

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, MAY 3, 1988

SESSION OF 1988

172D OF THE GENERAL ASSEMBLY

No. 26

HOUSE OF REPRESENTATIVES

The House convened at 11:10 a.m., e.d.t.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

O God, our Heavenly Father, Thou hast promised us the power and presence of Thy spirit in all of life so that we may exhibit before our fellow men the truth of Thy word. We pray that Thou wilt share with us that same spirit, that he may teach us to show forth Thy praise not only here on Earth in weakness, since we know Thy power and glory only from afar, but also in power and glory on that day when united with the choir of angels we shall see Thee face to face. Through Thy blest spirit, who doth seek to proclaim Thy revelation toward all men, we graciously pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVED

The SPEAKER. The Journal for Monday, February 8, 1988, in regular session is in print, and unless the Chair hears objection, the Journal will stand as approved, and the Chair hears no such objection.

JOURNAL APPROVAL POSTPONED

The SPEAKER. However, the Journal for the regular session for Monday, May 2, 1988, is not yet in print. Therefore, the Chair will postpone the approval of that Journal until it is in print, unless there be objection, and the Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. The Chair now turns to leaves of absence. The Chair recognizes the gentleman from Lawrence, Mr. Fee.

Mr. FEE. Mr. Speaker, the gentleman from Cambria, Mr. BILLOW, for today.

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

The gentleman, Mr. Hayes, indicates there are no requests for leaves.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2417 By Representative DISTLER

An Act designating a section of Route 255 in Elk County, Pennsylvania, as the General Edward Meyer Boulevard.

Referred to Committee on TRANSPORTATION, May 3, 1988.

No. 2418 By Representatives DININNI and HUTCHINSON

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

Referred to Committee on TRANSPORTATION, May 3, 1988.

No. 2419 By Representatives DININNI and HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for local authorities to appoint temporary personnel to direct traffic at industrial facilities during shift changes.

Referred to Committee on TRANSPORTATION, May 3, 1988.

No. 2420 By Representatives HONAMAN, HALUSKA, SCHULER, BRANDT, DISTLER, BARLEY, SIRIANNI, FARGO, JADLOWIEC, HECKLER, D. W. SNYDER and BOWSER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the jury selection commissions.

Referred to Committee on JUDICIARY, May 3, 1988.

No. 2421 By Representatives MARKOSEK, JAROLIN, YANDRISEVITS, McCALL, LEVDANSKY, SEVENTY, KUKOVICH, VEON, LaGROTTA, MICHLOVIC, DeLUCA, PISTELLA, COHEN and BILLOW

An Act providing for cost-of-living increases in the amount of compensation payable to a recipient of workmen's compensation; creating a Workmen's Compensation COLA Fund; further providing for the powers and duties of the Department of Labor and Industry; and making an appropriation.

Referred to Committee on LABOR RELATIONS, May 3, 1988.

No. 2422 By Representative BURNS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for issuance and content of license.

Referred to Committee on TRANSPORTATION, May 3, 1988.

No. 2423 By Representatives LETTERMAN, DAVIES, BOWLEY, BELFANTI, STABACK, McCALL and MARKOSEK

An Act making an appropriation to the Pennsylvania Fish Commission to cover the costs of certain free fishing licenses.

Referred to Committee on APPROPRIATIONS, May 3, 1988.

No. 2424 By Representatives HASAY, GEORGE, JAROLIN, SIRIANNI, TIGUE, HALUSKA, SEMMEL, MOEHLMANN, JOHNSON, HAYDEN, NOYE, FOX, S. H. SMITH, MORRIS, E. Z. TAYLOR, JACKSON, MERRY, ANGSTADT, BATTISTO, CIVERA, LEVDANSKY, ACOSTA, VEON, TRELLO, MICOZZIE, DIETTERICK and BLAUM

An Act establishing a volunteer litter patrol program to be administered by the Department of Environmental Resources; and providing for the appointment and powers and duties of patrol members.

Referred to Committee on CONSERVATION, May 3, 1988.

No. 2425 By Representatives GEIST, BOWSER, FARGO, S. H. SMITH, BATTISTO, HALUSKA, JACKSON, CARLSON, STABACK, FOSTER, PHILLIPS, FLICK, JOHNSON, HERSHEY, ROBBINS, SEMMEL, BARLEY, BILLOW, HESS, VROON and MERRY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing dealers of motor carrier vehicles to be agents for the Department of Revenue for certain purposes relating to the motor carrier road tax identification marker.

Referred to Committee on TRANSPORTATION, May 3, 1988.

No. 2426 By Representatives HUTCHINSON, VEON and DAVIES

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing for imposition of additional liquid fuels tax.

Referred to Committee on TRANSPORTATION, May 3, 1988.

No. 2427 By Representatives HUTCHINSON and DUFFY

An Act designating a bridge over the Allegheny River in Allegheny County, as the Joseph F. Bonetto Memorial Bridge.

Referred to Committee on TRANSPORTATION, May 3, 1988.

No. 2428 By Representative HUTCHINSON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding a judge of the court of common pleas of the tenth judicial district.

Referred to Committee on JUDICIARY, May 3, 1988.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 265 By Representatives WASS, S. H. SMITH, LIVENGOOD, CESSAR, MRKONIC, HESS, WAMBACH, BELFANTI, BOWLEY, BILLOW, WOZNIAC, DUFFY and McHALE

Urging the President and the Congress of the United States to maintain the high priority of the issue of America's prisoners of war and missing in action.

Referred to Committee on RULES, May 3, 1988.

SENATE BILLS FOR CONCURRENCE

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

SB 279, PN 1981

Referred to Committee on MINES AND ENERGY MANAGEMENT, May 3, 1988.

SB 964, PN 1925

Referred to Committee on PROFESSIONAL LICENSURE, May 3, 1988.

SB 1265, PN 1775

Referred to Committee on BUSINESS AND COMMERCE, May 3, 1988.

SB 1266, PN 1776

Referred to Committee on BUSINESS AND COMMERCE, May 3, 1988.

SB 1283, PN 1804

Referred to Committee on CONSERVATION, May 3, 1988.

COAL QUEEN PRESENTED

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor, to make a presentation.

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

Mr. Speaker, it gives me great pleasure today to introduce to you the 1987 Bituminous Coal Queen from Uniontown, Pennsylvania. Her name is Lori Bierbower, and she is accompanied here today by her parents, Mr. and Mrs. Richard Bierbower, to our left over here. Would you please stand? They are the two who made it all possible. She is also accompanied here today by the Coal Queen delegation from Greene County. Would they please rise?

I understand that Lori is the 34th Coal Queen, and believe it or not, I think Fayette County and Uniontown have the majority of those young, beautiful ladies representing the Bituminous Coal Association, who through the years have come from the Fayette County side in bituminous coal.

Lori is a 1987 senior at Uniontown High School. She is also class president; besides that she serves on the Letterman's Club and also on the tennis team. Lori's other outstanding accomplishment is she is a member of the National Honor Society, and she is a very gifted young lady, a very talented young lady, and I understand she is going to go to the University of Pittsburgh and take up to be a certified public accountant. But she has already won one election as the president of her senior class, so I had better look out, maybe, for the future; she may run against me. I see Matt nodding his head. That would be great, right, Matt? She has got to be a Democrat to be in Fayette County.

Thank you very much, Mr. Speaker, for paying attention to me here today. And with that I would like to present Lori this citation on behalf of the House of Representatives and also present Lori for a few brief remarks.

