# **COMMONWEALTH OF PENNSYLVANIA**

# **LEGISLATIVE JOURNAL**

# WEDNESDAY, JULY 10, 1991

# SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

## HOUSE OF REPRESENTATIVES

The House convened at 10 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:

"O God of light in whom is no darkness at all, lighten our darkness that we may distinguish the things that look alike in the dark but that are different in the light. And by Thy grace help us to prefer the things that are excellent. Enable us to choose what is right and to right what is wrong, that we may be sincere and void of offense unto the day of Your coming."

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, July 9, 1991, will be postponed until printed. The Chair hears no objection.

### JOURNAL APPROVED

The SPEAKER. However, the Journal of Tuesday, June 11, 1991, is in print and, without objection, will be approved.

### HOUSE BILLS INTRODUCED AND REFERRED

No. 1885 By Representatives GERLACH, MELIO, FAIRCHILD, LANGTRY, STABACK, DEMPSEY, ARMSTRONG, NYCE, GANNON, KRUSZEWSKI, FAJT, NOYE, VROON, HERSHEY, TRELLO, ROEBUCK, KING, JOHNSON, RITTER, SCHEETZ, E. Z. TAYLOR, GLADECK and OLASZ An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, imposing an increased penalty for falsely reporting a felony of the first degree.

No. 56

Referred to Committee on JUDICIARY, July 10, 1991.

### No. 1886 By Representatives BLACK, E. Z. TAYLOR, BIRMELIN, LEH, S. H. SMITH, CHADWICK, OLASZ, MICOZZIE, GAMBLE, HAGARTY, MERRY, HALUSKA, FARGO, WOZNIAK, NYCE, JADLOWIEC, BROWN and ULIANA

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for public assistance administration, for public assistance community work, for public assistance eligibility and for public assistance identification and residence.

Referred to Committee on HEALTH AND WELFARE, July 10, 1991.

#### No. 1887 By Representatives ROEBUCK and HAYES

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," making editorial changes relating to the Governor's residence.

Referred to Committee on STATE GOVERNMENT, July 10, 1991.

No. 1888 By Representatives ROEBUCK and HAYES

An Act amending the act of December 19, 1986 (P. L. 1743, No. 212), entitled "An act prohibiting the use of certain buildings for political fundraising events; and providing a penalty," making editorial changes relating to the Governor's residence.

Referred to Committee on STATE GOVERNMENT, July 10, 1991.

## No. 1889 By Representatives M. N. WRIGHT, FARGO, MERRY, KOSINSKI, FAJT, VROON, JOHNSON, ALLEN, DEMPSEY, CORRIGAN, HECKLER, NAHILL, SCHEETZ, TOMLINSON and WOGAN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for limitation of certain Vehicle Code prosecutions.

Referred to Committee on TRANSPORTATION, July 10, 1991.

### No. 1890 By Representatives STRITTMATTER, SCHULER, SCHEETZ, ARMSTRONG, BARLEY, BROUJOS, CLYMER, NOYE,

## CLARK, SEMMEL, NAILOR, FARGO, BUSH, NYCE, MERRY, HERSHEY, HALUSKA, TANGRETTI and GERLACH

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," authorizing school districts to impose an additional tax on earned income tax; and requiring school districts that impose the additional tax to reduce the rate of or eliminate certain taxes.

Referred to Committee on LOCAL GOVERNMENT, July 10, 1991.

By Representatives FARGO, McNALLY, No. 1891 NOYE, CLARK, FAJT, FAIRCHILD, ALLEN, NYCE, JOHNSON, SAURMAN, GERLACH, SCHULER, S. H. SMITH, GAMBLE, BATTISTO, SCHEETZ, ARMSTRONG, MERRY, CLYMER, BARLEY, E. Z. TAYLOR, BROWN, TRELLO, HERSHEY, LEH and VROON

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," further providing for rates of specific taxes.

Referred to Committee on LOCAL GOVERNMENT, July 10, 1991.

### SENATE BILLS FOR CONCURRENCE

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

#### SB 465, PN 1402

Referred to Committee on JUDICIARY, July 10, 1991.

#### SB 1224, PN 1399

Referred to Committee on CONSERVATION, July 10, 1991.

### SENATE MESSAGE

#### SENATE CONCURRENCE IN HOUSE RESOLUTION

The clerk of the Senate, being introduced, informed that the Senate has concurred in HR 105, PN 1518.

