

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, MAY 30, 1990

SESSION OF 1990 174TH OF THE GENERAL ASSEMBLY

No. 34

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (ROBERT W. O'DONNELL) PRESIDING

PRAYER

REV. CLYDE W. ROACH, Chaplain of the House of Representatives, from Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

Almighty God, send down Your light and Your truth; let them lead us in paths of righteousness for Your name's sake. We confess that often our tasks are difficult and complex. Give us a clear sense of direction that we might accomplish what You assign to our hands.

We confess that You are our pilot. Steer us safely over life's tempestuous sea.

In the words of Edward Hopper:

As a mother stills her child,
Thou canst hush the ocean wild;
Boisterous waves obey Thy will,
When Thou sayest to them "Be still."

Please remember our new member of this House, Herman Mihalich, and his loved ones and friends.

In Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, May 29, 1990, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2619 By Representatives RIEGER, EVANS, CAPPABIANCA, BISHOP, JOSEPHS, CARN, FEE, KOSINSKI, MAIALE, STABACK, MORRIS, VROON, PESCI, PISTELLA, BURD, DIETTERICK,

D. R. WRIGHT, J. TAYLOR, BELARDI, LAUGHLIN, McCALL, GEIST and TRELLO

An Act amending the act of July 12, 1972 (P. L. 765, No. 181), entitled "An act relating to drugs and alcohol and their abuse, providing for projects and programs and grants to educational agencies, other public or private agencies, institutions or organizations," providing block grant drug funds for institutions of higher education offering drug treatment programs.

Referred to Committee on APPROPRIATIONS, May 30, 1990.

No. 2620 By Representative THOMAS

An Act authorizing and directing the Department of General Services, with the approval of The General State Authority to convey to the City of Philadelphia a tract of land, with improvements thereon, in the City of Philadelphia.

Referred to Committee on STATE GOVERNMENT, May 30, 1990.

No. 2621 By Representatives BATTISTO, BROUJOS, FARGO, COY, SCHULER, D. R. WRIGHT, NAILOR, KASUNIC, STISH, BELFANTI, SEMMEL, CARLSON, VAN HORNE, TIGUE, ANGSTADT, STABACK, SAURMAN, S. H. SMITH, G. SNYDER, FOX, MERRY, HERMAN, SERAFINI, MORRIS, CLYMER, NOYE, JOHNSON, PESCI, BUNT, TANGRETTI and BARLEY

An Act excluding the sale of recyclable material from municipal personal property sale restrictions.

Referred to Committee on FINANCE, May 30, 1990.

No. 2622 By Representatives VEON, GEORGE, RYBAK, TANGRETTI, BROUJOS, MELIO, TIGUE, BLAUM, STABACK, BILLOW, KUKOVICH, FOX, FEE, KOSINSKI, MAIALE, STISH, LEVDANSKY, BELFANTI, PESCI, WILLIAMS, PISTELLA, MORRIS, TELEK, DeLUCA, JOSEPHS, LaGROTTA and HALUSKA

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, prohibiting unreasonable restraints of trade; and providing for penalties and for enforcement.

Referred to Committee on JUDICIARY, May 30, 1990.

No. 2623 By Representatives ROEBUCK, EVANS, THOMAS, PESCI, GODSHALL, HALUSKA, D. R. WRIGHT, BILLOW, GIGLIOTTI, VEON, RYBAK, CORRIGAN, B. SMITH, RAYMOND, WASS, FARGO, BELARDI, LAUGHLIN, WOGAN, TRELLO, WOZNIAK, R. C. WRIGHT, PISTELLA, KASUNIC, ACOSTA, TIGUE, HECKLER, LINTON, STUBAN, BOWLEY, HARPER, MAIALE, CALTAGIRONE, MICOZZIE, ARGALL, TANGRETTI, JOHNSON, HERMAN, DIETTERICK, MELIO, DeLUCA, COWELL, DALEY and LESCOVITZ

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," prohibiting the possession by students of cellular telephones.

Referred to Committee on EDUCATION, May 30, 1990.

SENATE BILLS FOR CONCURRENCE

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

SB 1048, PN 1220

Referred to Committee on LOCAL GOVERNMENT, May 30, 1990.

SB 1091, PN 2189

Referred to Committee on CONSUMER AFFAIRS, May 30, 1990.

SB 1580, PN 2186

Referred to Committee on FINANCE, May 30, 1990.

LEAVES OF ABSENCE

The SPEAKER. Are there requests for leaves of absence?

The Chair recognizes Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

I request a leave of absence for the gentleman from Philadelphia, Representative ACOSTA, for the day.

The SPEAKER. Without objection, leave of absence is granted.

The Chair recognizes Mr. Hayes.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Dauphin County, Mr. DININNI, for the day, and the gentleman from Delaware County, Mr. Robert WRIGHT, for the day.

The SPEAKER. Without objection, leaves of absence are granted.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2424, PN 3599 (Amended)

By Rep. GEORGE

An Act excluding the sale of recyclable material from municipal personal property sale restrictions.

CONSERVATION.

HB 2483, PN 3407

By Rep. GEORGE

An Act establishing the Benjamin Franklin Center for the History of Pennsylvania's Natural Resources; providing for an advisory board; and making an appropriation of funds bequeathed to the Commonwealth by Benjamin Franklin.

CONSERVATION.

WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House Sister Therese and a group of students from the Sacred Heart School of St. Marys, who are the guests of Jim Distler.

The Chair also welcomes members of the fifth grade class of St. Margaret Mary School in Penbrook, Dauphin County, and their teacher, Mrs. Denise Piccola, and one of the students, Nicole Milliron, who is the daughter of a former member, John Milliron. They are the guests of the gentleman from Dauphin County, Mr. Piccola.

The Chair also welcomes fourth grade students from Villa Maria Academy, lower school, who are the guests of Representatives Matthew Ryan and Bob Flick.

These guests are in the balcony. Will they please rise.

SPECIAL ORDER OF BUSINESS

SWEARING IN OF NEW MEMBER

The SPEAKER. Without objection, the House will now take up as a special order of business the swearing in of Representative-elect Herman Mihalich. The Chair hears no objections.

COMMUNICATION FROM SECRETARY OF COMMONWEALTH

The SPEAKER. The Chair recognizes the Sergeant at Arms of the House.

The SERGEANT AT ARMS. Mr. Speaker, the Commissioner of Elections, William P. Boehm.

The SPEAKER. The Chair recognizes the Commissioner of Elections, William P. Boehm.

Mr. BOEHM. Mr. Speaker, on behalf of Christopher Lewis, Secretary of the Commonwealth, I have the honor of presenting the returns of the special election held May 15, 1990, for the office of Representative in the General Assembly in the 58th District.

The SPEAKER. The Chair thanks the Commissioner.

The following communication was read:

COMMONWEALTH OF PENNSYLVANIA

TO THE HONORABLE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

I have the honor to present the returns of the Special Election for Representative in the General Assembly of the Commonwealth of Pennsylvania held in the Fifty-eighth Legislative District, as the same has been certified to and filed with the Secretary of the Commonwealth of Pennsylvania by the Westmoreland County Board of Elections. Herman Mihalich, having received the highest number of votes in the Special Election, and having complied with the provisions of Article XVI of the Pennsylvania Election Code pertaining to Primary and Election Expenses, was duly elected a Representative in the General Assembly.

(SEAL)

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal at the city of Harrisburg, this thirtieth day of May in the year of our Lord one thousand nine hundred and ninety and of the Commonwealth the two hundred and fourteenth.

Christopher A. Lewis
Secretary of the Commonwealth

ELECTION RETURNS READ

The SPEAKER. The clerk will read the election returns.

The following election returns were read:

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF COMMISSIONS, ELECTIONS
AND LEGISLATION**

**SPECIAL ELECTION - MAY 15, 1990
REPRESENTATIVE IN THE GENERAL ASSEMBLY
IN THE 58TH LEGISLATIVE DISTRICT
BALLOT CERTIFICATION FOR THE
COUNTY OF WESTMORELAND**

Commonwealth of Pennsylvania
Department of State
Date: 04/02/90
Bureau of Commissions, Elections
and Legislation
1990 Special Election Ballot
Certification Report
May 15, 1990

Westmoreland County
Ballot Position and Election Result Section
Office positions shall appear on ballot in same order as listed
Representative in the General Assembly - District 58
Vote for one

Herman Mihalich	Democratic	8,173
1134 Knox Avenue Monessen, PA 15062		
James A. Bower	Republican	1,721
P.O. Box 138 Mill Road Madison, PA 15663		

Special Election
May 15, 1990
Office of the
County Board of Elections
Certification Affidavit

Commonwealth of Pennsylvania
Westmoreland County
County of Westmoreland) SS: Greensburg, PA May 30, 1990

We hereby certify that these pages are the official returns as they appear on record of the votes cast at the Special Election held May 15, 1990.

In witness whereof, we have hereunto set our hands and seal of office this thirtieth day of May, 1990.

Richard Vidmer
Ted Simon
County Board of Elections
ATTEST:
Ellen Bogatay
Clerk

(SEAL)

**COMMITTEE TO ESCORT
MEMBER-ELECT**

The SPEAKER. The Chair appoints the majority leader, the gentleman from Greene County, the Honorable William DeWeese, and the minority leader, the gentleman from Delaware County, the Honorable Matthew Ryan, to escort Representative-elect Mihalich to the well of the House for the purpose of taking the oath of office.

The committee will proceed with its duties.

OATH OF OFFICE ADMINISTERED

The SPEAKER. The oath of office required by Article VI, section 3, of the Constitution of Pennsylvania to be taken by members of the General Assembly will be administered by the Honorable Gilfert M. Mihalich, president judge of Westmoreland County Court of Common Pleas and brother of Representative-elect Mihalich.

JUDGE MIHALICH. May I say in about approximately 20 years as a judge, this is the most important oath that I am going to administer, and it is certainly one of my greatest honors to administer the oath of office to my baby brother.

Would you place your left hand on the Bible and raise your right hand, and please repeat after me.

I, Herman Mihalich, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity.

(Member asserted oath.)

JUDGE MIHALICH. Sworn, and congratulations, brother.

