

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, OCTOBER 20, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 55

### HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (MATTHEW J. RYAN)  
PRESIDING**

#### PRAYER

REV. KENNETH R. ARTHUR, Chaplain of the House of Representatives and pastor of the United Methodist Home for Children and Family Services, Inc., Mechanicsburg, Pennsylvania, offered the following prayer:

Let us pray:

Almighty God, we pause to commend You for this season of harvest that has suddenly awakened us to a beautiful picture of God's unique creation. We, the people of Pennsylvania, are especially blessed with the autumn colors seen in the changing leaves, the drying cornfields, and the scenic views that leave an indelible and beautiful memory upon our minds.

May this day and this beautiful season be a reminder of all the blessings we have received from You, and from this memory, may we find strength and courage to live and work in accordance with Your will.

We ask Your special blessing upon Alexis Brown, who this day becomes our new Comptroller. May she find confidence in the help of God and in the encouragement of this body of legislators.

We pray our prayer in appreciation of our creator. 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 Wednesday, October 8, 1997, will be postponed until printed. The Chair hears no objection.

#### JOURNAL APPROVED

The SPEAKER. Without objection, the Journal for Wednesday, April 9, 1997, will stand approved. The Chair hears no objection. The Journal will stand approved.

#### LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence and recognizes the gentleman, Mr. Snyder, who requests a leave of absence for the gentleman from York, Mr. NICKOL, for the week. Without objection, leave will be granted. The Chair hears none.

The Chair recognizes the gentleman from Allegheny County, Mr. Itkin, who requests leave of absence for the gentleman from Lawrence, Mr. LaGROTTA. The Chair hears no objection. The leave will be granted.

#### GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, from the Chester County delegation One Vote Counts Poster Contest, the winners. They are attending an awards ceremony and are here with us. Would these winners kindly stand and be recognized. They are here as the guests of the Chester County delegation and Representative Taylor in particular. Would the guests please rise.

The Chair welcomes to the hall of the House today, as the guests of Representatives Corrigan and DiGirolamo, Ann Marie Corrigan, Andrew Corrigan, Brendon Corrigan, and Terrance Walsh, all of whom are studying Pennsylvania history. Would these guests please rise. They are here to the left of the Speaker.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 1800** By Representatives FLICK, PERZEL, CORNELL, DENT, DRUCE, FLEAGLE, HABAY, HENNESSEY, SCHULER, WILT, BROWNE, DALLY, HERMAN, HARHART, ROSS, MCGILL, SAYLOR and ALLEN

An Act establishing a workforce development system; restructuring certain administrative functions, procedures and entities; transferring workforce development functions of Commonwealth agencies; establishing the Pennsylvania Human Resources Investment Council; authorizing the creation of regional workforce investment boards; abolishing an advisory council; and making repeals.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, October 9, 1997.

**No. 1905** By Representatives ROONEY, GIGLIOTTI, LAUGHLIN, NICKOL, MELIO, PESCI, OLASZ, STABACK, WOJNAROSKI, HERMAN, SATHER, BENNINGHOFF, PRESTON, JAROLIN, TRELLO, CORRIGAN, BOSCOLA, ITKIN, LUCYK, PISTELLA, SEYFERT, EACHUS, YOUNGBLOOD, KIRKLAND and M. COHEN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the time period for the employment of provisional child-care employees.

Referred to Committee on AGING AND YOUTH, October 9, 1997.

**No. 1906** By Representatives ROONEY, M. COHEN, LUCYK, BOSCOLA, LAUGHLIN, BELARDI, BELFANTI, CORPORA, WALKO, ORIE, MELIO, JOSEPHS, STABACK, McNAUGHTON, BROWNE, KIRKLAND, YOUNGBLOOD and RAMOS

An Act requiring banking institutions to implement safety measures for the protection of persons using teller machines.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, October 9, 1997.

**No. 1907** By Representatives ROONEY, LAUGHLIN, MELIO, STABACK, VAN HORNE, DALEY, PRESTON, RUBLEY, CURRY, BOSCOLA, BELARDI, SEYFERT, YOUNGBLOOD, RAMOS, L. I. COHEN, TRELLO and M. COHEN

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, imposing additional duties on the Department of Health relating to chronic fatigue and immune dysfunction syndrome.

Referred to Committee on HEALTH AND HUMAN SERVICES, October 9, 1997.

**No. 1908** By Representatives BARD, WILT, GEIST, STEELMAN, CORRIGAN, C. WILLIAMS, TIGUE, RAMOS, BELARDI, STURLA and ITKIN

An Act providing for mandated community service as a requirement for graduation for all public high school students in this Commonwealth.

Referred to Committee on EDUCATION, October 9, 1997.

**No. 1909** By Representatives STEELMAN, L. I. COHEN, CORNELL, CAPPABIANCA, CAWLEY, ITKIN, VITALI, JOSEPHS, BARD, SCRIMENTI, ZIMMERMAN, CURRY, RUBLEY, ROONEY, CARONE, CORPORA, PLATTS, BOSCOLA, DRUCE, BUTKOVITZ, TIGUE, BEBKO-JONES, LAUGHLIN, MICHLOVIC, MYERS, BUXTON, MELIO, WASHINGTON, ROBINSON, PRESTON, KIRKLAND, TRELLO, JAMES, RAMOS, COWELL, WALKO, OLIVER, THOMAS, C. WILLIAMS, ROEBUCK, MARKOSEK, STEIL and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for cruelty to animals.

Referred to Committee on JUDICIARY, October 9, 1997.

**No. 1910** By Representatives STEELMAN, COLAIZZO, LAUGHLIN, BARRAR, MELIO, ORIE, PRESTON, LUCYK, MARKOSEK, YOUNGBLOOD, L. I. COHEN, DALEY, HORSEY, DeLUCA and M. COHEN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for roller skates, roller blades and skateboard helmets.

Referred to Committee on TRANSPORTATION, October 9, 1997.

**No. 1911** By Representatives HESS, HENNESSEY, ROSS, GEIST, DeLUCA, SATHER, M. COHEN, BENNINGHOFF, KIRKLAND, COY, LAUGHLIN, BELARDI, GIGLIOTTI, WALKO, ZIMMERMAN, RAYMOND, OLASZ, BOSCOLA, PETRARCA, YOUNGBLOOD, SEYFERT and TRELLO

An Act providing for health insurance coverage for chelation therapy.

Referred to Committee on INSURANCE, October 9, 1997.

**No. 1912** By Representatives HESS, GEIST, HORSEY, HALUSKA, TRELLO, SHANER, ALLEN and THOMAS

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for exemption from jury duty for certain elected officials.

Referred to Committee on JUDICIARY, October 9, 1997.

**No. 1913** By Representatives LYNCH, WILT, SEYFERT, FICHTER, BAKER, HERMAN, E. Z. TAYLOR, J. TAYLOR, YOUNGBLOOD, McCALL, BARRAR, L. I. COHEN, LAUGHLIN, CURRY, GANNON, EGOLF, BROWNE, TRELLO, MICOZZIE, MILLER, SHANER, LEH, BELARDI, BOSCOLA, DeLUCA, BELFANTI, BLAUM, OLASZ, ROBERTS, SAINATO, PETRARCA and PIPPY

An Act providing for special tax exemptions from real property taxes.

Referred to Committee on FINANCE, October 14, 1997.

**No. 1914** By Representatives LYNCH, HERMAN, GEIST, BROWNE, EGOLF, LAUGHLIN, DALEY, E. Z. TAYLOR, M. COHEN, ZIMMERMAN, SERAFINI, ORIE, SEYFERT, WASHINGTON, TIGUE, STABACK, TRELLO, BARRAR, FAIRCHILD, CIVERA, BELARDI and BIRMEIN

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, providing for an offense of delivery of a controlled substance to a pregnant woman.

Referred to Committee on JUDICIARY, October 14, 1997.

**No. 1915** By Representatives LYNCH, E. Z. TAYLOR, HENNESSEY, HERMAN, BROWNE, ALLEN, EGOLF, FAIRCHILD, OLASZ, WALKO, SEYFERT, YOUNGBLOOD, RAMOS, ROSS, SAYLOR, WASHINGTON, MELIO, LAUGHLIN, LEH, CIVERA, BELARDI, DALEY, BOSCOLA, PESCI, STEELMAN, TIGUE, ROBERTS, READSHAW, DeLUCA, CLARK, BELFANTI, SATHER, SHANER, SURRA and TRELLO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the protection of employment of witnesses under subpoena.

Referred to Committee on JUDICIARY, October 14, 1997.

**No. 1916** By Representatives LYNCH, FARGO, EGOLF, BAKER, FICHTER, ARMSTRONG, BROWN, GODSHALL, HENNESSEY, LAUGHLIN, LEH, NICKOL, OLASZ, SEYFERT, PISTELLA, D. W. SNYDER, E. Z. TAYLOR, ROHRER, SATHER, WILT, WOGAN and YEWIC

An Act relating to Federal mandates; requiring a study and report to determine the necessity and impact of Federal mandates; and requiring the development of programs and budget requests and information.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, October 14, 1997.

**No. 1917** By Representatives LYNCH, ADOLPH, ARMSTRONG, BARRAR, BELARDI, BELFANTI, BOSCOLA, BROWNE, COLAFELLA, DeLUCA, EGOLF, FAIRCHILD, GEIST, HARHART, HENNESSEY, HERMAN, LAUGHLIN, McGEEHAN, ORIE, RAMOS, READSHAW, ROBERTS, SEYFERT, STEELMAN, STERN, E. Z. TAYLOR, TRELLO, WILT and M. COHEN

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for an Office of Parental Involvement in the Department of Education.

Referred to Committee on EDUCATION, October 14, 1997.

**No. 1918** By Representatives PLATTS, M. COHEN, PESCI, TIGUE, STEELMAN, KREBS, MASLAND, MANDERINO, LEVDANSKY, BUNT, BELFANTI, JOSEPHS, MILLER and STURLA

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for the definition of political parties and political bodies, for candidates to be nominated and party officers to be elected at primaries, for nominations by minor political parties and for nominations by political bodies.