Lori Bierbower, our 1987 Bituminous Coal Queen. Lori.

Miss BIERBOWER. Good morning. I thank you for the unique opportunity to speak to you today.

As I stand here, I represent a very significant and charismatic group of individuals. In 1953 these men of whom I speak gathered together to try to diminish the plight of the coal industry upon their community. Through this assembly the King Coal Association and the Annual Pennsylvania Bituminous Coal Show originated. The coronation of the State Bituminous Coal Queen has become a prominent event of this festival.

Recently, however, many complications have been inflicted upon the coal industry both externally and internally, and it has not been able to profit from the prosperity it once experienced. Pennsylvania coal cannot be allowed to continue to suffer and eventually to become extinct. We must not only refer to our success due to the knowledge we have gained but we must also refer to our decline due to the mistakes we have made. We are obligated to rejuvenate an industry and its people who have aspired that the coal industry may endure generation after generation. Thank you.

STEPHEN McCANN PRESENTED

The SPEAKER. The Chair invites to the Speaker's podium the man who first recognized the Chair when the Chair was

seated in the rear rows of this hall, who first invited him to walk forward to speak to the House, who first gave the Chair the courage to speak to the other members, who knew and knows more about State Government than any three of us rolled in together, the former majority leader of the House of Representatives, the Chair's very close and dear friend, Steve McCann. Steve.

Mr. McCANN. Mr. Speaker, members of the House of Representatives, I did not know until a few minutes ago that I would have to come to the podium because my friend, the Speaker, insisted.

All I want to say is, Leroy, you are going to go home to Pittsburgh to retire because you have got a terrible job to do, you have got to collect your pension each month, and you have got to be active, and he and I are going to join in a protest of some kind downtown.

I want to thank you for the chance to say hello. More than a decade of my life was devoted here to the House of Representatives. And friends that I made all over the State, may I wish to each and every one of you the very best of everything. May you never lose an election and may you always have the happiness you are seeking. Thank you for the chance to say hello.

WELCOMES

The SPEAKER. The Chair welcomes as guests of Representative Heckler the students from Our Lady of Mount Carmel School of Doylestown. They are in the balcony. Welcome to the hall of the House, children. We are delighted to have you here. The children are in the balcony.

The students of the Stanton Elementary School in Philadelphia are the guests of Representative Andrew Carn and the rest of the Philadelphia delegation. They are just coming into the balcony. Welcome to the hall of the House, children. We are pleased to have you here.

Bud and Marge Tiefenthaler are here with Gerald and Barbara Morosky, and they are all guests of Representative Saurman. They are to the left of the Speaker. Welcome to the hall of the House. We are delighted to have you here. Thank you for coming.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—193

Acosta	Dombrowski	Langtry	Reinard
Angstadt	Donatucci	Lashinger	Richardson
Argall	Dorr	Leh	Rieger
Arty	Duffy	Lescovitz	Ritter
Barley	Durham	Letterman	Robbins
Battisto	Evans	Levdansky	Roebuck
Belardi	Fargo	Linton	Rudy
Belfanti	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	Gallen	Maine	Showers
Brandt	Gamble	Manderino	Sirianni
Broujos	Gannon	Manmiller	Smith, B.
Bunt	Geist	Markosek	Smith, S. H.
Burd	George	Mayermik	Snyder, D. W.
Burns	Gladeck	Melio	Snyder, G.
Bush	Godshall	Merry	Staback
Caltagirone	Gruitza	Michlovic	Stairs
Cappabianca	Gruppo	Micozzie	Steighner
Carlson	Hagarty	Miller	Stuban
Carn	Harper	Moehlmann	Sweet
Cawley	Hasay	Morris	Taylor, E. Z.
Cessar	Hayden	Mowery	Taylor, F.
Chadwick	Hayes	Mrkonic	Taylor, J.
Civera	Heckler	Murphy	Telek
Clark	Herman	Nahill	Tigue
Clymer	Hershey	Noye	Trello
Cohen	Hess	O'Brien	Van Horne
Colafella	Honaman	O'Donnell	Veon
Cole	Howlett	Olasz	Vroon
Cornell	Hughes	Oliver	Wambach
Corrigan	Hutchinson	Perzel	Wass
Cowell	Itkin	Petrarca	Weston
Coy	Jackson	Petrone	Wiggins
DeLuca	Jadlowiec	Phillips	Wogan
DeVerter	Jarolin	Piccola	Wozniak
DeWeese	Johnson	Pievsky	Wright, D. R.
Daley	Josephs	Pistella	Wright, J. L.
Davies	Kasunic	Pitts	Wright, R. C.
Dawida	Kennedy	Pressmann	Yandrisevits
Dempsey	Kenney	Preston	
Dietterick	Kosinski	Punt	Irviss,
Dininni	Kukovich	Raymond	Speaker
Distler	LaGrotta	Reber	

ADDITIONS—0

NOT VOTING—1

Kitchen

EXCUSED—4

Billow Freind Haluska Seventy

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 2369;
 HB 2370;
 HB 2371;
 HB 2372;
 HB 2373;
 HB 2374;
 HB 2375;
 HB 2376;
 HB 2377;
 HB 2378;
 HB 2379;
 HB 2380;
 HB 2381;
 HB 2382;
 HB 2383;

HB 2384;
 HB 2385;
 HB 2386;
 HB 2387;
 HB 2388;
 HB 2389;
 HB 2390;
 HB 2391;
 HB 2392;
 HB 2393;
 HB 2394;
 HB 2395;
 HB 2396;
 HB 2397;
 HB 2398;
 HB 2399;
 HB 2400;
 HB 2401;
 HB 2402;
 HB 2403;
 HB 2404;
 HB 2405;
 HB 2406;
 HB 2407;
 HB 2408;
 HB 2409;
 HB 2410;
 HB 2411;
 HB 2412;
 HB 2413;
 HB 2414;
 HB 2415; and
 HB 2416.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED**HB 1879, PN 3218 (Amended)**

By Rep. COWELL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting certain activities by athlete agents.

EDUCATION.

HB 1880, PN 3219 (Amended)

By Rep. COWELL

An Act providing for the licensure and regulation of athlete agents and athlete agent firms; prescribing the powers and duties of the Department of State with respect thereto; and providing for penalties and remedies.

EDUCATION.

CALENDAR

BILLS ON SECOND CONSIDERATION

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

HB 1438, PN 3120.

* * *

The House proceeded to second consideration of **HB 2333, PN 3101**, entitled:

An Act designating U.S. Traffic Route 15 as the Marine Corps League Memorial Highway.

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 2333 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.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 994, PN 3108**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for an opportunity for municipalities to purchase real property being disposed of by public utilities engaged in a railroad business.

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?

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, would the gentleman, Mr. Petrone, permit me to interrogate him for a moment?

The SPEAKER. Is Mr. Petrone on the floor of the House?
Pass it over temporarily.

Mr. RYAN. Mr. Speaker, prior to moving on to the next bill, the purpose of my interrogation—and maybe someone in reach of my voice can prepare Mr. Petrone for my question—I am curious, Mr. Speaker, as to the constitutionality of a bill that we would pass that would say that a private owner of real estate—and that is what I consider a railroad to be—must first offer its property to any person, notwithstanding the fact that this bill calls for the offering of it to a municipality. I question the constitutionality of it. I would just like to have an answer along those lines when Mr. Petrone returns to the floor.

