

# Legislative Journal

TUESDAY, MAY 23, 1978

Session of 1978

162nd of the General Assembly

Vol. 1, No. 22

## HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

### PRAYER

Rev. Dr. DAVID R. HOOVER, chaplain of the House of Representatives and pastor of St. Paul's Lutheran Church, McConellsburg, Pennsylvania, offered the following prayer:

O Lord, our Lord, how excellent is Thy name in all the earth. Thou dost grant us grace to acknowledge Thee as the Lord of all life and the Father of all mankind. Thou dost challenge us to honor and respect Thy name, and in joyful obedience to serve Thee with pure hearts and minds. Heavenly Father, we humbly pray that Thou wilt extend Thy blessing to these servants of Thine, and fill them with the abundance of Thy love, the constancy of Thy presence, and the blessedness of Thy peace, so that they may remain steadfast in the faith and evermore be defended against all adversities, who liveth and reigneth, one God, world without end. Amen.

### MASTER ROLL CALL RECORDED

The SPEAKER. The Speaker is about to take the master roll for today. All members are urged to report promptly to the floor of the House.

The following roll call was recorded:

#### YEAS—197

Abraham	Gamble	Manderino	Scanlon
Anderson	Garzia	Manmiller	Scheaffer
Armstrong	Gatski	McCall	Schmitt
Arthurs	Geesey	McClatchy	Schweder
Barber	Geisler	McGinnis	Scirica
Bellomini	George, C.	McIntyre	Seltzer
Beloff	George, M.	McLane	Shuman
Bennett	Giammarco	Mebus	Shupnik
Berlin	Gillette	Meuskey	Siriani
Berson	Goebel	Milanovich	Smith, E.
Bittinger	Goodman	Miller	Smith, L.
Bittle	Gray	Milliron	Spencer
Borski	Greenfield	Miscevich	Spitz
Brandt	Greenleaf	Moehmann	Stairs
Brown	Grieco	Morris	Stapleton
Brunner	Halverson	Mowery	Stewart
Burd	Hamilton	Mrkonic	Stuban
Burns	Harper	Mullen, M. P.	Sweet
Caltagirone	Hasay	Musto	Taddonio
Caputo	Haskell	Novak	Taylor, E.
Cassidy	Hayes, D. S.	Noye	Taylor, F.
Cesar	Hayes, S. E.	O'Brien, B.	Tenaglio
Cianciulli	Helfrick	O'Brien, D.	Thomas
Cimini	Hoeffel	O'Connell	Trello

Cohen	Horaman	O'Donnell	Valicenti
Cole	Hutchinson, A.	O'Keefe	Vroon
Cowell	Hutchinson, W.	Oliver	Wagner
Davies	Itkin	Pancoast	Wansacz
DeMedio	Johnson	Parker	Wargo
DeVerter	Jones	Peterson	Wass
DeWeese	Katz	Petrarca	Weidner
DiCario	Kelly	Piccola	Wenger
Dietz	Kernick	Pievsky	White
Dininni	Klingaman	Pitts	Williams
Dombrowski	Knepper	Polite	Wilson
Donatucci	Kolter	Pott	Wilt
Dorr	Kowalshyn	Pratt	Wise
Doyle	Kukovich	Prendergast	Wright, D.
Duffy	Lashingier	Pyles	Wright, J. L.
Englehart	Laughlin	Rappaport	Yahner
Fee	Lehr	Ravenstahl	Yohn
Fischer, R. R.	Letterman	Reed	Zearfoss
Fisher, D. Y.	Levi	Renwick	Zeller
Flaherty	Levin	Rhodes	Zitterman
Foster, A.	Lincoln	Richardson	Zord
Foster, W.	Livengood	Rieger	Zwilk
Freind	Logue	Ritter	
Fryer	Lynch	Ruggiero	Irvis,
Gallagher	Mackowski	Ryan	Speaker
Gallen	Madigan	Salvatore	

NAYS—0

NOT VOTING—4

Dumas Gleeson Shelton Wiggins

The SPEAKER. One hundred ninety-seven members having indicated their presence, a master roll is established.

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, May 22, 1978, will be postponed until printed.

### HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

**No. 2466** By Mr. MORRIS, Mrs. TAYLOR, Messrs. VROON and PITTS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, including a fetus in the definition of human being for purposes of criminal homicide.

Referred to Committee on Judiciary.

**No. 2467** By Mr. J. L. WRIGHT

An Act Amending the "Wage Payment and Collection Law," approved July 14, 1961 (P. L. 637, No. 329), further providing for employe rights and notification as to certain information.

Referred to Committee on Labor Relations.

**No. 2468** By Mr. J. L. WRIGHT

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), providing for pharmaceutical assistance for the aged.

Referred to Committee on Health and Welfare.

**No. 2469** By Mr. GARZIA

An Act providing for the regulation of natural or man-made caverns which are used for the storage of crude oil or its derivatives, \*\*\*, providing for the regulation of the construction of such facilities by the Department of Environmental Resources, requiring the posting of a bond and providing penalties.

Referred to Committee on Mines and Energy Management.

**LEAVES OF ABSENCE GRANTED**

The SPEAKER. The Chair recognizes the majority whip.

Mr. GREENFIELD. Mr. Speaker, I request leaves of absence for Messrs. PRENDERGAST and RAPPAPORT for today's session.

The SPEAKER. The Chair recognizes the minority caucus chairman, Mr. Hayes, on leaves of absence.

Mr. S. E. HAYES. Mr. Speaker, I have no requests for leaves.

The SPEAKER. Without objection, leaves are granted.

**REMARKS ON VOTE**

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson. For what purpose does the gentleman rise?

Mr. RICHARDSON. Mr. Speaker, yesterday on Conference Committee Report on HB 2246, I was recorded in the affirmative, and for several reasons I would like to be recorded in the negative. After reading the legislation over, I found that there was a portion of the bill concerning abortion that we thought had been excluded from the bill but was not, and I think that women still should have the right of freedom of choice. I, therefore, Mr. Speaker, would like to be recorded in the negative.

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

**ANNOUNCEMENTS****APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. Announcements of committee meetings: The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky.

Mr. PIEVSKY. Mr. Speaker, there will be an Appropriations Committee meeting immediately upon the call of the recess in the Appropriations Committee room.

The SPEAKER. Appropriations Committee meeting in the Appropriations Committee room immediately on the call of the recess.

**URBAN AFFAIRS COMMITTEE MEETING**

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

Mr. CAPUTO. Mr. Speaker, there will be a meeting of the Urban Affairs Committee immediately upon the call of the recess, in the back of the House.

The SPEAKER. A meeting of the Urban Affairs Committee immediately on the declaration of the recess at the rear of the hall of the House.

**STATE GOVERNMENT COMMITTEE MEETING**

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

Mr. GEISLER. Mr. Speaker, there will be a meeting of the State Government Committee upon the call of the recess in room 152, the State Government Committee office.

The SPEAKER. State Government Committee in room 152 immediately on the declaration of the recess.

**LOCAL GOVERNMENT COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Fryer.

Mr. FRYER. Mr. Speaker, there will be a meeting of the Local Government Committee tomorrow at 10 o'clock in the House minority caucus room.

The SPEAKER. Tomorrow, at 10 o'clock, a Local Government Committee meeting in the caucus room.

**FINANCE COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman, from Washington, Mr. Brunner.

Mr. BRUNNER. I wish to announce a meeting of the Finance Committee immediately on the declaration of the recess, and the purpose of the meeting is to discuss SB 74, which creates a department on the aging. That meeting will take place in the Finance Committee committee room immediately following the recess.

**BUSINESS AND COMMERCE COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Bennett. For what purpose does the gentleman rise?

Mr. BENNETT. Mr. Speaker, for the information of the members of the Business and Commerce Committee, there was a meeting scheduled for Thursday about which they had received a notice. I am hereby announcing that the meeting will be scheduled for tomorrow, Wednesday, at 10:30 a.m., in room 401, with the agenda in total, as it was announced for Thursday, with additions thereto. The meeting will be tomorrow morning at 10:30 a.m., in room 401.

**EDUCATION COMMITTEE MEETING**

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

Mr. GALLAGHER. Mr. Speaker, there will be a meeting of

the Education Committee in room 252, at 10 a.m. tomorrow morning.

**CONSUMER AFFAIRS COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. C. L. Schmitt.

Mr. SCHMITT. Mr. Speaker, the Consumer Affairs Committee meeting, which has been postponed because of what has transpired in the last couple of days, will be called today one-half hour after adjournment, in room 401.

**FINANCE COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Garzia.

Mr. GARZIA. Mr. Speaker, the Finance Committee will meet in the rear of the House at the recess.

The SPEAKER. The Chair thanks the gentleman for the correction.

Extracts from the Journal of the Senate, which the clerk will read.

Will the members please pay attention. This is an extract on the declaration of an adjournment. We are having passed out to you now—or there should be passed out to you at this moment—a schedule for this week and next week and into Wednesday, June 7. Some members have been asking about the schedule, and we, for various reasons, have not been able to answer your questions until just now. But this is the adjournment motion from the Senate. The clerk will read the extracts.

**SENATE MESSAGE**

**ADJOURNMENT RESOLUTION FOR CONCURRENCE**

The Senate presented the following resolution for concurrence:

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, May 30, 1978 and when the House of Representatives adjourns this week it reconvene on Wednesday, May 31, 1978.

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

On the question,

Will the House concur in the resolution of the Senate?

The following roll call was recorded:

**YEAS—181**

Abraham	Gallen	Lynch	Ruggiero
Anderson	Gamble	Mackowski	Ryan
Armstrong	Garzia	Madigan	Salvatore
Arthurs	Gatski	Manderino	Scanlon
Bellomini	Geisler	Manmiller	Scheaffer
Beloff	George, C.	McCall	Schmitt
Bennett	George, M.	McClatchy	Schweder
Berson	Giammarco	McGinnis	Scirica
Bittinger	Gillette	McIntyre	Seltzer
Bittle	Goebel	McLane	Shuman
Borski	Goodman	Mebus	Shupnik
Brandt	Gray	Meluskey	Smith, E.
Brown	Greenfield	Milanovich	Smith, L.

Brunner	Greenleaf	Miller	Spitz
Burd	Grieco	Milliron	Stairs
Burns	Halverson	Miscevich	Stapleton
Caltagirone	Hamilton	Moehlmann	Stewart
Caputo	Harper	Morris	Stuban
Cassidy	Hasay	Mowery	Sweet
Cessar	Haskell	Mrkonic	Taddonio
Cianciulli	Hayes, D. S.	Mullen, M. P.	Taylor, F.
Cimini	Hayes, S. E.	Musto	Tenaglio
Cohen	Helfrick	Novak	Thomas
Cole	Hoeffel	Noye	Trello
Cowell	Honaman	O'Brien, B.	Valicenti
Davies	Hutchinson, A.	O'Brien, D.	Vroon
DeMedio	Hutchinson, W.	O'Connell	Wagner
DeVertter	Itkin	O'Donnell	Wansacz
DeWeese	Johnson	Oliver	Wargo
DiCarlo	Jones	Pancoast	Wass
Dietz	Katz	Parker	Weidner
Dininni	Kelly	Peterson	Wenger
Dombrowski	Kernick	Petrarca	White
Donatucci	Klingaman	Piccola	Wilson
Doyle	Kolter	Pievsky	Wilt
Duffy	Kowalyszyn	Pitts	Wise
Englehart	Lashinger	Polite	Wright, D.
Fee	Laughlin	Pott	Yahner
Fischer, R. R.	Lehr	Pyles	Yohn
Fisher, D. M.	Letterman	Ravenstahl	Zearfoss
Flaherty	Levi	Reed	Zeller
Foster, A.	Levin	Renwick	Zitterman
Foster, W.	Lincoln	Richardson	Zord
Freind	Livengood	Rieger	Zwinkl
Fryer	Logue	Ritter	
Gallagher			Irvis, Speaker

**NAYS—6**

Geesey	Kukovich	Taylor, E.	Wright, J. L.
Knepper	O'Keefe		

**NOT VOTING—14**

Barber	Gleeson	Rhodes	Spencer
Berlin	Pratt	Shelton	Wiggins
Dorr	Prendergast	Sirianni	Williams
Dumas	Rappaport		

The question was determined in the affirmative and the resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

**QUESTION OF INFORMATION**

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Mebus. For what purpose does the gentleman rise?

Mr. MEBUS. May I ask a question of the Chair? What does next week look like? We are coming in Wednesday. How many days next week?

The SPEAKER. The gentleman, Mr. Mebus, asked a question which the Chair will endeavor to answer now, though the Chair had intended to take this up at a slightly later time.

Monday, May 29, being a holiday, we shall not be in session. Tuesday, May 30, we shall not be in session, but it is the Chair's request that all committees which have bills which ought to be reported by June 5, remember, June 5 is a deadline for the reporting out of House bills from the committees. So all committees which have bills which ought to be reported by June 5 ought to schedule meetings no later than Tuesday, May 30. That is a non-session day, and those meetings can be scheduled.

Wednesday and Thursday, May 31 and June 1, will be token sessions only. The Speaker will be here, and those of you who are in Harrisburg are, of course, invited to be here, but there will be no master roll taken and there will be no business transacted except the acceptance of the reports of committees and the moving up of certain bills on the calendar. The Chair expects that a deficiency appropriation to take care of the expenditures of the welfare recipients for the month of June will by that time have passed the Senate and will be on the calendar of the House, and it will be necessary for us to have token sessions to move that bill and, hopefully, SB 74 forward on the calendar of the House. It will not be necessary for the members to actually be here because no votes will be taken.

The same will be true on Thursday, June 1, as on May 31, Wednesday. Friday, June 2, there will be no session, but any committee chairman who still has bills which he feels should be reported out by the deadline should schedule his meetings on that Friday, which is a non-session day.

Monday, June 5, which is the last day to report House bills out of committee, is a session day. On that day the Chair anticipates calling up for a vote SB 74, creating the department on aging, and the deficiency appropriation for the Welfare Department. We shall be in session Tuesday, June 6, and Wednesday, June 7.

The majority leader has pointed out that there may be some misconception on the part of committee chairmen. The Chair does not mean to imply nor should it be taken that June 5 is the last day for any reporting of any bills for the rest of the session. That is not so. We are not asking you to dump on the calendar every bill in your committee because you will have no other opportunity to place the bill on the calendar. The bills which should be reported out are bills where time is of the essence or which are of such importance that they ought to be passed or must be passed before the summer recess.

We shall be back in session following the summer recess, and there will be time for other bills to be introduced, processed, placed on the calendar, and voted on. The Chair does not wish to imply that you must have all the bills for the rest of the year reported out by June 5.

#### QUESTION OF INFORMATION

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. White. For what purpose does the gentleman rise?

Mr. WHITE. I rise to a question of information.

The SPEAKER. The gentleman will state it.

Mr. WHITE. Mr. Speaker, in listening to your review of the schedule for the week of June 5, you mentioned a number of important matters that we will be discussing. One that I did not hear or may have missed was one concerning the \$14-million override that we are due to be discussing, and I would like to know approximately when we can expect to be dealing with that issue.

The SPEAKER. During the week of June 5, which will be a full voting week, the Chair does not mean, again, to imply that only those two matters will be considered which the Chair men-

tioned. All other matters which the members wish to bring up may be brought up on that date during that full voting week, and there will, of course, be other matters to be brought up. But those are two very important ones, but they are not exclusively the business of the House for that week.

Are there further questions on the schedule?

#### CALENDAR BILLS ON SECOND CONSIDERATION

The House considered for the second time and agreed to the following bills, which were then ordered transcribed for third consideration:

HB 122, PN 2497; HB 123, PN 2498; HB 663, PN 2672; HB 1126, PN 1332; HB 1648, PN 1986; HB 2045, PN 2566; HB 51, PN 3158; HB 1778, PN 2686; HB 104, PN 3159; HB 810, PN 2678; SB 769, PN 817; SB 902, PN 980; HB 80, PN 342; HB 2097, PN 2647; HB 387, PN 425; and HB 210, PN 2680.

The SPEAKER. Incidentally, when the Speaker says mark bills for caucus, we are not saying necessarily that today will they be caucused on. We are going to limit our caucuses today, I am informed by the majority and minority leaders, to third consideration bills. But the bills which I have been reading to you have not been caucused on and should be so marked on your calendars so that you know that they must be caucused on before we take them up. We will not, however, be taking up those bills obviously today, because they have just been moved to third consideration and we could not vote on them today anyway.

#### CALENDAR BILLS ON SECOND CONSIDERATION CONTINUED

The House considered for the second time and agreed to the following bills, which were then ordered transcribed for third consideration:

HB 956, PN 1105; HB 1837, PN 2242; HB 1780, PN 2161; HB 1937, PN 2387; HB 1833, PN 3162; HB 1862, PN 2517; HB 2200, PN 2807; and HB 2302, PN 3083.

#### BILLS PASSED OVER

The SPEAKER. We are on page 10, HB 1899. The Chair has a hold on this from the gentleman, Mr. Renwick, until after the primary. Is the gentleman's hold removed?

The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Mr. Speaker, maybe the majority leader would come to the microphone. He and I worked on the calendar. I am not sure those first two bills are to be over today. He thought maybe we could vote those bills. I wonder if he would come to the microphone and help with the marking of this calendar.

The SPEAKER. Will the gentleman, Mr. Manderino, step to the microphone?

The gentleman, Mr. Hayes, indicates that there is a possibility of voting. We are on page 10. He said there is a possibility of voting HB 2269 and HB 457.

The Speaker had them marked as over for today because one

of them had failed one time and there had been no change in the marking on the second.

Mr. MANDERINO. I think the Speaker's markings are correct.

The SPEAKER. What about HB 1899?

All right. The gentleman, Mr. Renwick, indicates that he wants to keep the hold on HB 1899, so that bill will go over for today. So all three bills on page 10 are over.

#### CONDOLENCE RESOLUTION FOR REPRESENTATIVE HOPKINS, DECEASED

The SPEAKER. The Chair is about to have read a condolence resolution on the death of Forest Hopkins. The members will please take their seats and will be silent. This is a condolence resolution on the death of Representative Hopkins.

The clerk will read the following resolution:

House of Representatives  
HARRISBURG, PA.  
OFFICE OF THE CHIEF CLERK  
RESOLUTION

WHEREAS, Forest W. Hopkins, a member of this House passed away April 26, 1978; and

WHEREAS, Forest W. Hopkins, educated at Ohio University and Princeton University attained the rank of Lieutenant in the United States Navy. He was first elected to the State House in 1966 and had been re-elected every two years since. Prior to his election Mr. Hopkins was publisher of the North East Breeze, the Chautalequa News, the Sherman Advance and the Fredonia Censor. He participated in a State department study mission to Russia in 1956, and to the European Common Market in 1958, a State department tour of India in 1963, and an American Press trip to Russia in 1967. Mr. Hopkins was active in numerous organizations including founder and president of the North East Exchange Club, Boy Scouts of America, Salvation Army, Chamber of Commerce, United Fund, and TB Association; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania pauses in its deliberations to mourn the passing of Honorable Forest W. Hopkins, an outstanding good and dear friend who always put people before politics and a great credit to Erie County, extends its heartfelt condolences to his children; and be it further

RESOLVED, That a copy of this resolution be delivered to his daughter, Mrs. JoAnne Nuckles, 50 West Main Street, North East, Pennsylvania 16428.

