on HEALTH AND WELFARE, June 1, 1987.

No. 1416 By Representatives CORNELL, JAROLIN, KUKOVICH, D. W. SNYDER, PRESTON, NAHILL, WOGAN, J. TAYLOR, DISTLER, WAMBACH, NOYE, DeLUCA, J. L. WRIGHT, GANNON, HECKLER, SAURMAN, GODSHALL, LASHINGER, BUNT, E. Z. TAYLOR, CESSAR, SEMMEL, FOX, GRUPPO, GLADECK, HAGARTY, GEIST, VEON, JOHNSON, MILLER, SERAFINI, TELEK, FISCHER, BELFANTI, RYBAK, MERRY, LaGROTTA, MICOZZIE, JACKSON, PERZEL, O'BRIEN, WOZNIAK, REBER, KENNEY, RAYMOND, MORRIS and CIVERA

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," requiring inservice programs on suicide prevention; and requiring certain training for certification.

Referred to Committee on EDUCATION, June 1, 1987.

No. 1417 By Representatives CORNELL, JAROLIN, KUKOVICH, D. W. SNYDER, PRESTON, NAHILL, WOGAN, J. TAYLOR, DISTLER, WAMBACH, NOYE, DeLUCA, J. L. WRIGHT, GANNON, HECKLER, SAURMAN, GODSHALL, LASHINGER, BUNT, E. Z. TAYLOR, CESSAR, SEMMEL, FOX, GRUPPO, GLADECK, HAGARTY, GEIST, VEON, JOHNSON, MILLER, SERAFINI, TELEK, FISCHER, BELFANTI, RYBAK, MERRY, LaGROTTA, MICOZZIE, JACKSON, PERZEL, O'BRIEN, WOZNIAK, REBER, KENNEY, RAYMOND, MORRIS and CIVERA

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," providing for services and courses relating to teenage suicide and other issues.

Referred to Committee on EDUCATION, June 1, 1987.

No. 1418 By Representatives GEIST, J. L. WRIGHT, CORRIGAN, LINTON, COLAFELLA, WASS, FOX, VAN HORNE, HONAMAN, BLACK, RAYMOND, MICOZZIE, NOYE and CIVERA

An Act relating to the observation of manufacture or construction by certain licensees; and providing for approval by licensees of changes in documents and for responsibility in connection therewith.

Referred to Committee on PROFESSIONAL LICENSES, June 1, 1987.

No. 1419 By Representatives CAPPABIANCA, NAHILL, OLASZ, DOMBROWSKI, TRELLO, STABACK, D. W. SNYDER, PISTELLA, GANNON, JOHNSON, RYBAK, MICHLOVIC, JACKSON, FEE, MORRIS, CIVERA, BELARDI, KUKOVICH and CAWLEY


Referred to Committee on BUSINESS AND COMMERCE, June 1, 1987.

No. 1420 By Representatives PERZEL, KENNEY, KOSINSKI, FOX and J. TAYLOR

An Act amending the act of December 15, 1980 (P. L. 1203, No. 222), known as the "Building Energy Conservation Act," requiring municipalities to exercise administrative and enforcement procedures, including prior plan approval, building permit requirements, use or occupancy permit requirements and inspections during the course of construction.

Referred to Committee on STATE GOVERNMENT, June 1, 1987.

No. 1421 By Representatives WOZNIAK, HALUSKA, FISCHER, JOHNSON, RAYMOND, LLOYD and BROJOS

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for certain organizations to elect a residential rate schedule for electric service supplied.

Referred to Committee on CONSUMER AFFAIRS, June 1, 1987.

No. 1422 By Representatives DeLUCA, PISTELLA, ACOSTA, KUKOVICH, JAROLIN, TIGUE, CAVLEY, YANDRISEVITS, MELIO, KASUNIC, TRELLO, BELARDI, FOX, R. C. WRIGHT, VEON, HASAY, DAWIDA, FEE, COWELL, LEVDANSKY, VAN HORNE, MICHLOVIC, DOMBROWSKI, FREEMAN, LINTON, COHEN, WOZNIAK, BOWLEY, TELEK, CARN, ROEBUCK, TRUMAN, FATTAH, EVANS, HAYDEN, WAMBACH, LaGROTTA, DALEY, GAMBLE, WIGGINS and HUGHES

An Act providing for notification by medical practitioners to their patients of the scope of health insurance coverage.
No. 1423  By Representatives LAUGHLIN, 
LESCOVITZ, COLAFFELLA and VEON

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), known as "The Fiscal Code," further providing for what may constitute a Redevelopment Assistance Capital Project.

Referred to Committee on APPROPRIATIONS, June 1, 1987.

No. 1424  By Representative LAUGHLIN

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for a school supplement.

Referred to Committee on EDUCATION, June 1, 1987.

No. 1425  By Representatives RITTER, PRESSMANN, NOYE, D. W. SNYDER, WOZNIAK, CALTAGIRONE, BARLEY, JOHNSON, COY, SCHULER and MERRY

An Act amending the act of July 22, 1974 (P. L. 589, No. 205), known as the "Unfair Insurance Practices Act," further defining "person," unfair methods of competition" and "unfair or deceptive acts or practices."

Referred to Committee on INSURANCE, June 1, 1987.

No. 1426  By Representatives PISTELLA, McVERRY, TIGUE, HECKLER, TRELLO, GEIST, PRESTON, HALUSKA and E. Z. TAYLOR

An Act amending the act of May 10, 1927 (P. L. 884, No. 451), entitled, as amended, "An act modifying the common-law rule relating to property hereafter acquired by husband and wife as tenants by entireties, where such husband and wife are subsequently divorced; creating a tenancy in common in such cases; providing for the sale of property held by husband and wife as tenants by entireties where they have been divorced; and directing the distribution of the proceeds of such sale," further providing for status of real property held by certain divorced persons.

Referred to Committee on JUDICIARY, June 1, 1987.

No. 1427  By Representatives BOOK, HAGARTY, MAIALE, HECKLER, COWELL, MARKOSEK, NOYE, J. TAYLOR, FISCHER, JOHNSON, DORR, RAYMOND, SAURMAN, GODSHALL, FOX, VROON, BURD, HOWLETT, LEH, ROBBINS, WOGAN, MERRY, E. Z. TAYLOR, LANGTRY, REBER and GRUPPO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for damages in actions on retail theft.

Referred to Committee on JUDICIARY, June 1, 1987.

No. 1428  By Representative STAIRS

An Act amending the act of July 6, 1984 (P. L. 614, No. 127), known as the "Sheriff Fee Act," further providing for settlement and staying of writs.

Referred to Committee on JUDICIARY, June 1, 1987.

No. 1429  By Representatives PETRONE, FARGO, KOSINSKI, DeLUCA, LEVDANSKY, J. TAYLOR, WASS, CARN, STABACK, KENNEY, FOX, COHEN, JOHNSON, TRUMAN, KUKOVICH, JACKSON, BELARDI, BLAUM, BELFANTI, D. W. SNYDER, MORRIS, McHALE, GAMBLE, SALOOM, MAIALE, MELIO, BATTISTO, FREEMAN, CIVERA, PETRARCA and MICHLOVIC


Referred to Committee on INSURANCE, June 1, 1987.

No. 1430  By Representatives PETRARCA, DeLUCA, CIVERA, CALTAGIRONE, TRELLO, BATTISTO, KASUNIC, VAN HORNE, FOX, MURPHY, GAMBLE, SALOOM, GRUPPO, STAIRS, WAMBACH, MELIO, McCALL, LaGROTTA, STUBAN, HUTCHINSON, DUFFY, LEVDANSKY, PICCOLA, SIRIANNI, J. L. WRIGHT, VEON, GODSHALL, RICHARDSON, WIGGINS, TELEK, JADLOWIEC, BALDWIN, OLASZ, WASS, HALUSKA, KOSINSKI, YANDRISEVITS, HAYES, MANDERINO, S. H. SMITH, LASHINGER, TRUMAN, BUSH, DININNI, SERAFINI, ARTY, CHADWICK, EVANS, COY, BURD, RIEGER, PRESTON, LAUGHLIN, LESCOVITZ, BRANDT, BOWSER, ACOSTA, OLIVER, CAPPAIANCA, BELARDI, PETRONE, SEVENTY, MICOZZIE, B. SMITH, PISTELLA, BLACK, COLAFFELLA, DISTLER, PITTS, REINARD, DEAL, HAYDEN, DAWIDA, MILLER, NAHILL, BOOK, FARMER, CLYMER, HONAMAN, COLE, WILSON, SHOWERS, LLOYD, CARN, BORTNER, DALEY, STEVENS, MAINE, TIGUE, FOSTER, LINTON, HERSEY, KENNEY, MARKOSEK, CARLSON, KUKOVICH, MAYERNIK, HUGHES, GEIST, DONATUCCI, MOEHLMANN, FARGO, DURHAM, MERRY and LUCYK

An Act requiring commercial volume reduction facilities to be sited adjacent to low-level radioactive waste disposal facilities.

Referred to Committee on CONSERVATION, June 1, 1987.
HAGARTY, WESTON, PERZEL, BOYES and ANGSTADT

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing for a credit for tax paid on a new motor vehicle returned under the Automobile Lemon Law when another new motor vehicle is purchased.

Referred to Committee on FINANCE, June 1, 1987.

No. 1432 By Representatives GEORGE, ITKIN, LUCYK, STEIGHNER, BELARDI, TRELLO, MORRIS, BATTISTO, LLOYD, KUKOVICH, VAN HORNE, KOSINSKI, STABACK, LASHINGER, McHALE, McCALL, DeLUCA and FOX

An Act establishing the Environmental Hearing Board as an independent, quasi-judicial agency; providing for the membership and staff, the powers and duties, the seats and the existing members of the board; making an appropriation; and making repeals.

Referred to Committee on CONSERVATION, June 1, 1987.

No. 1433 By Representatives MOWERY, MRKONIC, JOHNSON and GEIST

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

Referred to Committee on TRANSPORTATION, June 1, 1987.

No. 1434 By Representatives COY, GALLEN, RYAN, LESCOVITZ, DOMBROWSKI, D. R. WRIGHT, CESSAR, NOYE, BRANDT, VAN HORNE, SEVENTY, LIVENGOOD, OLASZ, CAPPABIANCA, DUFFY, MAIALE, PRESTON, GEIST, BURD, CARLSON, CLARK, DININNI, WOGAN, DORK, McVERRY, J. L. WRIGHT, COLE, TRELLO, SWEET, PICCOLA, BOYES, MARKOSEK, KOSINSKI, LETTERMAN, PRESSMANN, YANDRICEVITS, MOWERY, O'BRIEN, McCLATCHY, GLADECK, MANMILLER, LANGTRY and LaGROTTA

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), known as the "Banking Code of 1965," providing for certain direct and indirect extensions of credit to individuals, partnerships and unincorporated associations; authorizing direct extensions of credit to finance installment sales of goods and services to be made through sellers and contractors as intermediaries; providing special rules for transaction accounts of individuals; and providing for availability of withdrawal of items deposited.

