

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, FEBRUARY 22, 1988

SESSION OF 1988

172D OF THE GENERAL ASSEMBLY

No. 12

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

Eternal and Everlasting Father, we draw near to Thee in these quiet moments as grateful and appreciative stewards of Thine. While we thank Thee for the joys of this life and our manifold blessings, we especially recall the great leadership and directive example set for us by George Washington. His dedicated devotion to the cause of liberty and freedom and his untiring example of setting before these United States those principles have made him the Father of his Country. It is our prayer that we may never flag in honor and devotion to the cause that brought liberty and justice for all and may ever stand firm and staunch and true in proclaiming the same. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVED

The SPEAKER. The Journal for Wednesday, November 18, 1987, in regular session is in print. Unless there be additions or deletions or objections thereto, the Journal will stand as printed. The Chair hears no objections.

JOURNAL APPROVAL POSTPONED

The SPEAKER. However, the approval of the Journal for Tuesday, February 9, 1988, in regular session will be postponed because it is not yet in print, unless there be objection. The Chair hears no such objection.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

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

HB 634;
HB 635;
HB 636;
HB 640;
HB 641;
HB 642;
HB 903;
HB 1688;
HB 1751;
HB 1769;
HB 2169; and
SB 945.

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 2183 By Representatives TRELLO, VAN HORNE, KENNEY, MAYERNIK, CORRIGAN, BURD, DALEY, DISTLER, R. C. WRIGHT, HOWLETT and OLASZ

An Act amending the act of April 29, 1937 (P. L. 526, No. 118), entitled, as reenacted and amended, "An act providing for and regulating joint purchases by counties (other than counties of the first class), cities of the second and third class, boroughs, towns, townships, school districts, institution districts, and poor districts," increasing the amount of expenditures without bids.

Referred to Committee on STATE GOVERNMENT, February 22, 1988.

No. 2184 By Representatives TRELLO, KENNEY, MAYERNIK, VAN HORNE, CORRIGAN, BURD, DALEY, DISTLER, R. C. WRIGHT, HOWLETT and OLASZ

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," further providing for the awarding of contracts.

Referred to Committee on STATE GOVERNMENT, February 22, 1988.

No. 2185 By Representatives TRELLO, MAYERNIK, VAN HORNE, KENNEY, CORRIGAN,

BURD, DALEY, DISTLER,
R. C. WRIGHT, HOWLETT and OLASZ

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," further regulating contracts, advertisements, specifications, and bids for certain contracts.

Referred to Committee on STATE GOVERNMENT, February 22, 1988.

No. 2186 By Representatives TRELLO, VAN HORNE, KENNEY, MAYERNIK, CORRIGAN, BURD, DALEY, DISTLER, R. C. WRIGHT, HOWLETT and OLASZ

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further regulating contracts, advertisements, specifications, and bids for certain contracts.

Referred to Committee on STATE GOVERNMENT, February 22, 1988.

No. 2187 By Representatives TRELLO, KENNEY, MAYERNIK, VAN HORNE, CORRIGAN, BURD, DALEY, DISTLER, R. C. WRIGHT, HOWLETT and OLASZ

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," further regulating contracts as to purchasing and advertising requirements.

Referred to Committee on STATE GOVERNMENT, February 22, 1988.

No. 2188 By Representatives TRELLO, MAYERNIK, VAN HORNE, KENNEY, CORRIGAN, BURD, DALEY, DISTLER, R. C. WRIGHT, HOWLETT and OLASZ

An Act amending the act of August 6, 1936 (Sp. Sess., P. L. 95, No. 38 1/2), entitled "An act to authorize and empower cities, boroughs, towns, and townships, separately or jointly, to provide for protection against floods by erecting and constructing certain works and improvements, located within or without their territorial limits, and within or without the county in which situate; and to expend moneys and incur indebtedness; to assess benefits against property benefited; to issue improvement bonds imposing no municipal liability; and to acquire, take, injure or destroy property for such purposes," further regulating purchases and bidding on such purchases.

Referred to Committee on STATE GOVERNMENT, February 22, 1988.

No. 2189 By Representatives TRELLO, VAN HORNE, KENNEY, MAYERNIK, CORRIGAN, BURD, DALEY, DISTLER, R. C. WRIGHT, HOWLETT and OLASZ

An Act amending the act of May 27, 1953 (P. L. 244, No. 34), entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties," further regulating contracts and further providing for advertising requirements.

Referred to Committee on STATE GOVERNMENT, February 22, 1988.