Referred to Committee on STATE GOVERNMENT, October 14, 1997.

**No. 1919** By Representative B. SMITH

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for counseling in adoption proceedings.

Referred to Committee on JUDICIARY, October 14, 1997.

**No. 1920** By Representatives BOYES, GEIST, OLASZ, SEYFERT, GEORGE, NICKOL, FARGO, CAPPABIANCA, COY, PESCI, EACHUS, PIPPY, HALUSKA, McNAUGHTON, TIGUE, ITKIN, RAMOS, E. Z. TAYLOR, CLARK, YOUNGBLOOD, PLATTS, CURRY, DALLY, JOSEPHS, RUBLEY, SCRIMENTI, L. I. COHEN, ORIE, DRUCE, McCALL, SEMMEL, ROSS, LYNCH, HORSEY, BENNINGHOFF, J. TAYLOR, WILT, SAYLOR, BROWN, SHANER, C. WILLIAMS, GRUPPO, ADOLPH, HENNESSEY, DeLUCA, PISTELLA, BOSCOLA and TRELLO

An Act amending the act of June 22, 1931 (P.L.694, No.255), referred to as the Motor Carriers Gross Receipts Tax Act, further providing for the exemption of vehicles used to transport school children.

Referred to Committee on TRANSPORTATION, October 14, 1997.

**No. 1921** By Representatives S. H. SMITH, FARGO, TULLI, TRELLO, STERN, LYNCH, DALEY, PESCI and STEELMAN

An Act amending the act of December 18, 1984 (P.L.1069, No.214), known as the Coal and Gas Resource Coordination Act, further excluding certain gas wells; and providing for definitions.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 14, 1997.

**No. 1922** By Representatives FLICK, MICOZZIE, FICHTER, McCALL, LAUGHLIN, SCHRODER, TRAVAGLIO, BOSCOLA, STEVENSON, SEYFERT, TRELLO, LEDERER, McNAUGHTON and SERAFINI

An Act amending the act of December 18, 1984 (P.L.1004, No.204); entitled "An act extending benefits to police chiefs or heads of police departments of political subdivisions of the Commonwealth who have been removed from bargaining units by the Pennsylvania Labor Relations Board," further providing for salary of nonunion police officers.

Referred to Committee on LOCAL GOVERNMENT, October 14, 1997.

**No. 1923** By Representatives TRAVAGLIO, EVANS, M. COHEN, BELARDI, MARKOSEK, PESCI, GEORGE, CORRIGAN, SHANER, McCALL, BELFANTI, PETRARCA, STABACK, LAUGHLIN, YOUNGBLOOD, CASORIO, TRELLO, TIGUE, TRICH, BOSCOLA, SAINATO, LEVDANSKY, SERAFINI, ROONEY and WALKO

An Act requiring that certain funds appropriated to the Department of Community and Economic Development for marketing of businesses be expended on certain marketing objectives.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, October 14, 1997.

**No. 1924** By Representatives STETLER, CASORIO, MUNDY, M. COHEN, SANTONI, RUBLEY, MELIO, MASLAND, HENNESSEY, DEMPSEY, VAN HORNE, GEIST, WALKO, BELFANTI, BELARDI, C. WILLIAMS, RAMOS, YOUNGBLOOD, STEELMAN, TRELLO and SAINATO

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 specific powers of the city council.

Referred to Committee on URBAN AFFAIRS, October 15, 1997.

**No. 1925** By Representatives CASORIO, DeWEESE, ITKIN, BELARDI, VAN HORNE, TANGRETTI, TRELLO, SCRIMENTI, WALKO, WOJNAROSKI, WOGAN, LAUGHLIN, JAROLIN, STEELMAN, YOUNGBLOOD, PETRARCA, PISTELLA, CORRIGAN, SAINATO, BOSCOLA, ROONEY, ORIE, PLATTS and SERAFINI

An Act amending the act of August 31, 1971 (P.L.398, No.96), known as the County Pension Law, providing for superannuation retirement age for county detectives.

Referred to Committee on LOCAL GOVERNMENT, October 15, 1997.

**No. 1926** By Representatives CASORIO, DeWEESE, ITKIN, BELARDI, VAN HORNE, TANGRETTI, TRELLO, SCRIMENTI, WALKO, WOJNAROSKI, WOGAN, GORDNER, LAUGHLIN, JAROLIN, STEELMAN, YOUNGBLOOD, PETRARCA, PISTELLA, CORRIGAN, SAINATO, BOSCOLA, ROONEY, ORIE, PLATTS and SERAFINI

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 length of service for pension eligibility.

Referred to Committee on LOCAL GOVERNMENT, October 15, 1997.

**No. 1927** By Representatives B. SMITH, TULLI, BUXTON, STETLER, NAILOR, SAYLOR, WAUGH, PLATTS, GEIST, FAIRCHILD, CLYMER, NICKOL and McNAUGHTON

An Act providing for the divestiture of airport property; imposing obligations on the Department of Transportation; and making an appropriation.

Referred to Committee on TRANSPORTATION, October 15, 1997.

**No. 1928** By Representatives VEON, STEIL, HENNESSEY, FLEAGLE, SATHER, ITKIN, TRELLO, LESCOVITZ, HERMAN, YOUNGBLOOD, MELIO, OLASZ, RAMOS and VAN HORNE

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for qualifications for athletic directors.

Referred to Committee on EDUCATION, October 20, 1997.

**No. 1929** By Representatives SERAFINI, GEIST, GIGLIOTTI, CORRIGAN, HALUSKA, McCALL, McNAUGHTON, BELFANTI, LAUGHLIN, YOUNGBLOOD, SCRIMENTI, CIVERA, MELIO, PESCI, BELARDI, STABACK, McGEEHAN, WOGAN, ROSS, TRELLO, TRAVAGLIO, MYERS, BUNT, SAINATO and TIGUE

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, eliminating the requirement that certain licensees obtain bonds.

Referred to Committee on LIQUOR CONTROL, October 20, 1997.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 278** By Representatives ADOLPH, E. Z. TAYLOR, RAYMOND, MICOZZIE, CIVERA, CLYMER, FICHTER, MCGILL, GLADECK, BARRAR, BARD, STEIL, L. I. COHEN, COLAIZZO, DeLUCA, J. TAYLOR, PESCI, GEORGE, KENNEY, SCHRODER, READSHAW, BUNT, FLICK, GANNON, LYNCH, DRUCE, STEVENSON and STABACK

A Resolution memorializing the Secretary of Transportation to extend the emissions and safety inspection expiration date.

Referred to Committee on RULES, October 9, 1997.

### REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. For what purpose does the gentleman, Mr. Reinard, seek recognition?

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, I have some comments I would like to submit for a matter of record.

The SPEAKER. The gentleman will please submit them.

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Michael Orlando, who has recently been awarded Scouting's highest honor — Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Michael Orlando.

Whereas, Michael Orlando has earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. He is a member of Troop 280.

Now therefore, Mr. Speaker and the members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Michael Orlando.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT-200

Table listing names of members present, including Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Barrar, Battisto, Bebkco-Jones, Belardi, Belfanti, Benninghoff, Birmelin, Bishop, Blaum, Boscola, Boyes, Brown, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappabianca, Cam, Carone, Casorio, Cawley, Chadwick, Civera, Clark, Clymer, Cohen, L. I., Cohen, M., Colafella, Colaizzo, Conti, Cornell, Corpora, Corrigan, Cowell, Coy, Curry, Daley, Dally, DeLuca, Dempsey, Dent, Dermody, DeWeese, DiGirolamo, Donatucci, Druce, Eachus, Egolf, Evans, Fairchild, Fargo, Feese, Fichter, Fleagle, Flick, Gannon, Geist, George, Gigliotti, Gladeck, Godshall, Gordner, Gruitza, Gruppo, Habay, Haluska, Hanna, Harhart, Hasay, Hennessey, Herman, Hershey, Hess, Horsey, Hutchinson, Itkin, Jadlowiec, James, Jarolin, Josephs, Kaiser, Keller, Kenney, Kirkland, Krebs, Laughlin, Lawless, Lederer, Leh, Lescovitz, Levdansky, Lloyd, Lucyk, Lynch, Maher, Maitland, Major, Manderino, Markosek, Marsico, Masland, Mayernik, McCall, McGeehan, McGill, McIlhattan, McNaughton, Melio, Michlovic, Micozzie, Miller, Mundy, Myers, Nailor, O'Brien, Olasz, Oliver, Ori, Perzel, Pesci, Petrarca, Petrone, Phillips, Pippy, Pistella, Platts, Preston, Ramos, Raymond, Readshaw, Reber, Reinard, Rieger, Roberts, Robinson, Roebuck, Rohrer, Rooney, Ross, Rubley, Sainato, Santoni, Sather, Saylor, Schroder, Schuler, Scrimenti, Semmel, Serafini, Seyfert, Shaner, Smith, B., Smith, S. H., Snyder, D. W., Staback, Stairs, Steelman, Steil, Stern, Stetler, Stevenson, Strittmatter, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigie, Travaglio, Trello, Trich, True, Tulli, Vance, Van Horne, Veon, Vitali, Walko, Washington, Waugh, Williams, A. H., Williams, C., Wilt, Wogan, Wojnaroski, Wright, M. N., Yewcic, Youngblood, Zimmerman, Zug, Ryan, Speaker

ADDITIONS-0

NOT VOTING-0

EXCUSED-2

LaGrotta Nickol

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mrs. COHEN called up HR 243, PN 2235, entitled:

A Resolution declaring the week of November 10 through 14, 1997, as "Veterans Appreciation Week" in Pennsylvania.

On the question, Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the lady from Montgomery County, Mrs. Cohen.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I am here today to introduce this resolution recognizing all of our veterans. We are seated here, and all of us are safe and here today because of the men and women that served in our Armed Forces.

Today, October 20, is also the anniversary of the October 20, 1944, Army and Navy landing in the Philippines. I have brought with me today some veterans from several skirmishes. They are residents of the 148th Legislative District. I would like to introduce them. They are sitting in the back of the House. Gentlemen, would you please rise.