Referred to Committee on BUSINESS AND COMMERCE, June 1, 1987.

SENATE BILLS FOR CONCURRENCE

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

SB 26, PN 31
Referred to Committee on LABOR RELATIONS, June 1, 1987.

SB 811, PN 968
Referred to Committee on APPROPRIATIONS, June 1, 1987.

SB 812, PN 969
Referred to Committee on APPROPRIATIONS, June 1, 1987.

SB 813, PN 970
Referred to Committee on APPROPRIATIONS, June 1, 1987.

SB 815, PN 972
Referred to Committee on APPROPRIATIONS, June 1, 1987.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 119 By Representatives LAUGHLIN, WAMBACH, VEON, TRELLO, BORTNER, CAWLEY, PISTELLA, HASAY, CIVERA and BURNS

Establishing a select committee to investigate the diverse contract-bidding requirements and contract-letting procedures of the Commonwealth's various departments and agencies.

Referred to Committee on RULES, June 1, 1987.

No. 120 By Representatives IRVIS, RYAN, PITTS, KOSINSKI and HONAMAN

Authorizing the House of Representatives of the Commonwealth of Pennsylvania to hold session in Philadelphia on September 18, 1987, at 1:00 p.m., in commemoration of the first reading of the United States Constitution.

Referred to Committee on RULES, June 1, 1987.

No. 121 By Representative D. R. WRIGHT

Expressing a tribute to the life of Wayne Richard Weaver and gratitude for his supreme sacrifice on the USS Stark.

Referred to Committee on RULES, June 1, 1987.

REMARKS ON VOTES

The SPEAKER. Why does the gentleman from Cambria, Mr. Haluska, rise?

Mr. HALUSKA. Mr. Speaker, I failed to vote on HB 362, PN 395. I would like to be recorded in the affirmative.

Also, on HB 523, PN 573, I would like to be recorded in the affirmative.
The SPEAKER. The gentleman’s remarks will be spread upon the record.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of SB 169, PN 955, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled “Public School Code of 1949,” further providing for intermediate unit boards of directors; requiring certain school employees to pay a fair share fee; and providing for objections to payment of a fair share fee.

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

CONSTITUTIONALITY OF AMENDMENT A1317 RECONSIDERED

The SPEAKER. The Chair has before it a motion whereby the gentleman, Mr. Ryan, moves that the vote by which amendment A1317 to SB 169 was ruled unconstitutional on the 27th day of May be reconsidered.

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

The following roll call was recorded:

YEAS—176

Acosta, Argall, Artsy, Baldwin, Barley, Battisto, Belardi, Black, Baum, Book, Bottini, Bowley, Bower, Boyes, Brandt, Browjos, Burn, Bush, Callagione, Cappabianca, Carlson, Carn, Cawley, Cesar, Chadwick, Cinini, Civera, Clymer, Cofaldea, Cole, Cornell, Corrigan


NAYS—9

Clark, Levandoski, Melio, Manderino, McCarthy, O'Brien, M. O'Brien, O'Donnell, Oliver, Perino, Preston, Steighner, Tranzeo, Truman

NOT VOTING—6

Bunt, Deal, Dininni, Morris, Moyer, Stover, Wilson

EXCUSED—11

Coy, Dell, Deal, Gally, Gallo, Gannon, Gatto, Murphy, Pettine, Schertz

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

On the question recurring, Will the House sustain the constitutionality of the amendment?

PARLIAMENTARY INQUIRY

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

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

The SPEAKER. What is the gentleman’s point?

Mr. MANDERINO. Mr. Speaker, we just reconsidered a constitutionality determination that was made by the members of this House. It is my understanding that the Parliamentarian and the Speaker were prepared to rule that such a motion was substantive. Am I correct?

The SPEAKER. That is correct. To the best of our information, by phone call to the Parliamentarian of the United States House of Representatives and by whatever quick research could be done up here, we believe that it is substantive rather than procedural.

Mr. RYAN. Mr. Speaker, would the gentleman yield for just one second?

I would be happy to provide the Parliamentarian with a ruling of Speaker Fineman on July 16, 1975, where he permitted and said it was constitutional and it was proper to reconsider—

The SPEAKER. You mean it was not constitutional but it was substantive?

Mr. RYAN. No. Pardon me. Where the question was raised as to whether or not you can reconsider a vote on the constitutionality—in this case of a bill, but I see no difference between a bill and an amendment—Speaker Fineman in 1975 ruled that it was proper and it could be reconsidered. I leave that to you for your benefit, Mr. Speaker.
Mr. MANDERINO. Does the gentleman, Mr. Ryan, agree with that ruling?

Mr. RYAN. If I had two more votes and I get up there, I will let you know.

Mr. MANDERINO. Mr. Speaker, the purpose in me engaging in this colloquy is to establish for the record that a constitutionality determination by the House has now been ruled and evidently in the past has been ruled to be a substantive vote, and sometime in the future I expect to be able to take advantage of that.

The SPEAKER. The gentleman, Mr. Ryan, has brought to the attention of the Chair and a quick scanning of the page from July 16, 1975, indicates that Speaker Fineman did in fact rule that the motion testing the constitutionality of a bill could be reconsidered. His words are in answer to the question, "What would be the status of the bill?" "The SPEAKER. Upon reconsideration, the bill would be before the House once again on third and final passage." So apparently that has been established. We missed that precedent. We thank the former Speaker for pointing it out, but it was the intention of this Speaker to rule, without knowing that, that it could be reconsidered because it was a matter of substance rather than mere procedure.

Now the question is, is the amendment constitutional?

The clerk will read the amendment to make sure we have it in the record.

On the question recurring, Will the House sustain the constitutionality of the amendment?

The clerk read the following amendment No. A1317:

Amend Sec. 1 (Sec. 527), page 6, by inserting between lines 3 and 4

(o) Each exclusive representative shall, as a result of any legal action instituted by a nonmember against the public employer arising out of or by reason of any good faith action taken by the public employer for the purpose of complying with this section, indemnify and hold harmless the public employer, including each elected and appointed official of the public employer, against any and all reasonable costs including any and all damage awards or judgments or other forms of liability arising therefrom.

On the question recurring, Will the House sustain the constitutionality of the amendment?

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

Mr. McHale. Thank you, Mr. Speaker.

Mr. Speaker, last week during interrogation the gentleman, Mr. Ryan, in answer to my question, indicated that indemnification by the union of the public employer would have to take place under this amendment whether or not there was any proof of fault on the part of the union. That, in effect, means that under the terms of this amendment, the union becomes an insurer against any litigation costs incurred by the public employer.

My objection to the constitutionality of this amendment reflects the fact that I think it is much too broadly drafted. I would call the attention of the members to the exact language of the amendment where it indicates that such indemnification by the union would have to take place, even if the union were totally blameless in causing the litigation, in any legal action arising out of a good-faith effort taken by the public employer to comply with our statute.

Mr. Ryan indicated to me last week, and I appreciated his candor in doing so, that in order for the indemnification responsibility to be imposed on the union, there is no requirement that it be shown that the union has done anything wrong. In other words, if the employee sues the public employer, no matter what the outcome of the litigation, whether or not the employee wins, whether or not the litigation was frivolous, under every circumstance for any legal action brought by that employee against the employer, the cost of the litigation, I assume including attorneys' fees, would have to be paid by the union. If A sues B, you cannot charge C if C is blameless in giving rise to the litigation.

Last week as well, the gentleman, Mr. Morris, I think touched on the heart of my argument when he said that to take that money out of the union treasury without due process of law is unconstitutional. Simply because the union benefits generally under this bill and simply because the union may have the assets to pay for the litigation is not a constitutional basis for imposing the cost of that litigation on the union when in fact, under the terms of this amendment, the union may have been totally blameless in giving rise to the litigation.

In closing, Mr. Speaker, I think the gentleman, Mr. Ryan, correctly summarized my argument when he said last week that my argument is similar to an eminent domain situation where it is alleged that property is taken without due process of law. That is precisely my argument. Just as the government may not take a strip of your front yard for an easement without due process of law, so, too, the government may not dip into a union treasury without due process of law. This amendment does not provide for blame; this amendment does not provide for any legal proceeding to adjudicate the responsibility of the union; this amendment simply says that the union under all circumstances will pick up the tab, whether or not the union should bear any moral or legal responsibility for the facts which gave rise to the litigation.

The clearest example of the unfairness would be, if we made a mistake in drafting this bill and a union member challenged the draftsmanship by the House of Representatives, the union would have had nothing to do with the facts that took place in this chamber giving rise to the legal challenge, but the cost of that litigation could conceivably under this amendment and would in fact, I believe, be imposed upon the union treasury. As I said last week, that is not only unfair, it is unconstitutional.

The SPEAKER. The Chair recognizes the minority leader. Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, if I may go backwards for a moment; in other words, what I would ordinarily use to sum up. Should—and I
do not believe it would happen—should this particular provision be found unconstitutional, there is a strong severability clause in the bill so that it would not affect your bill. I mean, I think that is a given that we do not have to worry about.

Now, on to what I believe is a more sensible argument for my amendment and the constitutionality of it. The gentleman, as he spoke, Mr. Speaker, time and time again emphasized by the tone of his voice, by the hesitation, the presentation, that the key to his argument deals with due process of law. He said, a taking without due process of law; condemnation without due process of law. I am inclined to agree with the gentleman. The difference, though, is here, by enacting this into legislation, it has due process of law, so there is nothing wrong at that point.

Now, let us be more practical. Dave Sweet did not like that argument. I could see it in his eyes, but I think that Mr. Sweet and some of the others are not going to like any argument, because here is a constitutional out. They can vote against Ryan based on constitutionality so they can go back to their school boards and say, hey, I was not against you guys; I am a big strong advocate of the constitutionality of everything we do, and that is why Ryan’s amendment went down.

If, Mr. Speaker, we really cared about an unjust taking, we would not be passing this bill, because here in this very bill people who do not want to pay union dues are being forced to pay union dues because, God forbid it happens, because a majority in the House, the Senate, and the Governor say, you people, whether you like it or not, are going to pay union dues because we say, we the government say, this is your fair share; you have got to do it.

Now, the unions are going to pick up some $6 million or $8 million or $4 million a year in additional income should this bill become law. My amendment is designed to protect that innocent school board member who is your neighbor, who serves without pay on the school board for 4 years, gets hammered once a month by the public in the audience because their little Johnny or their little Susie did not do well with some teacher, gets hammered from 7 o’clock in the evening until 11 or 12 o’clock at night when the school board meets without pay, ran for the job, civic-minded—God bless them, because without people like this I do not know what would happen to this country. But now this poor soul who has donated his time to serve his community is going to be sued by a ‘nonmember’—and that is defined under the bill—by a nonmember of the union who does not think they should have to pay tribute to Caesar in the form of PSEA (Pennsylvania State Education Association) or AFT (American Federation of Teachers) and the school board is going to have to defend it, and those individual school board members are your neighbors, who are serving without pay, are going to have to pay their individual lawyers to defend this action rather than the union that is picking up the $4 to $8 million in additional dues.