No. 2190 By Representatives TRELLO, KENNEY, MAYERNIK, VAN HORNE, CORRIGAN, BURD, DALEY, DISTLER, R. C. WRIGHT, HOWLETT and OLASZ

An Act amending the act of July 5, 1947 (P. L. 1217, No. 498), known as the "State Public School Building Authority Act," further providing for award of contracts.

Referred to Committee on STATE GOVERNMENT, February 22, 1988.

No. 2191 By Representatives TRELLO, MAYERNIK, VAN HORNE, KENNEY, CORRIGAN, BURD, DALEY, DISTLER, R. C. WRIGHT, HOWLETT and OLASZ

An Act amending the act of July 12, 1972 (P. L. 762, No. 180), referred to as the "Intergovernmental Cooperation Law," regulating joint purchases and bids on such purchases.

Referred to Committee on STATE GOVERNMENT, February 22, 1988.

No. 2192 By Representatives TRELLO, VAN HORNE, KENNEY, MAYERNIK, CORRIGAN, BURD, DALEY, DISTLER, R. C. WRIGHT, HOWLETT and OLASZ

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), known as "The County Code," further regulating contracts and purchases as to bids and advertising.

Referred to Committee on STATE GOVERNMENT, February 22, 1988.

No. 2193 By Representatives TRELLO, KENNEY, MAYERNIK, VAN HORNE, CORRIGAN, BURD, DALEY, DISTLER, R. C. WRIGHT, HOWLETT and OLASZ

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), known as the "Municipality Authorities Act of 1945," further providing for contract procedures, purchases and advertising for bids.

Referred to Committee on STATE GOVERNMENT, February 22, 1988.

No. 2194 By Representative BURNS

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for the effect of auditors failing to perform their duties; and authorizing the auditors to employ an attorney and a certified public accountant.

Referred to Committee on LOCAL GOVERNMENT, February 22, 1988.

No. 2195 By Representatives NAHILL, BATTISTO, JOHNSON, GODSHALL, FOX, BUNT, MAIALE, SAURMAN, STABACK, HOWLETT, KENNEY and McVERRY

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," extending the provisions of the pharmaceutical assistance program to permanently disabled persons.

Referred to Committee on HEALTH AND WELFARE, February 22, 1988.

No. 2198 By Representatives CIVERA, HUTCHINSON, RAYMOND, DININNI, MICOZZIE, NAHILL, DURHAM, SAURMAN, FOX, JOHNSON, E. Z. TAYLOR, FISCHER, KASUNIC, MELIO, SEMMEL, DeLUCA and ARTY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring that school buses be equipped with presence sensor units.

Referred to Committee on TRANSPORTATION, February 22, 1988.

No. 2199 By Representatives SAURMAN, DEMPSEY, SCHULER, MERRY, VEON, TRELLO, NOYE, RAYMOND, MARKOSEK, SEMMEL, DeLUCA, BOYES, J. L. WRIGHT, E. Z. TAYLOR, NAHILL, CIVERA, JACKSON, WOGAN, LASHINGER, JOHNSON, TELEK, FOX, R. C. WRIGHT, DALEY, HECKLER, McHALE, OLASZ and FISCHER

An Act amending the act of August 7, 1963 (P. L. 549, No. 290), referred to as the "Pennsylvania Higher Education Assistance Agency Act," authorizing loan forgiveness for certain nurses.

Referred to Committee on EDUCATION, February 22, 1988.

No. 2200 By Representatives MILLER, MANMILLER, SALOOM and BOWSER

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," further providing for the issuance of licenses for sales at performing arts facilities in third class cities.

Referred to Committee on LIQUOR CONTROL, February 22, 1988.

No. 2201 By Representatives NAHILL, KUKOVICH, FOX, KOSINSKI, ANGSTADT, MICOZZIE, DURHAM, SAURMAN, BELARDI, MAIALE, BUNT, JOHNSON, CORNELL, E. Z. TAYLOR, FISCHER, VEON, SHOWERS, GEIST and ARTY

An Act authorizing the incurring of indebtedness, with approval of the electors, of \$40,000,000 for grants to municipalities and regional transportation authorities to partially fund equipment and projects providing or improving accessibility for disabled persons.

Referred to Committee on STATE GOVERNMENT, February 22, 1988.

No. 2202 By Representatives MILLER, WAMBACH, FOX, NAHILL and McCALL

An Act providing for a higher education tuition assistance program for children of firemen and law enforcement officers killed in the performance of their duties.

Referred to Committee on EDUCATION, February 22, 1988.

