

# Legislative Journal

TUESDAY, OCTOBER 16, 1979

Session of 1979

163rd of the General Assembly

Vol. 1, No. 73

## HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

### PRAYER

THE HONORABLE JOSEPH M. GLADECK, Jr. member of the House of Representatives and guest chaplain, offered the following prayer:

Today's prayer is offered by PASTOR JOSEPH L. LOGRIT of the Epiphany of Our Lord Church in Plymouth Township, Montgomery County. Let us Pray.

O God, in faith we know You to be our provident and loving Father, the creator of all that is good and holy. Because of our faith, we share in the joyful work of creation, a work that must be guided by the loving designs of Your Son. We ask that you give to all legislators and those entrusted with the care of your people a renewed sense of justice and wisdom, a justice that respects the dignity of each person from the first moment of conception to the last moment of life, a wisdom that opens our vision beyond the limited confines of logic to the vastness of love.

We ask that we all strive to make us "one nation under God," that we as free and holy people might offer to the world a glimpse of honest freedom; that we might offer to the world a nation that truly is put on a stand where we might give light to everyone.

In a special way, we pause before our working day to recognize the life and health that you have given to us here in this room. May we work for those who cannot, that by joining our work with their intentions we might build Your kingdom on earth, a kingdom of truth and justice, a kingdom of holiness and grace, a kingdom of justice, love and peace.

Make us one, Father, as You are one, for in our unity is our strength to praise You on earth and someday join You in heaven where we will know You as You are, Our Lord, Our God and our Brother. Amen.

### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, October 15, 1979, will be postponed until printed.

## JOURNAL APPROVAL

The SPEAKER. Are there any corrections to the Journals for May 31, June 4, 5, 6, 11, 12, 13, 14, 15 and 18, 1979?

If not, and without objection, the Journals are approved.

### LEAVE OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I request leave of absence for Mr. EARLEY for today's session.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I have no request for leaves of absence.

The SPEAKER. Without objection, leave is granted.

### MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take the master roll. Only those members in their seats will be recorded as present. Members will proceed to vote.

The following roll call was recorded:

YEAS—200

Alden	Freind	Lynch, E. R.	Ryan
Anderson	Fryer	Lynch, F.	Salvatore
Armstrong	Gallagher	Mackowski	Scheaffer
Arty	Gallen	Madigan	Schmitt
Austin	Gamble	Manderino	Schweder
Barber	Gannon	Manmiller	Scirica
Belardi	Gatski	McCall	Serafini
Beloff	Geesey	McClatchy	Seventy
Bennett	Geist	McIntyre	Shadding
Berson	George, C.	McKelvey	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
Cessar	Halverson	Murphy	Sweet
Chess	Harper	Musto	Swift
Cimini	Hasay	Nahill	Taddonio
Clark, B.	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	Honaman	O'Donnell	Trello
Cornell	Hutchinson, A.	Oliver	Vroon
Coslett	Hutchinson, W.	Perzel	Wachob
Cowell	Irvis	Peterson	Wagner
Cunningham	Itkin	Petrarca	Wargo

Davies	Johnson, E.	Piccola	Wass
Dawida	Johnson, J.	Pievsky	Weidner
DeMedio	Jones	Pistella	Wenger
DeVerter	Kanuck	Pitts	White
DeWeese	Kernick	Polite	Williams
DiCarlo	Klingaman	Pott	Wilson
Dietz	Knepper	Pratt	Wilt
Dininni	Knight	Pucciarelli	Wright, D.
Dombrowski	Kolter	Punt	Wright, J. L.
Donatucci	Kowalyszyn	Pyles	Yahner
Dorr	Kukovich	Rappaport	Yohn
Duffy	Lashinger	Reed	Zeller
Dumas	Laughlin	Rhodes	Zitterman
Durham	Lehr	Richardson	Zord
Fee	Letterman	Rieger	Zwinkl
Fischer, R. R.	Levi	Ritter	Seltzer,
Fisher, D. M.	Levin	Rocks	Speaker
Foster, A.	Lewis	Rodgers	
Foster, W.	Livengood		

**NAYS—0**

**NOT VOTING—3**

Cianciulli	Earley	Street
------------	--------	--------

The **SPEAKER**. Two hundred members having indicated their presence, a master roll is established.

