

# Legislative Journal

WEDNESDAY, JULY 11, 1979

Session of 1979

163rd of the General Assembly

Vol. 1, No. 62

## HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

### PRAYER

THE HONORABLE ROBB AUSTIN, member of the House of Representatives and guest chaplain, offered the following prayer:

Lord, look over us today as we face the problems of state government. Give each member the wisdom to overlook personal differences so that we may make decisions solely for the betterment of the Commonwealth.

Give us strength so that each member performs to the very best of his ability. We ask this in Jesus' name. Amen.

### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, July 10, 1979, will be postponed until printed.

### HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

No. 1624 By Mr. SALVATORE

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

Referred to Committee on Judiciary.

No. 1625 By Mr. D. R. WRIGHT

An Act declaring and adopting the song "Our Pennsylvania," by Gertrude L. Miller, as the State song of the Commonwealth of Pennsylvania.

Referred to Committee on State Government.

No. 1626 By Messrs. VROON, TAYLOR, MADIGAN and E. G. JOHNSON

An Act amending the "Pennsylvania No-fault Motor Vehicle Insurance Act," approved July 19, 1974 (P. L. 489, No. 176), changing the liability of a person for damages for non-economic detriment under certain circumstances.

Referred to Committee on Insurance.

No. 1627 By Messrs. VROON, YOHN, KOWALYSHYN, MADIGAN, A. C. FOSTER, E. R. LYNCH, E. G. JOHNSON, TAYLOR and DeVERTER

An Act amending "The Insurance Company Law of 1921," approved May 17, 1921 (P. L. 682, No. 284), increasing the interest rate for computation of minimum non-forfeiture benefits and cash surrender values required in life insurance policies.

Referred to Committee on Insurance.

No. 1628 By Messrs. VROON, YOHN, KOWALYSHYN, MADIGAN, A. C. FOSTER, E. G. JOHNSON, TAYLOR and DeVERTER

An Act amending "The Insurance Department Act of one thousand nine hundred and twenty-one," approved May 17, 1921 (P. L. 789, No. 285), further regulating the computation of the reserve liability of life insurance policies and annuity contracts.

Referred to Committee on Insurance.

No. 1629 By Messrs. VROON, TAYLOR, E. H. SMITH, MADIGAN and CORNELL

An Act providing for the licensing of insurance premium finance companies, the regulation of insurance premium finance agreements, establishing rates of interest or discount and service charges, regulating the cancellation of policies of insurance for nonpayment of an insurance premium finance loan; imposing certain powers and duties upon the Insurance Commissioner and providing for penalties for violation.

Referred to Committee on Insurance.

No. 1630 By Messrs. MADIGAN, SHUPNIK, CIMINI, GRIECO, WENGER, SALVATORE, MOWERY, BURD, PERZEL, PITTS and E. R. LYNCH

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), adding the State Fire Safety Commission.

Referred to Committee on State Government.

No. 1631 By Messrs. E. R. LYNCH, PITTS, FREIND, CALTAGIRONE, NOYE, COHEN, CESSAR, Mrs. TAYLOR, Messrs. DAVIES, LASHINGER, VROON, TELEK, J. L. WRIGHT, PRATT, SPITZ, ZWIKL, Mrs. ARTY, Messrs. ALDEN, MADIGAN, SHUPNIK, CIMINI, GRIECO, WENGER, SALVATORE, MOWERY, BURD and PERZEL

An Act creating a State Fire Safety Commission, a State Fire Safety Commissioner, enumerating their powers and duties, and providing for the transfer of jurisdiction from certain agencies to the commission.

Referred to Committee on State Government.

**No. 1632** By Messrs. COHEN, MILLER, D. M. FISHER, STREET, CESSAR, ITKIN, W. D. HUTCHINSON, KUKOVICH, Mrs. HARPER, Messrs. BROWN, ROCKS, Mrs. KERNICK, Messrs. BARBER, McINTYRE and RIEGER

An Act making an appropriation to the Department of Public Welfare for the purchase of social services.

Referred to Committee on Health and Welfare.

**No. 1633** By Messrs. REED and MILLER

An Act regulating the practice of social work, providing for licensing of social workers and providing penalties.

Referred to Committee on State Government.

**No. 1634** By Messrs. NOYE, THOMAS, HASAY and DORR

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), exempting grain drying equipment from the sales tax.

Referred to Committee on Finance.

**No. 1635** By Messrs. NOYE, LEVI, BURNS, PUNT and DAVIES

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), providing for automobile sales from the Department of General Services to any political subdivision.

Referred to Committee on State Government.

**No. 1636** By Messrs. RICHARDSON, WHITE, OLIVER, SHADDING, STREET and Mrs. HARPER

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), establishing a Student Advisory Board and providing for its powers and duties.

Referred to Committee on Education.

**No. 1637** By Messrs. RICHARDSON, SHADDING, J. J. JOHNSON, OLIVER and WHITE

An Act amending "The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns and Townships," approved April 29, 1937 (P. L. 487, No. 115), further providing for registrars.

Referred to Committee on Urban Affairs.

**No. 1638** By Messrs. RICHARDSON, SHADDING, J. J. JOHNSON, OLIVER and WHITE

An Act amending "The First Class City Permanent Registration Act," approved March 30, 1937 (P. L. 115, No. 40), further providing for registrars.

Referred to Committee on Urban Affairs.

**No. 1639** By Messrs. RICHARDSON, SHADDING, RHODES, J. J. JOHNSON, OLIVER and WHITE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, prohibiting defendants in small claims cases from countering for the purpose of forcing the case into a higher court.

Referred to Committee on Judiciary.

**No. 1640** By Messrs. CAPPABIANCA, SWIFT, PRATT, STUBAN and DOMBROWSKI

An Act amending the "Motor Vehicle Manufacturer's, Dealer's and Salesman's License Act," approved September 9, 1965 (P. L. 499, No. 254), further defining the terms "board," "dealer" and "mobilehome dealer" and granting the board additional powers relating to the establishment or relocation of certain dealerships.

Referred to Committee on Transportation.

**No. 1641** By Messrs. MRKONIC, ZORD, Mrs. TAYLOR, Messrs. RHODES, DUFFY, DAWIDA, MICHLOVIC, PISTELLA, TADDONIO, R. R. FISCHER, DUMAS, STAIRS, AUSTIN, KUKOVICH, McINTYRE, RIEGER, O'DONNELL, GOEBEL, SWIFT, KOLTER, KNIGHT, PETRARCA, Mrs. GEORGE, Messrs. KOWALYSHYN, TELEK, COWELL, COHEN and DeWEESE

An Act amending the act of December 1, 1977 (P. L. 236, No. 75), entitled "An act prohibiting smoking in patients' rooms in hospitals and providing a penalty," prohibiting the sale of tobacco products in hospital premises.

Referred to Committee on Health and Welfare.

**No. 1642** By Mrs. KERNICK, Messrs. GOEBEL, SWEET, MANDERINO, KUKOVICH, JONES, COHEN, DAWIDA, NOVAK, KNIGHT, PISTELLA, TRELLO, SHUPNIK, SCHMITT, BARBER, GRAY and COWELL

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), prohibiting the use of the Governor's Mansion for political purposes.

Referred to Committee on State Government.

## SENATE MESSAGE

### SENATE BILLS FOR CONCURRENCE

The clerk of the Senate presented the following bills for concurrence:

**SB 86, PN 86**

Referred to Committee on Liquor Control.

**SB 234, PN 1014**

Referred to Committee on Appropriations.

**SB 298, PN 915**

Referred to Committee on Consumer Affairs.

**SB 650, PN 1011**

Referred to Committee on State Government.

**SB 846, PN 1022**

Referred to Committee on Insurance.

**SB 877, PN 1000**

Referred to Committee on Appropriations.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 117** By Messrs. RICHARDSON, SHADDING,  
WHITE, J. J. JOHNSON, RHODES,  
OLIVER, STREET and Mrs. HARPER

The House of Representatives of the Commonwealth of Pennsylvania memorializes Congress to enact legislation that would authorize the granting of unemployment compensation to newly released prisoners.

Referred to Committee on Federal-State Relations.

### SENATE MESSAGES

#### AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

The Senate returned the following House bills with amendments in which concurrence of the House is requested:

**HB 53, PN 1967; HB 1207, PN 1942; HB 1270, PN 1966; HB 1274, PN 1958; HB 1303, PN 1959; HB 1304, PN 1960; HB 1306, PN 1961; HB 1307, PN 1962; HB 1309, PN 1963; and HB 1310, PN 1964.**

The SPEAKER. The bills will appear on the supplemental calendar.

### SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Senate informed that it has adopted the Report of the Committee of Conference on **SB 208, PN 1037**.

### SENATE RECEDES FROM AMENDMENTS

The clerk of the Senate, being introduced, informed that the Senate has receded from its amendments non-concurred in by the House of Representatives to **HB 31, PN 1244**, entitled:

An Act establishing a uniform mileage fee for all officials, officers and employees of the Commonwealth, its political subdivisions, intermediate units, and authorities.

Ordered the Clerk return the same to the House of Representatives with the information that the Senate has passed the same without amendments.

### COMMUNICATIONS FROM GOVERNOR

#### BILLS SIGNED BY GOVERNOR

The Secretary to the Governor presented the following communications from His Excellency, the Governor:

APPROVAL OF HOUSE BILLS Nos. 25, 649, 650, 713 and 1009

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

July 10, 1979.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 25, printer's No. 25, entitled, "An Act amending the act of June 15, 1961 (P. L. 373, No. 207), entitled 'Inheritance and Estate Tax Act of 1961,' adding certain transfers not subject to tax."

DICK THORNBURGH,  
GOVERNOR

July 10, 1979.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 649, printer's No. 705, entitled, "An Act amending the act of May 5, 1927 (P. L. 787, No. 408), entitled 'An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth,' changing a route in Lancaster County."

DICK THORNBURGH,  
GOVERNOR

July 10, 1979.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 650, printer's No. 706, entitled, "An Act amending the act of June 1, 1933 (P. L. 1172, No. 290), entitled 'An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth,' deleting a route in Marietta Borough, Lancaster County."

DICK THORNBURGH,  
GOVERNOR

July 10, 1979.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 713, printer's No. 769, entitled, "An act authorizing and directing the Department of General Services, with the approval of the Governor, to convey to Council House, Inc., a certain parcel of land together with a building erected thereon, situate in Collier Township, Allegheny County, Pennsylvania."

DICK THORNBURGH,  
GOVERNOR

July 10, 1979.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1009, printer's No. 1117, entitled, "An Act amending the act of June 22, 1931 (P. L. 594, No. 203), entitled 'An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act,' deleting a portion of a route in Pennsbury Township, Chester County."

DICK THORNBURGH.  
GOVERNOR

**LEAVES OF ABSENCE GRANTED**

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I request leave of absence for Mr. McKELVEY for today's session. Mr. McKelvey has been on leave this week because he is attending summer camp with his National Guard Unit.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I request leave of absence for Mr. CIANCIULLI for today's session.

The SPEAKER. Without objection, leaves are granted.

**MASTER ROLL CALL RECORDED**

The SPEAKER. The Chair is about to take the master roll.

The following roll call was recorded:

**YEAS—198**

Alden	Foster, W.	Lewis	Ryan
Anderson	Freind	Livengood	Salvatore
Armstrong	Fryer	Lynch, E. R.	Scheaffer
Arty	Gallagher	Lynch, F.	Schmitt
Austin	Gallen	Mackowski	Schweder
Barber	Gamble	Madigan	Scirica
Belardi	Gannon	Manderino	Serafini
Bennett	Gatski	Manmiller	Seventy
Berson	Geesey	McCall	Shadding
Bittle	Geist	McClatchy	Shupnik
Borski	George, C.	McIntyre	Sieminski
Bowser	George, M.	McMonagle	Sirianni
Brandt	Giammarco	McVerry	Smith, E.
Brown	Gladeck	Michlovic	Smith, L.
Brunner	Goebel	Micozzie	Spencer
Burd	Goodman	Milanovich	Spitz
Burns	Grabowski	Miller	Stairs
Caltagirone	Gray	Moehlmann	Steighner
Cappabianca	Greenfield	Mowery	Stewart
Cessar	Grieco	Mrkonic	Stuban
Chess	Gruppo	Mullen, M. P.	Sweet
Cimini	Halverson	Murphy	Swift
Clark, B.	Harper	Musto	Taddonio
Clark, R.	Hasay	Nahill	Taylor, E.
Cochran	Hayes, D. S.	Novak	Taylor, F.
Cohen	Hayes, S. E.	Noye	Telek
Cole	Helfrick	O'Brien, B.	Thomas
Cornell	Hoeffel	O'Brien, D.	Trello
Coslett	Honaman	O'Donnell	Vroon
Cowell	Hutchinson, A.	Oliver	Wachob
Cunningham	Hutchinson, W.	Perzel	Wagner
Davies	Irvis	Peterson	Wargo
Dawida	Itkin	Petrarca	Wass
DeMedio	Johnson, E.	Piccola	Weidner

DeVerter	Johnson, J.	Pievsky	Wenger
DeWeese	Jones	Pistella	White
DiCarlo	Kanuck	Pitts	Williams
Dietz	Kernick	Polite	Wilson
Dininni	Klingaman	Pott	Wilt
Dombrowski	Knepper	Pratt	Wright, D.
Donatucci	Knight	Pucciarelli	Wright, J. L.
Dorr	Kolter	Punt	Yahner
Duffy	Kowalshyn	Pyles	Yohn
Dumas	Kukovich	Reed	Zeller
Durham	Lashingner	Rhodes	Zitterman
Earley	Laughlin	Richardson	Zord
Fee	Lehr	Rieger	Zwikl
Fischer, R. R.	Letterman	Ritter	
Fisher, D. M.	Levi	Rocks	Seltzer,
Foster, A.	Levin	Rodgers	Speaker

**NAYS—0**

**NOT VOTING—5**

Beloff	McKelvey	Rappaport	Street
Cianciulli			

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

**BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO RULES COMMITTEE**

**HB 1623, PN 1991 (Amended)** By Mr. McCLATCHY

An Act providing additional funds to several agencies of the Executive Department for bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1979.

Appropriations.

**BILLS REREPORTED FROM COMMITTEE**

**HB 2, PN 1591** By Mr. McCLATCHY

An Act implementing the addition of section 4.1 to Article IV of the Constitution of Pennsylvania; establishing the Office of Attorney General elected by the citizens and setting forth powers and duties of the Attorney General;\*\*\*.

Rereported from Committee on Appropriations.

**HB 46, PN 1797** By Mr. McCLATCHY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, increasing the compensation and mileage of witnesses.

Rereported from Committee on Appropriations.

**HB 213, PN 1741** By Mr. McCLATCHY

An Act amending the "Adoption Act," approved July 24, 1970 (P. L. 620, No. 208), incorporating additional provisions relating to due process, notice and best interest of the adoptee; further providing for relinquishment of parental rights and providing for certain options.

Rereported from Committee on Appropriations.

**HB 227, PN 887** By Mr. McCLATCHY

An Act amending Title 52 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the qualifications, selection and service of jurors and providing penalties.

Rereported from Committee on Appropriations.

**HB 373, PN 1069**

By Mr. McClatchy

An Act amending the "Pennsylvania Municipal Retirement Law," approved February 1, 1974 (P. L. 34, No. 15), providing that a person receiving a retirement allowance be a member of the Pennsylvania Municipal Retirement Board and further providing for the actuarial soundness of the fund, for excess interest, for payment of administrative funds from excess interest earnings, for member's excess investment account, for joining the fund, for municipal liability, for credit for other governmental service, for contributions, for return to service and for computation of benefits.

Rereported from Committee on Appropriations.

**HB 794, PN 1970 (Amended)**

By Mr. McClatchy

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), providing for an exemption from the utilities gross receipts tax.

Rereported from Committee on Appropriations.

**HB 1211, PN 1796**

By Mr. McClatchy

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), regulating the harvesting of Wild American Ginseng.

Rereported from Committee on Appropriations.

**HB 1375, PN 1605**

By Mr. McClatchy

An Act providing for the certification of professional geologists.

Rereported from Committee on Appropriations.

**SENATE MESSAGES**

**SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE**

The Senate informed that it has adopted the Report of the Committee of Conference on **HB 140, PN 1965**.

**HOUSE BILL CONCURRED IN BY SENATE**

The Senate concurred in and returned:  
**HB 1259, PN 1420.**

**BILLS SIGNED BY SPEAKER**

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

**HB 31, PN 1244**

An Act establishing a uniform mileage fee for all officials, officers and employees of the Commonwealth, its political subdivisions, intermediate units, and authorities.

**HB 140, PN 1965**

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for work to be done under contract let on bids, making an editorial change, requiring annual reports; further providing for public school subsidies; making appropriations; and repealing certain provisions.

**HB 1259, PN 1420**

An Act amending the act of June 12, 1973 (P. L. 56, No. 24), entitled "Capital Budget Act for Fiscal Year 1972-1973, Public Improvement Project Itemization Supplement, Emergency Life

Safety Code Improvements—The General State Authority," increasing two projects.

**CALENDAR BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1275, PN 1800**, entitled:

An Act making an appropriation to The Medical College of Pennsylvania, East Falls, Philadelphia, Pennsylvania.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The **SPEAKER**. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

**YEAS—190**

Alden	Fryer	Lynch, E. R.	Salvatore
Anderson	Gallagher	Lynch, F.	Scheaffer
Armstrong	Gallen	Mackowski	Schmitt
Arty	Gamble	Madigan	Schweder
Austin	Gannon	Manderino	Scirica
Barber	Gatski	Manmiller	Serafini
Belardi	Geesey	McCall	Seventy
Bennett	Geist	McClatchy	Shadding
Berson	George, C.	McIntyre	Shupnik
Bittle	George, M.	McMonagle	Sieminski
Borski	Giammarco	McVerry	Sirianni
Bowser	Gladeck	Michlovic	Smith, E.
Brandt	Goebel	Micozzie	Smith, L.
Brown	Goodman	Milanovich	Spencer
Brunner	Grabowski	Miller	Spitz
Burd	Gray	Moehlmann	Stairs
Burns	Greenfield	Mowery	Steighner
Caltagirone	Grieco	Mrkonic	Stewart
Cappabianca	Gruppo	Mullen, M. P.	Stuban
Chess	Halverson	Murphy	Sweet
Cimini	Harper	Musto	Swift
Clark, R.	Hasay	Nahill	Taddonio
Cochran	Hayes, D. S.	Novak	Taylor, E.
Cohen	Hayes, S. E.	Noye	Taylor, F.
Cole	Helfrick	O'Brien, D.	Telek
Cornell	Hoeffel	O'Donnell	Thomas
Coslett	Honaman	Oliver	Trello
Cowell	Hutchinson, A.	Perzel	Vroon
Davies	Hutchinson, W.	Peterson	Wachob
Dawida	Irvic	Petrarca	Wagner
DeMedio	Itkin	Piccola	Wargo
DeVerter	Johnson, E.	Pievsky	Wass
DeWeese	Johnson, J.	Pistella	Weidner
DiCarlo	Jones	Pitts	Wenger
Dietz	Kernick	Polite	White
Dininni	Klingaman	Pott	Wilson
Dombrowski	Knepper	Pratt	Wilt
Donatucci	Knight	Pucciarelli	Wright, D.
Dorr	Kolter	Punt	Wright, J. L.
Duffy	Kowalshyn	Pyles	Yahner
Dumas	Kukovich	Reed	Yohn
Durham	Lashinger	Rhodes	Zeller
Earley	Laughlin	Richardson	Zitterman
Fee	Lehr	Rieger	Zord
Fisher, D. M.	Letterman	Ritter	Zwinkl
Foster, A.	Levi	Rocks	
Foster, W.	Levin	Rodgers	Seltzer,
Freind	Lewis	Ryan	Speaker

NAYS—5

Cessar                   Fischer, R. R.      Kanuck                   Livengood  
Clark, B.

NOT VOTING—8

Beloff                   Cunningham        O'Brien, B.           Street  
Cianciulli            McKelvey           Rappaport            Williams

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 **SB 59, PN 566**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Department of Environmental Resources and the Governor, to sell and convey a certain tract of land, situate in the Township of Mount Carmel, Northumberland County, Pennsylvania.

On the question,  
Will the House agree to the bill on third consideration?  
Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

YEAS—193

Alden	Foster, A.	Levi	Salvatore
Anderson	Foster, W.	Levin	Scheaffer
Armstrong	Freind	Lewis	Schmitt
Arty	Fryer	Livengood	Schweder
Austin	Gallagher	Lynch, E. R.	Scirica
Barber	Gallen	Lynch, F.	Serafini
Belardi	Gamble	Madigan	Seventy
Bennett	Gannon	Manderino	Shadding
Berson	Gatski	Manmiller	Shupnik
Bittle	Geesey	McCall	Sieminski
Borski	Geist	McIntyre	Sirianni
Bowser	George, C.	McMonagle	Smith, F.
Brandt	George, M.	McVerry	Smith, L.
Brown	Giammarco	Michlovic	Spencer
Brunner	Gladeck	Micozzie	Spitz
Burd	Goebel	Milanovich	Stairs
Burns	Goodman	Miller	Steighner
Caltagirone	Grabowski	Moehlmann	Stewart
Cappabianca	Gray	Mowery	Stuban
Cessar	Greenfield	Mrkonic	Sweet
Chess	Grieco	Mullen, M. P.	Swift
Cimini	Gruppo	Murphy	Taddonio
Clark, B.	Halverson	Musto	Taylor, E.
Clark, R.	Harper	Nahill	Taylor, F.
Cochran	Hasay	Novak	Telek
Cohen	Hayes, D. S.	Noye	Thomas
Cole	Hayes, S. E.	O'Brien, D.	Trello
Cornell	Helfrick	O'Donnell	Vroon
Coslett	Hoeffel	Oliver	Wachob
Cowell	Honaman	Perzel	Wagner
Cunningham	Hutchinson, A.	Peterson	Wargo
Davies	Hutchinson, W.	Petrarca	Wass
Dawida	Irvic	Piccola	Weidner
DeMedio	Itkin	Pievsky	Wenger

DeVerter	Johnson, F.	Pistella	White
DeWeese	Johnson, J.	Pitts	Wilson
DiCarlo	Jones	Polite	Wilt
Dietz	Kanuck	Pott	Wright, D.
Dininni	Kernick	Pratt	Wright, J. L.
Dombrowski	Klingaman	Pucciarelli	Yahner
Donatucci	Knepper	Punt	Yohn
Dorr	Knight	Pyles	Zeller
Duffy	Kolter	Reed	Zitterman
Dumas	Kowalyshyn	Richardson	Zord
Durham	Kukovich	Rieger	Zwikl
Earley	Lashinger	Ritter	
Fee	Laughlin	Rocks	Seltzer,
Fischer, R. R.	Lehr	Rodgers	Speaker
Fisher, D. M.	Letterman	Ryan	

NAYS—0

NOT VOTING—10

Beloff	McClatchy	Rappaport	Street
Cianciulli	McKelvey	Rhodes	Williams
Mackowski	O'Brien		

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

Ordered, That the clerk return the same to the Senate with information that the House has passed the same without amendment.

RESOLUTION ADOPTED

Mr. PERZEL called up **HR 110, PN 1956**, entitled:

House urge Health Systems Agency approve application of Nazareth Hospital, Philadelphia.

On the question,  
Will the House adopt the resolution?

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

Mr. SALVATORE. Mr. Speaker, we took the liberty of passing out maps that each one should have on their desk showing where the 17 CAT scanners are presently located in Philadelphia. There is also an excerpt that was taken out of Parade Magazine which talks about Nazareth and their problems with the CAT scanner. I just want to emphasize that Nazareth Hospital is located between two of the busiest thoroughfares in the city of Philadelphia, I-95 and US-1, where we have a high accident rate. The emergency room at Nazareth is probably the busiest in the Philadelphia area, where many people sustain head injuries and seconds are precious to save someone's life. As you can see by the map, there is not a CAT scanner in the greater northeast or lower Bucks County, where approximately 800,000 people live.

It was not our intent and it has never been Nazareth's intent to circumvent the Health Systems Agency. They have gone the route of the 90-day cycle and they can substantiate that they have gone the route of the 90-day cycle and still have been refused an application.

Mr. Speaker, we had the pleasure of meeting with the Health Department of the state—and I hope they are listening in on their squawk boxes, and the executive branch—because with

the bureaucratic bungling of the Health Department in this particular case, they could not even document the 90 days when we had the meeting. They had no records, and people of Nazareth left that meeting in disgust and with a poor opinion of government after meeting with officials of the Health Department.

I am asking my colleagues on both sides of the aisle to support us in this resolution because of the vital interest in the safety and welfare of our citizens. Thank you, Mr. Speaker.

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

Mr. HOEFFEL. Mr. Speaker, would the gentleman, Mr. Salvatore, consent to interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman, Mr. Hoeffel, may proceed.

Mr. HOEFFEL. Mr. Speaker, is Nazareth Hospital one of the hospitals that recently purchased a CAT scanner after being denied by the HSA?

Mr. SALVATORE. I am sorry. I did not hear the question, Mr. Speaker.

Mr. HOEFFEL. Is Nazareth Hospital one of those hospitals in the Philadelphia area that recently purchased a CAT scanner after being denied permission by the HSA?

Mr. SALVATORE. No.

Mr. HOEFFEL. Okay. Thank you, Mr. Speaker.

Mr. Speaker, a comment on the resolution.

The SPEAKER. The gentleman is in order and may proceed.

Mr. HOEFFEL. I have spoken against this kind of resolution before when other members of the House offered it, and I would like to speak against this resolution today, not that I want to debate the merits of the application by Nazareth or whether or not they should have a CAT scanner.

Clearly the House of Representatives is not proficient enough in this area. It is not appropriate for us to be making a stand on these kinds of issues. We have set up a Health Systems Agency at the direction of the Federal Government. In fact, yesterday we passed HB 308, which further strengthens that health planning process, and I think it is a great mistake for us to be, through House resolutions, trying to put pressure upon the HSA's at the local or state level to reverse decisions or to take stands or whatever. I think it is incumbent upon us to allow this health planning process to work apart from pressure from the Pennsylvania House of Representatives.

I would like to ask the members to oppose this resolution, as I have asked them to oppose others on this kind of subject, not because I am opposed to Nazareth or opposed to the gentleman offering the resolution but simply because I think it is inappropriate for this House to become involved in these kinds of matters. Thank you.

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

Mr. J. L. WRIGHT. Mr. Speaker, may I interrogate Mr. Salvatore, please?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Wright, may proceed.

Mr. J. L. WRIGHT. The map that you have distributed does

not go into any great detail in regards to the suburban counties. Is it safe to assume that there are no CAT scanners in Bucks County?

Mr. SALVATORE. Not at present. As far as I know, there are none.

Mr. J. L. WRIGHT. Is it safe to assume that there is only one in Montgomery County?

Mr. SALVATORE. Yes; there is.

Mr. J. L. WRIGHT. All right. Let us go a little farther north. Are there any in Lehigh County?

Mr. SALVATORE. Not that I know of. I cannot answer that question, Mr. Speaker.

Mr. J. L. WRIGHT. Thank you.

I think it is incumbent upon us to recognize that not only are there no CAT scanners in northeast Philadelphia but there is none, with the exception of Abington, in that whole area north of the city line probably going all the way up to the Poconos, an area that probably includes a population of well over 1½ million people.

I would suggest for some equity to those people who do not live in center-city Philadelphia, who do live north of that area, that this resolution ought to be seriously considered and voted affirmatively by the members of the House.

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

Mr. PERZEL. Mr. Speaker, we are simply asking for a reconsideration of the application of Nazareth Hospital.

The section of northeast Philadelphia which I happen to be a member of represents roughly half a million people, and we are simply asking again for a reconsideration by the Health Systems Agency of the application of Nazareth Hospital. We are not asking them to take it off anyone else. We are only asking a reconsideration, and I would ask for a "yes" vote on this resolution.

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Arty.

Mrs. ARTY. Mr. Speaker, as a health professional, let me speak just a minute to the issue of CAT scanners, and as a Representative from southeastern Pennsylvania, let me speak to the fact that preceding the health systems agencies there was a regional comprehensive planning committee in the southeastern part of the state, and they devised a formula several years ago in which they thought at that time CAT scanners should be located. It is obvious and clear on the map that they neglected to include the very area that Mr. Salvatore and Mr. Perzel and Mr. Wright speak to.

In using a CAT scanner, it is imperative that the patient immediately, particularly with head injuries, be allowed to have access to a CAT scanner, and with the busy emergency department of the Nazareth Hospital, it would certainly be indicated at that site. May I ask the members of this House to support Mr. Salvatore's resolution.

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

Mr. HOEFFEL. Mr. Speaker, in brief rebuttal to the com-

ments made by Mr. Wright, there will shortly be another CAT scanner in central Montgomery County that is being purchased by Sacred Heart Hospital in Norristown. This particular hospital was the subject of an earlier resolution of this kind offered by Mr. Lashinger.

The point I am trying to make is that the hospitals themselves are ignoring much of the HSA process. Sacred Heart Hospital was denied their application for a CAT scanner by the HSA and turned around and bought one anyway after we voted on it here on the Lashinger resolution. It is bad enough that the hospitals ignore the HSA's decisions; I do not think we should be adding to the confusion and adding our political influence to this process. The process is struggling along poorly enough as it is without our getting involved in trying to apply pressure so that certain areas have CAT scanners and certain areas do not. We are not in a position to make those decisions, and I do not think that we should be trying to influence the process. Thank you.

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

Mr. SALVATORE. Mr. Speaker, would Mr. Hoeffel stand for interrogation?

The SPEAKER. The gentleman, Mr. Hoeffel, indicates that he will, and the gentleman, Mr. Salvatore, may proceed.

Mr. SALVATORE. Are you familiar with a Richard C. Brechbiel?

Mr. HOEFFEL. I did not hear you, Mr. Speaker.

Mr. SALVATORE. Are you familiar with Richard C. Brechbiel?

Mr. HOEFFEL. Yes; I am.

Mr. SALVATORE. What is his position?

Mr. HOEFFEL. I believe he is the deputy administrator of Abington Hospital. He is second in command at Abington Hospital.

Mr. SALVATORE. He is also the chairman of the implementation committee, too, is he not?

Mr. HOEFFEL. Of the HSA?

Mr. SALVATORE. Yes.

Mr. HOEFFEL. Yes; I believe that is right.

(By agreement, further interrogation at this point was stricken from the record.)

The SPEAKER. Does the gentleman from Montgomery, Mr. Lashinger, wish to be recognized? The gentleman is in order and may proceed.

Mr. IRVIS. Mr. Speaker?

The SPEAKER. Will the gentleman, Mr. Lashinger, yield? The gentleman indicates that he will. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I hope I did not detect on the record an inquiry into the possible motivations of Mr. Hoeffel for his position on this particular resolution. I am sure Mr. Salvatore did not intend such an implication, but the tone of his voice and the direction of his questions and the time when he stopped interrogating would indicate to any person who did not know Mr. Salvatore and his integrity that he might be implying that there is something corrupt or questionable about the motiva-

tions of Mr. Hoeffel. I hope Mr. Salvatore will clarify that for the record.

Mr. SALVATORE. I certainly will, Mr. Speaker.

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

Mr. SALVATORE. There was no intent to impugn the integrity of Mr. Hoeffel. I was just trying to point out that Abington Hospital has been one of the obstructions in this area, because I have documented proof of the meetings they have had, and Abington, which seems to get most of the business from the northeast because we do not have a CAT scanner, is objecting to it for personal and financial reasons. No reflection on Mr. Hoeffel or his family.

### REMARKS STRICKEN

The SPEAKER. The gentleman, Mr. Irvis, may proceed.

Mr. IRVIS. Mr. Speaker, may I suggest then that that part of the interrogation directed toward Mr. Hoeffel and members of his family be stricken from the record so that it will not appear.

Mr. SALVATORE. I would agree with that, Mr. Speaker, and I apologize publicly.

The SPEAKER. Without objection, those remarks will be stricken from the record. The Chair hears none.

The Chair recognizes the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. Would the gentleman, Mr. Hoeffel, consent to brief interrogation?

The SPEAKER. The gentleman, Mr. Hoeffel, indicates that he will, and the gentleman may proceed.

Mr. LASHINGER. Mr. Speaker, you hinted that Sacred Heart Hospital in Norristown had gone ahead and purchased a CAT scanner without the approval of the Health Systems Agency in the southeastern region. Are you aware that following the adoption of the statewide health plan, there was a system for a committee on exceptions? It was created after that adoption in November, I believe, of 1978 to carry out this process for exceptional cases, and that is what Sacred Heart went in under, the exceptions rule, and there is still a remaining procedure to go through in terms of getting approval for the CAT scanner in central Montgomery County. Are you aware that they are following those guidelines in getting approval?

Mr. HOEFFEL. No, Mr. Speaker, I am not. I based my earlier comments on press reports in Montgomery County newspapers and Philadelphia newspapers that indicated that Sacred Heart was one of three or four hospitals in southeastern Pennsylvania that were denied permission to purchase a CAT scanner by the HSA and yet went ahead and are in the process of buying, I said. I do not know if they have actually purchased it yet, but they are in the process of buying a CAT scanner without having HSA approval. I based those comments, and I repeat them now, on reports that I have read in the press.

Mr. LASHINGER. As I indicated when we were debating that resolution—and I think it is applicable to the Nazareth Hospital resolution—the sub-area councils have approved these CAT scanners. I think Bryn Mawr Hospital is also included in



this same situation. There is an appeals procedure. If the sub-area council approves and it goes to the planning and implementation committee or goes to the full board and they get a rejection, there is still an appeals process left to these hospitals. All these hospitals, Nazareth, Bryn Mawr and Sacred Heart Hospital, are still following the appeals procedure that has been laid out for them. I do not think any of them have attempted to stray beyond the guidelines that have been set up by the Health Systems Agency or the Health Planning Procedures Act that was established in Washington, and I think it was an unfair comment to make, and I think the newspapers have also unfairly assessed that.

I have finished my interrogation, Mr. Speaker. I would just like to make a few brief comments.

The SPEAKER. The gentleman is in order and may proceed.

Mr. LASHINGER. On the Nazareth Hospital I rise in support of the Perzel resolution, Mr. Speaker. I think Nazareth, like Sacred Heart Hospital, has proven that if cost containment is the underlying factor here in this whole HSA process, then they are meeting that requirement. They are meeting that cost containment requirement. They are holding down costs by not having to transport patients to the urban core, to elsewhere in the city where the cost can go as high as \$120 to transport a patient.

Not only do you have that added financial cost, but you also have that threat to the individual's health or the individual's life. I think that that has got to be our primary motive, Mr. Speaker, in approving a resolution like that and telling the HSA that we are more interested in quality health care, that quality health care does not mean it just belongs in the center of a major urban community. It means quality health care statewide. If you look at the distribution of the CAT scanners with the city of Philadelphia in that core—and I am talking about Jefferson, Temple, Hahnemann, where they are concentrated right now—there is probably a larger concentration there than there is in all of western Europe in terms of CAT scanner allocations. Those suburban areas and those areas that are serviced by Nazareth Hospital and Bryn Mawr Hospital and Paoli, who just got their scanner, also deserve quality health care instruments with that added cost-saving feature.