No. 2203 By Representatives HESS, HUTCHINSON, HECKLER, TELEK, CHADWICK, DISTLER, PHILLIPS, GEIST, MOWERY, FOSTER, G. SNYDER, CESSAR, BURD, WILSON, JADLOWIEC, LASHINGER, DAVIES, BOWSER, WOZNIAK, BLACK, CARLSON and PUNT

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for restrictions on the use of highways and bridges.

Referred to Committee on TRANSPORTATION, February 22, 1988.

No. 2204 By Representatives EVANS, BURNS, COHEN, VEON, LEVDANSKY, CORRIGAN, KOSINSKI, WESTON and ACOSTA

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 what services may be contracted out.

Referred to Committee on EDUCATION, February 22, 1988.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 230 By Representatives SAURMAN, McCLATCHY, FARGO, WASS, COWELL, SCHULER, TRELLO, NOYE, MARKOSEK, DeLUCA, CARLSON, MELIO, BELARDI, E. Z. TAYLOR, PITTS, KENNEY, MICOZZIE, CIVERA, MAIALE, SIRIANNI, JOHNSON, FOX, CLYMER, DISTLER, HERSHEY, DORR, GRUPPO, KASUNIC, OLASZ, HESS, FISCHER and VROON

Memorializing Congress to intercede to protect the public from the recent ruling of the Federal Communications Commission allowing indecent programming on television between 12 midnight and 6 a.m.

Referred to Committee on RULES, February 22, 1988.

No. 231 By Representative F. TAYLOR

Memorializing Congress to demonstrate its support of home ownership by passage of Senate 1522 and House Bill 2640 which extend mortgage revenue bonds through 1992.

Referred to Committee on RULES, February 22, 1988.

COMMUNICATION FROM GOVERNOR

BILL SIGNED BY GOVERNOR

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

APPROVAL OF HB No. 446.

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

February 12, 1988

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

I have the honor to inform you that I have this day approved and signed House Bill 446, Printer's No. 2668, entitled "AN ACT amending the act of July 10, 1981 (P.L. 214, No. 67), entitled 'An act relating to the lawful conduct of bingo, prescribing penalties and making a repeal,' further providing for the operation and conducting of bingo."

Robert P. Casey
Governor

LEAVES OF ABSENCE

The SPEAKER. On leaves of absence, the Chair recognizes the gentleman from Lawrence, Mr. Fee.

Mr. FEE. Mr. Speaker, the lady from Philadelphia, Mrs. HARPER, for today; the gentleman from Westmoreland, Mr. KUKOVICH, for the week; and the gentleman from Fayette, Mr. KASUNIC, for today.

The SPEAKER. The leaves are granted, there being no objection.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the lady from Chester County, Mrs. TAYLOR, for the week.

The SPEAKER. The leave is granted, there being no objection.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. BUNT. Thank you, Mr. Speaker.

I would like to submit some remarks for the record.

The SPEAKER. The gentleman will send the remarks forward. They will be submitted for the record.

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the Members of the Pennsylvania House of Representatives the name of James A. Bilella, II, who has recently been awarded Scouting's highest honor - Eagle Scout.

Mr. Speaker, on February 21, 1988, James A. Bilella, II will be officially recognized in an induction ceremony as an Eagle Scout.

Mr. Speaker, I would like to read to the Members of the House of Representatives the following Citation of Merit honoring James A. Bilella, II:

WHEREAS, James A. Bilella, II has earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. He is a member of Troop 707, Collegetville, PA.

NOW THEREFORE, The House of Representatives of the Commonwealth of Pennsylvania congratulates James A. Bilella, II on the occasion of his being honored with the Eagle Scout Award, commends him on the outstanding work he has done to earn this coveted honor, and wishes him continued success in the future.

Mr. Speaker, it is my pleasure that I place in the Legislative Journal the name of James A. Bilella, II.

ACTUARIAL NOTE

The SPEAKER. The Chair acknowledges receipt dated February 12 of the actuarial note for HB 1291, signed by Dale Stone, chairman of the Public Employee Retirement Study Commission.