That, in my judgment, is not fair. If it is unconstitutional, Mr. Speaker, to impose this cost of litigation on the union, I have got to suggest to this House that it is equally unconstitutional to take the money from the nonunion members who do not want to participate in the union activities.

On the question of constitutionality, you cannot hide behind it. If you are against the amendment, vote against the amendment, but do not hang up this constitutionality issue as your excuse to get off the dime. Thank you, Mr. Speaker.

WELCOME

The SPEAKER. The Chair is delighted to welcome to the gallery of the hall of the House a fine group of youngsters from the Fuggett Middle School, West Chester Area School District. They are here as the guests of Elinor Taylor. They are brought here under the direction of Mr. and Mrs. John Wylie. They are the Ameri-Kids. Please stand, Ameri-Kids, and let us know you are there. Welcome to the hall of the House. We are delighted to have you with us.

CONSIDERATION OF SB 169 CONTINUED

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

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Ryan, in discussing the constitutionality next to admits that what will take place is an unjust taking, that there will be suits that are frivolous, there will be suits without merit, there will be the ability to bring such suits for the very purpose of harassing and having unions pay with no protection to the union that must pay the tab for the legal cost, and he says he about agrees that that is an unjust taking, but what makes it okay that this unjust taking will take place is we said it is okay to take place. Is that not ridiculous? Is that not a ridiculous argument that it is okay, it would not be an unjust taking, because we are going to say it is not an unjust taking? We are going to say that it is okay. Well, that does not make good sense to me. I think a court would certainly, would certainly find otherwise. I think if a court would not find otherwise, we ought to find otherwise by defeating it here.

School boards are public officials. There is another way to deal with this, I think, more favorably, and that is in the area of immunity. My understanding is that there is an amendment that is bipartisanly supported that deals with this issue and deals with this issue and will have the school boards out of liability in a manner of immunity.

I would ask every member to vote against this amendment and look forward to the amendment that can be supported that will be offered.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, Mr. Manderino has done something that he and I both and many other members have done over the years, and that is talk in futuro, talk about amendments to come and the like, in hopes of gathering together a few extra votes based on this prognosis of wonderful things to come. The wonderful thing to come that I have seen protects the schools but does not protect the individual school board members. They are the ones that really are at risk, because a $500 or a $1,000 or a $1,500 legal fee for the—and that is
cheap. I mean, Mr. Manderino would not work that cheap as a lawyer; Mr. Morris would not work that cheap as a lawyer. I would. But it is the $1,000 and the $1,500 and the $2,500 bills, legal fees, that these individual members are going to get from lawyers just to defend what might very well be a frivolous suit, and I just think it is wrong to put these people out on the limb.

Now, we have over the past year immunized corporate officers, corporate directors, members of 501(c)(3) boys' clubs and the like from these type suits. We have said you cannot even sue them; you cannot recover if you sue them. But here we have not done such a thing, and I believe that it is wrong to allow this innocent person, this school board member, to be punished when the other innocent person, the union, and I agree to that, is making money out of the deal out of this bill.

So just on that practical basis I think that you should adopt this amendment. If something else happens later on that is just as good, fine. We can pull this out, but not on the come, they did not think that there was sufficient protection under their fair share; agency shop is something that we ought not to agree to that, is making money out of the deal out of this bill.

So just on that practical basis I think that you should adopt this amendment. If something else happens later on that is just as good, fine. We can pull this out, but not on the come, not on, hey, roll the dice because something good is coming down the line later this afternoon or tomorrow.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, Mr. Ryan first raised a question in this bill following the lead of the School Boards Association. He even read from their letter, the attorney for who was also the president, wherein the statement was that they did not think that there was sufficient protection under the immunity from tort liability for public officials in the bill. So Mr. Ryan offers an amendment. Does he offer an amendment that has anything to do with tort immunity for public officials? No. He offers an amendment that sticks it to the union. That is exactly what he did. He did it purposely and he admits he did it purposely. Well, maybe not in so many words does he admit that he did it purposely, but he says, I am against this bill; it is an unjust taking to make someone pay their fair share; agency shop is something that we ought not to be for, and that is why I am doing this. He said it. He said it when he was talking about Mchale's defense of the unconstitutionality. He says, if we say it is okay, it is okay, and besides, if we really were interested in unjust taking, we would not be for this bill. Mr. Ryan is right. If you are against this bill, you vote for this amendment. That is how you kill the bill.

You either believe in agency shop or you do not, and Mr. Ryan obviously does not. So when he finds that there may be some problem with tort liability, instead of amending or offering an amendment that does something about tort liability and makes it explicit, makes it clear that the immunity from tort liability of public officials applies in this case, instead of doing that, what he does is offer an amendment, convoluted as it is, that sticks it to the union, and he admits that he sticks it to the union. He says, that is exactly what I am doing, sticking it to the union, because I do not believe they ought to have the fair share. He says, I do not believe that they should be unjustly enriched. Well, they are not being unjustly enriched; they are receiving a fair share—and that is what the bill is all about—for the representation they have been taking on for many, many years.

Mr. Speaker, we ought to vote against this amendment, and yes, we ought to anticipate that amendment that does speak to the immunity of the school boards and their inability to be sued in this particular bill. We ought to look forward to that and, if we are inclined, support that amendment and, Lord, not this, which sticks it to the union.

MR. ITKIN REQUESTED TO PRESIDE

The SPEAKER. The Chair is asking the gentleman, Mr. Itkin, to preside for a few moments temporarily while the Chair reports to his office.

THE SPEAKER PRO TEMPORE (IVAN ITKIN) IN THE CHAIR

CONSIDERATION OF SB 169 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, just briefly. Mr. Manderino ended up his debate with a flourish talking about whom you are going to stick it to, and let me tell you, as between the two groups, I think if someone has to pick up the bill, it should be the union rather than your next-door neighbor who is serving for nothing.

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I do not think it should be left unsaid that the minority leader has not again tried to confuse the issue on constitutionality by referring to the fair share fee, agency shop, or closed shop system that is before the House today and was before the House last week as also being unconstitutional. I think that that comment was made for the benefit of the media, and it should again, for a matter of public record, be mentioned that this system, this agency shop or fair share or closed shop system, is one that has strong roots in this Commonwealth and has already stood the test of constitutionality before the courts.

On the matter of constitutionality that we are discussing this very moment, the minority leader has arbitrarily drafted his amendment to in every case, fairly or unfairly, for good or for bad purposes, always put the onus on the unions. It would be just as arbitrary for one of the members from this side of the aisle to draft a similar amendment to have the school district or have the taxpayers or have the Commonwealth be the liable party in all court actions arriving out of this legislation.

I would like the record to show that there is no correlation between the constitutionality of the main bill and the constitutionality of this amendment, and I would urge all of my colleagues to vote against the constitutionality of the Ryan amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Chester, Mr. Morris.
Mr. MORRIS. Mr. Speaker, I would just make a couple of short observations here, one of them to bring a little common sense here. The arguments that we have been listening to about the constitutionality are dependent upon whether it is fair - whether it is taking property without fair and just compensation - to have this amendment take property from one party that has had no relationship to the cause of another party's problems. Now, it is like you have three people involved, the plaintiff and two defendants, from an automobile accident, and one of the defendants was standing on the corner, just standing there, and he was a witness in the proceedings, and the plaintiff's attorney brings suit to have him included by some strange means. Obviously, that is not fair.

Now, the problem here is that people are mixing up legal arguments, to the extent we have had them, about this particular amendment. I am not talking about the actual legal issue here.

With regard to Mr. Ryan's arguments, I will just call to your mind the statement that we lawyers often make. Free legal advice is worth what you pay for it.

Thank you, Mr. Speaker. Vote against the constitutionality of this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, it appears that this battle is going to be won or lost on constitutionality, so I rise in favor of constitutionality of this amendment.

I ask the members of the House, did one person who pays real estate taxes in your school district come to you in support of agency shop? Did one school director in any of your school districts come to you in support of agency shop? We know the answer to that. But we do know that the AIT and the PSEA and the State AFL-CIO came in support of agency shop, and if it is the two teachers unions that are going to benefit from agency shop, they should also suffer the backlash if there are any lawsuits. For that reason I feel it is very constitutional and we should vote in favor of it. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman from Butler, Mr. Steighner.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, very briefly. As a nonattorney, I think the obvious interpretation of this amendment is that if this amendment goes into the bill, it effectively exempts a public employer from any and all costs involved in any legal action associated with that employer with either the enforcement or the nonenforcement of this act, regardless of whether a school board acts responsibly or totally irresponsibly.

I would ask that the House declare it unconstitutional. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair now recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Mr. Speaker, for those who are concerned about insuring protection for their school districts, the smart thing to do would be not to risk a constitutional test, as we would risk if we approved the amendment before us. The smart thing to do would be to do the thing that is certain, and that is to set this amendment aside. It is unconstitutional. The courts ultimately would rule that way, in the opinion of many.

The amendment which has more certainty is the one that somebody else will offer on this floor sometime in the next few moments. There is no question about constitutional tests there. That in fact will provide the certainty of protection for our school districts.

So for those who are motivated by protecting school directors and protecting their school districts from suit, set this amendment aside. Let us not risk the constitutional test. Instead, let us pass the amendment that will be before us very shortly. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Those who believe the amendment is constitutional will vote "aye"; those who believe it to be unconstitutional will vote "no."

On the question recurring,

Will the House sustain the constitutionality of the amendment?

(Members proceeded to vote.)

VOTES CHALLENGED

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Rieger, Mr. Pistella, and Mr. Richardson?

The SPEAKER pro tempore. Would you have the gentleman, Mr. Pistella's name removed from voting.

The Chair recognizes the majority leader.

Mr. MANDERINO. Is Mr. Lashinger here? Oh, that went down quick. Is Mr. Civera here? Oh, that went down quick. How about Mr. Jim Wright? Oh, I am satisfied now.

Mr. RYAN. Mr. Speaker, Mr. Richardson is still on the board.

The SPEAKER pro tempore. Would the clerk remove Mr. Richardson's name. Will somebody remove Mr. Richardson. Thank you.

On the question recurring,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

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The SPEAKER pro tempore. The House will now return to amendment A1217 offered by the gentleman from Delaware, Mr. Freind.

On the question recurring,
Will the House agree to the amendments?
The clerk read the following amendments No. A1217:

Amend Title, page 1, line 7, by striking out "AND" and inserting

; and further providing for payment of an economic supplement and minimum increases.

Amend Bill, page 7, by inserting between lines 15 and 16

Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendment was not sustained.

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

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; and further providing for payment of an economic supplement and minimum increases.

Amend Bill, page 7, by inserting between lines 15 and 16

Notwithstanding the provisions of this subsection, table, qualifying districts having a general population of five thousand nine hundred fifty (5,950) or more persons per square mile and at least thirty-five thousand (35,000) WADMs shall be paid nineteen percent (19%) of their instructional expenditures.