I would just ask the members to approve the resolution and vote in the affirmative. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Zeller, wish to speak? The gentleman is in order and may proceed.

Mr. ZELLER. Well, I just would like to know if the members want some information, because I just talked to Allentown & Sacred Heart Hospital, and ASH Hospital in Lehigh County has a CAT scanner. It is the only one in the area that does. Reading—I think it is St. Joe's in Reading—and also St. Lukes in Bethlehem are both presently applying for CAT scanners. Now how this is going to work out to help you in your thinking, I do not know. I just thought I would bring that information to you.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—159

Alden	Fisher, D. M.	Levi	Ryan
Anderson	Foster, A.	Levin	Salvatore
Armstrong	Foster, W.	Lewis	Scheaffner
Arty	Freind	Lynch, E. R.	Scirica
Austin	Fryer	Lynch, F.	Serafini
Barber	Gallen	Mackowski	Seventy
Belardi	Gannon	Madigan	Shadding
Bennett	Gatski	Manmiller	Sieminski
Berson	Geesey	McCall	Sirianni
Bittle	Geist	McClatchy	Smith, E.
Borski	George, C.	McIntyre	Smith, L.
Bowser	Giammarco	McMonagle	Spencer
Brandt	Gladeck	McVerry	Spitz
Brunner	Goebel	Micozzie	Stairs
Burd	Gray	Milanovich	Swift
Burns	Greenfield	Miller	Taddonio
Caltagirone	Grieco	Moehlmann	Taylor, E.
Cessar	Gruppo	Mowery	Taylor, F.
Cimini	Halverson	Mrkonjic	Telek
Clark, B.	Harper	Nahill	Thomas
Clark, R.	Hasay	Novak	Trello
Cochran	Hayes, D. S.	Noye	Vroon
Cohen	Hayes, S. E.	O'Brien, D.	Wargo
Cole	Helfrick	Oliver	Wass
Cornell	Honaman	Perzel	Weidner
Coslett	Hutchinson, A.	Peterson	Wenger
Cunningham	Hutchinson, W.	Petrarca	White
Davies	Johnson, E.	Piccola	Williams
Dawida	Johnson, J.	Pievsky	Wilson
DeVerter	Jones	Pitts	Wilt
DiCarlo	Kanuck	Polite	Wright, J. L.
Dietz	Kernick	Pott	Yahner
Dininni	Klingaman	Pucciarelli	Yohn
Donatucci	Knepper	Punt	Zeller
Dorr	Knight	Pyles	Zitterman
Duffy	Kolter	Reed	Zord
Dumas	Lashinger	Rieger	Zwinkl
Durham	Laughlin	Ritter	
Earley	Lehr	Rocks	Seltzer,
Fee	Letterman	Rodgers	Speaker
Fischer, R. R.			

NAYS—35

Brown	George, M.	Manderino	Schmitt
Cappabianca	Goodman	Michlovic	Schweder
Chess	Grabowski	Mullen, M. P.	Shupnik
Cowell	Hoefel	Murphy	Steighner
DeMedio	Irvis	Musto	Stewart
DeWeese	Itkin	O'Donnell	Stuban
Dombrowski	Kowalyszyn	Pistella	Wachob
Gallagher	Kukovich	Pratt	Wright, D.
Gamble	Livengood	Richardson	

NOT VOTING—9

Beloff	O'Brien, B.	Rhodes	Sweet
Cinaciulli	Rappaport	Street	Wagner
McKelvey			

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

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I am going to make a prediction, I guess, that although we should get out of here quickly, we probably will not. I would hope, however, that we can get out of here by 4 or 5 o'clock this afternoon.

The Senate has amended a number of our bills that are back now on concurrence. Many of them are very important bills to the members, particularly a series of nonpreferreds which I, frankly, have not reviewed. There are several other bills that have come back that are complicated. An informal conversation with the minority leader and with the Speaker would seem to indicate that the prudent thing for us to do is to go into caucus so that in these closing hours prior to the summer recess we do not pass something that we have not caucused on, so that no member is caught without having had an opportunity of at least examining the Senate amendments prior to voting on them.

Accordingly, Mr. Speaker, I am going to ask that the House recess now until 2 o'clock, that the Republicans report promptly to the caucus room at 1 o'clock, giving the Republican members three-quarters of an hour for lunch.

We were just advised that the Senate did concur in HB 140, so that is not one of the problems, but there are other areas that should be caucused on, some of them important, and we also want to discuss in our caucus an adjournment resolution. I suggest that everyone be there at 1, please, because if you are late arriving and there are few people in the caucuses—and I think I speak for both leaderships in this—then it is necessary to request continuations. It is only going to delay getting out of here today. So if you are at caucus at 1, we can conduct the caucus business in a reasonably short time, be back on the floor at 2 o'clock. It is going to be necessary to run supplemental calendars and the like to catch up with the Senate, and if you will be patient, we should be out of here today for summer recess.

Mr. Speaker, I have no further comments.

### RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader. The Chair would remind the gentleman that he was going to hold a Rules Committee meeting.

Mr. RYAN. Oh, that is right. I knew I would forget something. There will be a Rules Committee meeting on the declaration of the recess.

### DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, first of all, I would make a request on the part of the Democrats that when the majority leader has a supplemental calendar ready, he send a copy to me as soon as possible so we may look at that calendar.

Secondly, I would ask that the Democrats report promptly at 1 o'clock to the caucus room. We do have a number of bills on concurrence already on our calendar and we need to clear those out. If you will come promptly at 1 o'clock, we should be through quickly and be ready to report on the floor at 2. Thank you, Mr. Speaker.

### REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from

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

Mr. WHITE. Mr. Speaker, last night during the rollcall vote on SB 10, PN 965, I believe that my vote was recorded in the negative. I would like to have that recorded in the positive.

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

### RECESS

The SPEAKER. Without objection, this House now stands in recess until 2 p.m. The Chair hears none.

### AFTER RECESS

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

### HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

**No. 1643** By Messrs. CORNELL and NAHILL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for weights of vehicles and for penalties for weight violations.

Referred to Committee on Transportation.

**No. 1644** By Messrs. RYAN, F. J. LYNCH and RAPPAPORT

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for emergency vehicles.

Referred to Committee on Transportation.

**No. 1645** By Messrs. GANNON, EARLEY, MICOZZIE, GLADECK, FREIND, SALVATORE, PERZEL and ALDEN

An Act amending the act of January 30, 1974 (P. L. 13, No. 6), referred to as the Loan Interest and Protection Law, requiring the payment of interest on certain escrow accounts.

Referred to Committee on Business and Commerce.

**No. 1646** By Messrs. D. R. WRIGHT, GEESEY, KOLTER, LIVENGOOD, McCALL, STEWART, B. F. O'BRIEN, A. K. HUTCHINSON, PETRARCA and R. R. FISCHER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for special speed limitations in construction and maintenance areas.

Referred to Committee on Transportation.

**No. 1647** By Mr. SERAFINI

An Act authorizing and directing the Department of General Services,\*\*\* to convey to Newton Township, Lackawanna County, Pennsylvania, 51.5 acres of land, more or less, situate in Newton Township, Lackawanna County, Pennsylvania.

Referred to Committee on State Government.

**SENATE MESSAGE****SENATE BILLS FOR CONCURRENCE**

The clerk of the Senate presented the following bills for concurrence:

**SB 790, PN 860**

Referred to Committee on State Government.

**SB 820, PN 905**

Referred to Committee on Professional Licensure.

**HOUSE RESOLUTION INTRODUCED  
AND REFERRED**

**No. 118** By Messrs. ROCKS, SALVATORE, PERZEL,  
McKELVEY and D. M. O'BRIEN

The Speaker of the House of Representatives appoint a committee of seven members of the House of Representatives, four of whom shall be proposed by the Majority Leader and three of whom shall be proposed by the Minority Leader to conduct an overall investigation of the operations, board structure, administration, management and financial condition of SEPTA.

Referred to Committee on Rules.

**STATEMENT BY MR. ZELLER**

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zeller, who asks unanimous consent to make a few brief remarks. The Chair hears no objection. The gentleman is in order and may proceed.

Mr. ZELLER. Mr. Speaker, I would like to have placed in the record of this House the following information: a letter which I would read from Casey Stine of the Senate staff about his happiness over the actions and honesty of one Miss Marge Troutman, an employe of ARA Services, Inc. who have the catering contract in our Capitol cafeteria. The letter to ARA Services states:

Gentlemen:

I would like to compliment you on a member of your staff, Miss Marge Troutman, who found an endorsed paycheck of mine last week and made the proper inquiries with the State Treasurer's Office so the check could be returned to me without delay.

Not only do I appreciate her honesty and kindness, but I must also add that her hard work and excellent disposition and personality have always made it a pleasure to enter the Capitol Cafeteria.

I am sure that you are appreciative of her fine service as I, obviously, am also.

Very truly yours,  
Casey Stine

I have a copy for our stenographers here, but I would like to add that this lady not only excelled on this occasion but was cited by this House 2 years ago for her public relations and charity in making everyone happy at Christmastime, acting the part of Santa Claus.

In today's world we just do not find enough people who care to go the extra mile without compensation in serving mankind, and here we have a person who not only cares for people but al-

so displays the tremendous honesty which likewise seems to have disappeared from our society. I would ask all members and your aides to say thanks to Marge when you enter the cafeteria for letting us know that there are people who really care and who are honest and have integrity. Thank you very much.

The SPEAKER. Without objection, the material will be printed in the Journal. The Chair hears none.

**BILL REREPORTED AND REREFERRED****HB 1532, PN 1864**

By Mr. RYAN

An Act appropriating the Federal augmentation to the Executive and Judicial Departments of the Commonwealth and establishing restricted receipts accounts for the fiscal period July 1, 1979 to June 30, 1980 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1979.

Rereported from Committee on Rules.

Rereferred to Committee on Appropriations.

**RESOLUTION REPORTED FROM COMMITTEE****HR 118, PN 1992 (Amended)**

By Mr. RYAN

The Speaker of the House of Representatives appoint a committee of seven members of the House of Representatives, four of whom shall be proposed by the Majority Leader and three of whom shall be proposed by the Minority Leader to conduct an overall investigation of the operations, administration, management and financial condition of SEPTA. The investigation shall concentrate on, but not be limited to, the above mentioned areas.

Rules.

**CALENDAR****REPORT OF COMMITTEE OF  
CONFERENCE CONSIDERED**

Mr. RYAN called up for consideration the following Report of the Committee of Conference on **SB 208, PN 1037**:

Prior Printer's Nos. 209, 799

Printer's No. 1037

**REPORT OF THE COMMITTEE OF CONFERENCE  
ON SENATE BILL NO. 208**

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 208, entitled:

"An act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled 'An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections,' further providing for the definition of "candidate." "CANDIDATE," PROVIDING FOR A "NO PREFERENCE" VOTE, PROVIDING FOR MEMBERSHIP OF COUNTY BOARDS OF ELECTION AND PROVIDING FOR VOTING MACHINES AT PRIMARY ELECTIONS IN CITIES OF THE FIRST CLASS."

respectfully submit the following bill as our report:

EDWARD P. ZEMPRELLI  
 JAMES R. LLOYD, JR.  
 HENRY G. HAGER  
 (Committee on the part of the Senate.)  
 KENNETH E. BRANDT  
 EDMUND J. SIEMINSKI  
 MARK B. COHEN

(Committee on the part of the House of Representatives.)

### An Act

amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," further providing for the definition of "candidate," providing for a "no preference" vote, providing for membership of county boards of election and providing for voting machines at primary elections in cities of the first class, further providing for campaign finances and providing for certain refunds. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 301, act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," amended December 2, 1976 (P. L. 1221, No. 269) and subsection (b) amended June 1, 1978 (P. L. 456, No. 58), is amended to read:

Section 301. County Boards of Elections; Membership.—

(a) There shall be a county board of elections in and for each county of this Commonwealth, which shall have jurisdiction over the conduct of primaries and elections in such county, in accordance with the provisions of this act.

(b) In each county of the Commonwealth, the county board of elections shall consist of the county commissioners of such county ex officio, or any officials or board who are performing or may perform the duties of the county commissioners, who shall serve without additional compensation as such. Except in counties of the first class, in counties which have adopted home rule charters or optional plans the board of elections shall consist of the members of the county body which performs legislative functions unless the county charter or optional plan provides for the appointment of the board of elections. In either case, there shall be minority representation on the board. The county body which performs legislative functions shall in the case where the board does not contain minority representation appoint such representation from a list submitted by the county chairman of the minority party.

(c) [Whenever the members of the board of county commissioners are candidates for nomination or election to any public office or whenever there appears on the ballot a question relating to the adoption of a Home Rule Charter for the county or amendments to an existing county Home Rule Charter, the county commissioners shall not sit as the county board of elections. The President Judge of the Court of Common Pleas shall appoint judges to serve as the county board of elections or where an insufficient number of judges are present, the president judge shall appoint a reputable elector of the county to serve as a member, with the judges on the county board of elections.] Whenever a member of the board of county commissioners

is a candidate for nomination or election to any public office, the President Judge of the Court of Common Pleas shall appoint a judge or an elector of the county to serve in his stead.

Whenever there appears on the ballot a question relating to the adoption of a Home Rule Charter for the county or amendments to an existing county Home Rule Charter, the President Judge of the Court of Common Pleas shall appoint judges or

electors of the county to serve in the stead of the county commissioners.

Section 2. Section 913, act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," is amended by adding a subsection to read:

Section 913. Place and Time of Filing Nomination Petitions; Filing Fees.— \* \* \*

(f) Each person filing any nomination petition for public office shall be given a statement composed by the Secretary of the Commonwealth setting forth his duties under law to file pre-election and post-election campaign finance reports, and the penalties for nonfiling. Each person filing shall also be given a form to file expenses if the amount received or expended or liabilities incurred shall exceed the sum of two hundred fifty dollars (\$250), and a form containing a sworn statement that the amount received or expended or liabilities incurred do not exceed the sum of two hundred fifty dollars (\$250), with written instructions prepared by the Secretary of the Commonwealth. Within three weeks after such candidate has filed, the appropriate supervisor shall mail the same forms and instructions to such candidate by first class mail.

Section 3. Section 952 of the act, amended June 19, 1939 (P. L. 450, No. 256), is amended to read:

Section 952. Contents of Nomination Papers; Restriction on Names; Campaign Finances.— All nomination papers shall specify—

(a) The name or appellation of the political body which the candidates nominated thereby represent, expressed in not more than three words, and in the case of electors for President and Vice-President of the United States, the names of the candidates for President and Vice-President of such political body; (b) the name of each candidate nominated therein, his profession, business or occupation, if any; and his place of residence with street and number, if any; (c) the office for which such candidate is nominated; and (d) the names and addresses of the committee, not to be less than three (3) nor more than five (5) persons, authorized to fill vacancies, if any shall occur. No words shall be used in any nomination paper to designate the name or appellation of the political body represented by the candidates named in such nomination paper which are identical with or deceptively similar to the words used for a like purpose by any existing political party as defined by section 801 of this act, or which contain part of the name or an abbreviation of the name or part of the name of any existing political party; nor shall any words be used in any nomination paper to designate the name or appellation of the political body represented by the candidate's name in such nomination paper which are identical with or deceptively similar to the words used for a like purpose by any political body which has already filed nomination papers for the same office nor which contain part of the name or an abbreviation of the name or part of the name of a political body which has already filed nomination papers for the same office. Any petition to set aside a nomination paper on account of the name or appellation used therein, or involving the right of the signers thereof to use such name or appellation shall be decided as in the case of other petitions to set aside nomination papers, in the manner provided by this article.

Each person filing any nomination paper for public office shall be given a statement composed by the Secretary of the Commonwealth setting forth his duties under law to file pre-election and post-election campaign finance reports, and the penalties for nonfiling. Each person shall also be given a form to file expenses if the amount received or expended or liabilities incurred shall exceed the sum of two hundred fifty dollars (\$250), and a form containing a sworn statement that the amount received or expended or liabilities incurred do not ex-

ceed the sum of two hundred fifty dollars (\$250), with written instructions prepared by the Secretary of the Commonwealth. Within three weeks after such candidate has filed, the appropriate supervisor shall mail the same forms and instructions to such candidate by first class mail.

Section 4. Section 1002 of the act is amended by adding a subsection to read:

Section 1002. Form of Official Primary Ballot.—

(d) At the written request of a State committee, filed with the party rules and on the deadline provided by section 808.1 of this act, a party may have a “no preference” column added to the list of candidates for the office of President of the United States at the primary election. The ballot position for “no preference” shall be drawn in the same manner as the other candidates for that office: Provided, however, That this position shall be drawn by the Secretary of the Commonwealth or his or her designee.

Section 5. Subsection (a) of section 1104 of the act is amended to read:

Section 1104. Installation of Voting Machines.—(a)(1) If a majority of the qualified electors voting on the question shall vote in the affirmative, the county election board of the said county shall purchase for each election district of such county, city, borough or township, one or more voting machines, of a kind or kinds approved by the Secretary of the Commonwealth, as hereinafter provided, and of sufficient capacity to accommodate the names of a reasonable number of candidates for all public and party offices which, under the provisions of existing laws and party rules, are likely to be voted for at any future election, and shall notify the Secretary of the Commonwealth, in writing, that they have done so. The county election board shall provide machines in good working order, and shall preserve and keep them in repair. Voting machines of different kinds may be used for different districts in the same county, city, borough or township. In each election district in which voting machines are used, the county election board may provide one voting machine for each three hundred and fifty registered voters, or fraction thereof, therein, and shall provide one voting machine for each six hundred registered voters, or fraction thereof, therein: Provided, however, That the courts of quarter sessions, upon petition presented by either the county election board or by ten or more qualified electors of any such election district, may order that one additional voting machine be provided for any such election district, if the court shall be of the opinion that such additional voting machine shall be necessary in such district for the convenience of the voters and the public interests.

(2) In any city of the first class, whenever there shall be a number of candidates in a primary election so great as to require voting machines limited to the candidates of one political party, there shall be two voting machines of the same kind in any district for any party which has more than three hundred and fifty (350) registered voters in that district.

\* \* \*

Section 6. Section 1110 of the act is amended by adding a subsection to read:

Section 1110. Form of Ballot Labels on Voting Machines.—

\* \* \*

(1) At the written request of a State committee, filed with the party rules and on the deadline prescribed by section 808.1 of this act, a party may have a “no preference” column added to the list of candidates for the office of President of the United States at the primary election. The ballot position for “no preference” shall be drawn in the same manner as the other

candidates for that office: Provided, however, That this position shall be drawn by the Secretary of the Commonwealth or his or her designee.

Section 7. Subsection (a) of section 1621 of the act, added October 4, 1978 (P. L. 893, No. 171), is amended to read:

Section 1621. Definitions.—As used in this article, the following words have the following meanings:

(a) The word “candidate” shall mean any individual who seeks nomination or election to public office, other than a judge of elections or inspector of elections, whether or not such individual is nominated or elected. For the purpose of this article, an individual shall be deemed to be seeking nomination or election to such office if he has:

(1) Received a contribution or made an expenditure or has given his consent for any other person or committee to receive a contribution or make an expenditure, for the purpose of influencing his nomination or election to such office, whether or not the individual has made known the specific office for which he or she will seek nomination or election at the time the contribution is received or the expenditure is made; or

(2) Taken the action necessary under the laws of the Commonwealth to qualify himself for nomination or election to such office.

\* \* \*

Section 8. Sections 1621 and 1626 of the act, added October 4, 1978 (P. L. 893, No. 171), are amended by adding subsections to read:

Section 1621. Definitions.—As used in this article, the following words have the following meanings:

\* \* \*

(l) The words “Political Action Committee” shall mean any political committee as defined in subsection (h) which receives contributions and makes expenditures to, or on behalf of, any candidate other than a candidate’s own authorized political committees or the political committees of any State, county, city, borough, township, ward or other regularly constituted party committee of any political party or political body.

(m) The words “Candidate’s Political Committee” shall mean any political committee formed on behalf of a specified candidate and authorized by said candidate.

Section 1626. Reporting by Candidate and Political Committees and other Persons.—

\* \* \*

(i) An expenditure from a candidate’s political committee to another political committee shall be reported as a contribution by the political committee receiving the contribution but need not be reported by the contributing candidate’s political committee until the time required by law for that candidate’s political committee to report: Provided, however, That if the amount of the contribution exceeds two hundred fifty dollars (\$250) to a single political committee or one thousand dollars (\$1,000) in aggregate contributions to more than one political committee for any primary, general or special election, then receipts and expenditures shall be reported by the contributing committee at the same time as required by law for the committee receiving same.

(j) All “Political Action Committees” shall report to the Secretary of the Commonwealth all expenditures to or made on behalf of, any State-wide candidate, candidate for the Pennsylvania House of Representatives, or candidate for the State Senate, in the same manner as indicated in this section as a candidate’s political committee. This provision shall be in addition to

any other filing and reporting provisions of this act which apply to such committees, their treasurers and chairmen.

Section 9. (a) No late filing fees shall be imposed under section 1632 for pre-election filings due for any primary or special election held through May 15, 1979. Late filing fees paid for any primary or special election held through May 15, 1979 shall be refunded after any candidate or committee in violation has filed the required post-primary or post-special election report. No late filing fee shall be imposed under section 1632, for the required post-primary election report for the primary election held May 15, 1979 where such post-primary election report is filed on or before July 16, 1979.

(b) Any pre-election late filing, fees, collected for primary or special elections held on or before May 15, 1979 shall be refunded within 30 days.

Section 10. This act shall take effect immediately and the provisions of section 9 shall be retroactive to January 1, 1979.

On the question,

Will the House adopt the Report of the Committee of Conference?

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

Mr. HOEFFEL. Could someone explain the contents of this conference report? May I interrogate the majority leader?

The SPEAKER. Will the majority leader permit himself to be interrogated on the conference committee report on SB 208?

Mr. RYAN. Mr. Speaker, I will yield to Mr. Brandt.

The SPEAKER. The gentleman from Lancaster, Mr. Brandt, indicates that he will stand for interrogation. The gentleman, Mr. Hoeffel, may proceed.

Mr. HOEFFEL. Mr. Speaker, I see that you were a member of the conference committee. Does this conference report on SB 208 have the same language as HB 1261 that is on our calendar now?

Mr. BRANDT. That is right, Mr. Speaker. The language of HB 1261 has been incorporated into SB 208.

Mr. HOEFFEL. Mr. Speaker, I see, looking quickly at the report, that it refers to political action committees and includes the language that would not require a committee of an individual who is not running for office. This individual would not have to report a contribution until the next time he ran for office? Is that correct?

Mr. BRANDT. If that was the language in HB 1261, that is what is in here now.

Mr. HOEFFEL. This report does not seem to include language that was also in HB 1261 dealing with filing deadlines. Is that correct that there is no language in this bill concerning filing deadlines?

Mr. BRANDT. Mr. Speaker, whatever amendments were in HB 1261, as it appeared on our calendar, are in SB 208 at this time.

Mr. HOEFFEL. Mr. Speaker, I am not sure that is true. I am just trying to educate myself.

Mr. BRANDT. What page of HB 1261 would you be addressing?

Mr. HOEFFEL. Mr. Speaker, the language that I am curious about, and I guess it is included on page 9 of the report, would grant an exemption for filing fees that were not filed for the

post-primary-election report as well as the pre-primary-election report. That does seem to be on page 9.

Mr. BRANDT. That is correct, Mr. Speaker.

Mr. HOEFFEL. Okay, Mr. Speaker. Thank you for answering my questions.

Mr. Speaker, a statement on the bill.

The SPEAKER. The gentleman is in order and may proceed.

Mr. HOEFFEL. Mr. Speaker, I am going to vote against this conference report because I feel it is a mistake for us to grant another exemption to the campaign reform bill that we passed last fall. Specifically this conference report on SB 208 would exempt candidates who failed to file a post-primary-election report this spring from the penalty fees as long as they filed that postprimary report by July 16. This House agreed to grant such an exemption for candidates who missed the preprimary report this spring, and now the conference committee wants to extend this exemption one step further, and I think it is time we draw the line. It does not make much sense to me to pass a new campaign reform law as we did last fall and then continually grant exemptions to those provisions. So I am going to vote in the negative. Thank you.

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

Mr. KUKOVICH. Mr. Speaker, that is Westmoreland County.

The SPEAKER. That must be the 12th time the Chair has made the same error. The Chair apologizes.

Mr. KUKOVICH. Mr. Speaker, I am opposed to the conference committee report on SB 208, not only for the reasons that Mr. Hoeffel stated but also because of the language that was taken from HB 1261 and put in there. There are various problems. On page 8 of the bill, under subsections (1) and (m), and also section (j) on the last page, all that language is not only not necessary but it will unnecessarily confuse the language currently in Act 171. What is even more damaging is on page 8 under subsection (i). I believe that section creates a loophole in the campaign reporting requirements, and for those reasons also I would urge a negative vote on the conference report on SB 208.

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

Mr. A. C. FOSTER. I urge an affirmative vote on concurrence on this bill.

As I get the mail from my district and answer the phone calls, local government has taken their lumps all over in the past year, and it is pretty darn hard to explain to someone who is urged by his fellow residents and his borough or township to seek a local office, for which there is no or little compensation, and then suddenly find, through inadvertence, he is going to be fined \$100.

This will eliminate those fines and the penalties for this one primary election both preprimary and postprimary. I think that we owe that much to the local officials who serve us so well through the year. I urge concurrence in the amendments.

The SPEAKER. The Chair recognizes the gentleman from Al-

legheny, Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, I rise in favor of concurrence of the amendments also.

In Allegheny County there were 500 candidates who did not file preelection campaign reports. There are 480—almost the identical candidates—who did not file postelection reports, and it is my understanding from the Department of Elections director in Allegheny County that the new Act 171 provides that you must file a report whether you have received any campaign money or not.

Before Act 171, it is my understanding that if you received no money, you file no report. So these people are not aware that they had to report anymore on the postcampaign report than on the one that was before the campaign.

I hope that Allegheny County and the rest of the House will support the Senate amendment.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, I would agree with the original intention of the legislation and I would agree with granting an exemption for those who did not file under the new time deadlines put in Act 171. However, you have always had to file some report even if you did not spend any money. There is a requirement that you would file an affidavit that you spent under \$250 in a campaign and you do not have to report what those expenditures under \$250 were for. It was also a requirement that you had to file a report within 30 days after the election. This bill goes even further and excludes that.

Once again, apart from the exemptions which might be necessary, I too, emphasize once more that we are going too far in making a shambles out of the entire campaign finance reform bill that we passed last year and once again creating a loophole. I would urge a negative vote. Thank you.

On the question recurring,

Will the House adopt the Report of the Committee of Conference?

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

YEAS—160

Alden	Fryer	Mackowski	Schweder
Anderson	Gallen	Manderino	Scirica
Armstrong	Gamble	Manmiller	Serafini
Arty	Gannon	McCall	Seventy
Barber	Gatski	McClatchy	Shadding
Belardi	Geist	McIntyre	Shupnik
Bennett	George, C.	McMonagle	Sieminski
Berson	George, M.	McVerry	Sirianni
Bittle	Giammarco	Micozzie	Smith, E.
Borski	Gladeck	Milanovich	Smith, L.
Bowser	Goebel	Miller	Spencer
Brandt	Goodman	Moehlmann	Spitz
Brunner	Grabowski	Mowery	Stuban
Burd	Gray	Mrkonic	Sweet
Burns	Greenfield	Mullen, M. P.	Swift
Caltagirone	Grieco	Nahill	Taddonio
Cessar	Gruppo	Novak	Taylor, E.
Chess	Halverson	Noye	Taylor, F.
Cimini	Hasay	O'Brien, D.	Telek
Clark, B.	Hayes, D. S.	Oliver	Thomas

Clark, R.	Hayes, S. E.	Perzel	Trello
Cochran	Helfrick	Peterson	Vroon
Cohen	Hutchinson, W.	Petrarca	Wagner
Cole	Irvis	Piccola	Wargo
Cornell	Itkin	Pievsky	Wass
Coslett	Johnson, E.	Pitts	Weidner
Davies	Johnson, J.	Polite	Wenger
DeMedio	Jones	Pott	White
DiCarlo	Klingaman	Pratt	Williams
Dietz	Knepper	Pucciarelli	Wilson
Dininni	Knight	Punt	Wilt
Donatucci	Kowalshyn	Pyles	Wright, D.
Dorr	Laughlin	Rhodes	Wright, J. L.
Duffy	Lehr	Rieger	Yahner
Dumas	Letterman	Rocks	Yohn
Earley	Levi	Rodgers	Zitterman
Fee	Levin	Ryan	Zord
Fisher, D. M.	Lewis	Salvatore	
Foster, A.	Livengood	Scheaffer	Seltzer,
Foster, W.	Lynch, E. R.	Schmitt	Speaker
Freind	Lynch, F.		

NAYS—31

Austin	Fischer, R. R.	Michlovic	Ritter
Brown	Hoeffel	Murphy	Stairs
Cappabianca	Hutchinson, A.	Musto	Steighner
Cowell	Kanuck	O'Brien, B.	Stewart
Cunningham	Kernick	O'Donnell	Wachob
Dawida	Kolter	Pistella	Zeller
Dombrowski	Kukovich	Reed	Zwick
Durham	Lashinger	Richardson	

NOT VOTING—12

Beloff	DeWeese	Harper	McKelvey
Cianciulli	Gallagher	Honaman	Rappaport
DeVertter	Geesey	Madigan	Street

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the Report of the Committee of Conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the lady from Lancaster, Mrs. Honaman.

Mrs. HONAMAN. Mr. Speaker, I would like to be recorded in the affirmative, please, on the SB 208 Conference Report.

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

The Chair recognizes the gentleman from Mifflin, Mr. De-Vertter.

Mr. DeVERTTER. Mr. Speaker, would you record me in the affirmative on SB 208, please?

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

The Chair recognizes the gentleman from York, Mr. Geesey.

Mr. GEESEY. Mr. Speaker, on the conference committee report on SB 208, there was apparently a little bit of confusion as to whether or not the vote should be stricken or not. I would like to be recorded in the affirmative.

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

QUESTION OF INFORMATION

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

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

The SPEAKER. The gentleman will state it.

Mr. ITKIN. Mr. Speaker, would I be in order to reconsider a motion to pass over a bill at this time?

The SPEAKER. The Chair intends to complete the calendar and then he will recognize him for that.

Mr. ITKIN. Thank you, Mr. Speaker.

INTERROGATION

Mr. SALVATORE, under unanimous consent, interrogated Mr. BRANDT.

Mr. SALVATORE. Was it the intent of the conferees to include the post-special election reporting?

Mr. BRANDT. Are you talking about line 15 on page 9, Mr. Speaker?

Mr. SALVATORE. Yes, Mr. Speaker.

Mr. BRANDT. We had discussed this and there was an oversight on the part of the committee that this is deleted. We intend to address this in the fall.

Mr. SALVATORE. Thank you very much, Mr. Speaker.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following HB 82, PN 1919, 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. 84, 233 Printer's No. 1919

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 82

Session of 1979

INTRODUCED BY MESSRS. SPENCER, W. D. HUTCHINSON, F. J. LYNCH, BRANDT, ZELLER, BERSON, CIMINI, D. M. FISHER, LASHINGER, LEVIN, MILLER, O'DONNELL, PICCOLA, PRATT, RHODES, SCIRICA, WACHOB, WILLIAMS AND YOHN, FEBRUARY 5, 1979.

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JULY 3, 1979.

An Act

amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the operation of district justices and fixing the jurisdiction costs, educational requirements and transfer procedures for district justices.

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

Section 1. The definition of "senior district justice" in section 102 of Title 42, act of November 25, 1970 (P. L. 707, No. 230), known as the Pennsylvania Consolidated Statutes, added April 28, 1978 (P. L. 202, No. 53), is amended to read: § 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions

of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Senior district justice." A former or retired district justice who retires or otherwise vacates office after January 1, [1976] 1970, who has served at least one complete six year elected

term AS A DISTRICT JUSTICE, and who, with his consent, is assigned on temporary magisterial service pursuant to section 4122(b) (relating to assignment of senior district justices).

Section 2. Sections 1515(a) and 1722(a) (2) of Title 42, section 1515(a) amended April 28, 1978 (P. L. 202, No. 53), are amended to read:

§ 1515. Jurisdiction and venue.

(a) Jurisdiction.—Except as otherwise prescribed by general rule adopted pursuant to section 503 (relating to reassignment of matters), district justices shall, under procedures prescribed by general rule, have jurisdiction of all of the following matters:

(1) Summary offenses, except those within the jurisdiction of an established and open traffic court.

(2) Matters arising under the act of April 6, 1951 (P. L. 69, No. 20), known as "The Landlord and Tenant Act of 1951," which are stated therein to be within the jurisdiction of a district justice.

(3) Civil claims wherein the sum demanded does not exceed \$2,000, exclusive of interest and costs, in the following classes of actions:

(i) In assumpsit, except cases of real contract where the title to real estate may be in question.

(ii) In trespass, including all forms of trespass and trespass on the case.

(iii) For fines and penalties by any government agency.

A plaintiff may waive a portion of his claim of more than \$2,000 so as to bring the matter within the jurisdiction of a district justice. Such waiver shall remain effective except upon appeal by either party or when the judgment is set aside upon certiorari.

(4) As commissioners to preside at arraignments, fix and accept bail, issue warrants and perform duties of a similar nature, including the jurisdiction of a committing magistrate in all criminal proceedings.

(5) Offenses under 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance), if the following criteria are met:

(i) The offense is the first offense by the defendant under such provision in this Commonwealth.

(ii) No personal injury [or property damage] (other than to the defendant or the immediate family of the defendant) resulted from the offense.

(iii) The defendant pleads guilty.

(iv) No property damage in excess of \$500 other than to the defendant's property resulted from the violation.

(v) The defendant is not subject to the provisions of Chapter 63 (relating to juvenile matters).

(vi) The arresting authority shall cause to be transmitted a copy of the charge of any violation of 75 Pa.C.S. § 3731 to the county clerk of courts within five days after the preliminary arraignment.

In determining that the above criteria are met the district justice shall rely on the certification of the arresting authority.

Certification that the criteria are met need not be in writing.

Within ten days after the disposition, the district justice shall certify the disposition to the county clerk of courts in writing.

(6) (i) Offenses under Title 18 (crimes and offenses) which are classified as misdemeanors of the third degree, if the following criteria are met:

(A) The misdemeanor is not the result of a reduced charge.

(B) Any personal injury or property damage is less than



[§100] §500.

- (C) The defendant pleads guilty.
- (D) The defendant is not subject to the provisions of Chapter 63.

(ii) Subparagraph (i) shall not apply to any offense under the following provisions of Title 18:

- Section 4303 (relating to concealing death of bastard child).
- Section 4321 (relating to willful separation or nonsupport).
- Section 5103 (relating to unlawfully listening into deliberations of jury).

(7) Matters jurisdiction of which is vested in district justices by any statute.

§ 1722. Adoption of administrative and procedural rules.