We hereby certify that this is an exact copy of a resolution introduced in the House of Representatives by the Honorable David S. Hayes, and adopted by the House of Representatives on the eleventh day of May 1978.

K. LEROY IRVIS,  
Speaker

ATTEST:  
VINCENT F. SCARCELLI,  
Chief Clerk

(Members stood in silence.)

#### SUBCOMMITTEE ON COURTS MEETING

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Doyle. For what purpose does the gentleman rise?

Mr. DOYLE. Mr. Speaker, I would like to announce a subcommittee meeting, very brief but very important, of the Judiciary,

Subcommittee on Courts immediately upon the declaration of the recess, in room 115A.

#### BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Is the majority leader ready after the declaration of the recess?

Mr. MANDERINO. Mr. Speaker, prior to the declaration of the recess, I would like to make a report from the Rules Committee.

The Rules Committee has instructed me to make a motion to remove the following bills from the table and place them on the active calendar. There is a list of bills here which I will hand to the clerk. Mr. Speaker, I so move that the following list of bills which I will hand to the clerk be removed from the table to the active calendar:

House Bill 472, House Bill 497, House Bill 898, House Bill 904, House Bill 1243, House Bill 1291, House Bill 1292, House Bill 1305, House Bill 1589, House Bill 1661, House Bill 1666 and House Bill 1698.

House Bill 2180 and House Bill 2301.

Senate Bill 189, Senate Bill 190, Senate Bill 192, Senate Bill 193, Senate Bill 197, Senate Bill 252, Senate Bill 253, Senate Bill 647, Senate Bill 648, Senate Bill 704, Senate Bill 736, Senate Bill 1042, Senate Bill 1180, Senate Bill 1212, Senate Bill 1319 and Senate Bill 1320.

House Bill 1767, House Bill 1836, House Bill 1913, House Bill 1980, House Bill 2069, House Bill 2091, House Bill 2092, House Bill 2099, House Bill 2142, House Bill 2149, House Bill 2160 and House Bill 2177.

On the question,

Will the House agree to the motion?

Motion was agreed.

#### BILLS REMOVED FROM TABLE AND REREFERRED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. The Rules Committee has instructed me further to remove the following bills from the table for rereference to the Appropriations Committee, and I so move:

House Bill 93, House Bill 95, House Bill 1487, House Bill 1727, House Bill 1773, House Bill 1846, House Bill 1892, House Bill 1989, House Bill 2029, House Bill 2037, House Bill 2178 and House Bill 2337.

Senate Bill 1222.

On the question,

Will the House agree to the motion?

Motion was agreed to.

#### RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I now move for a suspension of the rules to permit the addition and deletion of sponsors on the following bills.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—186**

Abraham	Gallen	Logue	Salvatore
Anderson	Gamble	Lynch	Scanlon
Armstrong	Garzia	Mackowski	Scheaffer
Arthurs	Gatski	Madigan	Schmitt
Barber	Geesey	Manderino	Schweder
Bellomini	Geisler	Manmiller	Scirica
Beloff	George, C.	McCall	Seltzer
Bennett	George, M.	McClatchy	Shuman
Berlin	Giammarco	McGinnis	Shupnik
Bittinger	Gillette	McIntyre	Sirianni
Bittle	Goebel	McLane	Smith, E.
Borski	Goodman	Mebus	Smith, L.
Brandt	Gray	Meluskey	Spencer
Brown	Greenfield	Milanovich	Stairs
Brunner	Greenleaf	Miller	Stapleton
Burd	Grieco	Milliron	Stewart
Burns	Halverson	Miscevich	Stuban
Caltagirone	Hamilton	Moehlmann	Sweet
Cassidy	Harper	Morris	Taddonio
Cessar	Hasay	Mowery	Taylor, E.
Cianciulli	Haskell	Mrkoncic	Taylor, F.
Cimini	Hayes, D. S.	Mullen, M. P.	Tenaglio
Cohen	Hayes, S. E.	Musto	Thomas
Cole	Helfrick	Novak	Trello
Cowell	Hoeffel	Noye	Valicenti
Davies	Honaman	O'Brien, D.	Vroon
DeMedio	Hutchinson, A.	O'Connell	Wagner
DeVerter	Hutchinson, W.	O'Donnell	Wansacz
DeWeese	Itkin	O'Keefe	Wargo
DiCarlo	Johnson	Oliver	Wass
Dietz	Jones	Pancoast	Weidner
Dininni	Katz	Parker	Wenger
Dombrowski	Kelly	Peterson	White
Dorr	Kernick	Petrarca	Williams
Doyle	Klingaman	Piccola	Wilson
Duffy	Knepper	Pitts	Wilt
Dumas	Kolter	Polite	Wise
Englehart	Kowalyshyn	Pott	Wright, D.
Fee	Kukovich	Pyles	Wright, J. L.
Fischer, R. R.	Lashingier	Ravenstahl	Yahner
Fisher, D. M.	Laughlin	Reed	Yohn
Flaherty	Lehr	Renwick	Zeller
Foster, A.	Letterman	Richardson	Zitterman
Foster, W.	Levi	Rieger	Zwilk
Freind	Levin	Ritter	
Fryer	Lincoln	Ruggiero	
Gallagher	Livengood	Rvan	Irvis, Speaker

**NAYS—2**

Spitz	Zearfoss
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**NOT VOTING—13**

Berson	O'Brien, B.	Prendergast	Shelton
Caputo	Pievsky	Rappaport	Wiggins
Donatucci	Pratt	Rhodes	Zord
Gleeson			

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

**SPONSORS ADDED AND DELETED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the following names on a list submitted to the clerk be added or deleted to the appropriate bills as listed:

Additions:

HB 1360, Emil Mrkoncic #191; HB 1643, Emil Mrkoncic #191; HB 2042, David Sweet #52 and Lester Fryer #77 and HB 2447, Ralph Pratt #23.

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

**FINANCE COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Brunner.

Mr. BRUNNER. Mr. Speaker, immediately upon the call of the recess, the House Finance Committee will meet in the room to the rear of the House.

**DEMOCRATIC CAUCUS**

The SPEAKER. Does the majority leader have any further business before the declaration of the recess? What is the majority leader's wishes as to the length of the recess?

Mr. MANDERINO. Mr. Speaker, if all members will proceed immediately to the caucus room, I think we will be able to dispose of the caucus on the bills on third consideration and those bills on concurrence in Senate amendments within the period of 1 hour. The chairman of the Republican caucus has indicated that that will be sufficient time, and I am sure that we can do that also. So I would ask for a recess for a period of 1 hour and ask all members of the Democratic caucus to report immediately to the caucus room.

**RECESS**

The SPEAKER. This House now stands in recess until 3 p.m., for the purposes of a Republican and a Democratic caucus. All members are urged to promptly report to the caucus chambers. The House stands in recess until 3 p.m.

**AFTER RECESS**

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

**BILLS REPORTED FROM COMMITTEES AND TABLED**

**HB 829, PN 933**

By Mr. CAPUTO

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), changing the superannuation retirement age and years of service for prison guards and matrons at jails, workhouses and prisons.

Urban Affairs.

**HB 2124, PN 2704**

By Mr. CAPUTO

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), further providing for the filling of vacancies in the offices of assistant superintendent of police and inspector of police.

Urban Affairs.

**HB 2454, PN 3188**

By Mr. PIEVSKY

An Act appropriating certain Federal augmentation moneys to the Pennsylvania State Police for two fiscal years to implement Operation CARE.

Appropriations.

**HB 2460, PN 3194**

By Mr. CAPUTO

An Act amending the act of May 12, 1943 (P. L. 259, No. 120), entitled, as amended, "An act providing for the payment by the State Treasurer, of the amount of the tax on premiums paid by foreign casualty insurance companies,\*\*\*, for certain purposes," providing for payments into the Sheriff and Deputy Sheriffs Association in counties of the second class, and making editorial corrections.

Urban Affairs.

**SB 7, PN 509**

By Mr. GEISLER

An Act authorizing and directing the Department of General Services with the approval of the Department of Environmental Resources and the Governor to convey to the Plymouth Fire Company No 1 of the Township of Plymouth 1.126 acres of land more or less situate in Plymouth Township Montgomery County Pennsylvania.

State Government.

**BILLS REREPORTED FROM COMMITTEES**

**HB 668, PN 3208 (Amended)**

By Mr. PIEVSKY

An Act establishing the Pennsylvania Life and Health Insurance Guaranty Association;\*\*\*and conferring powers and imposing duties upon the Insurance Commissioner, the Pennsylvania Life and Health Insurance Guaranty Association and certain insurers.

Rereported from Committee on Appropriations.

**HB 1249, PN 1472**

By Mr. PIEVSKY

An Act imposing powers and duties on the Pennsylvania Historical and Museum Commission with respect to historical preservation; establishing the Historic Preservation Board and prescribing its powers and duties; providing for archeological field investigations on public land; requiring notice before certain property can be transferred; providing for inter-agency cooperation and providing penalties.

Rereported from Committee on Appropriations.

**HB 1611, PN 2553**

By Mr. PIEVSKY

An Act relating to the preservation of consumer claims and defenses, and prescribing remedies and penalties.

Rereported from Committee on Appropriations.

**HB 1652, PN 1989**

By Mr. PIEVSKY

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), further prohibiting the sale by any person of any license for a fee in excess of the fee established by law; providing penalties for violations of license fee requirements;\*\*\*

Rereported from Committee on Appropriations.

**HB 1667, PN 2008**

By Mr. PIEVSKY

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), rendering certain foreign non-profit corporations liable for the capital stock franchise tax.

Rereported from Committee on Appropriations.

**HB 1702, PN 2577**

By Mr. PIEVSKY

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), adding members of the public at large to certain licensing boards, including the State Board of Psychologist Examiners, the State Board of Public Accountants and the State Board of Landscape Architects' within the act, making editorial changes, further providing for the powers and duties of the Bureau of Professional and Occupational Affairs and the Bureau of Consumer Protection and making repeals.

Rereported from Committee on Appropriations.

**SB 586, PN 1727**

By Mr. PIEVSKY

An Act amending the act of July 20, 1974 (P. L. 551, No. 190), entitled "Medical Practice Act of 1974" further regulating the practice of medicine and surgery imposing certain duties and providing penalties.

Rereported from Committee on Appropriations.

**SB 665, PN 707**

By Mr. PIEVSKY

An Act amending the act of July 14, 1970 (P. L. 485, No. 165), entitled "An act removing for a limited time the statutory limits imposed upon interest rates and interest costs to be paid on obligations issued by State and local governments authorities agencies and instrumentalities" changing the time limit.

Rereported from Committee on Appropriations.

**SB 1004, PN 1159**

By Mr. PIEVSKY

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled as amended "Second Class County Code" changing provisions relating to appropriations to county historical societies. (Messrs. Schaefer and Lewis)

Rereported from Committee on Appropriations.

**CALENDAR**

**SENATE MESSAGE**

**AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED**

The Senate returned the following **HOUSE BILL NO. 1190**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

**SENATE AMENDED**

Prior Printer's Nos. 1408, 2082 Printer's No. 3014

**THE GENERAL ASSEMBLY OF PENNSYLVANIA**

House Bill No. 1190

Session of 1977

INTRODUCED BY MESSRS. DeMEDIO, FISCHER, LOGUE, SHUMAN, CIMINI, D. M. O'BRIEN, MANMILLER, NOVAK, ABRAHAM, MISCEVICH, TRELLO, M. M. MULLEN, MRKONIC, CASSIDY, COLE, ARMSTONG, DIETZ, LEVI, PYLES, SPITZ, TENAGLIO, ZELLER AND ZITTMAN, JUNE 1, 1977.

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, APRIL 11, 1978.

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by

the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," raising the number of members appointed to the State Veterans' Commission and changing the quorum requirement.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Clause (b) of section 448, act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," amended March 20, 1956 (P. L. 1310, No. 414), is amended to read:

Section 448. Advisory Boards and Commissions.—The advisory boards and commissions, within the several administrative departments, shall be constituted as follows:

(b) The State Veterans' Commission shall consist of the Adjutant General, ex officio, and [nine] ~~thirteen~~ FOURTEEN members, all of whom shall have served in the armed forces of the United States while a state of war or armed conflict existed between the United States of America and another sovereign power, and shall be members in good and regular standing of a Pennsylvania branch, post, lodge, or club, of a recognized national veterans' organization active in this Commonwealth.

The Governor, upon recommendation of the Adjutant General, shall declare a vacancy to exist whenever any member shall fail to attend three consecutive meetings, and shall fill the vacancy for the unexpired term.

Three members of the [nine] ~~thirteen~~ FOURTEEN shall be considered members-at-large and shall be approved by the Governor and appointed for terms of four years.

[Five] ~~Seven~~ EIGHT members of the commission shall constitute a quorum.

The commission shall select from its number a chairman and a secretary.

Section 2. This act shall take effect in 60 days.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. DeMedio.

Mr. DeMEDIO. Mr. Speaker, this bill allows any nationally chartered veterans organization, which has been chartered prior to January 1, 1975 and which would currently have 100 members or more, to be exempt form the liquor quota system so that they might get a liquor license.

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

Mr. VROON. Mr. Speaker, I hate to say this, but there was so much noise going on here that I did not even hear the number of the bill being considered.

Will you please enlighten us?

The SPEAKER. Will the gentleman yield?

We are on page 14, HB 1190, PN 3014, on concurrence in

Senate amendments. Does the gentleman, Mr. Vroon, request a repetition of the explanation?

Mr. VROON. Yes, sir, please.

The SPEAKER. Will the gentleman, Mr. DeMedio, give the brief explanation?

Mr. DeMEDIO. I am sorry, I gave you the explanation for the other veterans bill that I am interested in that is also on the calendar. I am sorry, Mr. Speaker. I thought we were talking about HB 1579.

HB 1190, the Senate merely amended the bill to allow, instead of 13 members to the State Veterans Commission, 14 members, adding one member from the blind veterans group.

I recommend that the House do concur in the Senate amendments, Mr. Speaker.

The SPEAKER. It is moved by the gentleman, Mr. DeMedio, that the House do concur in amendments inserted by the Senate to HB 1190, PN 3014.

On the question recurring,

Will the House concur in Senate amendments?

Agreeable to the provisions of the Constitution, the following roll call was recorded:

YEAS—194

Abraham	Gallagher	Lynch	Scanlon
Anderson	Gallen	Mackowski	Scheaffer
Armstrong	Gamble	Madigan	Schmitt
Arthurs	Garzia	Manderino	Schweder
Barber	Gatski	Manmiller	Scirica
Bellomini	Geesey	McCall	Seltzer
Beloff	Geisler	McClatchy	Shuman
Bennett	George, C.	McGinnis	Shupnik
Berlin	George, M.	McIntyre	Sirianni
Berson	Giammarco	McLane	Smith, E.
Bittinger	Gillette	Mebus	Smith, L.
Bittle	Goebel	Meluskey	Spencer
Borski	Goodman	Milanovich	Spitz
Brandt	Gray	Miller	Stairs
Brown	Greenfield	Milliron	Stapleton
Brunner	Greenleaf	Miscevich	Stewart
Burd	Grieco	Moehlmann	Stuban
Burns	Halverson	Morris	Sweet
Caltagirone	Hamilton	Mowery	Taddonio
Caputo	Harper	Mrkonic	Taylor, E.
Cassidy	Hasay	Mullen, M. P.	Taylor, F.
Cessar	Haskell	Musto	Tenaglio
Cianciulli	Hayes, D. S.	Novak	Thomas
Cimini	Hayes, S. E.	Noye	Trello
Cohen	Helfrick	O'Brien, B.	Valicenti
Cole	Hoefel	O'Brien, D.	Vroon
Cowell	Honaman	O'Connell	Wagner
Davies	Hutchinson, A.	O'Donnell	Wansacz
DeMedio	Hutchinson, W.	O'Keefe	Wargo
DeVerter	Itkin	Oliver	Wass
DeWeese	Johnson	Pancoast	Weidner
DiCarlo	Jones	Parker	Wenger
Dietz	Katz	Peterson	White
Dininni	Kelly	Petrarca	Williams
Dombrowski	Kernick	Piccola	Wilson
Donatucci	Klingaman	Pievsky	Wilt
Dorr	Knepper	Pitts	Wise
Doyle	Kolter	Polite	Wright, D.
Duffy	Kowalyshyn	Pott	Wright, J. L.
Dumas	Kukovich	Pratt	Yahner
Englehart	Lashinger	Pyles	Yohn
Fee	Laughlin	Ravenstahl	Zearfoss
Fischer, R. R.	Lehr	Reed	Zeller



Fisher, D. M.	Letterman	Renwick	Zitterman
Flaherty	Levi	Richardson	Zord
Foster, A.	Levin	Rieger	Zwinkl
Foster, W.	Lincoln	Ritter	
Freind	Livengood	Ruggiero	Irvis,
Fryer	Logue	Ryan	Speaker

NAYS—0

NOT VOTING—7

Gleeson	Rappaport	Salvatore	Wiggins
Prendergast	Rhodes	Shelton	

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

Ordered, That the clerk inform the Senate accordingly.

### REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Salvatore.

Mr. SALVATORE. Mr. Speaker, I wish to be voted in the affirmative on concurrence in Senate amendments to HB 1190.

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

### SENATE MESSAGE

#### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HOUSE BILL NO. 1579**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

#### SENATE AMENDED

Prior Printer's Nos. 1900, 2374, 2383

Printer's No. 3016

#### THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1579

Session of 1977

INTRODUCED BY MR. CAPUTO, AUGUST 5, 1977.

SENATOR KELLEY, LAW AND JUSTICE, IN SENATE, AS AMENDED, APRIL 11, 1978.