The SPEAKER. Mr. Petrone is on the floor of the House. Did you hear the question, Mr. Petrone?

The gentleman indicates he will answer to interrogation. You may proceed, Mr. Petrone.

Mr. PETRONE. Mr. Speaker, I did not hear his specific question.

The SPEAKER. The question that was asked is, is this bill constitutional, in your opinion, when in effect it orders a private owner of land, being a railroad, to first offer its land for sale to the public domain?

Mr. PETRONE. Yes, Mr. Speaker, I believe it is constitutional. They do not have to accept the offer, Mr. Speaker. It is merely to protect the property that was originally taken through eminent domain or condemnation proceedings and to offer this back to the local municipality from where they got the property, you know.

Mr. RYAN. Mr. Speaker, is the gentleman saying that this only affects property owned by a railroad that has been taken at some point by eminent domain?

Mr. PETRONE. The railroad is a public utility, Mr. Speaker, and primarily it does affect this property. Most of this property was taken in the late 1800's and is now being abandoned and abandoned without allowing the local municipality the first right to acquire the property or other agencies that are interested in it, and our basic purpose is to protect this property to see that it is utilized in the best way possible.

Mr. RYAN. Mr. Speaker, my question though was, does this bill affect property owned by a railroad that has been taken by eminent domain as opposed to property owned by a railroad, regulated by the PUC (Public Utility Commission), that perhaps they bought in fee from a willing seller?

Mr. PETRONE. It affects all property that is being abandoned by railroads, Mr. Speaker, all property, regardless of in which manner it was acquired initially. It does not say they must accept an offer that is presented, but the basic idea is to give them the first right of the refusal, and I think it clearly states that in the legislation, Mr. Speaker.

Mr. RYAN. Mr. Speaker, in my area and I am sure in many of your municipalities, there are railroad stations, railroad stations that the railroad does not use anymore. Now, if the railroad wanted to list one of them for sale—now, this is not a right-of-way; it is their old station—would they first have to offer it to a municipality?

Mr. PETRONE. That is correct, Mr. Speaker. Under the legislation that is correct.

Mr. RYAN. I remember reading about this. I am not entirely familiar with it. When Penn Central was in some financial difficulty years ago, it offered for sale a good bit of real estate in the city of New York that it owned. It also owned a lot of real estate in and about the city of Philadelphia. It had nothing to do with railroad tracks as such. These were just large office buildings. Under this bill would they have to first be offered to a municipality?

Mr. PETRONE. Yes; I believe that is correct, Mr. Speaker.

Mr. RYAN. Let us assume for a moment that the railroad company does not offer an office building for sale to the

municipality but rather offers it for sale to a buyer who enters into an agreement of sale in good faith, who goes to settlement, and then it is determined that the property had never been offered to the municipality. Would that settlement be void?

Mr. PETRONE. I presume, Mr. Speaker, that would be the basis for an appeal of that attempt to sell the property. There could be a problem, yes, although it is not spelled out, but I believe that by saying that they must first offer the local municipality the first refusal and if not doing so, that it would void any further contracts.

Mr. Speaker, if I may, I would like to clarify for my colleague the intent, and I do not want anybody here to misinterpret our intentions on this legislation. In my district 4 1/2 miles of right-of-way were sold by the railroad to a private developer, and this property ran through four municipalities. Now, unfortunately, in the municipalities affected in the area there are a great many overpasses. A problem occurred with the overpasses and bridges that were deteriorated and falling down that affected some of the main arteries through these local municipalities. The purchaser of the property disavowed buying the bridges and overpasses. The railroad said they disposed of them and were no longer responsible for their safety, so we are in a "Catch 22" situation. It is going to take a lot of money to correct these falling bridges and overpasses. These local municipalities do not have the money and they are kind of stuck.

So this legislation attempts to clarify from the beginning the disposition of property that railroads are abandoning all over the Commonwealth. There are many, many hundreds of miles through everybody's district in this room, and all we are saying is that before it is done or given away or sold or whatever, that the local town, the local government, should have the first right to acquire the property and then possibly the Game and Fish Commissions and DER (Department of Environmental Resources) should protect properties that are along streams and State game lands.

I think it is a good idea, and I believe that my colleagues should support the legislation.

Do you want to continue, Mr. Speaker?

Mr. RYAN. Do I want to continue?

Mr. Speaker, I have no opinion as I debate right now as to the constitutionality of this bill. It does bother me though.

The ills that the gentleman is seeking to address, I am not so sure that they are addressed here. If your concern is with the bridges that cross the various roads, there is nothing in this bill that says that the municipalities or private enterprises have to take over the responsibility for them. That question is not addressed. The interference with the right to convey, the interference with the right to contract frankly bothers me, and I am not urging anyone to vote with me, and perhaps in the course of further debate I am going to change my own mind, but right now it bothers me enough that I cannot support the bill. Thank you, Mr. Speaker.

Mr. PETRONE. Mr. Speaker, in answer let me clarify that. The local municipal governments affected in this particular

case that I was involved in were never informed of the sale of the property, and the 4 1/2 miles of property runs through the heart of four local boroughs and townships. They were never informed of the sale. The property was sold for \$120,000, but the property was taken initially by eminent domain and condemnation, and it was taken from people, private people, and it was taken from those local governments but they were never given the opportunity to reacquire the property, and that is all we are clarifying in this bill, Mr. Speaker.

Mr. RYAN. Mr. Speaker, I disagree with the gentleman. That is not what you are doing. This bill does not say that it applies only to those areas and that ground that has been acquired initially by eminent domain. The bill does not say it, and you do not say that it says it. Your remarks were, in most cases it probably was acquired back in the 1800's by eminent domain. But it maybe was or was not but this bill does not say it. And the part that really bothers me, if the Pennsylvania Railroad System, Penn Central, whatever it is called today, if they wanted to sell an office building in center-city Philadelphia, they would have to first offer it to the city of Philadelphia or run the risk that a contract they entered into is voidable. I think that is outrageous.

Now, if you want to make an argument on a right-of-way line, I am more inclined to listen to it, but because a railroad— And Penn Central, by way of example, owned real estate all over the eastern United States at one point, and I suspect still has some in their real estate division that has nothing to do with a right-of-way line. And why these office buildings or apartment complexes—perhaps they had invested in apartment complexes—why they should be burdened with the obligation of first offering to a municipality just is completely illogical and I cannot support it, unless you would amend your bill to a right-of-way line that was acquired by eminent domain. There is some logic to that, but the way the bill is drawn now it is illogical, in my judgment.

Mr. PETRONE. Mr. Speaker, I would be willing to accept an amendment from Mr. Ryan excluding those types of properties. It was not the intent to include some of these magnificent edifices of the past, like our Pennsylvania Station in Pittsburgh, which happens to be in the heart of downtown and is a very important piece of property. The intent is to protect the right-of-way properties that were not all taken by eminent domain, some by condemnation, some by outright purchase of properties. It is very difficult to search the titles of these properties since it was so long ago.

But nevertheless, the property is important. It is important to those municipalities and it is important to the people of those municipalities.

Mr. RYAN. Would the gentleman agree then that the bill be held over or recommitted, as he sees fit, until amendments are drafted?

Mr. PETRONE. I believe there was to be an amendment offered, Mr. Speaker.

Mr. RYAN. I was under the impression that the gentleman indicated that he would allow me to prepare an amendment to address the question that I just raised.