Mr. MIHALICH. Thank you.

The SPEAKER. The escort committee is discharged with the thanks of the House.

I would like to observe that never has a baby brother brought a greater wealth of experience and talent to this House.

GUESTS WELCOMED

The SPEAKER. The Chair would like to welcome and thank for his attendance today His Excellency, the Governor of Pennsylvania, Robert Casey.

The Chair would like to welcome to the hall of the House and ask to rise as their names are called the wife of now Representative Mihalich, Lois Mihalich; Kathryn Mihalich, Herman's daughter; and Pauline Mihalich and Leonard Mihalich, who are the wife and son, respectively, of Judge Mihalich.

Among the other distinguished guests we have today are Catherine Baker Knoll, our Treasurer; James Goodman, who is chairman of the Liquor Control Board; and Cabinet members, Donald Carroll and Maj. Gen. Gerald Sajer.

REMARKS BY MAJORITY LEADER

The SPEAKER. The Chair recognizes the majority leader, Mr. DeWeese, for remarks.

Mr. DeWEESE. Mr. Speaker, ladies and gentlemen of the chamber, Governor of the Commonwealth, elected statewide officials and members of the Cabinet, friends, and especially the family of my new colleague, an old-time pal, Herman Mihalich:

I will relate one brief anecdote and retire, but—

The SPEAKER. The gentleman referred to the microphone and not to his career.

Mr. DeWEESE. But my anecdotal reference is piquant with the personality of this Democratic stalwart who has joined us today, and as is the case with my distinguished colleague from across the aisle, it is a moment of celebration for those of us who labor in the vineyards of the Democratic aisle, and speaking of those vineyards and of those laborers, my mind is quickly wafted back to the tempestuous summer of 1977.

I think Frank Gigliotti was in high school that year, but some of us were in Harrisburg trying to solve the State budget problems, and they were of a colossal proportion in that year. And in a proverbial watering hole known as the Senate Bar, where the proprietor was the inimitable John Durbin - a name whose familiarity resounds in this hall and in this town and, quite possibly, in this State - this character of characters, Mr. Durbin, was serving Vic DeWeese's boy a ginger ale, and it was high summer, and the days of August were going one into the other, and the budget had not been solved, and big Jim Manderino's right-hand man, from the steel valleys of the western hill country of Pennsylvania, Herman Mihalich, walked into that watering hole. I do not know whether he was having a ginger ale or a more traditional beverage that night, but he was almost livid with rage at my recalcitrance, at my nascent involvement in the process, and he and Mr. Manderino had a contrary perspective on the way that budget, in the waning years of the Shapp administration, was to be attacked and was to be solved. In the midst of a very animated dialogue—which I shall not try to repeat here verbatim and just in case Governor Casey's wife is with us today—Herman said, DeWeese, do you realize that I give my kids heck for

behaving like you? I obviously responded that I was not aware of the loving nature that Herman shared at home and hearth with his children. That was the incipient recollection I have of Mr. Herman Mihalich.

Mr. Herman Mihalich has served as a Democrat, as a public official, as a partisan, as a husband, and as a father, and we have had an exciting and not always evanescent—I should not say that. I am guilty of a malapropism there. But we have not always had equanimity, was the word I was searching for. Herman and I have fought it out. We have duked it out. We have had some problems once in a while, but we have also had a gentlemanly respect that has endured over the years.

In the great tradition of our caucus, in the rough-and-tumble arena that Democrats are known for, I welcome him here. I join colleagues on my side and the other side in making certain that Herman will feel at home in this chamber with his many friends of long duration.

Mr. Speaker, thank you very much for the microphone.

REMARKS BY MINORITY LEADER

The SPEAKER. The Chair recognizes the minority leader, Mr. Ryan.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman, Mr. DeWeese, when he first took the microphone, said that he was going to say a few words and retire. You corrected him and said that it was not from politics but from the microphone, and I think you told an untruth.

The one thing I did not know about our latest addition to the House of Representatives was that he was as astute as he apparently is, as brought out by the gentleman, Mr. DeWeese, when he said that he gave his kids heck for acting like him.

Herman, your role as father with the gentleman, Mr. DeWeese, should not end in a bar that has since closed in Harrisburg. Mr. DeWeese still goes there regularly, and he continues to profess that he drinks ginger ale.

It is a difficult task to welcome Herman to the House because we really cannot kid him the way we were kidded as we joined this great group and as we kidded others along the way, telling them about all the wonderful things we are going to do and accomplish and the great things that you will see and participate in here, because, frankly, on a list of seniority, Herman has been with the House since 1975. He has more seniority, I suspect, than half the members of the House, and the apprenticeship he served was one that very few people have ever had the opportunity of serving, and that is an apprenticeship, if you will, to the late Speaker, majority leader, minority leader, and every other kind of leader of this State, Jim Manderino. Herman was one of Jim's close confidants over many, many years as we in the leadership on this side dealt with the leaders on the other side, and that, of course, meant Jim Manderino and the others. Herman was more often than not present at those meetings.

So he brings with him and to your caucus, my fellow legislators from the other side, he brings with him great experience.

He is not a freshman legislator to be ignored or to be fooled, because that is not going to happen. He is a man who comes with great experience.

We are glad that the president judge of Westmoreland County has had this opportunity to swear in his baby brother to become our baby member.

Thank you very much, and welcome aboard.

The SPEAKER. The Chair wants to extend the thanks of the House to Judge Mihalich for his part today in the swearing-in ceremony.

The House is about to take up today's business and would urge the members and guests to prepare. Thank you.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. There will be an immediate meeting of the State Government Committee in the rear of the hall of the House.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. There will be an immediate meeting of the Appropriations Committee in the rear of the hall of the House.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 25, PN 3608 (Amended)

By Rep. D. R. WRIGHT

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the commission to order the acquisition of small water and sewer utilities.

CONSUMER AFFAIRS.

HB 2183, PN 3605 (Amended)

By Rep. COWELL

An Act amending the act of April 27, 1927 (P. L. 465, No. 299), referred to as the "Fire and Panic Act," providing for penalties relating to school tobacco control; and further providing for penalties relating to smoking in prohibited areas.

EDUCATION.

HB 2300, PN 3607 (Amended)

By Rep. TRELLO

An Act providing for control and licensing of video poker machines in this Commonwealth; creating the Video Poker Machine Control Commission and providing for its powers and duties; and providing for local option and for distribution of revenues.

FINANCE.

HB 2465, PN 3606 (Amended)

By Rep. COWELL

An Act amending the act of July 2, 1984 (P. L. 553, No. 110), known as the "Engineering School Equipment Act," further providing for the coverage of the act, for reallocation of unused funds and for the expiration of the act.

EDUCATION.

SB 888, PN 2047

By Rep. TRELLO

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for cigarette licensing and license fees.

FINANCE.

SB 889, PN 2217 (Amended)

By Rep. TRELLO

An Act amending the act of May 20, 1949 (P. L. 1584, No. 478), entitled "Unfair Cigarette Sales Act," further defining certain terms; regulating sales; providing remedies; providing penalties; and making an appropriation.

FINANCE.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair submits for the record a list of additions and deletions for sponsorships of bills.

The following list was submitted:

ADDITIONS:

HB 208, Freeman; HB 1878, Rybak; HB 2058, Lescovitz; HB 2376, DeWeese; HB 2482, Hess; HB 2483, Colafella, Phillips; HB 2489, Robbins; HB 2491, Fee; HB 2493, Thomas; HB 2494, Dieterick, Robbins, Freind; HB 2502, Petrarca; HB 2510, James; HB 2566, Cohen; HB 2568, Freind; HB 2569, Freind; HB 2570, Freind; HB 2575, Cowell; HB 2578, J. J. Taylor, Gladeck; HB 2585, Bunt, Distler, Fargo; HB 2591, Lucyk, Roebuck; HB 2592, Roebuck, Lucyk; HB 2601, McVerry; HB 2602, McCall, McVerry, Fox, Pistella; HB 2604, Preston; HB 2610, Kaiser, McCall; HB 2614, McVerry; HR 314, Godshall.

DELETION:

HB 2162, Adolph.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2607, PN 3585

By Rep. PIEVSKY

An Act amending the act of July 2, 1984 (P. L. 527, No. 106), known as the "Recreational Improvement and Rehabilitation Act," further providing for additional rehabilitation projects; changing the allocation of funds and the availability of funds to cities of the first and second class; and making a repeal.

APPROPRIATIONS.

BILL REREPORTED FROM COMMITTEE

HB 895, PN 3609 (Amended)

By Rep. PIEVSKY

An Act amending the act of May 29, 1956 (1955 P. L. 1804, No. 600), referred to as the "Municipal Police Pension Law," further providing for credit for military service.

APPROPRIATIONS.

BILL ON SECOND CONSIDERATION

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

HB 895, PN 3609.

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

HB 2609, PN 3587

By Rep. RYBAK

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), known as "The Insurance Company Law of 1921," imposing restrictions on withdrawals from certain lines of insurance.

INSURANCE.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 2300 and HB 2607 be taken from the table and placed upon the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 2300 be recommitted to the Appropriations Committee for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 539, PN 2962**, entitled:

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, changing provisions relating to judicial discipline; and providing for financial disclosure.

On the question recurring,

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

RECONSIDERATION RESCINDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that this House rescind the vote on reconsideration and the motion to reconsider amendment A3926 to HB 539, which was adopted on January 2, 1990.

On the question,

Will the House agree to the motion?

Motion was agreed to.

On the question recurring,

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

BILL PASSED OVER

The SPEAKER. Without objection, this bill will go over for the day. The Chair hears no objection.

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

HB 683, PN 3614 (Amended)

By Rep. CALTAGIRONE

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, establishing trial by jury as a substantive right.

JUDICIARY.

HB 1228, PN 3612 (Amended)

By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the statute of limitations involving certain sexual offenses.

JUDICIARY.

HB 1441, PN 3613 (Amended)

By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for drug trafficking sentencing and penalties.

JUDICIARY.

HB 1882, PN 3615 (Amended)

By Rep. CALTAGIRONE

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

JUDICIARY.