#### An Act

amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," providing for one

half fee for permits to sell on Sunday when ninety days or less remain in the license year, further providing for special occasion permits, harmonizing language of existing amendments, exempting certain units of national veterans' organizations from licensing quota, prohibiting the licensure of establishments within three hundred feet of a ramp of an interstate limited access highway and authorizing the use of driver's licenses as a means of identification.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Subsection (a) of section 406, act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," reenacted and amended September 2, 1971 (P. L. 429, No. 103), and amended June 16, 1975 (P. L. 14, No. 5), is amended to read:

Section 406. Sales by Liquor Licensees; Restrictions.—(a) Every hotel, restaurant or club liquor licensee may sell liquor and malt or brewed beverages by the glass, open bottle or other container, and in any mixture, for consumption only in that part of the hotel or restaurant habitually used for the serving of food to guests or patrons, and in the case of hotels, to guests, and in the case of clubs, to members, in their private rooms in the hotel or club. No club licensee nor its officers, servants, agents or employes, other than one holding a catering license, shall sell any liquor or malt or brewed beverages to any person except a member of the club. In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act, liquor and malt or brewed beverages may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel. For the purpose of this paragraph, any person who is an active member of another club which is chartered by the same state or national organization shall have the same rights and privileges as members of the particular club.

Hotel and restaurant liquor licensees, airport restaurant liquor licensees and municipal golf course restaurant liquor licensees may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any day until two o'clock antemeridian of the following day, except Sunday, and except as hereinafter provided, may sell liquor and malt or brewed beverages on Sunday between the hours of twelve o'clock midnight and two o'clock antemeridian.

Hotel and restaurant liquor licensees, airport restaurant liquor licensees and municipal golf course restaurant liquor licensees whose sales of food and nonalcoholic beverages are equal to forty per centum or more of the combined gross sales of both food and alcoholic beverages may sell liquor and malt or brewed beverages on Sunday between the hours of one o'clock postmeridian and two o'clock antemeridian Monday upon purchase of a special annual permit from the board at a fee of two hundred dollars (\$200.00) per year, which shall be in addition to any other license fees: Provided, however, That the fee shall be one hundred dollars (\$100) when ninety (90) days or less remain in the license year.

Hotel and restaurant liquor licensees, airport restaurant liquor licensees and municipal golf course restaurant liquor licensees which do not qualify for and purchase such annual special permit, their servants, agents or employes may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any day and until two o'clock antemeridian of the following day, and shall not sell after two o'clock antemeridian on Sunday. No hotel, restaurant and public service liquor licensees shall sell liquor and malt or brewed beverages after two o'clock antemeridian on any day on which a general, municipal, special or primary election is being held until one hour after the time fixed by law for closing the polls, except, that, in the case of a special election for members of the General Assembly or members of the Congress of the United States, when such special election is held on other than a primary, municipal or general election day, licensees in those Legislative or Congressional Districts may make such sales, as though the day were not a special election day. No club licensee or its servants, agents or employes may sell liquor or malt or brewed beverages between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day. No public service liquor li-

licensee or its servants, agents, or employes may sell liquor or malt or brewed beverages between the hours of two o'clock antemeridian and seven o'clock antemeridian on any day.

Any hotel, restaurant, club or public service liquor licensee may, be given notice to the board, advance by one hour the hours herein prescribed as those during which liquor and malt or brewed beverages may be sold during such part of the year when daylight saving time is being observed generally in the municipality in which the place of business of such licensee is located. Any licensee who elects to operate his place of business in accordance with daylight saving time shall post a conspicuous notice in his place of business that he is operating in accordance with daylight saving time.

Notwithstanding any provisions to the contrary, whenever the thirty first day of December falls on a Sunday, every hotel or restaurant liquor licensee, their servants, agents or employes may sell liquor and malt or brewed beverages on any such day after one o'clock postmeridian and until two o'clock antemeridian of the following day.

\* \* \*  
Section 2. Section 408.4 of the act, amended July 9, 1976 (P. L. 978, No. 196), and October 7, 1976 (P. L. 1095, No. 220), is amended to read:

Section 408.4. Special Occasion Permits.—(a) Upon application of any hospital, church, synagogue, volunteer fire company, bona fide sportsmen's [clubs] club in existence for at least ten years, [or] local Bicentennial committee recognized by the American Revolution Bicentennial Administration and so designated prior to June 1, 1976 or any incorporated unit of a national veterans' organization having been in existence at least ten years and upon payment of a fee of fifteen dollars (\$15) per day, the board shall issue a special occasion permit good for a period of not more than three [consecutive] days during any twelve month period. The provisions of this subsection relating to the issuance of permits for Bicentennial units shall expire December 31, 1976.

(b) In any city, borough, incorporated town or township in which the sale of liquor and/or malt or brewed beverages has been approved by the electorate, such special occasion permit shall authorize the hospital, church, synagogue, volunteer fire company, bona fide sportsmen's [clubs] club in existence for at least ten years or local Bicentennial committee recognized by the American Revolution Bicentennial Administration and so designated prior to June 1, 1976 to sell liquor and/or malt or brewed beverages as the case may be to any adult person on any day for which the permit is issued. The provisions of this subsection relating to the issuance of permits for Bicentennial units shall expire December 31, 1976.

(c) Such special occasion permit shall only be valid for the number of days stated in the permit. The board may issue another permit to any permittee if due to adverse weather conditions the occasion for which the permit was issued was cancelled or postponed. Only one permit may be issued to any hospital, church, synagogue, volunteer fire company, including their auxiliaries or affiliates, bona fide sportsmen's [clubs] club in existence for at least ten years or local Bicentennial committee recognized by the American Revolution Bicentennial Administration and so designated prior to June 1, 1976 during the year. The provisions of this subsection relating to the issuance of permits for Bicentennial units shall expire December 31, 1976.

(d) Such permits shall only be issued for use at a special event including, but not limited to bazaars, picnics and clam-bakes. The special event must be one which is used by the hospital, church, synagogue, volunteer fire company, bona fide sportsmen's [clubs] club in existence for at least ten years or local Bicentennial committee recognized by the American Revolution Bicentennial Administration and so designated prior to June 1, 1976 as a means of raising funds for itself. The provisions of this subsection relating to the issuance of permits for Bicentennial units shall expire December 31, 1976.

(e) The provisions of this section shall not be applicable to

any licensee new or hereafter possessing a caterer's license, nor to any professional fund raiser.

(f) Any person selling liquor or malt or brewed beverages in violation of this section shall, upon summary conviction, be sentenced to pay a fine of two hundred fifty dollars (\$250) for the first offense and a fine of five hundred dollars (\$500) for each subsequent offense. This fine shall be in addition to any other penalty imposed by law for the illegal sale of malt or brewed beverages.

Section 3.1. Subsection (a) of section 461 of the act, ACT OF APRIL 12, 1951 (P. L. 90, No. 21), KNOWN AS THE "LIQUOR CODE," amended June 9, 1972 (P. L. 379, No. 108), is amended and the section is amended by adding a subsection to read:

Section 461. Limiting Number of Retail Licenses To Be Issued In Each Municipality.—(a) No licenses shall hereafter be granted by the board for the retail sale of malt or brewed beverages or the retail sale of liquor and malt or brewed beverages in excess of one of such licenses of any class for each two thousand inhabitants in any municipality, exclusive of licenses granted to airport restaurants, municipal golf courses, [and] hotels and incorporated units of national veterans' organizations, as defined in this section, and clubs; but at least one such license may be granted in each municipality and in each part of a municipality where such municipality is split so that each part thereof is separated by another municipality, except in municipalities where the electors have voted against the granting of any retail licenses. Nothing contained in this section shall be construed as denying the right to the board to renew or to transfer existing retail licenses of any class notwithstanding that the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed; but where such number exceeds the limitation prescribed by this section, no new license, except for hotels, municipal golf courses, [and] airport restaurants and incorporated units of national veterans' organizations, as defined in this section, shall be granted so long as said limitation is exceeded. Upon termination of operations of an incorporated unit of a national veterans' organization, their license shall revert to the board and may be reissued to a new veterans' organization of the same type.

\* \* \*  
(f) The term "national veterans' organization" shall mean any veterans' organization having a national charter.

The term "incorporated unit of a national veterans' organization" shall mean any incorporated post, branch, camp, detachment, lodge or other subordinate unit of a national veterans' organization having one hundred or more paid up members AS OF, and organized prior to, January 1, 1975.

Section 4. The act is amended by adding a section to read:

Section 475. Establishments Proximate to Interstate Highways Not to be Licensed.—(a) No license for the sale of liquor or malt or brewed beverages in any quantity shall be granted to the proprietor, lessee, keeper or manager of an establishment any part of which is located within three hundred feet of any part of a ramp of an interstate limited access highway.

(b) This section shall not apply to existing licenses, nor be deemed to affect the right of an existing licensee to reinstatement or renewal of his license.

Section 5. Section 495 of the act, amended August 21, 1961 (P. L. 1015, No. 456), and subsection (a) amended December 10, 1974 (P. L. 912, No. 301), is amended to read:

Section 495. Identification Cards; Licensees and State Liquor Store Employes Saved From Prosecution.—(a) The board shall issue, to any person who shall have attained the age of twenty-one years, an identification card bearing said person's date of birth, physical description, photograph, signature, and such other information, as the board by regulation may de-

termine, attesting to the age of the applicant, upon application therefor by said person, filed no earlier than fifteen days prior to attaining the age of twenty-one. Such cards shall be numbered and a record thereof maintained by the board for a period of five years. The board may, in its discretion, impose a charge for such cards in an amount to be determined by it, and it may, upon proof of loss of such identification card by and upon application of anyone to whom such card may have been issued, issue a duplicate thereof and impose a charge therefor in an amount as it may by regulation prescribe. The board shall have the power to make such regulations as it shall, from time to time, deem proper regarding the size, style and additional content of the identification card, the form and content of any application therefor, the type, style and quantity of proof required to verify the applicant's age, the procedure for receiving and processing such application, the distribution of said card, the charge to be imposed for any card more than one that it shall issue to the same applicant, and all other matters the board shall deem necessary or advisable for the purpose of carrying into effect the provisions of this section.

(b) Such identification card, as described in subsection (a), or a driver's license, which contains a color photograph, issued by the Department of Transportation of the Commonwealth of Pennsylvania pursuant to 75 Pa. C.S. § 1510(a) (relating to issuance and content of driver's license), to a person twenty-one years of age or over, shall be presented by the holder thereof upon request of any State Liquor Store or any licensee, or the servant, agent or employe thereof, for the purpose of aiding such store licensee or the servant, agent or employe to determine whether or not such person is twenty-one years of age and upwards, when such person desires alcoholic beverage at State Liquor Store or licensed establishment.

(c) In addition to the presentation of such identification card or driver's license, the agent of the State Liquor Store or the licensee or his servant, agent or employe, shall require the person whose age may be in question to fill in and sign a card in the following form:

..... 19  
 I, ....., hereby represent  
 to ....., a State Store or  
 licensee of the Pennsylvania Liquor Control Board, that I am of  
 full age and discretion and over the age of 21 years, having  
 been born on ..... 19..... at .....

This statement is made to induce said store or licensee above  
 named to sell or otherwise furnish alcoholic beverages to the  
 undersigned.

Serial Number of Identification Card: \_\_\_\_\_  
 Driver's License Number: \_\_\_\_\_

I understand that I am subject to a fine of \$300.00 and sixty days imprisonment for any misrepresentation herein.

..... (Name)  
 ..... (Address)

Witness:  
 Name \_\_\_\_\_  
 Address \_\_\_\_\_

Such statement shall be printed upon a 3 inch by 5 inch or 4 inch by 5 inch file card, which card shall be filed alphabetically by the State Liquor Store or licensee, at or before the close of business on the day of which said certificate is executed, in a file box containing a suitable alphabetical index, and which card shall be subject to examination by any officer, agent or employe of the Liquor Control Board at any and all times.

(d) It shall be unlawful for the owner of an identification card, as defined by this act, or a driver's license, as defined in 75 Pa. C.S. § 1510(a), to transfer said card or license to any other person for the purpose of aiding such person to secure alcoholic beverage. Any person who shall transfer such identification card or driver's license for the purpose of aiding such transferee to obtain alcoholic beverage shall be guilty of a mis-

demeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than three hundred dollars (\$300), or undergo imprisonment for not more than sixty (60) days. Any person not entitled thereto who shall have unlawfully procured or have issued or transferred to him, as aforesaid, such identification card or unlawfully procured or have transferred to him such driver's license or any person who shall make any false statement on any card required by subsection (c) hereof to be signed by him shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than three hundred dollars (\$300), or undergo imprisonment for not more than sixty (60) days.

(e) The signed statement in the possession of a licensee or an employe of a State Liquor Store may be offered as a defense in all civil and criminal prosecutions for serving a minor, and no penalty shall be imposed if the Liquor Control Board or the courts are satisfied that the licensee or State Liquor Store employe acted in good faith.

Section 6.2. The provisions of section 3 of this amendatory act relating to the exemption to the quota system for incorporated units of national veterans' organizations shall be effective only for a period of 12 months from the effective date of this act.

Section 7. 3. Except for section 5, this THIS act shall take effect in 60 days. Section 5 shall take effect July 1, 1978.

On the question,

Will the House concur in Senate amendments?

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

Mr. CAPUTO. I move that the House do concur in the amendments inserted by the Senate.

The SPEAKER. The gentleman will state what the amendments are briefly so that the members will know exactly what the amendments are in which they are voting.

Mr. CAPUTO. The amendments would permit certain veterans' organizations to apply within the next year for a liquor license which would be outside the quota provisions of the Liquor Code.

The SPEAKER. It has been moved by the gentleman from Allegheny County, Mr. Caputo, that the House do concur in the amendments inserted by the Senate to HB 1759, PN 3016.

On the motion, the Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, this bill, as we passed it, went over to the Senate with an entirely different content. The Senate gutted it completely and inserted this particular material which we tried to pass here before and did not pass; in other words, to extend licensing to nonprofit organizations which we, in another form, refused to pass. I do not think this is a very good way to pass that legislation. I do not approve of the Senate's gutting the content of our bill, so I am very much opposed to concurrence. I strongly urge all members to vote "no" on concurrence.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Foster.

Mr. A. C. FORSTER. Mr. Speaker, I likewise request non-concurrence on the bill because the content of the bill has been completely altered. I would hope that if the bill goes into conference committee, it could be put back more in its original form. I would ask for a negative vote.

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. DeMedio.

Mr. DeMEDIO. HB 1579 was amended in this body by including in it the very provision that now it comes back with. That vote was 137 for the bill and with 43 "nay" votes. So this bill does have in it the most important provision that HB 1579 had when it went over to the Senate.

Now this bill would permit any nationally chartered veterans' organization which prior to January, 1975, was chartered and had at least 100 members, this would permit the veterans' organization to have a liquor license within a period of 1 year, if it applies within that period.

I understand that as far as the Legion, there are roughly 100 veterans' legion posts throughout the Commonwealth that could avail themselves of this provision.

It would permit those who fought together to join an organization and have a club liquor license so that they could drink together. Not only that, it would raise revenue for the many civic projects that the veterans' organizations conduct in the various municipalities.

This would not only inure to the benefit of the veteran but to the communities in which these posts are situated and the Commonwealth as a whole. It is not unusual. We have made exceptions for hotels. We have made exceptions for country clubs. We have made many exceptions. I am asking that you veterans go along with all the veterans' organizations in this Commonwealth and concur in the amendments made by the Senate.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, when this bill left the House of Representatives this amendment was in there. This bill may very well have started out as a bill to put a photograph on the driver's license and use that for identification purposes, but this House, in its wisdom, inserted several amendments to the bill, one of which was the bill about exempting veterans' groups from the quota law for a period of 12 months. The Senate really did not gut the bill and destroy the intent of the bill; the Senate simply took out a lot of the amendments that this House put in, and, in its wisdom, left in the one dealing with veterans' organizations.

I think it is a good bill, Mr. Speaker. I think that the amendment which was approved by this House is back here now before us again, and I would ask for concurrence in the Senate amendments so that those veterans' organizations, which are not now eligible for a license because of the quota system, would become eligible. And that extension would last for only 12 months. If they do not apply in that 12-month period, then they are out.

So it is a good bill. It is not the Senate amendment. It really was our amendment, in the first place. So I ask for concurrence in the amendments by the Senate.

The SPEAKER. On the question, the Chair recognizes the gentleman from Lehigh, Mr. Zeller.

Mr. ZELLER. Mr. Speaker, I concur wholeheartedly with Representative Ritter and Representative DeMedio. When that

bill passed the House here, it had in the provisions exceptions. What the Senate did was to tighten it up in regard to the period of time; that is all. They just tightened it up. I think they made a better bill out of it so that it is not wide open.

So, therefore, whatever was said in regard to that, I wish that the members would not heed that remark as any scare tactic, because it was not changed over in the Senate; gutted it was not. So it was the same as when it left the House, except for tightening it up.

Well, let us roll it and let us vote for it. There are a lot of things we could say about it, and we have a lot to do, so let us vote the bill in.

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

Agreeable to the provisions of the Constitution, the following roll call was recorded:

YEAS—164

Abraham	Gallagher	Levin	Ritter
Anderson	Gallen	Lincoln	Ruggiero
Arthurs	Gamble	Livengood	Scanlon
Barber	Gatski	Logue	Scheaffer
Bellomini	Geesey	Mackowski	Schmitt
Beloff	Geisler	Madigan	Schweder
Bennett	George, C.	Manderino	Scirica
Berlin	George, M.	Manmiller	Shuman
Berson	Giammarco	McCall	Shupnik
Bittinger	Gillette	McClatchy	Sirianni
Bittle	Goebel	McGinnis	Stairs
Borski	Goodman	McIntyre	Stewart
Brandt	Gray	McLane	Stuban
Brown	Greenfield	Mebus	Sweet
Brunner	Greenleaf	Meluskey	Taddonio
Burd	Grieco	Milanovich	Taylor, F.
Burns	Halverson	Milliron	Tenaglio
Caputo	Harper	Miscevich	Thomas
Cassidy	Hasay	Morris	Trello
Cessar	Haskell	Mowery	Valicenti
Cianciulli	Hayes, D. S.	Mrkonic	Wagner
Cimini	Hayes, S. E.	Mullen, M. P.	Wargo
Cohen	Helfrick	Musto	Wass
Cole	Hoeffel	Novak	Weidner
Cowell	Hutchinson, A.	Noye	White
Davies	Hutchinson, W.	O'Brien, B.	Williams
DeMedio	Itkin	O'Donnell	Wilson
DeWeese	Johnson	O'Keefe	Wilt
DiCarlo	Jones	Oliver	Wise
Dininni	Katz	Parker	Wright, D.
Dombrowski	Kelly	Petrarca	Wright, J. L.
Donatucci	Kernick	Piccola	Yahner
Dorr	Klingaman	Pievsky	Yohn
Duffy	Knepper	Pott	Zeller
Dumas	Kolter	Pratt	Zitterman
Englehart	Kowalshyn	Pyles	Zord
Fee	Kukovich	Ravenstahl	Zwikl
Fischer, R. R.	Lashingier	Reed	
Fisher, D. M.	Laughlin	Renwick	Irvis,
Flaherty	Lehr	Rhodes	Speaker
Foster, W.	Letterman	Richardson	
Fryer	Levi	Rieger	

NAYS—31

Armstrong	Hamilton	Peterson	Spencer
Caltagirone	Honaman	Pitts	Spitz
DeVerter	Lynch	Polite	Stapleton
Dietz	Miller	Ryan	Taylor, E.
Doyle	Moehlmann	Salvatore	Vroon

Foster, A.	O'Brien, D.	Seltzer	Wenger
Freind	O'Connell	Smith, E.	Zearfoss
Garzia	Pancoast	Smith, L.	