Mr. PETRONE. I agree to that, Mr. Speaker.

BILL PASSED OVER

The SPEAKER. The bill will be passed over, without objection. The Chair hears no objection.

WELCOMES

The SPEAKER. Representative Paul McHale has Eagle Scout Donald Schneck from Whitehall Township in the balcony. Welcome to the hall of the House. We are delighted to have you, Mr. Schneck.

Representative Robbins has Anna Ebert, Lelia Snyder, Catherine Thompson, Florence McConnell, and Virginia Straub, who are participating in the Pennsylvania State Grange. They are in the balcony. Welcome to the hall of the House. We are delighted to have you here.

AGRICULTURE AND RURAL AFFAIRS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Morris, to announce a committee meeting.

Mr. MORRIS. Thank you, Mr. Speaker.

There will be a meeting of the Agriculture Committee immediately upon the call of the recess in the rear of the House. We hope it will be a short meeting.

RECESS

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

AFTER RECESS

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

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 542, PN 592**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate, May 2, 1988

RESOLVED, (the House of Representatives concurring), That when the Regular Session of the Senate adjourns this week it reconvene on Monday, May 9, 1988, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the Regular Session of the House of Representatives adjourns this week it reconvene on Monday, May 9, 1988, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

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

HB 542, PN 592

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," further providing for penalties for damage to or theft of grave markers or headstones.

BILL REREPORTED FROM COMMITTEE

HB 1769, PN 3220 (Amended)

By Rep. MORRIS

An Act amending the act of December 17, 1981 (P. L. 435, No. 135), known as the "Race Horse Industry Reform Act," further providing for simulcasts by racing corporations who did not have a 1986 racing schedule.

AGRICULTURE AND RURAL AFFAIRS.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1900, PN 2987**, entitled:

An Act requiring institutions of higher education to provide students and employees with information relating to crime statistics and security measures and to provide similar information to prospective students and employees upon request; granting powers to the State Board of Education; and providing for penalties.

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—190

Acosta	Distler	LaGrotta	Raymond
Angstadt	Dombrowski	Langtry	Reber
Argall	Donatucci	Lashingier	Reinard
Arty	Dorr	Leh	Rieger
Barley	Duffy	Lescovitz	Ritter
Battisto	Durham	Lettermann	Robbins
Belardi	Evans	Levdansky	Roebuck

Belfanti	Fargo	Linton	Rudy
Birmelin	Farmer	Livengood	Ryan
Black	Fee	Lloyd	Rybak
Blaum	Fischer	Lucyk	Saloom
Book	Flick	McCall	Saurman
Bortner	Foster	McClatchy	Scheetz
Bowley	Fox	McHale	Schuler
Bowser	Freeman	McVerry	Semmel
Boyes	Gallen	Maiale	Serafini
Brandt	Gamble	Maine	Showers
Broujos	Gannon	Manderino	Sirianni
Bunt	Geist	Manmiller	Smith, B.
Burd	George	Markosek	Smith, S. H.
Burns	Gladeck	Mayermik	Snyder, D. W.
Bush	Godshall	Melio	Snyder, G.
Caltagirone	Gruitza	Merry	Staback
Cappabianca	Gruppo	Michlovic	Stairs
Carlson	Hagarty	Micozzie	Steighner
Carn	Harper	Miller	Suban
Cawley	Hasay	Moehlmann	Sweet
Cessar	Hayden	Morris	Taylor, E. Z.
Chadwick	Hayes	Mowery	Taylor, F.
Civera	Heckler	Mrkonc	Taylor, J.
Clark	Herman	Murphy	Telek
Clymer	Hershey	Nahill	Tigue
Cohen	Hess	Noye	Trello
Colafella	Honaman	O'Brien	Van Horne
Cole	Howlett	O'Donnell	Veon
Cornell	Hughes	Olasz	Vroon
Corrigan	Hutchinson	Oliver	Wambach
Cowell	Itkin	Perzel	Wass
Coy	Jackson	Petrarca	Weston
DeLuca	Jadlowiec	Petrone	Wiggins
DeVerter	Jarolin	Phillips	Wogan
DeWeese	Johnson	Piccola	Wozniak
Daley	Josephs	Pievsky	Wright, D. R.
Davies	Kasunic	Pistella	Wright, J. L.
Dawida	Kennedy	Pitts	Yandrisevits
Dempsey	Kenney	Pressmann	
Dietterick	Kosinski	Preston	Irvis,
Dininni	Kukovich	Punt	Speaker

NAYS—0

NOT VOTING—4

Fattah	Kitchen	Richardson	Wright, R. C.
--------	---------	------------	---------------

EXCUSED—4

Billow	Freind	Haluska	Seventy
--------	--------	---------	---------

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 1689, PN 2099**, entitled:

An Act amending the act of May 5, 1976 (P. L. 112, No. 83), entitled "An act conferring additional powers upon the several boroughs and incorporated towns of this commonwealth," further providing for enforcement.

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

Acosta	Distler	Langtry	Reinard
Angstadt	Dombrowski	Lashingier	Rieger
Argall	Donatucci	Leh	Ritter
Arty	Dorr	Lescovitz	Robbins
Barley	Duffy	Letterman	Roebuck
Battisto	Durham	Levdansky	Rudy
Belardi	Evans	Livengood	Ryan
Belfanti	Fargo	Lloyd	Rybak
Birmelin	Farmer	Lucyk	Saloom
Black	Fee	McCall	Saurman
Blaum	Fischer	McClatchy	Scheetz
Book	Flick	McHale	Schuler
Bortner	Foster	McVerry	Semmel
Bowley	Fox	Maine	Serafini
Bowser	Freeman	Manderino	Showers
Boyes	Gallen	Manmiller	Sirianni
Brandt	Gamble	Markosek	Smith, B.
Broujos	Gannon	Mayermik	Smith, S. H.
Bunt	Geist	Melio	Snyder, D. W.
Burd	George	Merry	Snyder, G.
Burns	Gladeck	Michlovic	Staback
Bush	Godshall	Micozzie	Stairs
Caltagirone	Gruitza	Miller	Steighner
Cappabianca	Gruppo	Moehlmann	Suban
Carlson	Hagarty	Morris	Sweet
Carn	Harper	Mowery	Taylor, E. Z.
Cawley	Hasay	Mrkonc	Taylor, F.
Cessar	Hayden	Murphy	Taylor, J.
Chadwick	Hayes	Nahill	Telek
Civera	Heckler	Noye	Tigue
Clark	Herman	O'Brien	Trello
Clymer	Hershey	O'Donnell	Van Horne
Colafella	Hess	Olasz	Veon
Cole	Honaman	Oliver	Vroon
Cornell	Hutchinson	Perzel	Wambach
Corrigan	Itkin	Petrarca	Wass
Cowell	Jackson	Petrone	Weston
Coy	Jadlowiec	Phillips	Wiggins
DeLuca	Jarolin	Piccola	Wogan
DeVerter	Johnson	Pievsky	Wozniak
DeWeese	Josephs	Pistella	Wright, D. R.
Daley	Kasunic	Pitts	Wright, J. L.
Davies	Kennedy	Pressmann	Wright, R. C.
Dawida	Kenney	Preston	Yandrisevits
Dempsey	Kosinski	Punt	
Dietterick	Kukovich	Raymond	Irvis,
Dininni	LaGrotta	Reber	Speaker

NAYS—0

NOT VOTING—8

Cohen	Howlett	Kitchen	Maiale
Fattah	Hughes	Linton	Richardson

EXCUSED—4

Billow	Freind	Haluska	Seventy
--------	--------	---------	---------

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 1690, PN 2100**, entitled:

An Act amending the act of December 6, 1972 (P. L. 1443, No. 321), entitled "An act authorizing incorporated towns to prohibit and remove nuisances and dangerous structures on public or private grounds, or to require the removal of such nuisances and dangerous structures by the owner or occupier of such grounds," further providing for penalties.