Mr. Speaker, I certainly would urge everyone to recognize all our veterans by voting in favor of this resolution. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On the question recurring, Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

Table listing names of members in yeas, including Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Barrar, Battisto, Bebkco-Jones, Belardi, Belfanti, Benninghoff, Birmelin, Bishop, Blaum, Boscola, Boyes, Brown, Browne, Bunt, Butkovitz, Buxton, Caltagirone, DiGirolamo, Donatucci, Druce, Eachus, Egolf, Evans, Fairchild, Fargo, Feese, Fichter, Fleagle, Flick, Gannon, Geist, George, Gigliotti, Gladeck, Godshall, Gordner, Gruitza, Gruppo, Habay, Haluska, Hanna, Maher, Maitland, Major, Manderino, Markosek, Marsico, Masland, Mayernik, McCall, McGeehan, McGill, McIlhattan, McNaughton, Melio, Michlovic, Micozzie, Miller, Mundy, Myers, Nailor, O'Brien, Olasz, Oliver, Ori, Schroder, Schuler, Scrimenti, Semmel, Serafini, Seyfert, Shaner, Smith, B., Smith, S. H., Snyder, D. W., Staback, Stairs, Steelman, Steil, Stern, Stetler, Stevenson, Strittmatter, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas

Cappabianca	Harhart	Perzel	Tigue
Carn	Hasay	Pesci	Travaglio
Carone	Hennessey	Petrarca	Trello
Casorio	Herman	Petrone	Trich
Cawley	Hershey	Phillips	True
Chadwick	Hess	Pippy	Tulli
Civera	Horsey	Pistella	Vance
Clark	Hutchinson	Platts	Van Horne
Clymer	Itkin	Preston	Veon
Cohen, L. I.	Jadlowiec	Ramos	Vitali
Cohen, M.	James	Raymond	Walko
Colaafella	Jarolin	Readshaw	Washington
Colaizzo	Josephs	Reber	Waugh
Conti	Kaiser	Reinard	Williams, A. H.
Cornell	Keller	Rieger	Williams, C.
Corpora	Kenney	Roberts	Wilt
Corrigan	Kirkland	Robinson	Wogan
Cowell	Krebs	Roebuck	Wojnaroski
Coy	Laughlin	Rohrer	Wright, M. N.
Curry	Lawless	Rooney	Yewcic
Daley	Lederer	Ross	Youngblood
Dally	Leh	Rubley	Zimmerman
DeLuca	Lescovitz	Sainato	Zug
Dempsey	Levdansky	Santoni	
Dent	Lloyd	Sather	Ryan,
Dermody	Lucyk	Saylor	Speaker
DeWeese	Lynch		

NAYS-0

NOT VOTING-0

EXCUSED-2

LaGrotta Nickol

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

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Mrs. TAYLOR called up HR 265, PN 2363, entitled:

A Resolution designating November 1997 as "National Diabetes Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-200

Adolph	DiGirolamo	Maher	Schroder
Allen	Donatucci	Maitland	Schuler
Argall	Druce	Major	Scrimenti
Armstrong	Eachus	Manderino	Semmel
Baker	Egolf	Markosek	Serafini
Bard	Evans	Marsico	Seyfert
Barley	Fairchild	Masland	Shaner
Barrar	Fargo	Mayernik	Smith, B.
Battisto	Feese	McCall	Smith, S. H.
Bebko-Jones	Fichter	McGeehan	Snyder, D. W.
Belardi	Fleagle	McGill	Staback
Belfanti	Flick	McIlhattan	Stairs
Benninghoff	Gannon	McNaughton	Steelman
Birmelin	Geist	Melio	Steil
Bishop	George	Michlovic	Stern
Blaum	Gigliotti	Micozzie	Stetler
Boscola	Gladeck	Miller	Stevenson

Boyes	Godshall	Mundy	Strittmatter
Brown	Gordner	Myers	Sturla
Browne	Gruitza	Nailor	Surra
Bunt	Gruppo	O'Brien	Tangretti
Butkowitz	Habay	Olasz	Taylor, E. Z.
Buxton	Haluska	Oliver	Taylor, J.
Caltagirone	Hanna	Orie	Thomas
Cappabianca	Harhart	Perzel	Tigue
Carn	Hasay	Pesci	Travaglio
Carone	Hennessey	Petrarca	Trello
Casorio	Herman	Petrone	Trich
Cawley	Hershey	Phillips	True
Chadwick	Hess	Pippy	Tulli
Civera	Horsey	Pistella	Vance
Clark	Hutchinson	Platts	Van Horne
Clymer	Itkin	Preston	Veon
Cohen, L. I.	Jadlowiec	Ramos	Vitali
Cohen, M.	James	Raymond	Walko
Colaafella	Jarolin	Readshaw	Washington
Colaizzo	Josephs	Reber	Waugh
Conti	Kaiser	Reinard	Williams, A. H.
Cornell	Keller	Rieger	Williams, C.
Corpora	Kenney	Roberts	Wilt
Corrigan	Kirkland	Robinson	Wogan
Cowell	Krebs	Roebuck	Wojnaroski
Coy	Laughlin	Rohrer	Wright, M. N.
Curry	Lawless	Rooney	Yewcic
Daley	Lederer	Ross	Youngblood
Dally	Leh	Rubley	Zimmerman
DeLuca	Lescovitz	Sainato	Zug
Dempsey	Levdansky	Santoni	
Dent	Lloyd	Sather	Ryan,
Dermody	Lucyk	Saylor	Speaker
DeWeese	Lynch		

NAYS-0

NOT VOTING-0

EXCUSED-2

LaGrotta Nickol

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

\*\*\*

Mrs. TAYLOR called up HR 266, PN 2364, entitled:

A Resolution recognizing the valuable service performed by home health care agencies.

On the question,  
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-200

Adolph	DiGirolamo	Maher	Schroder
Allen	Donatucci	Maitland	Schuler
Argall	Druce	Major	Scrimenti
Armstrong	Eachus	Manderino	Semmel
Baker	Egolf	Markosek	Serafini
Bard	Evans	Marsico	Seyfert
Barley	Fairchild	Masland	Shaner
Barrar	Fargo	Mayernik	Smith, B.
Battisto	Feese	McCall	Smith, S. H.
Bebko-Jones	Fichter	McGeehan	Snyder, D. W.

Belardi	Fleagle	McGill	Staback
Belfanti	Flick	McIlhattan	Stairs
Benninghoff	Gannon	McNaughton	Steelman
Birmelin	Geist	Melio	Steil
Bishop	George	Michlovic	Stern
Blaum	Gigliotti	Micozzie	Stetler
Boscola	Gladeck	Miller	Stevenson
Boyes	Godshall	Mundy	Strittmatter
Brown	Gordner	Myers	Sturla
Browne	Gruitza	Nailor	Surra
Bunt	Gruppo	O'Brien	Tangretti
Butkovitz	Habay	Olasz	Taylor, E. Z.
Buxton	Haluska	Oliver	Taylor, J.
Caltagirone	Hanna	Orie	Thomas
Cappabianca	Harhart	Perzel	Tigue
Carn	Hasay	Pesci	Travaglio
Carone	Hennessey	Petrarca	Trello
Casorio	Herman	Petrone	Trich
Cawley	Hershey	Phillips	True
Chadwick	Hess	Pippy	Tulli
Civera	Horsey	Pistella	Vance
Clark	Hutchinson	Platts	Van Horne
Clymer	Itkin	Preston	Veon
Cohen, L. I.	Jadlowiec	Ramos	Vitali
Cohen, M.	James	Raymond	Walko
Colafilella	Jarolin	Readshaw	Washington
Colaizzo	Josephs	Reber	Waugh
Conti	Kaiser	Reinard	Williams, A. H.
Cornell	Keller	Rieger	Williams, C.
Corpora	Kenney	Roberts	Wilt
Corrigan	Kirkland	Robinson	Wogan
Cowell	Krebs	Roebuck	Wojnaroski
Coy	Laughlin	Rohrer	Wright, M. N.
Curry	Lawless	Rooney	Yewcic
Daley	Lederer	Ross	Youngblood
Dally	Leh	Rublely	Zimmerman
DeLuca	Lescovitz	Sainato	Zug
Dempsey	Levdansky	Santoni	
Dent	Lloyd	Sather	Ryan,
Dermody	Lucyk	Saylor	Speaker
DeWeese	Lynch		

NAYS-0

NOT VOTING-0

EXCUSED-2

LaGrotta Nickol

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

**GUEST INTRODUCED**

The SPEAKER. The Chair is pleased to welcome to the hall of the House Mr. William Albright, who is seated to the left of the Chair, a Marian Catholic High School senior, here today on a government project, as the guest of Representative Keith McCall. Will the gentleman please rise.

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1494, PN 1801**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for criminal trespass.

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

**BILL RECOMMENDED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that HB 1494 be recommitted to the Committee on Appropriations.

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

**SUPPLEMENTAL CALENDAR A**

**RESOLUTION PURSUANT TO RULE 35**

Mr. LYNCH called up **HR 279, PN 2419**, entitled:

A Resolution designating the week of October 19 through 25, 1997, as "Forest Products Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution ?

**PARLIAMENTARY INQUIRY**

Mr. DeWEESE. Mr. Speaker ?  
The SPEAKER. The gentleman, Mr. DeWeese.  
Mr. DeWEESE. A point of parliamentary inquiry.  
The SPEAKER. The gentleman will please state it.  
Mr. DeWEESE. With the rules that we have been using lately, Mr. Speaker, I wondered what kind of—  
The SPEAKER. Will the gentleman yield.  
The gentleman, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, with the rules that we have been using lately, showing a pronounced inclination on the part of the majority leader to take a bill and incorporate into that bill anything in the world – the idea of naming a bridge, a freestanding bill, putting a helmet law inside it – I was asking the Chair, since this is Forest Products Week, what kind of gymnastics would be necessary if we wanted to name the bridge after Forest Hopkins. Could we do that in this resolution ? I mean, it has the word "forest" in it.

The SPEAKER. Under the rules that we are working under this week and last week and last month and the month before, as you should know, resolutions under rule 35 are not amendable.