(a) General rule.—The governing authority shall have the power to prescribe and modify general rules governing:

(2) The prescription of canons of ethics applicable to judges and district justices and the prescription of rules or canons applicable to the activities of all other personnel of the system.

Section 3. Title 42 is amended by adding sections to read:

§ 1725.1. Costs.

(a) Civil cases.—The costs to be charged by the minor judiciary in every civil case, except as otherwise provided in this section, shall be as follows:

(1) Assumpsit or trespass involving \$100 or less	\$10.00
(2) Assumpsit or trespass involving more than \$100 but not more than \$300	\$15.00
(3) Assumpsit or trespass involving more than \$300 but not more than \$500	\$20.00
(4) Assumpsit or trespass involving more than \$500	\$25.00
(5) Landlord and tenant proceeding	\$25.00
(6) Order of execution	\$15.00
(7) Objection to levy	\$ 5.00
(8) Reinstatement of complaint	No Charge

Such costs shall include all charges including, when called for, the costs relating to postage and registered mail, except the costs of a district justice's transcript of every proceeding on appeal or certiorari (including affidavit, bail and certificate) which shall be \$2.50 per transcript.

(b) Criminal cases.—The costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

(1) Summary conviction, except motor vehicle cases	\$16.00
(2) Summary conviction, motor vehicles cases, other than paragraph (3)	\$10.00
(3) Summary conviction, motor vehicle cases, hearing demanded	\$15.00
(4) Misdemeanor	\$20.00
(5) Felony	\$25.00

Such costs shall include all charges including the costs of postage and registered mail and the costs of giving a district justice's transcript to the prosecutor or defendant, or both, if requested.

(c) Unclassified costs or charges.—The costs to be charged by the minor judiciary in the following instances not readily classi-

fiable shall be as follows:

(1) Entering transcript of judgment from another member of the minor judiciary	\$ 3.00
(2) Marrying each couple, making record thereof, and certificate to the parties	\$10.00
(3) Granting emergency relief pursuant to the act of October 7, 1976 (P. L. 1090, No. 218), known as the "Protection From Abuse Act"	\$10.00
(4) Issuing a search warrant (except as provided in subsection (d))	\$10.00
(5) Any other issuance not otherwise provided for in this subsection	\$10.00

(d) Search warrants.—In every case where a search warrant is requested by a police officer, constable or other peace officer engaged as such in the employ or service of the Commonwealth or any of its political subdivisions, no cost or charge shall be assessed against such officer, the Commonwealth or political subdivision for the issuance of such search warrant.

§ 1725.2. Assumption of summary conviction costs by county.

(a) Division of costs.—In every case of summary conviction in which the evidence is not sufficient to convict and the defendant is dismissed, there shall be no costs imposed if the prosecutor is a police officer engaged as such in the employ of this Commonwealth or of any of its political subdivisions. In all other cases, the costs may be imposed on the prosecutor or by the defendant if so permitted by law.

(b) Costs where default occurs.—In every case of summary conviction in which the defendant is convicted and sentenced to jail in default of the payment of the fine and costs imposed, the costs of prosecution shall be borne by the county.

(c) County of the second class.—In any case before a salaried magistrate where costs are borne by a county of the second class, the costs chargeable to the county shall be one-half of the costs set forth in § 1725.1(b) (relating to costs).

Section 4. Sections 3113(b), 3118, 3302 and 3571(c) of Title 42, added or amended April 28, 1978 (P. L. 202, No. 53), are amended to read:

§ 3113. Content of course of instruction and examination.

(b) Content of course.—The course of training and instruction shall not exceed four weeks in duration and shall consist of a minimum of 40 hours of class instruction in civil and criminal law, including evidence and procedure, summary proceedings, motor vehicles and courses in judicial ethics, in the case of all such officials except judges of the Traffic Court of Philadelphia, in which case it shall consist of a minimum of 20 hours of class instruction in summary proceedings and laws relating to motor vehicles.

§ 3118. Continuing education requirement.

Every district justice shall complete a continuing education program each year equivalent to not less than 32 hours per year in such courses or programs as are approved by the board. If a district justice fails to meet these continuing education requirements, such justice shall be subject to suspension by the Supreme Court until such time as evidence of compliance with such requirements is submitted by the board, but in no event longer than six months at which time the failure to meet the continuing education requirements shall be grounds for the Supreme Court, after a hearing, to declare a vacancy in that

district.

§ 3302. Additional restrictions.

Judges shall not engage in any activity prohibited by this subchapter or any other provision of law and shall not violate any canon of ethics prescribed by general rule. A district justice shall devote the time necessary for the prompt and proper disposition of the business of his office, which shall be given priority over any other occupation, business, profession, pursuit or activity. He shall not use or permit the use of the premises established for the disposition of his magisterial business for any other occupation, business, profession or gainful pursuit. A district justice shall not hold any other elected or appointed public office in this Commonwealth. District justices and appointive judicial officers shall be governed by rules or canons prescribed by general rule. [District justices shall also be subject to canons of ethics applied to judges of the courts of common pleas insofar as such canons apply to salaries, full-time duties and conflicts of interest.]

§ 3571. Commonwealth portion of fines, etc.

(c) Costs in district justice proceedings.—[Costs collected by a district justice shall be payable to the Commonwealth in the following amounts:

(1) Summary conviction . . . . .	\$ 5.00
(2) Misdemeanor . . . . .	\$ 7.00
(3) Felony . . . . .	\$ 8.00
(4) Assumpsit or trespass involving:	
(i) \$100 or less . . . . .	\$ 2.50
(ii) More than \$100 but not more than \$300 . . . . .	\$ 5.00
(iii) More than \$300 but not more than \$500 . . . . .	\$ 7.50
(iv) More than \$500 . . . . .	\$10.00
(5) Landlord-tenant proceeding . . . . .	\$10.00
(6) Order of execution . . . . .	\$10.00
(7) Issuing a search warrant . . . . .	\$ 7.00]

(1) Costs collected by a district justice shall be transmitted monthly to the Commonwealth in amounts as prescribed in subsection (b) and the balance shall be transmitted monthly to the county in which the magisterial district is located. Costs transmitted to the Commonwealth shall be credited to the General Fund. Costs transmitted to the county shall be retained by the county for its use.

(2) Amounts payable to the Commonwealth:	
(i) Summary conviction, except motor vehicle cases . . . . .	\$ 5.00
(ii) Summary conviction, motor vehicle cases other than subparagraph (iii) . . . . .	\$ 5.00
(iii) Summary conviction, motor vehicle cases, hearing demanded. . . . .	\$ 5.00
(iv) Misdemeanor . . . . .	\$ 7.00
(v) Felony . . . . .	\$ 8.00
(vi) Assumpsit or trespass involving:	
(A) \$100 or less . . . . .	\$ 2.50
(B) More than \$100 but not more than \$300. . . . .	\$ 5.00
(C) More than \$300 but not more than \$500. . . . .	\$ 7.50
(D) More than \$500. . . . .	\$10.00
(vii) Landlord-tenant proceeding . . . . .	\$10.00
(viii) Objection to levy . . . . .	\$ 5.00
(ix) Order of execution . . . . .	\$10.00
(x) Issuing a search warrant (except as provided in section 1725.1(d) (relating to costs)) . . . . .	\$ 7.00

(3) In all cases where costs are borne by the county pursuant to section 1725.2 (relating to assumption of summary conviction costs by county), no share of such costs shall be payable to the Commonwealth.

tion costs by county), no share of such costs shall be payable to the Commonwealth.

\* \* \*

Section 5. Section 4102 of Title 42 is repealed.

Section 6. Sections 4122 and 4123 of Title 42, section 4122 amended April 28, 1978 (P. L. 202, No. 53), are amended to read:

§ 4122. Assignment of district justices.

(a) General rule.—Subject to general rules any district justice may be temporarily assigned to any other magisterial district or the Pittsburgh Magistrates Court or the Traffic Court of Philadelphia, and may there hear and determine any matter with like effect as if duly commissioned to sit in such other district or in such court.

(b) Senior district justices.—A senior district justice who shall not have been defeated for reelection or been suspended or removed from office may, with his consent, be assigned on temporary magisterial service pursuant to subsection (a). A senior district justice shall be paid a per diem salary at the same annual rate as is applicable in the district where he is temporarily assigned and shall receive expenses at the same per diem rate as other justices temporarily assigned.

§ 4123. Assignment procedure.

The procedure for effecting temporary assignments of judges and district justices, the kind, amount and method of payment for travel, lodgings and subsistence, and all other matters related to such temporary assignments, shall be governed by general rules established by the Supreme Court except as otherwise specifically provided.

Section 7. (a) The increase in salary provided for district justices pursuant to section 206 of the act of July 15, 1976 (P. L. 1014, No. 204), known as the "Magisterial District Reform Act" shall be effective and payable from September 13, 1976 regardless of the date on which such salary is actually paid.

(b) This section shall take effect immediately and shall be retroactive to September 13, 1976.

Section 8. The provisions of this amendatory act shall not affect any act done, liability or cost incurred or right accrued or vested or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of any statutory provisions amended by this act.

Section 9. Except as otherwise provided in this act, this act shall take effect in 60 days.

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

HB 82 PASSED OVER TEMPORARILY

The SPEAKER. The Chair recognizes the majority leader.  
Mr. RYAN. Mr. Speaker, I wonder if HB 82 might be passed over temporarily? Mr. Clark is attempting to get some information on it.

The SPEAKER. Without objection, HB 82 will be passed over temporarily. The Chair hears none.

SENATE MESSAGE  
AMENDED HOUSE BILL RETURNED FOR  
CONCURRENCE CONSIDERED

The Senate returned the following HB 462, PN 1912, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 462

Session of 1979

INTRODUCED BY MESSRS. HASAY, STUBAN, NOYE, GEIST, W. W. FOSTER, BITTLE, SPENCER, MACKOWSKI, KOLTER, WEIDNER, COSLETT, GRIECO, AND KLINGAMAN, MARCH 5, 1979.

SENATOR O'PAKE, JUDICIARY, IN SENATE, AS AMENDED, JULY 2, 1979.

An Act

amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for antique firearms AND ADDING PROVISIONS RELATING TO CRIMINAL HISTORY RECORD INFORMATION.

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

Section 1. Section 6118 of Title 18, act of November 25, 1970 (P. L. 707, No. 230), known as the Pennsylvania Consolidated Statutes, is amended to read:

§ 6118. Antique firearms.

(A) GENERAL RULE.—This subchapter shall not apply to antique firearms. [unsuitable for use and possessed as curiosities or ornaments.] ~~manufactured in or before 1898, or reproductions or replicas of firearms manufactured in or before 1898, or parts for same.~~

(B) EXCEPTION.—SUBSECTION (A) SHALL NOT APPLY TO THE EXTENT THAT SUCH ANTIQUE FIREARMS, REPRODUCTIONS OR REPLICAS OF FIREARMS ARE CONCEALED WEAPONS AS PROVIDED IN SECTION 6106 (RELATING TO FIREARMS NOT TO BE CARRIED WITHOUT A LICENSE).

(C) DEFINITION.—FOR THE PURPOSE OF THIS SECTION "ANTIQUÉ FIREARM" MEANS:

(1) ANY FIREARM, INCLUDING ANY FIREARM WITH A MATCHLOCK, FLINTLOCK, PERCUSSION CAP OR SIMILAR TYPE OF IGNITION SYSTEM, MANUFACTURED ON OR BEFORE 1898; AND

(2) ANY REPLICA OF ANY FIREARM DESCRIBED IN PARAGRAPH (1) IF SUCH REPLICA:

(I) IS NOT DESIGNED OR REDESIGNED FOR USING RIM FIRE OR CONVENTIONAL CENTER FIRE FIXED AMMUNITION; OR

(II) USES RIM FIRE OR CONVENTIONAL CENTER FIRE FIXED AMMUNITION WHICH IS NO LONGER MANUFACTURED IN THE UNITED STATES AND WHICH IS NOT READILY AVAILABLE IN THE ORDINARY CHANNELS OF COMMERCIAL TRADE.

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

SECTION 2. TITLE 18 IS AMENDED BY ADDING A PART TO READ:

PART III

MISCELLANEOUS PROVISIONS

CHAPTER

91. CRIMINAL HISTORY RECORD INFORMATION

CHAPTER 91

CRIMINAL HISTORY RECORD INFORMATION

SUBCHAPTER

A. GENERAL PROVISIONS

B. COMPLETENESS AND ACCURACY

C. DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION

- D. SECURITY
- E. AUDIT
- F. INDIVIDUAL RIGHT OF ACCESS AND REVIEW
- G. RESPONSIBILITY OF ATTORNEY GENERAL
- H. PUBLIC NOTICE
- I. SANCTIONS

SUBCHAPTER A  
GENERAL PROVISIONS

SEC.

9101. SHORT TITLE OF CHAPTER.

9102. DEFINITIONS.

9103. APPLICABILITY.

9104. SCOPE.

9105. OTHER CRIMINAL JUSTICE INFORMATION.

9106. PROHIBITED INFORMATION.

§ 9101. SHORT TITLE OF CHAPTER.

THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE "CRIMINAL HISTORY RECORD INFORMATION ACT."

§ 9102. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"ADMINISTRATION OF CRIMINAL JUSTICE." THE ACTIVITIES DIRECTLY CONCERNED WITH THE PREVENTION, CONTROL OR REDUCTION OF CRIME, THE APPREHENSION, DETENTION, PRETRIAL RELEASE, POSTTRIAL RELEASE, PROSECUTION, ADJUDICATION, CORRECTIONAL SUPERVISION OR REHABILITATION OF ACCUSED PERSONS OR CRIMINAL OFFENDERS; CRIMINAL IDENTIFICATION ACTIVITIES; OR THE COLLECTION, STORAGE DISSEMINATION OR USAGE OF CRIMINAL HISTORY RECORD INFORMATION.

"AUDIT." THE PROCESS OF REVIEWING COMPLIANCE WITH APPLICABLE FEDERAL AND STATE LAWS AND REGULATIONS RELATED TO THE PRIVACY AND SECURITY OF CRIMINAL HISTORY RECORD INFORMATION.

"CENTRAL REPOSITORY." THE CENTRAL LOCATION FOR THE COLLECTION, COMPILATION, MAINTENANCE AND DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION BY THE PENNSYLVANIA STATE POLICE.

"CRIMINAL HISTORY RECORD INFORMATION." INFORMATION COLLECTED BY CRIMINAL JUSTICE AGENCIES CONCERNING INDIVIDUALS, CONSISTING OF IDENTIFIABLE DESCRIPTIONS, DATES AND NOTATIONS OF ARRESTS, DETENTIONS, INDICTMENTS, INFORMATIONS OR OTHER FORMAL CHARGES AND ANY DISPOSITIONS ARISING THEREFROM. THE TERM DOES NOT INCLUDE INTELLIGENCE INFORMATION, INVESTIGATIVE INFORMATION OR TREATMENT INFORMATION, INCLUDING MEDICAL AND PSYCHOLOGICAL INFORMATION, OR INFORMATION AND RECORDS SPECIFIED IN SECTION 9104 (RELATING TO SCOPE).

"CRIMINAL JUSTICE AGENCY." ANY COURT, INCLUDING THE MINOR JUDICIARY, WITH CRIMINAL JURISDICTION OR ANY OTHER GOVERNMENTAL AGENCY, OR SUBUNIT THEREOF, CREATED BY STATUTE OR BY THE STATE OR FEDERAL CONSTITUTIONS, SPECIFICALLY AUTHORIZED TO PERFORM AS ITS PRINCIPAL FUNCTION THE ADMINISTRATION OF CRIMINAL JUSTICE, AND WHICH ALLOCATES A SUBSTANTIAL PORTION OF ITS ANNUAL BUDGET TO SUCH FUNCTION. CRIMINAL JUSTICE AGENCIES INCLUDE, BUT ARE NOT LIMITED TO: ORGANIZED STATE AND MUNICIPAL POLICE DEPARTMENTS, LOCAL DETENTION FACILITIES, COUNTY, REGIONAL AND STATE CORRECTIONAL FACILITIES, PROBATION AGENCIES, DISTRICT OR PROSECUTING ATTORNEYS, PAROLE BOARDS AND PARDON BOARDS.

"DISPOSITION." INFORMATION INDICATING THAT CRIMINAL PROCEEDINGS HAVE BEEN CONCLUDED, INCLUDING INFORMATION DISCLOSING THAT POLICE HAVE ELECTED NOT TO REFER A MATTER FOR PROSECUTION, THAT A PROSECUTING AUTHORITY HAS

ELECTED NOT TO COMMENCE CRIMINAL PROCEEDINGS OR THAT A GRAND JURY HAS FAILED TO INDICT AND DISCLOSING THE NATURE OF THE TERMINATION OF THE PROCEEDINGS; OR INFORMATION DISCLOSING THAT PROCEEDINGS HAVE BEEN INDEFINITELY POSTPONED AND ALSO DISCLOSING THE REASON FOR SUCH POSTPONEMENT. DISPOSITIONS OF CRIMINAL PROCEEDINGS IN THE COMMONWEALTH SHALL INCLUDE, BUT NOT BE LIMITED TO, ACQUITTAL, ACQUITTAL BY REASON OF INSANITY, PRETRIAL PROBATION OR DIVERSION, CHARGE DISMISSED, GUILTY PLEA, NOLLE PROSEQUI, NO INFORMATION FILED, NOLO CONTENDERE PLEA, CONVICTED, ABATEMENT, DISCHARGE UNDER RULES OF THE PENNSYLVANIA RULES OF CRIMINAL PROCEDURE, DEMURRER SUSTAINED, PARDONED, SENTENCE COMMUTED, MISTRIAL-DEFENDANT DISCHARGED, DISCHARGE FROM PROBATION OR PAROLE OR CORRECTIONAL SUPERVISION.

"DISSEMINATION." THE ORAL OR WRITTEN TRANSMISSION OR DISCLOSURE OF CRIMINAL HISTORY RECORD INFORMATION TO INDIVIDUALS OR AGENCIES OTHER THAN THE CRIMINAL JUSTICE AGENCY WHICH MAINTAINS THE INFORMATION.

"EXPUNGE."

(1) TO REMOVE INFORMATION SO THAT THERE IS NO TRACE OR INDICATION THAT SUCH INFORMATION EXISTED; OR

(2) TO ELIMINATE ALL IDENTIFIERS WHICH MAY BE USED TO TRACE THE IDENTITY OF AN INDIVIDUAL, ALLOWING REMAINING DATA TO BE USED FOR STATISTICAL PURPOSES.

"REPOSITORY." ANY LOCATION IN WHICH CRIMINAL HISTORY RECORD INFORMATION IS COLLECTED, COMPILED, MAINTAINED AND DISSEMINATED BY A CRIMINAL JUSTICE AGENCY.

"SECONDARY DISSEMINATION." THE SUBSEQUENT TRANSMISSION OR DISCLOSURE OF CRIMINAL HISTORY RECORD INFORMATION RECEIVED FROM A REPOSITORY OR CONFIRMATION OF THE EXISTENCE OR NON-EXISTENCE OF CRIMINAL HISTORY RECORD INFORMATION RECEIVED FROM A REPOSITORY.

§ 9103. APPLICABILITY.

THIS CHAPTER SHALL APPLY TO PERSONS WITHIN THIS COMMONWEALTH AND TO ANY AGENCY OF THE COMMONWEALTH OR ITS POLITICAL SUBDIVISIONS WHICH COLLECTS, MAINTAINS, DISSEMINATES OR RECEIVES CRIMINAL HISTORY RECORD INFORMATION.

§ 9104. SCOPE.

(A) GENERAL RULE.—EXCEPT FOR THE PROVISIONS OF SUBCHAPTER B (RELATING TO COMPLETENESS AND ACCURACY), SUBCHAPTER D (RELATING TO SECURITY) AND SUBCHAPTER F (RELATING TO INDIVIDUAL RIGHT OF ACCESS AND REVIEW), NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO APPLY TO:

(1) ORIGINAL RECORDS OF ENTRY COMPILED CHRONOLOGICALLY, INCLUDING, BUT NOT LIMITED TO, POLICE BLOTTERS.

(2) ANY DOCUMENTS, RECORDS OR INDICES PREPARED OR MAINTAINED BY OR FILED IN ANY COURT OF THIS COMMONWEALTH, INCLUDING BUT NOT LIMITED TO THE MINOR JUDICIARY.

(3) POSTERS, ANNOUNCEMENTS, OR LISTS FOR IDENTIFYING OR APPREHENDING FUGITIVES OR WANTED PERSONS.

(4) ANNOUNCEMENTS OF EXECUTIVE CLEMENCY.

(B) COURT DOCKETS AND POLICE BLOTTERS.—COURT DOCKETS AND POLICE BLOTTERS AND INFORMATION CONTAINED THEREIN SHALL, FOR THE PURPOSE OF THIS CHAPTER, BE CONSIDERED PUBLIC RECORDS.

(C) SUBSTITUTES FOR COURT DOCKETS.—WHERE COURT DOCKETS ARE NOT MAINTAINED ANY REASONABLE SUBSTITUTE CONTAINING THAT INFORMATION TRADITIONALLY AVAILABLE IN COURT DOCKETS SHALL, FOR THE PURPOSE OF THIS CHAPTER, BE CONSIDERED PUBLIC RECORDS.

(D) CASES IN PROGRESS.—NOTHING IN THIS CHAP-

TER MUST BE INTERPRETED TO LIMIT THE DISCLOSURE BY THE ARRESTING AUTHORITY, A COURT, OR OTHER CRIMINAL JUSTICE AGENCY HAVING LEGAL JURISDICTION OVER THE INDIVIDUAL TO ANY INDIVIDUAL OR AGENCY OF THE CURRENT STATUS OF AN INDIVIDUAL INVOLVED IN A CRIMINAL CASE IN PROGRESS OR FOR WHICH AN INDIVIDUAL IS CURRENTLY IN THE CRIMINAL JUSTICE SYSTEM SO LONG AS SUCH INFORMATION IS DISSEMINATED NO MORE THAN 180 DAYS FROM THE OCCURRENCE OF ANY FINAL OFFICIAL ACTION BY OR FINAL RELEASE FROM THE SUPERVISION, CUSTODY OR JURISDICTION OF THAT AGENCY.

(E) CERTAIN DISCLOSURES AUTHORIZED.—NOTHING IN THIS CHAPTER SHALL PROHIBIT A CRIMINAL JUSTICE AGENCY FROM DISCLOSING AN INDIVIDUAL'S PRIOR CRIMINAL ACTIVITY TO AN INDIVIDUAL OR AGENCY IF THE INFORMATION DISCLOSED IS BASED ON RECORDS SET FORTH IN SUBSECTION (A).

(F) NONCRIMINAL JUSTICE AGENCIES.—INFORMATION COLLECTED BY NONCRIMINAL JUSTICE AGENCIES AND INDIVIDUALS FROM THE SOURCES IDENTIFIED IN THIS SECTION SHALL NOT BE CONSIDERED CRIMINAL HISTORY RECORD INFORMATION.

§ 9105. OTHER CRIMINAL JUSTICE INFORMATION.

NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO APPLY TO INFORMATION CONCERNING JUVENILES, EXCEPT AS PROVIDED IN SECTION 9123 (RELATING TO JUVENILE RECORDS), UNLESS THEY HAVE BEEN ADJUDICATED AS ADULTS, NOR SHALL IT APPLY TO INTELLIGENCE INFORMATION, INVESTIGATIVE INFORMATION, TREATMENT INFORMATION, INCLUDING MEDICAL AND PSYCHIATRIC INFORMATION, CAUTION INDICATOR INFORMATION, MODUS OPERANDI INFORMATION, WANTED PERSONS INFORMATION, STOLEN PROPERTY INFORMATION, MISSING PERSONS INFORMATION, EMPLOYMENT HISTORY INFORMATION, PERSONAL HISTORY INFORMATION, NOR PRESENTENCE INVESTIGATION INFORMATION. CRIMINAL HISTORY RECORD INFORMATION MAINTAINED AS A PART OF THESE RECORDS SHALL NOT BE DISSEMINATED UNLESS IN COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER.

§ 9106. PROHIBITED INFORMATION.

THE FOLLOWING KINDS OF INFORMATION SHALL NOT BE COLLECTED IN THE CENTRAL REPOSITORY NOR IN ANY AUTOMATED OR ELECTRONIC CRIMINAL JUSTICE INFORMATION SYSTEM:

(1) INTELLIGENCE INFORMATION.

(2) INVESTIGATIVE INFORMATION.

(3) TREATMENT INFORMATION, INCLUDING BUT NOT LIMITED TO MEDICAL OR PSYCHOLOGICAL INFORMATION.

#### SUBCHAPTER B COMPLETENESS AND ACCURACY

SEC.

9111. DUTIES OF CRIMINAL JUSTICE AGENCIES.

9112. MANDATORY FINGERPRINTING.

9113. DISPOSITION REPORTING BY CRIMINAL JUSTICE AGENCIES.

9114. CORRECTION OF INACCURATE INFORMATION.

§ 9111. DUTIES OF CRIMINAL JUSTICE AGENCIES.

IT SHALL BE THE DUTY OF EVERY CRIMINAL JUSTICE AGENCY WITHIN THE COMMONWEALTH TO MAINTAIN COMPLETE AND ACCURATE CRIMINAL HISTORY RECORD INFORMATION AND TO REPORT SUCH INFORMATION AT SUCH TIMES AND IN SUCH MANNER AS REQUIRED BY THE PROVISIONS OF THIS CHAPTER OR OTHER APPLICABLE STATUTES.

§ 9112. MANDATORY FINGERPRINTING.

(A) GENERAL RULE.—FINGERPRINTS OF ALL PERSONS ARRESTED FOR A FELONY, MISDEMEANOR OR SUMMARY OFFENSE WHICH BECOMES A MISDEMEANOR ON A SECOND ARREST AFTER CONVICTION OF THAT SUMMARY OFFENSE, SHALL BE TAKEN BY THE ARRESTING AUTHORITY, AND WITHIN 48 HOURS OF THE ARREST, SHALL BE FORWARDED TO, AND IN A

MANNER AND SUCH A FORM AS PROVIDED BY, THE CENTRAL REPOSITORY.

(B) RETAIL THEFT.—WHERE PRIVATE COMPLAINTS FOR A FELONY OR MISDEMEANOR RESULT IN A CONVICTION OR OFFENSES UNDER SECTION 3929 (RELATING TO RETAIL THEFT), THE ISSUING AUTHORITY SHALL ORDER THE DEFENDANT TO SUBMIT FOR FINGERPRINTING BY THE MUNICIPAL POLICE OF THE JURISDICTION IN WHICH THE OFFENSE ALLEGEDLY WAS COMMITTED OR, IN THE ABSENCE OF A POLICE DEPARTMENT, THE STATE POLICE. FINGERPRINTS SO OBTAINED SHALL BE FORWARDED IMMEDIATELY TO THE CENTRAL REPOSITORY.

(C) TRANSMITTAL OF INFORMATION.—THE CENTRAL REPOSITORY SHALL TRANSMIT THE CRIMINAL HISTORY RECORD INFORMATION TO THE CRIMINAL JUSTICE AGENCY WHICH SUBMITTED THE FINGERPRINT CARD.

§ 9113. DISPOSITION REPORTING BY CRIMINAL JUSTICE AGENCIES.

(A) REPORTS OF DISPOSITIONS REQUIRED.—ALL CRIMINAL JUSTICE AGENCIES, INCLUDING BUT NOT LIMITED TO, COURTS, COUNTY, REGIONAL AND STATE CORRECTIONAL INSTITUTIONS AND PAROLE AND PROBATION AGENCIES, SHALL COLLECT AND SUBMIT REPORTS OF DISPOSITIONS OCCURRING WITHIN THEIR RESPECTIVE AGENCIES FOR CRIMINAL HISTORY RECORD INFORMATION, WITHIN 90 DAYS OF THE DATE OF SUCH DISPOSITION TO THE CENTRAL REPOSITORY AS PROVIDED FOR IN THIS SECTION.

(B) COURTS.—COURTS SHALL COLLECT AND SUBMIT CRIMINAL COURT DISPOSITIONS AS REQUIRED BY THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS.

(C) CORRECTIONAL INSTITUTIONS.—COUNTY, REGIONAL AND STATE CORRECTIONAL INSTITUTIONS SHALL COLLECT AND SUBMIT INFORMATION REGARDING THE ADMISSION, RELEASE AND LENGTH OF SENTENCE OF INDIVIDUALS SENTENCED TO LOCAL AND COUNTY INSTITUTIONS AS REQUIRED BY THE BUREAU OF CORRECTION.

(D) PROBATION AND PAROLE OFFICES.—COUNTY PROBATION AND PAROLE OFFICES SHALL COLLECT AND SUBMIT INFORMATION RELATING TO THE LENGTH OF TIME AND CHARGES FOR WHICH AN INDIVIDUAL IS PLACED UNDER AND RELEASED FROM THE JURISDICTION OF SUCH AGENCY AS REQUIRED BY THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE.

(E) STATE AGENCIES.—THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS, THE BUREAU OF CORRECTION, THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE AND THE PENNSYLVANIA BOARD OF PARDONS SHALL COLLECT AND SUBMIT TO THE CENTRAL REPOSITORY SUCH INFORMATION NECESSARY TO MAINTAIN COMPLETE AND ACCURATE CRIMINAL HISTORY RECORD INFORMATION. EACH STATE AGENCY LISTED IN THIS SUBSECTION SHALL SUBMIT TO THE CENTRAL REPOSITORY ANY REPORTS OF DISPOSITIONS OCCURRING WITHIN THEIR RESPECTIVE AGENCIES AND SUCH INFORMATION REPORTED FROM COUNTY AND LOCAL CRIMINAL JUSTICE AGENCIES.

§ 9114. CORRECTION OF INACCURATE INFORMATION.

WITHIN 15 DAYS OF THE DETECTION OF INACCURATE DATA IN A CRIMINAL HISTORY RECORD, REGARDLESS OF THE MANNER OF DISCOVERY, THE CRIMINAL JUSTICE AGENCY WHICH REPORTED THE INFORMATION SHALL COMPLY WITH THE FOLLOWING PROCEDURES TO EFFECT CORRECTION:

- (1) CORRECT ITS OWN RECORDS.
- (2) NOTIFY ALL RECIPIENTS, INCLUDING THE CENTRAL REPOSITORY, OF THE INACCURATE DATA AND THE REQUIRED CORRECTION.

SUBCHAPTER C  
DISSEMINATION OF CRIMINAL HISTORY  
RECORD INFORMATION

SEC.

9121. GENERAL REGULATIONS.

9122. EXPUNGEMENT.

9123. JUVENILE RECORDS.

9124. USE OF RECORDS BY LICENSING AGENCIES.

9125. USE OF RECORDS FOR EMPLOYMENT.

§ 9121. GENERAL REGULATIONS.

(A) PROMULGATION OF DISSEMINATION REGULATIONS.—THE ATTORNEY GENERAL SHALL ESTABLISH, IN ACCORDANCE WITH THE PROVISIONS OF THE COMMONWEALTH DOCUMENTS LAW, REGULATIONS CONCERNING THE DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION WHICH SHALL DISTINGUISH BETWEEN CONVICTION AND NONCONVICTION DATA.

(B) DATA REQUIRED TO BE KEPT.—ANY CRIMINAL JUSTICE AGENCY WHICH DISSEMINATES CRIMINAL HISTORY RECORD INFORMATION MUST INDICATE TO THE RECIPIENT THAT THE INFORMATION DISSEMINATED IS ONLY THAT INFORMATION CONTAINED IN ITS OWN FILE, THE DATE OF THE LAST ENTRY, AND THAT A SUMMARY OF THE STATEWIDE CRIMINAL HISTORY RECORD INFORMATION MAY BE OBTAINED FROM THE CENTRAL REPOSITORY.

(C) SECONDARY DISSEMINATION.—EXCEPT DURING JOINT CRIMINAL INVESTIGATIONS, NO SECONDARY DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION IS PERMITTED EXCEPT AS PROVIDED FOR BY THIS CHAPTER.

(D) DUPLICATION.—NO DUPLICATION OF CRIMINAL HISTORY RECORD INFORMATION BY ANY CRIMINAL JUSTICE AGENCY EXCEPT FOR ITS OWN INTERNAL USE, OR BY ANY INDIVIDUAL RECEIVING CRIMINAL HISTORY RECORD INFORMATION, IS PERMITTED.

(E) RETURN OR DESTRUCTION OF INFORMATION.—ALL NONCRIMINAL JUSTICE AGENCIES OR INDIVIDUALS OR AGENCIES RECEIVING CRIMINAL HISTORY RECORD INFORMATION MUST RETURN TO THE DISSEMINATING AGENCY OR DESTROY, IN ACCORDANCE WITH AN AGREEMENT WITH THE REPOSITORY, ALL SUCH INFORMATION RECEIVED UPON COMPLETION OF THE SPECIFIC PURPOSE FOR WHICH CRIMINAL HISTORY RECORD INFORMATION WAS RECEIVED. SUCH INFORMATION SHALL NOT BE PERMANENTLY INCORPORATED INTO THE FILES OR RECORDS OF THE AGENCY OR INDIVIDUAL RECEIVING IT.

(F) NOTATIONS ON RECORD.—REPOSITORIES MUST ENTER AS A PERMANENT PART OF AN INDIVIDUAL'S CRIMINAL HISTORY RECORD INFORMATION FILE, A LISTING OF ALL PERSONS AND AGENCIES TO WHOM THEY HAVE DISSEMINATED THAT PARTICULAR CRIMINAL HISTORY RECORD INFORMATION AND THE DATE AND PURPOSE FOR WHICH THE INFORMATION WAS DISSEMINATED. SUCH LISTING SHALL BE MAINTAINED SEPARATE FROM THE RECORD ITSELF.

(G) NONCRIMINAL JUSTICE OFFICIALS, ETC.—ANY NONCRIMINAL JUSTICE OFFICIAL, AGENCY OR ORGANIZATION REQUESTING CRIMINAL HISTORY RECORD INFORMATION PRIOR TO RECEIPT OF ANY SUCH CRIMINAL HISTORY RECORD INFORMATION, MUST SIGN A CONTRACT WITH THE REPOSITORY FROM WHICH IT IS SEEKING CRIMINAL HISTORY RECORD INFORMATION, AGREEING TO ABIDE BY THE PROVISIONS OF THIS CHAPTER. ANY SUCH NONCRIMINAL JUSTICE OFFICIAL, AGENCY OR ORGANIZATION ENTERING INTO SUCH A CONTRACT WITH A REPOSITORY IS BOUND BY AND SUBJECT TO THE PROVISIONS OF THIS CHAPTER.

(H) PROHIBITION ON INCORPORATION OF RECORDS.—EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, NO CRIMINAL HISTORY RECORD INFORMATION ACQUIRED FROM REPOSITORIES OTHER THAN THE CENTRAL REPOSITORY SHALL BE PERMANENTLY INCORPORATED INTO THE FILES OR RECORDS OF THE CRIMINAL JUSTICE AGENCY OR INDIVIDUAL AND MUST BE DESTROYED UPON COMPLETION OF THE SPECIFIC PURPOSE FOR WHICH SUCH INFORMATION WAS RECEIVED.