#### **VOTE CORRECTION**

The SPEAKER. The Chair recognizes the lady, Mrs. Vance.

Mrs. VANCE. Mr. Speaker, it has come to my attention that my vote on HB 536 was not properly recorded. I wish to be recorded in the affirmative. Thank you.

### LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes Mr. Steighner. Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for leave for today only for the gentleman from Lawrence, Mr. FEE, and the gentleman from Westmoreland, Mr. PETRARCA.

The SPEAKER. Without objection, leaves are granted. The Chair recognizes the gentleman, Mr. Cessar, who requests a leave of absence for the lady, Mrs. LANGTRY. Without objection, leave is granted.

### 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-200

Acosta	Durham	Laughlin	Rι
Adolph	Evans	Lawless	Ry
Allen	Fairchild	Lee	Sa
Anderson	Fajt	Leh	Sa
Angstadt	Fargo	Lescovitz	Sc
Argall	Farmer	Levdansky	Sc
Armstrong	Fleagle	Linton	Sc
Arnold	Flick	Lloyd	Se
Barley	Foster	Lucyk	Se
Battisto	Fox	McCall	Sn
Belardi	Freeman	McGeehan	Sn
Belfanti	Freind	McHale	Sn
Billow	Gallen	McHugh	Sn
Birmelin	Gamble	McNally	Sta
Bishop	Gannon	Maiale	Sta
Black	Geist	Markosek	Ste
Blaum	George	Marsico	Ste
Bowley	Gerlach	Mayernik	Ste
Boyes	Gigliotti	Melio	Sti
Broujos	Gladeck	Merry	St
Brown	Godshall	Michlovic	St
Bunt	Gruitza	Micozzie	St
Bush	Gruppo	Mihalich	Su
Butkovitz	Hagarty	Mrkonic	Та
Caltagirone	Haluska	Mundy	Та
Cappabianca	Hanna	Murphy	Та
Carlson	Harley	Nahill	Ta
Carn	Harper	Nailor	Te
Carone	Hasay	Nickol	Th
Cawley	Hayden	Noye	Ti
Cessar	Hayes	Nyce	To
Chadwick	Heckler	O'Brien	Tr
Civera	Herman	Olasz	Tr
Clark	Hershey	Oliver	Tu
Clymer	Hess	Perzel	U
Cohen	Hughes	Pesci	Va
Colafella	ltkin	Petrone	Va
Colaizzo	Jadlowiec	Phillips	Ve
Cole	James	Piccola	Vr
Cornell	Jarolin	Pistella	w
Corrigan	Johnson	Pitts	Ŵ
Cowell	Josephs	Preston	Ŵ
Coy	Kaiser	Raymond	Ŵ
DeLuca	Kasunic	Reber	Ŵ
DeWeese	Kenney	Reinard	w
Daley	King	Richardson	Ŵ
Davies	Kosinski	Rieger	Ŵ
Dempsey	Krebs	Ritter	
Dent	Kruszewski	Robinson	0'
Dermody	Kukovich	Roebuck	0
Donatucci	LaGrotta	NOLDUCK	
Dollatucci	LaOIUtta		

udy yan aloom aurman cheetz chuler crimenti emmel erafini mith, B. mith, S. H. nyder, D. W. nyder, G. aback airs eelman eighner etler ish rittmatter uban turla urra angretti aylor, E. Z. aylor, F. aylor, J. elek homas igue omlinson rello rich ulli liana an Horne ance eon roon /ambach /illiams 'ilson 'ogan /ozniak /right, D. R. right, M. N. /right, R. C. 'Donnell. Speaker

Gruitza

## ADDITIONS-0

#### NOT VOTING-0

EXCUSED-3

Fee

Petrarca

Langtry

#### **CALENDAR**

### **BILL ON CONCURRENCE** IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to HB 161, PN 2245, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for handicapped plates and placards; requiring pedalcycle helmets for persons five years of age or younger; making it unlawful to leave an unattended child in a vehicle; and providing penalties.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. It is moved by the lady, Mrs. Hagarty, that the House do concur in the amendments inserted by the Senate.

The question recurs, will the House concur? On that question, the Chair recognizes Mrs. Hagarty.