Mr. DeWEESE. I thought that a suspension might have been in order, but—

The SPEAKER. Ah, now, that is different.

Mr. DeWEESE. Mr. Speaker, obviously "forest" is in the resolution. I thought it might have been an opportune time for us to take care of Forest Hopkins, our former Republican colleague. I guess it would be more appropriate to do it at some other time.

The SPEAKER. As would your attempt at humor.

On the question recurring,  
Will the House adopt the resolution ?

The following roll call was recorded:

## YEAS—200

Adolph	DiGirolamo	Maher	Schroder
Allen	Donatucci	Maitland	Schuler
Argall	Druce	Major	Scrimenti
Armstrong	Eachus	Manderino	Semmel
Baker	Egolf	Markosek	Serafini
Bard	Evans	Marsico	Seyfert
Barley	Fairchild	Masland	Shaner
Barrar	Fargo	Mayernik	Smith, B.
Battisto	Feese	McCall	Smith, S. H.
Bebko-Jones	Fichter	McGeehan	Snyder, D. W.
Belardi	Fleagle	McGill	Staback
Belfanti	Flick	McIlhattan	Stairs
Benninghoff	Gannon	McNaughton	Steelman
Birmelin	Geist	Melio	Steil
Bishop	George	Michlovic	Stern
Blaum	Gigliotti	Micozzie	Stetler
Boscola	Gladeck	Miller	Stevenson
Boyes	Godshall	Mundy	Strittmatter
Brown	Gordner	Myers	Sturla
Browne	Gruitza	Nailor	Surra
Bunt	Gruppo	O'Brien	Tangretti
Butkovitz	Habay	Olasz	Taylor, E. Z.
Buxton	Haluska	Oliver	Taylor, J.
Caltagirone	Hanna	Orie	Thomas
Cappabianca	Harhart	Perzel	Tigue
Carn	Hasay	Pesci	Travaglio
Carone	Hennessey	Petrarca	Trello
Casorio	Herman	Petrone	Trich
Cawley	Hershey	Phillips	True
Chadwick	Hess	Pippy	Tulli
Civera	Horsey	Pistella	Vance
Clark	Hutchinson	Platts	Van Horne
Clymer	Itkin	Preston	Veon
Cohen, L. I.	Jadlowiec	Ramos	Vitali
Cohen, M.	James	Raymond	Walko
Colaella	Jarolin	Readshaw	Washington
Colaizzo	Josephs	Reber	Waugh
Conti	Kaiser	Reinard	Williams, A. H.
Cornell	Keller	Rieger	Williams, C.
Corpora	Kenney	Roberts	Wilt
Corrigan	Kirkland	Robinson	Wogan
Cowell	Krebs	Roebuck	Wojnaroski
Coy	Laughlin	Rohrer	Wright, M. N.
Curry	Lawless	Rooney	Yewcic
Daley	Lederer	Ross	Youngblood
Dally	Leh	Rubley	Zimmerman
DeLuca	Lescovitz	Sainato	Zug
Dempsey	Levdansky	Santoni	
Dent	Lloyd	Sather	
Dermody	Lucyk	Saylor	
DeWeese	Lynch		

## NAYS—0

## NOT VOTING—0

## EXCUSED—2

LaGrotta      Nickol

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

## SUPPLEMENTAL CALENDAR B

## RESOLUTION PURSUANT TO RULE 35

Mr. VITALI called up HR 281, PN 2440, entitled:

A Resolution recognizing October 18, 1997, as the 25th Anniversary of the Clean Water Act.

On the question,  
Will the House adopt the resolution ?

The following roll call was recorded:

## YEAS—200

Adolph	DiGirolamo	Maher	Schroder
Allen	Donatucci	Maitland	Schuler
Argall	Druce	Major	Scrimenti
Armstrong	Eachus	Manderino	Semmel
Baker	Egolf	Markosek	Serafini
Bard	Evans	Marsico	Seyfert
Barley	Fairchild	Masland	Shaner
Barrar	Fargo	Mayernik	Smith, B.
Battisto	Feese	McCall	Smith, S. H.
Bebko-Jones	Fichter	McGeehan	Snyder, D. W.
Belardi	Fleagle	McGill	Staback
Belfanti	Flick	McIlhattan	Stairs
Benninghoff	Gannon	McNaughton	Steelman
Birmelin	Geist	Melio	Steil
Bishop	George	Michlovic	Stern
Blaum	Gigliotti	Micozzie	Stetler
Boscola	Gladeck	Miller	Stevenson
Boyes	Godshall	Mundy	Strittmatter
Brown	Gordner	Myers	Sturla
Browne	Gruitza	Nailor	Surra
Bunt	Gruppo	O'Brien	Tangretti
Butkovitz	Habay	Olasz	Taylor, E. Z.
Buxton	Haluska	Oliver	Taylor, J.
Caltagirone	Hanna	Orie	Thomas
Cappabianca	Harhart	Perzel	Tigue
Carn	Hasay	Pesci	Travaglio
Carone	Hennessey	Petrarca	Trello
Casorio	Herman	Petrone	Trich
Cawley	Hershey	Phillips	True
Chadwick	Hess	Pippy	Tulli
Civera	Horsey	Pistella	Vance
Clark	Hutchinson	Platts	Van Horne
Clymer	Itkin	Preston	Veon
Cohen, L. I.	Jadlowiec	Ramos	Vitali
Cohen, M.	James	Raymond	Walko
Colaella	Jarolin	Readshaw	Washington
Colaizzo	Josephs	Reber	Waugh
Conti	Kaiser	Reinard	Williams, A. H.
Cornell	Keller	Rieger	Williams, C.
Corpora	Kenney	Roberts	Wilt
Corrigan	Kirkland	Robinson	Wogan
Cowell	Krebs	Roebuck	Wojnaroski
Coy	Laughlin	Rohrer	Wright, M. N.
Curry	Lawless	Rooney	Yewcic
Daley	Lederer	Ross	Youngblood
Dally	Leh	Rubley	Zimmerman
DeLuca	Lescovitz	Sainato	Zug
Dempsey	Levdansky	Santoni	
Dent	Lloyd	Sather	
Dermody	Lucyk	Saylor	
DeWeese	Lynch		

## NAYS—0

## NOT VOTING—0



EXCUSED-2

LaGrotta Nickol

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

STATEMENT BY MR. SANTONI

The SPEAKER. The Chair recognizes the gentleman, Mr. Santoni, for an important announcement.

Mr. SANTONI. Thank you, Mr. Speaker.

First of all, I want to thank you for making this announcement previously, about 2 weeks ago, when my child was born. You made the announcement on the House floor. I was on leave that day because that happened to be the day that we brought my daughter home.

She had the opportunity to see herself, see her name being announced on PCN (Pennsylvania Cable Network), and we were watching it for a while, and I am not sure I am going to let her watch it anymore because - a little story - I had a dream that night, and in that dream we were all sitting around, and it was sometime in the future, and we were all sitting around and we were awaiting her first word, and my parents and my wife were there and all our family members were sitting around, awaiting the first word of my daughter in this dream, which eventually became a nightmare, because instead of her saying "Mommy" or "Daddy," the first word that she said was "Vitali." So I woke up in a cold sweat, screaming, and my wife asked me what was the matter, and I said, "Just to let you know, our daughter will never watch PCN ever again."

No, but on a more serious note, I want to thank all my colleagues for their kind words and letters and flowers and chocolate and fruit and everything that they sent to me in the announcing of our daughter, Emma Rose Santoni, who was born October 4 at 5:54 p.m. She is doing well. She was 7 pounds 1 ounce and 21 inches, and mother and daughter and father are doing quite well.

I thank everyone again, and I thank you for the time. Thank you.

ELECTION OF COMPTROLLER

The SPEAKER. Pursuant to Act 104 of 1979, the Bipartisan Management Committee has selected Alexis Brown as the Comptroller of the House of Representatives. This act also provides that the Bipartisan Management Committee's nominee must be confirmed by a two-thirds vote of the House.

On the question of confirmation of Alexis Brown as Comptroller, the Chair recognizes the majority leader, Representative Perzel. Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, I would urge an affirmative vote.

Alexis Brown has been with the House of Representatives for some 20 years. She has been with the Personnel Department, Bipartisan Management. She has been the management systems director. She has had a steady advancement up the ladder, and this

is an opportunity for her to go to one of the top jobs that the House has to offer. So I would strongly urge an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. DeWeese, the Democratic leader.

Mr. DeWEESE. Thank you, Mr. Speaker.

Colleagues, Alexis, and family: In this rhetorical slugfest that takes place here on a regular basis, this cockpit of factionalism that we call the House floor, it is nice that the majority leader and the minority leader and hopefully our unanimous membership will vote to accede and endorse enthusiastically your advance.

One of the finest phrases in the labor movement and in the military service is "up through the ranks," and you embody that, you embody that, and that is, I think, quintessentially important for all of us. In our leadership roles, we have come up through the ranks, and in your leadership role, you are coming up through the ranks.

The fact is and I hope all of our colleagues from the South Side of Pittsburgh to the northern tier of Pennsylvania realize that Alexis and her work team are responsible for preparing the work that goes to our accountants each year at tax season; Alexis and her team are involved in selecting software that will overview the management techniques of the House. She has a very important assignment in our midst.

The contending claims that are ameliorated or not ameliorated here every day on the floor are our jobs, but the contending claims of the administrative bureaucracy of the House of Representatives is her job, and, Mr. Speaker, I think we have a wonderful person to do the job.

Welcome, and congratulations, and good luck.

The SPEAKER. The Chair thanks the gentleman.

The question before the House is the election of the Comptroller. Those voting in favor of the election of Alexis Brown will vote "aye"; those opposed will vote "no."

This is a two-thirds affirmative vote necessary.