HB 2066, PN 3610 (Amended)

By Rep. OLIVER

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey a tract of land and a right-of-way situate in Canaan Township, Wayne County, Pennsylvania.

STATE GOVERNMENT.

HB 2272, PN 3045

By Rep. OLIVER

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," requiring gender balance for State board and commission appointments.

STATE GOVERNMENT.

HB 2376, PN 3616 (Amended)

By Rep. CALTAGIRONE

An Act prohibiting contracts, combinations and conspiracies in restraint of trade or commerce; prohibiting monopolies and attempts to monopolize trade or commerce; prescribing powers and duties of certain State officers and agencies; providing for remedies, fines and penalties for violations of the act; and barring certain causes of action.

JUDICIARY.

SB 295, PN 2077 By Rep. CALTAGIRONE

An Act amending the act of August 13, 1963 (P. L. 774, No. 390), entitled "County Jail Prisoner Temporary Release Law," deleting gender specific language; and authorizing the collection of confinement costs in cases relating to prisoners confined only during weekends or short periods of time.

JUDICIARY.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll. Members will proceed to vote.

The following roll call was recorded:

PRESENT—196

Adolph	Dorr	Lee	Ritter
Allen	Durham	Leh	Robbins
Angstadt	Evans	Lescovitz	Robinson
Argall	Fairchild	Levdansky	Roebuck
Barley	Fargo	Linton	Rudy
Battisto	Farmer	Lloyd	Ryan
Belardi	Fee	Lucy	Rybak
Belfanti	Fleagle	McCall	Saloom
Billow	Flick	McHale	Saurman
Birmelin	Fox	McNally	Scheetz
Bishop	Freeman	McVerry	Schuler
Black	Freind	Maiale	Scrimenti
Blaum	Gallen	Maine	Semmel
Bortner	Gamble	Markosek	Serafini
Bowley	Gannon	Marsico	Smith, B.
Boyes	Geist	Mayernik	Smith, S. H.
Brandt	George	Melio	Snyder, D. W.
Broujos	Gigliotti	Merry	Snyder, G.
Bunt	Godshall	Michlovic	Staback
Burd	Gruitza	Micozzie	Stairs
Burns	Gruppo	Mihalich	Steighner
Bush	Hagarty	Miller	Stish
Caltagirone	Haluska	Moehlmann	Strittmatter
Cappabianca	Harper	Morris	Suban
Carlson	Hasay	Mowery	Tangretti
Carn	Hayden	Mrkonic	Taylor, E. Z.
Cawley	Hayes	Murphy	Taylor, F.
Cessar	Heckler	Nahill	Taylor, J.
Chadwick	Herman	Nailor	Telek
Civera	Hershey	Noye	Thomas
Clark, B. D.	Hess	O'Brien	Tigue
Clark, D. F.	Howlett	Olasz	Trello
Clark, J. H.	Hughes	Oliver	Trich
Clymer	Itkin	Perzel	Van Horne
Cohen	Jackson	Pesci	Veon
Colafiglia	Jadlowiec	Petrarca	Vroon
Colaizzo	James	Petrone	Wambach
Cole	Jarolin	Phillips	Wass
Corrigan	Johnson	Piccola	Weston
Cowell	Josephs	Pievsky	Williams
Coy	Kaiser	Pistella	Wilson
DeLuca	Kasunic	Pitts	Wogan
DeWeese	Kenney	Pressmann	Wozniak
Daley	Kondrich	Preston	Wright, D. R.
Davies	Kosinski	Raymond	Wright, J. L.
Dempsey	Kukovich	Reber	Yandrisevits
Dietterick	LaGrotta	Reinard	
Distler	Langtry	Richardson	O'Donnell,
Dombrowski	Lashingier	Rieger	Speaker
Donatucci	Laughlin		

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Acosta	Dininni	Gladeck	Wright, R. C.
Cornell	Foster		

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2492, PN 3416**, entitled:

An Act amending the act of July 11, 1985 (P. L. 209, No. 54), entitled "An act authorizing the incurring of debt for the purpose of financing the Federal share of construction of interstate highways," further providing for the power to incur debt.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that HB 2492 be recommitted to the Appropriations Committee for a fiscal note.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1231, PN 3211**, entitled:

An Act amending the act of June 10, 1982 (P. L. 454, No. 133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," further defining "normal agricultural operation" to include farm markets.

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—195

Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Levdansky	Rudy
Battisto	Farmer	Linton	Ryan
Belardi	Fee	Lloyd	Rybak
Belfanti	Fleagle	Lucy	Saloom
Billow	Flick	McCall	Saurman
Birmelin	Fox	McHale	Scheetz
Bishop	Freeman	McNally	Schuler
Black	Freind	McVerry	Scrimenti
Blaum	Gallen	Maiale	Semmel

Bortner	Gamble	Maine	Serafini
Bowley	Gannon	Markosek	Smith, B.
Boyes	Geist	Marsico	Smith, S. H.
Brandt	George	Mayernik	Snyder, D. W.
Broujos	Gigliotti	Melio	Snyder, G.
Bunt	Godshall	Merry	Staback
Burd	Gruitza	Michlovic	Stairs
Burns	Gruppo	Mihalich	Steighner
Bush	Hagarty	Miller	Stish
Caltagirone	Haluska	Moehlmann	Strittmatter
Cappabianca	Harper	Morris	Stuban
Carlson	Hasay	Mowery	Tangretti
Carn	Hayden	Mrkoncic	Taylor, E. Z.
Cawley	Hayes	Murphy	Taylor, F.
Cessar	Heckler	Nahill	Taylor, J.
Chadwick	Herman	Nailor	Telek
Civera	Hershey	Noye	Thomas
Clark, B. D.	Hess	O'Brien	Tigue
Clark, D. F.	Howlett	Olasz	Trello
Clark, J. H.	Hughes	Oliver	Trich
Clymer	Itkin	Perzel	Van Horne
Cohen	Jackson	Pesci	Veon
Colaifella	Jadlowiec	Petrarca	Vroon
Colaizzo	James	Petrone	Wambach
Cole	Jarolin	Phillips	Wass
Corrigan	Johnson	Piccola	Weston
Cowell	Josephs	Pievsky	Williams
Coy	Kaiser	Pistella	Wilson
DeLuca	Kasunic	Pitts	Wogan
DeWeese	Kenney	Pressmann	Wozniak
Daley	Kondrich	Preston	Wright, D. R.
Davies	Kosinski	Raymond	Wright, J. L.
Dempsey	Kukovich	Reber	Yandrisevits
Dietterick	LaGrotta	Reinard	
Distler	Langtry	Richardson	O'Donnell,
Dombrowski	Lashingier	Rieger	Speaker
Donatucci			

NAYS—0

NOT VOTING—1

Micozzie

EXCUSED—6

Acosta	Dininni	Gladeck	Wright, R. C.
Cornell	Foster		

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 2334, PN 3566**, entitled:

An Act amending the act of June 30, 1981 (P. L. 128, No. 43), known as the "Agricultural Area Security Law," further providing for agricultural conservation easements; further defining the term "agricultural conservation easement"; and further providing for the allocations of State moneys.

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—194

Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Levdansky	Rudy
Battisto	Farmer	Linton	Ryan
Belardi	Fee	Lloyd	Rybak
Belfanti	Fleagle	Lucyk	Saloom
Billow	Flick	McCall	Saurman
Birmelin	Fox	McHale	Scheetz
Black	Freeman	McNally	Schuler
Blaum	Freind	McVerry	Scrimenti
Bortner	Gallen	Maiale	Semmel
Bowley	Gamble	Maine	Serafini
Boyes	Gannon	Markosek	Smith, B.
Brandt	Geist	Marsico	Smith, S. H.
Broujos	George	Mayernik	Snyder, D. W.
Burd	Gigliotti	Melio	Snyder, G.
Burns	Godshall	Merry	Staback
Bush	Gruitza	Michlovic	Stairs
Caltagirone	Hagarty	Micozzie	Steighner
Cappabianca	Haluska	Mihalich	Stish
Carlson	Harper	Miller	Strittmatter
Carn	Hasay	Moehlmann	Stuban
Cawley	Hayden	Morris	Tangretti
Cessar	Hayes	Mowery	Taylor, E. Z.
Chadwick	Heckler	Mrkoncic	Taylor, F.
Civera	Herman	Murphy	Taylor, J.
Clark, B. D.	Hershey	Nahill	Telek
Clark, D. F.	Hess	Nailor	Thomas
Clark, J. H.	Howlett	Noye	Tigue
Clymer	Hughes	O'Brien	Trello
Cohen	Itkin	Olasz	Trich
Colaifella	Jackson	Oliver	Van Horne
Colaizzo	Jadlowiec	Perzel	Veon
Cole	James	Pesci	Vroon
Corrigan	Jarolin	Petrarca	Wambach
Cowell	Johnson	Petrone	Wass
Coy	Josephs	Phillips	Weston
DeLuca	Kaiser	Piccola	Williams
DeWeese	Kasunic	Pievsky	Wilson
Daley	Kenney	Pistella	Wogan
Davies	Kondrich	Pitts	Wozniak
Dempsey	Kosinski	Pressmann	Wright, D. R.
Dietterick	Kukovich	Preston	Wright, J. L.
Distler	LaGrotta	Reber	Yandrisevits
Dombrowski	Langtry	Reinard	
Donatucci	Lashingier	Richardson	O'Donnell,
		Rieger	Speaker

NAYS—0

NOT VOTING—2

Bishop	Raymond
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EXCUSED—6

Acosta	Dininni	Gladeck	Wright, R. C.
Cornell	Foster		

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 2458, PN 3366**, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1990, to June 30, 1991, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1990.