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, the Senate added two amendments. One amendment was necessary to be in Federal compliance on handicapped license plates and was agreed to by both parties in the Senate and is agreed to here. The other amendment that was added provides that a child under 6 cannot remain unattended in a motor vehicle. If he does so, it constitutes the crime of recklessly endangering.

I urge concurrence with Senate amendments. Thank you.

The SPEAKER. The Chair recognizes Mr. Foster.

Mr. FOSTER. Will the lady, Mrs. Hagarty, consent to interrogation?

The SPEAKER. The lady indicates that she will. The gentleman may proceed.

Mr. FOSTER. Thank you, Mr. Speaker.

Does this bill still contain the provision that if you as an adult are riding a bicycle with your 5-year-old grandson or granddaughter in your own driveway, in your own yard, the child would still have to wear a helmet?

Mrs. HAGARTY. Mr. Speaker, that provision was not changed from the way it left the House.

Mr. FOSTER. So in other words, if you want to take a child on a bicycle in your own driveway, in your own yard, you must have a helmet?

Mrs. HAGARTY. Mr. Speaker, this would not apply if you were in your own driveway. This is an amendment to the Motor Vehicle Code and would apply where the Motor Vehicle Code is applicable.

Mr. FOSTER. It is your interpretation then that you need not have a helmet on under the conditions that I outlined.

Mrs. HAGARTY. That is correct. This is a Title 75 bill and would only apply where Title 75 applies, which would not be in your private driveway.

Mr. FOSTER. 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--164**

Kruszewski Kukovich

LaGrotta

Laughlin

Lescovitz

Levdansky

McGeehan

Lawless

Linton

McCall

McHale

McHugh

McNally

Markosek

Marsico

Melio

Merry

Mayernik

Michlovic

Micozzie

Mrkonic

Murphy

Nahill

Nailor Nove

O'Brien

Oliver

Perzel

Pesci

Petrone

Phillips

Piccola

Preston

Reher

Reinard

Rieger

Ritter NAYS-33

Raymond

Richardson

Pitts

Maiale

Acosta	Dempsey
Adolph	Dent
Allen	Dermody
Anderson	Donatucci
Angstadt	Durham
Argail	Evans
Armstrong	Fairchild
Arnold	Farmer
Barley	Flick
Battisto	Fox
Belardi	Freeman
Belfanti	Freind
Billow	Gallen
Bishop	Gannon
Black	Geist
Blaum	George
Boyes	Gerlach
	Gladeck
Broujos	
Brown	Godshall
Bunt	Gruppo
Bush	Hagarty
Butkovitz	Haluska
Caltagirone	Harley
Cappabianca	Harper
Carlson	Hayden
Carn	Hayes
Carone	Heckler
Cessar	Herman
Chadwick	Hershey
Civera	Hess
Clark	Hughes
Clymer	Itkin
Cohen	James
Colafella	Jarolin
Cole	Johnson
Cornell	Josephs
Corrigan	Kaiser
Cowell	Kasunic
DeWeese	Kenney
Daley	King
Davies	Kosinski
Davies	KOSIIISKI
Birmelin	Foster
Bowley	Gamble
Cawley	Gigliotti
Colaizzo	Hanna
Coy	Hasay
DeLuca	Jadlowiec
Fajt	Krebs
Fargo	Lee
Fleagle	Leh

Rudv Ryan Saloom Saurman Schuler Semmel Smith, S. H. Snyder, D. W. Snyder, G. Staback Stairs Steelman Steighner Stetler Stish Strittmatter Stuban Sturla Taylor, E. Z. Taylor, F. Taylor, J. Telek Thomas Tomlinson Trello Trich Tulli Uliana Van Horne Vance Veon Vroon Wambach Wilson Wogan Wozniak Wright, D. R. Wright, M. N. Wright, R. C.

Robinson

Roebuck

oster	Lloyd		Serafini
amble	Lucyk		Smith, B.
igliotti	Mihalich		Surra
anna	Mundy		Tangretti
lasay	Nickol		Tigue
adlowiec	Nyce		
rebs	Olasz		O'Donnell,
ee	Scheetz		Speaker
eh	Scrimenti		
NOT	VOTING	2	

#### NOT VOTING-3

Williams

### EXCUSED-3

Fee

Langtry

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

Petrarca

Ordered, That the clerk inform the Senate accordingly.

### **APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. For the information of the members, there will be an Appropriations Committee meeting at 10 a.m. tomorrow, Thursday, July 11, in the majority caucus room.