The following roll call was recorded:

YEAS-200

Adolph	DiGirolamo	Maher	Schroder
Allen	Donatucci	Maitland	Schuler
Argall	Druce	Major	Scrimenti
Armstrong	Eachus	Manderino	Semmel
Baker	Egolf	Markosek	Serafini
Bard	Evans	Marsico	Seyfert
Barley	Fairchild	Masland	Shaner
Barrar	Fargo	Mayernik	Smith, B.
Battisto	Feese	McCall	Smith, S. H.
Bebko-Jones	Fichter	McGeehan	Snyder, D. W.
Belardi	Fleagle	McGill	Staback
Belfanti	Flick	McIlhattan	Stairs
Benninghoff	Gannon	McNaughton	Steelman
Birmelin	Geist	Melio	Steil
Bishop	George	Michlovic	Stern
Blaum	Gigliotti	Micozzie	Stetler
Boscola	Gladeck	Miller	Stevenson
Boyes	Godshall	Mundy	Strittmatter
Brown	Gordner	Myers	Sturla
Browne	Gruitza	Nailor	Surra
Bunt	Gruppo	O'Brien	Tangretti
Butkovitz	Habay	Olasz	Taylor, E. Z.
Buxton	Haluska	Oliver	Taylor, J.
Caltagirone	Hanna	Orie	Thomas
Cappabianca	Harhart	Perzel	Tigue

Carn	Hasay	Pesci	Travaglio
Carone	Hennessey	Petrarca	Trello
Casorio	Herman	Petrone	Trich
Cawley	Hershey	Phillips	True
Chadwick	Hess	Pippy	Tulli
Civera	Horsey	Pistella	Vance
Clark	Hutchinson	Platts	Van Horne
Clymer	Itkin	Preston	Veon
Cohen, L. I.	Jadlowiec	Ramos	Vitali
Cohen, M.	James	Raymond	Walko
Colafrella	Jarolin	Readshaw	Washington
Colaizzo	Josephs	Reber	Waugh
Conti	Kaiser	Reinard	Williams, A. H.
Cornell	Keller	Rieger	Williams, C.
Corpora	Kenney	Roberts	Wilt
Corrigan	Kirkland	Robinson	Wogan
Cowell	Krebs	Roebuck	Wojnaroski
Coy	Laughlin	Rohrer	Wright, M. N.
Curry	Lawless	Rooney	Yewcic
Daley	Lederer	Ross	Youngblood
Dally	Leh	Rubley	Zimmerman
DeLuca	Lescovitz	Sainato	Zug
Dempsey	Levdansky	Santoni	
Dent	Lloyd	Sather	Ryan,
Dermody	Lucyk	Saylor	Speaker
DeWeese	Lynch		

I would first like to introduce my family, who have given me love and support through all my endeavors.

Doug Brown, my husband and best friend for almost 21 years now, and my two children, Justin and Danielle.

I have my parents here, Alex and Jo Barr, who flew in from Florida to be here today.

Charles and Hilda Brown, my father-in-law and mother-in-law.

My sister, Paula Thomas, and her two children: my nephew, Mike Poletto, who attends the University of Pittsburgh – sorry, Penn State; No. 2, right? – and her daughter, Melissa Poletto.

Charles Brown and Sue Brown, my brother-in-law and sister-in-law.

I would also like to introduce and thank one of the hardest working, dedicated individuals I have ever had the pleasure of working with. That is Darlene Leitzel, the Assistant Comptroller.

Kim Todd, the senior legislative fiscal assistant – I am sure you all know them, right? – Debbie Keller, legislative fiscal assistant; and the newest member of our family, Donna Grubb. Thank you for putting up with me for the past 8 months.

I have worked for the legislature since 1974. I started with the Legislative Data Processing Center as a systems analyst for their payroll systems. I was then employed as the assistant supervisor in the Personnel Office under the Chief Clerk. I then moved to the Bipartisan Management Committee as their management systems director, but through all of my career, this is by far the most important day.

My 23 years of working with the legislature have given me the opportunity to work for and with some wonderful people who have given me guidance and direction, and I wish to thank them all.

I would also like to acknowledge my predecessor, Ann Santinoceto, whose dedication and hard work for this legislature was admirable.

The leadership and the members of this House have entrusted me with the duties of the Comptroller, and I promise to perform these duties with honesty and reverence, and with the continued support of the leadership, I can move this office into the future and provide better service to the members of this House.

Like my children would say, this truly is an awesome day. Thank you.

The SPEAKER. Will the majority leader come to the rostrum; Mr. DeWeese.

**HOUSE SCHEDULE**

The SPEAKER. The House will come to order.

After a brief conference with the two floor leaders, it has been suggested that we break now for a one-half-hour period so that the members can go to 60E and join in a dessert reception with Alexis and her family.

At 2:30 we will – all sides, both sides – will go to caucus, and we will return to the floor at 3 o'clock. Is that agreeable, Mr. DeWeese, Mr. Cohen, Mr. Fargo, Mr. Perzel?

Mr. Perzel, you desire recognition.

Mr. PERZEL. Yes, Mr. Speaker.

I would strongly urge that all the members come to caucus at 2:30. Thank you, Mr. Speaker.

NAYS-0

NOT VOTING-0

EXCUSED-2

LaGrotta Nickol

The SPEAKER. On the election of Alexis Brown as Comptroller, the “yeas” are 200; “nays,” 0. More than the required two-thirds majority having voted in the affirmative, Alexis Brown is elected Comptroller of the House of Representatives. Congratulations.

**OATH OF OFFICE ADMINISTERED TO COMPTROLLER**

The SPEAKER. At this time I would like to invite Alexis, her husband Doug, and their children, Justin and Danielle, to come to the podium for the purpose of administering the oath of office.

Place your left hand on the Bible, raise your right hand, and repeat after me.

I, Alexis A. Brown, 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.

(Mrs. Brown asserted oath.)

**REMARKS BY COMPTROLLER**

The SPEAKER. At this time I invite our new Comptroller to make a few remarks. Alexis.

The COMPTROLLER. What an honor.

## COMMERCE AND ECONOMIC DEVELOPMENT COMMITTEE MEETING

The SPEAKER. Mr. Hasay.

Mr. HASAY. Mr. Speaker, I would like to reconvene the meeting of the House Commerce and Economic Development Committee at the rear of the House at the break. Thank you.

### GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, seated in the gallery as the guests of Representative Markosek, Paul Bova and Sandy Durkota. Would these guests please rise.

And seated at the rear of the House is the guest of Representative Washington, Linda Marshall, the niece of Representative Washington. Would she please rise.

Does the majority leader or Democratic floor leader have anything further?

Mr. DeWeese.

Mr. DeWEESE. I would just like to echo the words of the Republican floor leader. I would politely admonish our membership to be at caucus at 2:30. We are going to have a quick caucus but a very important one. Thank you.

### VOTE CORRECTION

The SPEAKER. Mr. Jarolin.

Mr. JAROLIN. Thank you, Mr. Speaker.

A correction of the record of October 7.

On HR's 261, 262, and 270, I would like to be recorded in the positive.

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

### RECESS

The SPEAKER. This House will stand in recess until 3 o'clock.

### AFTER RECESS

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

## COMMUNICATION FROM PUBLIC EMPLOYEE RETIREMENT COMMISSION

The SPEAKER. The Chair acknowledges receipt of the annual amounts of supplemental State assistance allocated to municipalities, submitted by the Public Employee Retirement Commission. This is pursuant to section 608 of the Municipal Pension Plan Funding Standard and Recovery Act.

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

## BILLS REREPORTED FROM COMMITTEE

**HB 441, PN 1628**

By Rep. BARLEY

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for absence without leave.

### APPROPRIATIONS.

**HB 1272, PN 2435 (Amended)**

By Rep. BARLEY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the possession of weapons on school property.

### APPROPRIATIONS.

**HB 1412, PN 1803**

By Rep. BARLEY

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for responsibilities of law enforcement agencies and court-ordered relief.

### APPROPRIATIONS.

**HB 1628, PN 2436 (Amended)**

By Rep. BARLEY

An Act amending the act of March 30, 1811 (P.L.145, No.99), entitled "An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public monies, and for other purpose," further providing for deferred compensation plans of the Commonwealth and political subdivisions; and making editorial changes.

### APPROPRIATIONS.

**HB 1757, PN 2182**

By Rep. BARLEY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of solicitation of minors to traffic drugs.

### APPROPRIATIONS.

**SB 55, PN 953**

By Rep. BARLEY

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for operating watercraft under influence of alcohol or controlled substance, for chemical testing and for classification of offenses and penalties.

### APPROPRIATIONS.

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

**HB 790, PN 2441 (Amended)**

By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, requiring instruction in cardiopulmonary resuscitation and the obstructed airway maneuver; and

authorizing school districts to impose dress codes and require students to wear standard dress or uniforms.

## EDUCATION.

### 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 1272, PN 2435; HB 1412, PN 1803; HB 1628, PN 2436; and HB 1757, PN 2182.**

### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that HB 1291, on page 2 of the tabled bill calendar, be removed from the table.

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. PERZEL. Mr. Speaker, I move that HB 1291 be recommitted to the Committee on Appropriations.

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

### CONDOLENCE RESOLUTION

The SPEAKER. Members will please take their seats. We are about to take up a condolence resolution on the death of a former member of the House. Members, please take your seats. The clerk will read the resolution.

The following resolution was read:

#### COMMONWEALTH OF PENNSYLVANIA THE HOUSE OF REPRESENTATIVES

#### RESOLUTION

WHEREAS, Samuel G. Kurtz, founder of Samuel G. Kurtz Insurance Company and former Pennsylvania legislator, passed away October 3, 1997 at the age of eighty-five; and

WHEREAS, Mr. Kurtz founded the Samuel G. Kurtz Insurance Company in 1932 and retired in 1996 after sixty-four years of service. He served three two-year terms, from 1944 to 1950, in the Pennsylvania House of Representatives and was a member of the Independent Insurance Agents of Pennsylvania and the Independent Insurance Agents of America; and

WHEREAS, Active within his community throughout his life, Mr. Kurtz was a member of the Lebanon Church of the Brethren and past president of the Kiwanis Club. He was a member of the "Y" Mens Club; the Lebanon Elks Lodge; the Peoples National Bank board of directors;

and the CLA. Mr. Kurtz participated on the United States Dewar International Team in 1940-1941 and was inducted into the Pennsylvania Sports Hall of Fame in 1968 for riflery. He was also a member of the Mt. Lebanon Free and Accepted Masons Lodge, Quittapahilla Forest and past commander of Knights Templar and the Zembo Temple in Harrisburg; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with great sadness the passing of Samuel G. Kurtz, an accomplished and respected community leader; extend heartfelt condolences to his wife, Alice Susan Potteiger Kurtz; son, S. Bruce; two grandchildren; and four great-grandchildren; and be it further

RESOLVED, That a copy of this resolution, sponsored by the Honorable Peter J. Zug, be transmitted to Mrs. Alice Susan Potteiger Kurtz.