**WELCOME**

The **SPEAKER**. The Chair welcomes to the rostrum the distinguished Senator from the State of New Jersey, Senator Scardino, who is the chairman of the Council of State Governments, Eastern Regional Conference.

The chair has invited Senator Scardino to say a few words of welcome to the House.

Senator Scardino.

**SENATOR SCARDINO**. Thank you very much.

Speaker Seltzer, members of the House of Representatives of Pennsylvania, I bring you greetings from New Jersey. I bring you greetings from your nine other sister states who are members of the Eastern Regional Conference on the National Council of State Governments.

We appreciate Pennsylvania's participation and cooperation. The Council is there to help you; so am I. I look forward someday to, perhaps, meeting all of you personally.

Thank you again, Mr. Speaker, for your courtesies.

The **SPEAKER**. With Senator Scardino is the executive director of the Eastern Regional Conference, Mr. Allan Sokolow.

They are the guests of Messrs. Warren Spencer and George Pott.

**BILL REREPORTED FROM COMMITTEE**

**HB 1650, PN 2285 (Amended)** By Mr. McClATCHY

An Act requiring the termination of certain agencies of State Government under certain circumstances, creating a Leadership Committee and the Office of Legislative Auditor with certain powers and duties.

Rereported from Committee on Appropriations.

**CALENDAR BILLS AGREED TO ON SECOND CONSIDERATION**

The following bills, having been called up, were considered

for the second time and agreed to, and ordered transcribed for third consideration:

**HB 503, PN 2034; HB 740, PN 2035; HB 1020, PN 2276; HB 1217, PN 2277; HB 1384, PN 2278; HB 1385, PN 2279; SB 210, PN 1075; HB 1683, PN 2055; HB 173, PN 1798; HB 601, PN 2274; HB 960, PN 2060; SB 395, PN 1107; HB 1673, PN 2213; SB 337, PN 1171; HB 1512, PN 1771; HB 1526, PN 1792; HB 339, PN 361; HB 852, PN 929; SB 696, PN 1217; HB 1840, PN 2263; and HB 1847, PN 2273.**

**CALENDAR BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 64, PN 1119**, entitled:

An Act authorizing the Commonwealth of Pennsylvania, acting through the Department of General Services and the Department of Public Welfare, to grant a permanent right-of-way through the Wernersville State Hospital located in Berks County, Pennsylvania, to the Wernersville Municipal Authority for a sanitary sewer line.

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

**YEAS—186**

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

DiCarlo	Klingaman	Polite	Wright, D.
Dietz	Knepper	Pott	Wright, J. L.
Dininni	Knight	Pratt	Yahner
Dombrowski	Kolter	Pucciarelli	Yohn
Dorr	Kowalyszyn	Punt	Zeller
Duffy	Kukovich	Pyles	Zitterman
Dumas	Lashinger	Rappaport	Zord
Durham	Laughlin	Rieger	Zwinkl
Earley	Lehr	Ritter	
Fee	Letterman	Rocks	Seltzer,
Fischer, R. R.	Levi	Rodgers	Speaker

NAYS—0

NOT VOTING—17

Cianciulli	Hayes, D. S.	O'Brien, D.	Sieminski
Cohen	Johnson, J.	Reed	Street
Donatucci	McIntyre	Rhodes	White
Giammarco	Milanovich	Richardson	Williams
Grabowski			

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 with amendment in which the concurrence of the Senate is requested.

The House proceeded to third consideration of **SB 95, PN 442**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," authorizing members of the General Assembly who are members of the Environmental Quality Board to designate member alternates to act in their stead.