§ 9122. EXPUNGEMENT.

(A) SPECIFIC PROCEEDINGS.—CRIMINAL HISTORY RECORD INFORMATION SHALL BE EXPUNGED IN A SPE-

CIFIC CRIMINAL PROCEEDING WHEN:

(1) NO DISPOSITION HAS BEEN RECEIVED OR, UPON REQUEST FOR CRIMINAL HISTORY RECORD INFORMATION, NO DISPOSITION HAS BEEN RECORDED IN THE REPOSITORY WITHIN 18 MONTHS AFTER THE DATE OF ARREST AND THE COURT OF PROPER JURISDICTION CERTIFIES TO THE DIRECTOR OF THE REPOSITORY THAT NO DISPOSITION IS AVAILABLE AND NO ACTION IS PENDING. EXPUNGEMENT SHALL NOT OCCUR UNTIL THE CERTIFICATION FROM THE COURT IS RECEIVED AND THE DIRECTOR OF THE REPOSITORY AUTHORIZES SUCH EXPUNGEMENT; OR

(2) A COURT ORDER REQUIRES THAT SUCH NONCONVICTION DATA BE EXPUNGED.

(B) GENERALLY.—CRIMINAL HISTORY RECORD INFORMATION MAY BE EXPUNGED WHEN:

(1) AN INDIVIDUAL WHO IS THE SUBJECT OF THE INFORMATION REACHES 70 YEARS OF AGE AND HAS BEEN FREE OF ARREST OR PROSECUTION FOR TEN YEARS FOLLOWING FINAL RELEASE FROM CONFINEMENT OR SUPERVISION; OR

(2) AN INDIVIDUAL WHO IS THE SUBJECT OF THE INFORMATION HAS BEEN DEAD FOR THREE YEARS.

(C) MAINTENANCE OF CERTAIN INFORMATION REQUIRED OR AUTHORIZED.—NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, THE PROSECUTING ATTORNEY AND THE CENTRAL REPOSITORY SHALL, AND THE COURT MAY, MAINTAIN A LIST OF THE NAMES AND OTHER CRIMINAL HISTORY RECORD INFORMATION OF PERSONS WHOSE RECORDS ARE REQUIRED BY LAW OR COURT RULE TO BE EXPUNGED WHERE THE INDIVIDUAL HAS SUCCESSFULLY COMPLETED THE CONDITIONS OF ANY PRETRIAL OR POSTTRIAL DIVERSION OR PROBATION PROGRAM. SUCH INFORMATION SHALL BE USED SOLELY FOR THE PURPOSE OF DETERMINING SUBSEQUENT ELIGIBILITY FOR SUCH PROGRAMS. CRIMINAL HISTORY RECORD INFORMATION MAY BE EXPUNGED AS PROVIDED IN SUBSECTION (B)(1) AND (2). SUCH INFORMATION SHALL BE MADE AVAILABLE TO ANY COURT UPON REQUEST.

(D) NOTICE OF EXPUNGEMENT.—NOTICE OF EXPUNGEMENT SHALL PROMPTLY BE SUBMITTED TO THE CENTRAL REPOSITORY WHICH SHALL NOTIFY ALL CRIMINAL JUSTICE AGENCIES WHICH HAVE RECEIVED THE CRIMINAL HISTORY RECORD INFORMATION TO BE EXPUNGED.

(E) PUBLIC RECORDS.—PUBLIC RECORDS LISTED IN SECTION 9104(A) (RELATING TO SCOPE) SHALL NOT BE EXPUNGED.

(F) DISTRICT ATTORNEY'S NOTICE.—NO EXPUNGEMENT SHALL BE MADE WITHOUT TEN DAYS PRIOR NOTICE TO THE DISTRICT ATTORNEY OF THE COUNTY WHERE THE ORIGINAL CHARGES WERE FILED.

§ 9123. JUVENILE RECORDS.

(A) EXPUNGEMENT OF JUVENILE RECORDS.—NOTWITHSTANDING THE PROVISIONS OF SECTION 9105 (RELATING TO OTHER CRIMINAL JUSTICE INFORMATION) AND EXCEPT UPON CAUSE SHOWN, EXPUNGEMENT OF RECORDS OF JUVENILE DELINQUENCY CASES WHEREVER KEPT OR RETAINED SHALL OCCUR AFTER TEN DAYS NOTICE TO THE DISTRICT ATTORNEY, WHENEVER THE COURT UPON ITS MOTION OR UPON THE MOTION OF A CHILD OR THE PARENTS OR GUARDIAN FINDS:

(1) A COMPLAINT IS FILED WHICH IS NOT SUBSTANTIATED OR THE PETITION WHICH IS FILED AS A RESULT OF A COMPLAINT IS DISMISSED BY THE COURT;

(2) FIVE YEARS HAVE ELAPSED SINCE THE FINAL DISCHARGE OF THE PERSON FROM COMMITMENT, PLACEMENT, PROBATION OR ANY OTHER DISPOSITION AND REFERRAL AND SINCE SUCH FINAL DISCHARGE, THE PERSON HAS NOT BEEN CONVICTED OF A FELONY, MISDEMEANOR OR ADJUDICATED DELINQUENT AND NO PROCEEDING IS PENDING SEEKING SUCH CONVICTION OR ADJUDICATION; OR

(3) THE INDIVIDUAL IS 21 YEARS OF AGE OR OLDER AND A COURT ORDERS THE EXPUNGEMENT.

(B) NOTICE TO PROSECUTING ATTORNEY.—THE COURT SHALL GIVE NOTICE OF THE APPLICATIONS FOR THE EXPUNGEMENT OF JUVENILE RECORDS TO THE PROSECUTING ATTORNEY.

(C) DEPENDENT CHILDREN.—ALL RECORDS OF CHILDREN ALLEGED TO BE OR ADJUDICATED DEPENDENT MAY BE EXPUNGED UPON COURT ORDER AFTER THE CHILD IS 21 YEARS OF AGE OR OLDER.

§ 9124. USE OF RECORDS BY LICENSING AGENCIES.

(A) STATE AGENCIES.—EXCEPT AS PROVIDED BY THIS CHAPTER, A BOARD, COMMISSION OR DEPARTMENT OF THE COMMONWEALTH, WHEN DETERMINING ELIGIBILITY FOR LICENSING, CERTIFICATION, REGISTRATION OR PERMISSION TO ENGAGE IN A TRADE, PROFESSION OR OCCUPATION, MAY CONSIDER CONVICTIONS OF THE APPLICANT OF CRIMES BUT THE CONVICTIONS SHALL NOT PRECLUDE THE ISSUANCE OF A LICENSE, CERTIFICATE, REGISTRATION OR PERMIT.

(B) PROHIBITED USE OF INFORMATION.—THE FOLLOWING INFORMATION SHALL NOT BE USED IN CONSIDERATION OF AN APPLICATION FOR A LICENSE, CERTIFICATE, REGISTRATION OR PERMIT:

(1) RECORDS OF ARREST IF THERE IS NO CONVICTION OF A CRIME BASED ON THE ARREST.

(2) CONVICTIONS WHICH HAVE BEEN ANNULLED OR EXPUNGED.

(3) CONVICTIONS OF A SUMMARY OFFENSE.

(4) INFORMATION THAT THE INDIVIDUAL HAS RECEIVED A PARDON FROM THE GOVERNOR.

(C) STATE ACTION AUTHORIZED.—BOARDS, COMMISSIONS OR DEPARTMENTS OF THE COMMONWEALTH AUTHORIZED TO LICENSE, CERTIFY, REGISTER OR PERMIT THE PRACTICE OF TRADES, OCCUPATIONS OR PROFESSIONS MAY REFUSE TO GRANT OR RENEW, OR MAY SUSPEND OR REVOKE ANY LICENSE, CERTIFICATE, REGISTRATION OR PERMIT FOR THE FOLLOWING CAUSES:

(1) WHERE THE APPLICANT HAS BEEN CONVICTED OF A FELONY.

(2) WHERE THE APPLICANT HAS BEEN CONVICTED OF A MISDEMEANOR WHICH RELATES TO THE TRADE, OCCUPATION OR PROFESSION FOR WHICH THE LICENSE, CERTIFICATE, REGISTRATION OR PERMIT IS SOUGHT.

(D) NOTICE.—THE BOARD, COMMISSION OR DEPARTMENT SHALL NOTIFY THE INDIVIDUAL IN WRITING OF THE REASONS FOR A DECISION WHICH PROHIBITS THE APPLICANT FROM PRACTICING THE TRADE, OCCUPATION OR PROFESSION IF SUCH DECISION IS BASED IN WHOLE OR PART ON CONVICTION OF ANY CRIME.

§ 9125. USE OF RECORDS FOR EMPLOYMENT.

(A) GENERAL RULE.—WHENEVER AN EMPLOYER IS IN RECEIPT OF INFORMATION WHICH IS PART OF AN EMPLOYMENT APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION FILE, IT MAY USE THAT INFORMATION FOR THE PURPOSE OF DECIDING WHETHER OR NOT TO HIRE THE APPLICANT, ONLY IN ACCORDANCE WITH THIS SECTION.

(B) USE OF INFORMATION.—CONVICTIONS FOR FELONIES, AS WELL AS MISDEMEANOR CONVICTIONS AND ARRESTS FOR OFFENSES, WHICH RELATE TO THE APPLICANT'S SUITABILITY FOR EMPLOYMENT IN THE POSITION FOR WHICH HE HAS APPLIED MAY BE CONSIDERED BY THE EMPLOYER. MISDEMEANOR CONVICTIONS AND ARRESTS FOR OFFENSES WHICH DO NOT RELATE TO THE APPLICANT'S SUITABILITY FOR EMPLOYMENT IN THE POSITION FOR WHICH HE HAS APPLIED SHALL NOT BE CONSIDERED BY THE EMPLOYER.

(C) NOTICE.—THE EMPLOYER SHALL NOTIFY IN WRITING THE APPLICANT IF THE DECISION NOT TO HIRE THE APPLICANT IS BASED IN WHOLE OR IN PART ON CRIMINAL HISTORY RECORD INFORMATION.

SUBCHAPTER D  
SECURITY

SEC.

9131. SECURITY REQUIREMENTS FOR REPOSITORIES.

§ 9131. SECURITY REQUIREMENTS FOR REPOSITORIES. EVERY CRIMINAL JUSTICE AGENCY COLLECTING, STORING OR DISSEMINATING CRIMINAL HISTORY RECORD INFORMATION SHALL ENSURE THE CONFIDENTIALITY AND SECURITY OF CRIMINAL HISTORY RECORD INFORMATION BY PROVIDING THAT WHEREVER SUCH INFORMATION IS MAINTAINED, A CRIMINAL JUSTICE AGENCY MUST:

(1) INSTITUTE PROCEDURES TO REASONABLY PROTECT ANY REPOSITORY FROM THEFT, FIRE, SABOTAGE, FLOOD, WIND OR OTHER NATURAL OR MAN-MADE DISASTERS.

(2) SELECT, SUPERVISE AND TRAIN ALL PERSONNEL AUTHORIZED TO HAVE ACCESS TO CRIMINAL HISTORY RECORD INFORMATION.

(3) ENSURE THAT, WHERE COMPUTERIZED DATA PROCESSING IS EMPLOYED, THE EQUIPMENT UTILIZED FOR MAINTAINING CRIMINAL HISTORY RECORD INFORMATION IS SOLELY DEDICATED TO PURPOSES RELATED TO THE ADMINISTRATION OF CRIMINAL JUSTICE, OR, IF THE EQUIPMENT IS NOT USED SOLELY FOR THE ADMINISTRATION OF CRIMINAL JUSTICE, THE CRIMINAL JUSTICE AGENCY SHALL BE ACCORDED EQUAL MANAGEMENT PARTICIPATION IN COMPUTER OPERATIONS USED TO MAINTAIN THE CRIMINAL HISTORY RECORD INFORMATION.

(4) PROVIDE THAT CRIMINAL HISTORY RECORD INFORMATION MAINTAINED IN A REPOSITORY IS DISSEMINATED UPON PROPER VALIDATION ONLY TO THOSE INDIVIDUALS AND AGENCIES AUTHORIZED TO RECEIVE THE INFORMATION BY THE PROVISIONS OF THIS CHAPTER.

SUBCHAPTER E  
AUDIT

SEC.

9141. ANNUAL AUDIT OF REPOSITORIES.

9142. QUALITY CONTROL.

§ 9141. ANNUAL AUDIT OF REPOSITORIES.

(A) AUDIT REQUIRED.—THE ATTORNEY GENERAL SHALL CONDUCT ANNUAL AUDITS OF THE CENTRAL REPOSITORY AND OF A REPRESENTATIVE SAMPLE OF ALL REPOSITORIES TO ENSURE THAT THE PROVISIONS OF THIS CHAPTER ARE UPHELD.

(B) ACCESS TO RECORDS.—PERSONS CONDUCTING THE AUDIT SHALL BE PROVIDED ACCESS TO ALL RECORDS, REPORTS AND LISTINGS REQUIRED TO CONDUCT AN AUDIT OF CRIMINAL HISTORY RECORD INFORMATION, AND ALL PERSONS WITH ACCESS TO SUCH INFORMATION OR AUTHORIZED TO RECEIVE SUCH INFORMATION SHALL COOPERATE WITH AND PROVIDE INFORMATION REQUESTED.

(C) CONTENTS OF AUDIT.—THE AUDIT SHALL CONTAIN A REPORT OF DEFICIENCIES AND RECOMMENDATIONS FOR THE CORRECTION OF SUCH DEFICIENCIES. UPON THE COMPLETION OF EVERY AUDIT, THE AUDITED AGENCY SHALL CARRY OUT THE RECOMMENDATIONS WITHIN A REASONABLE PERIOD OF TIME UNLESS THE AUDIT REPORT IS APPEALED TO THE ATTORNEY GENERAL AND THE APPEAL IS UPHELD.

(D) MODIFICATION OF RECOMMENDATIONS.—THE ATTORNEY GENERAL SHALL HAVE THE POWER TO MODIFY THE CORRECTIVE MEASURES RECOMMENDED BY THE AUDIT.

§ 9142. QUALITY CONTROL.

EACH REPOSITORY SHALL ESTABLISH EFFECTIVE PROCEDURES, IN COMPLIANCE WITH RULES AND REGULATIONS PROMULGATED BY THE ATTORNEY GENERAL, FOR THE COMPLETENESS AND ACCURACY OF CRIMINAL HISTORY RECORD INFORMATION.

SUBCHAPTER F

INDIVIDUAL RIGHT OF ACCESS AND REVIEW

SEC.

9151. RIGHT TO ACCESS AND REVIEW.

9152. PROCEDURE.

9153. INDIVIDUAL RIGHTS ON ACCESS AND REVIEW.

§ 9151. RIGHT TO ACCESS AND REVIEW.

(A) GENERAL RULE.—ANY INDIVIDUAL OR HIS LEGAL REPRESENTATIVE HAS THE RIGHT TO REVIEW, CHALLENGE, CORRECT AND APPEAL THE ACCURACY AND COMPLETENESS OF HIS CRIMINAL HISTORY RECORD INFORMATION.

(B) PRISONERS.—PERSONS INCARCERATED IN CORRECTIONAL FACILITIES AND INSTITUTIONS MAY AUTHORIZE A CORRECTIONAL EMPLOYEE TO OBTAIN A COPY OF THEIR CRIMINAL HISTORY RECORD INFORMATION FOR THE PURPOSE OF REVIEW, CHALLENGE AND APPEAL.

§ 9152. PROCEDURE.

(A) RULES AND REGULATIONS.—THE ATTORNEY GENERAL IN COOPERATION WITH APPROPRIATE CRIMINAL JUSTICE AGENCIES SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THIS SECTION AND SHALL ESTABLISH REASONABLE FEES.

(B) REQUESTS FOR INFORMATION.—ANY INDIVIDUAL REQUESTING TO REVIEW HIS OR HER OWN CRIMINAL HISTORY RECORD INFORMATION SHALL SUBMIT PROPER IDENTIFICATION TO THE CRIMINAL JUSTICE AGENCY WHICH MAINTAINS HIS OR HER RECORD. PROPER IDENTIFICATION SHALL BE DETERMINED BY THE OFFICIALS OF THE REPOSITORY WHERE THE REQUEST IS MADE. IF CRIMINAL HISTORY RECORD INFORMATION EXISTS THE INDIVIDUAL MAY REVIEW A COPY OF SUCH INFORMATION WITHOUT UNDUE DELAY FOR THE PURPOSE OF REVIEW AND CHALLENGE.

(C) CHALLENGE OF ACCURACY.—THE INDIVIDUAL MAY CHALLENGE THE ACCURACY OF HIS OR HER CRIMINAL HISTORY RECORD INFORMATION BY SPECIFYING WHICH PORTION OF THE RECORD IS INCORRECT AND WHAT THE CORRECT VERSION SHOULD BE. FAILURE TO CHALLENGE ANY PORTION OF THE RECORD IN EXISTENCE AT THAT TIME WILL PLACE THE BURDEN OF PROVING THE INACCURACY OF ANY PART SUBSEQUENTLY CHALLENGED UPON THE INDIVIDUAL. INFORMATION SUBSEQUENTLY ADDED TO SUCH RECORD SHALL ALSO BE SUBJECT TO REVIEW, CHALLENGE, CORRECTION OR APPEAL.

(D) REVIEW OF CHALLENGE.—ALL CRIMINAL JUSTICE AGENCIES SHALL HAVE 60 DAYS TO CONDUCT A REVIEW OF ANY CHALLENGE AND SHALL HAVE THE BURDEN OF PROVING THE ACCURACY OF THE RECORD. IF THE CHALLENGE IS DEEMED VALID, THE APPROPRIATE OFFICIALS MUST ENSURE THAT:

(1) THE CRIMINAL HISTORY RECORD INFORMATION IS CORRECTED.

(2) A CERTIFIED AND CORRECTED COPY OF THE CRIMINAL HISTORY RECORD INFORMATION IS PROVIDED TO THE INDIVIDUAL.

(3) PRIOR ERRONEOUS CRIMINAL HISTORY RECORD INFORMATION DISSEMINATED TO CRIMINAL JUSTICE AGENCIES SHALL BE DESTROYED OR RETURNED AND REPLACED WITH CORRECTED INFORMATION.

(4) THE INDIVIDUAL IS SUPPLIED WITH THE NAMES OF THOSE NONCRIMINAL JUSTICE AGENCIES AND INDIVIDUALS WHICH HAVE RECEIVED ERRONEOUS CRIMINAL HISTORY RECORD INFORMATION.

(E) APPEALS.—

(1) IF THE CHALLENGE IS RULED INVALID, AN INDIVIDUAL HAS THE RIGHT TO APPEAL THE DECISION TO THE ATTORNEY GENERAL WITHIN 30 DAYS OF NOTIFICATION OF THE DECISION BY THE CRIMINAL JUSTICE AGENCY.

(2) THE ATTORNEY GENERAL SHALL HAVE THE AUTHORITY TO CONDUCT ADMINISTRATIVE APPEAL HEARINGS IN ACCORDANCE WITH THE ADMINISTRATIVE AGENCY LAW.

(3) THE DECISION OF THE ATTORNEY GENERAL MAY BE APPEALED TO THE COMMONWEALTH COURT BY AN AGGRIEVED INDIVIDUAL.

§ 9153. INDIVIDUAL RIGHTS ON ACCESS AND REVIEW.  
ANY INDIVIDUAL EXERCISING HIS OR HER RIGHT TO ACCESS AND REVIEW UNDER THE PROVISIONS OF THIS SUBCHAPTER SHALL BE INFORMED WHEN CRIMINAL HISTORY RECORD INFORMATION IS MADE AVAILABLE THAT HE OR SHE IS UNDER NO OBLIGATION TO DIVULGE SUCH INFORMATION TO ANY PERSON OR AGENCY.

#### SUBCHAPTER G

#### RESPONSIBILITY OF ATTORNEY GENERAL

SEC.

9161. DUTIES OF THE ATTORNEY GENERAL.

§ 9161. DUTIES OF THE ATTORNEY GENERAL.

THE ATTORNEY GENERAL SHALL HAVE THE POWER AND AUTHORITY TO:

(1) ESTABLISH RULES AND REGULATIONS FOR CRIMINAL HISTORY RECORD INFORMATION WITH RESPECT TO SECURITY, COMPLETENESS, ACCURACY, INDIVIDUAL ACCESS AND REVIEW, QUALITY CONTROL AND AUDITS OF REPOSITORIES.

(2) ESTABLISH A UNIFORM SCHEDULE OF REASONABLE FEES FOR THE COSTS OF REPRODUCING CRIMINAL HISTORY RECORD INFORMATION FOR INDIVIDUAL ACCESS AND REVIEW AND FOR RESEARCH OR STATISTICAL PURPOSES AND ACCESS BY NON-CRIMINAL JUSTICE AGENCIES.

(3) MAKE INVESTIGATIONS CONCERNING ALL MATTERS TOUCHING THE ADMINISTRATION AND ENFORCEMENT OF THIS CHAPTER AND THE RULES AND REGULATIONS PROMULGATED THEREUNDER.

(4) INSTITUTE CIVIL AND CRIMINAL PROCEEDINGS FOR VIOLATIONS OF THIS CHAPTER AND THE RULES AND REGULATIONS ADOPTED THEREUNDER.

(5) CONDUCT ANNUAL AUDITS OF THE CENTRAL REPOSITORY AND OF A REPRESENTATIVE SAMPLE OF ALL REPOSITORIES WITHIN THE COMMONWEALTH, COLLECTING, COMPILING, MAINTAINING AND DISSEMINATING CRIMINAL HISTORY RECORD INFORMATION.

(6) APPOINT SUCH EMPLOYEES AND AGENTS AS IT MAY DEEM NECESSARY.

#### SUBCHAPTER H

#### PUBLIC NOTICE

SEC.

9171. REQUIREMENTS OF REPOSITORIES RELATING TO PUBLIC NOTICE.

§ 9171. REQUIREMENTS OF REPOSITORIES RELATING TO PUBLIC NOTICE.

REPOSITORIES MAINTAINING CRIMINAL HISTORY RECORD INFORMATION SHALL INFORM THE PUBLIC AND POST IN A PUBLIC PLACE, NOTICE OF THE EXISTENCE, PURPOSE, USE AND ACCESSIBILITY OF THE CRIMINAL HISTORY RECORD INFORMATION THEY MAINTAIN AND THE REQUIREMENTS OF THE REPOSITORY FOR IDENTIFICATION ON INDIVIDUAL ACCESS AND REVIEW.

#### SUBCHAPTER I

#### SANCTIONS

SEC.

9181. GENERAL ADMINISTRATIVE SANCTIONS.

9182. CRIMINAL PENALTIES.

9183. CIVIL ACTIONS

§ 9181. GENERAL ADMINISTRATIVE SANCTIONS.

ANY PERSON, INCLUDING ANY AGENCY OR ORGANIZATION, WHO VIOLATES THE PROVISIONS OF THIS CHAPTER OR ANY REGULATIONS OR RULES PROMULGATED UNDER IT MAY:

(1) BE DENIED ACCESS TO SPECIFIED CRIMINAL HISTORY RECORD INFORMATION FOR SUCH PERIOD OF TIME AS THE ATTORNEY GENERAL DEEMS APPROPRIATE.

(2) BE SUBJECT TO CIVIL OR CRIMINAL PENALTIES OR OTHER REMEDIES AS PROVIDED FOR IN THIS CHAPTER.

(3) IN THE CASE OF AN EMPLOYEE OF ANY AGENCY

WHO VIOLATES ANY PROVISION OF THIS CHAPTER, BE ADMINISTRATIVELY DISCIPLINED BY DISCHARGE, SUSPENSION, REDUCTION IN GRADE, TRANSFER OR OTHER FORMAL DISCIPLINARY ACTION AS THE AGENCY DEEMS APPROPRIATE.

§ 9182. CRIMINAL PENALTIES.

A PERSON EMPLOYED BY A GOVERNMENT AGENCY COMMITS A MISDEMEANOR OF THE THIRD DEGREE IF SUCH PERSON:

(1) KNOWINGLY REQUESTS, OBTAINS OR SEEKS TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION IN VIOLATION OF THIS CHAPTER; OR

(2) DISSEMINATES, MAINTAINS OR USES CRIMINAL HISTORY RECORD INFORMATION KNOWING SUCH DISSEMINATION, MAINTENANCE OR USE TO BE IN VIOLATION OF THIS CHAPTER.

§ 9183. CIVIL ACTIONS.

(A) INJUNCTIONS.—THE ATTORNEY GENERAL OR ANY OTHER INDIVIDUAL OR AGENCY MAY INSTITUTE AN ACTION IN A COURT OF PROPER JURISDICTION AGAINST ANY PERSON, AGENCY OR ORGANIZATION TO ENJOIN ANY CRIMINAL JUSTICE AGENCY, NON-CRIMINAL JUSTICE AGENCY, ORGANIZATION OR INDIVIDUAL VIOLATING THE PROVISIONS OF THIS CHAPTER OR TO COMPEL SUCH AGENCY, ORGANIZATION OR PERSON TO COMPLY WITH THE PROVISIONS OF THIS CHAPTER.

(B) ACTION FOR DAMAGES.—

(1) ANY PERSON AGGRIEVED BY A VIOLATION OF THE PROVISIONS OF THIS CHAPTER OR OF THE RULES AND REGULATIONS PROMULGATED UNDER THIS CHAPTER, SHALL HAVE THE SUBSTANTIVE RIGHT TO BRING AN ACTION FOR DAMAGES BY REASON OF SUCH VIOLATION IN A COURT OF COMPETENT JURISDICTION.

(2) A PERSON FOUND BY THE COURT TO HAVE BEEN AGGRIEVED BY A VIOLATION OF THIS CHAPTER OF THE RULES OR REGULATIONS PROMULGATED UNDER THIS CHAPTER, SHALL BE ENTITLED TO ACTUAL AND REAL DAMAGES OF NOT LESS THAN \$100 FOR EACH VIOLATION AND TO REASONABLE COSTS OF LITIGATION AND ATTORNEY'S FEES. EXEMPLARY AND PUNITIVE DAMAGES OF NOT LESS THAN \$1,000 NOR MORE THAN \$10,000 SHALL BE IMPOSED FOR ANY VIOLATION OF THIS CHAPTER, OR THE RULES OR REGULATIONS ADOPTED UNDER THIS CHAPTER, FOUND TO BE WILLFUL.

SECTION 3. THE ACT OF NOVEMBER 26, 1978 (P. L. 1274, NO. 305), KNOWN AS THE "CRIMINAL HISTORY RECORD INFORMATION ACT," IS REPEALED.

SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

(1) SECTION 1 SHALL TAKE EFFECT IN 60 DAYS.

(2) SECTION 2 SHALL TAKE EFFECT JANUARY 1, 1980.

(3) SECTION 3 SHALL TAKE EFFECT IMMEDIATELY AND SHALL BE RETROACTIVE TO JULY 1, 1979.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Hasay.

Mr. HASAY. I ask that this House do concur in Senate amendments.

The SPEAKER. It is moved by the gentleman from Luzerne, Mr. Hasay, that the House concur in the amendments inserted by the Senate.

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

Mr. ZELLER. Mr. Speaker, I would just like to know what the Senate amended. I would appreciate it very much. I was trying to get the attention of Mr. Letterman, because I do not want anything to get in here in regard to any gun control bit.



The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Hasay.

Mr. HASAY. Mr. Speaker, what the Senate did was to clarify some of the language that had to do with the definition of antique guns and kept that language in which dealt with guns that were made before 1898, and also made them that they could not be concealed or used in a hypothetical case. They are also delaying Act 370 until January 1, 1980, with the response and request from our judges.

Mr. ZELLER. Mr. Speaker, I thank Mr. Hasay. If you would not mind consenting to a brief interrogation.

Mr. HASAY. I shall.

Mr. ZELLER. If I may proceed — The only problem I had is that I heard about it. They just gave me a copy of it. The criminal act was injected into the bill. The part that bothered me—and I did not get a chance to read it—I in no way want any foot in the door in regard to gun control. That is the only thing that bothered me because they use this antique gun program to get a foot in the door, and I did not get a chance to read it.

Mr. HASAY. No, sir, Mr. Speaker. They did not. Thank you.

Mr. ZELLER. Okay. I know that you would not allow it; but maybe it was an oversight, I do not know.

Mr. HASAY. Thank you.

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—193

Alden	Foster, W.	Lewis	Salvatore
Anderson	Freind	Livengood	Scheaffer
Armstrong	Gallagher	Lynch, E. R.	Schmitt
Arty	Gallen	Lynch, F.	Schweder
Austin	Gamble	Mackowski	Scirica
Barber	Gannon	Madigan	Serafini
Belardi	Gatski	Manderino	Seventy
Bennett	Geesey	Manmiller	Shadding
Berson	Geist	McCall	Shupnik
Bittle	George, C.	McClatchy	Sieminski
Borski	George, M.	McIntyre	Sirianni
Bowser	Giammarco	McMonagle	Smith, E.
Brandt	Gladeck	McVerry	Smith, L.
Brown	Goebel	Michlovic	Spencer
Brunner	Goodman	Micozzie	Spitz
Burd	Grabowski	Milanovich	Stairs
Burns	Gray	Miller	Steighner
Caltagirone	Greenfield	Moehlmann	Stewart
Cappabianca	Grieco	Mowery	Stuban
Cessar	Gruppo	Mrkonic	Sweet
Chess	Halverson	Mullen, M. P.	Swift
Cimini	Harper	Murphy	Taddonio
Clark, B.	Hasay	Musto	Taylor, E.
Clark, R.	Hayes, D. S.	Nahill	Taylor, F.
Cochran	Hayes, S. E.	Novak	Telek
Cole	Helfrick	Noye	Thomas
Cornell	Hoeffel	O'Brien, B.	Trello
Coslett	Honaman	O'Brien, D.	Vroon
Cowell	Hutchinson, A.	O'Donnell	Wachob
Cunningham	Hutchinson, W.	Oliver	Wagner
Davies	Irvis	Peterson	Wargo
Dawida	Itkin	Petrarca	Wass
DeMedio	Johnson, E.	Piccola	Weidner
DeVertter	Johnson, J.	Pievsky	Wenger
DeWeese	Jones	Pistella	White
DiCarlo	Kanuck	Pitts	Wilson

Dietz	Kernick	Polite	Wilt
Dininni	Klingaman	Pott	Wright, D.
Dombrowski	Knepper	Pratt	Wright, J. L.
Donatucci	Knight	Pucciarelli	Yahner
Dorr	Kolter	Punt	Yohn
Duffy	Kowalyshyn	Pyles	Zeller
Dumas	Kukovich	Reed	Zitterman
Durham	Lashinger	Richardson	Zord
Earley	Laughlin	Rieger	Zwinkl
Fee	Lehr	Ritter	
Fischer, R. R.	Letterman	Rocks	Seltzer,
Fisher, D. M.	Levi	Rodgers	Speaker
Foster, A.	Levin	Ryan	

NAYS—2

Cohen	Fryer
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NOT VOTING—8

Beloff	McKelvey	Rappaport	Street
Cianciulli	Perzel	Rhodes	Williams

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.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following HB 1283, PN 1921, 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 No. 1444 Printer's No. 1921

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1283

Session of 1979

INTRODUCED BY MR. McCLATCHY, MAY 14, 1979.

SENATOR SMITH, APPROPRIATIONS, IN SENATE, AS AMENDED, JULY 3, 1979.

An Act

making an appropriation APPROPRIATIONS to the Trustees of the Berean Training and Industrial School at Philadelphia, Pennsylvania.

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

Section 1. (A) The sum of ~~\$467,000~~ \$500,000, or as much thereof as may be necessary, is hereby specifically appropriated to the Trustees of the Berean Training and Industrial School at Philadelphia, Pennsylvania, for its fiscal period July 1, 1979 to June 30, 1980, for the operation and maintenance of the school and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interest of the school.

(B) FOR PAYMENT OF RENTALS AND DEBT SERVICE TO THE COMMONWEALTH . . . . . \$40,000

Section 2. This act shall take effect July 1, 1979.

On the question,

Will the House concur in Senate amendments?

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

Mr. McCLATCHY. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate to HB 1283.

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—183

Alden	Freind	Levin	Rocks
Anderson	Fryer	Lewis	Rodgers
Armstrong	Gallagher	Lynch, E. R.	Ryan
Arty	Gallen	Lynch, F.	Salvatore
Austin	Gamble	Mackowski	Scheaffer
Bennett	Gannon	Madigan	Schmitt
Berson	Gatski	Manderino	Schweder
Bittle	Geesey	Manmiller	Scirica
Borski	Geist	McCall	Seventy
Bowser	George, C.	McClatchy	Shadding
Brandt	George, M.	McIntyre	Shupnik
Brown	Giammarco	McMonagle	Sirianni
Brunner	Gladeck	McVerry	Smith, E.
Burd	Goebel	Michlovic	Smith, L.
Burns	Goodman	Micozzie	Spencer
Caltagirone	Grabowski	Milanovich	Stairs
Cappabianca	Gray	Miller	Steighner
Cessar	Greenfield	Moehlmann	Stewart
Chess	Grieco	Mowery	Stuban
Cimini	Gruppo	Mrkonic	Sweet
Clark, R.	Halverson	Mullen, M. P.	Swift
Cochran	Harper	Murphy	Taddonio
Cohen	Hasay	Musto	Taylor, E.
Cole	Hayes, D. S.	Nahill	Taylor, F.
Cornell	Hayes, S. E.	Novak	Telek
Coslett	Helfrick	O'Brien, B.	Thomas
Cowell	Hoeffel	O'Brien, D.	Vroon
Cunningham	Hutchinson, A.	O'Donnell	Wachob
Davies	Hutchinson, W.	Oliver	Wagner
Dawida	Irvis	Perzel	Wargo
DeMedio	Itkin	Peterson	Wass
DeVerter	Johnson, E.	Petrarca	Wenger
DeWeese	Johnson, J.	Piccola	White
DiCarlo	Jones	Pievsky	Wilson
Dininni	Kernick	Pistella	Wilt
Dombrowski	Klingaman	Pitts	Wright, D.
Donatucci	Knepper	Polite	Wright, J. L.
Dorr	Knight	Pott	Yahner
Duffy	Kolter	Pratt	Yohn
Dumas	Kowalshyn	Pucciarelli	Zeller
Durham	Kukovich	Punt	Zitterman
Earley	Lashingner	Pyles	Zord
Fee	Laughlin	Reed	Zwinkl
Fischer, R. R.	Lehr	Richardson	
Fisher, D. M.	Letterman	Rieger	Seltzer,
Foster, A.	Levi	Ritter	Speaker
Foster, W.			

NAYS—12

Belardi	Honaman	Noye	Spitz
Clark, B.	Kanuck	Serafini	Trello
Dietz	Livengood	Sieminiski	Weidner

NOT VOTING—8

Barber	Cianciulli	Rappaport	Street
Beloff	McKelvey	Rhodes	Williams

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.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following HB 1305, PN 1922, 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. 1466, 1614 Printer's No. 1922  
THE GENERAL ASSEMBLY OF PENNSYLVANIA  
House Bill No. 1305  
Session of 1979

INTRODUCED BY MR. McCLATCHY, MAY 14, 1979.