### **BILL SIGNED BY SPEAKER**

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

### HB 161, PN 2245

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for handicapped plates and placards; requiring pedalcycle helmets for persons five years of age or younger; making it unlawful to leave an unattended child in a vehicle; and providing penalties.

The SPEAKER. For the information of the members, the House is at ease awaiting a schedule announcement.

### HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority leader for an announcement. The attention of the members is urged to the majority leader.

Mr. DeWEESE. Mr. Speaker, relative to our schedule as the four caucuses continue to negotiate, we will have a token session on Thursday, and the Appropriations Committee will meet on Thursday to forward legislation into a position where vehicles can be utilized, and on Friday there will be a full voting session at 11 o'clock in the morning. The content of that voting schedule obviously has yet to be specifically ascertained, but I would urge all members to be here.

This is not necessarily a clarion, clear call for specific action. These are very, very difficult times to predict. None of us are clairvoyants. But I would ask that all members be here on Friday and that a token session be scheduled for tomorrow, and the Appropriations Committee of the House will be meeting at 10 a.m. tomorrow.

Thank you very much, Mr. Speaker, for the scheduling announcement.

The SPEAKER. There has been no request for a caucus by either party. The Chair understands that there is no caucus scheduled for either party.

#### RECESS

The SPEAKER. This House will now be in recess until the call of the Chair.

### AFTER RECESS

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

# THE SPEAKER PRO TEMPORE (JEFFREY W. COY) PRESIDING RULES SUSPENDED

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

Mr. DeWEESE. Mr. Speaker, I move that rule 22 be suspended so that HB 1742 may be moved immediately from committee to the active calendar.

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

### BILL REPORTED FROM COMMITTEE AND CONSIDERED FIRST TIME

**HB 1742, PN 2073** By Rep. EVANS An Act making an appropriation to the State System of Higher Education for implementation of a rural postsecondary participation improvement program.

APPROPRIATIONS.

### **BILLS REREPORTED FROM COMMITTEE**

HB 131, PN 128 By Rep. EVANS An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding provisions for a paid firefighter plate.

APPROPRIATIONS.

HB 200, PN 210 By Rep. EVANS An Act amending the act of August 22, 1953 (P. L. 1344, No. 383), known as "The Marriage Law," providing for the distribution of information relating to fetal alcohol syndrome.

APPROPRIATIONS.

HB 555, PN 1751 By Rep. EVANS An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the restricted receipts fund and for fees for snowmobiles and ATV's.

APPROPRIATIONS.

HB 713, PN 790

By Rep. EVANS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the possession of a firearm or other dangerous weapon in a court facility.

APPROPRIATIONS.

HB 719, PN 2278 (Amended)

By Rep. EVANS

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), referred to as the "Second Class County Assessment Law," providing that the county pay a portion of appraisal costs along with the municipality and school district in certain appeals.

### APPROPRIATIONS.

#### HB 749, PN 826

An Act designating a bridge in Ambridge Borough, Beaver County, as the Charles P. Laughlin Memorial Bridge.

APPROPRIATIONS.

### HB 1313, PN 2279 (Amended)

By Rep. EVANS

By Rep. EVANS

An Act providing for Commonwealth support for the Agriculture Education Loan Forgiveness Program for Pennsylvania residents who graduate from institutions of higher education and who apply their degrees in agriculture to family farms within this Commonwealth.

APPROPRIATIONS.

HB 1470, PN 2277 (Amended)

By Rep. EVANS

An Act providing for the preservation of the State Lottery Fund; further providing for pharmaceutical assistance for the elderly; further providing for transportation assistance to the elderly; providing for pharmaceutical purchasing; conferring powers and duties upon the Department of Aging, the Department of Revenue, and the Department of Transportation; imposing penalties; and making repeals.

APPROPRIATIONS.

### **BILLS ON SECOND CONSIDERATION**

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

HB 131, PN 128; HB 555, PN 1751; and HB 749, PN 826.

### **BILLS AND RESOLUTIONS PASSED OVER**

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

### **ADJOURNMENT**

The SPEAKER pro tempore. The Chair recognizes the gentlelady from Philadelphia, Mrs. McHugh.

Mrs. McHUGH. Mr. Speaker, I move that this House do now adjourn until Thursday, July 11, 1991, at 10:30 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 10:59 p.m., e.d.t., the House adjourned.