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

YEAS—183

Alden	Fisher, D. M.	Levin	Salvatore
Anderson	Foster, A.	Lewis	Scheaffer
Armstrong	Foster, W.	Lynch, E. R.	Schmitt
Arty	Freind	Lynch, F.	Schweder
Austin	Fryer	Mackowski	Scirica
Barber	Gallagher	Madigan	Serafini
Belardi	Gallen	Manderino	Seventy
Beloff	Gamble	Manmiller	Shadding
Bennett	Gannon	McCall	Shupnik
Berson	Gatski	McClatchy	Sieminski
Bittle	Geist	McIntyre	Sirianni
Borski	George, C.	McKelvey	Smith, E.
Bowser	George, M.	McMonagle	Smith, L.
Brandt	Gladeck	McVerry	Spencer
Brown	Goebel	Michlovic	Spitz
Brunner	Goodman	Micozzie	Stairs
Burd	Gray	Miller	Steighner
Burns	Greenfield	Moehlmann	Stewart
Caltagirone	Grieco	Mowery	Stuban
Cappabianca	Gruppo	Mrkonic	Sweet
Cessar	Halverson	Mullen, M. P.	Swift
Chess	Harper	Murphy	Taddonio

Cimini	Hasay	Musto	Taylor, F.
Clark, B.	Hayes, S. E.	Nahill	Telek
Clark, R.	Helfrick	Novak	Thomas
Cochran	Hoeffel	Noye	Trello
Cole	Honaman	O'Brien, B.	Vroon
Cornell	Hutchinson, A.	O'Donnell	Wachob
Coslett	Hutchinson, W.	Oliver	Wagner
Cowell	Irvis	Perzel	Wargo
Cunningham	Itkin	Peterson	Wass
Davies	Johnson, E.	Petrarca	Weidner
Dawida	Jones	Pievsky	Wenger
DeMedio	Kanuck	Pistella	Wilson
DeVertter	Kernick	Polite	Wilt
DeWeese	Klingaman	Pott	Wright, D.
DiCarlo	Knepper	Pratt	Wright, J. L.
Dietz	Knight	Pucciarelli	Yahner
Dininni	Kolter	Punt	Yohn
Dombrowski	Kowalyszyn	Pyles	Zeller
Dorr	Kukovich	Rappaport	Zitterman
Duffy	Lashinger	Rieger	Zord
Dumas	Laughlin	Ritter	Zwinkl
Durham	Lehr	Rocks	
Earley	Letterman	Rodgers	Seltzer,
Fee	Levi	Ryan	Speaker
Fischer, R. R.			

NAYS—3

Geesey	Livengood	Piccola
--------	-----------	---------

NOT VOTING—17

Cianciulli	Hayes, D. S.	Pitts	Street
Cohen	Johnson, J.	Reed	Taylor, E.
Donatucci	Milanovich	Rhodes	White
Giammarco	O'Brien, D.	Richardson	Williams
Grabowski			

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.

REMARKS ON VOTE

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

Mr. PITTS. Mr. Speaker, I was out of my seat on the last vote and would like to be recorded on SB 95 in the affirmative.

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

The House proceeded to third consideration of **HB 1352, PN 1528**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, imposing criminal penalties for the killing, maiming or disfiguring of any zoo animal.

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

YEAS—187

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

NAYS—0

NOT VOTING—16

Cianciulli	Giammarco	Milanovich	Richardson
Cohen	Grabowski	O'Brien, D.	Street
Donatucci	Hayes, D. S.	Reed	White
Earley	Johnson, J.	Rhodes	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 **HB 1624, PN 1972**, entitled:

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

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

YEAS—187

Alden	Freind	Lewis	Salvatore
Anderson	Fryer	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
Beloff	Geesey	Manmiller	Shadding
Bennett	Geist	McCall	Shupnik
Berson	George, C.	McClatchy	Sieminski
Bittle	George, M.	McKelvey	Sirianni
Borski	Giammarco	McMonagle	Smith, E.
Bowser	Gladeck	McVerry	Smith, L.
Brandt	Goebel	Michlovic	Spencer
Brown	Goodman	Micozzie	Spitz
Brunner	Gray	Miller	Stairs
Burd	Greenfield	Moehlmann	Steighner
Burns	Grieco	Mowery	Stewart
Caltagirone	Gruppo	Mrkonic	Stuban
Cappabianca	Halverson	Mullen, M. P.	Sweet
Cessar	Harper	Murphy	Swift
Chess	Hasay	Musto	Taddonio
Cimini	Hayes, D. S.	Nahill	Taylor, E.
Clark, B.	Hayes, S. E.	Novak	Taylor, F.
Clark, R.	Helfrick	Noye	Telek
Cochran	Hoefel	O'Brien, B.	Thomas
Cole	Honaman	Oliver	Trello
Cornell	Hutchinson, A.	Perzel	Vroon
Coslett	Hutchinson, W.	Peterson	Wachob
Cowell	Irvis	Petrarca	Wagner
Davies	Itkin	Piccola	Wargo
Dawida	Johnson, E.	Pievsky	Wass
DeMedio	Jones	Pistella	Weidner
DeVerter	Kanuck	Pitts	Wenger
DeWeese	Kernick	Polite	Wilson
DiCarlo	Klingaman	Pott	Wilt
Dietz	Knepper	Pratt	Wright, D.
Dininni	Knight	Pucciarelli	Wright, J. L.
Dombrowski	Kolter	Punt	Yahner
Dorr	Kowalyshyn	Pyles	Yohn
Duffy	Kukovich	Rappaport	Zeller
Dumas	Lashingner	Reed	Zitterman
Durham	Laughlin	Rieger	Zord
Fee	Lehr	Ritter	Zwinkl
Fischer, R. R.	Letterman	Rocks	
Fisher, D. M.	Levi	Rodgers	Seltzer,
Foster, A.	Levin	Ryan	Speaker
Foster, W.			

NAYS—0

NOT VOTING—16

Cianciulli	Earley	Milanovich	Richardson
Cohen	Grabowski	O'Brien, D.	Street
Cunningham	Johnson, J.	O'Donnell	White
Donatucci	McIntyre	Rhodes	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.

REMARKS ON VOTE

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

Mr. CUNNINGHAM. Mr. Speaker, I was erroneously recorded as not having voted on HB 1624. I, in fact, voted in the affirmative. Thank you.

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

REMARKS SUBMITTED FOR THE RECORD

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

Mr. SALVATORE. Mr. Speaker, may I submit some remarks on the bill for the record, please?

The SPEAKER. The gentleman will send his remarks to the desk.

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

Over the past several months, there have been numerous incidents of stabbings, beatings, and shootings of both bus and cab drivers and, in particular, the murder of one SEPTA driver who was stabbed to death in his bus over 9 cents.

I feel that these incidents which have occurred in Philadelphia and in other parts of the Commonwealth have demonstrated a need for legislation such as this.

Not only is the driver's life at stake, but that driver is responsible for the lives and safety of his passengers while he is operating that bus, passengers who could lose their lives should someone with no regard for human life step aboard that bus and assault that driver.

HB 1624 will permit the filing of charges of aggravated assault against a person who causes serious bodily injury to a driver of any public transit vehicle while in the performance of his duty in operating that vehicle.

Included are cab drivers, trolley car operators, or any operator of any public transit vehicle while performing duties in transporting the public.

The bill simply puts the operator of a public transit vehicle in the same class as a police officer who is assaulted while in the performance of his duty in making or attempting to make an arrest.

The penalty is graded the same as for the aggravated assault on a police officer — felony of the second degree. (Imprisonment not more than 10 years, and a fine not exceeding \$25,000.)

LETTER SUBMITTED FOR THE RECORD

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

Mr. DAVIES. In the lull before the consideration of the next legislation, I would like to have unanimous consent to spread something on the record.

The SPEAKER. The Chair is sorry but he cannot hear the gentleman.

Mr. DAVIES. Mr. Speaker, I would like unanimous consent to submit and also to spread on the record some information relative to a column that appeared in the Reading Times of September 20.

The SPEAKER. The gentleman will send his remarks to the desk.

Mr. DAVIES submitted the following letter for the Legislative Journal:

HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

October 10, 1979.

Editor  
Reading Times  
345 Penn Avenue  
Reading, Pennsylvania 19601

Dear Mr. Editor:

While I don't support Representative Zeller's bill to have reporters file their sources of income, I find Gary Catt's column of September 20th loaded with vitriolic scratchings at the conduct of Legislators, but using other moral standards on the conduct of the Capitol Press corp. Under the United States and Pennsylvania Constitution, the House of Representatives cannot expel a member until legal due process in the courts is completed. All members of the Pennsylvania House who were convicted have been removed by this body.