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

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—192

Acosta	Distler	Langtry	Raymond
Angstadt	Dombrowski	Lashinger	Reber
Argall	Donatucci	Laughlin	Reinard
Arty	Dorr	Leh	Rieger
Barley	Duffy	Lescovitz	Ritter
Battisto	Durham	Letterman	Robbins
Belardi	Evans	Levdansky	Roebuck
Belfanti	Fargo	Linton	Rudy
Billow	Farmer	Livengood	Ryan
Birmelin	Fattah	Lloyd	Rybak
Black	Fee	Lucyk	Saloom
Blaum	Fischer	McCall	Saurman
Book	Flick	McClatchy	Scheetz
Bortner	Foster	McHale	Schuler
Bowley	Fox	McVerry	Semmel
Bowser	Freeman	Maiale	Serafini
Boyes	Freind	Maine	Showers
Brandt	Gallen	Manderino	Sirianni
Broujos	Gamble	Manmiller	Smith, B.
Bunt	Gannon	Markosek	Smith, S. H.
Burd	Geist	Mayernik	Snyder, D. W.
Burns	George	Melio	Snyder, G.
Bush	Gladeck	Merry	Staback
Caltagirone	Godshall	Michlovic	Stairs
Cappabianca	Gruitza	Micozzie	Steighner
Carlson	Gruppo	Miller	Stuban
Carn	Hagarty	Moehlmann	Sweet
Cawley	Haluska	Morris	Taylor, F.
Cessar	Hasay	Mowery	Taylor, J.
Chadwick	Hayden	Mrkonic	Telek
Civera	Hayes	Murphy	Tigue
Clark	Heckler	Nahill	Trello
Clymer	Herman	Noye	Van Horne
Cohen	Hershey	O'Brien	Veon
Colafella	Hess	O'Donnell	Vroon
Cole	Honaman	Olasz	Wambach
Cornell	Howlett	Oliver	Wass
Corrigan	Hutchinson	Perzel	Weston
Cowell	Itkin	Petrarca	Wilson
Coy	Jackson	Petrone	Wogan
DeLuca	Jadlowiec	Phillips	Wozniak
DeVerter	Jarolin	Piccola	Wright, D. R.
DeWeese	Johnson	Pievsky	Wright, J. L.

Daley	Josephs	Pistella	Wright, R. C.
Davies	Kennedy	Pitts	Yandrisevits
Dawida	Kenney	Pressmann	
Dempsey	Kitchen	Preston	Irvis,
Dietterick	Kosinski	Punt	Speaker
Dininni	LaGrotta		

ADDITIONS—3

Hughes	Richardson	Wiggins
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NOT VOTING—1

Seventy

EXCUSED—4

Harper	Kasunic	Kukovich	Taylor, E. Z.
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LEAVES ADDED—1

Seventy

MEMBERS' PRESENCE RECORDED

The SPEAKER. The gentleman, Mr. Richardson's; the gentleman, Mr. Hughes'; and the gentleman, Mr. Wiggins' names will be added to the master roll.

WELCOMES

The SPEAKER. The Chair is delighted to welcome, seated to the left of the Speaker, guests of Representative Phillips - Drew Fatool, Reid Furman, and Nicholas Myers. Will you please rise. Stand up, boys. Welcome to the hall of the House, children.

Mr. Pederson and his son, Norman Pederson, are up in the balcony. They are the guests of Representative Melio. Welcome to the hall of the House.

Dwight Evans has as his guest David Harris. He is to the left of the Speaker. Welcome to the hall of the House, David.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair welcomes back on the floor of the House the gentleman, Mr. David Wright. We are *delighted to have you back, Mr. Wright.*

CALENDAR**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 199, PN 2670**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of scattering rubbish; prohibiting drug trafficking to minors; and providing for sentences and penalties.

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

The SPEAKER. The gentleman, Mr. Piccola, you have spoken to the majority leader and minority leader about your motion? Is the majority leader aware of the motion to suspend the rules?

Mr. MANDERINO. Mr. Speaker, the only thing that the gentleman, Mr. Piccola, made me aware of is that he was going to object to the calling up of HB 199. I am not aware of anything else.

The SPEAKER. Mr. Piccola, did you hear the majority leader? The Chair would suggest that you come and confer with him. He did not understand it as the Chair did.

The House will stand at ease.

The House will come to order.

The Chair recognizes the majority leader. What is the decision?

Mr. MANDERINO. Mr. Speaker, HB 199 has been on our calendar for some 11 days. I think it was common knowledge that it may have been a vehicle for a new abortion control act. Mr. Speaker, it is my understanding that the proponents of that are looking to a vehicle other than HB 199.

There are some changes that should be made in HB 199 from when it left the House to even changes that should be made to that material that was placed in it by the Senate, and I think that should properly be done in a conference committee. The gentleman, Mr. Piccola, has indicated that he has amendments to do some correcting, and I have said to him that he should bring those to the conference committee for consideration.

I would ask that we nonconcur in HB 199.