## NOT VOTING—6

Gleeson	Rappaport	Wansacz	Wiggins
Prendergast	Shelton		

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

Ordered, That the clerk inform the Senate accordingly.

## CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1714, PN 2075**, entitled:

An Act amending the act of May 11, 1949 (P. L. 1210, No. 367), referred to as the Group Life Insurance Policy Law further providing for the amount for which a creditor may insure a debtor.

On the question,

Will the House agree to the bill on third consideration?

Mr. MOWERY offered the following amendments:

Amend Sec. 1 (Sec. 3), page 2, line 4 by striking out the bracket before "or"

Amend Sec. 1 (Sec. 3), page 2, lines 4 and 5 by inserting brackets before and after "thirty thousand dollars (\$30,000)" and inserting immediately thereafter fifty thousand dollars (\$50,000)

Amend Sec. 1 (Sec. 3), page 2, line 5 by striking out the bracket after "less"

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Mowery.

Mr. MOWERY. Thank you, Mr. Speaker.

HB 1714 deals with group creditors' life insurance that is sold on loans, mortgages, and so forth, by lending institutions here in Pennsylvania. Creditors' group insurance was initially designed to protect the lender; in other words, the banks, the savings and loans, and the lending institutions themselves, in the event of death of the borrower, and it is very limited type coverage. Recently, a couple of years ago, they increased the limits to \$30,000, and now here we are a couple of years later and we are talking about taking the limit off completely.

My amendment simply gives a 40-percent increase from 2 years ago, to \$50,000. And so, instead of the limitation which is currently in Pennsylvania by the lending institution of \$30,000, my amendment proposes \$50,000.

Now on the reasons for the limitations—and I know that most of you are not insurance people, and for that reason I would like to try to keep it simple—I think it is important that you consider the cap that is being placed on it. Large purchases of life insurance historically by the consumer are served by the best interests of an agent. Most creditors' life insurance in lending institutions is presented and sold to the borrower without any background experience or knowledge, and in most cases you will find that they do not explain about the limitations in the policy. Now some of these limitations are as follows: The

beneficiary of this policy can only be the bank or lending institution. It cannot be for the benefit of the widow or spouse. It can only be used for the purpose of paying off the debt.

Now when the loan is paid off, and if the person finds that they need additional life insurance, they must go and reapply again for new life insurance coverage. They would have to go through a physical and they would probably have to pay a higher premium. Now if the lending institution itself decides to discontinue providing this type of coverage, all those who are depending upon it as a consumer will find that they will be without any coverage at all since there are no provisions in this policy for a conversion feature. In addition, if a person pays off a loan at one bank and goes to another bank and takes out a new loan, once again, they must apply and they lose what they had at the current bank.

In summation, group creditors' life insurance was designed to take care of a very limited type of situation. It was to provide a certain amount of coverage to a person who takes out a loan at the bank to guarantee that in the event of death it would be paid off. I strongly endorse group creditors' life insurance, but I do not believe that we should take the cap off and allow it to be sold on an unlimited basis by people who are not licensed and qualified to do so in the State of Pennsylvania. For that reason I recommend that you vote "yes" on the cap of \$50,000. Thank you very much.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Northampton, Mr. Kowalyszyn.

Mr. KOWALYSHYN. Mr. Speaker, I rise to oppose the Mowery amendment because it is a bad amendment. It proposes placing a limit on the amount of credit life insurance that a debtor can take out to protect himself and his family. We are talking about term insurance, which for the younger individual is the least expensive kind. What Mr. Mowery is suggesting, without saying so, is that an individual whose debt exceeds \$50,000 should have to buy whole life insurance, which is more expensive, or have no protection at all above \$50,000. This is not right and it is not fair. A debt in excess of \$50,000 is not unusual these days, with the average cost of a newly constructed house averaging \$58,000 or \$59,000 and the cost increasing steadily month by month.

Most new homeowners are fairly young individuals with the financial burdens of raising a growing family. Such a homeowner needs full protection, not only for himself but also for his family. In addition, such a homeowner needs term insurance to the extent of his loan, insurance that he can afford. Mr. Mowery would force such an individual either to buy whole life insurance, which is more expensive, or deny him full protection because of the artificial limit of \$50,000.

There are practical limits to the amount of credit life insurance that an individual will need, contrary to what Mr. Mowery has just said. One practical limit is the amount of the loan. Another practical limit exists in business. When an individual proprietorship becomes a certain size, it ceases to be an individual proprietorship. The business henceforth is operated as a corporation, and, of course, credit life insurance is limited to the individual debtor and does not apply to a corporation.

I would like to quote, Mr. Speaker, from the position paper

issued by the Insurance Federation of Pennsylvania just after HB 1714 was introduced. The Insurance Federation of Pennsylvania took a position in favor of the bill, with the only limitation on the amount of term insurance being the amount of the loans, as stated in the bill, and I am quoting from the Insurance Federation of Pennsylvania: "There should be no question that the fundamental purpose of group life insurance is the satisfaction of the mortgage in the event of the death of the insured mortgagor. Certainly, it is a goal of great value and importance to the heirs of the mortgagor. And yet the imposition of a \$30,000 maximum limit on the amount of this insurance actually makes it impossible for this kind of insurance to achieve its clear purpose for an ever-growing number of insured mortgagors. Because of this, mortgagees can question the value of establishing such an inadequate plan and mortgagors wonder why state regulations make it impossible for them to fully insure their mortgages. This is especially true since insurance companies and most insurance experts urge the purchase of fire or homeowner's coverage to full replacement cost. Why then are the same home owners denied life insurance in an amount equal to the full outstanding balance of the mortgage under an insurance plan, the only purpose of which is to pay the mortgage in the event of death?"

Finally, the report says, "A great many states impose no maximum limit on group credit life insurance. This approach" and I am quoting from the Insurance Federation of Pennsylvania. This approach, that is, no maximum limit "seems more responsive to the realities of current economic conditions." And that is the end of the quotation.

Let me just list briefly major states that have no limit on credit life insurance: California, Illinois, New Jersey, Minnesota, Ohio, Wisconsin.

In conclusion, Mr. Speaker, I submit that an individual should have the right to protect himself and his family with term insurance that he can afford when he needs the protection the most. Certainly a responsible individual will consider buying the more expensive whole life insurance with its cash-surrender value when he can afford it. I do not believe an individual should be forced to buy something he cannot afford. Unfortunately, that is what the Mowery amendment would do and, therefore, I urge a negative vote. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Mowery.

Mr. MOWERY. Thank you, Mr. Speaker.

I do not like to disagree with a fellow member, particularly when he is chairman of the committee that I am on, but I do believe that there are a couple of areas that I would like to clarify so that a vote can be taken with full knowledge of what we are voting on.

There are some states that have taken the limit off group creditors. Two of those states mentioned are in the process of introducing bills to put the cap back on. The federation that was initially in favor of this has since come out in favor of the \$50,000 cap. So the letter that was read to you was an original position that had since been changed.

One of the things that I would like to also point out to you is that it appears from his presentation to you that the only place

that low-cost term insurance can be purchased is from a lending institution through creditors insurance. I would like to assure you that when the reference was made that this bill would force people to go out and buy whole life insurance, it is an absolute opposite, because term life insurance is available from your local agent and available in many different ways as far as your own local associations and so forth are concerned.

I do believe that for the consumer, \$50,000 is a 40-percent increase over what it currently is and it is a step in the right direction, and I would suggest strongly that you give it good consideration and vote for the amendment. I think it is a very positive step in this insurance-type program. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Thank you, Mr. Speaker.

I urge a positive vote for the Mowery amendment. I think this comparison here between homeowners insurance and group life insurance tends to be a little erroneous from the standpoint that homeowners coverage is purchased individually whereas this group credit insurance is not. There have been misuses in creditor insurance that people have ignored, such as the fact that when a person understands from his doctor that he has a very serious kind of heart condition or cancer and he immediately goes and buys the biggest car in town with the idea that his group insurance would take of it. And this has happened.

The other thing I wish to point out to you is: The chairman of our committee has also urged a cap on no-fault insurance coverage, and I think caps are important and I think a cap to this degree, \$50,000 of creditor insurance, is an important one, too, and I urge passage of the Mowery amendment. Thank you.

On the question recurring,  
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—91

Abraham	Goebel	Manmiller	Scirica
Anderson	Goodman	McClatchy	Seltzer
Armstrong	Greenleaf	Mebus	Sirianni
Arthurs	Grieco	Miller	Smith, E.
Bittle	Halverson	Miscevich	Smith, L.
Brandt	Hamilton	Moehlmann	Spencer
Burd	Hasay	Mowery	Spitz
Burns	Haskell	Noye	Stairs
Cessar	Hayes, D. S.	O'Brien, B.	Taddonio
Cimini	Hayes, S. E.	O'Brien, D.	Taylor, E.
Davies	Helfrick	O'Connell	Thomas
DeVerter	Honaman	Pancoast	Trello
Dietz	Hutchinson, W.	Parker	Vroon
Dininni	Katz	Peterson	Wagner
Dorr	Klingaman	Piccola	Wass
Fisher, D. M.	Knepper	Pitts	Weidner
Foster, A.	Lashinger	Polite	Wenger
Foster, W.	Lehr	Pott	Wilson
Freind	Levi	Pyles	Wilt
Gallen	Livengood	Ryan	Wright, J. L.
Geesey	Logue	Salvatore	Zearfoss
George, M.	Mackowski	Scheaffer	Zord
Gillette	Madigan	Schmitt	

NAYS—103

Barber	Fischer, R. R.	Manderino	Schweder
Bellomini	Flaherty	McCall	Shuman
Beloff	Fryer	McIntyre	Shupnik
Bennett	Gallagher	McLane	Stapleton
Berlin	Gamble	Meluskey	Stewart
Berson	Garzia	Milanovich	Stuban
Bittinger	Gatski	Milliron	Sweet
Borski	Geisler	Morris	Taylor, F.
Brown	George, C.	Mrkonic	Tenaglio
Brunner	Giammarco	Mullen, M. P.	Valicenti
Caltagirone	Gray	Musto	Wansacz
Caputo	Greenfield	Novak	Wargo
Cassidy	Harper	O'Donnell	White
Cianciulli	Hoeffel	O'Keefe	Williams
Cohen	Hutchinson, A.	Oliver	Wise
Cole	Itkin	Petrarca	Wright, D.
Cowell	Johnson	Pievsky	Yahner
DeMedio	Jones	Pratt	Yohn
DeWeese	Kelly	Ravenstahl	Zeller
DiCarlo	Kernick	Reed	Zitterman
Dombrowski	Kolter	Renwick	Zwinkl
Donatucci	Kowalyshyn	Rhodes	
Doyle	Kukovich	Richardson	Irvis,
Duffy	Laughlin	Rieger	Speaker
Dumas	Letterman	Ritter	
Englehart	Levin	Ruggiero	
Fee	Lincoln	Scanlon	

NOT VOTING—7

Gleeson	McGinnis	Rappaport	Wiggins
Lynch	Prendergast	Shelton	

The question was determined in the negative, and the amendments were not agreed to.

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 provision of the Constitution, the yeas and nays will now be taken.

YEAS—189

Abraham	Fryer	Livengood	Scheaffer
Anderson	Gallagher	Madigan	Schmitt
Armstrong	Gallen	Manderino	Schweder
Arthurs	Gamble	Manmiller	Scirica
Barber	Garzia	McCall	Seltzer
Bellomini	Gatski	McClatchy	Shuman
Beloff	Geesey	McIntyre	Shupnik
Bennett	Geisler	McLane	Smith, E.
Berlin	George, C.	Mebus	Smith, L.
Berson	George, M.	Meluskey	Spencer
Bittinger	Giammarco	Milanovich	Spitz
Bittle	Gillette	Miller	Stairs
Borski	Goebel	Milliron	Stapleton
Brandt	Goodman	Miscevich	Stewart
Brown	Gray	Moehlmann	Stuban
Brunner	Greenfield	Morris	Sweet
Burd	Greenleaf	Mrkonic	Taddonio
Burns	Grieco	Mullen, M. P.	Taylor, E.
Caltagirone	Halverson	Musto	Taylor, F.
Caputo	Hamilton	Novak	Tenaglio
Cassidy	Harper	Noye	Thomas

Cessar	Hasay	O'Brien, B.	Trello
Cianciulli	Haskell	O'Brien, D.	Valicenti
Cimini	Hayes, D. S.	O'Connell	Vroon
Cohen	Hayes, S. E.	O'Donnell	Wagner
Cole	Helfrick	O'Keefe	Wansacz
Cowell	Hoeffel	Oliver	Wargo
Davies	Honaman	Pancoast	Wass
DeMedio	Hutchinson, A.	Parker	Weidner
DeVerter	Hutchinson, W.	Peterson	Wenger
DeWeese	Itkin	Petrarca	White
DiCarlo	Johnson	Pievsky	Williams
Dietz	Jones	Pitts	Wilson
Dininni	Katz	Polite	Wilt
Dombrowski	Kelly	Pott	Wise
Donatucci	Kernick	Pratt	Wright, D.
Dorr	Klingaman	Pyles	Wright, J. L.
Doyle	Knepper	Ravenstahl	Yahner
Duffy	Kolter	Reed	Yohn
Dumas	Kowalyshyn	Renwick	Zearfoss
Englehart	Kukovich	Rhodes	Zeller
Fee	Lashinger	Richardson	Zitterman
Fischer, R. R.	Laughlin	Rieger	Zord
Fisher, D. M.	Lehr	Ritter	Zwinkl
Flaherty	Letterman	Ruggiero	
Foster, A.	Levi	Ryan	Irvis,
Foster, W.	Levin	Salvatore	Speaker
Freind	Lincoln	Scanlon	

NAYS—5

Logue	Mowery	Piccola	Sirianni
Mackowski			

NOT VOTING—7

Gleeson	McGinnis	Rappaport	Wiggins
Lynch	Prendergast	Shelton	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

The House proceeded to third consideration of **HB 953, PN 2291**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes creating the Pennsylvania Commission on Sentencing establishing guidelines for criminal sentencing to be used by trial courts and further providing for sentencing alternatives and appellate review of sentence.

On the question,  
Will the House agree to the bill on third consideration?  
Mr. SCIRICA offered the following amendments:

Amend Title, page 1, line 5, by striking out "and and inserting a comma

Amend Title, page 1, line 5, by removing the period after "sentence" and inserting and changing provisions relating to commission membership.

Amend Sec. 3 page 2, line 16, Subchapter Heading, by inserting before "REVIEW" Appellate

Amend Sec. 3 (Sec. 1381), page 2, line 17, by striking out "Review" and inserting Appellate review

Amend Sec. 3 (Sec. 1381), page 2, lines 18 through 22, by striking out all of said lines and inserting

(a) Allowance of appeal.—The defendant or the Commonwealth may file a petition for allowance of appeal of the discretionary aspects of a sentence for a felony or a misdemeanor to the Appellate Court that has initial jurisdiction for such appeals. Allowance of appeal may be granted at the discretion of the Appellate Court where it appears that there is a substantial

question that the sentence imposed is not appropriate under this act.

(b) Right to appeal.—The defendant or the Commonwealth may appeal as of right the legality of the sentence.

Amend Sec. 3 (Sec. 1381), page 2, line 23, by striking out “(b)” and inserting (c)

Amend Sec. 3 (Sec. 1381), page 2, line 23, by striking out “review.” and inserting appeal.

Amend Sec. 3 (Sec. 1381), page 3, line 7, by striking out “(c)” and inserting (d)

Amend Sec. 3 (Sec. 1381), page 3, lines 15 through 27, by striking out all of said lines and inserting

(e) Bail.—Nothing herein shall be construed to enlarge the defendant’s right to bail pending appeal.

(f) Limitation on appeal.—No appeal of the discretionary aspects of the sentence shall be permitted beyond the Appellate Court that has initial jurisdiction for such appeals.

Amend Sec. 3 (Sec. 1381), page 3, line 28, by striking out “(f)” and inserting (g)

Amend Sec. 4 (Sec. 1391), page 4, line 6, by striking out “13” and inserting 11

Amend Sec. 4 (Sec. 1391), page 4, line 8, by striking out “six” and inserting four

Amend Sec. 4 (Sec. 1391), page 4, line 9, by striking out “of the Supreme Court”

Amend Sec. 4 (Sec. 1391), page 4, line 18, by striking out “or public defender”

Amend Sec. 4 (Sec. 1391), page 4, line 24, by inserting a comma after “Justice”

Amend Sec. 4 (Sec. 1391), page 4, line 24, by striking out “of the Supreme Court.”

Amend Sec. 4 (Sec. 1391), page 4, line 24, by striking out “three” and inserting two

Amend Sec. 4 (Sec. 1391), page 4, line 25, by striking out “three” and inserting two

Amend Sec. 4 (Sec. 1392), page 5, line 2, by inserting a period after “director”

Amend Sec. 4 (Sec. 1392), page 5, lines 2 and 3, by striking out “who shall appoint and” in line 2 and all of line 3

Amend Sec. 4 (Sec. 1392), page 5, line 4, by inserting after “sentencing” within the limits established by law

Amend Sec. 4 (Sec. 1392), page 5, line 8, by striking out “that shall be”

Amend Sec. 4 (Sec. 1392), page 5, line 15, by striking out “that shall be permitted” and inserting applicable

Amend Sec. 4 (Sec. 1392), page 5, line 27, by striking out “Representatives of Law Schools.” and inserting Law school faculty members.

Amend Sec. 4 (Sec. 1392), page 6, line 12, by striking out “entirely” and inserting entirety

Amend Sec. 4 (Sec. 1392), page 8, line 25, by striking out “Seven” and inserting Nine

Amend Bill, page 9, by inserting between lines 24 and 25

Section 6. The provisions of section 1381 are not severable and if any provision thereof or the application thereof to any person or circumstance is held invalid, the remainder of the section shall be invalid.

Amend Sec. 6, page 9, line 25, by striking out “6” and inserting 7

Amend Sec. 6, page 9, lines 25 and 26, by striking out “July 1, 1978” and inserting January 1, 1979

Amend Sec. 6, page 9, line 27, by inserting after “guidelines” and

On the question,

Will the House agree to the amendments?

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

Mr. SCIRICA. Thank you, Mr. Speaker.