Notwithstanding the provisions of subsection (c) and section 2502.5(f), school districts of the first class may, prior to September 1, 1987, reopen the budget for the 1987-1988 school year to levy additional taxes authorized by the city council of a city of the first class, in order to qualify for payments under subsection (c) of this section. For the purposes of determining qualification for payments under subsection (c), additional anticipated tax revenues provided to school districts of the first class between the effective date of this subsection and September 1, 1987, shall be credited for the 1986-1987 school year for payments allocated in the 1987-1988 school year.

Amend Sec. 3, page 7, line 16, by striking out "3" and inserting

5

Amend Sec. 4, page 7, line 28, by striking out "4" and inserting

6

Amend Bill, page 7, by inserting after line 30

Section 7. The amendments to sections 2502.5(f) and 2502.11(c) and (d) shall not apply to payments under the act to which this is an amendment made to school districts of the first class prior to the 1987-1988 school year.

Amend Sec. 5, page 8, line 1, by striking out "5" and inserting

8

On the question recurring,
Will the House agree to the amendments?
The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

The numbers have not changed since last Wednesday. There are, however, a couple of points that I would like to make that I sent out in a new memo.
The first time we put this formula in in 1983-84—
The SPEAKER pro tempore. Mr. Freind, can the Chair interrupt for a moment?
Mr. FREIND. Sure.

**FILMING PERMISSION**

The SPEAKER pro tempore. I am just going to announce for the members of the House that Terry Way of UPI is hereby authorized to have access to the hall of the House for still photography, filming, or videography of the House for 10 minutes starting now.

**CONSIDERATION OF SB 169 CONTINUED**

The SPEAKER pro tempore. The Chair thanks the gentleman, and he may proceed.

Mr. FREIND. Thank you, Mr. Speaker.

The first year of the economic supplement, the 1983-84 school year, Philadelphia qualified. They ranked 245. Since that time their tax effort has dropped down to 316.

Philadelphia School District has a $63-million surplus, quoted in the newspaper, where in part the finance director attributes that to, quote, “mostly due to increased state aid and greater-than-expected cost savings.” The district’s credit rating for bonds has improved. Clearly this is not the picture of a district in financial difficulty.

Philadelphia, to qualify, needs to raise an additional $18,950,000 in taxes. One mill raises almost $7 million, so what they would have to do is raise their taxes by 2.7 mills. Philadelphia has not raised its school taxes in at least 4 years. Ask yourselves, do any of you have any school districts that for 4 years have not raised their millage? As a matter of fact, the vast majority of you have school districts that are going to raise this year their millage a heck of a lot more than 2.7 mills, but not Philadelphia. A $63-million surplus, no tax increase for 4 years, and they are willing to go to the line and put all of you on the line to keep $140 million when all they have to do is raise 2 of the $19 million in taxes.

The question is, Mr. Speaker, how long are we going to do it? You know, Philadelphia has to continually laugh at us. Oh, we talk about fair share in this bill and other bills. Ask yourselves, do any of you have any school districts that are doing what it needed to do what it needed to do what it needed to do? You know, Philadelphia has to continually laugh at us. We have been the PR flack for Wilson Goode and that miserable administration that talks about children but does not have the guts and the courage to do the right thing and put their money where their mouths are.

Fair share, Mr. Speaker; nothing more. There has never been a greater example of fair share than this amendment. So we have to decide whether or not we are going to vote for equity in our districts, or once again we are going to willingly allow Philadelphia to rip us off. I sincerely hope that we support this amendment. Thank you, Mr. Speaker.

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

The SPEAKER. The Chair thanks the gentleman, and the Chair thanks the gentleman, Mr. Itkin, for presiding so ably in the absence of the Chair.

**CONSIDERATION OF SB 169 CONTINUED**

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I am happy that the maker of this amendment has apparently backed away in a significant way from the carrot that he seemingly was holding out to districts across this State last week. At that time, as you will recall, he was waving a printout and telling you how much additional money your respective districts might receive if you voted for this amendment.

Last week, Mr. Speaker, we argued at the time this amendment was being considered that in fact there were no additional dollars for any district in this Commonwealth found in this amendment and in fact there would be no additional dollars realized by any school district in this Commonwealth even if the amendment was approved. That is the honest thing to say, not only to the members of this House, but that is the honest thing that each and every one of you must say to your local school board members, some of whom got excited over the last several days by reports that they might in fact be in for some windfall if some amendment being considered in Harrisburg in fact would pass. The honest thing, though, is there are no dollars in this amendment and there will be no dollars realized by any school district, because the maker of this amendment has clearly indicated in this amendment, if you look on page 2, that the Philadelphia School District in fact would have until October, or sometime around October, to do what it needed to do to be eligible for these dollars, the $140 million. So in fact we recognize there will be no additional appropriations today, tomorrow, or ever for 500 school districts in this Commonwealth as a result of this particular amendment.

For those of you who are concerned about making changes in the ESBE formula, for those of you who are concerned about driving additional dollars to your respective school districts, for those of you who are concerned about making sure that there is some balance in this whole process, those of us who have been around for at least one budget season know that that opportunity occurs during the final days of June when this House and our colleagues in the Senate will in fact consider two bills. One will be the budget bill, the appropriations bill, which will include a line item which will reflect our willingness to raise money and then to appropriate dollars to our school districts; and secondly, we will consider a School Code bill at that time, and that School Code bill will deal with the issue of how we divvy up whatever we have chosen to appropriate in the budget bill. That School Code bill will address issues like the economic supplement and ESBE and,
To the credit of the school officials in Philadelphia, they in fact are advocating a tax increase. Unfortunately, they do not have the power to do it. They are the only board of school directors in this Commonwealth that cannot increase its own taxes. They in fact are dependent upon decisions made by the Philadelphia council. So we cannot accurately blame the Philadelphia School District for its failure to raise taxes. We can applaud their fiscal management, and we can applaud the fact that they have planned ahead, so that in fact I hope and I believe they are not going to be back here in the next year or two asking for major increments, extraordinary increments aside from what we give to all the districts in this Commonwealth. But we will force them to do it if we do an extraordinary thing, and that is to take away an extraordinary amount of money, a third of their budget. If we go in and literally rape the education programs in that school district, you better be darn sure they are going to be back here in desperation asking for special treatment.

The language that is in the law is not temporary language. If we wanted it to be temporary in terms of this exception, we would have said so. All of us have been around long enough that when we mean something to be temporary, we say that in the law. This language was put in without any particular dates involved. It was made and intended to be permanent. So the argument that was raised last week that this was supposed to be a temporary issue is not accurate. We, the members of this General Assembly, chose to treat Philadelphia in this special way as we provide special treatment for small districts that get SDA (small district assistance), for economically distressed districts that last year got some additional dollars based on low-income increases, albeit unemployment figures, in their districts - the various kinds of special treatment that we give to many districts across this Commonwealth - and we will have a chance to reevaluate and to provide balance for all of those special treatments when we pass a budget at the end of June and when we deal with the School Code and ESBE distribution legislation at the end of June. That is the time for us to insure equity. That is the time for us to insure fair treatment. That is the time for us to address this as well as all of the other issues of special treatment at the same time.

To pass this amendment today would be irresponsible. It would rape the education program in Philadelphia, and it would insure, for those of you who may be concerned about agency shop, it would insure the defeat of this particular piece of legislation or the death of SB 169, and that is what this issue ultimately is all about. If you are for agency shop, you are going to be against this amendment; if you are for killing agency shop, then that may be another reason for some of you or another excuse for some of you to vote for this amendment. But folks will see it for what it really is. Those who supported SB 169 and the language in it when it came to this floor will defeat this amendment and allow us to get on to business as we should.

I urge the defeat of this amendment. Thank you, Mr. Speaker.

hopefully, construction and all the other particular issues that go into determining how the school-aid pot is in fact distributed among the 501 districts. And our school district directors who have any sophistication about this process know that that is the vote that counts, not some false promise that might be held out through the final days of May or the first day of June when folks are more interested in publicity and news releases and perhaps some votes rather than in fact helping our school districts make tough decisions related to the budget process that they must complete during the month of June.

The real impact of this amendment, however—and there would be a real impact—would be to create havoc in the Philadelphia School District. The gentleman proposes—and let us assume that it does work to its fullest extent—the gentleman proposes that we take $140 million away from the largest school district in this Commonwealth, which has a responsibility for educating 200,000 students. We would not do that to any other district. If we went to any one of our districts outside of Philadelphia and threatened to take away a third of the budget that is realized from the State some 30 days before the end of the fiscal year and we threatened to do it by changing the rules in midstream, every one of us would be outraged if it happened to be our school district. Why are we so ready to do it to somebody else’s district? And I do not represent Philadelphia, but from a fiscal standpoint and an education standpoint, this is one of the most irresponsible amendments ever to come before this House. Do we do it to Philadelphia just because it is Philadelphia? Or are we willing to do it and are some people more comfortable doing it because the vast majority of those 200,000 students are black or Hispanic? Does that provide some comfort for some who would do to this district what we would not think of doing to any other district? I cannot help but believe that some people find a little bit more comfort in doing it that way, but it is absolutely irresponsible.

The issue has been raised today that this school district has a $63-million surplus according to the newspapers. In fact, that is a $63-million surplus, apparently, in a budget that exceeds $800 million. A quick calculation is that is roughly an 8-percent surplus, and we have lots of districts around this Commonwealth that end the fiscal year with a reserve or surplus, if you will, that approximates or exceeds 8 and 9 and 10 percent of their budget. We applaud those districts for fiscal prudence and good management.

Usually we are here rapping Philadelphia for deficits. In fact, over the last couple of years there has been a different style of management in the Philadelphia School District as I have observed it, and I went to Philadelphia in January and spent a full day in that district asking about this surplus and had it adequately explained. In my judgment, that this surplus that does exist to some extent in fact will help balance the budget next year and help balance the budget the following year so that that district does not have to continuously come back to this General Assembly asking for major increments.
Tired of hearing that as an excuse. Thank you for your time.

CONSIDERATION OF SB 169 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Perzel, on the Freind amendment.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, first off, this is called the fair-share fee bill, so I want a few things understood about fair share.

First off, Mr. Freind is saying there is a $63-million surplus in the City of Philadelphia School District. This is probably so, Mr. Speaker, but the teachers' contracts that were just recently negotiated will eat away at that $63 million probably to the tune of an additional $20 million on top of that.

Secondly, Mr. Speaker, it has been alluded to that the millage has not gone up in the county of Philadelphia. That is probably true. But over the course of the last 5 years they doubled the value of the property of the people whom I represent - doubled it, Mr. Speaker. So where I used to pay $800 in roughly 1983, I am paying almost $1,600 this year. To take up the millage on top of that would be absolutely absurd. There would be more of my people moving to the counties.

Thirdly, Mr. Speaker, there was a seminar in Radnor which I noticed that not everyone here from the southeast attended, but I wished they would have. They would have heard that one-third of the property in the city of Philadelphia is tax exempt. That covers the religious institutions, the universities, the schools, the parks, the museums, all the things that the people in the counties and from the city use. They are all tax exempt. Also, we have the largest park system in the world, the Fairmount Park system. Would you like us to tax the Fairmount Park grounds at the same rate we are taxing the housing? That would be asinine.