Mr. Catt has elevated the press to a near perfect state of professional conduct by inference. Your reporter failed to explain that a recipient of some of the illegal gains of a convicted Senate leader was a reporter for the Philadelphia Inquirer.

A few years ago a fellow Capitol journalist was accused of having directly copied someone else's writing. The Capitol liquor scandal of the early 70's allegedly involved members of the Capitol Press corp.

I would remind Mr. Catt that his profession should not be tainted by my reference to the few reporters who have breached ethical conduct. I would ask your reporter to do the same for Legislators who are above abusing taxpayers by taking bribes, misusing funds, peddling influence, or a myriad of other sins. Mr. Catt's use of that last generality to cast doubt on a Legislator's honor is a cheap shot. The adages of living in glass houses and casting the first stone should remind Mr. Catt of frailties on both sides.

Sincerely,

JOHN S. DAVIES

The House proceeded to third consideration of SB 228, PN 229, entitled:

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), entitled "Township State Highway Law," amending and deleting routes in Crawford County.

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

YEAS—190

Alden	Foster, W.	Lewin	Rodgers
Anderson	Freind	Lewis	Ryan
Armstrong	Fryer	Livengood	Salvatore
Arty	Gallagher	Lynch, E. R.	Scheaffer
Austin	Gallen	Lynch, F.	Schmitt
Barber	Gamble	Mackowski	Schweder

Belardi	Gannon	Madigan	Scirica
Beloff	Gatski	Manderino	Serafini
Bennett	Geesey	Manmiller	Seventy
Berson	Geist	McCall	Shupnik
Bittle	George, C.	McClatchy	Sieminski
Borski	George, M.	McIntyre	Sirianni
Bowser	Gladeck	McKelvey	Smith, E.
Brandt	Goebel	McMonagle	Smith, L.
Brown	Goodman	McVerry	Spencer
Brunner	Grabowski	Michlovic	Spitz
Burd	Gray	Micozzie	Stairs
Burns	Greenfield	Miller	Steighner
Caltagirone	Grieco	Moehlmann	Stewart
Cappabianca	Gruppo	Mowery	Stuban
Cessar	Halverson	Mrkonic	Sweet
Chess	Harper	Mullen, M. P.	Swift
Cimini	Hasay	Murphy	Taddonio
Clark, B.	Hayes, D. S.	Musto	Taylor, E.
Clark, R.	Hayes, S. E.	Nahill	Taylor, F.
Cochran	Helfrick	Novak	Telek
Cole	Hoeffel	Noye	Thomas
Cornell	Honaman	O'Brien, B.	Trello
Coslett	Hutchinson, A.	O'Donnell	Vroon
Cowell	Hutchinson, W.	Oliver	Wachob
Cunningham	Irvis	Perzel	Wagner
Davies	Itkin	Peterson	Wargo
Dawida	Johnson, E.	Petrarca	Wass
DeMedio	Johnson, J.	Piccola	Weidner
DeVerter	Jones	Pievsky	Wenger
DeWeese	Kanuck	Pistella	Wilson
DiCarlo	Kernick	Pitts	Wilt
Dietz	Klingaman	Polite	Wright, D.
Diminni	Knepper	Pott	Wright, J. L.
Dombrowski	Knight	Pratt	Yahner
Dorr	Kolter	Pucciarelli	Yohn
Duffy	Kowalyszyn	Punt	Zeller
Dumas	Kukovich	Pyles	Zitterman
Durham	Lashingner	Rappaport	Zord
Fee	Laughlin	Reed	Zwinkl
Fischer, R. R.	Lehr	Rieger	
Fisher, D. M.	Letterman	Ritter	Seltzer,
Foster, A.	Levi	Rocks	Speaker

NAYS—0

NOT VOTING—13

Cianciulli	Giammarco	Rhodes	Street
Cohen	Milanovich	Richardson	White
Donatucci	O'Brien, D.	Shadding	Williams
Earley			

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.