These amendments are offered by Mr. Berson and myself. They are largely technical; however, there are a couple of important changes.

The first is that they change the composition of the Sentenc-

ing Commission. Presently, the commission is composed of six judges, four legislators, and three other individuals; a district attorney, a defense lawyer and a criminologist or law professor. The amendment would equalize the representation between the legislature and the judiciary so that there would be four legislators, four judges, and the other three members that we mentioned.

The other major part of the amendment provides that if any court strikes down the district attorney’s right to appeal a sentence, then the entire section on appellate review becomes invalid, so that we would not be left with a situation where the defendant only had a limited right to appeal a sentence.

Mr. Speaker, the other aspects are technical in nature and simply clarify some of the other provisions of the bill.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—189

Abraham	Gallagher	Mackowski	Salvatore
Anderson	Gallen	Madigan	Scanlon
Armstrong	Gamble	Manderino	Scheaffer
Arthurs	Garzia	Manmiller	Schmitt
Barber	Gatski	McCall	Schweder
Bellomini	Geesey	McClatchy	Scirica
Beloff	Geisler	McGinnis	Seltzer
Bennett	George, C.	McIntyre	Shupnik
Berlin	George, M.	McLane	Sirianni
Berson	Giammarco	Mebus	Smith, E.
Bittinger	Gillette	Meluskey	Smith, L.
Bittle	Goebel	Milanovich	Spencer
Borski	Goodman	Miller	Spitz
Brandt	Gray	Milliron	Stairs
Brown	Greenfield	Miscevich	Stapleton
Brunner	Greenleaf	Moehlmann	Stewart
Burd	Grieco	Morris	Stuban
Burns	Halverson	Mowery	Sweet
Caltagirone	Hamilton	Mrkonic	Taddonio
Caputo	Hasay	Mullen, M. P.	Taylor, E.
Cassidy	Haskell	Musto	Taylor, F.
Cessar	Hayes, D. S.	Novak	Tenaglio
Cianciulli	Hayes, S. E.	Noye	Thomas
Cimini	Helfrick	O’Brien, B.	Trello
Cohen	Hoeffel	O’Brien, D.	Valicenti
Cowell	Honaman	O’Connell	Vroon
Davies	Hutchinson, A.	O’Donnell	Wagner
DeMedio	Hutchinson, W.	O’Keefe	Wansacz
DeVertter	Itkin	Oliver	Wargo
DeWeese	Jones	Pancoast	Wass
DiCarlo	Katz	Parker	Weidner
Dietz	Kelly	Peterson	Wenger
Dininni	Kernick	Petrarca	Wilson
Dombrowski	Klingaman	Piccola	Wilt
Donatucci	Knepper	Pievsky	Wise
Dorr	Kolter	Pitts	Wright, D.
Doyle	Kowalyshyn	Polite	Wright, J. L.
Duffy	Kukovich	Pott	Yahner
Dumas	Lashinger	Pratt	Yohn
Englehart	Laughlin	Pyles	Zearfoss
Fee	Lehr	Ravenstahl	Zeller
Fischer, R. R.	Letterman	Reed	Zitterman
Fisher, D. M.	Levi	Renwick	Zord
Flaherty	Levin	Rhodes	Zwinkl
Foster, A.	Lincoln	Rieger	
Foster, W.	Livengood	Ritter	Irvis,
Freind	Logue	Ruggiero	Speaker
Fryer	Lynch	Ryan	



NAYS—5

Harper	Shuman	White	Williams
Richardson			

NOT VOTING—7

Cole	Johnson	Rappaport	Wiggins
Gleeson	Prendergast	Shelton	

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

On the question,

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

Mr. SCIRICA offered the following amendments:

Amend Sec. 4 (§ 1391), page 7, line 8, by striking out "or agent"

Amend Sec. 4 (§ 1391), page 7, lines 9 through 12, by striking out "The" in line 9 and all of lines 10 through 12

Amend Sec. 5, page 9, line 22, by striking out "\$200,000," and inserting \$100,000,

On the question,

Will the House agree to the amendments?

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

Mr. SCIRICA. Mr. Speaker, this amendment was to have been inserted in the original amendment, so it is merely a supplement. It makes some further technical changes, but it does change the appropriation from \$200,000 to \$100,000, because the effective date of this bill will not be until January 1, 1979.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

Abraham	Gamble	Manderino	Schmitt
Anderson	Garzia	Manmiller	Schweder
Armstrong	Gatski	McCall	Scirica
Arthurs	Geesey	McClatchy	Seltzer
Barber	Geisler	McGinnis	Shuman
Bellomini	George, C.	McIntyre	Shupnik
Beloff	George, M.	McLane	Sirianni
Bennett	Giammarco	Mebus	Smith, E.
Berlin	Gillette	Meluskey	Smith, L.
Berson	Goebel	Milanovich	Spencer
Bittinger	Goodman	Miller	Spitz
Bittle	Gray	Milliron	Stairs
Borski	Greenfield	Miscevich	Stapleton
Brandt	Greenleaf	Moehlmann	Stewart
Brown	Grieco	Morris	Stuban
Brunner	Halverson	Mowery	Sweet
Burd	Hamilton	Mrkonjic	Taddonio
Burns	Harper	Mullen, M. P.	Taylor, E.
Caltagirone	Hasay	Musto	Taylor, F.
Caputo	Haskell	Novak	Tenaglio
Cassidy	Hayes, D. S.	Noye	Thomas
Cessar	Hayes, S. E.	O'Brien, B.	Trello
Cianciulli	Helfrick	O'Brien, D.	Valicenti
Cimini	Hoefel	O'Connell	Vroon
Cohen	Honaman	O'Donnell	Wagner
Cole	Hutchinson, A.	O'Keefe	Wansacz
Cowell	Hutchinson, W.	Oliver	Wargo
Davies	Itkin	Pancoast	Wass

DeMedio	Johnson	Parker	Weidner
DeVerter	Jones	Peterson	Wenger
DeWeese	Katz	Petrarca	White
DiCarlo	Kelly	Piccola	Williams
Dietz	Kernick	Pievsky	Wilson
Dininni	Klingaman	Pitts	Wilt
Dombrowski	Knepper	Polite	Wise
Donatucci	Kolter	Pott	Wright, D.
Dorr	Kowalyszyn	Pratt	Wright, J. L.
Doyle	Kukovich	Pyles	Yahner
Duffy	Lashinger	Ravenstahl	Yohn
Englehart	Laughlin	Reed	Zearfoss
Fee	Lehr	Renwick	Zeller
Fischer, R. R.	Letterman	Rhodes	Zitterman
Fisher, D. M.	Levi	Richardson	Zord
Flaherty	Levin	Rieger	Zwikl
Foster, A.	Lincoln	Ritter	
Foster, W.	Livengood	Ruggiero	Irvis,
Freind	Logue	Ryan	Speaker
Fryer	Lynch	Salvatore	
Gallagher	Mackowski	Scanlon	
Gallen	Madigan	Scheaffer	

NAYS—0

NOT VOTING—6

Dumas	Prendergast	Shelton	Wiggins
Gleeson	Rappaport		

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

On the question recurring,

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

Mr. PICCOLA offered the following amendments:

Amend Sec. 1 (Sec. 1321), page 1, by inserting brackets before and after "the minimum amount of"

Amend Sec. 1 (Sec. 1321), page 1, line 17, by inserting after "offense," as it relates to the impact of the life of the victim and on the community

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker. This amendment merely clarifies the phrase "gravity of the offense," which appears on the first page of the bill under the "General standards" section. Judges being judges, they often fail to look behind the statute and look at the human terms of a crime and the sentencing which should take place. So the language that I am inserting to further define "gravity of the offense" is that the gravity of the offense shall be as it relates to the impact of the offense on the life of the victim and on the community.

The reason that I have done this is because I feel that a judge looking at an assault case perhaps may look at it simply as an assault case without looking as to whether it is an assault on a 75-year-old woman or an assault on a 25-year-old male. There is a difference, and I believe the impact on the victim should be taken into consideration and I think this should be inserted in the "General standards" section.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Montgomery, Mr. Scirica.

Mr. SCIRICA. Mr. Speaker, I support this amendment.

On the question recurring,  
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—189

Abraham	Gallen	Mackowski	Scanlon
Anderson	Gamble	Madigan	Scheaffer
Armstrong	Garzia	Manderino	Schmitt
Arthurs	Gatski	Manmiller	Schweder
Bellomini	Geesey	McCall	Scirica
Beloff	Geisler	McClatchy	Seltzer
Bennett	George, C.	McGinnis	Shuman
Berlin	George, M.	McIntyre	Shupnik
Berson	Giammarco	McLane	Sirianni
Bittinger	Gillette	Mebus	Smith, E.
Bittle	Goebel	Meluskey	Smith, L.
Borski	Goodman	Milanovich	Spencer
Brandt	Gray	Milliron	Spitz
Brown	Greenfield	Miscevich	Stairs
Brunner	Greenleaf	Morris	Stapleton
Burd	Grieco	Mowery	Stewart
Burns	Halverson	Mrkonic	Stuban
Caltagirone	Hamilton	Mullen, M. P.	Sweet
Caputo	Harper	Musto	Taddonio
Cassidy	Hasay	Novak	Taylor, E.
Cessar	Haskell	Noye	Taylor, F.
Cianculli	Hayes, D. S.	O'Brien, B.	Thomas
Cimini	Hayes, S. E.	O'Brien, D.	Trello
Cohen	Helfrick	O'Connell	Valicenti
Cole	Hoeffel	O'Donnell	Vroon
Cowell	Honaman	O'Keefe	Wagner
Davies	Hutchinson, W.	Oliver	Wansacz
DeMedio	Itkin	Pancoast	Wargo
DeVerter	Johnson	Parker	Wass
DeWeese	Jones	Peterson	Wenger
DiCarlo	Katz	Petrarca	White
Dietz	Kelly	Piccola	Williams
Dininni	Kernick	Pievsky	Wilson
Dombrowski	Klingaman	Pitts	Wilt
Donatucci	Knepper	Polite	Wise
Dorr	Kolter	Pott	Wright, D.
Doyle	Kowalshyn	Pratt	Wright, J. L.
Duffy	Kukovich	Pyles	Yahner
Englehart	Lashinger	Ravenstahl	Yohn
Fee	Laughlin	Reed	Zearfoss
Fischer, R. R.	Lehr	Renwick	Zeller
Fisher, D. M.	Letterman	Rhodes	Zitterman
Flaherty	Levi	Richardson	Zord
Foster, A.	Levin	Rieger	Zwikl
Foster, W.	Lincoln	Ritter	
Freind	Livengood	Ruggiero	
Fryer	Logue	Ryan	
Gallagher	Lynch	Salvatore	

NAYS—2

Miller	Moehlmann
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NOT VOTING—10

Barber	Hutchinson, A.	Shelton	Weidner
Dumas	Prendergast	Tenaglio	Wiggins
Gleeson	Rappaport		

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from

Bucks, Mr. Weidner. For what purpose does the gentleman rise?

MR. WEIDNER. Mr. Speaker, I was called off the floor when the vote was taken on the last amendment, the Piccola amendment, on HB 953, PN 2291. I would like to be recorded in the affirmative please.

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

The gentleman, Mr. Reed, is not on the floor? Is the amendment ready now, Mr. Reed?

Mr. REED. Mr. Speaker, no, the amendment has not come down from Legislative Reference as yet. Inasmuch as it deals with mandatory minimum sentencing, it will require a fiscal note and, possibly, public hearings, and is germane to many of the Title 18 bills that were reported from the table onto the calendar today. I am going to say, move ahead with HB 953, and we will deal with the mandatory minimum sentencing on the Title 18 bills.

On the question recurring,

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

Bill as amended 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?

(Members proceeded to vote)

The SPEAKER. The clerk will strike the vote. The Chair recognizes the gentleman from Philadelphia, Mr. Williams. For what purpose does the gentleman rise?

Mr. WILLIAMS. Mr. Speaker, I would like to request that the amendments to this bill that we just passed be in print so that the bill and its implications, together with the amendments, can be fully comprehended before we vote on the bill.

The SPEAKER. The Chair is not quite certain of the gentleman's request. Is the gentleman saying that he wishes to have the bill reprinted as amended before voting on it?

Mr. WILLIAMS. That is correct.

MOTION TO PLACE HB 953 ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER. Then the gentleman's motion should be to place the bill on final passage postponed calendar, and that would accomplish the gentleman's purpose.

Mr. WILLIAMS. I would so move, Mr. Speaker.

The SPEAKER. It is moved by the gentleman, Mr. Hardy Williams, that HB 953, PN 2291, as amended, be placed on the final passage postponed calendar. The question is on that motion.

The Chair recognizes the gentleman from Montgomery, Mr. Scirica, on the motion.

Mr. SCIRICA. Thank you, Mr. Speaker. I would oppose this motion. The bill was reported out of the Judiciary Committee last fall and is the subject of three public hearings, countless meetings and seminars across the state. It has been through the Appropriations Committee, and it was on the calendar in

December. It was tabled in order to give those of us who were working on it a chance to finalize amendments prior to final passage. We have done that. None of the amendments that went in today in any way materially affect the substance of this bill. I think we all know what it is about and I think we ought to vote it today. If we want to act on sentencing during this session, we must get a bill over to the Senate and give them time to work on it. They have not sent us a bill to date, and I do not know whether they will or not, but I would like to get this bill over to the Senate and let them have their hearings and work on it and send it back to us in one form or another.

The SPEAKER. On the motion, the Chair recognizes the maker of the motion, the gentleman from Philadelphia, Mr. Williams.

Mr. WILLIAMS. Mr. Speaker, in all due respect to Mr. Scirica's comments and hard work on the bill, nevertheless I do think that at least one of the amendments has a substantial effect and implication on the whole bill, and in that the bill was just amended, I do think that we deserve some time, which will not be long, to analyze and dwell on that factor. The amendments which were submitted are not insignificant amendments, and even though there has been time spent on the bill and on the proposition, that proposition has been, I suggest, significantly altered, and we deserve a few days to analyze whether those implications have any determinative effect on the bill.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Scirica, for the second time on the question.

Mr. SCIRICA. Thank you, Mr. Speaker. I have heard no argument today that would indicate that the amendments in any way substantially alter the original intent of the bill and I would ask for a "no" vote and ask that we vote the bill today.

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

The following roll call was recorded:

YEAS—18

Barber	Fryer	Noye	Smith, E.
Brunner	George, C.	Renwick	White
Caputo	Harper	Richardson	Williams
Cianciulli	Johnson	Shuman	Yahner
DeWeese	Jones		

NAYS—175

Abraham	Geesey	Manmiller	Scanlon
Anderson	Geisler	McCall	Scheaffer
Armstrong	George, M.	McClatchy	Schmitt
Arthurs	Giammarco	McGinnis	Schweder
Bellomini	Gillette	McIntyre	Scirica
Bennett	Goebel	McLane	Seltzer
Berlin	Goodman	Mebus	Shupnik
Berson	Gray	Meluskey	Sirianni
Bittinger	Greenfield	Milanovich	Smith, L.
Bittle	Greenleaf	Miller	Spencer
Borski	Grieco	Milliron	Spitz
Brandt	Halverson	Miscevich	Stairs
Brown	Hamilton	Moehlmann	Stapleton
Burd	Hassay	Morris	Stewart
Burns	Haskell	Mowery	Stuban

Caltagirone	Hayes, D. S.	Mrkonic	Sweet
Cassidy	Hayes, S. E.	Mullen, M. P.	Taddonio
Cessar	Helfrick	Musto	Taylor, E.
Cimini	Hoeffel	Novak	Taylor, F.
Cohen	Honaman	O'Brien, B.	Tenaglio
Cole	Hutchinson, A.	O'Brien, D.	Thomas
Cowell	Hutchinson, W.	O'Connell	Trello
Davies	Itkin	O'Donnell	Valicenti
DeMedio	Katz	O'Keefe	Vroon
DeVerter	Kelly	Oliver	Wagner
DiCarlo	Kernick	Pancoast	Wansacz
Dietz	Klingaman	Parker	Wargo
Dininni	Knepper	Peterson	Wass
Dombrowski	Kolter	Petrarca	Weidner
Donatucci	Kowalshyn	Piccola	Wenger
Dorr	Kukovich	Pievsky	Wilson
Doyle	Lashinger	Pitts	Wilt
Duffy	Laughlin	Polite	Wise
Englehart	Lehr	Pott	Wright, D.
Fee	Letterman	Pratt	Wright, J. L.
Fischer, R. R.	Levi	Pyles	Yohn
Fisher, D. M.	Levin	Ravenstahl	Zearfoss
Flaherty	Lincoln	Reed	Zeller
Foster, A.	Livengood	Rhodes	Zitterman
Foster, W.	Logue	Rieger	Zord
Freind	Lynch	Ritter	Zwinkl
Gallagher	Mackowski	Ruggiero	
Gamble	Madigan	Ryan	Irvis,
Garzia	Manderino	Salvatore	Speaker
Gatski			

NOT VOTING—8

Beloff	Gallen	Prendergast	Shelton
Dumas	Gleeson	Rappaport	Wiggins

The question was determined in the negative, and the motion was not agreed to.

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Williams. For what purpose does the gentleman rise?

Mr. WILLIAMS. Mr. Speaker, I would like to interrogate the main sponsor of the bill and thereafter make some comments on the bill.

The SPEAKER. The gentleman is in order and may proceed. Will the gentleman, Mr. Scirica, stand for interrogation? The gentleman indicates that he will so stand. The gentleman, Mr. Williams, is in order and may now proceed to interrogate.

Mr. WILLIAMS. Mr. Speaker, could you state the basic thrust and objective of the bill?

Mr. SCIRICA. Mr. Speaker, the purpose of the bill is to make criminal sentences more rational and consistent and to correspond with the seriousness of the crime. There exists in Pennsylvania today widespread disparity in the sentencing practices of our judges, not only between counties, but between judges in individual counties. Most of us on the Judiciary Committee who have looked at this particular problem have felt that it was necessary to devise a new procedure to eliminate unwarranted disparity in sentencing to try to bring some form of rationality and consistency to the sentencing practices in this state. For that reason we developed, over a period of 2 years, the bill that is now HB 953. The bill attempts to eliminate unwarranted disparity in sentencing in two ways: First, it creates a commission

that will issue guidelines that will be advisory to all trial judges before they sentence any particular individual. Secondly, it gives a limited right of appeal both to the defendant and to the district attorney to appeal a sentence that they feel is inconsistent with the statute and with the guidelines that the sentencing judge must consider.

The guidelines are not mandatory on the sentencing judge. They are merely that, guidelines. However, there is a presumption that this should be the normal sentence for this particular kind of crime. We do not eliminate discretion in the sentencing judge. The sentencing judge still must consider all factors that are relevant to a proper determination in sentencing and, although the guidelines prescribe that each guideline shall be based on the gravity of the crime, the commission is also asked to come up with aggravating and mitigating circumstances that may alter that particular sentence recommendation.