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—183

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

NAYS—0

NOT VOTING—11

Blaum	Fattah	Hughes	Maiale
Cohen	Harper	Kitchen	Richardson
DeWeese	Howlett	Linton	

EXCUSED—4

Billow	Freind	Haluska	Seventy
--------	--------	---------	---------

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.

WELCOMES

The SPEAKER. The Chair is delighted to welcome to the hall of the House, as the guests of Stan Jarolin, Michael and Olga Yurkowski, whom the Chair had the pleasure of meeting earlier. They are to the left of the Speaker. We are delighted to have you here.

Ray Cline is to the left of the Speaker. Welcome to the hall of the House, Ray. He is the guest of the Montgomery County delegation. We are delighted to have you here.

We have a guest page who has been busy at work on the floor of the House - Joel Straub, who is a student at the Commodore Perry High School. He was chosen as the Junior Grange Prince for the year. He is the guest of Robert Robbins. Welcome, Joel. We are glad to have you here, son.

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **HB 1574, PN 3103**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the act of December 7, 1982 (P. L. 784, No. 225), known as the "Dog Law," further providing for service fees and grants for joint municipal dog law enforcement agencies; and providing for damages caused by coyotes.

On the question,

Will the House concur in Senate amendments?

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

Mr. NOYE. Thank you, Mr. Speaker.

I was looking around for Mr. Letterman, who has a great interest in this bill, and he spoke to me earlier, so I will try to relay our mutual concerns about the bill.

The bill calls for an indemnity program for coyote damage to livestock, and it calls for payments to be made out of the Dog Law Fund.

We both agree that there is a desperate need for coyote indemnification—

Mr. Speaker, I just talked with Representative Rudy, who is the prime sponsor of this bill, and evidently after my discussion with Mr. Letterman, which occurred on the floor of the House, she had a chance to speak with the gentleman, and he, I guess, has changed his opinion on the bill. Nevertheless, Mr. Speaker, that does not change my opinion, so if I may go on, I will speak for myself and not include the gentleman, Mr. Letterman.

What this bill does is it calls on the Department of Agriculture through the Dog Law to make payments for indemnity purposes for damage to livestock created by coyotes.

Mr. Speaker, I have a great concern about this, not because of the amount of money, because it is only about a \$20,000 price tag, but I think we are setting a terrible precedent. We already have an indemnity program that is paid to people in this Commonwealth for bear damage, and that comes out of the Game Law Fund. In the past we have paid bounties on foxes in the Commonwealth; we paid that out of the Game Law Fund.

Now, at the present time there are not a lot of regulations on the question of coyotes. Although the Game Commission is very interested in seeing that this species be returned to the wilds of Pennsylvania, it is only a matter of time, a very short period of time, until the Game Commission is going to be regulating not only the future of the coyote as far as whether it be a game animal - whether it be allowed to be hunted or whatever - but they are doing everything in their power to see that it is returned as a species to the wilds of Pennsylvania. I have no problem with that. But if we are going to do that, then I think it is our responsibility through the Game Law to pay these costs.

For people who have damage created by bear, we pay that cost. There has been and there will be for years to come a debate on whether farmers, landowners, should be compensated for deer damage. That is a long debate, and it has been going on in this Commonwealth for 10 years. But if there is and we ever go that direction, we are going to pay it out of the Game Fund.

Mr. Speaker, I think we are setting a terrible precedent by putting this in the Department of Agriculture. As much as I want to see an indemnification program for the animals, I think it rightfully belongs in the Game Commission, and I urge nonconcurrence on HB 1574.

The SPEAKER. The Chair recognizes the lady from Centre, Mrs. Rudy, on the question.

Mrs. RUDY. Mr. Speaker, I do urge concurrence in the Senate amendments, because this has been an agreed-to amendment with the Department of Agriculture. They have no problem with the funds for this indemnification program coming out of the Dog Law Fund.

It also is a very important issue to the Grange, and the Grange supports the fact that the money should come out of the Dog Law Fund. I think to set it up under the Game Commission would be opening up a Pandora's box for many other damages caused by animals, such as deer damage to farmers, et cetera. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Wass, on concurrence.

Mr. WASS. Thank you, Mr. Speaker.

I also rise to support concurrence.

I would ask the House to concur in this particular legislation. The amendment is acceptable to the Department of Agriculture and others who should be concerned on this type of legislation. So I would ask the body to support concurrence.

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

Mr. BOOK. Thank you, Mr. Speaker.

I wonder if I could speak to the sponsor of the bill, please.

The SPEAKER. Mrs. Rudy will stand for interrogation. You may proceed.

Mr. BOOK. Mr. Speaker, can you explain to me the amendments that were put in by the Senate? I understand there were one or two amendments put in.

Mrs. RUDY. Yes, Mr. Speaker. The amendment that we were just referring to about the indemnification program for damages due to coyotes was one of the amendments that was added in the Senate, and the other amendment that was added in the Senate would provide that if three or more municipalities joined to form a Dog Law enforcement agency, the agency would be eligible for 50 percent of the total grant money. Those were the two amendments that were added in the Senate.

Mr. BOOK. I understand the Animal Rights Association is not supportive of those amendments. Did you know that?

Mrs. RUDY. Well, they, too, have changed their opinion since they sent out that letter yesterday, because they were in contact with the Department of Agriculture this morning and I think their concerns have been satisfied as far as that goes, because the Department of Agriculture has enough authority to control this through the guidelines and they also have the authority to train officers and to see that Dog Law officers are properly trained to fill these positions.

Mr. BOOK. Are you saying they spoke to them this morning?

Mrs. RUDY. Yes, they did.

Mr. BOOK. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I stand up to oppose concurrence. I suggest we vote for nonconcurrence, mostly for the reasons given by Representative Noye.

There is no reason to set a precedent of taking money from one fund and using it for an animal which is under the regulation of the Game Commission. If the State Game Commission wants to do that, that is fine. Additionally, many of our treasurers have complained about the amount of money they receive from the selling of dog licenses. This is another indication that we are going to take money from the Dog Fund and we are going to put it into something that has nothing to do with buying dog licenses, and the treasurers are going to still complain about their share in the processing of the license fee. So I ask that you nonconcur in these amendments. Thank you, Mr. Speaker.

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

Mr. MORRIS. Thank you, Mr. Speaker.

I urge my colleagues to vote to support this piece of legislation as amended.

Now, there is enough money in the Dog Fund so that we do not have to worry about it. That is an established fact. The second thing is that the agricultural community of this State is certainly, by and large, in support of this legislation, and I would like to call that to your attention when you make your vote.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, originally I was opposed to this piece of legislation, and after the break I went and talked with the Game Commission. We have had quite a running battle over who was supposed to control coyotes and the killing of them in the State of Pennsylvania. The only regulation that there is limiting any killing whatsoever is during the two deer seasons and during spring gobbler season. That I would like to have taken off, and I am working with the Game Commission to have that taken care of now.