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—195

Adolph	Dorr	Lee	Ritter
Allen	Durham	Leh	Robbins
Angstadt	Fairchild	Lescovitz	Robinson
Argall	Fargo	Levdansky	Roebuck
Barley	Farmer	Linton	Rudy
Battisto	Fee	Lloyd	Ryan
Belardi	Fleagle	Lucyk	Rybak
Belfanti	Flick	McCall	Saloom
Billow	Fox	McHale	Saurman
Birmelin	Freeman	McNally	Scheetz
Bishop	Freind	McVerry	Schuler
Black	Gallen	Maiale	Scrimenti
Blaum	Gamble	Maine	Semmel
Bortner	Gannon	Markosek	Serafini
Bowley	Geist	Marsico	Smith, B.
Boyes	George	Mayernik	Smith, S. H.
Brandt	Gigliotti	Melio	Snyder, D. W.
Broujos	Godshall	Merry	Snyder, G.
Bunt	Gruitza	Michlovic	Staback
Burd	Gruppo	Micozzie	Stairs
Burns	Hagarty	Mihalich	Steighner
Bush	Haluska	Miller	Stish
Caltagirone	Harper	Moehlmann	Strittmatter
Cappabianca	Hasay	Morris	Stuban
Carlson	Hayden	Mowery	Tangretti
Carn	Hayes	Mrkonic	Taylor, E. Z.
Cawley	Heckler	Murphy	Taylor, F.
Cessar	Herman	Nahill	Taylor, J.
Chadwick	Hershey	Nailor	Telek
Civera	Hess	Noye	Thomas
Clark, B. D.	Howlett	O'Brien	Tigue
Clark, D. F.	Hughes	Olasz	Trello
Clark, J. H.	Itkin	Oliver	Trich
Clymer	Jackson	Perzel	Van Horne
Cohen	Jadlowiec	Pesci	Veon
Colaella	James	Petrarca	Vroon
Colaizzo	Jarolin	Petrone	Wambach
Cole	Johnson	Phillips	Wass
Corrigan	Josephs	Piccola	Weston
Cowell	Kaiser	Pievsky	Williams
Coy	Kasunic	Pistella	Wilson
DeLuca	Kenney	Pitts	Wogan
DeWeese	Kondrich	Pressmann	Wozniak
Daley	Kosinski	Preston	Wright, D. R.
Davies	Kukovich	Raymond	Wright, J. L.
Dempsey	LaGrotta	Reber	Yandrisevits
Dietterick	Langtry	Reinard	
Distler	Lashingner	Richardson	O'Donnell,
Dombrowski	Laughlin	Rieger	Speaker
Donatucci			

NAYS—0

NOT VOTING—1

Evans

EXCUSED—6

Acosta	Dininni	Gladeck	Wright, R. C.
Cornell	Foster		

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 2459, PN 3367**, entitled:

An Act making appropriations to the Treasury Department out of various funds for payment of general obligation debt service.

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—194

Adolph	Donatucci	Laughlin	Rieger
Allen	Dorr	Lee	Ritter
Angstadt	Durham	Leh	Robbins
Argall	Evans	Lescovitz	Robinson
Barley	Fairchild	Levdansky	Roebuck
Battisto	Fargo	Linton	Rudy
Belardi	Farmer	Lloyd	Rybak
Belfanti	Fee	Lucyk	Saloom
Billow	Fleagle	McCall	Saurman
Birmelin	Flick	McHale	Scheetz
Bishop	Fox	McNally	Schuler
Black	Freeman	McVerry	Scrimenti
Blaum	Freind	Maiale	Semmel
Bortner	Gallen	Maine	Serafini
Bowley	Gamble	Markosek	Smith, B.
Boyes	Gannon	Marsico	Smith, S. H.
Brandt	Geist	Mayernik	Snyder, D. W.
Broujos	George	Melio	Snyder, G.
Bunt	Gigliotti	Merry	Staback
Burd	Godshall	Michlovic	Stairs
Burns	Gruitza	Micozzie	Steighner
Bush	Gruppo	Mihalich	Stish
Caltagirone	Hagarty	Miller	Strittmatter
Cappabianca	Haluska	Moehlmann	Stuban
Carlson	Harper	Morris	Tangretti
Carn	Hasay	Mowery	Taylor, E. Z.
Cawley	Hayden	Mrkonic	Taylor, F.
Cessar	Heckler	Murphy	Taylor, J.
Chadwick	Herman	Nahill	Telek
Civera	Hershey	Nailor	Thomas
Clark, B. D.	Hess	Noye	Tigue
Clark, D. F.	Howlett	O'Brien	Trello
Clark, J. H.	Hughes	Olasz	Trich
Clymer	Itkin	Oliver	Van Horne
Cohen	Jackson	Perzel	Veon
Colaella	Jadlowiec	Pesci	Vroon
Colaizzo	James	Petrarca	Wambach
Cole	Jarolin	Petrone	Wass

Corrigan	Johnson	Phillips	Weston
Cowell	Josephs	Piccola	Williams
Coy	Kaiser	Pievsky	Wilson
DeLuca	Kasunic	Pistella	Wogan
DeWeese	Kenney	Pitts	Wozniak
Daley	Kondrich	Pressmann	Wright, D. R.
Davies	Kosinski	Preston	Wright, J. L.
Dempsey	Kukovich	Raymond	Yandrisevits
Dietterick	LaGrotta	Reber	
Distler	Langtry	Reinard	O'Donnell,
Dombrowski	Lashingner	Richardson	Speaker

NAYS—0

NOT VOTING—2

Hayes Ryan

EXCUSED—6

Acosta	Dininni	Gladeck	Wright, R. C.
Cornell	Foster		

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 2460, PN 3542**, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

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—193

Adolph	Durham	Leh	Robbins
Allen	Evans	Lescovitz	Robinson
Angstadt	Fairchild	Levdansky	Roebuck
Argall	Fargo	Linton	Rudy
Barley	Farmer	Lloyd	Ryan
Battisto	Fee	Lucyk	Rybak
Belardi	Fleagle	McCall	Saloom
Belfanti	Flick	McHale	Saurman
Billow	Fox	McNally	Scheetz
Birmelin	Freeman	McVerry	Schuler
Bishop	Freind	Maiale	Scrimenti
Black	Gallen	Maine	Semmel
Blaum	Gannon	Markosek	Serafini
Bortner	Geist	Marsico	Smith, B.
Bowley	George	Mayernik	Smith, S. H.
Boyes	Gigliotti	Melio	Snyder, D. W.
Brandt	Godshall	Merry	Snyder, G.
Bunt	Gruitza	Michlovic	Staback
Burd	Gruppo	Micozzie	Stairs
Burns	Hagarty	Mihalich	Steighner
Bush	Haluska	Miller	Stish
Caltagirone	Harper	Moehlmann	Strittmatter
Cappabianca	Hasay	Morris	Stuban
Carlson	Hayden	Mowery	Tangretti

Carn	Hayes	Mrkonic	Taylor, E. Z.
Cawley	Heckler	Murphy	Taylor, F.
Cessar	Herman	Nahill	Taylor, J.
Chadwick	Hershey	Nailor	Telek
Civera	Hess	Noye	Thomas
Clark, B. D.	Howlett	O'Brien	Tigue
Clark, D. F.	Hughes	Olasz	Trello
Clark, J. H.	Itkin	Oliver	Trich
Clymer	Jackson	Perzel	Van Horne
Cohen	Jadlowiec	Pesci	Veon
Colaella	James	Petrarca	Vroon
Colaizzo	Jarolin	Petrone	Wambach
Cole	Johnson	Phillips	Wass
Corrigan	Josephs	Piccola	Weston
Cowell	Kaiser	Pievsky	Williams
Coy	Kasunic	Pistella	Wilson
DeLuca	Kenney	Pitts	Wogan
DeWeese	Kondrich	Pressmann	Wozniak
Daley	Kosinski	Preston	Wright, D. R.
Davies	Kukovich	Raymond	Wright, J. L.
Dempsey	LaGrotta	Reber	Yandrisevits
Dietterick	Langtry	Reinard	
Distler	Lashingner	Richardson	O'Donnell,
Dombrowski	Laughlin	Rieger	Speaker
Donatucci	Lee	Ritter	

NAYS—0

NOT VOTING—3

Broujos Dorr Gamble

EXCUSED—6

Acosta	Dininni	Gladeck	Wright, R. C.
Cornell	Foster		

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 2461, PN 3543**, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1990, to June 30, 1991, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1990.

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—195

Adolph	Durham	Lee	Ritter
Allen	Evans	Leh	Robbins
Angstadt	Fairchild	Lescovitz	Robinson
Argall	Fargo	Levdansky	Roebuck
Barley	Farmer	Linton	Rudy
Belardi	Fee	Lloyd	Ryan
Belfanti	Fleagle	Lucyk	Rybak
Billow	Flick	McCall	Saloom
Birmelin	Fox	McHale	Saurman
Bishop	Freeman	McNally	Scheetz

Black	Freind	McVerry	Schuler
Blaum	Gallen	Maiale	Scrimenti
Bortner	Gamble	Maine	Semmel
Bowley	Gannon	Markosek	Serafini
Boyes	Geist	Marsico	Smith, B.
Brandt	George	Mayernik	Smith, S. H.
Broujos	Gigliotti	Melio	Snyder, D. W.
Bunt	Godshall	Merry	Snyder, G.
Burd	Gruitza	Michlovic	Staback
Burns	Gruppo	Micozzie	Stairs
Bush	Hagarty	Mihalich	Steighner
Caltagirone	Haluska	Miller	Stish
Cappabianca	Harper	Moehlmann	Strittmatter
Carlson	Hasay	Morris	Stuban
Carn	Hayden	Mowery	Tangretti
Cawley	Hayes	Mrkonic	Taylor, E. Z.
Cessar	Heckler	Murphy	Taylor, F.
Chadwick	Herman	Nahill	Taylor, J.
Civera	Hershey	Nailor	Telek
Clark, B. D.	Hess	Noye	Thomas
Clark, D. F.	Howlett	O'Brien	Tigue
Clark, J. H.	Hughes	Olasz	Trello
Clymer	Itkin	Oliver	Trich
Cohen	Jackson	Perzel	Van Horne
Colaella	Jadlowiec	Pesci	Veon
Colaizzo	James	Petrarca	Vroon
Cole	Jarolin	Petrone	Wambach
Corrigan	Johnson	Phillips	Wass
Cowell	Josephs	Piccola	Weston
Coy	Kaiser	Pievsky	Williams
DeLuca	Kasunic	Pistella	Wilson
DeWeese	Kenney	Pitts	Wogan
Daley	Kondrich	Pressmann	Wozniak
Davies	Kosinski	Preston	Wright, D. R.
Dempsey	Kukovich	Raymond	Wright, J. L.
Dietterick	LaGrotta	Reber	Yandrisevits
Distler	Langtry	Reinard	
Dombrowski	Lashinger	Richardson	O'Donnell,
Donatucci	Laughlin	Rieger	Speaker

NAYS—0

NOT VOTING—1

Battisto

EXCUSED—6

Acosta	Dininni	Gladeck	Wright, R. C.
Cornell	Foster		

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 2462, PN 3544**, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1990, to June 30, 1991, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1990.