Next, Mr. Speaker, there are 20,000 abandoned homes in the city of Philadelphia. Would you suggest that we tax those abandoned homes? That is ludicrous. So what happens, you tax the people who are paying the burden, the most, again. So to increase the millage 2-point-whatever-it-is does not mean everybody gets a tax increase; it means the people in the northeast, some of the people in North Philly, South Philadelphia, the people who have kept up their homes are going to get a tax increase, not everybody, Mr. Speaker. So let us talk about it the way it is. It is a poor school district, Mr. Speaker, and the people who are paying their taxes are paying their fair share.

One other thing that was said at Radnor, and I will stop boring you, was the fact that when you take the home—let us use my home, for example—worth $95,000 and take one worth $95,000 in Mr. Ryan's area and match the amount of money they pay in taxes, they are even, Mr. Speaker. Bucks, Montgomery, and Delaware are even and Chester is right in there. We are paying our fair share, Mr. Speaker, so I am tired of hearing that as an excuse. Thank you for your time.

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

Mr. PRESTON. Thank you, Mr. Speaker.

Will the maker of the amendment stand for a few questions?

The SPEAKER. Mr. Freind indicates he will stand for interrogation. You may proceed, Mr. Preston.

Mr. PRESTON. Thank you.

By your statement, Mr. Speaker, I would like to have a couple of simple questions answered. You made a statement about the mayor's administration. Can you tell me, does the mayor of the city of Philadelphia prepare the budget for the school district?

Mr. FREIND. Philadelphia—

Mr. PRESTON. No; does the mayor prepare the budget for the school district of Philadelphia?

Mr. FREIND. I will be happy to answer your question my way. Now, if you do not like it like that, fine.

Mr. PRESTON. I possibly will not.

Mr. FREIND. That could be, but nonetheless you will get it the way I answer.

Of 501 school districts, only 1 does not have an elected school board. So, yes, the mayor proposes the budget—okay?—and it is passed by that illustrious group down there, the Philadelphia City Council, and the mayor has the right to sign or veto—

Mr. PRESTON. But you made a statement that the mayor—

Mr. FREIND. Has a miserable administration, yes.

Mr. PRESTON. Does the mayor vote on the budget of the school district of Philadelphia, sir?

Mr. FREIND. The mayor signs or vetoes that budget—

Mr. PRESTON. But he does not vote on it. It that what you are saying, sir, as an elected official?

Mr. FREIND. Say what?

Mr. PRESTON. Does the mayor vote on the budget of the school district of Philadelphia?

Mr. FREIND. The mayor, fortunately or unfortunately, is not on city council. The mayor is like our Governor. You know how it works. We have a budget, we pass it, and he either signs or vetoes. The same way there.

Mr. PRESTON. Can the mayor raise taxes by a vote in the city of Philadelphia for the school district?

Mr. FREIND. Oh, with the magnetism Wilson Goode has, absolutely. He will have city council eating out of his hand.

Mr. PRESTON. Let me ask you another question, sir, as a point of reference, if you can help me. I gather that your district is close to Philadelphia. Am I correct?

Mr. FREIND. Yes, it is. It borders on Philadelphia.

Mr. PRESTON. Now, I am hearing several statements about the millage and the millage question in the statements that you have made. Just so I can compare, does the city of Philadelphia reassess about every 3 years?

Mr. FREIND. Does it what?

Mr. PRESTON. The city of Philadelphia, do they reassess their property about every 3 years?
Mr. FREIND. Someone said—and it is probably right—about every 50, I guess. I do not know. They have had a reassessment, but—

Mr. PRESTON. Can you tell me then, just so I can compare the difference, since your county abuts, when was the last time that your county reassessed its property?

Mr. FREIND. It has been a long, long time. Our millage is high. And please, do not compare the games they play on reassessment in Philadelphia for any comparison purposes for anything.

Mr. PRESTON. Thank you, Mr. Speaker.

May I address—

The SPEAKER. The gentleman may address the issue, yes.

Mr. PRESTON. This will probably be the first time I have ever said this, but this is a crying shame that we would let an individual put kids on the line for cheap politicalness. This is a very trite and simple statement. I sat down and I listened to the gentleman, and we are talking about education. I do not know how any of you can actually put a price on it, but we are not talking about us; we are talking about kids. We are talking about 5-, 6-, and 7-year-olds who hopefully will be productive instruments as far as our State is concerned.

I do not think that we can sit up here and listen to this triteness and be fooled by this. If you want to sit down there and play cheap political tricks on kids' lives and the future of Pennsylvania, then you go ahead and do what you think is right. But you should really have to look each and every one of those kids in their faces then, because it is the way that you are looking at it. This is not about agency shop right now, Mr. Speaker. You could put it that way if you want to, but this is as far as our future in Pennsylvania. These are the futures of hundreds of thousands of children that you have on the line, and if you are going to let one individual, unfortunately one of my colleagues, put you into this spot, you should be embarrassed. I cannot apologize for him. I do not see how he can himself.

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

Mr. Saurman. Thank you, Mr. Speaker.

Mr. Speaker, I heard a former colleague indicate that there was no time limit on this release that was made or the relief that was given to the city of Philadelphia, and therefore, it is our intention to do this throughout eternity, I would presume. So there certainly will be no incentive for Philadelphia to ever try to get their tax limit up to the median. Why should they? On the other hand, how about all of the other school districts that have and will continue to be made to do that? We just voted on an unconstitutional or constitutional provision, and while I recognize that that has no significance or no comparison, really, or relativity to the document itself, I would think that we are talking about something having to do with equity, and I do not see how we can stand here today and say that we are going to continue to allow this for time immemorial without any kind of thought about its limitation. That just to me is inconceivable.

I listened to another colleague tell us about the problems of the citizens of Philadelphia paying their taxes. In the suburbs, perhaps we are in a more advantageous position because of the economy, but there are places throughout the Commonwealth where teachers receive about a third of what Philadelphia teachers receive and where the educational system suffers. How do those people feel, and some of you should be speaking up. How do you like the idea that we are going to give $160 million or $140 million to Philadelphia? And your people, if they are going to get any more money to provide more teachers' salaries or more educational benefits, and in that we are talking kids and education, how do they like it when they hear that it is all right for Philadelphia to get this? They do not have to go to their people and raise their taxes. Why? Because they have a different system, because the school district is not allowed to go and assess it, but they can come to the State and say, we have a shortfall and our local government will not provide it, so you must because you have an educational responsibility. I think we need to look at this.

This amendment, this offering that Representative Freind has made, needs to be seriously considered, because this is the time when we can indicate that we do believe in equity, that we do believe that if we pass a bill that says you have to have your tax up to a certain median, that is what you have to do, and we want to see that happen. We want to see some movement in that direction, and now we put a deadline on this amendment and said, do it, because we have not seen an indication that you are trying; instead it is going the other way. One district, only, out of all the school districts, is below that level and getting this benefit. I would ask you to support the Freind amendment.

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

Mr. Gamble. Mr. Speaker, I have no ax to grind with Philadelphia, but I stand in favor of this amendment today because of fairness. Look at the formula, E-S-B-E, ESBE, call it what you will, equitized subsidy for basic education, but it is also a political computerized toy and I give you a case in point: The mayor of Philadelphia did come to Harrisburg a few years ago, and he said that they had a temporary financial dilemma. So "temporary financial dilemma" was plugged into this computerized manipulation and we came up with $50 million. So temporary became permanent. Philadelphia ends up this year with a $63-million surplus, and the rules for Philadelphia that affect all the rest of the school districts are different than the other 500 school districts. The local tax effort of ESBE, when we look at it Philadelphia does not have the local taxing effort that is necessary. And when we look at another part of ESBE which is called ADM's (average daily membership), subsidy per pupil, we see that in the suburbs, for example of Allegheny County, it is $1,142 per pupil. In Philadelphia it is $2,101 per pupil, and that was before we gave them the $50 million a few years ago. It is presently $2,360 per pupil in Philadelphia, which is twice that in my district, and I cannot vote against this amendment and go back and face my school directors in six school districts with an honest face or honestly.
So I ask you today to take into consideration, forget the redistribution of the money, but what should be fair for 500 school districts should be fair for 501. If we have to follow the ESBE requirements, everyone should have to follow the ESBE requirements, and if Philadelphia has a temporary problem, we should help Philadelphia with that temporary problem. But when they came up this year with a $63-million surplus, I think the people of my district are paying for something that they should not be paying for in Philadelphia. Thank you.

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

Mr. Fattah. Mr. Speaker, I was wondering whether Mr. Saurman would stand for brief interrogation on his remarks.

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

Mr. Fattah. Mr. Speaker, you suggested that there were school districts in this State that were paying teachers one-third of what they were being paid in Philadelphia. Can you name such a school district?

Mr. Saurman. I understand York County. I do not know the specific areas, I do not remember them, but when we were talking about minimum salaries for teachers, there was a list that was available and I would defer to that list. If you are interested, I am sure that we can get it from the Education Department and you can get a comparison of all the schools.

Mr. Fattah. Are you talking about public school systems in the State of Pennsylvania, Mr. Speaker?

Mr. Saurman. I am talking about public school systems.

Mr. Fattah. Do you know what the starting salary is in Philadelphia for a schoolteacher?

Mr. Saurman. It is above the minimum that we were talking about, $18,500, and I know that there are teachers who are—

Mr. Fattah. You said that it is above $18,500 in the city of Philadelphia?

Mr. Saurman. The average, yes.

Mr. Fattah. Mr. Speaker, that is inaccurate.

Mr. Saurman. Well, Mr. Speaker, you had the opportunity in the first place— If you are going to interrogate, you are asking a question; I am giving you my answer. If you know the answer, then you are not supposed to interrogate me.

Mr. Fattah. All right. Thank you, Mr. Speaker. Can I make some remarks on the amendment?

The SPEAKER. The gentleman may proceed.

Mr. Fattah. Several people have spoken today and have inferred different things. The former speaker, to me, indicated that the mayor of the city came and suggested that this would be a temporary relief to the city of Philadelphia. That is, as we have already heard from the chairman of the House Education Committee, not an accurate statement, but there seems to be, when it comes to Philadelphia, no need for accuracy on the floor of this House. Somehow we can just play with the facts as we want to, suggest what we want to, as long as we are talking about the city of Philadelphia.

The maker of this amendment talked about the mayor of the city of Philadelphia. It seems as though, since there is an election coming up and there will be a vote in November, obviously some people on the floor want to have some input into that. This amendment, however, is a dangerous way to proceed in that regard, because we are talking about the lives of over 200,000 kids, children in the city of Philadelphia. One of them happens to be my daughter, who is a student at a public school in Philadelphia. But in addition to that, we are talking about a school district that has a budget of over $900 million, a budget in which we plan on removing $140 million during the fiscal year. If we were going to suggest that somehow we wanted to send notice to a school district that we wanted them to change the way that they would make up their budget, it would seem to me that we would do it for next year's budget. If we wanted to be reasonable, if we wanted to take back such an exception, we would not do it 30 days before the end of the school year and the end of the fiscal year.