I think this bill has gone along too far for us to stop it. I do not like to see one organization have a regulation and another organization paying out the money, and that was the problem that I had. But since the Game Commission is going to talk to me about doing something about the taking of the coyote, I think that I should be for this piece of legislation and wish that everybody else would give a "yes" vote. Thank you.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

I am just not too sure that this really is a good piece of legislation in its present state. I had no problem with it whatsoever when we passed it here. With the Senate amendments, I am just not quite sure we are doing the right thing. I just was notified by the Dog Clubs of Pennsylvania that they were opposed to it. I would much rather see it taken care of in a conference committee. I am voting "no," and I would appreciate as many "no" votes as possible. Thank you.

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

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

I would imagine that the votes are here to concur in this bill, but I am going to make a prediction, and I will tell you right now that all of us are going to be back in this bind somewhere down the line, for those of you who stick around here, and it is going to be on the question of damages paid to the farming community for deer damage. Mark my words, that problem is going to raise its ugly head in this House, and when it does, the debate is going to go on and should the Department of Agriculture pay the cost or should the Game Commission pay the cost. Now, we are going to— Mr. Morris raised the question that the agricultural community supports this bill, and rightfully so. I can understand why they would. But is the Department of Agriculture going to pick up the cost someday when we have to address the question of deer damage? I do not think they want to, I do not think they can afford it, and that is why I think we are setting a terrible precedent. Thank you, Mr. Speaker.

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—134

Acosta	Donatucci	Livengood	Ritter
Angstadt	Dorr	Lloyd	Robbins
Argall	Evans	Lucyk	Roebuck
Barley	Fargo	McCall	Rudy
Battisto	Fee	McClatchy	Ryan
Belfanti	Fischer	McHale	Rybak
Birmelin	Freeman	Maiale	Saloom
Black	Gamble	Maine	Sammel
Blaum	Geist	Manderino	Showers
Bortner	George	Markosek	Sirianni
Bowley	Gruitza	Mayernik	Smith, B.
Bowser	Gruppo	Melio	Smith, S. H.
Boyes	Hayden	Michlovic	Snyder, G.
Burd	Hayes	Micozzie	Stairs
Bush	Herman	Miller	Steighner
Caltagirone	Hershey	Morris	Suban
Cappabianca	Hess	Mowery	Taylor, E. Z.
Carlson	Honaman	Murphy	Taylor, F.
Carn	Howlett	O'Brien	Taylor, J.
Cessar	Hutchinson	O'Donnell	Telek
Chadwick	Itkin	Olasz	Trello
Civera	Jadlowiec	Oliver	Veon
Clark	Jarolin	Perzel	Vroon
Cohen	Johnson	Petrarca	Wambach
Colafella	Josephs	Petrone	Wass
Cole	Kasunic	Phillips	Weston
Cowell	Kennedy	Piccola	Wiggins
Coy	Kosinski	Pievsky	Wogan
DeLuca	Kukovich	Pistella	Wozniak
Davies	LaGrotta	Pressmann	Wright, D. R.
Dawida	Lashinger	Preston	Yandrisevits
Dempsey	Leh	Punt	
Distler	Lescovitz	Reber	Irviss,
Dombrowski	Letterman	Rieger	Speaker

NAYS—48

Arty	Dietterick	Hasay	Reinard
Belardi	Dininni	Heckler	Saurman
Book	Duffy	Jackson	Scheetz
Brandt	Durham	Langtry	Schuler
Bunt	Farmer	Levdansky	Serafini
Burns	Flick	Linton	Snyder, D. W.
Cawley	Foster	McVerry	Staback
Clymer	Fox	Manmiller	Sweet
Cornell	Gallen	Mochlmann	Tigue
Corrigan	Gladeck	Mrkonic	Van Horne
DeVerter	Godshall	Nahill	Wright, J. L.
Daley	Hagarty	Noye	Wright, R. C.

NOT VOTING—12

Broujos	Gannon	Kenney	Pitts
DeWeese	Harper	Kitchen	Raymond
Fattah	Hughes	Merry	Richardson

EXCUSED—4

Billow	Freind	Haluska	Seventy
--------	--------	---------	---------

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

WELCOME

The SPEAKER. We welcome here today Lt. Eugene Bolda. He is to the left of the Speaker. He has served 19 years with the Illinois State Police. He was selected to attend Northwestern University Traffic Institute, and as part of his 10-month training program, he must complete a 1-week study of another police agency, and he has chosen the Pennsylvania State Police to do that. Lieutenant Bolda is to my left. Welcome to the hall of the House, Lieutenant. We are proud to have you here.

SB 803 RECONSIDERED

The SPEAKER. The Chair has a motion of reconsideration, signed by Karen Ritter, whereby the vote by which the House passed SB 803 on the 13th day of April be reconsidered.

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

The following roll call was recorded:

YEAS—186

Acosta	Donatucci	Lashinger	Reinard
Angstadt	Dorr	Leh	Rieger
Argall	Duffy	Lescovitz	Ritter
Arty	Durham	Letterman	Robbins
Barley	Evans	Levdansky	Roebuck
Battisto	Fargo	Linton	Rudy
Belardi	Farmer	Livengood	Ryan
Belfanti	Fee	Lloyd	Rybak
Birmelin	Fischer	Lucyk	Saloom
Black	Flick	McCall	Saurman
Blaum	Foster	McClatchy	Scheetz
Book	Fox	McHale	Schuler
Bortner	Freeman	McVerry	Semmel
Bowley	Gallen	Maiale	Serafini
Bowser	Gamble	Maine	Showers
Boyes	Gannon	Manderino	Sirianni
Brandt	Geist	Manmiller	Smith, B.
Broujos	George	Markosek	Smith, S. H.
Bunt	Gladeck	Mayermik	Snyder, D. W.
Burd	Godshall	Melio	Snyder, G.
Burns	Gruitza	Merry	Staback
Bush	Gruppo	Michlovic	Stairs
Caltagirone	Hagarty	Miller	Steighner
Cappabianca	Hasay	Moehlmann	Suban
Carlson	Hayden	Morris	Sweet
Cawley	Hayes	Mowery	Taylor, E. Z.
Cessar	Heckler	Mrkoncic	Taylor, F.
Chadwick	Herman	Murphy	Taylor, J.
Civera	Hershey	Nahill	Telek
Clark	Hess	Noye	Tigue
Clymer	Honaman	O'Brien	Trello
Colaella	Howlett	O'Donnell	Van Horne
Cole	Hughes	Olasz	Veon
Cornell	Hutchinson	Oliver	Vroon
Corrigan	Itkin	Perzel	Wambach
Cowell	Jackson	Petrarca	Wass
Coy	Jadlowiec	Petrone	Weston
DeLuca	Jarolin	Phillips	Wiggins
DeVerter	Johnson	Piccola	Wogan
Daley	Josephs	Pievsky	Wozniak
Davies	Kasunic	Pistella	Wright, D. R.
Dawida	Kennedy	Pitts	Wright, J. L.
Dempsey	Kenney	Pressmann	Wright, R. C.
Dietterick	Kosinski	Preston	Yandrisevits
Dininni	Kukovich	Punt	
Distler	LaGrotta	Raymond	Irvis,

Dombrowski Langtry Reber Speaker

NAYS—0

NOT VOTING—8

Carn	DeWeese	Harper	Micozzie
Cohen	Fattah	Kitchen	Richardson

EXCUSED—4

Billow	Freind	Haluska	Seventy
--------	--------	---------	---------

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

On the question recurring,
Shall the bill pass finally?