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—195

Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Levdansky	Rudy
Battisto	Farmer	Linton	Ryan
Belardi	Fee	Lloyd	Rybak
Belfanti	Fleagle	Lucyk	Saloom
Billow	Flick	McCall	Saurman
Birmelin	Fox	McHale	Scheetz
Bishop	Freeman	McNally	Schuler
Black	Freind	McVerry	Scrimenti
Blaum	Gallen	Maiale	Semmel
Bortner	Gamble	Maine	Serafini
Bowley	Gannon	Markosek	Smith, B.
Boyes	Geist	Marsico	Smith, S. H.
Brandt	George	Mayernik	Snyder, D. W.
Broujos	Gigliotti	Melio	Snyder, G.
Bunt	Godshall	Merry	Staback
Burd	Gruitza	Micozzie	Stairs
Burns	Gruppo	Mihalich	Steighner
Bush	Hagarty	Miller	Stish
Caltagirone	Haluska	Moehlmann	Strittmatter
Cappabianca	Harper	Morris	Stuban
Carlson	Hasay	Mowery	Tangretti
Carn	Hayden	Mrkonic	Taylor, E. Z.
Cawley	Hayes	Murphy	Taylor, F.
Cessar	Heckler	Nahill	Taylor, J.
Chadwick	Herman	Nailor	Telek
Civera	Hershey	Noye	Thomas
Clark, B. D.	Hess	O'Brien	Tigue
Clark, D. F.	Howlett	Olasz	Trello
Clark, J. H.	Hughes	Oliver	Trich
Clymer	Itkin	Perzel	Van Horne
Cohen	Jackson	Pesci	Veon
Colaella	Jadlowiec	Petrarca	Vroon
Colaizzo	James	Petrone	Wambach
Cole	Jarolin	Phillips	Wass
Corrigan	Johnson	Piccola	Weston
Cowell	Josephs	Pievsky	Williams
Coy	Kaiser	Pistella	Wilson
DeLuca	Kasunic	Pitts	Wogan
DeWeese	Kenney	Pressmann	Wozniak
Daley	Kondrich	Preston	Wright, D. R.
Davies	Kosinski	Raymond	Wright, J. L.
Dempsey	Kukovich	Reber	Yandrisevits
Dietterick	LaGrotta	Reinard	
Distler	Langtry	Richardson	O'Donnell,
Dombrowski	Lashinger	Rieger	Speaker
Donatucci			

NAYS—0

NOT VOTING—1

Michlovic

EXCUSED—6

Acosta	Dininni	Gladeck	Wright, R. C.
Cornell	Foster		

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 2469, PN 3386**, entitled:

An Act providing for adoption of capital projects to be financed from current revenues of the Manufacturing Fund.

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—196

- | | | | |
|--------------|------------|------------|---------------|
| Adolph | Dorr | Lee | Ritter |
| Allen | Durham | Leh | Robbins |
| Angstadt | Evans | Lescovitz | Robinson |
| Argall | Fairchild | Levdansky | Roebuck |
| Barley | Fargo | Linton | Rudy |
| Battisto | Farmer | Lloyd | Ryan |
| Belardi | Fee | Lucyk | Rybak |
| Belfanti | Fleagle | McCall | Saloom |
| Billow | Flick | McHale | Saurman |
| Birmelin | Fox | McNally | Scheetz |
| Bishop | Freeman | McVerry | Schuler |
| Black | Freind | Maiale | Scrimenti |
| Blaum | Gallen | Maine | Semmel |
| Bortner | Gamble | Markosek | Serafini |
| Bowley | Gannon | Marsico | Smith, B. |
| Boyes | Geist | Mayernik | Smith, S. H. |
| Brandt | George | Melio | Snyder, D. W. |
| Broujos | Gigliotti | Merry | Snyder, G. |
| Bunt | Godshall | Michlovic | Staback |
| Burd | Gruitza | Micozzie | Stairs |
| Burns | Gruppo | Mihalich | Steighner |
| Bush | Hagarty | Miller | Stish |
| Caltagirone | Haluska | Moehlmann | Strittmatter |
| Cappabianca | Harper | Morris | Suban |
| Carlson | Hasay | Mowery | Tangretti |
| Carn | Hayden | Mrkonic | Taylor, E. Z. |
| Cawley | Hayes | Murphy | Taylor, F. |
| Cessar | Heckler | Nahill | Taylor, J. |
| Chadwick | Herman | Nailor | Telek |
| Civera | Hershey | Noye | Thomas |
| Clark, B. D. | Hess | O'Brien | Tigue |
| Clark, D. F. | Howlett | Olasz | Trello |
| Clark, J. H. | Hughes | Oliver | Trich |
| Clymer | Itkin | Perzel | Van Horne |
| Cohen | Jackson | Pesci | Veon |
| Colaafella | Jadlowiec | Petrarca | Vroon |
| Colaizzo | James | Petrone | Wambach |
| Cole | Jarolin | Phillips | Wass |
| Corrigan | Johnson | Piccola | Weston |
| Cowell | Josephs | Pievsky | Williams |
| Coy | Kaiser | Pistella | Wilson |
| DeLuca | Kasunic | Pitts | Wogan |
| DeWeese | Kenney | Pressmann | Wozniak |
| Daley | Kondrich | Preston | Wright, D. R. |
| Davies | Kosinski | Raymond | Wright, J. L. |
| Dempsey | Kukovich | Reber | Yandrisevits |
| Dietterick | LaGrotta | Reinard | |
| Distler | Langtry | Richardson | O'Donnell, |
| Dombrowski | Lashingier | Rieger | Speaker |
| Donatucci | Laughlin | | |

NAYS—0

NOT VOTING—0

EXCUSED—6

- | | | | |
|---------|---------|---------|---------------|
| Acosta | Dininni | Gladeck | Wright, R. C. |
| Cornell | Foster | | |

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 2470, PN 3387**, entitled:

An Act providing for the capital budget for the fiscal year 1990-1991.

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—194

- | | | | |
|--------------|-----------|-----------|---------------|
| Adolph | Dorr | Lee | Ritter |
| Allen | Durham | Leh | Robbins |
| Angstadt | Fairchild | Lescovitz | Robinson |
| Argall | Fargo | Levdansky | Roebuck |
| Barley | Farmer | Linton | Rudy |
| Battisto | Fee | Lloyd | Ryan |
| Belardi | Fleagle | Lucyk | Rybak |
| Belfanti | Flick | McCall | Saloom |
| Billow | Fox | McHale | Saurman |
| Birmelin | Freeman | McNally | Scheetz |
| Bishop | Freind | McVerry | Schuler |
| Black | Gallen | Maiale | Scrimenti |
| Blaum | Gamble | Maine | Semmel |
| Bortner | Gannon | Markosek | Serafini |
| Bowley | Geist | Marsico | Smith, B. |
| Boyes | George | Mayernik | Smith, S. H. |
| Brandt | Gigliotti | Melio | Snyder, D. W. |
| Broujos | Godshall | Merry | Snyder, G. |
| Bunt | Gruitza | Michlovic | Staback |
| Burd | Gruppo | Micozzie | Stairs |
| Burns | Hagarty | Mihalich | Steighner |
| Bush | Haluska | Miller | Stish |
| Caltagirone | Harper | Moehlmann | Strittmatter |
| Cappabianca | Hasay | Morris | Suban |
| Carlson | Hayden | Mowery | Tangretti |
| Cawley | Hayes | Mrkonic | Taylor, E. Z. |
| Cessar | Heckler | Murphy | Taylor, F. |
| Chadwick | Herman | Nahill | Taylor, J. |
| Civera | Hershey | Nailor | Telek |
| Clark, B. D. | Hess | Noye | Thomas |
| Clark, D. F. | Howlett | O'Brien | Tigue |
| Clark, J. H. | Hughes | Olasz | Trello |
| Clymer | Itkin | Oliver | Trich |
| Cohen | Jackson | Perzel | Van Horne |
| Colaafella | Jadlowiec | Pesci | Veon |
| Colaizzo | James | Petrarca | Vroon |
| Cole | Jarolin | Petrone | Wambach |
| Corrigan | Johnson | Phillips | Wass |
| Cowell | Josephs | Piccola | Weston |
| Coy | Kaiser | Pievsky | Williams |

DeLuca	Kasunic	Pistella	Wilson
DeWeese	Kenney	Pitts	Wogan
Daley	Kondrich	Pressmann	Wozniak
Davies	Kosinski	Preston	Wright, D. R.
Dempsey	Kukovich	Raymond	Wright, J. L.
Dietterick	LaGrotta	Reber	Yandrisevits
Distler	Langtry	Reinard	
Dombrowski	Lashinger	Richardson	O'Donnell,
Donatucci	Laughlin	Rieger	Speaker

NAYS—0

NOT VOTING—2

Carn Evans

EXCUSED—6

Acosta Dininni Gladeck Wright, R. C.
Cornell Foster

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 2176, PN 3541**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, extending the expiration date of the Pennsylvania Veterans' Memorial Commission.