It is obvious to me, Mr. Speaker, that this is not a legitimate attempt by the maker of the amendment to deal with a problem in the city of Philadelphia related to a need to raise taxes, because as you have also heard, a property worth $95,000 in Philadelphia and a property worth the same amount in Representative Ryan's district are taxed the same. So it is not a problem of equity in terms of the tax base; this is a political football that happens to affect the lives of hundreds of thousands of children, and many of the members on the floor of this House are being dragged into it.

So I would just ask, for all of the reasons that have been stated, for all of us to think very carefully about how we should vote on the Freind amendment, whether in fact we are going to place politics over the lives of 200,000 young people in the city of Philadelphia and whether or not we as a General Assembly are going to treat all of our school districts fairly. And when I say "fairly," I mean that if we are going to change the fiscal rules in the life of a school district, that we do it in such a way where we give them notice and we do not do it 30 days before the end of a fiscal year so that we cause the kind of financial havoc that all of us would face in a school district if such an amendment would pass. I think that we should ask all of our colleagues to search very, very deeply to see where they really stand on the issue of education and the issue of fairness in the State of Pennsylvania. Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. Manderino. Mr. Speaker, I think everyone knows what the issue is here, but I would like to put that issue in a perspective that perhaps does not come out as clearly as it should.

Mr. Freind tells us that Philadelphia does not meet what the rest of the State does on equalized mills to earn density. Well, they do not have to because we said they do not have to. Now, that seems clear. Mr. Freind would like you to believe that Philadelphia came to this Assembly and said that the problem would be temporary. He would like you to believe that and he said it enough times that I am sure he must believe it, but it
just is not so. Philadelphia never said the problem was temporary. At the time they asked us for the relief we could have put that relief in the budget bill. We put many temporary things in the budget bill to last 1 year. We did not put it there. We put it into permanent law. We could have sunsetted it, if they had said it was a temporary need. We did not sunset it; we put it into permanent law, and we did that because they said that the solution had to be a permanent solution, and every one of us decided that we would do that.

Now, let us talk about that special provision. At the time they asked us for that special provision they were eight-tenths of 1 equalized mill behind the statewide average. What has changed in 3 years? What has changed? They are still about eight-tenths of 1 equalized mill behind. They are not falling further behind. They are not slipping further behind. They could be, at best, 1 equalized mill. So they are in the same position. So when Mr. Freind says, what has changed, what has changed is Mr. Freind's attitude toward Philadelphia. Maybe he did not get something settled that he expected to get settled.

But let us talk about Mr. Freind's districts, because I talked about them last week. I showed you that he has tremendous income; he has tremendous wealth; he has tremendous property values in the three districts that he represents and is entitled to no State subsidy under the formula, yet we send them $4 1/2 million every year. And Mr. Saurman, I do not see you asking, how long are we going to send. Mr. Freind's district that $4 1/2 million? How many years are we going to continue to send minimums of 15 percent to districts whether they earn it or not, because we do send it to many districts, and we send it year after year after year. How long are we going to send to school districts, to school districts that are no longer entitled to—might have been entitled to it in 1977—but still get what they were entitled to in 1977? Regardless of dropping enrollment, regardless of lost WADAM's, we continue to send at least what we sent last year, and we do it year after year after year. Nobody is here yelling that those districts ought not to get it if they got it last year. Well, many of them should not get it, if you are going to treat everyone the same, because they do not earn it in the formula. But somehow this Assembly has decided that it would be unfair to give them less. Not only have we decided that, we decided that it would be unfair to give them less than a 2-percent increase. We have school districts that are receiving at least 125 and 130 percent of what they are really entitled to, and we do not scream about it because in the long run there may be an equity in those things and it may be what is saving our school formula from the attack of unconstitutionality.

We have central cities in SMSA's, standard metropolitan statistical areas. The central city gets extra money. Why? Only because they are the central city. How long are we going to continue to give them that money, Mr. Saurman? We give it to them year after year after year after year. Why do you not ask that question? We have small school districts that get extra payments. Why? Not because they are large like Philadelphia but because they are small like one of my school districts, like maybe one of Mr. Hayes' school districts, some others have small school districts, and they are getting that extra payment, and they get it year after year after year. Now, why are we picking on Philadelphia? Are we picking on Philadelphia, Mr. Freind, because you love them. You told us how much you love them, and that is why we are picking on Philadelphia with the Freind amendment.

I think it is time to stop bashing Philadelphia and their school district. There are 200,000 students down there in need of education. We make special provisions for all over the place in the school formula, and it works; the formula works, and we ought to continue to let it work. It is not like Philadelphia is not putting up the moneys to teach their students that they should. They are putting up over 40 percent of the moneys that teach their children, and I said to you that 60 percent of you in here in some of your school districts do not put up 40 percent of the moneys to teach the kids.

This was not seen as a temporary problem; we put it into permanent law. And maybe we ought to rework the whole thing, and maybe we ought to look at small school districts. Maybe we ought to look at minimums and grandfathered districts. We could have looked at things, but let us not just pick on Philadelphia, because there are a lot of little things in that formula that work to benefit districts in different ways.

And you know, it is not like they are not making a tremendous effort in Philadelphia. Mr. Freind himself said all they would have to do is raise their tax by this much and we would not have the problem. Well, Mr. Freind, the law does not say they have to raise their tax by that little much. You want the law to say that. The law presently says that the standard equalized mill situation, because of the largeness of their district and the problems they have with municipal burden, overburdened in the city of Philadelphia, they do not have to meet that standard, but they are nonetheless very close to that standard.

I ask for a negative vote once again on the Freind amendment, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Erie, Mr. Bowser.

Mr. BOWSER. Thank you, Mr. Speaker.

Mr. Speaker, I live on Lake Erie, about as far away from Philadelphia as you can get, but I have no qualms with helping them a little bit. But I want to remind my colleagues here today of 4 or 5 years ago. I had a district by the name of Iroquois. Vic Lescovitz had a problem; Charlie Laughlin had a problem, and we went to bat and we got money for those districts. They lost a high percentage. My own district lost almost $1 million on reassessment of a General Electric plant. Now, what we got is a one-time payment to help them over a 2-year period until they could adjust their taxes to the system that would work for them. My own district, as I recall—and I am probably not totally accurate on it—raised taxes about 25 percent. I do not think anybody expected this money to be
ongoing. It helped them over the hump. They took the bull by the horns, raised taxes proportionately to increase their State subsidy, et cetera.

With Philadelphia, whether Mr. Manderino is correct or not, even if it is permanent, even if it was made permanent from the beginning, is it fair when these other districts took a small payment one time and then did what they had to do? If we did make it permanent at the beginning, then it was wrong. I think we should take this money away from Philadelphia, relook at it, give them back a fair amount, and help our other districts in Pennsylvania. Thank you.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

Could I interrogate Representative Fattah, please?

THE SPEAKER. Mr. Fattah indicates he will stand for interrogation. You are in order, and you may proceed.

Mr. GODSHALL. Thank you, Mr. Speaker.

I would like to ask the Representative how much and when the last time was Philadelphia increased their school taxes, the millage.

Mr. FATTAH. Mr. Speaker, the city of Philadelphia under the Green-Coleman compromise has been equalizing their assessments over the last 5 years. In each and every one of those 5 years, major sections of the city, such as you have heard from Representative Perzel, have had tremendous increases, some over 100 percent of what they were paying before.

Mr. GODSHALL. Has there been any general millage increase to support the school district of Philadelphia in the last 5 years?

Mr. FATTAH. Mr. Speaker, the reason for the Green-Coleman agreement was that before such time as there were any general increases, there had to be equalization of the assessments, because some sections of the city were being assessed at a rate different from other sections. So rather than the court ordering that that be done all at once, it was to be spread over a 5-year period of time. And as you can understand from your colleague, Representative Perzel, his homes went up a total of 100 percent over what he was paying before, and rather than have that locked in at one point, it was locked in at 20 percent a year over a 5-year period.

Mr. GODSHALL. My question was, has there been any general millage increase over the last—

Mr. FATTAH. I have tried to respond to your question, Mr. Speaker.

Mr. GODSHALL. The answer to that probably is no, which I did not know in the beginning. Montgomery County, which I represent, is also under—

Mr. FATTAH. Are you asking the questions and answering them, too?

The SPEAKER. Gentlemen, you are not on the floor to argue with each other.

Mr. GODSHALL. That finishes my interrogation.

The SPEAKER. All right. You are on the floor to either answer or ask questions.

The gentleman, Mr. Godshall, may now speak to the amendment.

Mr. GODSHALL. Montgomery County, which I represent, also underwent a general assessment a number of years ago. Some areas of that county, such as Pottstown, I believe, had some of their assessments increased up to 300 or 400 times what they were before. At the same time, our municipalities are looking forward to all kinds of tax hikes, and this is really where I have a problem. I have no problem with what Philadelphia gets but I have a problem locally.

I represent two school districts in Montgomery County. Both of those districts increased their taxes last year, along with assessment increases, approximately 10 mills. This year my one school district, North Penn, was looking at a 15-mill increase. They cut that down now to about 11 or 12. My other school district, which is Souderton, my own school district where I live, was looking at a 27-mill increase this year. They pared that back to about 21 or 22 mills. So I have no problem with Philadelphia, as long as they would increase their local effort and meet the same standards that my districts have to meet. We have gone up and up and up each of the last number of years, and I think it is only fair that we are all treated the same way.

I would urge a "yes" vote on the Frend amendment.

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

Mr. WOZNIAK. Thank you, Mr. Speaker.

As many of the communities in western Pennsylvania, mine has been hard hit by economic depression over the past 10 years, and we have had to dig deep in our pockets with our housing costs and the worth of our valued property being reduced with the demise of our steel industry and those industrial complexes being reduced in tax value.

What I am trying to say is we have had to dig deeper and deeper into our own pockets to come up with the moneys necessary to run our local school districts. We do not get any reward. We do appreciate all we get from the State for being a distressed community, distressed school district, but we do not get rewards for being efficient in how we use our money.

I do not think we should be rewarding inefficiency. However, I do know that the money that is being asked in this amendment is a tremendous amount of money to take away from a school district at one lump sum. I think that if Mr. Frend wishes to rectify the problem with the ESBE formula and the fairness issue, it should be taken up at a different time and not cloud the issue of agency shop with the moneys that are being sent to Philadelphia. There are going to be a lot of bills introduced over the next 30 days that are going to deal with quite a bit of money. I think if we would look at the original vote on the amendment that the maker of the amendment had, you can see that there is a lot of concern and a lot of interest by both the Democrats and Republicans about trying to create more equitable dispersion of State funds for education. I do think, however, after looking at the second vote taken, that the issue is agency shop here and not what money should be going to Philadelphia.
I request that the maker of the amendment withdraw his amendment and introduce it at a later date for another time. If he does not wish to do that, I would ask my colleagues to vote “no” and allow this issue to be discussed at a later date on a more appropriate piece of legislation. Thank you, Mr. Speaker.