Matthew Ryan  
Speaker of the House  
ATTEST:  
Ted Mazia  
Chief Clerk of the House

The SPEAKER. Those in favor of the resolution will rise and remain standing as a mark of respect for the deceased former member. Guests will also 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 Samuel G. Kurtz.)

The SPEAKER. The resolution has been unanimously adopted. The Sergeant at Arms will open the doors of the House.

### CALENDAR CONTINUED

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1755, PN 2179**, entitled:

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for the valuation of property in counties of the second class A and third class and for auxiliary boards of assessment appeals.

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

Mr. **PESCI** offered the following amendment No. **A3824**:

Amend Title, page 1, line 12, by removing the period after "appeals" and inserting

; and providing for the suspension of laws authorizing real property taxation by school districts.

Amend Bill, page 5, by inserting between lines 16 and 17

Section 3. One year following the approval of the electorate of the constitutional amendment providing for a homestead exemption, any provision of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, which authorizes the imposition of a tax on real property and any other provision of any other law which authorizes school districts to levy a tax on real property shall be suspended if the General Assembly has not enacted legislation which implements the homestead exemption by authorizing additional taxing powers on income to make up for the lost revenues resulting from the homestead exemption.

Amend Sec. 3, page 5, line 17, by striking out "3" and inserting  
4

Amend Sec. 4, page 5, line 19, by striking out "4" and inserting  
5

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment offered by the gentleman, Mr. Pesci, the Chair recognizes the gentleman.

Mr. PESCI. Thank you, Mr. Speaker.

Mr. Speaker, with the nature of what we have been dealing with in the chamber for the past couple of weeks, maybe I would be more sure of a success with the amendment if I were asking for this to be designated "tax reform week."

Seriously, there is no question that the taxpayers of Pennsylvania are starving for complete reform of the local tax system. We are approaching the new millennium with a taxation system rooted in the last one.

And to the credit of everyone here, last November this chamber took a bold step in voting to rescue our citizens from the prosperity tax bank, but unfortunately, we are hampered by members of the chamber across the hall who are more comfortable with tax rhetoric than reform, and our Governor has been more concerned of late with the capital budget than millage rates. Let us show the people that we in the House are just as committed now as we were then to comprehensive local tax reform.

My amendment is similar to the action that we passed unanimously last fall. It would eliminate — I repeat — it would eliminate school property taxes 1 year after the approval, if given, of the homestead tax exemption on November's ballot question, which we will vote on in a couple weeks. The legislative and executive branches would use that year to enact passage of comprehensive local tax reform and have it in place the instant the old system passes into history.

Mr. Speaker, you have forged a close relationship here on the floor with the energetic member of my caucus from Delaware County, that hardly a day goes by without you two engaging in lively debate, and your affinity for this is too obvious to be concealed.

Well, Mr. Speaker, I hope that I have the support of my Republican and Democratic colleagues with this amendment today, because just as the gentleman from Delaware is persistent on his issues, I promise to become just as persistent and endearing about local tax reform.

Mr. Speaker, the people are demanding to know when we will take action on a bold and comprehensive tax reform. Let us give them a positive response today, right now.

I urge the members to vote "yes" on my amendment.

The SPEAKER. The Chair thanks the gentleman.

### CONSTITUTIONAL POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

The provisions of amendment 3824 are not appropriate in the General County Assessment Law, Mr. Speaker, HB 1755.

The contents of the amendment should be inserted into the Public School Code.

Accordingly, not only is the amendment not germane to HB 1755 but it also violates Article III, section 3, of the Pennsylvania Constitution since the bill now combines more than one title — the County Assessment Law and the School Code. Therefore, I will raise the question of constitutionality based on Article III, section 3, of the Pennsylvania State Constitution.

The SPEAKER. The gentleman, Mr. Perzel, raises the question of the constitutionality of the amendment offered by the gentleman, Mr. Pesci.

On that question, the Speaker, under rule 4, is required to submit the question affecting the constitutionality of an amendment to the House for decision. The Chair now does that.

On the question,

Will the House sustain the constitutionality of the amendment?

The SPEAKER. The Chair recognizes the gentleman.

Mr. PESCI. Mr. Speaker, number one, I am not putting the code in this bill. What I am doing is making it possible that sooner or later we would be doing some type of comprehensive tax reform. I am not changing the code. I have not instituted that in this bill.

The SPEAKER. On the question, the gentleman, Mr. DeWeese, on the question of constitutionality.

Mr. DEWEESE. I do not know whether it was, Mr. Speaker, Yogi Berra that said, "...deja vu all over again." I do not remember who said that.

But I would contend that the dais, as I once referred to as paterfamilias, was allowing an endeavor, a maneuver, parliamentary chicanery for his side of the aisle a couple of weeks ago, and yet when our membership attempts to do the exact same thing, the Chair rules arbitrarily against us. It is fundamentally not fair.

The SPEAKER. Mr. DeWeese, the Chair has not ruled. I take issue with your statement.

Mr. DEWEESE. Mr. Speaker, I accept the fact that the Chair would take issue with my statement. I think that is axiomatic.

However, on constitutionality, I am unable to believe that if the lady from Crawford can amend a bridge bill, a freestanding bridge bill, which I supported her on, if she can do that and make it into a Vehicle Code bill, that the rules of the chamber have been so abused, made so elastic, made so comparatively inconsequential by the rulings of this session that it is free game.

The gentleman is trying to change the way we tax property in the State of Pennsylvania. It is a property tax amendment of sweeping proportion. It is something that we have all or almost all of us have voted on in the last session. We have tactical problems in realizing our objectives due to the recalcitrance of the State Senate, and now we are having parliamentary problems due to the recalcitrance of the Chair and of the majority party.

I think what the gentleman is doing is utterly constitutional, and I would respectfully ask for an affirmative vote on constitutionality.

The SPEAKER. The gentleman, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, the minority leader was asked whether or not he wanted to challenge the amendment to that bill that day. He chose not to. He could have stood up, as I just did,

and said this was not constitutional. He chose not to, Mr. Speaker. If he chose not to, I do not know why he is complaining about it now.

The SPEAKER. The question before the House deals with the constitutionality of the amendment that is before the House.

On the question of constitutionality, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, thank you very much.

Inferred in the debate of recent weeks was that if a bill or a legislative effort had a word like "tax" in it, that we could work with a bill — modulate, modify, massage — and make that bill acceptable for our process.

The gentleman from Philadelphia, the honorable majority leader, stated on the 30th of September 1997, when we were referring to a tax bill, and I quote, "...HB 1766 specifically has the word 'tax' in there, and everyone on the floor knows that once it says that, Mr. Speaker, it can be a tax code vehicle."

I am befuddled, Mr. Speaker, as to why his perspective would say it has "tax" in it; we can make it a tax bill on the 30th of September, and now he tries to gainsay the efforts of the gentleman from Armstrong. He is doing the same thing that you were doing, respectfully, sir, not more than a fortnight ago.

So if it was good enough on the 30th of September, the gentleman from Ford City's argument is good enough today. I would ask that his effort on constitutionality be sustained.

The SPEAKER. On the question, those believing the amendment to be constitutional will vote "aye"; those believing it to be unconstitutional will vote in the negative.

On the question recurring,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

YEAS-95

Battisto	DeWeese	Markosek	Scrimenti
Bebko-Jones	Donatucci	Mayernik	Shaner
Belardi	Eachus	McCall	Staback
Belfanti	Evans	McGeehan	Steelman
Blaum	George	Mello	Stetler
Boscola	Gigliotti	Michlovic	Sturla
Butkovitz	Gordner	Mundy	Surra
Buxton	Gruitza	Myers	Tangretti
Caltagirone	Haluska	Olasz	Thomas
Cappabianca	Hanna	Oliiver	Tigue
Carn	Horsey	Pesci	Travaglio
Casorio	Itkin	Petrarca	Trello
Cawley	James	Petrone	Trich
Cohen, M.	Jarolin	Pistella	Van Horne
Colafrilla	Josephs	Preston	Veon
Colaizzo	Kaiser	Ramos	Vitali
Corpora	Keller	Readshaw	Walko
Corrigan	Kirkland	Rieger	Washington
Cowell	Laughlin	Roberts	Williams, A. H.
Coy	Lederer	Robinson	Williams, C.
Curry	Lescovitz	Roebuck	Wojnaroski
Daley	Levdansky	Rooney	Yewcic
DeLuca	Lucyk	Sainato	Youngblood
Demody	Manderino	Santoni	

NAYS-103

Adolph	Egolf	Lynch	Schroder
Allen	Fairchild	Maher	Schuler
Argall	Fargo	Maitland	Semmel

Armstrong	Feese	Major	Seyfert
Baker	Fichter	Marsico	Smith, B.
Bard	Fleagle	Masland	Smith, S. H.
Barley	Flick	McGill	Snyder, D. W.
Barrar	Gannon	McIlhattan	Stairs
Benninghoff	Geist	McNaughton	Steil
Birmelin	Gladeck	Micozzie	Stern
Boyes	Godshall	Miller	Stevenson
Brown	Gruppo	Nailor	Strittmatter
Browne	Habay	O'Brien	Taylor, E. Z.
Bunt	Harhart	Orie	Taylor, J.
Carone	Hasay	Perzel	True
Chadwick	Hennessey	Phillips	Tulli
Civera	Herman	Pippy	Vance
Clark	Hershey	Platts	Waugh
Clymer	Hess	Raymond	Wilt
Cohen, L. I.	Hutchinson	Reber	Wogan
Conti	Jadlowiec	Reinard	Wright, M. N.
Cornell	Kenney	Rohrer	Zimmerman
Dally	Krebs	Ross	Zug
Dempsey	Lawless	Rubley	
Dent	Leh	Sather	Ryan,
DiGirolamo	Lloyd	Saylor	Speaker
Druce			

NOT VOTING-2

Bishop	Serafini
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EXCUSED-2

LaGrotta	Nickol
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Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendment was not sustained.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. GEORGE offered the following amendment No. A4016:

Amend Title, page 1, lines 1 through 12, by striking out all of said lines and inserting

Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An act relating to tax reform and State taxation by codifying and enumerating certain subjects of taxation and imposing taxes thereon; providing procedures for the payment, collection, administration and enforcement thereof; providing for tax credits in certain cases; conferring powers and imposing duties upon the Department of Revenue, certain employers, fiduciaries, individuals, persons, corporations and other entities; prescribing crimes, offenses and penalties," further providing for imposition of tax.