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—195

Adolph	Durham	Lee	Ritter
Allen	Evans	Leh	Robbins
Angstadt	Fairchild	Lescovitz	Robinson
Argall	Fargo	Levdansky	Roebuck
Barley	Farmer	Linton	Rudy
Battisto	Fee	Lloyd	Ryan
Belardi	Fleagle	Lucyk	Rybak
Belfanti	Flick	McCall	Saloom
Billow	Fox	McHale	Saurman
Birmelin	Freeman	McNally	Scheetz
Bishop	Freind	McVerry	Schuler
Black	Gallen	Maiale	Scrimenti
Blaum	Gamble	Maine	Semmel
Bortner	Gannon	Markosek	Serafini
Bowley	Geist	Marsico	Smith, B.
Boyes	George	Mayernik	Smith, S. H.
Brandt	Gigliotti	Melio	Snyder, D. W.
Broujos	Godshall	Merry	Snyder, G.
Bunt	Gruitza	Michlovic	Staback
Burd	Gruppo	Micozzie	Stairs
Burns	Hagarty	Mihalich	Steighner
Bush	Haluska	Miller	Stish
Caltagirone	Harper	Moehlmann	Strittmatter
Cappabianca	Hasay	Morris	Stuban
Carlson	Hayden	Mowery	Tangretti
Cawley	Hayes	Mrkonic	Taylor, E. Z.
Cessar	Heckler	Murphy	Taylor, F.
Chadwick	Herman	Nahill	Taylor, J.

Civera	Hershey	Nailor	Telek
Clark, B. D.	Hess	Noye	Thomas
Clark, D. F.	Howlett	O'Brien	Tigue
Clark, J. H.	Hughes	Olasz	Trello
Clymer	Itkin	Oliver	Trich
Cohen	Jackson	Perzel	Van Horne
Colafella	Jadlowiec	Pesci	Veon
Colaizzo	James	Petrarca	Vroon
Cole	Jarolin	Petrone	Wambach
Corrigan	Johnson	Phillips	Wass
Cowell	Josephs	Piccola	Weston
Coy	Kaiser	Pievsky	Williams
DeLuca	Kasunic	Pistella	Wilson
DeWeese	Kenney	Pitts	Wogan
Daley	Kondrich	Pressmann	Wozniak
Davies	Kosinski	Preston	Wright, D. R.
Dempsey	Kukovich	Raymond	Wright, J. L.
Dietterick	LaGrotta	Reber	Yandrisevits
Distler	Langtry	Reinard	
Dombrowski	Lashinger	Richardson	O'Donnell,
Donatucci	Laughlin	Rieger	Speaker
Dorr			

NAYS—0

NOT VOTING—1

Carn

EXCUSED—6

Acosta Dininni Gladeck Wright, R. C.
Cornell Foster

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 **SB 1472, PN 1946**, entitled:

An Act amending the act of May 11, 1889 (P. L. 188, No. 210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes';.....," further regulating the rates of pilotage; and specifying fees for certain services.

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 gentleman, Mr. Davies.

Mr. DAVIES. Mr. Speaker, could someone answer how they intend to collect these fees retroactively, back until January 1 of 1990, I believe it is? Just how does that process work?

The SPEAKER. The gentleman, Mr. Lloyd, indicates he is willing to be interrogated. The gentleman may proceed.

Mr. DAVIES. Mr. Speaker, how will this, the retroactivity, take effect? In other words, is this not done on any kind of contractual basis and then is this not a price increase after the fact, or just how will it be— Why the need for the retroactivity? Maybe that is a better question.

Mr. LLOYD. Mr. Speaker, I wonder if you would put the bill over temporarily.

The SPEAKER. SB 1472, over temporarily.

The Chair returns to page 11 of the calendar and recognizes the gentleman, Mr. Lloyd, who calls up SB 1472.

The gentleman, Mr. Davies, is recognized on interrogation on the subject of retroactivity. The gentleman, Mr. Lloyd, is prepared to respond.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding that this money has been collected and has been put into escrow pending the enactment of this legislation.

Mr. DAVIES. Thank you, Mr. Speaker.

One other question, Mr. Speaker: How does this compare competitively with other eastern seaboard ports as far as the fees?

Mr. LLOYD. I do not know how it compares with other seaports. What I do know is this is the result of negotiations involving both the pilots and the shippers. So they are apparently satisfied that these rates will keep them in a competitive situation as far as attracting business to the Port of Philadelphia.

Mr. DAVIES. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS—196

Adolph	Dorr	Lee	Ritter
Allen	Durham	Leh	Robbins
Angstadt	Evans	Lescovitz	Robinson
Argall	Fairchild	Levdansky	Roebuck
Barley	Fargo	Linton	Rudy
Battisto	Farmer	Lloyd	Ryan
Belardi	Fee	Lucyk	Rybak
Belfanti	Fleagle	McCall	Saloom
Billow	Flick	McHale	Saurman
Birmelin	Fox	McNally	Scheetz
Bishop	Freeman	McVerry	Schuler
Black	Freind	Maiale	Scrimenti
Blaum	Gallen	Maine	Semmel
Bortner	Gamble	Markosek	Serafini
Bowley	Gannon	Marsico	Smith, B.
Boyes	Geist	Mayernik	Smith, S. H.
Brandt	George	Melio	Snyder, D. W.
Broujos	Gigliotti	Merry	Snyder, G.
Bunt	Godshall	Michlovic	Staback
Burd	Gruitza	Micozzie	Stairs
Burns	Gruppo	Mihalich	Steighner
Bush	Hagarty	Miller	Stish
Caltagirone	Haluska	Moehlmann	Strittmatter
Cappabianca	Harper	Morris	Stuban
Carlson	Hasay	Mowery	Tangretti
Carn	Hayden	Mrkonic	Taylor, E. Z.
Cawley	Hayes	Murphy	Taylor, F.
Cessar	Heckler	Nahill	Taylor, J.
Chadwick	Herman	Nailor	Telek
Civera	Hershey	Noye	Thomas
Clark, B. D.	Hess	O'Brien	Tigue
Clark, D. F.	Howlett	Olasz	Trello
Clark, J. H.	Hughes	Oliver	Trich
Clymer	Itkin	Perzel	Van Horne
Cohen	Jackson	Pesci	Veon
Colaifella	Jadlowiec	Petrarca	Vroon
Colaizzo	James	Petrone	Wambach

Cole	Jarolin	Phillips	Wass
Corrigan	Johnson	Piccola	Weston
Cowell	Josephs	Pievsky	Williams
Coy	Kaiser	Pistella	Wilson
DeLuca	Kasunic	Pitts	Wogan
DeWeese	Kenney	Pressmann	Wozniak
Daley	Kondrich	Preston	Wright, D. R.
Davies	Kosinski	Raymond	Wright, J. L.
Dempsey	Kukovich	Reber	Yandrisevits
Dietterick	LaGrotta	Reinard	
Distler	Langtry	Richardson	O'Donnell,
Dombrowski	Lashingier	Rieger	Speaker
Donatucci	Laughlin		

NAYS—0

NOT VOTING—0

EXCUSED—6

Acosta	Dininni	Gladeck	Wright, R. C.
Cornell	Foster		

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 return the same to the Senate with the information that the House has passed the same without amendment.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 1781, PN 3466**, 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 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for custody and visitation in certain cases.

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

The SPEAKER. The Chair recognizes Mr. Daley.
Mr. DALEY. Thank you, Mr. Speaker.

I recommend concurrence in the Senate amendments to HB 1781. These amendments inserted by the Senate do not alter the substance of this bill. They are technical in nature, and they put all provisions relating to counseling for parents convicted of certain serious offenses under one section.

This bill, when it is passed today, will take children's rights in custody and visitation cases a quantum leap forward, and we are proud to ask for concurrence on this bill, Mr. Speaker.
Thank you.

The SPEAKER. The Chair recognizes Mr. Lee.
Mr. LEE. Thank you, Mr. Speaker.

Two quick questions I have on the bill. Number one, the counseling required by the bill—

The SPEAKER. The gentleman, Mr. Daley, indicates he is willing to be interrogated. The gentleman may proceed.

Mr. LEE. I am sorry. Thank you very much.

Two quick questions: The counseling required by the bill, who is going to pay for that counseling?

Mr. DALEY. The counseling required by the bill will be paid by the individuals involved in the case.

Mr. LEE. Is that included in the bill anywhere?

Mr. DALEY. No, it is not.

Mr. LEE. Number two, I have a concern about cases where the court has no intention of granting custody to a convicted criminal. Let us say the father has been incestuous with the daughter, son, et cetera. Does this bill give the father a right to counseling even if the court has no intention whatsoever to give custody anyway?

Mr. DALEY. I could not understand the first part of your question, Mr. Speaker.

Mr. LEE. Well, I have got to imagine that in some cases, a court has no intention of giving custody to an incestuous parent, a child-abusing parent, et cetera. The court has no intention to give custody to that parent, but does this bill give that parent a right to counseling before any type of custody decision can be made?

Mr. DALEY. This bill, what it does is give the judge the power, the bench the power, to examine each situation when a custody and visitation case is coming before the court. It does not per se give counseling rights to anyone other than the person prescribed by the court in determining counseling and visitation. That is simply what the legislation is trying to do.

Mr. LEE. The court has the power right now to require counseling, does it not?

Mr. DALEY. That is absolutely right.

Mr. LEE. And this is just making it mandatory.

Mr. DALEY. This is making it mandatory.

Mr. LEE. And all I am concerned about is, now that it is mandatory, the judge is going to be forced to give counseling to people that he is not even considering for custody.

I do not mean to belabor this, but all I am saying is that I am concerned that this bill is going to require the court to grant counseling, which is going to cost, I guess the person you claim is going to be the person obtaining the counseling. I have a feeling that this might be thrown back on our local courts, and it is going to require those courts to give counseling to persons whom the court has no intention to grant custody to to begin with.

Mr. DALEY. No. Under the present circumstances, the courts do order counseling, and that is paid by the people that are involved in the counseling, and what we are saying here is that we are placing children's lives above any costs. What we are saying here is that we are asking the court to look into certain situations like we had up in Representative Stuban's district in which counseling was not ordered for a father. The court was advised not to place that child back into that home. The child was placed back into that home, and the father starved that child to death. Now, if the court had the mandate to provide counseling, they would have known not to place that child back into that father's home and saved that child's life.

All we are saying here is, we are not concerned that much about the costs. According to all the testimony we had in all the hearings, it is not going to be that much anyway, and the

cost is going to be brought to bear upon those people that are going to be undertaking the counseling.

Mr. LEE. Okay. Thank you very much.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Davies.

Mr. DAVIES. Mr. Speaker, would he stand for one other question of interrogation?