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

Mr. KOSINSKI. Thank you, Mr. Speaker.

I would like to issue an open invitation to Mr. Freind, Mr. Godshall, or any other member of the House to come to Philadelphia and see the de facto tax increase that we have put up with for about 6 years.

Representatives Fattah and Perzel hit the nail on the head. Do not get caught up in the millage issue. That is not the point here. The equalization is the thing that is hitting Philadelphia very hard, and it has served as a tax increase for our constituents, 35 percent of fair market value. Assessments have doubled, tripled, even quadrupled in some neighborhoods of the city, and it has affected people on fixed incomes and people in industries who may not be getting raises; it has affected many families who do not have children in the Philadelphia public school system. So forget the red herring of the increase in millage. Philadelphia right now is a hurting district. We cannot tax any more. We have the problem of the wage tax; we have the problem of a declining tax base. We are at our breaking point. This is one reason that you should reject the Freind amendment.

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

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, in the 7 years I have been on the floor of the House, I have never risen very much on education issues or budgetary issues related thereto, namely on that second point because we never get a darn chance to do it. Today we have a slim opportunity to address this particular funding scheme, the funding formulas that are used for the education process.

The majority leader seemed to get quite a bit of rhetorical questioning out of the fact, why are we picking on Philadelphia? Well, it is my opinion, Mr. Speaker, when you go about to right a gross inequity, you look at the gross inequities first and go after that. That is what we are doing here today.

There also seemed to be a bit of questioning about why was this not temporarily statutorily mandated; why was it not set up so it could be sunsetted? Mr. Speaker, I very specifically remember the fact that it was painted in the course of that particular document, which was given to us with nothing but an up-or-down position and vote, that it would be temporary in nature, a unique set of circumstances. I do not forget those particular dialogues that went on at that time.

But, Mr. Speaker, I think there is something extremely unfair, grossly unfair, about a situation where a particular taxing district, during this time, day, and age, can sit still since 1984 and not raise its millage one iota, not one-tenth of a percentage point. That is the case we have here.

Earlier Representative Godshall referred to a situation that had manifested itself in my district a number of years ago in the middle seventies when mass reassessment was done and individual property taxes went up 300, 400 percent. That was gross in and of itself, Mr. Speaker, but what was even more repugnant was over the past 4 years every year those school districts are again raising their millage anywhere from 9 to 12 percent per year while Philadelphia sits still and we do not get a percentage point. Now, the majority leader is going to tell you, why should they? They do not have to. Well, Mr. Speaker, I think the time is right, the day is here for that day of reckoning to come. If we did this with no reservation, as it would be led by many of us that was the case, then I would submit that we made a mistake. If it was done on a temporary basis to be rectified in the future, then I think it is time for us to live up to what we believed in at the time we did it. It is a very simple process.

Mr. Speaker, I can think of no more important timely matter than this particular amendment on this particular day. Do not confuse the issue that it is going to come back again and again for us to work on this problem. It is not going to happen every other week. There is not going to be consideration in the form of a germane bill to work with at a later time. Today is the time. Act now. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind, for the second time on his amendment.

Mr. FREIND. Thank you, Mr. Speaker.

I can sympathize with my colleagues who have attempted to defend their reason for opposing this amendment. It is difficult to defend a rip-off of this proportion, and we have rolled out all of the reasons, and I would like to respond to a couple.

I have a tremendous amount of respect for my colleague, Mr. Cowell, but, no, Mr. Speaker, there is no intention in this amendment because of the color or race of any of the students in the Philadelphia School District or any other school district. That simply is not relevant.

Number two, my colleagues, Representative Perzel and Representative Kosinski, pointed out that there has been a reassessment in Philadelphia, and they are right, but the money has not gone to the schools. Even if you do not increase millage but you reassess, the increased revenue is credited in Harrisburg toward the statewide tax equalization and what your slot is in the median. Philadelphia, as you know, has dropped. Do not just believe me. Irv Davis, the finance director, in the Daily News stated that one of the problems of the Philadelphia School District is that the district has received $50 million less in real estate tax revenues from the city than had been expected. So the money is not going to the schools, which, of course, raises a very interesting question: Where is the money going?

My very dear friend—even if he is not happy, I am happy to have him as my colleague—Mr. Preston, said it is a crying shame. And do you know something? I agree. It is a crying shame, and yes, we are talking about children. It is a crying shame the way money is wasted in the city of Philadelphia where they continue to play the shell game with respect to the
IU's and the school districts for special ed money; where you have documented by a radio station prison janitors making salaries that would make a bank president blush with envy, $65,000 and $70,000 in overtime; where the overtime in the city of Philadelphia has continued to escalate beyond belief; where it is bad enough that two entire blocks are burned down, but when they rebuild it, the cost of each home will exceed an estate out on the Main Line. And yes, it is a crime, too, a crying shame when you have people working for the snow removal in Philadelphia who are on the books for sometimes 60 and 70 straight hours, despite the fact that they are sleeping. According to the law, no; it was not in the contract even, but we just honored this as an unwritten agreement.

Mr. O'DONNELL. Mr. Speaker?

Mr. FREIND. I could go on and on and on, Mr. Speaker, about the money that city wastes.

Mr. FREIND. Yes, Mr. Speaker.

The SPEAKER. Yes; I understand.

Mr. FREIND. Well, I had a little point I wanted to finish.

Mr. FREIND. Just winding it up, Mr. Speaker.

The SPEAKER. You did not hear me the first time?

Mr. FREIND. Yes, Mr. Speaker.

The SPEAKER. Surely.

Mr. FREIND. We are on and on and on about crying shames, Mr. Speaker.

Mr. O'DONNELL. Mr. Speaker, I think our sense of what is germane to the conversation is probably more limited than crying shame, but I would like to have a few minutes on the subject of crying shame when the gentleman is done.

The SPEAKER. Surely.

Have you finished with crying shame, Mr. Freind?

Mr. FREIND. I am about to tell you. Here is the way it works. You can have more government and not have to pay even as much. Why? Because of the waste, the corruption, and the inefficiency. And when I get in there, it is all going to change.

Well, we got in, and then it became a little more difficult, for when you are an incumbent, you have to be fairly clever to deal with this problem. So you go back to your district when you are running for reelection, and the people say, we want more government, we want more help, but we want to pay less taxes. How are you going to cope with it now? Well, the truly clever among us have found another government. The truly clever Democrats have gone out and said, you could have more government and even pay less if it was not for Ronald Reagan. It is the Federal Government that is wasteful, corrupt, and inefficient, and sympathetic Democratic audiences have probably let us off the hook a little bit. And for the Republicans in some ways it is a lot easier. For Republicans and sometimes rural Democrats, they go out and say, we could give you all the government you want and you would not have to pay a penny more in taxes because of the fraud, the corruption, the inefficiency, the waste in Philadelphia's government. Yeah, that is it; it is in Philadelphia. You can have all the government you want in Pennsylvania; you can have subsidies for blackflies and for animals and for rural school districts and sparse school districts and fat school districts and skinny school districts and everything you want, if only we had the money. And why do we not have the money? We do not have the money because Philadelphia is gobbling it up.

We have played to that prejudice, and Representative Freind on the floor of the House is taking that prejudice, which is embodied in one way or another in the majority of this House's campaign literature, and saying, okay, I have got you now; I have got you with my logic and I am going to make you hold true to the nonsense that you have been spreading around Pennsylvania. And now we are in a little bit of a jam because Representative Freind takes that political rhetoric, which has some utility, and brings it home here and wants to make us suffer with it.

The second problem that we are suffering with is the nature of our appropriations process. When people get elected to this House, one of their intense subjects of interest is the appropriations process. How does it really work? No one knows. Well, I am about to tell you. Here is the way it works. You take the amount of money that is going to be available for school funding, you respect the Pennsylvania Constitution, which requires that the State redress in some way the imbalance between poor districts and rich districts, and then the rest of the money gets divided up in accordance with two magic numbers, 102 and 26. That is right. You take the money and
you allocate the money to all the school districts in Pennsylvania in such a way that you get 102 votes in the House, 26 votes in the Senate, and hopefully you make some people happy over and above that.

The plea has been made here that we should treat everybody the same. Now, that is interesting, because on the House floor we are not allowed to say what I just said, but as soon as the appropriations process goes behind closed doors, everybody knows what happens. Everybody knows that there are school districts in Pennsylvania that receive money because they are poor. How do they measure how they are poor? Well, they measure it by the number of children that receive benefits under aid to families with dependent children as measured by the poverty statistics in 1960; 1960. If a child was born in 1960, he would be 17 now and out of school. What kind of standard is that? Is that not an exception? Twenty-seven. That is why I am not good on these numbers arguments. I am always willing to take less. Make me an offer.

The point I am trying to make is this—and not very well; I cannot handle the numbers terribly well. The point I am trying to make is this, that you have been told the idea that there is a rule, one rule, for the distribution of money and then there is an exception and Philadelphia is an exception. You all know or should know or from this moment forward cannot claim not to know that every school district in this State is the beneficiary of a special rule. Now, whether you want to consider that special rule as an exception to the general or whatever is not very important. That is just strictly for lawyers. The important thing to remember is that every one of us is a beneficiary of that process and all of our taxpayers are burdened by that process.

In closing I want to tell you who is particularly burdened by that process—the taxpayers of Philadelphia. The taxpayers of Philadelphia are among the most heavily taxed of all taxpayers in the State of Pennsylvania. So what we could do—I am not asking for sympathy, no sympathy—in fact, I would be willing to work out with the gentleman, Mr. Freind, or anyone else one rule and only one rule and no exceptions, and that rule should be that taxpayers that are taxed the most locally receive back the greatest measure of payments, and then I will join Representative Freind here on the floor and demand no exceptions whatsoever, because in that case Philadelphia would not have to worry about its money. We would be getting four times this amount. Thank you.

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

(Members proceeded to vote.)

VOTES CHALLENGED

The SPEAKER. For the information of the leaders, we are running a stopwatch so the leaders may object to any vote.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. I notice the gentleman, Mr. Bowley, and the gentleman, Mr. Morris, are in their seats. Are their switches broken, Mr. Speaker?

The SPEAKER. Which gentlemen are you talking to?

Mr. RYAN. The gentleman, Mr. Morris, and the gentleman, Mr. Bowley. I do not know whether they are registered and I just cannot read it because he is—

The SPEAKER. Mr. Morris is not registered and Mr. Bowley is.

Mr. RYAN. Thank you, Mr. Speaker.

The SPEAKER. The rule of the House, for the information of the freshmen—all the rest of us know it—is if you are in your seat, you must vote. There is no rule saying when, but the gentleman must vote if he is in his seat.