Amend Bill, page 1, lines 15 through 22; pages 2 through 4, lines 1 through 30; and page 5, lines 1 through 23, by striking out all of said lines on said pages and inserting,

Section 1. Section 302 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, added August 4, 1991 (P.L.97, No.22), is amended to read:

Section 302. Imposition of Tax.—(a) Every resident individual, estate or trust shall be subject to, and shall pay for the privilege of receiving each of the classes of income hereinafter enumerated in section 303, a tax upon each dollar of income received by that resident during that resident's taxable year at the following rates:

(1) Two and one-tenth per cent for taxable years commencing with or within calendar year 1987 through the first half of the taxable year commencing with or within calendar year 1991.

(2) Two and eight-tenths per cent for the second half of the taxable year commencing with or within calendar year 1991 [and each taxable year thereafter] through calendar year 1997 or the end of the fiscal year commencing within 1997 for any resident individual, estate or trust who files returns on the basis of a fiscal year.

(3) A temporary assessment equal to an additional three-tenths per cent for the second half of the taxable year commencing with or within calendar year 1991 through the first half of the taxable year commencing with or within calendar year 1992.

(4) Two and six-tenths per cent for the taxable year commencing with or within calendar year 1998 and each taxable year thereafter.

(b) Every nonresident individual, estate or trust shall be subject to, and shall pay for the privilege of receiving each of the classes of income hereinafter enumerated in section 303 from sources within this Commonwealth, a tax upon each dollar of income received by that nonresident during that nonresident's taxable year at the following rates:

(1) Two and one-tenth per cent for taxable years commencing with or within calendar year 1987 through the first half of the taxable year commencing with or within calendar year 1991.

(2) Two and eight-tenths per cent for the second half of the taxable year commencing with or within calendar year 1991 [and each taxable year thereafter] through calendar year 1997 or the end of the fiscal year commencing within 1997 for any nonresident individual, estate or trust who files returns on the basis of a fiscal year.

(3) A temporary assessment equal to an additional three-tenths per cent for the second half of the taxable year commencing with or within calendar year 1991 through the first half of the taxable year commencing with or within calendar year 1992.

(4) Two and six-tenths per cent for the taxable year commencing with or within calendar year 1998 and each taxable year thereafter.

Section 2. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman.

Mr. GEORGE. Mr. Speaker, my purpose is to give everybody here an opportunity that I know they want in that my amendment could be your amendment.

It deals with lowering the PIT (personal income tax). Back in 1977 I was able to accomplish this in that year's budget. It is just as worthwhile at this moment as it was then, and it simply, even though it is most important, it reduces the PIT to 2 6/10 percent for the taxable year commencing with or within calendar year 1998.

So it is not going to take a lot of review. It is just going to take an opportunity for those of us that feel it is important at the moment that that be done, to feel that there may not be any better or opportune time than now to accomplish what it is that we should have done at the time of the passage of the budget.

I am sure that the debate is not going to be long. I can guess what it is going to be, and I will have an opportunity to address that in a couple of minutes. But I can assure you my argument is legitimate, but it will only be legitimate if in fact you agree to allow it to be legitimate.

So I ask my colleagues, Mr. Speaker, to approve this amendment.

## CONSTITUTIONAL POINT OF ORDER

The SPEAKER. On the question of the adoption of the amendment offered by the gentleman, Mr. George, the Chair recognizes the gentleman, Mr. Snyder.

Mr. SNYDER. Mr. Speaker, as in the previous motion by the majority leader, I raise the question of constitutionality under Article III, section 3, of the Pennsylvania Constitution with regard to the fact that this amendment changes the bill, HB 1755, from the General County Assessment Law to a tax reform law.

The SPEAKER. The gentleman, Mr. Snyder, raises the point of order that the amendment offered by the gentleman, Mr. George, is unconstitutional.

The Speaker, under rule 4, is required to submit questions affecting the constitutionality of an amendment to the House for decision. The Chair now does this.

On the question,

Will the House sustain the constitutionality of the amendment?

The SPEAKER. The Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. I thank you, Mr. Speaker.

Mr. Speaker, I honestly admit to you that I am not as knowledgeable as those individuals that went through 10 or 12 years of law school, but my dad and mom taught me to read and write, and I count, if you will, Mr. Speaker, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 — that should surprise you — 17, 18, 19 places where it states in HB 1755 the words, the verbiage, of "taxes" and "taxation" and the fact that in the analysis it says, "An act relating to taxation; designating the subjects, property and persons subject to and exempt...."

Mr. Speaker, I simply put it in this manner: You can run but you cannot hide, and here it is. Put it where it belongs.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, as Mr. George indicated, Mr. DeWeese indicated, there is a certain flexibility in constitutional interpretation around here and there is a certain flexibility in constitutional interpretation in the State Supreme Court.

The State Supreme Court and the Commonwealth Court, the two courts that will have jurisdiction over any appeal, are both elected bodies, and over the course of their history, on occasion they have declared tax increases to be unconstitutional for one reason or another, but I am unaware of any time in the whole history of Pennsylvania in which any tax cut has been declared unconstitutional. And I have great confidence that the elected members of the Commonwealth Court and the elected members of the Supreme Court are not going to declare any tax cut unconstitutional at any time in the future, and if they are not going to declare a tax cut unconstitutional, I do not think we ought to either.

I would urge that we uphold the constitutionality of this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question, Mr. DeWeese.

Mr. DeWEESE. I think the State, Mr. Speaker, needs a lusty and broad-gauged debate on the personal income tax. I think we have a \$750-million surplus. This would be an appropriate forum for us to discuss a tax decrease.

Now, this is a comparatively unhappy day for this process and for this chamber. I cannot help but reiterate — and I think occasionally from these podiums and microphones it is appropriate to reiterate — that the majority leader of the Republican Party from Philadelphia says a couple of weeks ago — said; forgive the patois — said a couple of weeks ago that if it has the word “tax” in it, it is a tax bill, and he was not ruled out of order; there was no constitutional quibbling.

The arguments that the majority party are using are sophisticated; they are duplicitous. They know it. They have the votes. We understand what is happening. But if the lady from Crawford can involve herself with a helmet bill in a freestanding bill and that is constitutional under the rulings of this Speaker — I do not think any other Speaker in the history of the Assembly made similar observations—

The SPEAKER. Will the gentleman yield; will the gentleman yield.

The gentleman once again has misstated the actions of the Speaker. The Speaker did not rule on that question. In fact, I would again remind you, you were invited to challenge that question on germaneness or constitutionality and you neglected to do it.

You may continue.

Mr. DeWEESE. Thank you, Mr. Speaker, for the recent history.

Notwithstanding that, I want to repeat for the record and for the membership Mason’s Manual. Section 1, paragraph 3, includes a provision that the governing rules of parliamentary procedure fulfill the purpose of protecting the rights of members, especially protecting the rights of minority members from unfair treatment by the majority.

This whole vote on constitutionality is legerdemain, parliamentary legerdemain, on the part of the majority, shutting us out on this specious, specious constitutional argument. Our rules are established to bring fairness, Mr. Speaker, to the process of legislating. That polestar, Mr. Speaker, is not being followed by, in my opinion, this Speaker.

Furthermore, the Speaker’s statement that, quote, unquote, “Our system is no longer working,” unquote, can be better stated that our system is no longer working under this Speaker. The Speaker’s duty is to enforce our rules fairly, and what we experienced several weeks ago was not interceded upon negatively by the Chair in any way or shape or form. We experienced a system then that held us out, and now we are experiencing another system where we are fettered once more.

This is clearly constitutional. If we buttress our argumentation upon what happened 2 or 3 weeks ago, it is the exact same kind of maneuver.

I cannot fathom the fact that every one of you, especially my Republican colleagues who have campaigned indefatigably for lower taxes; all of you have, you called us tax-and-spend liberals for a generation, and now, with higher fees for fish licenses, and dog licenses, and truck licenses, and automobile registrations, gasoline tax, here is a chance — the gentleman from Clearfield.

You are arguing constitutionality when you should be arguing a reduction in the State income tax.

It is not as if our schedule is prohibitive. We have a comparatively slothful agenda for the autumn. We could debate — and we could have debated — school property tax reduction. The gentleman from Armstrong wanted to change property taxes in our State. No; no. Through artifice, and trickery, chicanery, you folks have used the idea of parliamentary tactics — constitutionality — to keep the majority in full protection of higher taxes; higher taxes.

So we can all count the votes, Mr. Speaker; you have the majority, but you certainly are not on the intellectual, parliamentary, and legislative high ground on this issue. If it was good enough 3 weeks ago, it is good enough today.

I stand with the gentleman from Clearfield County.

The SPEAKER. On the question, Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, several weeks ago we discussed germaneness. Today the issue is constitutionality. Article III, section 1, states that “No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose.” I think it is very clear in this case that the original purpose of the bill, which is an assessment code bill, is being changed by this particular amendment.

Mr. Speaker, to refer to the minority leader’s remarks, we had an opportunity to review the record and transcript of a couple weeks ago, and perhaps this is a learning process. We now agree with the gentleman’s remarks that he made on that day that this issue should not be considered. We are very appreciative of his very persuasive argument a couple weeks ago, and therefore, we ask the members to concur with Mr. DeWeese’s position several weeks ago and rule that this is unconstitutional. Thank you very much.