SENATOR SMITH, APPROPRIATIONS, IN SENATE, AS AMENDED, JULY 3, 1979.

An Act

making an appropriation to the Franklin Institute of the Commonwealth of Pennsylvania at Philadelphia, Pennsylvania.

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

Section 1. The sum of ~~\$400,000~~ \$450,000, or as much thereof as may be necessary, is hereby specifically appropriated to the Franklin Institute of the State of Pennsylvania at Philadelphia, Pennsylvania, for the fiscal period July 1, 1979 to June 30, 1980, for the maintenance of the institute: Provided, however, That no part of this appropriation shall be used in support of the institute's research laboratories.

Section 2. This act shall take effect July 1, 1979.

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

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

Mr. McCLATCHY. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate to HB 1305.

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—178

Alden	Fischer, R. R.	Lehr	Richardson
Anderson	Fisher, D. M.	Levin	Rieger
Armstrong	Foster, A.	Lewis	Rocks
Arty	Foster, W.	Lynch, E. R.	Ryan
Austin	Freind	Lynch, F.	Salvatore
Barber	Fryer	Mackowski	Scheaffer
Belardi	Gallagher	Madigan	Schmitt
Bennett	Gallen	Manderino	Schweder
Berson	Gamble	Manmiller	Scirica
Bittle	Gannon	McCall	Serafini
Borski	Gatski	McClatchy	Seventy
Bowser	Geist	McIntyre	Shadding
Brandt	George, M.	McMonagle	Shupnik
Brown	Giammarco	McVerry	Sirianni

Brunner	Gladeck	Michlovic	Smith, E.
Burd	Goebel	Micozzie	Spencer
Burns	Goodman	Milanovich	Stairs
Caltagirone	Grabowski	Miller	Steighner
Cappabianca	Gray	Moehlmann	Stewart
Cessar	Greenfield	Mowery	Stuban
Chess	Grieco	Mullen, M. P.	Sweet
Cimini	Gruppo	Murphy	Swift
Clark, R.	Halverson	Musto	Taddonio
Cochran	Harper	Nahill	Taylor, F.
Cohen	Hasay	Novak	Telek
Cole	Hayes, D. S.	Noye	Thomas
Cornell	Hayes, S. E.	O'Brien, B.	Vroon
Coslett	Helfrick	O'Brien, D.	Wachob
Cowell	Hoeffel	O'Donnell	Wagner
Cunningham	Hutchinson, A.	Oliver	Wargo
Davies	Hutchinson, W.	Perzel	Wass
Dawida	Irviss	Peterson	Weidner
DeMedio	Itkin	Petrarca	Wenger
DeVerter	Johnson, E.	Piccola	White
DeWeese	Johnson, J.	Pievsky	Wilson
DiCarlo	Jones	Pistella	Wilt
Dietz	Kernick	Pitts	Wright, D.
Dininni	Klingaman	Polite	Wright, J. L.
Dombrowski	Knepper	Pott	Yahner
Donatucci	Knight	Pratt	Yohn
Dorr	Kolter	Pucciarelli	Zitterman
Dumas	Kowalshyn	Punt	Zord
Durham	Kukovich	Pyles	
Earley	Lashinger	Reed	Seltzer,
Fee	Laughlin	Rhodes	Speaker

NAYS—17

Clark, B.	Kanuck	Ritter	Taylor, E.
Duffy	Letterman	Sieminski	Trello
Geesey	Levi	Smith, L.	Zeller
George, C.	Livengood	Spitz	Zwinkl
Honaman			

NOT VOTING—8

Beloff	McKelvey	Rappaport	Street
Cianciulli	Mrkonic	Rodgers	Williams

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 Lehigh, Mr. Zeller. For what purpose does the gentleman rise?

Mr. ZELLER. Mr. Speaker, on HB 1305, I inadvertently voted in the negative. I would like to be voted in the affirmative.

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

Mr. ZELLER. Thank you.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 1308, PN 1923**, 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 No. 1469 Printer's No. 1923  
THE GENERAL ASSEMBLY OF PENNSYLVANIA  
House Bill No. 1308

Session of 1979

INTRODUCED BY MR. McCLATCHY, MAY 14, 1979.

SENATOR SMITH, APPROPRIATIONS, IN SENATE, AS AMENDED, JULY 3, 1979.

An Act

making an appropriation to the Museum of the Philadelphia Civic Center, Philadelphia, Pennsylvania, for maintenance and the purchase of apparatus, supplies and equipment.

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

Section 1. The sum of ~~\$75,000~~ \$150,000, or as much thereof as may be necessary, is hereby specifically appropriated to the Museum of the Philadelphia Civic Center, Philadelphia, Pennsylvania, for the fiscal period July 1, 1979 to June 30, 1980, for maintenance and the purchase of apparatus, supplies and equipment.

Section 2. This act shall take effect July 1, 1979.

On the question,

Will the House concur in Senate amendments?

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

Mr. McCLATCHY. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate to HB 1308.

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Armstrong.

Mr. ARMSTRONG. Mr. Speaker, can I interrogate someone who knows something about this museum, please?

The SPEAKER. Is there any member of the House who will stand for interrogation about the appropriation bill to the Philadelphia Civic Center?

The gentleman from Philadelphia, Mr. Pievsky, indicates that he will stand for interrogation. The gentleman, Mr. Armstrong, may proceed.

Mr. ARMSTRONG. Mr. Speaker, could you please tell me why the appropriation, according to the readout I have, has doubled from \$75,000 to \$150,000; and also what exactly is this museum and the civic center? I know the last time when this came up there was a good bit of debate about what they actually did down there, whether it was important enough to have a museum and a civic center. So, could you explain in a little more detail, Mr. Speaker?

Mr. PIEVSKY. Mr. Speaker, the original appropriation was \$150,000. It had been cut in 1978-79 and 1979-80. Actually, this is the only institution of a whole lot of appropriation bills that did not receive an increase. It is just the \$150,000 that we originally had to begin with.

As far as what the museum does there is 300,000 adults and 100,000 children who visit this museum every year. It has an additional 48,000 children participate in formal productive educational programs.

The appropriation was \$150,000 in 1977 and in 1978 and in prior years. That was the original appropriation, Mr. Speaker.

Mr. ARMSTRONG. Just for my own benefit, what is in the museum? I have never been there and maybe next time I am in

the Civic Center I will go and see it. What type of display is it?

The SPEAKER. Would the gentleman, Mr. Pievsky, like to yield to someone else who has visited the museum?

Mr. PIEVSKY. Does he have any easy questions, one like what is in the museum?

Mr. ARMSTRONG. Is it a museum of art or prehistoric animals or educational, something like this?

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mr. PIEVSKY. I will yield to Mrs. Harper.

Mrs. HARPER. Thank you, Mr. Pievsky.

Mr. Speaker, I have visited the museum of art and it is an educational institution. While I was there, a large group of students from the junior high school attended this museum.

Mr. ARMSTRONG. Did you say it was a museum of art? Is that what you said?

Mr. HARPER. Yes.

Mr. ARMSTRONG. So it is mainly pictures and displays, is that correct?

Mrs. HARPER. Pardon?

Mr. ARMSTRONG. Mainly—

Mrs. HARPER. Well, it is an educational museum. I saw while I was there historical displays. That is what they were mainly interested in, the students, the day that I attended this museum. The students were checking out the historical museum. There were sculptures on display.

Mr. ARMSTRONG. Is it drawings or is it pictures or is it photographs or is it, like you say, a display of—

Mrs. HARPER. There were sculptures, which are not drawings. They were sculptures.

Mr. ARMSTRONG. Sculptures?

Mrs. HARPER. Yes.

Mr. ARMSTRONG. Okay.

The only thing that bothers me is it says, "maintenance and the purchase of apparatus, supplies and equipment." I am just not quite sure if we are assured that it is a worthwhile project. I can see voting for it but perhaps the next time we vote for this, maybe someone should visit it the next time they are down there. Thank you very much, Mr. Speaker.

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—147

Alden	Foster, A.	Letterman	Richardson
Arty	Freind	Levin	Rieger
Austin	Fryer	Lewis	Ritter
Barber	Gallagher	Lynch, E. R.	Rocks
Bennett	Gamble	Madigan	Rodgers
Berson	Gannon	Manderino	Ryan
Bittle	Gatski	McCall	Salvatore
Borski	Geist	McClatchy	Schmitt
Brandt	George, M.	McIntyre	Scirica
Brunner	Giammarco	McMonagle	Seventy
Burns	Gladeck	McVerry	Shadding
Caltagirone	Goebel	Michlovic	Shupnik
Cappabianca	Goodman	Micozzie	Smith, E.
Cessar	Grabowski	Milanovich	Steighner

Chess	Gray	Miller	Stewart
Cimini	Greenfield	Mowery	Stuban
Cochran	Grieco	Mrkonic	Sweet
Cohen	Halverson	Mullen, M. P.	Taddonio
Cole	Harper	Murphy	Taylor, E.
Cornell	Hayes, D. S.	Musto	Thomas
Coslett	Hayes, S. E.	Nahill	Vroon
Cowell	Helfrick	Novak	Wachob
Cunningham	Hoeffel	O'Brien, B.	Wagner
Davies	Hutchinson, A.	O'Brien, D.	Wargo
Dawida	Hutchinson, W.	O'Donnell	Wass
DeMedio	Irvis	Oliver	White
DeWeese	Itkin	Perzel	Wilson
DiCarlo	Johnson, E.	Peterson	Wright, D.
Dininni	Johnson, J.	Petrarca	Wright, J. L.
Dombrowski	Jones	Pievsky	Yahner
Donatucci	Kernick	Pistella	Yohn
Dorr	Knepper	Polite	Zeller
Duffy	Knight	Pucciarelli	Zitterman
Dumas	Kowalyshyn	Punt	Zwikl
Durham	Kukovich	Pyies	
Earley	Laughlin	Reed	Seltzer,
Fee	Lehr	Rhodes	Speaker
Fisher, D. M.			

NAYS—47

Anderson	Gallen	Mackowski	Sirianni
Armstrong	Geesey	Manmiller	Smith, L.
Belardi	George, C.	Moehlbmann	Spencer
Bowser	Gruppo	Noye	Spitz
Brown	Hasay	Piccola	Stairs
Burd	Honaman	Pitts	Swift
Clark, B.	Kanuck	Pott	Taylor, F.
Clark, R.	Klingaman	Pratt	Telck
DeVerter	Lashinger	Scheaffer	Trello
Dietz	Levi	Schweder	Weidner
Fischer, R. R.	Livengood	Serafini	Wenger
Foster, W.	Lynch, F.	Sieminski	

NOT VOTING—9

Beloff	McKelvey	Street	Wilt
Cianciulli	Rappaport	Williams	Zord
Kolter			

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.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 82, PN 1919**, 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. 84, 233 Printer's No. 1919

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 82

Session of 1979

INTRODUCED BY MESSRS. SPENCER, W. D. HUTCHINSON, F. J. LYNCH, BRANDT, ZELLER, BERSON, CIMINI, D. M. FISHER, LASHINGER, LEVIN, MILLER, O'DONNELL, PICCOLA, PRATT, RHODES, SCIRICA, WACHOB,

WILLIAMS AND YOHN, FEBRUARY 5, 1979.

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JULY 3, 1979.

An Act

amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the operation of district justices and fixing the jurisdiction costs, educational requirements and transfer procedures for district justices.

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

Section 1. The definition of "senior district justice" in section 102 of Title 42, act of November 25, 1970 (P. L. 707, No. 230), known as the Pennsylvania Consolidated Statutes, added April 28, 1978 (P. L. 202, No. 53), is amended to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Senior district justice." A former or retired district justice who retires or otherwise vacates office after January 1, [1976] 1970, who has served at least one complete six year elected term AS A DISTRICT JUSTICE, and who, with his consent, is assigned on temporary magisterial service pursuant to section 4122(b) (relating to assignment of senior district justices).

Section 2. Sections 1515(a) and 1722(a) (2) of Title 42, section 1515(a) amended April 28, 1978 (P. L. 202, No. 53), are amended to read:

§ 1515. Jurisdiction and venue.

(a) Jurisdiction.—Except as otherwise prescribed by general rule adopted pursuant to section 503 (relating to reassignment of matters), district justices shall, under procedures prescribed by general rule, have jurisdiction of all of the following matters:

(1) Summary offenses, except those within the jurisdiction of an established and open traffic court.

(2) Matters arising under the act of April 6, 1951 (P. L. 69, No. 20), known as "The Landlord and Tenant Act of 1951," which are stated therein to be within the jurisdiction of a district justice.

(3) Civil claims wherein the sum demanded does not exceed \$2,000, exclusive of interest and costs, in the following classes of actions:

(i) In assumpsit, except cases of real contract where the title to real estate may be in question.

(ii) In trespass, including all forms of trespass and trespass on the case.

(iii) For fines and penalties by any government agency. A plaintiff may waive a portion of his claim of more than \$2,000 so as to bring the matter within the jurisdiction of a district justice. Such waiver shall remain effective except upon appeal by either party or when the judgment is set aside upon certiorari.

(4) As commissioners to preside at arraignments, fix and accept bail, issue warrants and perform duties of a similar nature, including the jurisdiction of a committing magistrate in all criminal proceedings.

(5) Offenses under 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance), if the following criteria are met:

(i) The offense is the first offense by the defendant under such provision in this Commonwealth.

(ii) No personal injury [or property damage] (other than to the defendant or the immediate family of the defendant) resulted from the offense.

(iii) The defendant pleads guilty.

(iv) No property damage in excess of \$500 other than to the defendant's property resulted from the violation.

(v) The defendant is not subject to the provisions of Chapter 63 (relating to juvenile matters).

(vi) The arresting authority shall cause to be transmitted a copy of the charge of any violation of 75 Pa.C.S. § 3731 to the county clerk of courts within five days after the preliminary arraignment.

In determining that the above criteria are met the district justice shall rely on the certification of the arresting authority.

Certification that the criteria are met need not be in writing.

Within ten days after the disposition, the district justice shall certify the disposition to the county clerk of courts in writing.

(6) (i) Offenses under Title 18 (crimes and offenses) which are classified as misdemeanors of the third degree, if the following criteria are met:

(A) The misdemeanor is not the result of a reduced charge.

(B) Any personal injury or property damage is less than [ \$100 ] \$500.

(C) The defendant pleads guilty.

(D) The defendant is not subject to the provisions of Chapter 63.

(ii) Subparagraph (i) shall not apply to any offense under the following provisions of Title 18:

Section 4303 (relating to concealing death of bastard child).

Section 4321 (relating to willful separation or nonsupport).

Section 5103 (relating to unlawfully listening into deliberations of jury).

(7) Matters jurisdiction of which is vested in district justices by any statute.

§ 1722. Adoption of administrative and procedural rules.

(a) General rule.—The governing authority shall have the power to prescribe and modify general rules governing:

(2) The prescription of canons of ethics applicable to judges and district justices and the prescription of rules or canons applicable to the activities of all other personnel of the system.

Section 3. Title 42 is amended by adding sections to read:

§ 1725.1. Costs.

(a) Civil cases.—The costs to be charged by the minor judiciary in every civil case, except as otherwise provided in this section, shall be as follows:

(1) Assumpsit or trespass involving \$100 or less	\$10.00
(2) Assumpsit or trespass involving more than \$100 but not more than \$300	\$15.00
(3) Assumpsit or trespass involving more than \$300 but not more than \$500	\$20.00
(4) Assumpsit or trespass involving more than \$500	\$25.00
(5) Landlord and tenant proceeding	\$25.00
(6) Order of execution	\$15.00
(7) Objection to levy	\$ 5.00
(8) Reinstatement of complaint	No Charge

Such costs shall include all charges including, when called for, the costs relating to postage and registered mail, except the costs of a district justice's transcript of every proceeding on appeal or certiorari (including affidavit, bail and certificate) which shall be \$2.50 per transcript.

(b) Criminal cases.—The costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this sec-

tion, shall be as follows:

(1) Summary conviction, except motor vehicle cases . . . . .	\$16.00
(2) Summary conviction, motor vehicles cases, other than paragraph (3) . . . . .	\$10.00
(3) Summary conviction, motor vehicle cases, hearing demanded . . . . .	\$15.00
(4) Misdemeanor . . . . .	\$20.00
(5) Felony . . . . .	\$25.00

Such costs shall include all charges including the costs of postage and registered mail and the costs of giving a district justice's transcript to the prosecutor or defendant, or both, if requested.

(c) Unclassified costs or charges.—The costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

(1) Entering transcript of judgment from another member of the minor judiciary . . . . .	\$ 3.00
(2) Marrying each couple, making record thereof, and certificate to the parties . . . . .	\$10.00
(3) Granting emergency relief pursuant to the act of October 7, 1976 (P. L. 1090, No. 218), known as the "Protection From Abuse Act" . . . . .	\$10.00
(4) Issuing a search warrant (except as provided in subsection (d)) . . . . .	\$10.00
(5) Any other issuance not otherwise provided for in this subsection . . . . .	\$10.00

(d) Search warrants.—In every case where a search warrant is requested by a police officer, constable or other peace officer engaged as such in the employ or service of the Commonwealth or any of its political subdivisions, no cost or charge shall be assessed against such officer, the Commonwealth or political subdivision for the issuance of such search warrant.

§ 1725.2. Assumption of summary conviction costs by county.

(a) Division of costs.—In every case of summary conviction in which the evidence is not sufficient to convict and the defendant is dismissed, there shall be no costs imposed if the prosecutor is a police officer engaged as such in the employ of this Commonwealth or of any of its political subdivisions. In all other cases, the costs may be imposed on the prosecutor or by the defendant if so permitted by law.

(b) Costs where default occurs.—In every case of summary conviction in which the defendant is convicted and sentenced to jail in default of the payment of the fine and costs imposed, the costs of prosecution shall be borne by the county.

(c) County of the second class.—In any case before a salaried magistrate where costs are borne by a county of the second class, the costs chargeable to the county shall be one-half of the costs set forth in § 1725.1(b) (relating to costs).

Section 4. Sections 3113(b), 3118, 3302 and 3571(c) of Title 42, added or amended April 28, 1978 (P. L. 202, No. 53), are amended to read:

§ 3113. Content of course of instruction and examination.

(b) Content of course.—The course of training and instruction shall not exceed four weeks in duration and shall consist of

a minimum of 40 hours of class instruction in civil and criminal law, including evidence and procedure, summary proceedings, motor vehicles and courses in judicial ethics, in the case of all such officials except judges of the Traffic Court of Philadelphia, in which case it shall consist of a minimum of 20 hours of class instruction in summary proceedings and laws relating to motor vehicles.

§ 3118. Continuing education requirement.

Every district justice shall complete a continuing education program each year equivalent to not less than 32 hours per year in such courses or programs as are approved by the board. If a district justice fails to meet these continuing education requirements, such justice shall be subject to suspension by the Supreme Court until such time as evidence of compliance with such requirements is submitted by the board, but in no event longer than six months at which time the failure to meet the continuing education requirements shall be grounds for the Supreme Court, after a hearing, to declare a vacancy in that district.

§ 3302. Additional restrictions.

Judges shall not engage in any activity prohibited by this subchapter or any other provision of law and shall not violate any canon of ethics prescribed by general rule. A district justice shall devote the time necessary for the prompt and proper disposition of the business of his office, which shall be given priority over any other occupation, business, profession, pursuit or activity. He shall not use or permit the use of the premises established for the disposition of his magisterial business for any other occupation, business, profession or gainful pursuit. A district justice shall not hold any other elected or appointed public office in this Commonwealth. District justices and appointive judicial officers shall be governed by rules or canons prescribed by general rule. [District justices shall also be subject to canons of ethics applied to judges of the courts of common pleas insofar as such canons apply to salaries, full-time duties and conflicts of interest.]

§ 3571. Commonwealth portion of fines, etc.

(c) Costs in district justice proceedings.—[Costs collected by a district justice shall be payable to the Commonwealth in the following amounts:

(1) Summary conviction . . . . .	\$ 5.00
(2) Misdemeanor . . . . .	\$ 7.00
(3) Felony . . . . .	\$ 8.00
(4) Assumpsit or trespass involving:	
(i) \$100 or less . . . . .	\$ 2.50
(ii) More than \$100 but not more than \$300 . . . . .	\$ 5.00
(iii) More than \$300 but not more than \$500 . . . . .	\$ 7.50
(iv) More than \$500 . . . . .	\$10.00
(5) Landlord-tenant proceeding . . . . .	\$10.00
(6) Order of execution . . . . .	\$10.00
(7) Issuing a search warrant . . . . .	\$ 7.00]

(1) Costs collected by a district justice shall be transmitted monthly to the Commonwealth in amounts as prescribed in subsection (b) and the balance shall be transmitted monthly to the county in which the magisterial district is located. Costs transmitted to the Commonwealth shall be credited to the General Fund. Costs transmitted to the county shall be retained by the county for its use.

(2) Amounts payable to the Commonwealth:

(i) Summary conviction, except motor vehicle cases . . . . .	\$ 5.00
(ii) Summary conviction, motor vehicle cases other than subparagraph (iii) . . . . .	\$ 5.00

(iii) Summary conviction, motor vehicle cases, hearing demanded. . . . .	\$ 5.00
(iv) Misdemeanor . . . . .	\$ 7.00
(v) Felony . . . . .	\$ 8.00
(vi) Assumpsit or trespass involving:	
(A) \$100 or less . . . . .	\$ 2.50
(B) More than \$100 but not more than \$300. . . . .	\$ 5.00
(C) More than \$300 but not more than \$500. . . . .	\$ 7.50
(D) More than \$500. . . . .	\$10.00
(vii) Landlord-tenant proceeding . . . . .	\$10.00
(viii) Objection to levy. . . . .	\$ 5.00
(ix) Order of execution . . . . .	\$10.00
(x) Issuing a search warrant (except as provided in section 1725.1(d) (relating to costs)) . . . . .	\$ 7.00

(3) In all cases where costs are borne by the county pursuant to section 1725.2 (relating to assumption of summary conviction costs by county), no share of such costs shall be payable to the Commonwealth.

\* \* \*  
 Section 5. Section 4102 of Title 42 is repealed.  
 Section 6. Sections 4122 and 4123 of Title 42, section 4122 amended April 28, 1978 (P. L. 202, No. 53), are amended to read:

§ 4122. Assignment of district justices.

(a) General rule.—Subject to general rules any district justice may be temporarily assigned to any other magisterial district or the Pittsburgh Magistrates Court or the Traffic Court of Philadelphia, and may there hear and determine any matter with like effect as if duly commissioned to sit in such other district or in such court.

(b) Senior district justices.—A senior district justice who shall not have been defeated for reelection or been suspended or removed from office may, with his consent, be assigned on temporary magisterial service pursuant to subsection (a). A senior district justice shall be paid per diem salary at the same annual rate as is applicable in the district where he is temporarily assigned and shall receive expenses at the same per diem rate as other justices temporarily assigned.

§ 4123. Assignment procedure.

The procedure for effecting temporary assignments of judges and district justices, the kind, amount and method of payment for travel, lodgings and subsistence, and all other matters related to such temporary assignments, shall be governed by general rules established by the Supreme Court except as otherwise specifically provided.

Section 7. (a) The increase in salary provided for district justices pursuant to section 206 of the act of July 15, 1976 (P. L. 1014, No. 204), known as the "Magisterial District Reform Act" shall be effective and payable from September 13, 1976 regardless of the date on which such salary is actually paid.

(b) This section shall take effect immediately and shall be retroactive to September 13, 1976.

Section 8. The provisions of this amendatory act shall not affect any act done, liability or cost incurred or right accrued or vested or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of any statutory provisions amended by this act.

Section 9. Except as otherwise provided in this act, 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 Tioga, Mr. Spencer.

Mr. SPENCER. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate to HB 82.

The Chair recognizes the gentleman from Allegheny, Mr. Clark.

Mr. B. D. CLARK. Mr. Speaker, the Senate amendment consisted of an attempt to clarify some language where the bill possibly could permit some former squires and not district justices to come in under the Senior Justice Act. I feel that the term "district justice" is used in this bill to clarify but does not go far enough to clarify and that the year 1970 would permit certain squires who served until 1972 to serve under this bill.

I am urging a nonconcurrent vote on this matter for I am afraid some squires could come under this system who are not learned in the law and have never worked under the unified judicial system as we have now. I urge a "no" vote on the concurrence motion. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Tioga, Mr. Spencer.

Mr. SPENCER. Mr. Speaker, the only thing that the Senate did to HB 82 was to define that an individual who completed his term had to complete his term as a "district justice."

The only thing added to the bill was district justice. The sole purpose of adding that to the bill was to make sure that the individual had been elected to a full term as a district justice and therefore met the qualifications that the General Assembly and the Supreme Court had laid down for their training. This just allows these people to qualify as a senior district justice to help alleviate the crowded conditions in many of the districts throughout the Commonwealth. I urge a "yes" vote on the concurrence.

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, if I understand Mr. Clark's remarks, I believe he has misread the bill, because I think, as Mr. Spencer implied, the Senate amendment makes it absolutely clear that what he is concerned about cannot happen. It is not a squire; it has to be a district justice, a person who served that term, who has been appointed.

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—167

Alden	Gallagher	Manmiller	Schweder
Anderson	Gallen	McCall	Scirica
Armstrong	Gamble	McClatchy	Serafini
Arty	Gannon	McMonagle	Shadding
Barber	Geesey	McVerry	Shupnik
Belardi	Geist	Michlovic	Sieminski
Bennett	George, C.	Micozzie	Smith, E.
Berson	George, M.	Milanovich	Smith, L.
Bittle	Giammarco	Miller	Spencer
Borski	Gladeck	Moehlmann	Spitz
Bowser	Goebel	Mowery	Stairs
Brandt	Goodman	Mrkonic	Stewart
Brown	Greenfield	Mullen, M. P.	Stuban

Brunner	Grieco	Murphy	Sweet
Burd	Gruppo	Musto	Swift
Burns	Halverson	Nahill	Taddonio
Caltagirone	Hasay	Novak	Taylor, E.
Cessar	Hayes, D. S.	Noye	Taylor, F.
Cimini	Hayes, S. E.	O'Brien, B.	Telek
Clark, R.	Helfrick	O'Brien, D.	Thomas
Cochran	Honaman	Oliver	Trello
Cole	Hutchinson, A.	Perzel	Vroon
Cornell	Hutchinson, W.	Peterson	Wagner
Coslett	Itkin	Piccola	Wargo
Cunningham	Johnson, E.	Pievsky	Wass
Davies	Johnson, J.	Pitts	Weidner
DeVerter	Jones	Polite	Wenger
DiCarlo	Kanuck	Pott	White
Dietz	Knepper	Pratt	Williams
Dininni	Knight	Pucciarelli	Wilson
Dombrowski	Kowalyszyn	Punt	Wilt
Donatucci	Lashinger	Pyles	Wright, D.
Dorr	Lehr	Reed	Wright, J. L.
Duffy	Letterman	Rhodes	Yahner
Dumas	Levi	Rieger	Yohn
Durham	Levin	Ritter	Zeller
Earley	Lewis	Rocks	Zitterman
Fee	Livengood	Rodgers	Zord
Fischer, R. R.	Lynch, E. R.	Ryan	Zwilk
Fisher, D. M.	Lynch, F.	Salvatore	
Foster, A.	Mackowski	Scheaffer	Seltzer,
Foster, W.	Madigan	Schmitt	Speaker
Freind			

NAYS—29

Austin	DeWeese	Irvis	O'Donnell
Cappabianca	Fryer	Kernick	Petrarca
Chess	Gatski	Klingaman	Pistella
Clark, B.	Grabowski	Kolter	Seventy
Cohen	Gray	Kukovich	Sirianni
Cowell	Harper	Laughlin	Steighner
Dawida	Hoeffel	Manderino	Wachob
DeMedio			

NOT VOTING—7

Beloff	McIntyre	Rappaport	Street
Cianciulli	McKelvey	Richardson	

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 Allegheny, Mr. Pistella. For what purpose does the gentleman rise?

Mr. PISTELLA. Mr. Speaker, during the course of discussion on the last bill, I was confused, and I wish to be recorded in the affirmative on the vote on concurrence in Senate amendments to HB 82.

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

SUPPLEMENTAL CALENDAR BILL

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 1270, PN 1966**, 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. 1431, 1617, 1924 Printer's No. 1966

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1270

Session of 1979

INTRODUCED BY MR. McCLATCHY, MAY 14, 1979.

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JULY 10, 1979.

A Supplement

to the act of July 7, 1972 (P. L. 743, No. 176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University," making appropriations for carrying the same into effect, providing for a basis for payments of such appropriation, and providing a method of accounting for the funds appropriated.

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

Section 1. The following sums, or as much thereof as may be necessary, is hereby specifically appropriated to the Trustees of the College of Lincoln University, Chester County, for the fiscal period July 1, 1979 to June 30, 1980, for the purposes and in the amounts as shown:

(1) For educational and general expenses . . . . .	\$3,398,000
(2) For cost of student aid . . . . .	150,000
(3) FOR THE MASTERS PROGRAM, EAGLEVILLE CAMPUS . . . . .	100,000
	175,000

Section 2. Payments to Lincoln University on account of the appropriations for the items provided in section 1 shall be made on the basis of costs during the fiscal period.

Section 3. Payments to Lincoln University of the appropriation herein provided shall be made monthly during the fiscal period.

Such monthly payments shall be made in accordance with the provisions of section 2, on the basis of estimated costs. The estimate of costs shall be submitted by Lincoln University to the Secretary of Education, the General Assembly and to the State Treasurer not later than 30 days prior to the date on which such payment is to be made.

Section 4. Lincoln University shall apply the moneys appropriated by this act only for such purposes as are permitted in this act and shall at all times maintain proper records showing the application of such moneys. Not later than 120 days after the close of the fiscal period to which this act relates, Lincoln University shall file with the Secretary of Education, the General Assembly and with the Auditor General of the Commonwealth a statement setting forth the amounts and purposes of all expenditures made from moneys appropriated by this act and costs, as provided in section 2, used as a basis for receipt of any appropriation during said fiscal period. Such statement of expenditures and costs shall be reviewed by the Auditor General of the Commonwealth, and he shall have the right, in respect to the moneys appropriated by this act, to audit and disallow expenditures made for purposes not permitted by this act. The



Auditor General shall also make a determination of costs and make certification as to their correctness. In respect to expenditures made by the university from moneys other than those appropriated by this act, the Auditor General shall have the right to review only and he shall file annually with the General Assembly such information concerning said expenditures as the General Assembly or any of its committees may require.

Section 5. A report shall be submitted to the Governor and the Appropriations and Education Committees of the Senate and House of Representatives and shall include data for all programs except the Doctor of Medicine program. Each such report, to be submitted prior to October 1, 1980, shall cover the 12-month period beginning September 1, 1979 and shall include for each term during the period:

(1) The following counts and distributions:

(i) The definitions and numbers of faculty members, employed full-time, of faculty members employed part-time, of full-time students enrolled in graduate courses, of full-time students enrolled in undergraduate courses, of part-time students enrolled in graduate courses, and of part-time students enrolled in undergraduate courses.

(ii) A distribution of faculty members employed part-time by the percentage of full-time employment.

(iii) Total numbers of undergraduate student credit hours, divided into lower division and upper division course levels, and of graduate student credit hours divided into three course levels—master's, first professional and doctoral.

(iv) Number of different courses scheduled by level of instruction and the number of students receiving individual instruction at each level of instruction.

(v) Number of terms scheduled and the dates thereof.

(2) Two classifications: one, a classification of faculty members or other professional employees by title including: professor, associate professor, assistant professor, instructor, lecturer, research associate, librarian, and academic administrator; faculty members or other professional employees under each title to be subdivided by type of assignment: instructional or noninstructional divided into teaching and nonteaching, and each such set of faculty members or other professional employees to be further subdivided by type of employment: full-time or part-time; and two, a classification of faculty members and other professional employees by school and department to be subdivided by type of assignment: instructional or noninstructional divided into teaching and nonteaching, and each such set of faculty members or other professional employees to be further subdivided by type of employment: full-time or part-time; and the following aggregates for each subdivision in each classification:

(i) The number.

(ii) The sum of credits assigned to undergraduate classroom courses and the sum of credits assigned to graduate classroom courses taught, divided into lower division, upper division, master's, first professional and doctoral course levels.

(iii) The sum of undergraduate classroom student credit hours and the sum of graduate classroom student credit hours generated; divided into lower division, upper division, master's, first professional and doctoral course levels.

(iv) The sum of undergraduate individual instruction student credit hours and the sum of graduate individual instruction student credit hours generated; divided into lower division, upper division, master's, first professional and doctoral course levels.

(v) Total salary paid.

(vi) Total salary paid from college or university funds.

(vii) Total salary paid from Federal funds.

(viii) Total salary paid from other funds.

(3) For each term of the period covered for each faculty member employed full-time identified by school, department and title:

An analysis of the average hours per week spent in college or university-related activities, stating specifically hours spent in undergraduate classroom contact and graduate classroom contact, hours spent in preparation, hours spent in research and hours spent in public service.

Section 6. In addition to the above requirements relative to this appropriation, each report covering the 12-month period beginning September 1, 1979, shall include for all programs of

the university:

(1) Minimum number of credits required for a baccalaureate degree and for a master's degree.

(2) Number of bachelor's degrees, master's degrees, first professional degrees, and doctoral degrees awarded in 1977, 1978, 1979 and estimated 1980.

The university shall report its revenues and expenditures and present its financial statements required under the provisions of this act in accordance with "Higher Education Finance Manual" (1975).

Section 7. All increases in this appropriation in excess of a 5% increase over the previous nonpreferred appropriation for this institution shall be used for maintaining current student tuition costs, and only be utilized on funding current existing academic programs or direct student educational related costs. These moneys may not be used to fund any increase in administrative personnel, new programs, or nonacademic expenditures. The administration and governing body of the institution shall produce the financial accounting of these expenditures to the General Assembly by June 30, 1980 for the first nine months of the fiscal year July 1, 1979 to June 30, 1980.

Section 8. The university shall provide such information and in such form and manner as the Department of Education may prescribe.

Section 9. The university shall report its revenues and expenditures and present its financial statements required under the provisions of this act in accordance with generally accepted accounting principles and procedures for educational institutions as set forth in "Higher Education Finance Manual" United States Department of Health, Education and Welfare (1975) with the exceptions set forth in the Commonwealth of Pennsylvania Budget Instructions for State-Related Universities, Phase I, Fiscal Year 1979-1980. Credits granted for non-traditional programs such as CLEP, lifelong learning etc., including all related costs and revenues thereof shall be excluded from the function of "Instruction" and included under "Public Service."

Section 10. This act shall take effect July 1, 1979.

On the question,

Will the House concur in Senate amendments?

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

Mr. McCLATCHY. I request that the House do concur in the amendments inserted by the Senate.

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

Mr. TRELLO. I would like to interrogate Mr. McClatchy, please.