Mr. WILLIAMS. Mr. Speaker, I think that that is a pretty clear statement. If you say that the sentencing court is not compelled to follow certain guidelines, my question would be, if a defendant or the district attorney would appeal a particular case, what would it be that the appellate court would go by in order to force or make a court below do a more appropriate act in accordance with the guidelines? In other words—

Mr. SCIRICA. I understand you.

Mr. WILLIAMS.—if the guidelines were not compulsory, how legally can an appellate court force a lower court to do something which is not compelled by a statute?

Mr. SCIRICA. Because in the statute we direct the appellate court, when they are considering that sentence by the trial judge, to do so in light of the guidelines that are issued by the sentencing commission. If the sentencing court sentences within the guidelines, then the directive to the appellate court is not to scrutinize that sentence very closely; that is, the scope of appellate review for a sentence within the guidelines is narrow.

The judge may decide to ignore the guidelines, but rather I think that the judge would consider the guidelines and determine that the guidelines are not appropriate in that case and he sentences outside the guidelines. That is permissible under this bill. However, the directive to the appellate court is to look at that sentence more closely so the scope of appellate review is wider where the judge chooses to disregard the guidelines, so we would expect that an appellate court would be more likely to hear the case and would be more likely to send the case back for resentencing when the sentence is outside the guidelines, but they may not. The appellate court still has that final say and they may determine that the sentence given in that particular case that you outlined is entirely appropriate, and that sentence would stand.

Mr. WILLIAMS. Mr. Speaker, does not what you say mean that the trial court must and is compelled to sentence within certain guidelines and, therefore, there is a compulsion on the trial court?

Mr. SCIRICA. No, sir. Not at all. The guidelines are not mandatory.

Mr. WILLIAMS. Well, did you not say that the scope of appellate review would be that if the trial court went beyond the guidelines, in that case the appellate court then could send it

back, but if it were within the guidelines, that the appellate court could not?

Mr. SCIRICA. No, not quite. The appellate court may decide to review the case in either circumstance, either where the judge follows the guidelines or refuses to follow the guidelines, but our directive to the appellate court is if the sentencing court follows the guidelines, then your scope of review is narrow. We use the words, "it must be clearly unreasonable to be overturned."

On the other hand, if the sentencing court sentences outside the guidelines, then the scope of appellate review is broader, and we use the word, "unreasonable" instead of "clearly unreasonable." So the trial judge still has that discretion. The trial judge has to give his reasons, but he may be justified in giving a sentence outside the guidelines and he gives his reasons for it. It is possible that the appellate court may agree with him.

Mr. WILLIAMS. Mr. Speaker, on that particular aspect I am going to close out, but it does seem to me that the appellate review in this particular criminal procedure is one of a review for, generally speaking, an abuse of discretion by the sentencing judge. Generally speaking, would you not say that that is true?

Mr. SCIRICA. I think that is another way of characterizing it. You can have a sentence that is unduly harsh or unduly lenient, and I think you are right in saying that that could be characterized as an abuse of discretion.

Mr. WILLIAMS. Mr. Speaker, on another aspect of the same procedure: Mr. Speaker, on the reasons that the trial court gives for the sentence, must those reasons be supported by facts that the sentencing judge finds, and, if so, is there any way for the defendant or the district attorney to challenge the findings, even though a judge says, I sentence a person to 6 months for the following reasons? Is there a process in this whole procedure for either the district attorney or the defendant to challenge the accuracy of those findings, or is a judge, as often as they say they do, merely required to state on the record, reasons, and as long as they could state some reasons, that would be sufficient? Do you understand the nature of my question?

Mr. SCIRICA. Yes.

No, I think that that would be something that would properly be raised on appeal. For example, the district attorney may say that the individual defendant had two previous felony convictions and perhaps it was somebody else who had them and for some reason the judge believed the district attorney, but in fact that was erroneous. If he could show on appeal that this was a different individual, I think that he has successfully undermined the reasons for the judge giving that sentence in the first place.

Mr. WILLIAMS. Well, suppose you have a situation not as objective as that. For instance, let us say that the defendant, on the one hand, is found by the sentencing judge to be a person of loose or immoral character in his community merely because there is evidence that he gets drunk every weekend, but, on the other hand, no one puts in the record that he is a consistent christian who goes to church every Sunday after that lost weekend. Is there any right in the defendant, at the time of sentencing before he goes to jail or before he is let go, to withstand the

accuracy of the reasons stated by the judge, or, on the other hand, one defendant, in fact, will be a man of good business standing but, on the other hand, he may have something detrimental that the district attorney wants to prove. Is there any procedure, while the sentencing judge is making his findings for the parties involved, to have that sentencing judge make it accurate before we get to the appeal stage?

Mr. SCIRICA. The bill does not treat that particular part of the criminal process, with one exception; It requires the sentencing judge to state on the record his reasons for imposing that particular sentence. And I would assume that the judge would treat the matters that you just brought out and if, in fact, he was making an assumption on wrong information, that that could be a basis for overturning the sentence later on.

Since the time this bill was drafted, the Pennsylvania Supreme Court issued an opinion, *Commonwealth vs. Riggins*, which does exactly the same as that provision of this bill; namely, it requires the sentencing judge to state on the record the reason for giving that particular sentence, and failure to do so means a vacation of the sentence and a resentencing.

Mr. WILLIAMS. Mr. Speaker, moving on to another aspect of this very important piece of legislation: You did describe that one of the reasons for this legislation—and I agree it is a good objective—is to try to make more consistent the disparity in sentences from county to county and also within counties.

I have a hesitation and a concern about a commission being able to describe guidelines and procedures that, in fact, would make sentences from county to county, upstate, western state and middle, more consistent, and consistent in which way, since the communities are indeed drastically different and pressures are drastically different and perceptions are drastically different, and all of that, and it may be possible, but could you indicate how a commission could, in fact, through guidelines, make sentencing more consistent between counties as opposed to an effort that we, the legislature, could do or as opposed to what a designated and mandated judicial body could do?

I guess my question is, that I think it is a very difficult area and just maybe there is something that you know that I do not know on how a commission could indeed make things more consistent between counties.

Mr. SCIRICA. You are right. It is a difficult thing to do. There is no reason why the guidelines could not be created by the judiciary alone or by the legislature alone, but I think most of the members of this body would be reluctant to allow the judiciary to be the sole promulgators of these guidelines. On the other hand, guidelines, by their very nature, by their complexity, by their need for continual attention and revision, are probably not best left to the legislature alone. For that reason we came up with the idea of a joint commission where we would share the responsibility and bring in some people from the outside who also bore either expertise or responsibility in this area.

The guidelines that will be promulgated will not provide for a fixed mandatory sentence. The directive in the statute to the commission is that the guidelines must prescribe a range of sentences. That range presumably will be narrower than the range that we give under our statutorily maximum terms that we fix

for each crime. Within that particular range, county X may feel more comfortable in sentencing at the bottom part of that range whereas county Y may want to go to the upper part of the range, so I think there is going to be enough flexibility in there to have some differences.

The bill does not attempt to create uniform sentences. Disparity is not a bad thing, but undue, unjustifiable, or unwarranted disparity is a bad thing.

Mr. WILLIAMS. Mr. Speaker, just a few more inquiries, and I think that your answers are fairly sound.

In terms of the input and the composition of the commission and your effort being one to get input from various sources, one serious concern that I share as a practicing lawyer in criminal cases is that all too often you have defendants who deserve a stiffer sentence, so to speak, get a less stiff sentence proportionally to someone who indeed deserves, for a lot of reasons, a more "lenient" sentence and one in which it represents an individual who in fact has strong possibilities for rehabilitation. I say those two things to say that almost all of the time is absent input from a community who may know individuals or who may know conditions in which that individual has either committed a crime or allegedly committed a crime, and it has solid earmarks as to what guidelines can be situated for such individuals.

In short, I am saying that absent from the commission are community persons who, in my judgment, have been totally left out of that whole process — folks who are victimized and folks who in many cases know when some people go wrong but can be helped. Public officials always make those decisions and many times to the threat and danger of the community and many times to the greater expense of the taxpayer, because in many cases we are treating the wrong person the right way and the right person the wrong way.

I say all of that to say that an additional basic concern I have here is that the commission will probably be all white, will probably contain no nonprofessionals. It just sort of has an imbalance in terms of who is going to decide what to do with people who affect a community that has no basic input, and I wonder if there is any procedure in which folks from various aspects of the community — the church, the civic groups, what have you — can have some input on the process of such a blue-ribbon commission.

Mr. SCIRICA. Yes, Mr. Speaker. Eight of the 11 members of the commission represent the two groups that I think have the most at stake and have the most responsibility in this area; namely, the legislature and the courts. We could have made the commission much larger, and at one point it was larger, but we simply wanted to have a commission that could function effectively and we thought the number of 11 made sense.

The commission is required under the statute, prior to the final adoption of any guidelines, to publish them in the *Pennsylvania Bulletin*, and within 60 days the commission is required to hold hearings on those guidelines. The bill specifies that certain people must be invited to testify, and they include all the people you would expect in the law enforcement and correctional community, but at the end of that list it says, "And all other interested persons who may desire to testify," or words to

that effect. So the kinds of groups that you have just mentioned, if they were to contact the commission, would certainly be invited and their input would be welcome.

Mr. WILLIAMS. Mr. Speaker, my observation and concern is that in making the decisions and formulating the guidelines in a difficult area, what you say is so important as to what is going to happen, and it really does concern me that once again we are going to institutionalize something as important as the criminal law and sentencing, and every organization that we have to decide that, from what I see, will be all male, will be all white.

We are talking about the criminal law. Our jails in Pennsylvania are 80 percent and 90 percent minority or black. Serious, serious concerns in the criminal area right now affect women — rape and muggings in particular. Their input has been absent for so many years, and I am just saying that at a time when we are going to radically change what is going to happen, those communities of people who are most threatened and most involved need to be represented at the decisionmaking level in the formulation of those guidelines, because they feel it the most, pro and con, and I think it is just a very serious omission to start out with them absent.

Mr. Speaker, one other area of concern. I will move to it and I will try to make that as brief as possible, and that is the area of basically, I guess, legislating sentencing. Our separation of powers in this country has mainly taught us that what belongs to the judiciary, what belongs to the executive, what belongs to the legislature, should remain so for historical and very functional and efficient reasons.

My concern here is, if we are going to require a procedure and legislation which will in fact impose on the judiciary some more work and some more steps and when they follow all of these things they complain and more work and more money, I just wonder, when a commission tells a judge or a judicial body that he or she, in imposing a sentence on a case that they heard, must follow guidelines, whether or not that in fact is an encroachment on a judicial function or a violation of the separation of powers.

From a legal standpoint, Mr. Speaker, maybe you could respond to that because I do, from my reading of the bill, have some serious concern about that, and just maybe you have an analysis which would satisfy my question.

Mr. SCIRICA. Yes, Mr. Speaker.

*I think it is important to remember that the guidelines are advisory. What gives the guidelines teeth is this limited right of appellate review.*

The legislature is not mandating these sentences. The final discretionary control over each individual sentence will rest with the sentencing judge and then subsequently with the Supreme or the Superior Court, as the case may be.

*It is interesting to know that since this bill was first introduced under another printer's number almost 2 years ago, the concept of appellate review and guidelines has gained a great deal not only across the country but especially in this state. In Philadelphia at the present time there is a project going on where judges are applying sentences after considering guidelines that have been judicially determined and that are ad-*

*visory in exactly the same form as they are here.*

Mr. WILLIAMS. Mr. Speaker, just another observation: Is there any ballpark figure on how much the cost is going to be with regard to implementation of the various jobs that are going to be necessary by adding this new factor to the judicial setup?

Mr. SCIRICA. I think the appropriation that we have fixed for the sentencing commission is \$100,000. Your question is, Will there be more appeals? Will there be more judicial work as a result of this statute? The answer is yes, but very little.

In the first place, every or practically every case that is handled by a public defender in Philadelphia and Allegheny Counties right now is appealed. So this is going to be no extra work in those cases.

Secondly, the Pennsylvania Supreme Court has already opened up the door to appellate review in the Riggins case and, because a judge is now required to place on the record the reasons for his sentence, those sentences are now subject to review, and I think we are going to be getting more and more appeals of that kind.

Mr. WILLIAMS. You do agree though that this is much broader on a trial judge which is going to require more work and perhaps more help?

Mr. SCIRICA. It should not require any more work for the trial judge. In Philadelphia many of the judges are using these guidelines right now. They already have to state on the record their reasons for the sentence, under the Supreme Court's decision. Maybe they are going to take 10 extra minutes in looking at it but it should not be anything more than that.

Mr. WILLIAMS. Well, I do not want to argue with you on that, but I do disagree. Thank you very much, Mr. Speaker.

Mr. Speaker, I would like to congratulate Mr. Scirica and the other sponsors who worked so hard on this important legislation, and whereas I think the intent is very good. I merely want to state that the areas of questions that I raised to the speaker are areas in which I think that there are substantial and fundamental problems in this bill and idea.

I hasten also to add and to caution that if we do proceed with this bill that it will probably come back to haunt us by way of invalidation; also, by way of cost and money that we yet cannot imagine.

I do not say in saying that that the idea of this bill should be discarded, but I do think it needs a lot more fundamental work in the areas of which I spoke that, I am opposed to in the bill, I will not comment further on it. Thank you.

#### HB 953 PASSED OVER TEMPORARILY

The SPEAKER. The Chair has been advised by the gentleman, Mr. Zeller, that he is prepared to offer an amendment to this bill. Through no fault of Mr. Zeller whatsoever, since his amendment was ready, the amendment was poorly prepared, inaccurately prepared, and the Chair has advised Mr. Zeller to send the amendment back for a correction. As a result of that, the bill will not be called for final passage immediately. It will be passed over temporarily until Mr. Zeller's amendment has been corrected and is ready to be offered on the floor.

### ANNOUNCEMENTS ON SCHEDULE

The SPEAKER. The Speaker would like to make two announcements, one of which is a pleasure to make and the other which is rather distressing.

While the Speaker was holding a conversation in his office, he noticed on the calendar that the date was May 23. It has been exactly one year to the day since you honored me by electing me Speaker of the House of Representatives, and I want to thank each one of you separately and together for the cooperation that you have given over this year, and I trust that we shall, at least for the next several months—I do not want to preempt the Republicans' opportunity to displace me—be able to cooperate as we have in the past. It was a very high honor you offered me, and I have done my best to live up to it.

(Members applauded.)

The SPEAKER. I thank you for that, and the offer which I made on May 23 of 1977 I reiterate: If there be something in the handling of the House of Representatives by the Speaker to which you take objection or which you think could be improved, I would urge you to let me know that, because it is my opinion that this House of Representatives is the finest one which any man or woman could serve, and whatever improvements we can make, I am bound and sworn to make them.

### RESIGNATION OF REPRESENTATIVE ULYSSES SHELTON

The SPEAKER. The second announcement is one which I wish I did not have to make. On this day, May 23, 1978, I have, as Speaker of the House of Representatives, accepted the resignation of the Representative from Philadelphia, 181st District, Ulysses Shelton. The resignation was made by telephone. It was witnessed by the majority leader and by the minority leader, as well as by several others in my office.

A letter will be sent by Mr. Shelton to confirm the resignation. The Speaker has, on this day, accepted the resignation of the gentleman, Mr. Shelton, and has accepted that resignation in written form.

I regret that it is necessary, under the frequencies of circumstances, to make that announcement. Several members have made inquiries on that particular situation, and I thought it best that we act very quickly on it.

Thirdly, although I did not believe it would be necessary for us to be in regular session next week, it now appears that it is necessary. The Senate will be working on Wednesday and Thursday instead of Tuesday and Wednesday as I was first informed.

There will be a deficiency appropriation bill coming over. We must have it in the Governor's hands by Monday, the 5th of June. In order to do so, we shall have to be in session at least 2 days next week. So we shall be, contrary to the typed memorandum which we sent you earlier, in regular session on Wednesday and Thursday of next week. The regular session will be beginning at 1 p.m. on Wednesday, and I am reminded to remind you that there will be a master roll taken and there will be roll calls on those days.

The member, therefore, who earlier questioned the

Speaker—I believe it was the gentleman, Mr. White, from Philadelphia—as to certain other bills which he considered to be of importance, would be advised that those bills may well be taken up on the floor of the House this coming week, on Wednesday and Thursday of this week.

### REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. O'Keefe. For what purpose does the gentleman rise?

Mr. O'KEEFE. Mr. Speaker, earlier today my switch was inadvertently in the positive on HB 1579. I wish to be recorded in the negative.

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

### STATEMENT ON SCHEDULE

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Mebus. For what purpose does the gentleman rise?

Mr. MEBUS. Mr. Speaker, I just wanted to assure the Chair that my inquiry earlier today about the schedule for next week was not, in any sense, intended to put you on the spot so that you are wiggling now.

The SPEAKER. No, the Chair recognizes that, but the Chair made an error and thought the other body was not going to meet when it is, as usual.

### BILLS REPORTED FROM COMMITTEE AND TABLED

**HB 2292, PN 2918**

By Mr. BRUNNER

An Act amending the "Senior Citizens Property Tax or Rent Rebate Act," approved March 11, 1971 (P. L. 104, No. 3), further providing for a temporary method of payment of administrative expenses and claims.

Finance.

**SB 74, PN 1694**

By Mr. BRUNNER

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929" creating the Department on Aging and prescribing its functions powers and duties.

Finance.

### SB 74 RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 74 be immediately recommitted to the Appropriations Committee for the purposes of ascertaining a fiscal note.

On the question,

Will the House agree to the motion?

(A roll call vote was taken.)

### SB 74 RECOMMITTAL REVOTED

The SPEAKER. The Chair recognizes the gentleman from

Philadelphia, Mr. Richardson. For what purpose does the gentleman rise?

Mr. RICHARDSON. Mr. Speaker, on that last motion on HB 953, I want to say that that is what was shown on the board, and I think there was some confusion to the members that it was showing HB 953 on a motion. I just wanted to be clear on what we are voting on because I do not think that we were aware.

The SPEAKER. The Chair thanks the gentleman.

The Chair was not aware of that error. The Chair will check with the clerk to see if that was printed in that way. If it is, we will correct it with a further vote. Will the clerk advise the Chair whether or not the correct number has been printed on that motion which was on SB 74?

The gentleman, Mr. Richardson, is correct in his observation, and the Chair thanks him indeed because it would have been an incorrect vote.

The clerk will place on the board "SB 74, motion."