BILL PLACED ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that SB 803 be placed on the final passage postponed calendar.

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that the rules of the House be temporarily suspended so that Mr. Wambach and others may immediately offer HR 268.

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

The following roll call was recorded:

YEAS—190

Acosta	Dombrowski	Lashinger	Reinard
Angstadt	Donatucci	Leh	Richardson
Argall	Dorr	Lescovitz	Rieger
Arty	Duffy	Letterman	Ritter
Barley	Durham	Levdansky	Robbins
Battisto	Evans	Linton	Roebuck
Belardi	Fargo	Livengood	Rudy
Belfanti	Farmer	Lloyd	Ryan
Birmelin	Fee	Lucyk	Rybak
Black	Fischer	McCall	Saloom
Blaum	Flick	McClatchy	Saurman
Book	Foster	McHale	Scheetz
Bortner	Fox	McVerry	Schuler
Bowley	Freeman	Maiale	Semmel
Bowser	Gallen	Maine	Serafini
Boyes	Gamble	Manderino	Showers
Brandt	Gannon	Manmiller	Sirianni
Broujos	Geist	Markosek	Smith, B.
Bunt	George	Mayermik	Smith, S. H.
Burd	Gladeck	Melio	Snyder, D. W.
Burns	Godshall	Merry	Snyder, G.
Bush	Gruitza	Michlovic	Staback
Caltagirone	Gruppo	Micozzie	Stairs
Cappabianca	Hagarty	Miller	Steighner
Carlson	Hasay	Moehlmann	Suban
Carn	Hayden	Morris	Sweet
Cawley	Hayes	Mowery	Taylor, E. Z.
Cessar	Heckler	Mrkoncic	Taylor, F.
Chadwick	Herman	Murphy	Taylor, J.
Civera	Hershey	Nahill	Telek

Clark	Hess	Noye	Tigue
Clymer	Honaman	O'Brien	Trello
Cohen	Howlett	O'Donnell	Van Horne
Colafella	Hughes	Olasz	Veon
Cole	Hutchinson	Oliver	Vroon
Cornell	Itkin	Perzel	Wambach
Corrigan	Jackson	Petrarca	Wass
Cowell	Jadlowiec	Petrone	Weston
Coy	Jarolin	Phillips	Wiggins
DeLuca	Johnson	Piccola	Wogan
DeVerter	Josephs	Pievsky	Wozniak
Daley	Kasunic	Pistella	Wright, D. R.
Davies	Kennedy	Pitts	Wright, J. L.
Dawida	Kenney	Pressmann	Wright, R. C.
Dempsey	Kosinski	Preston	Yandrisevits
Dietterick	Kukovich	Punt	
Dininni	LaGrotta	Raymond	Irvis,
Distler	Langtry	Reber	Speaker

NAYS—0

NOT VOTING—4

DeWeese	Fattah	Harper	Kitchen
---------	--------	--------	---------

EXCUSED—4

Billow	Freind	Haluska	Seventy
--------	--------	---------	---------

A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

RESOLUTION ADOPTED

The SPEAKER. The clerk will read HR 268.

The following resolution was read:

House Resolution No. 268**A RESOLUTION**

Congratulating the March of Dimes Birth Defects Foundation on the occasion of its Golden Anniversary.

WHEREAS, The March of Dimes is celebrating its 50th Anniversary as a nationwide health organization whose efforts are dedicated towards the birth of healthy children, free of disability and illness; and

WHEREAS, Founded in 1938, thousands of March of Dimes volunteers have raised funds for research and education which have helped to reduce the incidence of birth defects, low birth weight and infant mortality. Their efforts supported research and development which led to a vaccine that has virtually eliminated that dreaded crippling disease, polio; and

WHEREAS, Birth defects are our children's leading health problem. The March of Dimes has initiated and conducted educational programs designed to inform the public of the benefits and importance of good prenatal care; and

WHEREAS, The volunteers of the March of Dimes once again affirm their commitment to working on behalf of future generations of children, making every effort to see that each child gets a healthy start in life; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania congratulate and recognize the March of Dimes Birth Defects Foundation upon 50 years of service to the Commonwealth of Pennsylvania and the nation; and be it further

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania declare 1988 as "March of Dimes 50th Anniversary Year" in Pennsylvania and urge all citizens of this Commonwealth to celebrate this year by supporting March of Dimes efforts to prevent birth defects.

Peter C. Wambach
Matthew J. Ryan
William C. Rybak
Thomas W. Dempsey
James L. Wright, Jr.
Paul McHale
Jere W. Schuler
Richard J. Cessar
Ronald C. Raymond
Ivan Itkin
Kevin Blaum
Michael E. Bortner
Donald W. Dorr
Edgar A. Carlson
Bruce Smith
Harry E. Bowser
George W. Jackson
Elinor Z. Taylor
James R. Merry
Richard A. Geist
Robert W. Godshall
John M. Perzel
Donald W. Snyder
Peter R. Vroon
Joseph A. Lashinger, Jr.
Howard L. Fargo
Raymond T. Book
Allen Kukovich
Edward G. Staback
Fred C. Noye
James T. Distler
Lois Sherman Hagarty
Mary Ann Arty
John Showers
Fred Belardi
Steve Seventy
Arthur D. Hershey
Jeffrey W. Coy
Anthony J. Melio
Joseph F. Markosek
Charles F. Nahill, Jr.
Fred A. Trello
Henry Livengood
Samuel W. Morris
Jon D. Fox
Joseph A. Petrarca
Elaine F. Farmer
Mario J. Civera, Jr.
Alice S. Langtry
Roger Raymond Fischer
Thomas M. Tigue
Lynn B. Herman
Dick L. Hess
Joseph A. Steighner

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—189

Acosta	Dombrowski	Leh	Richardson
Angstadt	Donatucci	Lescovitz	Rieger
Argall	Dorr	Letterman	Ritter
Arty	Duffy	Levdansky	Robbins
Barley	Durham	Linton	Roebuck
Battisto	Evans	Livengood	Rudy
Belardi	Fargo	Lloyd	Ryan
Belfanti	Farmer	Lucyk	Rybak
Birmelin	Fee	McCall	Saloom

Black	Fischer	McClatchy	Saurman
Blaum	Flick	McHale	Scheetz
Book	Foster	McVerry	Schuler
Bortner	Fox	Maiale	Semmel
Bowley	Freeman	Maine	Serafini
Bowser	Gallen	Manderino	Showers
Boyes	Gannon	Manmiller	Sirianni
Broujos	Geist	Markosek	Smith, B.
Bunt	George	Mayernik	Smith, S. H.
Burd	Gladeck	Melio	Snyder, D. W.
Burns	Godshall	Merry	Snyder, G.
Bush	Gruitza	Michlovic	Staback
Caltagirone	Gruppo	Micozzie	Stairs
Cappabianca	Hagarty	Miller	Steighner
Carlson	Hasay	Moehlmann	Stuban
Carn	Hayden	Morris	Sweet
Cawley	Hayes	Mowery	Taylor, E. Z.
Cessar	Heckler	Mrkonic	Taylor, F.
Chadwick	Herman	Murphy	Taylor, J.
Civera	Hershey	Nahill	Telek
Clark	Hess	Noye	Tigue
Clymer	Honaman	O'Brien	Trello
Cohen	Howlett	O'Donnell	Van Horne
Colafella	Hughes	Olasz	Veon
Cole	Hutchinson	Oliver	Vroon
Cornell	Itkin	Perzel	Wambach
Corrigan	Jackson	Petrarca	Wass
Cowell	Jadlowiec	Petrone	Weston
Coy	Jarolin	Phillips	Wiggins
DeLuca	Johnson	Piccola	Wogan
DeVerter	Josephs	Pievsky	Wozniak
DeWeese	Kasunic	Pistella	Wright, D. R.
Daley	Kennedy	Pitts	Wright, J. L.
Davies	Kenney	Pressmann	Wright, R. C.
Dawida	Kosinski	Preston	Yandrisevits
Dempsey	Kukovich	Punt	
Dietterick	LaGrotta	Raymond	Irvis,
Dininni	Langtry	Reber	Speaker
Distler	Lashinger	Reinard	