Mr. RYAN. Mr. Speaker, the gentleman, Mr. Richardson. His light has been vacillating on and off, and I think maybe the electrical circuit must be—

The SPEAKER. Mr. Richardson is voted in the negative. Is he on the floor of the House? If he is not on the floor of the House, you must strike that vote.

Mr. MANDERINO. Mr. Speaker, there are a couple of Philadelphians from the other side that I am not sure where they are voting, if they are here or not. Are Mr. O'Brien and Mr. Taylor voting right?

The SPEAKER. O'Brien's vote was just struck. Who was the other one?

Mr. MANDERINO. I mean, what is fair is fair. If I cannot vote a Philadelphian who is not here, they cannot vote two of them who are not here.

The SPEAKER. O'Brien is not on now and Taylor is not voted. Is that correct? Neither one is voted. Richardson is off.

The stopwatch has been running a little over 5 minutes.

We have approximately 2 more minutes to run on the clock, for the leaders' information.

In 1 minute the vote will be taken. In 1 minute the vote will be taken.

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

The following roll call was recorded:

YEAS—112

Angstadt Dister Kennedy Raymond
Argall Dorr Langtry Reber
Arty Durham Lashinger Reinard
Baladin Fargis Leh Robbins
Barley Farmer Letterman Ryan
Belangi Fischer McCall Rybak
Bermelin Flick McClatchy Saurman
Black Foster McHale Schuler
Book Fox McVeery Semmel
Bowley Freeman Maine Seratini
Bowser Freind Mannheimer Showers
Boyes Gambie Markosek Siriani
Brandt Gannon Maxenik Smith, B.
Bunt Geist Merry Smith, S. H.
Burd Gladeck Moczynski Snyder, D. W.
Burns Godshall Miller Snyder, G.
Bush Grappolo Moehlman Stairs
Carlsson Hagarty Morris Steighner
Cesarian Hasay Mowery Stuben
Chadwick Hayes Mronic Taylor, E. Z.
Civerta Hecker Nahill Teck
Clymer Heman Nye Trello
Corryn Hershey Olasz Vroom
Cottman Hess Petrone Wambach
D'Luca Honaman Phillips Wass
DeVerter    Jackson    Piccola    Wilson
Davies      Judlowiec  Pitts     Wright, R. C.
Dietterick  Johnson   Punz     Yandrisovits

NAYS—73

Acosta      Evans      Leskovitz    Ritter
Battisto    Fattah     Leviansky    Roebuck
Belardi     Fee        Linton      Rudy
Blaum       George     Livengood   Saleon
Bortner     Groutzka   Lloyd      Seventy
Broujos     Hafuska    Lucyk     Sweet
Cappabianca Hayden     Maiale     Taylor, F.
Carn        Howlett    Manderino   Truman
Cawley      Hughes     Melio      Van Horn
Clark        Hutchinson Mecholovic  Veon
Cohen       Ilkin      O'Donnell   Weston
Colaffella  Jusolia    Oliver     Wiggins
Cole         Josephs   Perzel      Wogan
Cowell      Kazunic    Petrarca    Wozniak
DeWeese     Kenney     Plevsky     Wright, D. R.
Daley       Kosinski   Piotella    Wrigley,
Dawidt      Kukovich   Pressmann  Yris,
Dombrowski  LaGrotta  Preston     Speaker
Donatucci   Laughlin   Rieger

NOT VOTING—7
Caltagirone  O'Brien    Staback   Wright, J. L.
Cimini      Richardson  Taylor     Taylor

EXCUSED—10

Coy         Duffy      Murphy     Stevens
Deal         Gaffen     Scheetz    Tigue
Dinanici    Harper

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 PLACED ON THIRD CONSIDERATION POSTPONED CALENDAR

The SPEAKER. Why does the gentleman from Allegheny, Mr. Cowell, rise?
Mr. COWELL. Mr. Speaker, I move that SB 169 be placed on the third consideration postponed calendar.
The SPEAKER. Moved by the gentleman, Mr. Cowell, that SB 169 be placed on the third consideration postponed calendar.

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Staback.
Mr. STABACK. Mr. Speaker, on amendment A1217 to SB 169 I was recorded in the negative but I inadvertently negated the vote. I wish the record to show that I should be recorded in the negative.
The SPEAKER. The gentleman's remarks will be spread upon the record.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. For a committee announcement, the Chair recognizes the gentleman from Philadelphia, Mr. Pievsky.
Mr. PIEVSKY. Thank you, Mr. Speaker.
Mr. Speaker, there will be a meeting of the Appropriations Committee immediately upon the call of the recess in the majority caucus room, and I would ask that the desk be open.
The SPEAKER. The desk will be kept open.

FINANCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Trello.
Mr. TRELLO. Mr. Speaker, there will be a meeting of the House Finance Committee immediately upon the call of the recess in room 401, and I urge all the members that are on the Appropriations Committee to come to 401 immediately after that meeting. Thank you.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Wogan.
Mr. WOGAN. Thank you, Mr. Speaker.
On the motion for constitutionality of amendment 1317 to SB 169, I was not recorded. Had I been recorded, I would have liked to have been recorded in the affirmative. Thank you, Mr. Speaker.
The SPEAKER. The gentleman's remarks will be spread upon the record.

ANNOUNCEMENT BY MR. FOX

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Fox.
Mr. FOX. For those members, Mr. Speaker, who wish to sign on the abduction prevention legislation, it is at the clerk's desk. Thank you.
The SPEAKER. The Chair thanks the gentleman.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 199, PN 1649 (Amended)  By Rep. DeWEES
An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, increasing the penalty for scattering rubbish.

JUDICIARY.

ANNOUNCEMENT BY MR. NOYE

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye. Do you want to make an announcement?
Mr. NOYE. Mr. Speaker, Mr. Itkin and I have discussed the matter of a caucus. What we plan to do tomorrow is come
into session and, when we break for lunch, caucus at that time to get the bills that we need for tomorrow’s afternoon session. The SPEAKER. Understood.

RULES COMMITTEE MEETING

The SPEAKER. The Committee on Rules will meet immediately in the anteroom to the left of the Speaker; Committee on Rules.

RESOLUTIONS REPORTED FROM COMMITTEE

HR 66, PN 1141 By Rep. MANDERINO
Directing the Transportation Committee to investigate bridges and tunnels in relation to the movement of twin stacked containers on Pennsylvania’s main Conrail line.

RULES.

HR 109, PN 1581 By Rep. MANDERINO
Designating the Commonwealth of Pennsylvania as a multicultural, multi-lingual jurisdiction.

RULES.

HR 116, PN 1642 By Rep. MANDERINO
Commemorating the 100th Anniversary of landmark agricultural legislation which established the Pennsylvania Agricultural Experiment Station; and acknowledging those persons involved in the agricultural research vital to the leading industry of this Commonwealth.

RULES.

HR 117, PN 1643 By Rep. MANDERINO
Memorializing the Governor to declare the month of June 1987 as “Pennsylvania Travel Month.”

RULES.

RECESS

The SPEAKER. The House will stand in recess.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE

HB 1, PN 1617 By Rep. PIEVSKY
An Act creating the Pennsylvania Economic Development Partnership; providing for powers and duties; abolishing the Department of Commerce; and transferring functions to the Pennsylvania Economic Development Partnership.

APPROPRIATIONS.

HB 2, PN 1621 By Rep. PIEVSKY
An Act amending the act of August 23, 1967 (P. L. 251, No. 102), known as the “Industrial and Commercial Development Authority Law,” creating the Economic Development Financing Authority as a body corporate and politic with power to borrow money and issue bonds and other evidences of indebtedness; and providing for powers and duties of the Economic Development Financing Authority.

HB 3, PN 1647 (Amended) By Rep. PIEVSKY
An Act establishing a program to coordinate efforts to revitalize distressed industries; and providing for an analysis of distressed industries and reports.

APPROPRIATIONS.

HB 9, PN 1586 By Rep. PIEVSKY
An Act promoting the development of programs to prevent students from dropping out of school.

APPROPRIATIONS.

HB 11, PN 1332 By Rep. PIEVSKY
An Act amending the act of February 1, 1974 (P. L. 34, No. 15), known as the “Pennsylvania Municipal Retirement Law,” further providing for divestiture of investments with corporations having business operations in South Africa or Namibia.

APPROPRIATIONS.

HB 12, PN 1333 By Rep. PIEVSKY
An Act prohibiting investments in corporations having business operations in the Republic of South Africa or Namibia.

APPROPRIATIONS.

HB 13, PN 1334 By Rep. PIEVSKY
An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, prohibiting investments in corporations having business operations in the Republic of South Africa or Namibia.

APPROPRIATIONS.

HB 14, PN 1335 By Rep. PIEVSKY
An Act amending the act of February 17, 1906 (P. L. 45, No. 11), entitled “An act to regulate the deposits of State funds, to prescribe the method of selecting State depositories, to limit the amount of State deposits, to provide for the security of such deposits, to fix the rate of interest thereon, to provide for the publication of monthly statements of moneys in the general and sinking funds, to declare it a misdemeanor to give or take anything of value for obtaining the same, and prescribing penalties for violations of this act,” prohibiting State depositories from entering into new financial transactions with the Republic of South Africa or Namibia.

APPROPRIATIONS.

HB 15, PN 1336 By Rep. PIEVSKY
An Act requiring State-related universities and member institutions of the State System of Higher Education to divest themselves of investments in the Republic of South Africa or Namibia.

APPROPRIATIONS.

HB 16, PN 1337 By Rep. PIEVSKY
An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, prohibiting investments in corporations having business operations in the Republic of South Africa or Namibia.

APPROPRIATIONS.

HB 17, PN 1338 By Rep. PIEVSKY
An Act providing priorities for the reinvestment of public moneys currently invested in the Republic of South Africa or Namibia.
APPROPRIATIONS.

HB 1072, PN 1343
By Rep. PIEVSKY
An Act amending the act of June 18, 1984 (P. L. 384, No. 81), known as the “Amusement Ride Inspection Act,” providing for self-insurance by owners and operators; and imposing duties upon the Secretary of Agriculture.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1100, PN 1648 (Amended)
By Rep. PIEVSKY
An Act providing for the establishment, implementation and administration of the Pennsylvania Infrastructure Investment Authority; imposing powers and duties on a board of trustees; transferring the rights, powers, duties and obligations of the Water Facilities Loan Board to the Pennsylvania Infrastructure Investment Authority; providing for the issuance of notes and bonds; providing for financial assistance and for a comprehensive water facilities plan; and making repeals.

APPROPRIATIONS.

BILL REREPOR TED AND REREFERRED TO COMMITTEE ON MINES AND ENERGY MANAGEMENT

HB 1183, PN 1347
By Rep. PIEVSKY

APPROPRIATIONS.

BILLS AND RESOLUTION PASSED OVER

The SPEAKER. Without objection, all remaining bills and the resolution 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 of the General Assembly, the Chair recognizes the lady from Crawford, Ms. Maine.

Ms. MAINE. Mr. Speaker, I move that this House do now adjourn until Tuesday, June 2, 1987, 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 3:54 p.m., e.d.t., the House adjourned.