

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, JULY 10, 1991

SESSION OF 1991

175TH OF THE GENERAL ASSEMBLY

No. 56

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.

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.

No. 1891 By Representatives FARGO, McNALLY, 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 | Rudy |
| Adolph | Evans | Lawless | Ryan |
| Allen | Fairchild | Lee | Saloom |
| Anderson | Fajt | Leh | Saurman |
| Angstadt | Fargo | Lescovitz | Scheetz |
| Argall | Farmer | Levdansky | Schuler |
| Armstrong | Fleagle | Linton | Scriminti |
| Arnold | Flick | Lloyd | Semmel |
| Barley | Foster | Lucyk | Serafini |
| Battisto | Fox | McCall | Smith, B. |
| Belardi | Freeman | McGeehan | Smith, S. H. |
| Belfanti | Freind | McHale | Snyder, D. W. |
| Billow | Gallen | McHugh | Snyder, G. |
| Birmelin | Gamble | McNally | Staback |
| Bishop | Gannon | Maiale | Stairs |
| Black | Geist | Markosek | Steelman |
| Blaum | George | Marsico | Steighner |
| Boiley | Gerlach | Mayernik | Stetler |
| Boyes | Gigliotti | Melio | Stish |
| Broujos | Gladeck | Merry | Strittmatter |
| Brown | Godshall | Michlovic | Stuban |
| Bunt | Gruitza | Micozzie | Sturla |
| Bush | Gruppo | Mihalich | Surra |
| Butkovitz | Hagarty | Mrkonic | Tangretti |
| Caltagirone | Haluska | Mundy | Taylor, E. Z. |
| Cappabianca | Hanna | Murphy | Taylor, F. |
| Carlson | Harley | Nahill | Taylor, J. |
| Carn | Harper | Nailor | Telek |
| Carone | Hasay | Nickol | Thomas |
| Cawley | Hayden | Noye | Tigue |
| Cessar | Hayes | Nyce | Tomlinson |
| Chadwick | Heckler | O'Brien | Trello |
| Civera | Herman | Olasz | Trich |
| Clark | Hershey | Oliver | Tulli |
| Clymer | Hess | Perzel | Uliana |
| Cohen | Hughes | Pesci | Van Horne |
| Colafrella | Itkin | Petrone | Vance |
| Colaizzo | Jadlowiec | Phillips | Veon |
| Cole | James | Piccola | Vroon |
| Cornell | Jarolin | Pistella | Wambach |
| Corrigan | Johnson | Pitts | Williams |
| Cowell | Josephs | Preston | Wilson |
| Coy | Kaiser | Raymond | Wogan |
| DeLuca | Kasunic | Reber | Wozniak |
| DeWeese | Kenney | Reinard | Wright, D. R. |
| Daley | King | Richardson | Wright, M. N. |
| Davies | Kosinski | Rieger | Wright, R. C. |
| Dempsey | Krebs | Ritter | |
| Dent | Kruszewski | Robinson | O'Donnell, |
| Dermody | Kukovich | Roebuck | Speaker |
| Donatucci | LaGrotta | | |

ADDITIONS—0
 NOT VOTING—0
 EXCUSED—3

Fee Langtry Petrarca

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

| | | | |
|-------------|-----------|------------|---------------|
| Acosta | Dempsey | Kruszewski | Robinson |
| Adolph | Dent | Kukovich | Roebuck |
| Allen | Dermody | LaGrotta | Rudy |
| Anderson | Donatucci | Laughlin | Ryan |
| Angstadt | Durham | Lawless | Saloom |
| Argall | Evans | Lescovitz | Saurman |
| Armstrong | Fairchild | Levdansky | Schuler |
| Arnold | Farmer | Linton | Semmel |
| Barley | Flick | McCall | Smith, S. H. |
| Battisto | Fox | McGeehan | Snyder, D. W. |
| Belardi | Freeman | McHale | Snyder, G. |
| Belfanti | Freind | McHugh | Staback |
| Billow | Gallen | McNally | Stairs |
| Bishop | Gannon | Maiale | Steelman |
| Black | Geist | Markosek | Steighner |
| Blaum | George | Marsico | Stetler |
| Boyes | Gerlach | Mayernik | Stish |
| Broujos | Gladeck | Melio | Strittmatter |
| Brown | Godshall | Merry | Stuban |
| Bunt | Gruppo | Michlovic | Sturla |
| Bush | Hagarty | Micozzie | Taylor, E. Z. |
| Butkovitz | Haluska | Mrkonic | Taylor, F. |
| Caltagirone | Harley | Murphy | Taylor, J. |
| Cappabianca | Harper | Nahill | Telek |
| Carlson | Hayden | Nailor | Thomas |
| Carn | Hayes | Noye | Tomlinson |
| Carone | Heckler | O'Brien | Trello |
| Cessar | Herman | Oliver | Trich |
| Chadwick | Hershey | Perzel | Tulli |
| Civera | Hess | Pesci | Uliana |
| Clark | Hughes | Petrone | Van Horne |
| Clymer | Itkin | Phillips | Vance |
| Cohen | James | Piccola | Veon |
| Colaifella | Jarolin | Pitts | Vroon |
| Cole | Johnson | Preston | Wambach |
| Cornell | Josephs | Raymond | Wilson |
| Corrigan | Kaiser | Reber | Wogan |
| Cowell | Kasunic | Reinard | Wozniak |
| DeWeese | Kenney | Richardson | Wright, D. R. |
| Daley | King | Rieger | Wright, M. N. |
| Davies | Kosinski | Ritter | Wright, R. C. |

NAYS—33

| | | | |
|----------|-----------|-----------|------------|
| Birmelin | Foster | Lloyd | Serafini |
| Bowley | Gamble | Lucyk | Smith, B. |
| Cawley | Gigliotti | Mihalich | Surra |
| Colaizzo | Hanna | Mundy | Tangretti |
| Coy | Hasay | Nickol | Tigue |
| DeLuca | Jadlowiec | Nyce | |
| Fajt | Krebs | Olasz | O'Donnell, |
| Fargo | Lee | Scheetz | Speaker |
| Fleagle | Leh | Scrimenti | |

NOT VOTING—3

| | | |
|---------|----------|----------|
| Gruitza | Pistella | Williams |
|---------|----------|----------|

APPROPRIATIONS.

HB 749, PN 826

By Rep. EVANS

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

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.