MOTION TO SUSPEND RULES

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

Mr. PICCOLA. Mr. Speaker, I move that the rules of the House be suspended to permit amendments to HB 199.

The SPEAKER. On the question of concurrence in Senate amendments to HB 199, the majority leader has asked that the vote be to nonconcur. Mr. Piccola, on being recognized, has moved that the rules of the House be temporarily suspended so that he may amend amendments the Senate has put in HB 199.

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

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

Mr. MANDERINO. Mr. Speaker, as most of the House I am sure is aware, there is always a reluctance to suspend the rules to add amendments to Senate amendments. That is not to say that it is not done on occasion. But I have seen a whole host of amendments prepared to this bill ranging from trash disposal to eavesdropping and wiretapping amendments, and I would ask, Mr. Speaker, that we not suspend the rules but we place this in conference where the conference committee may consider proper amendments.

The SPEAKER. Now, this amendment is not debatable, except by the leaders. You have heard the majority leader's position.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, the question before the House now is not the amendments themselves but the suspension of the rules to permit amendments. It is my understanding, Mr. Speaker, that there are certain technical defects in the bill, and it is to this that the amendments are intended to be added.

Now, it is my concern, Mr. Speaker, and the concern of a number of our members that if we do not suspend the rules and offer the amendments to clean up the technical defects, mandatory sentencing for drug offenses will not become the law of Pennsylvania. It is for that reason that we are anxious that these amendments be considered today and the matter sent back to the Senate. Absent that, there is some concern that in a conference the makeup of the conferees, the conference committee, would be such that mandatory sentencing would not be part of that measure. It is part of the measure now and we want it to stay that way without the interference of conference committee people. Thank you.

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

Mr. MANDERINO. Mr. Speaker, since the minority leader has presumed to anticipate the kind of conferees or the thinking of conferees that might go on the committee, let me add to the speculation. It is my intention to place on the conference committee persons who are interested in proper sentencing guidelines and mandatory sentencing and not persons who want to eliminate that from the bill.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. I think that is very interesting. I would rather see it done now while it is under our control. Thank you, Mr. Speaker.

The SPEAKER. On the question, shall the rules of the House be temporarily suspended—that motion is made by the gentleman, Mr. Piccola—those who believe they should be suspended will vote "aye," as advocated by Mr. Ryan; those who believe they should not be will vote "no," as advocated by the majority leader, Mr. Manderino.

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

The following roll call was recorded:

YEAS—98

Angstadt	Distler	Jadlowiec	Reber
Argall	Dorr	Johnson	Reinard
Arty	Durham	Kennedy	Robbins
Barley	Fargo	Kenney	Ryan
Birmelin	Farmer	Langtry	Saurman
Black	Fischer	Lashinger	Scheetz
Book	Flick	Leh	Schuler
Bowser	Foster	McClatchy	Semmel
Boyes	Fox	McVerry	Serafini
Brandt	Freind	Manmiller	Sirianni
Bunt	Gallen	Merry	Smith, B.
Burd	Gannon	Micozzie	Smith, S. H.
Burns	Geist	Miller	Snyder, D. W.
Bush	Gladeck	Mochimann	Snyder, G.
Carlson	Godshall	Mowery	Stairs
Cessar	Gruppo	Nahill	Taylor, J.

Chadwick	Hagarty	Noye	Telek
Civera	Hasay	O'Brien	Vroon
Clymer	Hayes	Perzel	Wass
Cornell	Heckler	Phillips	Weston
DeVerter	Herman	Piccola	Wilson
Davies	Hershey	Pitts	Wogan
Dempsey	Hess	Punt	Wright, J. L.
Dietterick	Honaman	Raymond	Wright, R. C.
Dininni	Jackson		

NAYS—97

Acosta	Donatucci	Livengood	Rieger
Battisto	Duffy	Lloyd	Ritter
Belardi	Evans	Lucyk	Roebuck
Belfanti	Fattah	McCall	Rudy
Billow	Fee	McHale	Rybak
Blaum	Freeman	Maiale	Saloom
Bortner	Gamble	Maine	Showers
Bowley	George	Manderino	Staback
Broujos	Gruitza	Markosek	Steighner
Caltagirone	Haluska	Mayernik	Stuban
Cappabianca	Hayden	Melio	Sweet
Carn	Howlett	Michlovic	Taylor, F.
Cawley	Hughes	Morris	Tigue
Clark	Hutchinson	Mrkonc	Trello
Cohen	Itkin	Murphy	Van Horne
Colafella	Jarolin	O'Donnell	Veon
Cole	Josephs	Olasz	Wambach
Corrigan	Kitchen	Oliver	Wiggins
Cowell	Kosinski	Petrarca	Wozniak
Coy	LaGrotta	Petrone	Wright, D. R.
DeLuca	Laughlin	Pievsky	Yandrisevits
DeWeese	Lescovitz	Pistella	
Daley	Letterman	Pressmann	Irvis,
Dawida	Levdansky	Preston	Speaker
Dombrowski	Linton	Richardson	

NOT VOTING—1

Seventy

EXCUSED—4

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

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

The SPEAKER. On that question, the gentleman, Mr. Manderino, has advocated the vote be in the negative.