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. DAVIES. Is this process also guaranteed when the placement by the courts is done into foster homes, when they are doing placement either into foster care or to an agency which would act as a foster agent?

Mr. DALEY. No, Mr. Speaker, it does not.

Mr. DAVIES. At any time have you considered such requirements of the courts of that type of action?

Mr. DALEY. Yes, Mr. Speaker, we have, and as a matter of fact, we are going to try to address that particular concern in another piece of legislation.

Mr. DAVIES. I would appreciate it, because we have two such instances within our own county court's jurisdiction where this has occurred, and there is quite some concern about that factor. Thank you.

Mr. DALEY. Thank you, Mr. Speaker.

The SPEAKER. Those voting to concur will vote "aye"; those voting to 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—196

Adolph	Dorr	Lee	Ritter
Allen	Durham	Leh	Robbins
Angstadt	Evans	Lescovitz	Robinson
Argall	Fairchild	Levdansky	Roebuck
Barley	Fargo	Linton	Rudy
Battisto	Farmer	Lloyd	Ryan
Belardi	Fee	Lucyk	Rybak
Belfanti	Fleagle	McCall	Saloom
Billow	Flick	McHale	Saurman
Birmelin	Fox	McNally	Scheetz
Bishop	Freeman	McVerry	Schuler
Black	Freind	Maiale	Scrimenti
Blaum	Gallen	Maine	Semmel
Bortner	Gamble	Markosek	Serafini
Bowley	Gannon	Marsico	Smith, B.
Boyes	Geist	Mayernik	Smith, S. H.
Brandt	George	Melio	Snyder, D. W.
Broujos	Gigliotti	Merry	Snyder, G.
Bunt	Godshall	Michlovic	Staback
Burd	Gruitza	Micozzie	Stairs
Burns	Gruppo	Mihalich	Steighner
Bush	Hagarty	Miller	Stish
Caltagirone	Haluska	Moehlmann	Strittmatter
Cappabianca	Harper	Morris	Stuban
Carlson	Hasay	Mowery	Tangretti
Carn	Hayden	Mrkonc	Taylor, E. Z.
Cawley	Hayes	Murphy	Taylor, F.
Cessar	Heckler	Nahill	Taylor, J.
Chadwick	Herman	Nailor	Telek
Civera	Hershey	Noye	Thomas
Clark, B. D.	Hess	O'Brien	Tigue
Clark, D. F.	Howlett	Olasz	Trello
Clark, J. H.	Hughes	Oliver	Trich
Clymer	Itkin	Perzel	Van Horne

Cohen	Jackson	Pesci	Veon
Colafiglia	Jadlowiec	Petrarca	Vroon
Colaizzo	James	Petrone	Wambach
Cole	Jarolin	Phillips	Wass
Corrigan	Johnson	Piccola	Weston
Cowell	Josephs	Pievsky	Williams
Coy	Kaiser	Pistella	Wilson
DeLuca	Kasunic	Pitts	Wogan
DeWeese	Kenney	Pressmann	Wozniak
Daley	Kondrich	Preston	Wright, D. R.
Davies	Kosinski	Raymond	Wright, J. L.
Dempsey	Kukovich	Reber	Yandrisevits
Dietterick	LaGrotta	Reinard	
Distler	Langtry	Richardson	O'Donnell,
Dombrowski	Lashingier	Rieger	Speaker
Donatucci	Laughlin		

NAYS—0

NOT VOTING—0

EXCUSED—6

Acosta	Dininni	Gladeck	Wright, R. C.
Cornell	Foster		

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.

RESOLUTION

Mr. DeWEESE called up **HR 322, PN 3463**, entitled:

Requesting the Governor to develop a proposal and present a request for an appropriation utilizing Rainy Day moneys to meet the funding requirements for child abuse prevention and other child welfare services.

On the question,

Will the House adopt the resolution?

RESOLUTION RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HR 322 be recommitted to the Rules Committee.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, we would object to the recommittal of this particular resolution. I am going to yield, with the Chair's permission, to the gentleman, Mr. Dorr, although I am going to suggest to any of our members who are in their offices that they should come to the floor, because—this is both sides—odds are, there will be a requirement that you be present here on the floor for this particular vote.

Mr. Speaker, with your permission, I would like to yield to the gentleman, Mr. Dorr.

The SPEAKER. The Chair recognizes Mr. Dorr.

Mr. DORR. Mr. Speaker, the resolution calls for the Governor to ask for the use of Rainy Day funds for the purpose of providing our counties with the ability to fight child abuse.

The purpose of the Rainy Day funds as we originally established them was to deal with emergencies as they arose in the Commonwealth of Pennsylvania, and, Mr. Speaker, as I look at the report of the Casey administration regarding child abuse in Pennsylvania—

The SPEAKER. Will the gentleman suspend.

By way of caution to the gentleman, the matter before the House is the motion to recommit. The Chair would urge the gentleman to confine his remarks to reasons for or against recommitment.

Mr. DORR. Okay. Thank you, Mr. Speaker, for pointing that out. I am giving a lot of reasons why we should not recommit this resolution.

The reason is that we have a crisis in child abuse in Pennsylvania. The figures are staggering when you look at the map that is contained in the middle of this report with the numbers of child abuse cases in each and every county of Pennsylvania, and the numbers that each and every one of our county commissioners' boards has provided to the members of the House of Representatives in terms of the overmatch of money provided by the counties in order to deal with the situation of child abuse in Pennsylvania are also staggering.

Mr. Speaker, many of the members of this House of Representatives have been talking to various special interest groups, over the last few months in particular, regarding the issue of whether we should spend State tax dollars or whether we should spend local tax dollars on various issues. This is a way, Mr. Speaker, for members of this House to indicate that we think that State dollars should be committed to the issue of child abuse rather than additional local real estate tax money that is provided today by the boards of county commissioners across Pennsylvania.

It is, Mr. Speaker, truly and actually a crisis in Pennsylvania. The overmatch in many counties across the Commonwealth is tremendous. I happen to have with me the figures for York County, and the numbers are well over \$1 million in each year of the last 3 years. Those numbers are vastly under the numbers for several other counties in Pennsylvania and are matched by many other counties in Pennsylvania. We can save, therefore, Mr. Speaker, our local real estate tax payers considerable dollars in each and every county of Pennsylvania if we would pass this resolution rather than recommitting it.

Therefore, Mr. Speaker, I request that on behalf of the gentleman, Mr. Richardson, who cosponsored this resolution with me—and as I understand it, Mr. Richardson was the one who requested the Rules Committee to move the bill onto the floor—I would request on behalf of both the gentleman, Mr. Richardson, and myself that we adopt this resolution rather than recommitting it. I ask, therefore, for a negative vote on the motion to recommit.

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

VOTES CHALLENGED

Mr. RYAN. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. RYAN. Mr. Speaker, is the gentleman, Mr. Donatucci, on the floor?

The SPEAKER. The Chair does not physically see the gentleman at the moment and would urge that his vote be stricken.

Mr. RYAN. Is the gentleman, Mr. Richardson, on the floor? This is his resolution. I am amazed.

The SPEAKER. The Chair would urge the gentleman to limit the editorial comments.

The gentleman, Mr. Richardson? The Chair does not observe the gentleman, Mr. Richardson, and would ask that his vote be stricken.

Mr. RYAN. And the gentleman, Mr. Linton?

The SPEAKER. The Chair does not observe the gentleman and asks that his vote be stricken.

Mr. RYAN. The gentleman, Mr. Petrarca? The gentleman, Mr. Rieger?

The SPEAKER. The Chair requests that the gentlemen's votes be stricken.

Mr. RYAN. It is all right, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

For what purpose does the majority leader rise?

Mr. DeWEESE. Mr. Speaker, I am sure that Mrs. Weston and Mrs. Durham are in the hall of the House, but I think they should make their presence known. I would request that they do so.

The SPEAKER. Will the gentleman repeat the names, please?

Mr. DeWEESE. I guess the gentlady, Mrs. Weston, and the gentlady, Mrs. Durham, have been removed from the roll.

The SPEAKER. They have indeed.

Mr. DeWEESE. Chairman Wright from Bucks, is he available? The gentleman, Mr. Micozzie?

The SPEAKER. The gentlemen's votes have been stricken.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—97

Battisto	Evans	Lucy	Rudy
Belardi	Fee	McCall	Rybak
Belfanti	Freeman	McHale	Saloom
Billow	Gamble	McNally	Scrimenti
Bishop	George	Maiale	Staback
Blaum	Gigliotti	Maine	Steighner
Bortner	Gruitza	Markosek	Strish
Bowley	Haluska	Mayernik	Stuban
Broujos	Harper	Melio	Tangretti
Caltagirone	Hayden	Michlovic	Taylor, F.
Cappabianca	Howlett	Mihalich	Thomas
Carn	Hughes	Morris	Tigue
Cawley	Itkin	Mrkonic	Trello
Clark, B. D.	James	Murphy	Trich
Cohen	Jarolin	Olasz	Van Horne
Colafrèlla	Josephs	Oliver	Veon
Colaizzo	Kaiser	Pesci	Wambach
Cole	Kasunic	Petrone	Williams

Corrigan	Kosinski	Pievsky	Wozniak
Cowell	Kukovich	Pistella	Wright, D. R.
Coy	LaGrotta	Pressmann	Yandrisevits
DeLuca	Laughlin	Preston	
DeWeese	Lescovitz	Ritter	O'Donnell,
Daley	Levdansky	Robinson	Speaker
Dombrowski	Lloyd	Roebuck	

NAYS—89

Adolph	Dorr	Johnson	Reber
Allen	Fairchild	Kenney	Reinard
Angstadt	Fargo	Kondrich	Robbins
Argall	Farmer	Langtry	Ryan
Barley	Fleagle	Lashingner	Saurman
Birmelin	Flick	Lee	Scheetz
Black	Fox	Leh	Schuler
Boyes	Freind	McVerry	Semmel
Brandt	Gallen	Marsico	Serafini
Bunt	Gannon	Merry	Smith, B.
Burd	Geist	Miller	Smith, S. H.
Bush	Godshall	Moehlmann	Snyder, D. W.
Carlson	Gruppo	Mowery	Snyder, G.
Cessar	Hagarty	Nahill	Stairs
Chadwick	Hasay	Nailor	Strittmatter
Civera	Hayes	Noye	Taylor, E. Z.
Clark, D. F.	Heckler	O'Brien	Taylor, J.
Clark, J. H.	Herman	Perzel	Telek
Clymer	Hershey	Phillips	Vroon
Davies	Hess	Piccola	Wass
Dempsey	Jackson	Pitts	Wilson
Dietterick	Jadlowiec	Raymond	Wogan
Distler			

NOT VOTING—10

Burns	Linton	Richardson	Weston
Donatucci	Micozzie	Rieger	Wright, J. L.
Durham	Petrarca		

EXCUSED—6

Acosta	Dininni	Gladeck	Wright, R. C.
Cornell	Foster		

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

CONDOLENCE RESOLUTION ADOPTED

The SPEAKER. The Chair is about to take up a condolence resolution on the death of a former member.