The SPEAKER. The gentleman, Mr. McClatchy, indicates he will stand for interrogation. The gentleman, Mr. Trello, may proceed.

Mr. TRELLO. Mr. Speaker, according to HB 1270, reading what I have here on the Supplemental Calendar, does this mean that for the appropriations that we are giving the university that the presidents must establish a committee to account for the nonpreferred appropriations that they are receiving?

Mr. McCLATCHY. I did not follow the question.

Mr. TRELLO. Reading the analysis that I have here on the calendar, does this mean that the university must be accountable for the appropriations received from the state?

Mr. McCLATCHY. Yes. They always are. The answer is "yes."

Mr. TRELLO. In other words, you are saying that all of the nonpreferred appropriations that we give to the state-related

universities, like Pitt, Penn State, Temple, they have to be accountable also and make a report?

Mr. McCATCHY. Yes.

Mr. TRELLO. Thank you very much.

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—182

Alden	Freind	Mackowski	Salvatore
Anderson	Fryer	Madigan	Scheaffer
Armstrong	Gallagher	Manderino	Schmitt
Arty	Gallen	Manmiller	Schweder
Austin	Gamble	McCall	Scirica
Barber	Gannon	McClatchy	Serafini
Belardi	Gatski	McIntyre	Seventy
Bennett	Geist	McMonagle	Shadding
Berson	George, C.	McVerry	Shupnik
Bittle	George, M.	Michlovic	Sieminski
Borski	Giammarco	Micozzie	Sirianni
Brandt	Gladeck	Milanovich	Smith, E.
Brown	Goebel	Miller	Spencer
Brunner	Goodman	Moehlmann	Stairs
Burd	Grabowski	Mowery	Steighner
Burns	Gray	Mrkonic	Stewart
Caltagirone	Greenfield	Mullen, M. P.	Stuban
Cappabianca	Grieco	Musto	Sweet
Cessar	Gruppo	Nahill	Swift
Chess	Halverson	Novak	Taddonio
Cimini	Harper	Noye	Taylor, E.
Clark, R.	Hayes, D. S.	O'Brien, B.	Taylor, F.
Cochran	Hayes, S. E.	O'Brien, D.	Telek
Cohen	Helfrick	O'Donnell	Thomas
Cole	Hoeffel	Oliver	Vroon
Cornell	Hutchinson, A.	Perzel	Wachob
Coslett	Hutchinson, W.	Peterson	Wagner
Cowell	Irvis	Petrarca	Wargo
Cunningham	Itkin	Piccola	Wass
Davies	Johnson, F.	Pievsky	Weidner
DeMedio	Johnson, J.	Pistella	Wenger
DeWeese	Jones	Pitts	White
DiCarlo	Kernick	Polite	Williams
Dietz	Knepper	Pott	Wilson
Dininni	Knight	Pratt	Wilt
Dombrowski	Kolter	Pucciarelli	Wright, D.
Donatucci	Kowalshyn	Punt	Wright, J. L.
Dorr	Kukovich	Pyles	Yahner
Duffy	Lashingner	Reed	Yohn
Dumas	Laughlin	Rhodes	Zeller
Durham	Lehr	Richardson	Zitterman
Earley	Letterman	Rieger	Zord
Fee	Levin	Ritter	Zwinkl
Fisher, D. M.	Lewis	Rocks	
Foster, A.	Lynch, E. R.	Rodgers	Seltzer,
Foster, W.	Lynch, F.	Ryan	Speaker

NAYS—16

Bowser	Fischer, R. R.	Kanuck	Murphy
Clark, B.	Geesey	Klingaman	Smith, L.
Dawida	Hasay	Levi	Spitz
DeVerter	Honaman	Livengood	Trello

NOT VOTING—5

Beloff	McKelvey	Rappaport	Street
Cianciulli			

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

tive and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following HB 1274, PN 1958, 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 No. 1435 Printer's No. 1958

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1274

Session of 1979

INTRODUCED BY MR. McCATCHY, MAY 14, 1979.

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JULY 10, 1979.

An Act

making appropriations to the Thomas Jefferson University of Philadelphia, Pennsylvania.

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

Section 1. (a) The sum of \$4,000,000, or as much thereof as may be necessary, is hereby specifically appropriated to the Thomas Jefferson University of Philadelphia, Pennsylvania, for the fiscal period July 1, 1979 to June 30, 1980, for instruction in the Doctor of Medicine program.

(b) The sum of ~~\$1,532,000~~ \$1,832,000, or as much thereof as may be necessary, is hereby specifically appropriated to the Thomas Jefferson University of Philadelphia, Pennsylvania, for the fiscal period July 1, 1979 to June 30, 1980, for the general maintenance of the Thomas Jefferson University including the College of Allied Health Sciences and student aid.

Section 2. Payments to the Thomas Jefferson University of Philadelphia, Pennsylvania on account of the appropriation for instructions in the Doctor of Medicine program as provided in section 1(a) shall be made on the basis of full-time student enrollment at the rate of \$4,400 per student.

Section 3. Payments to the Thomas Jefferson University of Philadelphia, Pennsylvania on account of the appropriation provided in section 1(b) shall be made on the basis of cost during the fiscal period.

Section 4. The university shall provide such information as may be necessary to carry out the provisions of this act and in such form and manner as the Department of Education may prescribe.

Section 5. The Thomas Jefferson University of Philadelphia, Pennsylvania, shall report its revenues and expenditures and present its financial statements in accordance with generally accepted accounting principles and procedures for educational institutions as set forth in the "Higher Education Finance Manual of 1975," without exception.

Section 6. This act shall take effect July 1, 1979.

On the question,

Will the House concur in Senate amendments?

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

Mr. McCATCHY. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate.

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—181

Alden	Fryer	Mackowski	Scheaffer
Anderson	Gallagher	Madigan	Schmitt
Armstrong	Gallen	Manderino	Schweder
Arty	Gamble	Manmiller	Scirica
Austin	Gatski	McCall	Seventy
Barber	Geist	McClatchy	Shadding
Bennett	George, C.	McIntyre	Shupnik
Berson	George, M.	McMonagle	Speminski
Bittle	Giammarco	McVerry	Sirianni
Borski	Gladeck	Michlovic	Smith, E.
Brandt	Goebel	Micozzie	Smith, L.
Brown	Goodman	Milanovich	Spencer
Brunner	Grabowski	Miller	Stairs
Burd	Gray	Mochlmann	Steighner
Burns	Greenfield	Mowery	Stewart
Caltagirone	Grieco	Mrkonic	Stuban
Cappabianca	Gruppo	Mullen, M. P.	Sweet
Cessar	Halverson	Musto	Swift
Chess	Harper	Nahill	Taddonio
Cimini	Hayes, D. S.	Novak	Taylor, E.
Clark, R.	Hayes, S. E.	Noye	Taylor, F.
Cochran	Helfrick	O'Brien, B.	Telek
Cohen	Hoeffel	O'Brien, D.	Thomas
Cole	Hutchinson, A.	O'Donnell	Vroon
Cornell	Hutchinson, W.	Oliver	Wachob
Coslett	Irvis	Perzel	Wagner
Cowell	Itkin	Peterson	Wargo
Cunningham	Johnson, E.	Petrarca	Wass
Davies	Johnson, J.	Pievsky	Weidner
DeMedio	Jones	Pistella	Wenger
DeVerter	Kernick	Pitts	White
DeWeese	Klingaman	Polite	Williams
DiCarlo	Knepper	Pott	Wilson
Dietz	Knight	Pratt	Wilt
Dininni	Kolter	Pucciarelli	Wright, D.
Dombrowski	Kowalyshyn	Punt	Wright, J. L.
Donatucci	Kukovich	Pyles	Yahner
Dorr	Lashinger	Reed	Yohn
Duffy	Laughlin	Rhodes	Zeller
Dumas	Lehr	Richardson	Zitterman
Durham	Letterman	Rieger	Zord
Fee	Levi	Ritter	Zwilk
Fisher, D. M.	Levin	Rocks	
Foster, A.	Lewis	Rodgers	Seltzer,
Foster, W.	Lynch, E. R.	Ryan	Speaker
Freind	Lynch, F.	Salvatore	

NAYS—16

Belardi	Fischer, R. R.	Honaman	Piccola
Bowser	Gannon	Kanuck	Serafini
Clark, B.	Geesey	Livengood	Spitz
Dawida	Hasay	Murphy	Trello

NOT VOTING—6

Beloff	Earley	Rappaport	Street
Cianciulli	McKelvey		

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.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 1303, PN 1959**, 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 No. 1464 Printer's No. 1959  
 THE GENERAL ASSEMBLY OF PENNSYLVANIA  
 House Bill No. 1303  
 Session of 1979

INTRODUCED BY MR. McCLATCHY, MAY 14, 1979.

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JULY 10, 1979.

An Act

making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

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

Section 1. The sum of ~~\$100,000~~ \$150,000, or as much thereof as may be necessary, is hereby appropriated to the Trustees of the University of Pennsylvania, for the fiscal period July 1, 1979 to June 30, 1980 for the general maintenance of the University of Pennsylvania Museum and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interest of the University of Pennsylvania Museum.

Section 2. This act shall take effect July 1, 1979.

On the question,

Will the House concur in Senate amendments?

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

Mr. McCLATCHY. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate.

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—173

Alden	Foster, W.	Mackowski	Ryan
Anderson	Freind	Madigan	Salvatore
Armstrong	Gallagher	Manderino	Scheaffer
Arty	Gallen	Manmiller	Schmitt
Austin	Gamble	McCall	Schweder
Barber	Gatski	McClatchy	Scirica
Bennett	Geist	McIntyre	Seventy
Berson	George, M.	McMonagle	Shadding
Bittle	Giammarco	McVerry	Shupnik
Borski	Gladeck	Michlovic	Smith, E.
Brandt	Goebel	Micozzie	Spencer
Brown	Goodman	Milanovich	Stairs
Brunner	Grabowski	Miller	Steighner
Burd	Gray	Moehlmann	Stewart
Burns	Greenfield	Mowery	Stuban
Caltagirone	Grieco	Mrkonic	Sweet
Cappabianca	Gruppo	Mullen, M. P.	Swift
Cessar	Halverson	Musto	Taddonio
Chess	Harper	Nahill	Taylor, E.
Cimini	Hasay	Novak	Taylor, F.

Clark, R.	Hayes, D. S.	Noye	Telek
Cochran	Hayes, S. E.	O'Brien, B.	Thomas
Cohen	Helfrick	O'Brien, D.	Vroon
Cole	Hoeffel	O'Donnell	Wachob
Cornell	Hutchinson, A.	Oliver	Wagner
Coslett	Hutchinson, W.	Perzel	Wargo
Cowell	Irvis	Peterson	Wass
Cunningham	Itkin	Petrarca	Weidner
Davies	Johnson, E.	Pievsky	Wenger
DeMedio	Johnson, J.	Pistella	White
DeWeese	Jones	Pitts	Wilson
DiCarlo	Klingaman	Polite	Wilt
Dietz	Knepper	Pott	Wright, D.
Diminni	Knight	Pratt	Wright, J. L.
Dombrowski	Kolter	Pucciarelli	Yahner
Donatucci	Kowalyszyn	Punt	Yohn
Dorr	Kukovich	Pyles	Zeller
Duffy	Lashinger	Reed	Zitterman
Dumas	Laughlin	Rhodes	Zord
Durham	Lehr	Richardson	Zwikel
Earley	Levin	Rieger	
Fee	Lewis	Ritter	Seltzer,
Fisher, D. M.	Lynch, E. R.	Rocks	Speaker
Foster, A.	Lynch, F.	Rodgers	

NAYS—21

Belardi	Gannon	Letterman	Serafini
Clark, B.	Geesey	Levi	Sieminski
Dawida	George, C.	Livengood	Smith, L.
DeVerter	Honaman	Murphy	Spitz
Fischer, R. R.	Kanuck	Piccola	Trello
Fryer			

NOT VOTING—9

Beloff	Kernick	Rappaport	Street
Bowser	McKelvey	Sirianni	Williams
Cianciulli			

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.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 1304, PN 1960**, 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 No. 1465 Printer's No. 1960

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1304

Session of 1979

INTRODUCED BY MR. McCLATCHY, MAY 14, 1979.

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JULY 10, 1979.

An Act

making an appropriation to the Carnegie Museum at Pittsburgh, Pennsylvania, for maintenance and the purchase of apparatus, supplies and equipment.

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

Section 1. The sum of ~~\$100,000~~ \$150,000, or as much thereof as may be necessary, is hereby specifically appropriated to the Carnegie Museum at Pittsburgh, Pennsylvania, for the fiscal period July 1, 1979 to June 30, 1980, for maintenance and the purchase of apparatus, supplies and equipment.

Section 2. This act shall take effect July 1, 1979.

On the question,

Will the House concur in Senate amendments?

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

Mr. McCLATCHY. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate.

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Mr. Speaker, may I interrogate Mr. McClatchy, please?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Letterman, may proceed.

Mr. LETTERMAN. Mr. Speaker, in looking over these bills we are just now voting on, I take it that the Senate figured everybody needed \$50,000 more? Is that right?

Mr. McCLATCHY. That is about right.

Mr. LETTERMAN. I would then ask the House to start looking at this and give a little opposition to just handing \$50,000 out just because the Senate thought they needed it. I do not know of any reason, I have not been told any reason they needed it, and I do not think we should be giving it to them.

Mr. McCLATCHY. I think the House started the process when the budget passed here by originally proposing some of the museums for a \$50,000 increase. What we ran into is a problem with the whole consortium, and I think the Senate tried to resolve it by giving each one an increase. It does not really amount to that much money in the entire budget.

Mr. LETTERMAN. I know there is an inflation, but I think we ought to start to do it so we can give the money back to the taxpayers instead of just giving it away. Thank you.

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—168

Alden	Fisher, D. M.	Lynch, F.	Rocks
Anderson	Foster, A.	Mackowski	Rodgers
Armstrong	Foster, W.	Madigan	Ryan
Arty	Freind	Manderino	Salvatore
Austin	Gallagher	Manmiller	Scheaffer
Barber	Gamble	McCall	Schmitt
Bennett	Gatski	McClatchy	Schweder
Berson	Geist	McIntyre	Scirica
Bittle	George, M.	McMonagle	Seventy
Borski	Giammarco	McVerry	Shadding
Brandt	Gladeck	Michlovic	Shupnik
Brunner	Goebel	Micozzie	Sirianni
Burd	Goodman	Milanovich	Smith, E.
Burns	Grabowski	Moehlmann	Smith, L.
Caltagirone	Gray	Mowery	Spencer
Cappabianca	Greenfield	Mrkonic	Stairs
Cessar	Grieco	Mullen, M. P.	Steighner

Chess	Gruppo	Murphy	Stewart
Cimini	Halverson	Musto	Stuban
Clark, R.	Harper	Nahill	Sweet
Cochran	Hasay	Novak	Taddonio
Cohen	Hayes, D. S.	Noye	Taylor, E.
Cole	Hayes, S. E.	O'Brien, B.	Telek
Cornell	Helfrick	O'Brien, D.	Thomas
Coslett	Hoeffel	O'Donnell	Vroon
Cowell	Hutchinson, A.	Oliver	Wachob
Cunningham	Hutchinson, W.	Perzel	Wagner
Davies	Irvis	Peterson	Wargo
Dawida	Itkin	Petrarca	Wass
DeMedio	Johnson, E.	Pievsky	White
DeVerter	Johnson, J.	Pistella	Wilson
DeWeese	Jones	Pitts	Wilt
DiCarlo	Kernick	Polite	Wright, D.
Dietz	Knepper	Pott	Wright, J. L.
Dininni	Knight	Pucciarelli	Yahner
Dombrowski	Kolter	Punt	Yohn
Donatucci	Kowalyshyn	Pyles	Zeller
Dorr	Kukovich	Reed	Zitterman
Duffy	Laughlin	Rhodes	Zord
Dumas	Lehr	Richardson	
Durham	Levin	Rieger	Seltzer,
Earley	Lewis	Ritter	Speaker
Fee	Lynch, E. R.		

**NAYS—29**

Belardi	Geesey	Levi	Spitz
Bowser	George, C.	Livengood	Swift
Brown	Honaman	Miller	Taylor, F.
Clark, B.	Kanuck	Piccola	Trello
Fischer, R. R.	Klingaman	Pratt	Weidner
Fryer	Lashingner	Serafini	Wenger
Gallen	Letterman	Sieminski	Zwikl
Gannon			

**NOT VOTING—6**

Beloff	McKelvey	Street	Williams
Cianciulli	Rappaport		

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.

**SENATE MESSAGE**

**AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED**

The Senate returned the following **HB 1306, PN 1961**, 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 No. 1467      Printer's No. 1961

**THE GENERAL ASSEMBLY OF PENNSYLVANIA**

House Bill No. 1306

Session of 1979

INTRODUCED BY MR. McCLATCHY, MAY 14, 1979.

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JULY 10, 1979.

**An Act**

making an appropriation to the Pennsylvania Academy of the

Fine Arts, Philadelphia, Pennsylvania.  
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The sum of ~~\$5,000~~ \$10,000, or as much thereof as may be necessary, is hereby specifically appropriated to the Pennsylvania Academy of the Fine Arts, Philadelphia, Pennsylvania, for the fiscal period July 1, 1979 to June 30, 1980, for maintenance and the purchase of apparatus, supplies and equipment.

Section 2. This act shall take effect July 1, 1979.

On the question,

Will the House concur in the Senate amendment?

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

Mr. McCLATCHY. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate.

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—169**

Alden	Foster, W.	Lewis	Rocks
Anderson	Freind	Lynch, E. R.	Rodgers
Armstrong	Gallagher	Lynch, F.	Ryan
Arty	Gamble	Madigan	Salvatore
Austin	Gannon	Manderino	Scheaffer
Barber	Gatski	Manmiller	Schmitt
Bennett	Geist	McCall	Schweder
Berson	George, C.	McClatchy	Scirica
Bittle	George, M.	McIntyre	Seventy
Borski	Giammarco	McMonagle	Shadding
Brandt	Gladeck	McVerry	Shupnik
Brunner	Goebel	Michlovic	Sirianni
Burd	Goodman	Micozzie	Smith, E.
Burns	Grabowski	Milanovich	Spencer
Caltagirone	Gray	Moehlmann	Stairs
Cappabianca	Greenfield	Mowery	Steighner
Cessar	Grieco	Mrkonic	Stewart
Chess	Gruppo	Mullen, M. P.	Stuban
Cimini	Halverson	Murphy	Sweet
Clark, R.	Harper	Musto	Swift
Cochran	Hayes, D. S.	Nahill	Taddonio
Cohen	Hayes, S. E.	Novak	Taylor, E.
Cole	Helfrick	Noye	Telek
Cornell	Hoeffel	O'Brien, B.	Thomas
Coslett	Honaman	O'Brien, D.	Vroon
Cowell	Hutchinson, A.	O'Donnell	Wachob
Cunningham	Hutchinson, W.	Oliver	Wagner
Davies	Irvis	Perzel	Wargo
Dawida	Itkin	Peterson	Wass
DeMedio	Johnson, E.	Petrarca	White
DeWeese	Johnson, J.	Pievsky	Wilson
DiCarlo	Jones	Pistella	Wilt
Dininni	Kernick	Pitts	Wright, D.
Dombrowski	Klingaman	Polite	Wright, J. L.
Donatucci	Knepper	Pott	Yahner
Dorr	Knight	Pucciarelli	Zeller
Duffy	Kolter	Punt	Zitterman
Dumas	Kowalyshyn	Pyles	Zord
Durham	Kukovich	Reed	Zwikl
Earley	Lashingner	Rhodes	
Fee	Laughlin	Richardson	Seltzer,
Fisher, D. M.	Lehr	Rieger	Speaker
Foster, A.	Levin	Ritter	

**NAYS—28**

Belardi	Fryer	Livengood	Smith, L.
Bowser	Gallen	Mackowski	Spitz

Brown	Geesey	Miller	Taylor, F.
Clark, B.	Hasay	Piccola	Trello
DeVertter	Kanuck	Pratt	Weidner
Dietz	Letterman	Serafini	Wenger
Fischer, R. R.	Levi	Sieminski	Yohn

NOT VOTING—6

Beloff	McKelvey	Street	Williams
Cianciulli	Rappaport		

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.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 1307, PN 1962**, 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 No. 1468 Printer's No. 1962

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1307

Session of 1979

INTRODUCED BY MR. McCLATCHY, MAY 14, 1979.

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JULY 10, 1979.

An Act

making an appropriation to the Academy of Natural Sciences of Philadelphia at Philadelphia, Pennsylvania.

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

Section 1. The sum of ~~\$225,000~~ \$275,000, or as much thereof as may be necessary, is hereby specifically appropriated to the Academy of Natural Sciences of Philadelphia at Philadelphia, Pennsylvania, for the fiscal period July 1, 1979 to June 30, 1980 for the purpose of maintenance of the institute.

Section 2. This act shall take effect July 1, 1979.

On the question,

Will the House concur in the Senate amendment?

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

Mr. McCLATCHY. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate.

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—171

Alden	Gamble	Madigan	Ryan
Anderson	Gannon	Manderino	Salvatore
Armstrong	Gatski	Manmiller	Scheaffer
Arty	Geist	McCall	Schmitt

Austin	George, C.	McClatchy	Schweder
Barber	George, M.	McIntyre	Scirica
Bennett	Giammarco	McMonagle	Seventy
Berson	Gladeck	McVerry	Shadding
Borski	Goebel	Michlovic	Shupnik
Brandt	Goodman	Micoozie	Sirianni
Brunner	Grabowski	Milanovich	Smith, E.
Burd	Gray	Moehlmann	Spencer
Burns	Greenfield	Mowery	Stairs
Caltagirone	Grieco	Mrkonic	Steighner
Cappabianca	Gruppo	Mullen, M. P.	Stewart
Cessar	Halverson	Murphy	Stuban
Chess	Harper	Musto	Sweet
Cimini	Hasay	Nahill	Swift
Clark, R.	Hayes, D. S.	Novak	Taddonio
Cochran	Hayes, S. E.	Noye	Taylor, E.
Cohen	Helfrick	O'Brien, B.	Telek
Cole	Hoeffel	O'Brien, D.	Thomas
Cornell	Hutchinson, A.	O'Donnell	Vroon
Coslett	Hutchinson, W.	Oliver	Wachob
Cowell	Irvis	Perzel	Wagner
Cunningham	Itkin	Peterson	Wargo
Davies	Johnson, E.	Petrarca	Wass
Dawida	Johnson, J.	Pievsky	Weidner
DeMedio	Jones	Pistella	Wenger
DeWeese	Kernick	Pitts	White
DiCarlo	Knepper	Polite	Wilson
Dininni	Knight	Pott	Wilt
Dombrowski	Kolter	Pratt	Wright, D.
Donatucci	Kowalyszyn	Pucciarelli	Wright, J. L.
Dorr	Kukovich	Punt	Yahner
Dumas	Lashingier	Pyles	Yohn
Durham	Laughlin	Reed	Zeller
Earley	Lehr	Rhodes	Zitterman
Fee	Levin	Richardson	Zord
Fisher, D. M.	Lewis	Rieger	Zwilk
Foster, A.	Lynch, E. R.	Ritter	
Foster, W.	Lynch, F.	Rocks	Seltzer,
Freind	Mackowski	Rodgers	Speaker
Gallagher			

NAYS—24

Belardi	Fischer, R. R.	Klingaman	Serafini
Bowser	Fryer	Letterman	Sieminski
Brown	Gallen	Levi	Smith, L.
Clark, B.	Geesey	Livengood	Spitz
DeVertter	Honaman	Miller	Taylor, F.
Dietz	Kanuck	Piccola	Trello

NOT VOTING—8

Beloff	Cianciulli	McKelvey	Street
Bittle	Duffy	Rappaport	Williams

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.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 1309, PN 1963**, 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 No. 1470 Printer's No. 1963

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1309

Session of 1979

INTRODUCED BY MR. McCLATCHY, MAY 14, 1979.

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JULY 10, 1979.

An Act

making an appropriation to the Trustees of the Buhl Planetarium and Institute of Popular Science, Pittsburgh, Pennsylvania.

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

Section 1. The sum of ~~\$100,000~~ \$150,000, or as much thereof as may be necessary, is hereby appropriated to the Trustees of the Buhl Planetarium and Institute of Popular Science, Pittsburgh, Pennsylvania, for the fiscal period July 1, 1979 to June 30, 1980, for the general operation of the planetarium and institute.

Section 2. This act shall take effect July 1, 1979.

On the question,

Will the House concur in the Senate amendment?

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

Mr. McCLATCHY. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate.

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—172

Anderson	Freind	Madigan	Ryan
Armstrong	Gallagher	Manderino	Salvatore
Arty	Gamble	Manmiller	Scheaffer
Austin	Gatski	McCall	Schmitt
Barber	Geist	McClatchy	Schweder
Bennett	George, C.	McIntyre	Scirica
Berson	George, M.	McMonagle	Seventy
Borski	Giammarco	McVerry	Shadding
Brandt	Gladeck	Michlovic	Shupnik
Brunner	Goebel	Micozzie	Sirianni
Burd	Goodman	Milanovich	Smith, E.
Burns	Grabowski	Moehlmann	Smith, L.
Caltagirone	Gray	Mowery	Spencer
Cappabianca	Greenfield	Mrkonic	Stairs
Cessar	Grieco	Mullen, M. P.	Steighner
Chess	Gruppo	Murphy	Stewart
Cimini	Halverson	Musto	Stuban
Clark, R.	Harper	Nahill	Sweet
Cochran	Hasay	Novak	Swift
Cohen	Hayes, D. S.	Noye	Taddonio
Cole	Hayes, S. E.	O'Brien, B.	Taylor, E.
Cornell	Helfrick	O'Brien, D.	Telek
Coslett	Hoeffel	O'Donnell	Thomas
Cowell	Hutchinson, A.	Oliver	Trello
Cunningham	Hutchinson, W.	Perzel	Vroon
Davies	Irvis	Peterson	Wachob
Dawida	Itkin	Petrarca	Wagner
DeMedio	Johnson, E.	Pievsky	Wargo
DeVerter	Johnson, J.	Pistella	Wass
DeWeese	Jones	Pitts	White
DiCarlo	Kernick	Polite	Wilson
Dietz	Knepper	Pott	Wilt
Dininni	Knight	Pratt	Wright, D.
Dombrowski	Kolter	Pucciarelli	Wright, J. L.

Donatucci	Kowalyszyn	Punt	Yahner
Dorr	Kukovich	Pyles	Yohn
Duffy	Lashingier	Reed	Zeller
Dumas	Laughlin	Rhodes	Zitterman
Durham	Lehr	Richardson	Zord
Earley	Levin	Rieger	Zwilk
Fee	Lewis	Ritter	
Fisher, D. M.	Lynch, E. R.	Rocks	Seltzer,
Foster, A.	Lynch, F.	Rodgers	Speaker
Foster, W.	Mackowski		

NAYS—24

Alden	Fryer	Klingaman	Serafini
Belardi	Gallen	Letterman	Sieminski
Bowser	Gannon	Levi	Spitz
Brown	Geesey	Livengood	Taylor, F.
Clark, B.	Honaman	Miller	Weidner
Fischer, R. R.	Kanuck	Piccola	Wenger

NOT VOTING—7

Beloff	Cianciulli	Rappaport	Williams
Bittle	McKelvey	Street	

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.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 1310, PN 1964**, 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. 1471, 1615 Printer's No. 1964

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1310

Session of 1979

INTRODUCED BY MR. McCLATCHY, MAY 14, 1979.

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JULY 10, 1979.

An Act

making an appropriation to the Division of Education of the Philadelphia Museum of Art, Philadelphia, Pennsylvania.

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

Section 1. The sum of ~~\$100,000~~ \$150,000, or as much thereof as may be necessary, is hereby specifically appropriated to the Division of Education of the Philadelphia Museum of Art, Philadelphia, Pennsylvania, for the fiscal period July 1, 1979 to June 30, 1980, for the support of its educational program for school children.

Section 2. This act shall take effect July 1, 1979.

On the question,

Will the House concur in the Senate amendment?

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

Mr. McCLATCHY. Mr. Speaker, I request that the House do

concur in the amendments inserted by the Senate.

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—168

Anderson	Freind	Manmiller	Ryan
Armstrong	Gallagher	McCall	Salvatore
Arty	Gamble	McClatchy	Scheaffer
Austin	Gatski	McIntyre	Schmitt
Barber	Geist	McMonagle	Schweder
Bennett	George, M.	McVerry	Scirica
Berson	Giammarco	Michlovic	Seventy
Borski	Gladeck	Micozzie	Shadding
Brandt	Goebel	Milanovich	Shupnik
Brown	Goodman	Moehlmann	Sirianni
Brunner	Grabowski	Mowery	Smith, E.
Burd	Gray	Mrkonic	Spencer
Burns	Greenfield	Mullen, M. P.	Stairs
Caltagirone	Grieco	Murphy	Steighner
Cappabianca	Gruppo	Musto	Stewart
Cessar	Halverson	Nahill	Stuban
Chess	Harper	Novak	Sweet
Cimini	Hayes, D. S.	Noye	Swift
Clark, R.	Hayes, S. E.	O'Brien, B.	Taddonio
Cochran	Helfrick	O'Brien, D.	Taylor, E.
Cohen	Hoeffel	O'Donnell	Taylor, F.
Cole	Hutchinson, A.	Oliver	Telek
Cornell	Hutchinson, W.	Perzel	Thomas
Coslett	Irvis	Peterson	Vroon
Cowell	Itkin	Petrarca	Wachob
Cunningham	Johnson, E.	Piccola	Wagner
Davies	Johnson, J.	Pievsky	Wargo
Dawida	Jones	Pistella	Wass
DeMedio	Kernick	Pitts	White
DeWeese	Knepper	Polite	Wilson
DiCarlo	Knight	Pott	Wilt
Dininni	Kolter	Pratt	Wright, D.
Dombrowski	Kowalyszyn	Pucciarelli	Wright, J. L.
Donatucci	Kukovich	Punt	Yahner
Dorr	Lashinger	Pyles	Yohn
Duffy	Laughlin	Reed	Zeller
Dumas	Lehr	Rhodes	Zitterman
Durham	Levin	Richardson	Zord
Earley	Lewis	Rieger	Zwinkl
Fee	Lynch, E. R.	Ritter	
Fisher, D. M.	Lynch, F.	Rocks	Seltzer,
Foster, A.	Madigan	Rodgers	Speaker
Foster, W.	Manderino		

NAYS—28

Alden	Fryer	Kanuck	Serafini
Belardi	Gallen	Klingaman	Sieminski
Bowser	Gannon	Letterman	Smith, L.
Clark, B.	Geesey	Levi	Spitz
DeVerter	George, C.	Livengood	Trello
Dietz	Hasay	Mackowski	Weidner
Fischer, R. R.	Honaman	Miller	Wenger

NOT VOTING—7

Beloff	Cianciulli	Rappaport	Williams
Bittle	McKelvey	Street	

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.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 53, PN 1967**, 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. 55, 1066, 1620 Printer's No. 1967

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 53

Session of 1979

INTRODUCED BY MESSRS. B. F. O'BRIEN, J. L. WRIGHT, BURNS, D. S. HAYES, COHEN, REED AND McCALL, FEBRUARY 5, 1979.

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JULY 10, 1979.

An Act

to enhance the Commonwealth's environmental radiation surveillance and emergency radiation response capabilities by granting certain powers to the Department of Environmental Resources, ~~and making an appropriation.~~

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

Section 1. Short title.

This act shall be known and may be cited as the "Environmental Radiation Protection Act."

Section 2. Findings and declaration of policy.

The General Assembly finds that there exist within the Commonwealth of Pennsylvania several nuclear power plants in operation or under construction and other major facilities utilizing large quantities of radioactive materials. Pennsylvania highways and rail systems are used with increasing frequency to transport spent reactor fuel and other sources of radioactive material. In order to minimize the effects of exposure to radiation from both routine and accidental releases of radioactive material to the environment, the General Assembly finds it necessary and desirable to upgrade the present programs of environmental radiation monitoring and emergency radiation response now existing in the Department of Environmental Resources and to provide additional funding for such activities.

Section 3. Environmental radiation monitoring.

The Department of Environmental Resources shall have the power, and its duty shall be, to carry out a comprehensive program of monitoring levels of radioactivity in Pennsylvania's environment including all appropriate tests for alpha, beta and gamma levels in all appropriate media. Sites to be monitored shall include, but not be limited to, nuclear power reactor sites and other sites with a substantial potential for environmental radioactivity contamination.

Section 4. Radiation emergency response.

(a) The Department of Environmental Resources shall assist the Pennsylvania Emergency Management Agency in preparing a radiation emergency response plan in a manner consistent with the provisions of 35 Pa.C.S. § 7101 et seq. (relating to Emergency Management Services).

(b) The department shall also make available technical staff and equipment to determine levels of radiation in the environment and recommend emergency measures to protect the public from exposure to such radiation in the event of an accident at a nuclear power plant, a transportation accident involving radioactive materials, or any other condition or occurrence which necessitates radiation emergency assistance at any location in the Commonwealth.

Section 5. Annual report.

The department shall prepare a report on environmental radiation levels, as determined by the monitoring program, on



at least an annual basis. Copies of the report shall be submitted to the President pro tempore of the Senate and the Speaker of the House of Representatives of the General Assembly and shall be made available to the general public. The report shall also contain a description and analysis of any emergency responses or other actions taken by the department under this act and any other information about environmental radiation or radiation emergencies which the department deems to be of sufficient importance to call to the attention of the General Assembly and the citizens of the Commonwealth.

**Section 6. Notification.**

Whenever the Department of Environmental Resources during the course of its duties under this act, determines that levels of radiation exceed the normal range of radioactivity in that area, the department shall immediately notify the Governor, the Nuclear Regulatory Commission and also report its findings to the public, and it shall subsequently submit a detailed report on the occurrence to both the Governor and the Nuclear Regulatory Commission and make such report public.

**Section 7. Appropriation.**

~~There is hereby appropriated the sum of \$300,000 for the fiscal year 1979-1980 from the General Fund of the Commonwealth. All such moneys shall be used to upgrade the present environmental radiation monitoring and emergency response programs in the department.~~

~~Section 8. 7. Effective date.~~

This act shall take effect immediately.

On the question,

Will the House concur in Senate amendments?

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

Mr. McCLATCHY. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate.

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

Mr. PICCOLA. Would the chairman of the Appropriations Committee yield to an interrogation?

Mr. McCLATCHY. Yes, Mr. Speaker.

The SPEAKER. The gentleman indicates that he will, and the gentleman may proceed.

Mr. PICCOLA. Mr. Speaker, the Senate amendments I see eliminated the \$300,000 appropriation. Is that correct?

Mr. McCLATCHY. That is correct.

Mr. PICCOLA. Has that appropriation been taken care of in another piece of legislation?

Mr. McCLATCHY. That is my understanding.

Mr. PICCOLA. Is that in the general fund budget for the 1979-1980 year?

Mr. McCLATCHY. Yes.