NAYS—0

NOT VOTING—5

Brandt	Gamble	Harper	Kitchen
Fattah			

EXCUSED—4

Billow	Freind	Haluska	Seventy
--------	--------	---------	---------

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

ADDITIONS OF SPONSORS

The SPEAKER. Why does the gentleman from Dauphin, Mr. Wambach, rise?

Mr. WAMBACH. Mr. Speaker, I have been asked by some of the members who had not had an opportunity to call my office to sponsor the resolution to be included, and without objection, I would like to add all of the members' names to the resolution commemorating the March of Dimes.

The SPEAKER. The Chair thanks the gentleman.

All the present members of the House will have their names added to this particular resolution, which congratulates the March of Dimes, unless the member informs the clerk to the contrary.

The Chair thanks Mr. Wambach for bringing that to the Chair's attention.

REMARKS ON VOTE

The SPEAKER. Why does the gentleman from Lancaster, Mr. Brandt, rise?

Mr. BRANDT. Mr. Speaker, I would like to be recorded "yes" on that last vote, HR 268.

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

CONDOLENCE RESOLUTION ADOPTED

The SPEAKER. Members will take their seats. The Sergeant at Arms will close the doors of the House. We have a condolence resolution on the death of a former member.

The clerk will read the resolution.

The following resolution was read:

HOUSE OF REPRESENTATIVES
HARRISBURG, PA.

OFFICE OF THE CHIEF CLERK

RESOLUTION

WHEREAS, Ruth Stover Donahue, a former member of the Pennsylvania House of Representatives, passed away November 23, 1987 at the age of ninety-six; and

WHEREAS, A graduate of Lock Haven University, Mrs. Donahue taught for three years in Porter and Lamar Townships. She was the first woman from Clinton County to be elected to the House in 1954 and served for six years, serving on the House aeronautics, fisheries, welfare, child care and education committees. Among the legislation she promoted or sponsored is the appropriation of royalties from gas and oil wells on state-owned lands to state colleges; reimbursing local schools for providing greater fire protection and for buying audio-visual library materials. She served on the state Air Pollution Commission from 1962 to 1969; and

WHEREAS, Mrs. Donahue served as vice chairman of the Clinton County Republican Committee; was active as county chairman of the Red Cross blood programs; served as educational chairman of the Clinton County Chapter of the American Cancer Society; was a charter member and past president of the Lock Haven Hospital Auxiliary; life member of the Ross Library; and member of the Lock Haven University Alumni Association, the Red Cross Board, the Heisey Museum, the Millbrook Playhouse, and the Elks Auxiliary;

WHEREAS, Mrs. Donahue was listed in the first edition of Who's Who in American Women in 1959, received the Benjamin Rush Award for her service to medical organizations and was named Woman of the Year in 1959; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with sadness the passing of Ruth Stover Donahue, a dedicated community leader and concerned citizen; extend heartfelt condolences to her nephew, Ronald H. Stover and her niece, Marguerita Biddle Mosiman; and be it further

RESOLVED, That a copy of this resolution be delivered to the Family of Ruth Stover Donahue.

We hereby certify that the foregoing is an exact copy of a resolution introduced in the House of Representatives by the Honorable Russell P. Letterman and unanimously adopted by the House of Representatives on the 13th day of April 1988.

K. Leroy Irvis
Speaker of the House
ATTEST:
John J. Zubeck

Chief Clerk

On the question,

Will the House adopt the resolution?

The SPEAKER. Members and all guests will rise and remain standing in place.

(Members and all visitors stood.)

The SPEAKER. The resolution is unanimously adopted.

BILL SIGNED BY SPEAKER

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

HB 1574, PN 3103

An Act amending the act of December 7, 1982 (P. L. 784, No. 225), known as the "Dog Law," further providing for service fees and grants for joint municipal dog law enforcement agencies; and providing for damages caused by coyotes.

CITATION SUBMITTED FOR THE RECORD

The SPEAKER. Why does the gentleman from Lackawanna, Mr. Staback, rise?

Mr. STABACK. Mr. Speaker, I would like to present a citation for entry into today's Journal.

The SPEAKER. If the gentleman will send it forward, we will include it.

The Chair thanks the gentleman.

Mr. STABACK submitted the following citation for the Legislative Journal:

COMMONWEALTH OF PENNSYLVANIA

CITATION BY

THE HOUSE OF REPRESENTATIVES

WHEREAS, Jay J. Sara, of Carbondale, will be guest of honor at a testimonial dinner in recognition of his meritorious service to the Carbondale community; and

WHEREAS, Mr. Sara has dedicated his life to the various organizations serving the Carbondale community. He served twenty-five years on the Carbondale Memorial Day Committee, many of those years as chairman. During this time he spearheaded the drive to have the Lieutenant Joseph Sarnoski, Korean War and Vietnam Conflict monuments put in Memorial Park. He formed an Honor Guard with firing squad to provide final military honors to deceased veterans in the Carbondale area. Through his accomplishments, flag poles were erected in Memorial Park and when a veteran passes away, the flag is flown at half-mast and the veteran's name is put on a plaque; and

WHEREAS, Mr. Sara is a member of the County and State Fire Police, past commander and member of Cerra-Leo Post 98 Disabled American Veterans, member and past commander of the Carbondale Memorial Post Veterans of Foreign Wars, and member of the Cottage Ambulance Corps and past president of the Cottage Hose Company; and

WHEREAS, Mr. Sara has received numerous awards and honors from the Chamber of Commerce, the Hendrick Manufacturing Company, the Lackawanna Fire Police Association, the Disabled American Veterans, the Carbondale Pioneer Days Committee, the Cottage Hose Company, the Cottage Ambulance Corps, and the Albert H. Crane Post 221 American Legion.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania extends commendations to and appreciation of Jay J. Sara for his total involvement and commitment to the concerns and well-being of his community and his fellow citizens; expresses its hope for continued excellent service and further recognition; and further directs that a copy of this citation be delivered to Jay J. Sara, 99 Gordon Avenue, Carbondale, Pennsylvania 18407.

Submitted by:

Edward G. Staback

Sponsor

K. Leroy Irvis

Speaker of the

House of Representatives

ATTEST:

John J. Zubeck

Chief Clerk of the

House of Representatives

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Melio.

Mr. MELIO. Mr. Speaker, I move that this House do now adjourn until Wednesday, May 4, 1988, 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 1:38 p.m., e.d.t., the House adjourned.