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

Mr. PICCOLA. Mr. Speaker, I would only, without advocating a position on this vote, inform the House precisely what they are voting on since this is an election year. This bill started out as an amendment to Title 18, a bill creating offenses for the crime of scattering trash, sponsored originally by Mr. Acosta from Philadelphia. The Senate inserted into the bill—and these are the amendments that you will be voting "yes" or "no" on right now—strong penalties, mandatory minimal penalties, for drug trafficking in this Commonwealth. I only point that out to the members so that they are aware that by voting in the negative or to nonconcur, they are voting against mandatory minimums for drug offenses.

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

Mr. MANDERINO. Mr. Speaker, very briefly, the gentleman's concerns he can put aside. You will be voting on this prior to your election this year. You will be voting on the bill that is before us. It will come back from conference committee, Mr. Speaker.

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

Mr. DeLUCA. Thank you, Mr. Speaker.

I think one of the most important parts of this bill that we should remember—and I hope the majority leader and the conference committee take it into consideration—is that when this bill was originally proposed, it had a 3-year mandatory jail sentence for anyone selling narcotics to teenagers. I think that should be reinstated, and I think that when that goes to the conference committee, we should have a 3-year mandatory sentence for anyone selling to teenagers. So when you vote on this bill, this bill has been diluted by the Senate. I think we need a stronger bill, and hopefully when this bill comes out of the conference committee, it will be a much stronger bill than it is right now.

So I ask for a negative vote on concurrence. Thank you.

The SPEAKER. On the question of concurrence, the Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I would just ask that we agree with the majority leader, but I would like to amplify the remarks of the gentleman, Mr. DeLuca. If the gentleman from Allegheny County and the men and women in the chamber who agree with him decide that it is in the best interest of our Commonwealth to pursue more mandatory sentencing, it is incumbent upon us as a General Assembly to at least consider that additional funding mechanisms will probably have to be forthcoming in the very near future. Our prisons are at 138 percent of capacity, and I just want that fact to linger over the next several weeks as we discuss and debate this issue. Thank you, sir.

The SPEAKER. On the question, shall the House concur in amendments inserted to HB 199, the gentleman, Mr. Manderino, suggests the vote be in the negative.

Those who believe we should concur will vote "aye"; those who believe we should nonconcur will vote "no."

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—94

Acosta	Distler	Johnson	Reber
Argall	Dorr	Kennedy	Reinard
Arty	Durham	Kenney	Robbins
Barley	Evans	Kosinski	Ryan
Birmelin	Fargo	Langtry	Saurman
Black	Farmer	Lashinger	Schuler
Blaum	Fischer	Leh	Semmel
Book	Flick	McClatchy	Serafini
Bowser	Foster	Manmiller	Sirianni
Boyes	Freind	Mayernik	Smith, B.
Brandt	Gallen	Merry	Smith, S. H.
Bunt	Gannon	Micozzie	Snyder, D. W.
Burd	Geist	Miller	Snyder, G.
Burns	Gladeck	Moehlmann	Stairs
Bush	Godshall	Mowery	Taylor, J.

Carlson	Gruppo	Noye	Telek
Cessar	Hasay	O'Brien	Tigue
Chadwick	Hayes	Perzel	Vroon
Civera	Herman	Phillips	Wass
Clymer	Hershey	Piccola	Weston
Cornell	Hess	Pitts	Wilson
DeVertter	Honaman	Punt	Wogan
Dempsey	Jackson	Raymond	Wright, R. C.
Dininmi	Jadlowiec		