Mr. PICCOLA. Thank you, Mr. Speaker.

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—196

Alden	Foster, W.	Lewis	Rodgers
Anderson	Freind	Livengood	Ryan
Armstrong	Fryer	Lynch, E. R.	Scheaffer
Arty	Gallagher	Lynch, F.	Schmitt
Austin	Gallen	Mackowski	Schweder
Barber	Gamble	Madigan	Scirica
Belardi	Gannon	Manderino	Serafini

Bennett	Gatski	Manmiller	Seventy
Berson	Geesey	McCall	Shadding
Bittle	Geist	McClatchy	Shupnik
Borski	George, C.	McIntyre	Sieminski
Bowser	George, M.	McMonagle	Sirianni
Brandt	Giammarco	McVerry	Smith, E.
Brown	Gladeck	Michlovic	Smith, L.
Brunner	Goebel	Micozzie	Spencer
Burd	Goodman	Milanovich	Spitz
Burns	Grabowski	Miller	Stairs
Caltagirone	Gray	Moehlmann	Steighner
Cappabianca	Greenfield	Mowery	Stewart
Cessar	Grieco	Mrkonic	Stuban
Chess	Gruppo	Mullen, M. P.	Sweet
Cimini	Halverson	Murphy	Swift
Clark, B.	Harper	Musto	Taddonio
Clark, R.	Hasay	Nahill	Taylor, E.
Cochran	Hayes, D. S.	Novak	Taylor, F.
Cohen	Hayes, S. E.	Noye	Telek
Cole	Helfrick	O'Brien, B.	Thomas
Cornell	Hoeffel	O'Brien, D.	Trello
Coslett	Honaman	O'Donnell	Vroon
Cowell	Hutchinson, A.	Oliver	Wachob
Cunningham	Hutchinson, W.	Perzel	Wagner
Davies	Irvis	Peterson	Wargo
Dawida	Itkin	Petrarca	Wass
DeMedio	Johnson, E.	Piccola	Weidner
DeVerter	Johnson, J.	Pievsky	Wenger
DeWeese	Jones	Pistella	White
DiCarlo	Kanuck	Pitts	Wilson
Dietz	Kernick	Polite	Wilt
Dininni	Klingaman	Pott	Wright, D.
Dombrowski	Knepper	Pratt	Wright, J. L.
Donatucci	Knight	Pucciarelli	Yahner
Dorr	Kolter	Punt	Yohn
Duffy	Kowalyshyn	Pyles	Zeller
Dumas	Kukovich	Reed	Zitterman
Durham	Lashinger	Rhodes	Zord
Earley	Laughlin	Richardson	Zwilk
Fee	Lehr	Rieger	
Fischer, R. R.	Letterman	Ritter	Seltzer,
Fisher, D. M.	Levi	Rocks	Speaker
Foster, A.	Levin		

NAYS—0

NOT VOTING—7

Beloff	McKelvey	Salvatore	Williams
Cianciulli	Rappaport	Street	

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. For what purpose does the gentleman rise?

Mr. SALVATORE. Mr. Speaker, on concurrence in Senate amendments inserted in HB 53, my switch was locked out and I would like to be recorded in the affirmative.

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

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 1207, PN 1942**, 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 No. 1355 Printer's No. 1942

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1207

Session of 1979

INTRODUCED BY MR. McCLATCHY, MAY 4, 1979.

SENATOR SMITH, APPROPRIATIONS, IN SENATE, AS AMENDED, JULY 9, 1979.

A Supplement

to the act of \_\_\_\_\_, entitled "An act providing for the capital budget for the fiscal year 1979-1980," itemizing public improvement projects to be acquired or constructed by the Department of General Services together with their estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects, stating the estimated useful life of the projects and making an appropriation.

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

Section 1. Itemization and Authorization of Projects.—Additional capital projects in the category of public improvement projects to be acquired or constructed by the Department of General Services, its successors or assigns, and to be financed by the incurring of debt, are hereby itemized, together with the respective estimated financial cost and the total additional amount authorized for the public improvement projects as follows:

A. Total Authorization . . . . . ~~\$1,627,000~~  
 \$4,482,000

B. Itemization of Public Improvement Projects:

	Base Project Cost	Design and Contin- gencies	Total Project Cost
<b>I. DEPARTMENT OF EDUCATION</b>			
<b>(A) CALIFORNIA STATE COLLEGE</b>			
(1) ROOF MAINTENANCE			\$150,000
<b>II. DEPARTMENT OF ENVIRONMENTAL RESOURCES</b>			
<b>(A) BOROUGH OF TURTLE CREEK, ALLEGHENY COUNTY</b>			
(1) CHANNEL RECTIFICATION SAW MILL RUN	\$2,500,000	\$205,000	\$2,705,000
<b>III. Department of Military Affairs</b>			
(a) Erie Soldiers' and Sailors' Home			
(1) Renovation of Main Building	1,227,000	245,000	1,472,000
<b>IV. Department of Public Welfare</b>			
(a) Pennhurst Center	\$129,000	\$26,000	\$155,000

(1) Utility Tunnel 129,000 26,000 155,000

Section 2. Debt Authorizaion.—The Governor, Auditor General and State Treasurer are hereby authorized and directed to borrow, from time to time, in addition to any authorization heretofore or hereafter enacted, on the credit of the Commonwealth, subject to the limitations provided in the current capital budget, money not exceeding in the aggregate the sum of ~~\$1,627,000~~ \$4,482,000 as may be found necessary to carry out the acquisition and construction of the public improvement projects specifically itemized in a capital budget.

Section 3. Issue of Bonds.—The indebtedness herein authorized shall be incurred from time to time and shall be evidenced by one or more series of general obligation bonds of the Commonwealth in such aggregate principal amount for each series as the Governor, Auditor General and State Treasurer shall determine, but the latest stated maturity date shall not exceed 30 years from the date of the bond first issued for each such series.

Section 4. Estimated Useful Life of Projects.—The General Assembly states the estimated useful life of the public improvement projects heretofore itemized is not less than 30 years from the date of completion thereof, which period is hereby stated to be the maximum term of the debt to be incurred.

Section 5. Appropriation.—The net proceeds of the sale of the obligations herein authorized are hereby appropriated from the Capital Facilities Fund to the Department of General Services in the maximum amount of ~~\$1,627,000~~ \$4,482,000 to be used by it exclusively to defray the financial cost of the public improvement projects specifically itemized in a capital budget. After reserving or paying the expenses of the sale of the obligation, the State Treasurer shall pay to the Department of General Services the moneys as required and certified by it to be legally due and payable.

Section 6. Federal Funds.—In addition to those funds appropriated in section 5, all moneys received from the Federal Government for the construction of the public improvement projects specifically itemized herein are also hereby appropriated for those projects.

Section 7. Allocation of Funds.—Whenever as determined by the Department of General Services the full estimated financial cost of the public improvement projects itemized in section 1 hereof are not necessary for the proper design, acquisition or construction of the projects, the excess funds no longer required may be allocated to increase the estimated cost of any one or more of the public improvement projects specifically itemized in a capital budget.

Section 8. Effective Date.—This act shall take effect July 1, 1979 or, if enacted subsequent to this date, immediately.

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

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

Mr. McCLATCHY. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate.

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—196

Alden	Foster, W.	Lewis	Rodgers
Anderson	Freind	Livengood	Ryan
Armstrong	Fryer	Lynch, E. R.	Salvatore
Arty	Gallagher	Lynch, F.	Scheaffer
Austin	Gallen	Mackowski	Schmitt
Barber	Gamble	Madigan	Schweder
Belardi	Gannon	Manderino	Scirica
Bennett	Gatski	Manmiller	Serafini
Berson	Geesey	McCall	Seventy
Bittle	Geist	McClatchy	Shadding

Borski	George, C.	McIntyre	Shupnik
Bowser	George, M.	McMonagle	Sieminski
Brandt	Giammarco	McVerry	Sirianni
Brown	Gladeck	Michlovic	Smith, E.
Brunner	Goebel	Micozzie	Smith, L.
Burd	Goodman	Milanovich	Spencer
Burns	Grabowski	Miller	Stairs
Caltagirone	Gray	Moehlmann	Steighner
Cappabianca	Greenfield	Mowery	Stewart
Cessar	Grieco	Mrkonic	Stuban
Chess	Gruppo	Mullen, M. P.	Sweet
Cimini	Halverson	Murphy	Swift
Clark, B.	Harper	Musto	Taddonio
Clark, R.	Hasay	Nahill	Taylor, E.
Cochran	Hayes, D. S.	Novak	Taylor, F.
Cohen	Hayes, S. E.	Noye	Telek
Cole	Helfrick	O'Brien, B.	Thomas
Cornell	Hoeffel	O'Brien, D.	Trello
Coslett	Honaman	O'Donnell	Vroon
Cowell	Hutchinson, A.	Oliver	Wachob
Cunningham	Hutchinson, W.	Perzel	Wagner
Davies	Irvis	Peterson	Wargo
Dawida	Itkin	Petrarca	Wass
DeMedio	Johnson, E.	Piccola	Weidner
DeVertter	Johnson, J.	Pievsky	Wenger
DeWeese	Jones	Pistella	White
DiCarlo	Kanuck	Pitts	Wilson
Dietz	Kernick	Polite	Wilt
Dininni	Klingaman	Pott	Wright, D.
Dombrowski	Knepper	Pratt	Wright, J. L.
Donatucci	Knight	Pucciarelli	Yahner
Dorr	Kolter	Punt	Yohn
Duffy	Kowalyshyn	Pyles	Zeller
Dumas	Kukovich	Reed	Zitterman
Durham	Lashinger	Rhodes	Zord
Earley	Laughlin	Richardson	Zwilk
Fee	Lehr	Rieger	
Fischer, R. R.	Letterman	Ritter	Seltzer,
Fisher, D. M.	Levi	Rocks	Speaker
Foster, A.	Levin		

NAYS—1

Spitz

NOT VOTING—6

Beloff	McKelvey	Street	Williams
Cianciulli	Rappaport		

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

Ordered, That the clerk inform the Senate accordingly.

RESOLUTION ADOPTED

Mr. ROCKS called up HR 118, PN 1969, entitled:

Speaker appoint a bipartisan committee to investigate operation of SEPTA.

On the question,

Will the House adopt the resolution?

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

Mr. ROCKS. Mr. Speaker, one of the more serious problems that we are currently facing in the city of Philadelphia is the continuing failure of our mass transportation system, especially as we know it to be the City Transit Division of SEPTA — Southeastern Pennsylvania Transportation Authority. I think it is commonly known by persons who pay attention to what is

happening with mass transportation today that we have entered an era where Federal assistance is decreasing in fact to any mass transportation system, and a system that cannot help itself increase fares has nowhere to turn but to the State of Pennsylvania.

With that in mind, it is my hope, with this resolution and with the support of the House through this resolution, that we will be able to take a look at the operations of SEPTA, especially as it applies to the City Transit Division.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

Alden	Foster, W.	Livengood	Ryan
Anderson	Freind	Lynch, E. R.	Salvatore
Armstrong	Fryer	Lynch, F.	Scheaffer
Arty	Gallagher	Mackowski	Schmitt
Austin	Gallen	Madigan	Schweder
Barber	Gamble	Manderino	Scirica
Belardi	Gannon	Manmiller	Serafini
Bennett	Gatski	McCall	Seventy
Berson	Geesey	McClatchy	Shadding
Bittle	Geist	McIntyre	Shupnik
Borski	George, C.	McMonagle	Sieminski
Bowser	George, M.	McVerry	Sirianni
Brandt	Giammarco	Michlovic	Smith, E.
Brown	Gladeck	Micozzie	Smith, L.
Brunner	Goebel	Milanovich	Spencer
Burd	Goodman	Miller	Spitz
Burns	Grabowski	Moehlmann	Stairs
Caltagirone	Gray	Mowery	Steighner
Cappabianca	Greenfield	Mrkonic	Stewart
Cessar	Grieco	Mullen, M. P.	Sweet
Chess	Gruppo	Murphy	Swift
Cimini	Halverson	Musto	Taddonio
Clark, R.	Harper	Nahill	Taylor, E.
Cochran	Hasay	Novak	Taylor, F.
Cohen	Hayes, D. S.	Noye	Telek
Cole	Hayes, S. E.	O'Brien, B.	Thomas
Cornell	Helfrick	O'Brien, D.	Trello
Coslett	Hoeffel	O'Donnell	Vroon
Cowell	Honaman	Oliver	Wachob
Cunningham	Hutchinson, A.	Perzel	Wagner
Davies	Hutchinson, W.	Peterson	Wargo
Dawida	Irvis	Piccola	Wass
DeMedio	Itkin	Pievsky	Weidner
DeVertter	Johnson, J.	Pistella	Wenger
DeWeese	Jones	Pitts	White
DiCarlo	Kanuck	Polite	Wilson
Dietz	Kernick	Pott	Wilt
Dininni	Klingaman	Pratt	Wright, D.
Dombrowski	Knepper	Pucciarelli	Wright, J. L.
Donatucci	Knight	Punt	Yahner
Dorr	Kowalyshyn	Pyles	Yohn
Duffy	Kukovich	Reed	Zeller
Dumas	Lashinger	Rhodes	Zitterman
Durham	Laughlin	Richardson	Zord
Earley	Lehr	Rieger	Zwilk
Fee	Levi	Ritter	
Fischer, R. R.	Levin	Rocks	Seltzer,
Fisher, D. M.	Lewis	Rodgers	Speaker
Foster, A.			

NAYS—4

Clark, B.	Kolter	Letterman	Petrarca
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NOT VOTING--8

Beloff	Johnson, E.	Rappaport	Stuban
Cianciulli	McKelvey	Street	Williams

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

CALENDAR

SENATE MESSAGE

SENATE RESOLUTION FOR CONCURRENCE

The Senate presented for concurrence **SR 208, HOUSE PRINTER'S NO. 1933**, entitled:

Petitioning Congress appropriate Federal impact aid for cleanup, repair and replacement fuel costs due to shutdown of Three Mile Island.

On the question,

Will the House concur in the Senate resolution?

The **SPEAKER**. The Chair recognizes the gentleman from Dauphin, Mr. Reed.

Mr. **REED**. Mr. Speaker, I respectfully suggest that we do not agree to and do not concur in SR 208. I will be very brief.

The accident at Three Mile Island is one that at least initially appears to have been caused by a combination of factors that include the lack of sufficient training by the company that owns and operates Three Mile Island; at least in part due to design faults by Babcock and Wilcox, the designers of the Unit 1 and Unit 2, Unit 2 being the one where the Three Mile Island accident occurred; number three, various lacks in procedures and policies with regard to the handling of an emergency and in guaranteeing completely the safety of the general public.

I do not, therefore, believe that SR 208 is proper in its present wording. The wording of SR 208 says that "the Federal Government, then, should be responsible for carrying the major share of the costs relating to the Three Mile Island accident." It further goes on to say that the Federal Government should be responsible to pay for replacement fuel costs and for the cleanup and repair of the damaged facility.

Indeed, the Federal Government does play a role in the matter of guaranteeing nuclear safety but does not play a role in the design, manufacture, and operation of those various nuclear power facilities, including Three Mile Island. That responsibility is vested with the private utility that owns and operates, in this case Metropolitan Edison and two other companies, all three of which are part of General Public Utilities located in New Jersey.

I think it is wrong for this House of Representatives and for the Senate of Pennsylvania to recommend that the taxpayers of this country be responsible for bailing out Three Mile Island's owner and operator. I believe that it is wrong for the Federal Government to be expected to hold the American taxpayer as responsible for the difficulties that have been experienced there.

In brief, if this is an expression of our will to the Federal Government and to the United States Congress, and if the Congress were foolish enough to accept our recommendation and act accordingly, we have removed the only penalty that accrues

in this present day to a nuclear power plant operator that would accrue to that person and to that company for the unsafe operation that we saw at Three Mile Island.

There will, therefore, be no economic incentive to provide for a safer operation. Indeed we will be signaling to nuclear power plant operators nationwide and at least in this state that we, the General Assembly of Pennsylvania, think that the government should come to the aid of the public and private utility when they have erred as they have erred in the case of Three Mile Island.

I think it is wrong to ask the U.S. taxpayer to come in and do for the public utility what they should be doing for themselves and which rightfully belongs to them. The U.S. taxpayer had nothing to do with the accident at Three Mile Island and should, therefore, be held harmless.

I believe that the Federal Government does play a role in the cleanup and recovery, but ought not have the role, the major role, the full and total financial role that has been proclaimed in SR 208. I believe its present wording to be the wrong direction, and we ought to vote "no."

SR 208 TABLED

The **SPEAKER**. The Chair recognizes the majority leader.

Mr. **RYAN**. Mr. Speaker, I believe, for an entirely different reason that this matter should not be considered today. We have a select committee that has spent a great deal of time investigating, having hearings and the like on this matter, and I think it would defeat the purpose of that committee if we adopt this resolution.

Accordingly, at this time I would move that the resolution be placed on the table.

The **SPEAKER**. It has been moved by the majority leader, Mr. Ryan, that SR 208 be laid on the table. The question is on the motion. Those in favor will vote "aye"; opposed, "no."

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—183

Alden	Fryer	Livengood	Scheaffer
Anderson	Gallagher	Lynch, E. R.	Schmitt
Armstrong	Gallen	Lynch, F.	Schweder
Arty	Gamble	Mackowski	Scirica
Austin	Gannon	Madigan	Serafini
Belardi	Gatski	Manderino	Seventy
Bennett	Geist	Manmiller	Shadding
Berson	George, C.	McCall	Shupnik
Borski	George, M.	McIntyre	Sieminski
Bowser	Giammarco	McMonagle	Sirianni
Brandt	Gladeck	McVerry	Smith, E.
Brunner	Goebel	Michlovic	Smith, L.
Burd	Goodman	Micozvie	Spencer
Burns	Grabowski	Milanovich	Spitz
Caltagirone	Gray	Moehlmann	Stairs
Cappabianca	Greenfield	Mowery	Steighner
Cessar	Grieco	Mrkonic	Stuban
Chess	Gruppo	Mullen, M. P.	Sweet
Cimini	Halverson	Murphy	Swift
Clark, B.	Harper	Musto	Taddonio
Clark, R.	Hasay	Nahill	Taylor, E.
Cochran	Hayes, D. S.	Novak	Taylor, F.

Cole	Hayes, S. E.	Noye	Telek
Cornell	Helfrick	O'Brien, B.	Thomas
Coslett	Hoeffel	O'Brien, D.	Trello
Cowell	Honaman	O'Donnell	Vroon
Cunningham	Hutchinson, A.	Oliver	Wachob
Davies	Hutchinson, W.	Perzel	Wagner
Dawida	Irvis	Peterson	Wargo
DeMedio	Johnson, E.	Petrarca	Wass
DeVerter	Johnson, J.	Piccola	Weidner
DeWeese	Jones	Pievsky	Wenger
DiCarlo	Kanuck	Pitts	White
Dietz	Kernick	Polite	Wilson
Dininni	Klingaman	Pott	Wilt
Dombrowski	Knepper	Pratt	Wright, D.
Donatucci	Knight	Punt	Wright, J. L.
Dorr	Kolter	Pyles	Yahner
Duffy	Kowalyshyn	Reed	Yohn
Durham	Lashinger	Richardson	Zeller
Earley	Laughlin	Rieger	Zitterman
Fee	Lehr	Ritter	Zord
Fischer, R. R.	Letterman	Rocks	Zwikl
Fisher, D. M.	Levi	Rodgers	
Foster, A.	Levin	Ryan	Seltzer,
Foster, W.	Lewis	Salvatore	Speaker
Freind			

NAYS—7

Brown	Geesey	Kukovich	Stewart
Cohen	Itkin	Pistella	

NOT VOTING—13

Barber	Dumas	Miller	Rhodes
Beloff	McClatchy	Pucciarelli	Street
Bittle	McKelvey	Rappaport	Williams
Cianciulli			

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, I would make a motion for the suspension of the rules for the immediate consideration of a resolution which I will introduce.

The SPEAKER. It has been moved by the gentleman from Schuylkill, Mr. Hutchinson, that the rules be suspended in order that a resolution which he has introduced can be considered immediately. The question is on the motion. Those in favor of suspension of the rules will vote "aye"; opposed, "no."

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—190

Alden	Foster, A.	Levin	Salvatore
Anderson	Foster, W.	Lewis	Scheaffer
Armstrong	Freind	Livengood	Schmitt
Arty	Fryer	Lynch, E. R.	Schweder
Austin	Gallagher	Lynch, F.	Scirica
Barber	Gallen	Mackowski	Serafini
Belardi	Gamble	Madigan	Seventy
Bennett	Gannon	Manderino	Shadding
Berson	Gatski	Manmiller	Shupnik

Bittle	Geesey	McCall	Sieminski
Borski	Geist	McClatchy	Sirianni
Bowser	George, C.	McIntyre	Smith, E.
Brandt	George, M.	McMonagle	Smith, L.
Brown	Giammarco	McVerry	Spencer
Brunner	Gladeck	Michlovic	Spitz
Burd	Goebel	Micozzie	Stairs
Burns	Goodman	Miller	Steighner
Caltagirone	Grabowski	Moehlmann	Stewart
Cappabianca	Gray	Mowery	Stuban
Cessar	Greenfield	Mrkonic	Sweet
Chess	Grieco	Mullen, M. P.	Swift
Cimini	Gruppo	Murphy	Taddonio
Clark, B.	Halverson	Musto	Taylor, E.
Clark, R.	Harper	Nahill	Taylor, F.
Cochran	Hasay	Novak	Telek
Cohen	Hayes, D. S.	Noye	Thomas
Cole	Hayes, S. E.	O'Brien, B.	Trello
Cornell	Helfrick	O'Brien, D.	Vroon
Coslett	Hoeffel	Oliver	Wachob
Cunningham	Honaman	Perzel	Wagner
Davies	Hutchinson, W.	Peterson	Wargo
Dawida	Irvis	Piccola	Wass
DeMedio	Johnson, E.	Pievsky	Weidner
DeVerter	Johnson, J.	Pistella	Wenger
DeWeese	Jones	Pitts	White
DiCarlo	Kanuck	Polite	Wilson
Dietz	Kernick	Pott	Wilt
Dininni	Klingaman	Pratt	Wright, D.
Dombrowski	Knepper	Pucciarelli	Wright, J. L.
Donatucci	Knight	Punt	Yahner
Dorr	Kolter	Pyles	Yohn
Duffy	Kowalyshyn	Reed	Zeller
Dumas	Kukovich	Richardson	Zitterman
Durham	Lashinger	Rieger	Zord
Earley	Laughlin	Ritter	Zwikl
Fee	Lehr	Rocks	
Fischer, R. R.	Letterman	Rodgers	Seltzer,
Fisher, D. M.	Levi	Ryan	Speaker

NAYS—5

Cowell	Milanovich	O'Donnell	Petrarca
Hutchinson, A.			

NOT VOTING—8

Beloff	Itkin	Rappaport	Street
Cianciulli	McKelvey	Rhodes	Williams

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

RESOLUTION

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson.

Mr. HUTCHINSON. I offer the following resolution.

The SPEAKER. The clerk will read the resolution.

The following resolution was read:

In the House of Representatives,

RESOLVED, That section (2) of House Rule 65(a) be amended by adding a subsection to read:

RULE 65 (a)  
Professionals-Legislators

(2) The provisions of this rule shall not be applicable to professionals-legislators:

(d) Representing clients in Workmen's Compensation pro-

ceedings before the bureau, its referees or the Workmen's Compensation Appeals Board.

\* \* \*

On the question,  
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, this is designed to clear up an ambiguity and conflicting advice that we have received.

When the rule was passed, Mr. Kukovich was the sponsor of this rule. Mr. Levin made inquiry of Mr. Rappaport from the Ethics Committee with respect to whether this practice was allowed, and Mr. Rappaport indicated that it was. I made inquiry of Mr. Yohn from our side on the Ethics Committee, and Mr. Yohn felt that it was not.

We then talked to Mr. Kukovich. Mr. Kukovich had no objection and did not feel that it was any conflict of interest in this situation and is satisfied with it, and in order to resolve that ambiguity and clarify it so that we know what to do, I have offered this very limited amendment.

Incidentally, all of the authoritative sources that I know of in this area say that this is the one clear area in which there really is no conflict of interest. I urge support of the resolution.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, the purpose of the lawyer-legislator role is to try to prevent conflicts of interest and undue influence.

I think whenever you are practicing before a Workmen's Compensation Board, it is a truly adversary relationship similar to one before the courts of common pleas, and I would have no objection.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. A. K. HUTCHINSON. Mr. Speaker, I would like to ask the other Mr. Hutchinson one question.

The SPEAKER. The gentleman, Mr. Hutchinson, indicates that he will stand for interrogation from his cousin.

Mr. A. K. HUTCHINSON. Mr. Speaker, does the word "professional" mean a lawyer?

Mr. W. D. HUTCHINSON. Mr. Speaker, it includes lawyers.

Mr. A. K. HUTCHINSON. In this part does it mean the lawyer? Who else can practice in front of the Workmen's Compensation Board but a lawyer? We have a law which says that the only one who gets paid is a lawyer.

Mr. W. D. HUTCHINSON. I do not know. The situation I know, back in my county, that there were lay people who used to practice before this board who were never admitted to the bar but who had experience in managing such claims and so on, and I have seen that happen a number of times but, sure, it is lawyers.

Mr. A. K. HUTCHINSON. But they are not allowed to get paid for it though?

Mr. W. D. HUTCHINSON. I beg your pardon.

Mr. A. K. HUTCHINSON. They are not allowed to get paid for it according to law?

Mr. W. D. HUTCHINSON. That was not true back then, and I say, Mr. Speaker, I am not certain whether that is still so or not.

Mr. A. K. HUTCHINSON. The last Workmen's Compensation Law which we passed, no layman could practice in front of the Workmen's Compensation Board and receive compensation for it.

Mr. W. D. HUTCHINSON. You may be correct. I would not dispute you.

Mr. A. K. HUTCHINSON. Mr. Speaker, I would like to make a few comments.

The SPEAKER. The gentleman is in order and may proceed.

Mr. A. K. HUTCHINSON. I was not here, I was sick when they passed this and I thought that it was very good, but there have been over the period of years some lawyers who made a pretty good penny representing their clients in front of the Workmen's Compensation Board.

I, for one, would like to see this voted "no." Keep it clean.

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

Mr. ZELLER. Mr. Speaker, for a long time—and I say this with respect—I have been following Common Cause representatives here in this House in regard to what I thought really was a real clean operation of getting down to the nitty-gritty, and I, for one, have always supported a strong ethics bill.

The problem is the Fourth Estate who half of the time are not around. I do not see anybody over there now and I do not know who the other guy is over there. I do not know where they are at, but they are off and golfing or somewhere today. But, anyway, that gang took me to task for something I did not do, and I asked Common Cause to come to my rescue, and they do not even know my name anymore.

Here they are, the so-called saviors of mankind, now saying that it is okay for legislators who are attorneys to go and practice before a board and collect remuneration for it. I cannot. I will show you a list I have here. I have a list for 2 days of about 20 requests that I have to go before at least five boards and I do not collect a doggone dime and I do the work of lawyers in getting the darn jobs done, which I am glad to do, and I cannot collect a nickel because that gang in the corner would hit me because I am a—

The SPEAKER. Let us here it for the blackhatters.

Mr. ZELLER. We have a couple over there now, thank the Lord. Anyway, seriously, I am considered a full-time legislator and if I were to do like the lawyers want to do, can they be considered a full-time legislator? No way. No way. And I will tell you one thing, in my area we are going to let the lawyers know that they are no longer full-time legislators; that they are working part-time and the rest of the time they are making good dough, and I mean good dough, in representing clients down here.

We had one fellow down here who was collecting—now mind you, we had a legislator here who is no longer here—\$25,000 a year in regard to appealing before various boards in this state.

That is a fact. That is a fact. Now with their \$18,000 and their \$25,000, what do they have to worry about? They have a good deal going and they are full-time legislators. If they are going to be Mr. Clean and if they are going to be Mr. Common Cause, then we carry this doggone thing right down to the end, and as far as I am concerned, seriously, and I am serious about it, we have to vote this down if we are going to say that we are really for good ethics.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, would Mr. Hutchinson please stand for interrogation?

The SPEAKER. The gentleman, Mr. Hutchinson, indicates that he will stand for interrogation. The gentleman, Mr. Laughlin, may proceed.

Mr. LAUGHLIN. Mr. Speaker, very briefly, Workmen's Compensation referees—I believe there are 23 or 26 of them across the state—the boards who have the hearings on the appeals, above and beyond the Workmen's Compensation referee, are or in the past have been appointed how?

Mr. W. D. HUTCHINSON. Before the 1972 Act, they had been appointed by the Governor without regard to civil service. It was a patronage thing. Since the 1972 Act the referees have been put under civil service. They are now civil service employes. They sit as a judge.

The Workmen's Compensation Appeal Board, I believe, is still appointed at the discretion of the Governor.

Mr. LAUGHLIN. Yes, sir, and by appointing them as you indicate, by the Governor, would you kindly also elaborate on who confirms them?

Mr. W. D. HUTCHINSON. I believe the confirmation is in the Senate, not the House. This is only a House rule, by the way.

Mr. LAUGHLIN. I am aware of that, Mr. Speaker. Do you feel that some of the members who may be attorneys and have affiliates in practice in the legal profession or part of a firm also have that ability to utilize that influence with a state agency?

Mr. W. D. HUTCHINSON. No, and if you do, one of the problems with the rule, Mr. Speaker, that you want to get at if you want to talk about being clean, is that if you are a member of a firm, your partners are not prohibited from appearing before any state agency, and I think if you really want to talk about loopholes, that is a major loophole.

Mr. LAUGHLIN. That is exactly the loophole that I was getting at, Mr. Speaker.

I ask that the membership of the House vote "no" on the amendment.

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

Mr. DAVIES. Mr. Speaker, would the maker of the resolution stand for further interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman, Mr. Davies, may proceed.

Mr. DAVIES. Mr. Speaker, would the ethics of the legal profession prohibit a legislative lawyer from representing an em-

ploye of this House before the Workmen's Compensation Board?

Mr. W. D. HUTCHINSON. No, Mr. Speaker. As a matter of fact, there is an expressed ruling on that issue running the whole gamut of lawyer-legislator type things, and this is the one clear case in which they said there was no conflict.

There are many things permitted by the rule as it now exists in this House in which the rulings and the ethic opinions that I have read would find a conflict of interest, and in fact I agree that there are with them things that are permitted under the present rule that would be in conflict with the canons and in fact present a clear conflict. In this case, according to all of the canons that I have been able to find and the opinions rendered on them, they say that the workmen's compensation field is the classic example of a purely adversary proceeding in which there is no conflict of interest with a lawyer-legislator. It is a fight between an insurance company usually and an employe who has been hurt at work, and it is decided by these people instead of the courts. That is all.

Mr. DAVIES. Mr. Speaker, I would like to continue further. Suppose there is not an insurance company involved and they are put under that risk in which the state has assumed the responsibility of picking up and covering there where they were either defunct or put into that fund. Do you think that it would be then somewhat of a conflict of interest for a state official to be involved in representing a state employe, an employe of this Capitol or employe of this House, because of the essentials of the color of office probably?

Mr. W. D. HUTCHINSON. You are saying if the state workmen's insurance fund was involved? Yes, I would, and I personally would not do that. There is another provision in this rule that says you are not supposed to represent anyone against the Commonwealth. I think that provision might control over this, and, yes, I think the answer is there is a conflict. I do not think you should do it. I do not do it, and I think the other provision of the rule controls that. It is not my intent to permit anyone to represent somebody against the Commonwealth as a party.

Mr. DAVIES. Would you have any objections then to amendatory language specifically stating that there would be those restraints or restrictions in this resolution?

Mr. W. D. HUTCHINSON. I would not object to amendatory language. The problem is we are on the last day. We have had a conflict of opinion. I would join the gentleman when we come back in sponsoring such an amendment. At this hour of the afternoon on this day though, I think until we get such an amendment drafted and agree on the language, it would unduly delay it. I simply can state here for the record that it is not my intent to permit that kind of a situation and I do not think that it is right.

Mr. DAVIES. Mr. Speaker, may I make a statement please?

The SPEAKER. The gentleman is in order and may proceed.

Mr. DAVIES. I agree with the lateness of the hour and the resolution was not put before the caucus until a late hour as well. I will not ask for a delay, but it is the intent of myself to draw amendatory language to the resolution or prepare a resolution that will place restraints upon a lawyer-legislator

from representing someone in the state employment of this Capitol, the House, the Legislative Reference Bureau, particularly speaking to where the state is a party to those particular concerns or that type of legal involvement.

Mr. W. D. HUTCHINSON. I would be glad to join the gentleman in cosponsoring such an amendment because I think that it is appropriate.

The SPEAKER. The chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, I rise in opposition to this amendment. I feel that this body passed legislation to try to prevent a conflict of interest on all local levels and I think we should set the examples ourselves if we are going to impose these restrictions on other people. I think it is a definite conflict of interest when somebody is employed by the state to have a legislator come before them representing a client, and I would ask for a "no" vote.

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

Mr. LEVIN. I cosponsored this with Mr. Hutchinson because I thought at the time that it would be viewed as a technical clarification in what we had done before. We had always considered, I assumed, until I heard the arguments on this floor, that it was proper for a lawyer who also happened to be a legislator to practice in front of a court. I was unaware that many of you people evidently feel that we should not be allowed to practice in front of a court. But I read that sentiment in some of the comments. I think that is inappropriate. I think that it is appropriate for us to practice in front of purely adversary proceedings.

Mr. Laughlin rose, and I would hope that he would listen carefully. The Workmen's Compensation Board does not sit as a trier of fact. It cannot render a decision that has not been previously rendered. It may merely correct a fault of law. The result is it actually is an appellate court, and any decision it renders is appealable to the next court system, where if it makes an error it can be corrected.

We have not asked in this amendment to do anything other than to continue to practice in an adversary proceeding for this is in fact an arm of the court, and I would ask that it be viewed that way and not as an intrusion or an exception which would allow a vast expansion of the little that has been left to us. I hope you will support it.

The SPEAKER. The Chair recognizes the gentleman from Montour, Mr. Wagner.

Mr. WAGNER. I disagree with the reasons offered by Mr. Levin and I disagree by the reasons offered by Mr. Hutchinson. But I am going to support the amendment.

I think that it is wrong for an attorney to represent an individual involving a criminal case, involving any board, any agency in this Commonwealth. I have always voted that way. But I do not think that it is fair to change the name of the game after the ballgame started. If you want to make this rule effective for the next term, then let those who are going to run know in advance. It is for the same reason that I opposed Mr. Davies'

amendment directed towards tardiness. If you want to start the game, set the rules down ahead of time. I think that it is wrong to now draft rules midway through this session which might affect legislators here who in particular are attorneys. And for that reason I ask support for Mr. Hutchinson's amendment.

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, may I interrogate Mr. Hutchinson?

The SPEAKER. The gentleman indicates that he will stand for interrogation. The lady may proceed.

Miss SIRIANNI. Mr. Speaker, can you please tell me why you just selected the Workmen's Compensation Appeals Board and not the rest of the state agencies?