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

The following roll call was recorded:

YEAS—192

Abraham	Gallen	Manderino	Scheaffer
Anderson	Gamble	Manmiller	Schmitt
Armstrong	Gatski	McCall	Schweder
Arthurs	Geesey	McClatchy	Scirica
Barber	Geisler	McGinnis	Seltzer
Bellomini	George, C.	McIntyre	Shuman
Beloff	George, M.	McLane	Shupnik
Bennett	Giammarco	Mebus	Sirianni
Berlin	Gillette	Meluskey	Smith, E.
Berson	Goebel	Milanovich	Smith, L.
Bittinger	Goodman	Miller	Spencer
Bittle	Gray	Milliron	Spitz
Brandt	Greenfield	Miscevich	Stairs
Brown	Greenleaf	Moehmann	Stapleton
Brunner	Grieco	Morris	Stewart
Burd	Halverson	Mowery	Stuban
Burns	Hamilton	Mrkonic	Sweet
Caltagirone	Harper	Mullen, M. P.	Taddonio
Caputo	Hasay	Musto	Taylor, E.
Cassidy	Haskell	Novak	Taylor, F.
Cessar	Hayes, D. S.	Noye	Tenaglio
Cianciulli	Hayes, S. E.	O'Brien, B.	Thomas
Cimini	Helfrick	O'Brien, D.	Trello
Cohen	Hoeffel	O'Connell	Valicenti
Cole	Honaman	O'Donnell	Vroon
Cowell	Hutchinson, A.	O'Keefe	Wagner
Davies	Hutchinson, W.	Oliver	Wansacz
DeMedio	Itkin	Pancoast	Wargo
DeVerter	Johnson	Parker	Wass
DeWeese	Jones	Peterson	Weidner
DiCarlo	Katz	Petrarca	Wenger
Dietz	Kelly	Piccola	White
Dininni	Kernick	Pievsky	Wilson
Dombrowski	Klingaman	Pitts	Wilt
Donatucci	Knepper	Polite	Wise
Dorr	Kolter	Pott	Wright, D.
Doyle	Kowalshyn	Pratt	Wright, J. L.
Duffy	Kukovich	Pyles	Yahner
Dumas	Lashingner	Ravenstahl	Yohn
Englehart	Laughlin	Reed	Zearfoss
Fee	Lehr	Renwick	Zeller
Fischer, R. R.	Letterman	Rhodes	Zitterman
Fisher, D. M.	Levi	Richardson	Zord
Flaherty	Lincoln	Rieger	Zwilk

Foster, A.	Livengood	Ritter	Irvis,
Foster, W.	Logue	Ruggiero	Speaker
Freind	Lynch	Ryan	
Eryer	Mackowski	Salvatore	
Gallagher	Madigan	Scanlon	

NAYS—2

Garzia	Williams
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NOT VOTING—6

Borski	Levin	Rappaport	Wiggins
Gleeson	Prendergast		

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

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

**No. 2470** By Messrs. LIVENGOOD, GEORGE, MILANOVICH, D. R. WRIGHT and PETRARCA

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), providing for the payment of benefits to certain employees of educational institutions during the period between successive academic years or terms and periods of holiday or vacation recess.

Referred to Committee on Labor Relations.

**No. 2471** By Mr. RITTER

An Act amending the "Pennsylvania Human Relations Act," approved October 27, 1955 (P. L. 744, No. 222), further defining discriminatory practices, changing the powers and duties of the Commission and outlining the procedure used following complaints of discriminatory practices.

Referred to Committee on State Government.

**No. 2472** By Messrs. RITTER and ZWIKL

An Act amending "The Third Class City Code," approved May 23, 1931 (P. L. 932, No. 317), further providing for contributions to the firemen's pension fund.

Referred to Committee on Local Government.

**No. 2473** By Messrs. O'KEEFE, ARTHURS, REED, NOYE, BERSON, RAPPAPORT, Mrs. WISE, Messrs. HELFRICK, HOPKINS, DOYLE, YAHNER, BRANDT, RHODES, DeWEESE, MILLIRON, ZORD, WHITE, MILLER, WILT, DeMEDIO, RICHARDSON, HOFFEL, LYNCH and SHUMAN

An Act requiring a refund value for certain beverage containers.

Referred to Committee on Consumer Affairs.

**No. 2474** By Mr. O'DONNELL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding special sentencing provisions for persons convicted of second and subsequent offenses.



Referred to Committee on Judiciary.

**No. 2475** By Mr. PRATT

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for periodicals and publications excluded from the sales tax.

Referred to Committee on Finance.

**No. 2476** By Mr. PRATT

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for periodicals and publications excluded from the sales tax.

Referred to Committee on Finance.

**No. 2477** By Messrs. BENNETT, IRVIS, KLINGAMAN, W. D. HUTCHINSON, WHITE, ENGLEHART, McINTYRE, Mrs. SCANLON, Messrs. CIANCIULLI and OLIVER

An Act defining optometry; relating to the right to practice optometry in the Commonwealth of Pennsylvania; making certain exceptions; granting the board certain powers and duties; providing for the means to carry out the provisions of this act; providing penalties for violations thereof; and repealing certain acts.

Referred to Committee on Professional Licensure.

**No. 2478** By Messrs. BENNETT, IRVIS, WHITE, ENGLEHART, McINTYRE, Mrs. SCANLON, Messrs. CIANCIULLI and OLIVER

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for membership on the State Board of Optometrical Examiners.

Referred to Committee on Professional Licensure.

**No. 2479** By Mr. ZWIKL

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), authorizing special wine dispensing licenses for restaurants and providing penalties.

Referred to Committee on Liquor Control.

**SENATE MESSAGE**

**SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE**

The Senate informed that the Senate has adopted the Report of the Committee of Conference on **HB 2246, PN 3156**.

**BILLS SIGNED BY SPEAKER**

The following bills, have been prepared for presentation to the Governor, were signed by the Speaker:

**HB 1190, PN 3014**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administration Code of 1929" raising the number of members appointed to the State Veterans' Commission and changing the quorum requirement.

**HB 1579, PN 3016**

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code" exempting certain units of national veterans' organizations from licensing quota.

**HB 2246, PN 3156**

An Act to provide for the expenses of the Executive Legislative and Judicial Departments of the Commonwealth the public debt and for the public schools for the fiscal period July 1 1978 to June 30 1979 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30 1978.

**SENATE MESSAGE**

**ADJOURNMENT RESOLUTION FOR CONCURRENCE**

The Senate presented the following resolution for concurrence:

**RESOLVED**, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Wednesday, May 31, 1978 and when the House of Representatives adjourns this week it reconvene on Wednesday, May 31, 1978.

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

On the question,

Will the House concur in the resolution of the Senate?

The **SPEAKER**. This is a corrective resolution sent back to the House by the Senate, which changes the time of adjournment for the Senate to Wednesday, and, therefore, it is necessary for us to vote on this one even though we voted earlier on a different resolution.

On the question recurring,

Will the House concur in the resolution of the Senate?

The following roll call was recorded:

**YEAS—181**

Anderson	Gamble	Lynch	Scanlon
Armstrong	Garzia	Mackowski	Scheaffer
Arthurs	Gatski	Madigan	Schmitt
Barber	Geesey	Manderino	Schweder
Beloff	Geisler	Manmiller	Scirica
Bennett	George, C.	McCall	Seltzer
Berlin	George, M.	McClatchy	Shuman
Berson	Giammarco	McGinnis	Shupnik
Bittinger	Gillette	McIntyre	Smith, E.
Bittle	Goebel	McLane	Smith, L.
Brandt	Goodman	Mebus	Spencer
Brown	Gray	Meluskey	Spitz
Brunner	Greenfield	Milanovich	Stapleton
Burd	Greenleaf	Miller	Stewart
Burns	Grieco	Milliron	Stuban
Caltagirone	Halverson	Moehlimann	Sweet
Caputo	Hamilton	Morris	Taddonio
Cassidy	Harper	Mowery	Taylor, E.
Cessar	Hasay	Mrkonic	Taylor, F.
Cimini	Haskell	Mullen, M. P.	Tenaglio
Cohen	Hayes, D. S.	Musto	Thomas
Cole	Hayes, S. E.	Noye	Vroon
Cowell	Helfrick	O'Brien, B.	Wagner
Davies	Hoeffel	O'Brien, D.	Wansacz
DeMedio	Honaman	O'Connell	Wargo
DeVertter	Hutchinson, A.	O'Donnell	Wass
DeWeese	Hutchinson, W.	O'Keefe	Weidner
DiCarlo	Itkin	Pancoast	Wenger

Dietz	Johnson	Peterson	White
Dininni	Jones	Petrarca	Williams
Dombrowski	Katz	Piccola	Wilson
Donatucci	Kelly	Pievsky	Wilt
Dorr	Kernick	Pitts	Wise
Doyle	Klingaman	Polite	Wright, D.
Duffy	Knepper	Pott	Wright, J. L.
Dumas	Kolter	Pratt	Yahner
Englehart	Kowalshyn	Pyles	Yohn
Fee	Kukovich	Ravenstahl	Zearfoss
Fisher, D. M.	Lashinger	Reed	Zeller
Flaherty	Laughlin	Renwick	Zitterman
Foster, A.	Lehr	Rhodes	Zord
Foster, W.	Letterman	Rieger	Zwinkl
Freind	Levi	Ritter	
Fryer	Lincoln	Ruggiero	Irvis,
Gallagher	Livengood	Ryan	Speaker
Gallen	Logue	Salvatore	

**NAYS—3**

Fischer, R. R.     Sirianni     Stairs

**NOT VOTING—16**

Abraham	Gleeson	Oliver	Richardson
Bellomini	Levin	Parker	Trello
Borski	Miscevich	Prendergast	Valicenti
Cianciulli	Novak	Rappaport	Wiggins

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

Ordered, That the clerk inform the Senate accordingly.

**CONDOLENCE RESOLUTIONS ADOPTED**

The SPEAKER. The Chair is about to take up two condolence resolutions, one on the death of a former Governor of this Commonwealth and one on the death of a former member of this House.

The Chair recognizes the distinguished minority leader, Mr. Seltzer.

Mr. SELTZER. Thank you, Mr. Speaker.

We all come to Harrisburg as freshmen and we all remember vividly some fellow members more than others, and the condolence resolution I am offering today, on behalf of the Allegheny County delegation and myself, is on behalf of one of the great friends I have had in the General Assembly of Pennsylvania, the gentleman from Allegheny, Mr. Raymond E. Wilt, Sr.

The following resolution was read:

House of Representatives  
HARRISBURG, PA.  
OFFICE OF THE CHIEF CLERK

**RESOLUTION**

WHEREAS, Raymond E. Wilt, Sr., a former Pennsylvania legislator, passed away recently at the age of seventy; and

WHEREAS, A representative of the twenty-ninth District in the State House from 1951 to 1970, Mr. Wilt was president of Ray Wilt, Incorporated, a trucking firm, and was appointed to the Pennsylvania Lottery Commission by Governor Milton Shapp after his retirement from the legislature. He was a justice of the peace in Ross Township for twenty-one years and chairman of the Ross Township Republican Assembly. He was also a charter member of the Ross Volunteer Fire Company, the Quarter-Century Club of St. Luke's Lutheran Church, Highland

Country Club, the Allegheny Club and the North Park Sportsman's Club. He is survived by his wife, Marcella; two sons, Raymond E. Jr., and State Representative Roy W. Wilt of Mercer; three daughters, Marcella Rieck, Rita Jean Kovach and Marjorie Michalowsky; three brothers, Edwin, Walter and David; thirteen grandchildren and two great-grandchildren; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania notes with sadness the passing of this distinguished and dedicated Pennsylvanian; and extends heartfelt condolences to his wife, Marcella and his family and all those who have been privileged to know and love him; and be it further

RESOLVED, That a copy of this resolution be delivered to Mrs. Marcella Wilt.

The SPEAKER. Those in favor of the adoption of the resolution will please rise.

(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

The tribute was well deserved. The Speaker very clearly remembers some of the giants who served in the hall of this House when he first walked on the floor of this House, not knowing where his seat was, not understanding any of the process, not understanding even the language that was being used, and Ray Wilt was one of those giants, a strong, perceptive, kind man. His son Roy is fortunate. He could not have found a better father any place.

The Chair recognizes the distinguished leader of the Republican Party on another condolence resolution.

Mr. SELTZER. Mr. Speaker, these are very sad days. I offer now a condolence resolution on behalf of the Luzerne County delegation and myself, to honor a distinguished jurist and Governor of Pennsylvania, John S. Fine.

The following resolution was read:

House of Representatives  
HARRISBURG, PA.  
OFFICE OF THE CHIEF CLERK

**RESOLUTION**

WHEREAS, John S. Fine, former governor of the State of Pennsylvania, passed away on May 21, 1978 at the age of eighty-five; and

WHEREAS, Born in Alden, Luzerne County; a graduate of Nanticoke High School and Dickinson School of Law and post graduate credits from Trinity College and University of Dublin, Ireland, Mr. Fine served in the United States Army during World War I and returned to his community and served in various political offices including ward leader and county chairman. He was a Judge of the Court of Common Pleas and the Superior Court. He resigned as a Superior Court Judge in order to seek the Republican nomination for governor. He was elected governor in November 1950 and served in that office until 1955; and

WHEREAS, During the Fine administration, the Commission for Industrial Race Relations, the predecessor of the Human Relations Commission, was established. He was particularly proud of the programs established in mental health and the building of the Northeast Extension of the Pennsylvania Turnpike. He pushed for a constitutional convention, reapportionment, and an income tax—concepts which were not adopted during his administration. In addition, he was a delegate to the 1952 and 1968 Republican National Conventions. He appeared before the House on September 29, 1975, to participate in the twentieth birthday anniversary of the Pennsylvania Human Relations Commission; now therefore be it

RESOLVED, That the House of Representatives of the Com-

monwealth of Pennsylvania mourns the passing of John S. Fine, a true patriot who loved and served this Commonwealth with pride; extends heartfelt condolences to his wife, Bernice and his son John; and be it further

RESOLVED, That a copy of this resolution be delivered to Mrs. Bernice Fine, Route 2, Dallas, Pennsylvania 18612.

K. LEROY IRVIS,  
Speaker

ATTEST:  
VINCENT F. SCARCELLI,  
Chief Clerk

ABRAHAM, DONALD A.  
ANDERSON, JOHN HOPE  
ARMSTRONG, GIBSON E.  
ARTHURS, JACK R.  
BARBER, JAMES D.  
BELLOMINI, ROBERT E.  
BELOFF, LELAND M.  
BENNETT, REID L.  
BERLIN, THEODORE  
BERSON, NORMAN S.  
BITTINGER, C. ADAM  
BITTLE, R. HARRY  
BORSKI, ROBERT A., JR.  
BRANDT, KENNETH E.  
BROWN, HAROLD L.  
BRUNNER, JOHN L.  
BURD, JAMES M.  
BURNS, EDWARD F., JR.  
CALTAGIRONE, THOMAS R.  
CAPUTO, CHARLES N.  
CASSIDY, MICHAEL E.  
CESSAR, RICHARD J.  
CIANCIULLI, MATTHEW J., JR.  
CIMINI, ANTHONY J.  
COHEN, MARK B.  
COLE, KENNETH J.  
COWELL, RONALD R.  
DAVIES, JOHN S.  
DeMEDIO, A. J.  
DeVERTER, WALTER F.  
DeWEESE, H. WILLIAM  
DiCARLO, DAVID C.  
DIETZ, CLARENCE E.  
DININNI, RUDOLPH  
DOMBROWSKI, BERNARD J.  
DONATUCCI, RONALD R.  
DORR, DONALD W.  
DOYLE, JOSEPH TED  
DUFFY, ROGER F.  
DUMAS, ALJIA  
ENGLEHART, HARRY A., JR.  
FEE, THOMAS J.  
FISCHER, ROGER RAYMOND  
FISHER, D. MICHAEL  
FLAHERTY, THOMAS E.  
FOSTER, A. CARVILLE, JR.  
FOSTER, WILLIAM W.  
FREIND, STEPHEN F.  
FRYER, LESTER K.  
GALLAGHER, JAMES J. A.  
GALLEN, JAMES J.  
GAMBLE, RONALD  
GARZIA, RALPH A.  
GATSKI, RONALD  
GEESEY, EUGENE R.  
GEISLER, ROBERT A.  
GEORGE, CAMILLE  
GEORGE, MARGARET H.  
GIAMMARCO, HENRY J.  
GILLETTE, HELEN D.  
GLEESON, FRANCIS E., JR.  
GOEBEL, RONALD P.  
GOODMAN, JAMES A.  
GRAY, CLIFFORD, JR.

GREENFIELD, ROLAND  
GREENLEAF, STEWART J.  
GRIECO, JOSEPH V.  
HALVERSON, KENNETH S.  
HAMILTON, JOHN H., JR.  
HARPER, RUTH B.  
HASAY, GEORGE C.  
HASKELL, H. HARRISON, II  
HAYES, DAVID S.  
HAYES, SAMUEL E., JR.  
HELFRICK, EDWARD W.  
HOEFFEL, JOSEPH M., III  
HONAMAN, JUNE N.  
HUTCHINSON, AMOS K.  
HUTCHINSON, WILLIAM D.  
ITKIN, IVAN  
JOHNSON, JOEL J.  
JONES, JAMES F., JR.  
KATZ, ALVIN  
KELLY, ANITA PALERMO  
KERNICK, PHYLLIS T.  
KLINGAMAN, WM. K., SR.  
KNEPPER, JAMES W., JR.  
KOLTER, JOSEPH P.  
KOWALYSHYN, RUSSELL  
KUKOVICH, ALLEN G.  
LASHINGER, JOSEPH A.  
LAUGHLIN, CHARLES  
LEHR, STANFORD I.  
LETTERMAN, RUSSELL P.  
LEVI, JOSEPH II  
LEVIN, STEPHEN E.  
LINCOLN, J. WILLIAM  
LIVENGOOD, HENRY  
LOGUE, CHARLES T.  
LYNCH, FRANK J.  
MACKOWSKI, WILLIAM D.  
MADIGAN, ROGER ALLEN  
MANDERINO, JAMES J.  
MANMILLER, JOSEPH C.  
McCALL, THOMAS J.  
McCLATCHY, RICHARD A., JR.  
McGINNIS, PATRICK J.  
McINTYRE, JAMES  
McLANE, WILLIAM J.  
MEBUS, CHARLES F.  
MELUSKEY, FRANK J.  
MILANOVICH, FRED R.  
MILLER, MARVIN E., JR.  
MILLIRON, JOHN P.  
MISCEVICH, GEORGE  
MOEHLMANN, NICHOLAS B.  
MORRIS, SAMUEL W.  
MOWERY, HAROLD F., JR.  
MRKONIC, EML  
MULLEN, MARTIN P.  
MUSTO, RAPHAEL  
NOVAK, BERNARD R.  
NOYE, FRED C.  
O'BRIEN, BERNARD F.  
O'BRIEN, DENNIS M.  
O'CONNELL, FRANK J., JR.  
O'DONNELL, ROBERT W.  
O'KEEFE, PETER J.  
OLIVER, FRANK LOUIS  
PANCOAST, G. SEIBER  
PARKER, H. SHELDON, JR.  
PETERSON, JOHN E.  
PETRARCA, JOSEPH A.  
PICCOLA, JEFFREY E.  
PIEVSKY, MAX  
PITTS, JOSEPH R.  
POLITE, ROOSEVELT I.  
POTT, GEORGE F., JR.  
PRATT, RALPH D.  
PRENDERGAST, JAMES F.