The SPEAKER. On the question—

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Members are entitled to speak only once on this question.

Mr. DeWeese, you are recognized.

Mr. DeWEESE. Simply said, Mr. Speaker, the purpose of this bill is to lower taxes; the purpose of our amendment is to lower taxes. Common sense.

No one outside or at least more than a half a kilometer from this building cares about the comparatively inscrutable discussion we are having today on parliamentary procedure, but I want every one of you to remember that you had a chance to lower the personal income tax today. This bill deals with lowering taxes; the amendment deals with lowering taxes. I have a hard time when I try to fathom your opposition to lowering taxes. You have raised them enough; we ought to lower them.

The SPEAKER. On the question, those who believe the amendment to be constitutional will vote “aye”; those believing it to be unconstitutional will vote in the negative.

On the question recurring,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:



YEAS-95

Battisto	DeWeese	Markosek	Scrimenti
Bebko-Jones	Donatucci	Mayernik	Shaner
Belardi	Eachus	McCall	Staback
Belfanti	Evans	McGeehan	Steelman
Blaum	George	Melio	Stetler
Boscola	Gigliotti	Michlovic	Sturla
Butkovitz	Gordner	Mundy	Surra
Buxton	Gruitza	Myers	Tangretti
Caltagirone	Haluska	Olasz	Thomas
Cappabianca	Hanna	Oliver	Tigue
Carn	Horsey	Pesci	Travaglio
Casorio	Itkin	Petrarca	Trello
Cawley	James	Petrone	Trich
Cohen, M.	Jarolin	Pistella	Van Horne
Colafella	Josephs	Preston	Veon
Colaizzo	Kaiser	Ramos	Vitali
Corpora	Keller	Readshaw	Walko
Corrigan	Kirkland	Rieger	Washington
Cowell	Laughlin	Roberts	Williams, A. H.
Coy	Lederer	Robinson	Williams, C.
Curry	Lescovitz	Roebuck	Wojnaroski
Daley	Levdansky	Rooney	Yewcic
DeLuca	Lucyk	Sainato	Youngblood
Dermody	Manderino	Santoni	

NAYS-103

Adolph	Egolf	Lynch	Schroder
Allen	Fairchild	Maher	Schuler
Argall	Fargo	Maitland	Semmel
Armstrong	Feese	Major	Seyfert
Baker	Fichter	Marsico	Smith, B.
Bard	Fleagle	Masland	Smith, S. H.
Barley	Flick	McGill	Snyder, D. W.
Barrar	Gannon	McIlhattan	Stairs
Benninghoff	Geist	McNaughton	Steil
Birmelin	Gladeck	Micozzie	Stern
Boyes	Godshall	Miller	Stevenson
Brown	Gruppo	Nailor	Strittmatter
Browne	Habay	O'Brien	Taylor, E. Z.
Bunt	Harhart	Orie	Taylor, J.
Carone	Hasay	Perzel	True
Chadwick	Hennessey	Phillips	Tulli
Civera	Herman	Pippy	Vance
Clark	Hershey	Platts	Waugh
Clymer	Hess	Raymond	Wilt
Cohen, L. I.	Hutchinson	Reber	Wogan
Conti	Jadlowiec	Reinard	Wright, M. N.
Cornell	Kenney	Rohrer	Zimmerman
Daily	Krebs	Ross	Zug
Dempsey	Lawless	Rubley	
Dent	Leh	Sather	Ryan,
DiGirolamo	Lloyd	Saylor	Speaker
Druce			

NOT VOTING-2

Bishop	Serafini
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EXCUSED-2

LaGrotta	Nickol
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Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendment was not sustained.

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

The SPEAKER. Mr. George, do you have any further amendments ?

Mr. Travaglio, do you have an amendment ? It will be necessary for you to move to suspend the rules. It was filed late.

Mr. TRAVAGLIO. Mr. Speaker, I would like to suspend the rules to put in my amendment, amendment A3887.

The SPEAKER. Mr. Travaglio, we have an amendment 3907. Would you come to the desk.

(Conference held at Speaker's podium.)

On the question recurring,  
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-198

Adolph	DiGirolamo	Lynch	Schroder
Allen	Donatucci	Maher	Schuler
Argall	Druce	Major	Scrimenti
Armstrong	Eachus	Manderino	Semmel
Baker	Egolf	Markosek	Serafini
Bard	Evans	Marsico	Seyfert
Barley	Fairchild	Masland	Shaner
Barrar	Fargo	Mayernik	Smith, B.
Battisto	Feese	McCall	Smith, S. H.
Bebko-Jones	Fichter	McGeehan	Snyder, D. W.
Belardi	Fleagle	McGill	Staback
Belfanti	Flick	McIlhattan	Stairs
Benninghoff	Gannon	McNaughton	Steelman
Birmelin	Geist	Melio	Steil
Blaum	George	Michlovic	Stern
Boscola	Gigliotti	Micozzie	Stetler
Boyes	Gladeck	Miller	Stevenson
Brown	Godshall	Mundy	Strittmatter
Browne	Gordner	Myers	Sturla
Bunt	Gruitza	Nailor	Surra
Butkovitz	Gruppo	O'Brien	Tangretti
Buxton	Habay	Olasz	Taylor, E. Z.
Caltagirone	Haluska	Oliver	Taylor, J.
Cappabianca	Hanna	Orie	Thomas
Carn	Harhart	Perzel	Tigue
Carone	Hasay	Pesci	Travaglio
Casorio	Hennessey	Petrarca	Trello
Cawley	Herman	Petrone	Trich
Chadwick	Hershey	Phillips	True
Civera	Hess	Pippy	Tulli
Clark	Horsey	Pistella	Vance
Clymer	Hutchinson	Platts	Van Horne
Cohen, L. I.	Itkin	Preston	Veon
Cohen, M.	Jadlowiec	Ramos	Vitali
Colafella	James	Raymond	Walko
Colaizzo	Jarolin	Readshaw	Washington
Conti	Josephs	Reber	Waugh
Cornell	Kaiser	Reinard	Williams, A. H.
Corpora	Keller	Rieger	Williams, C.
Corrigan	Kenney	Roberts	Wilt
Cowell	Kirkland	Robinson	Wogan
Coy	Krebs	Roebuck	Wojnaroski
Curry	Laughlin	Rohrer	Wright, M. N.
Daley	Lawless	Rooney	Yewcic
Dally	Lederer	Ross	Youngblood
DeLuca	Leh	Rubley	Zimmerman
Dempsey	Lescovitz	Sainato	Zug
Dent	Levdansky	Santoni	

Dermody DeWeese	Lloyd Lucyk	Sather Saylor	Ryan, Speaker
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NAYS-1

Maitland

NOT VOTING-1

Bishop

EXCUSED-2

LaGrotta	Nickol
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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.

**REPUBLICAN CAUCUS**

The SPEAKER. The Chair at this time recognizes the Republican caucus chairman, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

As we announced in caucus—

The SPEAKER. Will the gentleman yield; will the gentleman yield.

The House will come to order.

Mr. Fargo.

Mr. FARGO. Thank you again.

As we announced in caucus, there will be a caucus tomorrow morning at 10 o'clock. So I would appreciate it if you would show up tomorrow morning at 10 o'clock. Thank you.

The SPEAKER. There will be a Republican caucus tomorrow morning at 10 a.m.

**DEMOCRATIC CAUCUS**

The SPEAKER. Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the Democrats will also caucus tomorrow at 10 a.m. Tomorrow at 10 a.m. we will resume our caucus to go over the calendar for tomorrow.

The SPEAKER. The Chair thanks the gentleman, Mr. Cohen.

**VOTE CORRECTIONS**

The SPEAKER. The Chair recognizes the gentleman, Mr. Kaiser.

Mr. KAISER. Thank you, Mr. Speaker.

On October 7 on HR 261, I was not recorded as voting. I would like the record to reflect my vote as an affirmative vote. Thank you, Mr. Speaker.

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

The Chair recognizes the gentleman, Mr. Travaglio.

Mr. TRAVAGLIO. Mr. Speaker, on October 7, HR 261, I would like to be recorded in the affirmative.

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

Mr. TRAVAGLIO. Thank you.

The SPEAKER. The gentleman, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would like to be recognized to correct the record, please.

The SPEAKER. The gentleman is in order.

Mr. COWELL. Mr. Speaker, 2 weeks ago, on Tuesday, October 7, I was attending a meeting and missed several votes. I would like to, on HR's 259, 261, 262, 267, 268, 269, 270, and 274, and on HB 1347 on final passage, HB 1476 on final passage, and SB 307 on final passage, in all cases be recorded in the affirmative.

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

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

SB 10, PN 1168 (Amended)

By Rep. HASAY

An Act amending the act of June 29, 1996 (P.L.434, No.67), entitled Job Enhancement Act, further defining "financing programs"; and providing for the Community Development Bank Grant and Loan Program.

COMMERCE AND ECONOMIC DEVELOPMENT.

SB 95, PN 1071 (Amended)

By Rep. HASAY

An Act amending the act of December 14, 1967 (P.L.746, No.345), entitled Savings Association Code of 1967, adding or amending certain definitions; providing for conversion to federally insured status; further providing for refund of capital deposits, for alternate conversion procedures, for dissolution of associations, for appointment of directors and for the dissolution of the Pennsylvania Savings Association Insurance Corporation; and making repeals.

COMMERCE AND ECONOMIC DEVELOPMENT.

**BILLS REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, I move that SB 95 and SB 10 be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**BILLS RECOMMITTED**

The SPEAKER. The Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, I move that SB 10 and SB 95 be recommitted to Appropriations.

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

### BILLS PASSED OVER

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

### ADJOURNMENT

The SPEAKER. Is there any further business?

Mr. Perzel, Mr. DeWeese, further business? Further announcements? Corrections of the record?

Hearing none, the Chair recognizes the gentleman from Cambria, Mr. Wojnaroski.

Mr. WOJNAROSKI. Mr. Speaker, I move that this House do now adjourn until Tuesday, October 21, 1997, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 4:02 p.m., e.d.t., the House adjourned.