NAYS—99

Angstadt	Donatucci	Livengood	Rieger
Battisto	Duffy	Lloyd	Ritter
Belardi	Fattah	Lucyk	Roebuck
Belfanti	Fee	McCall	Rudy
Billow	Fox	McHale	Rybak
Bortner	Freeman	McVerry	Saloom
Bowley	Gamble	Maine	Scheetz
Broujos	George	Manderino	Showers
Caltagirone	Gruitza	Markosek	Staback
Cappabianca	Hagarty	Melio	Steighner
Carn	Haluska	Michlovic	Stuban
Cawley	Hayden	Morris	Sweet
Clark	Heckler	Mrkonic	Taylor, F.
Cohen	Howlett	Murphy	Trello
Colafella	Hutchinson	Nahill	Van Horne
Cole	Itkin	O'Donnell	Veon
Corrigan	Jarolin	Olasz	Wambach
Cowell	Josephs	Oliver	Wiggins
Coy	Kitchen	Petrarca	Wozniak
DeLuca	LaGrotta	Petrone	Wright, D. R.
DeWeese	Laughlin	Pievsky	Wright, J. L.
Daley	Lescovitz	Pistella	Yandrisevits
Davies	Letterman	Pressmann	
Dawida	Levdansky	Preston	Irvis,
Dietterick	Linton	Richardson	Speaker
Dombrowski			

NOT VOTING—3

Hughes	Maiale	Seventy
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EXCUSED—4

Harper	Kasunic	Kukovich	Taylor, E. Z.
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Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTES

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

Mr. ACOSTA. Mr. Speaker, my vote mistakenly was "yes" on HB 199. It should have been "no."

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Evans, who wishes to correct the record on the vote just taken.

Mr. EVANS. Mr. Speaker, it seems that there was something wrong with my switch. I meant to vote in the negative on HB 199. Thank you.

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

BILL ON FINAL PASSAGE POSTPONED

The SPEAKER. The Chair rescinds its announcement that there is no objection to passing over HB 323 on final passage.

The House proceeded to consideration on final passage postponed of **HB 323, PN 2721**, entitled:

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), known as the "Municipality Authorities Act of 1945," providing for the membership and bylaws of a joint sanitary authority created by cities of the second class and counties of the second class, for billing procedures and audits of the joint sanitary authority and for service standards, performance evaluation measures and billing procedures of the joint sanitary authority.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I would just like to advise our caucus to turn to page 5 of the calendar—we did not have this marked for a vote today—so that they are aware of the fact that this bill, HB 323, is in fact being voted.

The SPEAKER. On page 5, HB 323 was passed over, without objection, but there has now been an objection, and the bill is being called up. It is an important bill. You better pay attention.

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

Mr. ITKIN. Mr. Speaker, is it possible for this bill to be held up until tomorrow?

The SPEAKER. I suggest you check with the majority leader on that.

Mr. MANDERINO. Mr. Speaker, I have no objection to it being held over till tomorrow, but my understanding is that there were members who were going to ask that it be called up today.

The SPEAKER. Is this the bill, Mr. Clark, that you are interested in? Do you have objections to it being held over until tomorrow?

There has been an objection, Mr. Itkin. Therefore, the bill has been called up.

We are on final passage. You may speak on final passage, Mr. Itkin.

BILL PLACED ON FINAL PASSAGE POSTPONED CALENDAR

Mr. ITKIN. Mr. Speaker, I am going to make a motion that the bill be passed over to a fixed time to be called up for tomorrow's vote. I do so because at this point in time I might wish to offer amendments, and it was not my understanding that this bill would be called up today. So I would like to have the courtesy of the House to be able to prepare amendments for tomorrow.

The SPEAKER. The motion of the gentleman, Mr. Itkin, is that HB 323 be placed on the final passage postponed calendar.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, a point of parliamentary inquiry.

Is it possible for Mr. Itkin's motion to read, as I thought he wanted it to read, final passage postponed to be called in tomorrow's session?

The SPEAKER. Yes, he may do that.

Mr. MANDERINO. I think that is the way he put the motion, Mr. Speaker.

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

Mr. CLARK. Mr. Speaker, I do not see a necessity for us to start putting new motions on the books. I will give Mr. Itkin the courtesy and we will call the bill up tomorrow. The only thing that I would ask is that Mr. Itkin share his amendments with us early enough in the day that we can all see them. Thank you.

The SPEAKER. Mr. Itkin, are you satisfied with that?

HB 323, therefore, will go on final passage postponed to be called up tomorrow.

JUDICIARY COMMITTEE MEETING

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

Mr. DeWEESE. Mr. Speaker, the House Judiciary Committee meeting will commence at the sound of the gavel in room 401. We will meet immediately after we break from floor session and go to 401, the Judiciary Committee. Thank you, sir.

The SPEAKER. Are you asking that the Chair remain open for reports of your committee?