The Sergeant at Arms will close the doors of the House. Members will please take their seats.

The clerk will read the resolution.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES

RESOLUTION

WHEREAS, Lester K. Fryer of Boyertown, a former member of the Pennsylvania House of Representatives, passed away recently at the age of seventy; and

WHEREAS, Mr. Fryer, who was a state representative for twelve terms, was first elected in 1962. He served as a representative for the 4th Legislative District, which later became the 130th District. Appointed chairman of the House Local Government Committee in 1969, he carried out the duties of that post until his retirement in December 1986. He was a member of the House borough and townships, liquor control and agriculture committees and often served as pro tempore speaker of the House during his last years in office. At the time of his retirement, he was third

in seniority among all state House members. Mr. Fryer owned Fryer Beverages, a business which he operated for twenty-six years and then sold in 1974. An Army veteran of World War II, he was a member of Good Shepherd United Church of Christ and generously contributed his energies to the Boyertown Democratic Club, the Boyertown Businessmen's Association and the Boyertown area chapter of the American Red Cross. In addition, he was president of the Boyertown School Board in the early 1960s and was a past commander of Boyertown Post No. 3487, Veterans of Foreign Wars; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with sadness the passing of Lester K. Fryer, who served with distinction in the House of Representatives from 1962 to 1986; extend heartfelt condolences to his wife, Mary E. Wolfe Fryer; his son, Charles E.; his brother and sister; and his two grandchildren; and be it further

RESOLVED, That a copy of this resolution be transmitted to Mrs. Mary E. Wolfe Fryer, 402 East Third Street, Boyertown, Pennsylvania.

We hereby certify that the foregoing is an exact copy of a resolution introduced in the House of Representatives by Representatives James J. Gallen and Dennis E. Leh and unanimously adopted by the House of Representatives on the 29th day of May 1990.

Robert W. O'Donnell
Speaker of the
House of Representatives
ATTEST:
John J. Zubeck
Chief Clerk of the
House of Representatives

On the question,
Will the House adopt the resolution?

The SPEAKER. Members and guests will please rise.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Lester K. Fryer.)

The SPEAKER. The resolution has been unanimously adopted.

The Sergeant at Arms will open the doors of the House.

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.

There will be no more votes taken today, for the information of the members.

BILL SIGNED BY SPEAKER

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

HB 1781, PN 3466

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for custody and visitation in certain cases.

WELCOME

The SPEAKER. The Chair is pleased to welcome Gail Lowe and Corliss Spence from the district office staff of Harold James. They are in the rear of the House. Will the guests please rise.

VOTE CORRECTION

The SPEAKER. The Chair recognizes Representative Richardson.

Mr. RICHARDSON. I would like to be recorded on a vote, Mr. Speaker.

On HR 322, I would like to be recorded in the negative on the motion to recommit.

The SPEAKER. The Chair thanks the gentleman. The remarks of the gentleman will be spread upon the record.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 712, PN 793

By Rep. GAMBLE

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," further providing for the publication of a certain notice relating to fiscal matters.

LOCAL GOVERNMENT.

HB 713, PN 3617 (Amended)

By Rep. GAMBLE

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," further providing for complaints when officers fail or neglect to perform their duties; and making an editorial change.

LOCAL GOVERNMENT.

HB 717, PN 3618 (Amended)

By Rep. GAMBLE

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for formation of and attendance at county associations of township officers.

LOCAL GOVERNMENT.

HB 786, PN 3619 (Amended)

By Rep. GAMBLE

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," increasing the amount of work of any nature which can be performed on property owned by a school district without advertising and without competitive bids; and increasing the amount of furniture, equipment and supplies that can be purchased without advertisement.

LOCAL GOVERNMENT.

HB 1361, PN 3620 (Amended)

By Rep. GAMBLE

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code," providing for transportation and sewer and water impact fees; and making repeals.

LOCAL GOVERNMENT.

HB 2098, PN 2765 By Rep. GAMBLE

An Act amending the act of July 1, 1981 (P. L. 193, No. 58), entitled "An act establishing certain fees to be charged by clerks of the orphans' courts of counties of the fifth, sixth, seventh and eighth class and providing for fees in counties of the second, second A, third and fourth class," further providing for fees in counties of the second class.

LOCAL GOVERNMENT.

HB 2099, PN 2766 By Rep. GAMBLE

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," further providing for vacation of tax ordinances and resolutions.

LOCAL GOVERNMENT.

HB 2120, PN 2794 By Rep. GAMBLE

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

LOCAL GOVERNMENT.

HB 2121, PN 2795 By Rep. GAMBLE

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

LOCAL GOVERNMENT.

HB 2122, PN 2796 By Rep. GAMBLE

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

LOCAL GOVERNMENT.

HB 2245, PN 2999 By Rep. GAMBLE

An Act amending the act of June 1, 1945 (P. L. 1242, No. 428), known as the "State Highway Law," providing that no bond shall be required as a condition for the issuance of surface opening permits to municipalities and municipality authorities.

LOCAL GOVERNMENT.

HB 2309, PN 3621 (Amended)

By Rep. GAMBLE

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), known as the "Municipality Authorities Act of 1945," regulating an owner's liability for a tenant's bill.

LOCAL GOVERNMENT.

HB 2343, PN 3171 By Rep. GAMBLE

An Act amending the act of December 6, 1972 (P. L. 1383, No. 293), entitled "An act requiring municipal pension systems to have an actuarial investigation of the fund made by an actuary who shall report his findings to the Department of Community Affairs," further providing for reports by certain municipalities and local governmental units, for the filing of reports and for failure to file timely reports.

LOCAL GOVERNMENT.

HB 2374, PN 3622 (Amended)

By Rep. GAMBLE

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

LOCAL GOVERNMENT.

HB 2617, PN 3595 By Rep. GAMBLE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the disclosure of confidential tax information by certain persons.

LOCAL GOVERNMENT.

SB 733, PN 797 By Rep. GAMBLE

An Act amending the act of December 20, 1967 (P. L. 869, No. 385), entitled "Public Works Contractors' Bond Law of 1967," providing for financial security to protect certain contracting bodies.

LOCAL GOVERNMENT.

SB 741, PN 2218 (Amended)

By Rep. GAMBLE

An Act amending the act of July 29, 1953 (P. L. 1034, No. 270), entitled, as amended, "Public Auditorium Authorities Law," increasing the amount of contracts that may be awarded without competitive bids; and further providing for the purchase of supplies and materials.

LOCAL GOVERNMENT.

SB 742, PN 2219 (Amended)

By Rep. GAMBLE

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

LOCAL GOVERNMENT.

SB 743, PN 2220 (Amended)

By Rep. GAMBLE

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

LOCAL GOVERNMENT.

SB 744, PN 2221 (Amended)

By Rep. GAMBLE

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

LOCAL GOVERNMENT.

SB 745, PN 2222 (Amended)

By Rep. GAMBLE

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

LOCAL GOVERNMENT.

SB 746, PN 2223 (Amended)

By Rep. GAMBLE

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.

LOCAL GOVERNMENT.

SB 749, PN 2224 (Amended)

By Rep. GAMBLE

An Act amending the act of June 5, 1947 (P. L. 458, No. 208), entitled, as amended, "Parking Authority Law," further providing for the maximum amount for which an authority may contract or purchase without bids.

LOCAL GOVERNMENT.

SB 750, PN 2225 (Amended)

By Rep. GAMBLE

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), entitled "Municipality Authorities Act of 1945," further defining "project;" adding a definition for "working capital;" further providing for the general powers and duties of an authority; and further providing for contract procedures, purchases and advertising for bids.

LOCAL GOVERNMENT.

SB 751, PN 2226 (Amended)

By Rep. GAMBLE

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 purchases that may be made without advertisement.

LOCAL GOVERNMENT.

SB 752, PN 2227 (Amended)

By Rep. GAMBLE

An Act amending the act of July 12, 1972 (P. L. 762, No. 180), entitled "Intergovernmental Cooperation Law," further providing for joint purchases and competitive bidding.

LOCAL GOVERNMENT.

SB 753, PN 2228 (Amended)

By Rep. GAMBLE

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;...." further regulating purchases and bidding on such purchases.

LOCAL GOVERNMENT.

SB 1269, PN 1581

By Rep. GAMBLE

An Act amending the act of November 1, 1971 (P. L. 495, No. 113), entitled, as amended, "An act providing for the compensation of county officers in counties of the second through eighth classes, for compensation of district attorneys in cities and counties of the first class, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," limiting certain salary increases.

LOCAL GOVERNMENT.

SB 1307, PN 1637

By Rep. GAMBLE

An Act amending the act of December 18, 1984 (P. L. 1005, No. 205), entitled "Municipal Pension Plan Funding Standard and Recovery Act," further providing for the financial requirements of the pension plan, the minimum obligation of the municipality and the allocation of general municipal pension system State aid.

LOCAL GOVERNMENT.

ADJOURNMENT

The SPEAKER. The Chair recognizes Representative Mihalich.

Mr. MIHALICH. Mr. Speaker, I move that this House do now adjourn until Monday, June 4, 1990, at 1 p.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 12:23 p.m., e.d.t., the House adjourned.