PYLES, VERN  
 RAPPAPORT, SAMUEL  
 RAVENSTAHL, ROBERT P.  
 REED, STEPHEN R.  
 RENWICK, WILLIAM F.  
 RHODES, JOSEPH, JR.  
 RICHARDSON, DAVID P., JR.  
 RIEGER, WILLIAM W.  
 RITTER, JAMES P.  
 RUGGIERO, PHILIP S.  
 RYAN, MATTHEW J.  
 SALVATORE, FRANK A.  
 SCANLON, AGNES M.  
 SCHEAFFER, JOHN E.  
 SCHMITT, C. L.  
 SCHWEDER, J. MICHAEL  
 SCIRICA, ANTHONY J.  
 SELTZER, H. JACK  
 SHUMAN, WILLIAM O.  
 SHUPNIK, FRED J.  
 SIRIANNI, CARMEL  
 SMITH, EARL H.  
 SMITH, L. EUGENE  
 SPENCER, WARREN H.  
 SPITZ, GERALD J.  
 STAIRS, JESS M.  
 STAPLETON, THOMAS J., JR.  
 STEWART, WILLIAM J.  
 STUBAN, TED  
 SWEET, DAVID W.  
 TADDONIO, LEE C.  
 TAYLOR, ELINOR ZIMMERMAN  
 TAYLOR, FRED  
 TENAGLIO, FRANCIS X.  
 THOMAS, RENO H.  
 TRELLO, FRED A.  
 VALICENTI, A. JOSEPH  
 VROON, PETER R.  
 WAGNER, GEORGE O.  
 WANSACZ, JOHN  
 WARGO, JOSEPH G.  
 WASS, PAUL  
 WEIDNER, MARVIN D.  
 WENGER, NOAH W.  
 WHITE, JOHN F., JR.  
 WIGGINS, EDWARD A.  
 WILLIAMS, HARDY  
 WILSON, BENJAMIN H.  
 WILT, ROY W.  
 WISE, HELEN D.  
 WRIGHT, DAVID R.  
 WRIGHT, JAMES L., JR.  
 YAHNER, PAUL J.  
 YOHN, WILLIAM H., JR.  
 ZEARFOSS, HERBERT K.  
 ZELLER, JOSEPH R.  
 ZITTEMAN, FRANK J.  
 ZORD, JOSEPH V., JR.  
 ZWIKL, KURT D.

#### CONDOLENCE RESOLUTIONS ADOPTED

The SPEAKER. Those in favor of the adoption of the resolution will please rise.

(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

Without objection, each separate name of each member of this House will be affixed to the condolence resolution for the former Governor of this Commonwealth, Governor Fine.

The Luzerne County delegation is hereby designated by the Speaker as the official party to represent the House of Representatives at the funeral of Governor Fine.

#### CALENDAR BILLS ON THIRD CONSIDERATION RESUMED

The House resumed third consideration of HB 953, PN 2291, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes creating the Pennsylvania Commission on Sentencing establishing guidelines for criminal sentencing to be used by trial courts and further providing for sentencing alternatives and appellate review of sentence.

The SPEAKER. Without objection, the Chair rescinds its statement that the House agreed to the bill as amended.

On the question recurring,

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

Mr. ZELLER offered the following amendment:

Amend Sec. 4, page 9, by inserting between lines 21 and 22 § 1397. Expiration of commission.

The Pennsylvania Commission on Sentencing shall expire on June 30, 1979 unless saved from expiration by the General Assembly.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zeller.

Mr. ZELLER. Mr. Speaker, I want to thank you and the House for your patience. I am sorry to have to hold it up with all the goodies downstairs waiting, but there are other important things to do, too, here.

What we will do is another one of the sunset moves. Since Mr. Scirica has dated it back to January 1, 1979, to start its functioning, setting it up, this will sunset the commission as of June 30, 1979, unless saved from expiration by the General Assembly, meaning this: At that time we can meet whether they need more money and whether or not we feel it should continue.

I feel, as far as myself, and I know there are others who feel that way, that there should be a sunset provision—and in 6 months if they cannot come up with something, then they are not worth their salt. So, we feel that this gives us a chance. Again I feel that on most legislation of this type, on commissions that usually are set up and just keep going and going and going and never stop, this gives us a chance to take a look at it and find out whether it is worthy and whether to let it expire or to continue it. So, I would appreciate support on this move. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Scirica, who is either going to deal with sunrise or sunset. Which?

Mr. SCIRICA. Mr. Speaker, I have no objection to sunset but at least I would like the sun to come up.

I am afraid that with this amendment the commission will have a 6-month life and it will go out of existence, unless we re-enact it sometime next year.

Now I think there are a couple of important things that everybody ought to understand about the commission. This bill and the commission do not go into effect until January 1, 1979. So

the sunset provision would apply 6 months after that time.

We have given the commission a year and a half to issue these guidelines. Hopefully, they will not need that much time, but they may. I do not think we ought to be in a position of rushing them and us towards some precipitous action in so important an area.

Secondly, there are some mandatory time periods that are already in this statute. For example, we have given the General Assembly 90 days to veto any guidelines that are issued by the commission. If we, in this particular instance next year, are going to allow the General Assembly the full 90 days, we have already cut 3 months off that 6 months.

We also statutorily require the commission to hold public hearings on the first draft of these guidelines and say that that has to be done within 60 days. So that is another 2 months. So, ideally, if we are going to comply with all of the statutory provisions here and allow both the commission, the public hearings and the legislature the full time allotted, the commission would have to issue their guidelines by February 1 of 1979, exactly 30 days after they have been constituted.

I have no objection to sunset. I have no objection to a review. But the point is that next year at June 30, 1979, we are going to know no more about this than we know right now. We are going to have no more additional information on which to make a decision as to whether this commission ought to exist or not. If it were a longer period of time, 3 years, 5 years, something like that, I would have no problem with it at all, but to accept an amendment that gives the commission a duration of 6 months, simply kills the commission.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zeller, for the second time on the amendment.

Mr. ZELLER. Thank you, Mr. Speaker.

There are two reasons for the amendment: One, there are a lot of us here who do not know yet who these people will be on this sentencing commission. Therefore, if we see that this is going to be a one-sided affair—and I say this with respect to Mr. Berson and Mr. Scirica—it may wind up strictly a Civil Liberties Union organization. I do not know and I say it with respect. It may be one that is going to be set up that is going to be real hard core to some of the people who will not want it.

So I feel that once we get a chance to look at what this commission is going to be and see how they are moving, we can do the same as Mr. Knepper did to HB 1528, which I thought was great in regard to the various professional licensing boards.

Most of us know that we are not going to let those boards go out of existence, but if we find that they are not doing the job, certainly they are going to be changed and there is going to be some action taken.

I feel, by the same token here, we have that chance to take a look at them by June 30, and if we find that this is going to be the kind of commission that is going to be all one-sided, then we feel we can take some action.

Another point: The Governor has stated, whether we believe him or not, that we are in trouble next year. As a matter of fact, he made the statement just yesterday on the radio, that whoever the Governor may be, he is going to have tax problems next year; that we have got a fiscal problem.

There again, whether or not we want to continue with such an organization, these are the kinds of things that are in my mind as the only reason why we are bringing up the date of June 30, 1979. So that is why I say, sure, we can continue it in June of 1979 for the next fiscal year, and if we care to extend it another year, then give another deadline sunset at that time. That is the reason for it. No one is trying to kill your operation. We merely want to get a chance to look at who these people are who are going to be serving.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Scirica, for the second time.

Mr. SCIRICA. Thank you, Mr. Speaker. I will be brief.

I, too, was concerned about the composition of the commission. This is why we decided that we would have three appointing bodies. The Speaker of the House will appoint two. They are going to be either Mr. Irvis or Mr. Seltzer. The President pro tempore of the Senate appoints two, and they are going to be either Mr. Murray or Mr. Hager. The Governor appoints three. They are going to be either Mr. Thornburg or Mr. Flaherty. And The Chief Justice, Mr. Eagen, appoints four. Now I do not see how we are going to get bad appointments out of those individuals, whether they are Republican or Democratic.

Secondly, the final control over the guidelines rests with the General Assembly. You are right, Mr. Zeller, when you say you do not know what is going to come out. That is why we provided in here the veto provision. If we do not like it, we say no and send them back, and they have got to do it all over again.

#### PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter. For what purpose does the gentleman rise?

Mr. RITTER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RITTER. Is it possible, Mr. Speaker, to, by voice or by a verbal amendment, change the date of 1979 to 1980?

The SPEAKER. No, that is not possible. The only way that the Speaker knows to change this date would be to have a new amendment drafted. You see, the problem of the original amendment was an error in the date, which was not the fault of Mr. Zeller. And if the gentleman, Mr. Ritter, wants to change the date then we would have to have a new amendment drafted with a different date and we would have to be in exactly the same position that we were with the Zeller amendment.

Mr. RITTER. Mr. Speaker, would Mr. Scirica consent to one question, please?

The SPEAKER. Will the gentleman, Mr. Scirica, stand for interrogation? The gentleman indicates that he will. The gentleman, Mr. Ritter, is in order and may proceed.

Mr. RITTER. Mr. Speaker, I would certainly feel comfortable with a 1980 date. But let me ask you this question: You said that the commission is charged to perform certain duties and we have given them in the bill 18 months to do that, a year and a half. Is that correct?

Mr. SCIRICA. That is correct, yes.

Mr. RITTER. So, the effective date of January 1, 1979, in 18 months would take it to June 30, 1980. Is that correct?

Mr. SCIRICA. That is correct, yes.

Mr. RITTER. I thank the gentleman, Mr. Speaker.

I support some kind of sunset provision. I do agree with Mr. Scirica. I do not think 6 months is sufficient time. Since they are charged under the legislation with performing this function by June 30, 1980, then I am going to vote against the amendment.

That is why I asked the inquiry as to whether we could amend it verbally to make it effective June 30, 1980. If we cannot do that, Mr. Speaker, then I am reluctantly going to have to vote against the amendment.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, there is, for the benefit of the members, a sunset bill on the calendar which we took from the table and placed on the calendar. And any members wanting to address the issue of when this commission should go out of existence can, I think, very easily prepare an amendment in proper form, giving it sufficient length of time and putting it into that sunset bill.

**AMENDMENT WITHDRAWN**

The SPEAKER. Is the gentleman, Mr. Zeller, going to withdraw the amendment?

Mr. ZELLER. If that is what is true, then I think it is nonsense for me to go through with this and it is nonsense to hold the group up. So, I am sorry. I withdraw it.

The SPEAKER. The gentleman, Mr. Zeller, has withdrawn the amendment.

On the question recurring,

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

Bill as amended 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 provision of the Constitution, the yeas and nays will now be taken.

**YEAS—185**

Abraham	Gamble	Madigan	Scheaffer
Anderson	Garzia	Manderino	Schmitt
Armstrong	Gatski	Manmiller	Schweder
Arthurs	Geesey	McCall	Scirica
Barber	Geisler	McClatchy	Seltzer
Beloff	George, C.	McGinnis	Shuman
Bennett	George, M.	McIntyre	Shupnik
Berlin	Giammarco	McLane	Sirianni
Berson	Gillette	Mebus	Smith, E.
Bittinger	Goebel	Meluskey	Smith, L.
Bittle	Goodman	Milanovich	Spencer
Borski	Gray	Miller	Stairs
Brandt	Greenfield	Milliron	Stapleton
Brown	Greenleaf	Miscevich	Stewart
Brunner	Grieco	Moehlmann	Stuban
Burd	Halverson	Morris	Sweet
Burns	Hamilton	Mowery	Taddonio
Caltagirone	Harper	Mrkonic	Taylor, E.
Caputo	Hasay	Mullen, M. P.	Taylor, F.
Cassidy	Haskell	Musto	Tenaglio
Cessar	Hayes, D. S.	Novak	Thomas
Cimini	Hayes, S. E.	Noye	Trello

Cohen	Helfrick	O'Brien, B.	Valicenti
Cole	Hoeffel	O'Brien, D.	Vroon
Cowell	Honaman	O'Connell	Wagner
Davies	Hutchinson, A.	O'Donnell	Wansacz
DeMedio	Hutchinson, W.	O'Keefe	Wargo
DeVerter	Itkin	Pancoast	Wass
DeWeese	Johnson	Parker	Weidner
DiCarlo	Jones	Peterson	Wenger
Dininni	Katz	Petrarca	White
Dombrowski	Kelly	Piccola	Wilson
Donatucci	Kernick	Pievsky	Wilt
Dorr	Klingaman	Pitts	Wise
Doyle	Knepper	Polite	Wright, D.
Duffy	Kolter	Pott	Wright, J. L.
Dumas	Kowalshyn	Pratt	Yahner
Engelhart	Kukovich	Pyles	Yohn
Fee	Lashinger	Ravenstahl	Zearfoss
Fischer, R. R.	Laughlin	Reed	Zeller
Fisher, D. M.	Lehr	Rhodes	Zitterman
Flaherty	Levi	Rieger	Zord
Foster, A.	Lincoln	Ritter	Zwilk
Foster, W.	Livengood	Ruggiero	
Freind	Logue	Ryan	Irvis,
Gallagher	Lynch	Salvatore	Speaker
Gallen	Mackowski	Scanlon	

**NAYS—6**

Dietz	Letterman	Spitz	Williams
Fryer	Renwick		

**NOT VOTING—9**

Bellomini	Levin	Prendergast	Richardson
Cianciulli	Oliver	Rappaport	Wiggins
Gleeson			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

**STATEMENT ON LEGISLATION INTRODUCED**

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, I ask for unanimous consent to make a few remarks on the introduction of a resolution.

The SPEAKER. Without objection, the unanimous consent is granted.

Mr. DORR. Mr. Speaker, several of the members may have been contacted by veterans' organizations, volunteer fire companies and churches in regard to a Department of Revenue ruling, which is requiring them henceforth to obtain exemption certificates on an annual basis instead of on a permanent basis as has always been the case.

In addition to that, the forms that are required to be filled out for that continuing annual exemption require a good deal of financial paperwork and disclosure of financial information which, in my judgment at least, is irrelevant.

Several members of the House have prepared a resolution which asks the department to cease and desist from this program. The resolution will remain on the desk for further co-sponsorship.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zeller.

Mr. ZELLER. Mr. Speaker, in checking my notes, I do not want it to be held against the Legislative Reference Bureau. I know we are very kind here on the floor, but the Legislative Reference Bureau was not at fault in this particular case. I gave them the wrong date in the first place — June 30, 1978. So with all respect to them, they have been operating very efficiently, and I want to give them credit. So, I thank you for your patience and your kind words. Thank you.

ANNOUNCEMENT

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

Mr. RHODES. Will the members of the Subcommittee on Crime and Corrections please proceed to room 115 A at the announcement of the adjournment?

BILLS PASSED OVER

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

WELCOME

The SPEAKER. The Chair is glad to welcome to the hall of the House, as the guests of Messrs. Jack Arthurs and James Burd, the Butler Area Chamber of Commerce.

ADJOURNMENT

Mr. KUKOVICH moved that this House of Representatives do now adjourn until Wednesday, May 31, 1978, at 1 p.m., e.d.t.

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

The following roll call was recorded:

YEAS—159

Anderson	Gallen	McClatchy	Shuman
Armstrong	Garzia	McGinnis	Shupnik
Arthurs	Gatski	McIntyre	Sirianni
Bellomini	Geesey	McLane	Smith, E.
Beloff	George, C.	Mebus	Smith, L.
Bennett	George, M.	Milanovich	Spencer

Berlin	Gillette	Miller	Spitz
Bittinger	Goebel	Milliron	Stairs
Borski	Gray	Moehlmann	Stapleton
Brandt	Greenleaf	Morris	Stewart
Brown	Grieco	Mowery	Stuban
Brunner	Halverson	Mullen, M. P.	Sweet
Burd	Hamilton	Musto	Taddonio
Burns	Harper	Noye	Taylor, E.
Caltagirone	Hasay	O'Brien, D.	Taylor, F.
Cassidy	Hayes, D. S.	O'Connell	Tenaglio
Cessar	Hayes, S. E.	O'Donnell	Thomas
Cimini	Helfrick	O'Keefe	Vroom
Cohen	Hoeffel	Oliver	Wagner
Cole	Honaman	Pancoast	Wansacz
Cowell	Hutchinson, A.	Parker	Wass
Davies	Hutchinson, W.	Noye	Weidner
DeMedio	Itkin	Petrarca	Wenger
DeVerter	Katz	Piccola	Wilson
DeWeese	Kernick	Pitts	Wilt
DiCarlo	Klingaman	Polite	Wise
Dietz	Knepper	Pott	Wright, D.
Dininni	Kolter	Pratt	Wright, J. L.
Dombrowski	Kowalyszyn	Pyles	Yahner
Donatucci	Kukovich	Reed	Yohn
Dorr	Lashinger	Renwick	Zearfoss
Doyle	Laughlin	Rieger	Zeller
Englehart	Lehr	Ritter	Zitterman
Fee	Letterman	Ryan	Zord
Fischer, R. R.	Levi	Salvatore	Zwinkl
Fisher, D. M.	Lincoln	Scanlon	
Foster, A.	Lynch	Scheaffer	Irvis,
Foster, W.	Mackowski	Schmitt	Speaker
Freind	Madigan	Schweder	
Fryer	Manmiller	Scirica	
Gallagher	McCall	Seltzer	

NAYS—2

Livengood	Meluskey
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NOT VOTING—39

Abraham	Geisler	Logue	Rhodes
Barber	Giammarco	Manderino	Richardson
Berson	Gleeson	Miscevich	Ruggiero
Bittle	Goodman	Mrkonic	Trello
Caputo	Greenfield	Novak	Valicenti
Cianciulli	Haskell	O'Brien, B.	Wargo
Duffy	Johnson	Pievsky	White
Dumas	Jones	Prendergast	Wiggins
Flaherty	Kelly	Rappaport	Williams
Gamble	Levin	Ravenstahl	

The question was determined in the affirmative and the motion was agreed to, and at 5:53 p.m., e.d.t., the House adjourned.