Mr. DeWEESE. Along with the majority leader, I am asking that the Chair remain open. Yes, sir. Thank you.

The SPEAKER. Fine.

RULES COMMITTEE MEETING

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

APPROPRIATIONS COMMITTEE MEETING

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

Mr. PIEVSKY. Immediately upon the call of the recess, Mr. Speaker, there will be an Appropriations Committee meeting at the rear of the chamber. Thank you, Mr. Speaker.

The SPEAKER. Appropriations meeting at the rear of the chamber. The Chair will keep the desk open for the report of the committees.

CAUCUSES

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

Mr. ITKIN. Mr. Speaker, the Democrats will caucus at 2 o'clock.

Mr. Speaker, I have just talked to the minority caucus chair, and we have both agreed, because of other committee meetings being scheduled at this time, it might be more appropriate to hold our caucuses at 2:15.

The SPEAKER. 2:15 for the Democratic caucus?.

Mr. ITKIN. Yes. The Democratic caucus will be at 2:15.

The SPEAKER. And 2:15 for the Republican caucus. Republicans caucusing at 2:15; Democrats caucusing at 2:15.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1854, PN 2864 (Amended)

By Rep. SWEET

An Act amending the act of June 11, 1968 (P. L. 149, No. 84), known as the "Volunteer Firemen's Relief Association Act," further providing for volunteer firefighters' retirement plans.

LOCAL GOVERNMENT.

HB 2196, PN 2865 (Amended)

By Rep. PIEVSKY

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

APPROPRIATIONS.

HB 2197, PN 2861

By Rep. PIEVSKY

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate.

APPROPRIATIONS.

BILLS REREPORTED FROM COMMITTEE

HB 389, PN 422

By Rep. PIEVSKY

An Act amending the act of December 1, 1977 (P. L. 237, No. 76), known as the "Local Economic Revitalization Tax Assistance Act," adding provisions relating to new construction in deteriorated areas.

APPROPRIATIONS.

HB 1387, PN 2862 (Amended)

By Rep. PIEVSKY

An Act placing a moratorium on the issuance of permits for certain waste incinerators.

APPROPRIATIONS.

HB 1571, PN 1874

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 the payment of administrative expenses.

APPROPRIATIONS.

HB 1675, PN 2863 (Amended)

By Rep. PIEVSKY

An Act amending the act of November 30, 1967 (P. L. 658, No. 305), known as the "Business Improvement District Act of 1967," authorizing municipal corporations to finance services within business improvement districts.

APPROPRIATIONS.

HB 1910, PN 2420

By Rep. PIEVSKY

An Act designating a bridge in the city of Easton, Northampton County, as the Dr. George S. Smith Memorial Bridge.

APPROPRIATIONS.

LEAVE OF ABSENCE

The SPEAKER. The gentleman from Allegheny, Mr. SEVENTY's request for leave of absence for the remainder of the week is granted. Mr. Seventy has asked for leave for the rest of the week.

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 1910, PN 2420; HB 1675, PN 2863; HB 1571, PN 1874; HB 1387, PN 2862; and HB 389, PN 422.

RECESS

The SPEAKER. The regular session of the House of Representatives will stand in recess subject to the call of the Chair.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1593, PN 2887 (Amended)

By Rep. DeWEESE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for juvenile appearances before district justices.

JUDICIARY.

SB 1130, PN 1808 (Amended)

By Rep. DeWEESE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, making revisions to the provisions regarding the Pennsylvania sentencing guidelines.

JUDICIARY.

BILL REREPORTED FROM COMMITTEE**SB 167, PN 1807** (Amended)

By Rep. MANDERINO

An Act amending the act of October 28, 1966 (1st Sp. Sess., P. L. 55, No. 7), entitled "Goods and Services Installment Sales Act," further providing for rates, service charges, fees and contracts; requiring plain language; and making repeals.

RULES.

RESOLUTION REPORTED FROM COMMITTEE**HR 225, PN 2837**

By Rep. MANDERINO

Designating May 29 through June 4, 1988, as "Burn Survivors' Week", and encouraging the efforts of the Phoenix Society, Inc., in holding the first World Burn Congress.

RULES.

BILLS PASSED OVER

The SPEAKER. Without objection, all remaining bills 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 the regular session of the House of Representatives, the Chair recognizes the gentleman from Bucks, Mr. Corrigan.

Mr. CORRIGAN. Mr. Speaker, I move that this House do now adjourn in regular session until Tuesday, February 23, 1988, at 11:10 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 2:46 p.m., e.s.t., the House adjourned.