Mr. W. D. HUTCHINSON. Yes, because Mr. Kukovich felt and I had suggested general language. When we tried to agree on general language we were concerned that we might involve certain agencies that had licensing powers, such as the Liquor Control Board, Environmental, and so on, and we just were not sure where we were going. We had an opinion on the situation that clearly said that workmen's compensation presented no conflict of interest and we decided to go with that narrow language.

Actually, what lead to it was that the day the rule was inserted, I was attending a panel in Somerset and did not get back until after it was adopted. Certain amendments to the rule were inserted relating to exceptions where you could represent people where the thing started out as a ministerial act and other things, and it was the opinion of some people that that would permit us to engage in this practice. And there are many things that you can do under that rule, frankly, that offer more possibilities of conflict than this. But there were others who felt that strictly the language of the rule did not permit this, because we had a different opinion from each caucus. Mr. Levin and I thought that we ought to remove the conflict and get it clearly amended, and we spoke to Mr. Kukovich who was the one who sponsored this amendment. He was agreeable to it and that is how it came about.

There are others perhaps where there is no conflict and maybe they should be identified. Frankly, I think the rules allow the rule not because of its stringency but because the fact is there are enough loopholes in it that you can drive a truck through, and this is something that should be allowed and it is caught and you are not. There are many other areas that should not be allowed under the rules, I think, that are.

Miss SIRIANNI. Do you think that it is a problem that should be ironed out with Mr. Davies' amendment and everything before it goes through since you, too, feel that it is a late hour?

Mr. W. D. HUTCHINSON. No, Mr. Speaker.

Miss SIRIANNI. It almost seems as if we are pushing something through in the late hour. We are getting famous for that.

Mr. W. D. HUTCHINSON. Mrs. Sirianni, that was not—

Miss SIRIANNI. Miss Sirianni.

Mr. W. D. HUTCHINSON. I beg your pardon. I beg the lady's pardon. Miss Sirianni, it was not my intention to do that. The reason that this was done is because we had the conflicting



opinion. The problem is immediately acute that rules were changed in midstream. Some of us—and I make no bones about it—including myself, have such cases pending. It seems to me that that puts us in an unfair position where we have to go back to somebody whom we took in good faith and say to them, now we cannot continue because there is a rule here that we may be in violation of. Since there is no conflict, I brought it up now rather than bring it up during the budget debate when we were interested in it.

Miss SIRIANNI. Do you think that it is a conflict the fact that you have cases pending and you are putting this amendment in?

Mr. W. D. HUTCHINSON. No.

Miss SIRIANNI. I am sorry but I disagree with you.

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

Mr. ZELLER. Mr. Speaker, a couple of observations. One, as Mr. Letterman stated, rendering a decision is not the case. Well, I am certain it was not the case with me in rendering a decision, because I am certainly sure that none of these lawyers is going to be rendering a decision. What they are doing is what I do every day, every day down here representing people back in my district, and I do not get any extra compensation for it. I do not want it; I do not ask for it; I do it because of the fact I feel it is an obligation I have, and I feel that they should do the same thing because they are placing me and all of you as second-class citizens, as second-class legislators. We do not have the same kind of priorities they do. To go before a board as a legislator-attorney, that has power. I have two cases just denied 2 weeks ago from a referee and I cannot even get in to find out what happened. They do not even want to talk to me because I am not a legislator-attorney. So, therefore, I do not know the loopholes. I do not know the angles like lawyers would know, and they are going to have an extra edge on all of us. Before you know it we are going to have nothing but lawyers down here, because it is going to be a juicy deal for them. That is right, as far as I am concerned.

Now the deal that Mr. Davies is talking about, he and Mr. Hutchinson—and I am not saying that they are not sincere, because I have respect for both of these gentlemen—but I do not feel that if this is some major catastrophe for these lawyers right now that they have to have at this moment, why can they not wait until this fall, come back here and talk about these sweet little amendments they are talking about that are going to ease the pain for all of us? Let us talk about those amendments then, and let us knock this thing out right now and let us worry about it later. But the problem I have is that—really, I am sincere—I am being placed as a second-class legislator, because the Fourth Estate over there keeps hitting us that we are not full-time legislators, and here we are being sincere, and we have these people who are coming down here telling the public that they are going to be full-time legislators, and here they are, raking off a juicy little compensation on the side in representing clients before boards. I think this is outrageous, and it is about time we knock it down. Let us vote against this thing.

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

Mr. DAVIES. Mr. Speaker, I am going to support the resolution, but again I will come back with proper amendments or action at the time on the restraint of the practice of state employes. I view it entirely differently from Mr. Wagner in his comments relative to changing rules as opposed to law, and I understand that this was done by law originally. This was not a change in the rules of the House. If our forefathers who were here before us and served before in this august body would have seen fit to make those rules binding for an entire lifetime of one's term, then they would have made it that way. We do not choose to do that. So that I think the rules are changeable, but as far as the law is concerned, I would have to agree with Mr. Hutchinson that if this does give clarification to it, then we should give them that particular protection until that time that we can adjust the law accordingly and take full action on it. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, it is not very often on the floor of this House that anybody's conversation changes anyone's vote, but Mr. Wagner did bring something to my attention that I had not given any thought to, and that is restrictions placed on legislators, whether they be lawyers or otherwise, when they are seeking office. The restrictions are very plain that we cannot receive any increase in salary in any way, shape, or form, outside of expenses, when we take an office and when we file for that office, and since the restrictions were not in place against the legal profession in this matter, I am going to change that decision that I had made because of what Mr. Wagner said.

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

The following roll call was recorded:

YEAS—109

Alden	Gallagher	Manderino	Salvatore
Anderson	Gannon	McCall	Scheaffer
Armstrong	Geesey	McClatchy	Schmitt
Arty	Gladeck	McIntyre	Scirica
Barber	Goodman	McMonagle	Serafini
Belardi	Gray	McVerry	Shadding
Berson	Greenfield	Micozzie	Shupnik
Bittle	Halverson	Moehlmann	Sieminski
Brandt	Harper	Mowery	Smith, L.
Brunner	Hayes, S. E.	Mullen, M. P.	Spencer
Burd	Honaman	Musto	Sweet
Burns	Hutchinson, W.	Nahill	Taddonio
Cessar	Irvis	O'Brien, B.	Vroon
Cornell	Johnson, E.	O'Brien, D.	Wagner
Coslett	Kanuck	Petrarca	Wargo
Davies	Knepper	Piccola	Weidner
DeMedio	Kowalyshyn	Pievsky	Wenger
DeVerter	Kukovich	Pitts	White
Dombrowski	Lashinger	Polite	Williams
Donatucci	Laughlin	Pott	Wilson
Dorr	Lehr	Pratt	Wright, D.
Duffy	Levi	Pucciarelli	Wright, J. L.
Dumas	Levin	Pyles	Yohn

Earley	Lewis	Rhodes	Zord
Fisher, D. M.	Lynch, E. R.	Richardson	
Foster, A.	Lynch, F.	Ritter	Seltzer,
Foster, W.	Mackowski	Rocks	Speaker
Freind	Madigan	Ryan	

NAYS—86

Austin	Fischer, R. R.	Knight	Schweder
Bennett	Fryer	Kolter	Seventy
Bowser	Gallen	Letterman	Sirianni
Brown	Gamble	Livengood	Smith, E.
Caltagirone	Geist	Manmiller	Stairs
Cappabianca	George, C.	Michlovic	Steighner
Chess	George, M.	Milanovich	Stewart
Cimini	Giammarco	Miller	Stuban
Clark, B.	Goebel	Mrkonic	Swift
Clark, R.	Grabowski	Murphy	Taylor, E.
Cochran	Grieco	Novak	Taylor, F.
Cohen	Gruppo	Noye	Telek
Cole	Hasay	O'Donnell	Thomas
Cowell	Hayes, D. S.	Oliver	Trello
Cunningham	Helfrick	Perzel	Wachob
Dawida	Hoeffel	Peterson	Wass
DeWeese	Hutchinson, A.	Pistella	Wilt
DiCarlo	Itkin	Punt	Yahner
Dietz	Johnson, J.	Reed	Zeller
Dininni	Jones	Rieger	Zitterman
Durham	Kernick	Rodgers	Zwinkl
Fee	Klingaman		

NOT VOTING—8

Beloff	Cianciulli	McKelvey	Spitz
Borski	Gatski	Rappaport	Street

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

REQUEST TO CALL UP HB 80

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

Mr. ITKIN. Mr. Speaker, I move to reconsider the motion that HB 80 be passed over.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, Mr. Itkin is asking that HB 80 be called up for a vote. I am opposing that at this time. This is the last day. Everyone in this hall knows it is the last day for the summer. The press knows it is the last day; the leadership, the people up in the balcony, certainly the Senate know it is the last day. This is a House bill. There is no chance of this bill becoming law until the Senate returns, assuming we passed it today. A question has been raised, frankly—and this is not a staged question—as to the fiscal implications and whether or not there is a fiscal note attached, because I do not even know whether there is or is not. Mr. McClatchy has stepped from his seat, and I was unable to get an answer to it quickly. The other thing is, we have not caucused on it thoroughly and we have been asked to go to caucus if it is to be called up. I am not opposing the bill. In fact, I have been asked to urge its adoption by people whom I have a great deal of respect for. The problem I have is I also have a great deal of respect for the members of this House, and I would be kidding them and kidding the public

if I said, let us go to caucus, let us get the fiscal note, let us spend a lot of time, let us adopt HB 80 so that it can sit on the Senate calendar until September. Now I would hope that perhaps prior to the date we will be coming back in September the Senate may call its members back to adopt SB 10, and if they come back early to address that problem, the Speaker will have to call us back to open the desk to receive it for signature purposes. If there is a real chance, is what I am saying, that the Senate will be back in for the necessary 3 or 4 days, then we could move on this quickly. I just do not think this House should be burdened at 4 o'clock today with a caucus, the fiscal note, and the lengthy debate that you know this bill will generate, when the Senate is not in town. It is an effort in futility, and, accordingly, I oppose the motion of the gentleman.

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

Mr. ITKIN. Mr. Speaker, I could accept the majority leader's expression in good faith, and I think the majority leader is an honorable person and means what he says. The unfortunate history of this particular piece of legislation has been that many have spoken about not acting on this bill at this time, delaying it and delaying it, so that now 3 years have passed and this Commonwealth has done nothing in this area of energy conservation. The unfortunate situation, Mr. Speaker, is that right now the Commonwealth of Pennsylvania is in violation of Federal law, and the Governor has written already to the regional administrator of the Department of Energy, seeking grace on the penalties to be imposed for failure to provide an energy conservation plan for Pennsylvania on the basis that we have pending in the General Assembly HB 80. Now I cannot understand why I have to stand here today, on the last day, at 4 o'clock in the afternoon, asking that this bill be called up, when this bill has been on the calendar now for an accumulation of probably some 25 calendar days while I waited impatiently for the word that this bill would be called up. Now I asked earlier this week, and I was in a meeting where the calendar was being gone over, present were leadership of both sides, and I made that request, and that was on Monday, that HB 80 be called up before we adjourned for the recess, and my suggestion was duly noted. Whether it was agreed to, it was duly noted. Now I am beginning to have serious doubts as to whether the membership and the leadership of this House are serious about the problems that we face in Pennsylvania, and I am concerned that if we consider this bill in September when we return, by the time it goes to the Senate and is considered by Senate committee and goes to the floor of the Senate and goes to another committee perhaps, and finally gets passed in somewhat different form than it passed this House, we could be beyond the date now in the bill, which is December 31, 1979. Now if I could get some reasonable assurances that if SB 10 were to be called up when the House comes back into session, that SB 10 would be considered and this measure would be considered with SB 10, or if SB 10 is not called up in the interim, that during the first week that we come back we will take up and consider on final passage HB 80, I will withdraw my motion today.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, in brief, I think the gentleman agrees that it is highly unlikely it could become law before September unless the Senate comes back to Harrisburg for at least 3 days. We need only 1 day, and I have no problem requesting of the Speaker that should the President pro tempore call the Senate back in to consider SB 10—and I only say SB 10 because that is the only thing I can think of right now that is of significant importance that would cause them to come back in—that if there is a reasonable chance that it can pass the Senate, I have no objection to calling it up. But right now to delay the House knowing full well that nothing can happen, I am reluctant to do it. I have no problem saying we will bring it up the first week when we are back. That is on the assumption we come back for a 2- or 3-day session and not a committee session. But the first week we are back here that we have a voting session, I have no problem when you call it up that week.

**MOTION WITHDRAWN**

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

Mr. ITKIN. That would be acceptable to me, Mr. Speaker. Thank you very much. I will withdraw my motion.

**STATEMENT BY MR. WAGNER**

The SPEAKER. The Chair recognizes the gentleman from Montour, Mr. Wagner, who asks unanimous consent to make a brief statement. The Chair hears no objection. The gentleman is in order.

Mr. WAGNER. I appreciate the members' delaying their departure for a few minutes.

I think we have all been affected by false stories in newspapers. I have never been personally attacked other than maybe decisions with regard to a vote, but I do want to talk today about SB 59, which we passed.

As I understand the House rules, I may not discuss the motives concerning a member of the other body. That bill is identical to the bill which Mr. Helfrick introduced last session and which passed by the same vote that it passed today — 193 to 0. After it was passed, the newspapers suddenly came out, criticized him, cast aspersions as to the reasons he introduced it, and accused him of doing something unethical. It was 2 months before the election, and as it turned out, the newspaper was totally wrong.

Better reporting by the newspaper rather than relying on rumors would have stopped that aspersion. A little more check, one phone call to the Department of General Services would have cleared that, but, no, the newspaper reporter relied on a newspaper deadline rumor and printed it and did not have the guts to retract that statement until the night before the election.

I think that the vote today on SB 59 vindicates Mr. Helfrick as to his personal legislative motives in introducing and supporting that bill last year.

**BILLS PASSED OVER**

The SPEAKER. Without objection, all remaining bills on

today's calendar will be passed over. The Chair hears no objection.

**SENATE MESSAGE**

**ADJOURNMENT RESOLUTION FOR CONCURRENCE**

The Senate presented the following resolution for concurrence:

In the Senate,  
July 10, 1979.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, September 17, 1979 unless sooner recalled by the President Pro Tempore and when the House of Representatives adjourns this week it reconvene on Monday, September 17, 1979 unless sooner recalled by the Speaker of the House of Representatives.

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—180**

Alden	Freind	Lewis	Rocks
Anderson	Fryer	Livengood	Rodgers
Armstrong	Gallagher	Lynch, E. R.	Ryan
Arty	Gallen	Lynch, F.	Salvatore
Austin	Gamble	Mackowski	Scheaffer
Barber	Gannon	Madigan	Schmitt
Belardi	Gatski	Manderino	Scirica
Bennett	Geesey	Manmiller	Serafini
Bittle	Geist	McCall	Seventy
Borski	George, C.	McClatchy	Shadding
Bowser	George, M.	McIntyre	Shupnik
Brandt	Giammarco	McMonagle	Sieminski
Brown	Gladeck	McVerry	Smith, E.
Brunner	Goebel	Michlovic	Smith, L.
Burd	Goodman	Micozzie	Spitz
Burns	Gray	Milanovich	Stairs
Caltagirone	Greenfield	Miller	Stewart
Cappabianca	Grieco	Moehlmann	Stuban
Cessar	Gruppo	Mowery	Sweet
Chess	Halverson	Mullen, M. P.	Swift
Cimini	Harper	Murphy	Taddonio
Clark, B.	Hasay	Musto	Taylor, E.
Clark, R.	Hayes, D. S.	Nahill	Taylor, F.
Cochran	Hayes, S. E.	Novak	Thomas
Cohen	Helfrick	Noye	Trello
Cole	Hoeffel	O'Brien, B.	Vroon
Cornell	Honaman	O'Brien, D.	Wachob
Coslett	Hutchinson, A.	O'Donnell	Wagner
Cowell	Hutchinson, W.	Oliver	Wargo
Davies	Irvis	Perzel	Wass
Dawida	Itkin	Peterson	Weidner
DeMedio	Johnson, E.	Piccola	Wenger
DeVerter	Johnson, J.	Pievsky	White
DiCarlo	Jones	Pistella	Wilson
Dietz	Kanuck	Pitts	Wilt
Dininni	Klingaman	Polite	Wright, D.
Dombrowski	Knepper	Pott	Wright, J. L.
Donatucci	Knight	Pratt	Yahner
Dorr	Kolter	Pucciarelli	Yohn
Duffy	Kowalyszyn	Punt	Zitterman
Dumas	Lashinger	Pyles	Zord
Earley	Laughlin	Rhodes	Zwikl
Fee	Lehr	Richardson	
Fisher, D. M.	Letterman	Rieger	Seltzer,
Foster, A.	Levi	Ritter	Speaker
Foster, W.	Levin		

NAYS—13

Cunningham	Grabowski	Mrkonic	Schweder
DeWeese	Kernick	Petrarca	Steighner
Durham	Kukovich	Reed	Zeller
Fischer, R. R.			

NOT VOTING—10

Beloff	McKelvey	Spencer	Telek
Berson	Rappaport	Street	Williams
Cianciulli	Sirianni		

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

Ordered, That the clerk inform the Senate accordingly.

MOTION TO SUSPEND RULES

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

Mr. FRYER. Mr. Speaker, I have a resolution, and I request immediate consideration of this resolution which would amend the rules to permit smoking in the hall of the House.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, would the gentleman consent to brief interrogation?

Mr. FRYER. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. RYAN. Mr. Speaker, in the interest of unity, would the gentleman agree to accept an amendment to his resolution that the rule be suspended only until Labor Day?

Mr. FRYER. As usual, the majority leader is most generous. I would decline, however, the offer, Mr. Speaker. I had requested the floor yesterday from the Speaker of the House. I was denied that, because he stated it was out of the order of procedure. I was not called at any time when that calendar was completed. Therefore, Mr. Speaker, I request immediate consideration of this resolution at this time.

The SPEAKER. The gentleman, Mr. Fryer, moves that the rules be suspended in order that the resolution which he is about to offer can be considered immediately. The question is on the suspension of the rules.

On the question,

Will the House agree to the motion?

POINT OF ORDER

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

Mr. DAWIDA. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. DAWIDA. Rule 77 in our newly adopted rules requires that any existing rule change go through the Committee on Rules. I am just trying to clarify which rule he wants suspended.

The SPEAKER. It is the interpretation of the Chair that amendments to rule do not have to go through the Rules Committee. The Chair can call to the attention of the gentleman that just 10 minutes ago we adopted a rule change offered by

the gentleman from Schuylkill, Mr. Hutchinson.

PARLIAMENTARY INQUIRY

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

Mr. FRYER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FRYER. The gentleman from Schuylkill, Mr. Hutchinson, moved that this House suspend its rules. He then, after the rules were suspended, made his motion, his proposal. I then requested to be recognized by the Speaker while the rules were suspended.

My question now, Mr. Speaker is: Are we still operating under the suspension of the rules as carried by Mr. Hutchinson?

The SPEAKER. The answer is no.

Will the gentleman send a copy of his resolution to the desk?

The Chair recognizes the gentleman from Allegheny, Mr. Dawida.

Mr. DAWIDA. Mr. Speaker, I would like to point out to the gentleman, Mr. Fryer, and the other members of the House that this could lead to a very long and protracted debate which I would not like to inflict on any of you.

Therefore, I would recommend and hope that you would all, out of courtesy and consideration, vote "no" on the suspension of the rules.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, a few moments ago the majority leader indicated to us that it was the closing hours of the session and we all wanted to get out of here. I think he was absolutely right.

Mr. Itkin receded from something that he really believed in and felt that he wanted to do, but for the good of all of us, he receded and he backed off. I think it is just irresponsible that we at this time now are taking up this kind of situation that is going to have no effect on anybody until we get back here several months from now, and I would ask that the members vote in opposition to suspension of the rules and we get out of here and go home.

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

Mr. FRYER. Mr. Speaker, I would ask for a "yes" vote on suspending the rules of this House.

This is an important matter, and many, many members of this House pride themselves on being full-time legislators. I say this is an issue before the House, and it should be resolved by the House.

A question, Mr. Speaker: Does the Speaker request the resolution as it is prepared?

The SPEAKER. Will the gentleman repeat his question?

Mr. FRYER. The Speaker had requested a copy of the resolution. Is that request still standing?

The SPEAKER. Yes. Just for the information of the Chair, I would like to see what the resolution—

Mr. FRYER. Could the Speaker inform the members of the

House as to his intent with the resolution?

The SPEAKER. They are honorable.

It is not necessary for the Chair to have the resolution. I was only asking for my own information. The Chair likes to be advised as to what is coming up before the House. It is not necessary for the Chair to have it.

The question is on the suspension of the rules.

PARLIAMENTARY INQUIRY

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

Mr. SPITZ. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPITZ. Would it be in order to move at this time, before considering the Fryer resolution, that we suspend the rule dealing with smoking so that the various individuals who deliberate this for the next 2 hours can continue to smoke and thoughtfully deliberate it?

The SPEAKER. The answer is no.

The Chair recognizes the gentleman from Centre, Mr. Cunningham.

Mr. CUNNINGHAM. Mr. Speaker, this is an issue that, unfortunately, we have spent, in my judgment, an inordinate amount of time on already. It has been thoroughly debated. We have voted it no less than four times, but each time the issue was considered, it was considered with sufficient advance notice on the part of the person who was seeking to secure passage of his particular motion to give the other side time to prepare for the debate and what have you. We have not been accorded that courtesy by those who seek to suspend the rules at this time. I would ask, in light of the fact that this comes as something of a surprise, that we do defer discussion of this until the fall.

I can assure you that despite the fact that we are taken by surprise, I and others are prepared to debate this measure at length, and when I say "at length," I emphasize at length to the extent of interminability. In light of that, I would hope that we would vote against suspension of the House rules, and if there is to be yet more time consumed on this issue, I would ask that it be consumed in the fall after adequate notice to both sides.

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

Mr. POTT. Mr. Speaker, I move that this House do now adjourn—

The SPEAKER. Will the gentleman yield?

Mr. POTT.—until Monday, September 17, at 1 p.m.

The SPEAKER. Will the gentleman yield? There is other business that must be performed by the Speaker while the House is in session, but—

Mr. BURD. Mr. Speaker, is there not a motion before the House?

The SPEAKER.—it does not necessitate the members being here. The Chair would hope that the members would refrain from that motion.

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

Mr. ZELLER. Mr. Speaker, real quickly, although I will not support Mr. Fryer, I do feel that he has a right to be heard. I feel that he has a right since he asked yesterday, and I think all of us should fight for that right. Although I am not supporting him, I feel that it is really something that we should do, because we took a lot of time to take care of something that was lobbied hard and clear here in regard to the attorneys, and if we can take care of them for this summer and the lobbying that went on for them, at least we can take care of this request of Mr. Fryer's.

The SPEAKER. The question recurs, will the House suspend the rules for the immediate consideration of a resolution to be introduced by the gentleman from Berks, Mr. Fryer? Those in favor of suspension of the rules will vote "aye"; opposed, "no."

(Members proceeded to vote.)

Mr. DAWIDA. Mr. Speaker?

The SPEAKER. There is nothing in order but the taking of the roll.

Mr. DAWIDA. That is what I am talking about. Only those in their seats are allowed to vote, I understand.

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

Mr. COWELL. Mr. Speaker, I do not want to call out names, but there are individuals who are not in their seats who are voted in the affirmative. Mr. Speaker, if they are not removed, I will call out names.

The SPEAKER. Only those members in their seats may be recorded. If there are any members not in their seats who are recorded, I would hope that the members would close out their voting. The clerks cannot strike members' names from the roll.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—94

Alden	Freind	Levi	Ritter
Anderson	Fryer	Levin	Ryan
Armstrong	Gallagher	Livengood	Salvatore
Arty	Gallen	Lynch, F.	Schweder
Austin	Gatski	Madigan	Serafini
Belardi	Geesey	Manderino	Smith, E.
Bowser	George, C.	Manmiller	Smith, L.
Brandt	Giammarco	McCall	Spencer
Burd	Goodman	McIntyre	Spitz
Burns	Gray	Micozzie	Steighner
Caltagirone	Hasay	Milanovich	Stewart
Cappabianca	Hayes, D. S.	Moehlmann	Stuban
Clark, B.	Honaman	Musto	Taylor, F.
Cochran	Hutchinson, A.	Novak	Telek
Coslett	Hutchinson, W.	O'Brien, B.	Trello
Davies	Irvis	Oliver	Wargo
DeVerter	Itkin	Perzel	Wass
Dietz	Johnson, J.	Petrarca	Weidner
Dininni	Jones	Piccola	Wilson
Dombrowski	Kernick	Pievsky	Wright, J. L.
Donatucci	Kolter	Polite	Yahner
Duffy	Lashinger	Pott	
Fisher, D. M.	Lehr	Pratt	Seltzer,
Foster, A.	Letterman	Rieger	Speaker

NAYS—87

Bennett	Foster, W.	Lynch, F. R.	Scirica
Bittle	Gamble	McClatchy	Seventy
Brown	Gannon	McVerry	Sieminski
Brunner	Geist	Michlovic	Sirianni
Cessar	George, M.	Miller	Stairs
Chess	Goebel	Mowery	Sweet
Cimini	Grabowski	Mrkonic	Swift
Clark, R.	Greenfield	Murphy	Taddonio
Cohen	Grieco	Nahill	Taylor, E.
Cole	Gruppo	Noye	Thomas
Cornell	Halverson	O'Brien, D.	Vroon
Cowell	Harper	O'Donnell	Wachob
Cunningham	Hayes, S. E.	Peterson	Wagner
Dawida	Helfrick	Pistella	Wenger
DeMedio	Hoefel	Pitts	Wilt
DeWeese	Johnson, E.	Punt	Wright, D.
Dorr	Klingaman	Pyles	Yohn
Dumas	Knepper	Reed	Zeller
Durham	Knight	Rocks	Zitterman
Earley	Kowalshyn	Rodgers	Zord
Fee	Kukovich	Scheaffer	Zwikel
Fischer, R. R.	Lewis	Schmitt	

NOT VOTING—22

Barber	Gladeck	Mullen, M. P.	Shadding
Beloff	Kanuck	Pucciarelli	Shupnik
Berson	Laughlin	Rappaport	Street
Borski	Mackowski	Rhodes	White
Cianciulli	McKelvey	Richardson	Williams
DiCarlo	McMonagle		

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

**BILLS SIGNED BY SPEAKER**

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

**HB 53, PN 1967**

An Act to enhance the Commonwealth's environmental radiation surveillance and emergency radiation response capabilities by granting certain powers to the Department of Environmental Resources and making an appropriation.

**HB 82, PN 1919**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the operation of district justices, fixing the jurisdiction costs, educational requirements and transfer procedures for district justices.

**HB 462, PN 1912**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for antique firearms and adding provisions relating to criminal history record information.

**HB 1207, PN 1942**

A Supplement to the act of \_\_\_\_\_, entitled "An act providing for the capital budget for the fiscal year 1979-1980," itemizing public improvement projects to be acquired or constructed by the Department of General Services together with their estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects, stating the estimated useful life of the projects and making an appropriation.

**HB 1270, PN 1966**

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled "Lincoln University — Commonwealth Act," making appropriations for carrying the same into effect, providing for a basis for payments of such appropriation, and providing a method of accounting for the funds appropriated.

**HB 1274, PN 1958**

An Act making appropriations to the Thomas Jefferson University of Philadelphia, Pennsylvania.

**HB 1283, PN 1921**

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia, Pennsylvania.

**HB 1303, PN 1959**

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

**HB 1304, PN 1960**

An Act making an appropriation to the Carnegie Museum at Pittsburgh, Pennsylvania, for maintenance and the purchase of apparatus, supplies and equipment.

**HB 1305, PN 1922**

An Act making an appropriation to the Franklin Institute of the Commonwealth of Pennsylvania at Philadelphia, Pennsylvania.

**HB 1306, PN 1961**

An Act making an appropriation to the Pennsylvania Academy of the Fine Arts, Philadelphia, Pennsylvania.

**HB 1307, PN 1962**

An Act making an appropriation to the Academy of Natural Sciences of Philadelphia at Philadelphia, Pennsylvania.

**HB 1308, PN 1923**

An Act making an appropriation to the Museum of the Philadelphia Civic Center, Philadelphia, Pennsylvania, for maintenance and the purchase of apparatus, supplies and equipment.

**HB 1309, PN 1963**

An Act making an appropriation to the Trustees of the Buhl Planetarium and Institute of Popular Science, Pittsburgh, Pennsylvania.

**HB 1310, PN 1964**

An Act making an appropriation to the Division of Education of the Philadelphia Museum of Art, Philadelphia, Pennsylvania.

**SB 59, PN 566**

An Act authorizing and directing the Department of General Services, with the approval of the Department of Environmental Resources and the Governor, to sell and convey a certain tract of land, situate in the Township of Mount Carmel, Northumberland County, Pennsylvania.

**SB 208, PN 1037**

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for the definition of "candidate," providing for a "no preference" vote, providing for membership of county boards of election and providing for voting machines at primary elections in cities of the first class, further providing for campaign finances and providing for certain refunds.

### COMMITTEE CHANGES

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

Mr. ANDERSON. Mr. Speaker, I would like to submit a supplemental report of the Committee on Committees.

The SPEAKER. The clerk will read the report.

The following report was read by the clerk:

#### SUPPLEMENTAL REPORT OF COMMITTEE ON COMMITTEES

In the House of Representatives.  
July 11, 1979

RESOLVED, That the following members are hereby elected members of the following Committees:

1. William W. Knight, 36th District, Allegheny County—Agriculture
  2. Charles P. Laughlin, 16th District, Beaver County—Appropriations
  3. Russell Kowalyshyn, 138th District, Northampton County—Business and Commerce
  4. Thomas A. Michlovic, 35th District, Allegheny County—Conservation
  5. Roland Greenfield, 171th District, Philadelphia County—Consumer Affairs
  6. Brian D. Clark, 31st District, Allegheny County—Education
  7. Kurt D. Zwinkl, 132nd District, Lehigh County—Federal-State Relations
  8. Joseph P. Kolter, 14th District, Beaver County—Finance
  9. Bernard R. Novak, 38th District, Allegheny County—Game & Fisheries
  10. Frank Louis Oliver, 195th District, Philadelphia County—Health & Welfare
  11. Robert A. Borski, Jr., 175th District, Philadelphia County—Insurance
  12. Allen G. Kukovich, 56th District, Westmoreland County—Judiciary
  13. James McIntyre, 178th District, Philadelphia County—Labor Relations
  14. Harry Young Cochran, 52nd District, Fayette County—Liquor Control
  15. Henry Livengood, 60th District, Armstrong County—Local Government
  16. James F. Jones, Jr., 203rd District, Philadelphia County—Military & Veterans Affairs
  17. Fred Taylor, 51st District, Fayette County—Mines & Energy Committee
  18. Thomas J. Murphy, Jr., 17th District, Allegheny County—Professional Licensure
  19. David DiCarlo, 3rd District, Erie County—Rules
  20. Mark B. Cohen, 202nd District, Philadelphia County—State Government
  21. Thomas J. Murphy, Jr., 17th District, Allegheny County—Transportation
  22. Robb Austin, 39th District, Allegheny County—Urban Affairs; and be it further
- RESOLVED, That Lester K. Fryer, 130th District, Berks County, is hereby elected a member of the State Government Committee vice Clifford Gray, Jr. resigned; and be it further
- RESOLVED, That Clifford Gray, Jr., 180th District, Philadelphia County, is hereby elected a member of the Urban Affairs Committee vice Thomas J. Murphy, Jr. resigned.

Signed:  
JOHN HOPE ANDERSON,  
Chairman  
FRANK J. LYNCH  
JAMES W. KNEPPER, JR.  
CARMEL SIRIANNI  
L. EUGENE SMITH  
RUDOLPH DININNI

WILLIAM H. YOHN, JR.  
JAMES J. MANDERINO  
FRED J. SHUPNIK  
WILLIAM W. RIEGER  
IVAN ITKIN  
REID L. BENNETT  
H. JACK SELTZER, Speaker

### COMMITTEE CHANGES

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

Mr. ANDERSON. Mr. Speaker, I submit an additional supplemental report of the Committee on Committees.

The SPEAKER. The clerk will read the report.

The following report was read by the clerk:

#### SUPPLEMENTAL REPORT OF COMMITTEE ON COMMITTEES

In the House of Representatives.  
July 11, 1979

RESOLVED, That M. Joseph Rocks, 199th District, Philadelphia County, is hereby elected a member of the Insurance Committee vice Gregg L. Cunningham resigned; and be it further

RESOLVED, That Gregg L. Cunningham, 77th District, Centre County, is hereby elected a member of the Military & Veterans Affairs Committee vice M. Joseph Rocks, resigned.

Signed:  
JOHN HOPE ANDERSON,  
Chairman  
FRANK J. LYNCH  
JAMES W. KNEPPER, JR.  
CARMEL SIRIANNI  
L. EUGENE SMITH  
RUDOLPH DININNI  
WILLIAM H. YOHN, JR.  
JAMES J. MANDERINO  
FRED J. SHUPNIK  
WILLIAM W. RIEGER  
IVAN ITKIN  
REID L. BENNETT  
H. JACK SELTZER, Speaker

### REMARKS ON VOTE

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

Mr. REED. Mr. Speaker, on yesterday's vote on the Conference Committee Report on HB 140, inadvertently, I think I am recorded in the negative. I wish that record to reflect an affirmative vote.

### STATEMENT ON RESOLUTION TO BE INTRODUCED

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

Mr. REED. Mr. Speaker, I have here a resolution which I am introducing relative to the series. "This Is Pennsylvania," which very simply urges the Department of Commerce to continue that radio program series across Pennsylvania. Anybody who wants to cosponsor it may feel free to do so.

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

## WELCOMES

The SPEAKER. I have the pleasure of reading a memo from the Honorable Representative from the 50th Legislative District, Bill DeWeese, wherein he says, "I would like for you to please introduce my newly elected Democratic County Chairman — Bill Groves of Greene County. He was elected just 2 short weeks ago in a special election, and his entry into the arena calls for a 'New' day in Greene County politics. As a former 270 lb. offensive lineman for the University of West Virginia, Billy should be able to provide strong leadership." He *does not look offensive*; he looks like a nice fellow.

For what purpose does the gentleman from Allegheny, Mr. Trello, rise?

Mr. TRELLO. I would also like to add that that is an instant endorsement for the next primary election for Mr. DeWeese.

The SPEAKER. The Chair would also like to welcome Mrs. Kathleen Gannon and family, who are the wife and the family

of Mr. Gannon.

The Chair welcomes to the hall of the House Virginia Griswold from Gradyville, Delaware County, who is the guest of Miss Sirianni.

The Chair welcomes to the hall of the House Mr. Lowell Kelly of Mount Carmel, Pennsylvania, who is the guest of Mr. Helfrick.

## ADJOURNMENT

Mr. SERAFINI moved that this House of Representatives do now adjourn until Monday, September 17, 1979, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:29 p.m., e.d.t., the House adjourned.