The House proceeded to third consideration of **SB 335, PN 339**, entitled:

An Act naming a portion of Highway Route No. I-279 in Allegheny County, the "Raymond E. Wilt Memorial Highway."

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

YEAS—193

Alden	Foster, W.	Levin	Ryan
Anderson	Freind	Lewis	Salvatore
Armstrong	Fryer	Livengood	Scheaffer
Arty	Gallagher	Lynch, E. R.	Schmitt
Austin	Gallen	Lynch, F.	Schweder
Barber	Gamble	Mackowski	Scirica
Belardi	Gannon	Madigan	Serafini
Beloff	Gatski	Manderino	Seventy
Bennett	Geesey	Manmiller	Shadding
Berson	Geist	McCall	Shupnik
Bittle	George, C.	McClatchy	Sieminski
Borski	George, M.	McIntyre	Sirianni
Bowser	Giammarco	McKelvey	Smith, E.
Brandt	Gladeck	McMonagle	Smith, L.
Brown	Goebel	McVerry	Spencer
Brunner	Goodman	Michlovic	Spitz
Burd	Grabowski	Micozzie	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'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	Wilson
DiCarlo	Kanuck	Pitts	Wilt
Dietz	Kernick	Polite	Wright, D.
Diminni	Klingaman	Pott	Wright, J. L.
Dombrowski	Knepper	Pratt	Yahner
Donatucci	Knight	Pucciarelli	Yohn
Dorr	Kolter	Punt	Zeller
Duffy	Kowalyszyn	Pyles	Zitterman
Dumas	Kukovich	Rappaport	Zord
Durham	Lashingner	Reed	Zwinkl
Fee	Laughlin	Rieger	
Fischer, R. R.	Lehr	Ritter	Seltzer,
Fisher, D. M.	Letterman	Rocks	Speaker
Foster, A.	Levi	Rodgers	

NAYS—0

NOT VOTING—10

Cianciulli	Milanovich	Richardson	White
Cohen	O'Brien, D.	Street	Williams
Earley	Rhodes		

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.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from

Philadelphia, Mr. O'Brien. For what purpose does the gentleman rise?

Mr. D. M. O'BRIEN. Mr. Speaker, I was not in my seat when the following roll calls were taken and I would like to have my votes recorded as follows: SB 64 on final passage — yea; SB 95 on final passage — yea; HB 1352 on final passage — yea; HB 1624 on final passage — yea; SB 335 on final passage — yea; and SB 228 on final passage — yea. Thank you, Mr. Speaker.

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

The House proceeded to third consideration of **HB 1187, PN 2063**, entitled:

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), requiring verification of residency of two years for general assistance.

On the question,

Will the House agree to the bill on third consideration?

Mr. TRELLO offered the following amendments:

Amend Title, page 1, line 4, by removing the period after "RESIDENCY" and inserting and further providing for payments to pharmacy providers.

Amend Bill, page 2, by inserting between lines 27 and 28 Section 2. The act is amended by adding a section to read:

Section 475. Fees for Pharmacy Providers—(a) For prescribed medications, a licensed community pharmacy's reimbursement shall be the cost of the drug, plus at least a two dollar and seventy-five cent (\$2.75) fee or the pharmacy's usual and customary charge to the general public, whichever is lower.

(b) For prescribed medications, a licensed hospital or skilled nursing facility or intermediate care facility licensed pharmacy's reimbursement shall be the cost of the drug, plus at least a two dollar and ten cent (\$2.10) fee or that pharmacy's usual and customary charge to the general public, whichever is lower.

(c) The department shall annually review the cost of filling prescriptions and establish the fee at a sum not lower than the average cost of dispensing drugs to include an administrative cost.

(d) Should the department fail to annually review and adjust the fee, the fee established in this section shall be adjusted at a rate equal to the annual change in the Federal Consumer Price Index.

Amend Sec. 2, page 2, line 28, by striking out "2." and inserting 3.

On the question,

Will the House agree to the amendments?

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

Mr. TRELLO. Mr. Speaker, this amendment is being recirculated again because of the number of co-sponsors who requested their names be put on the amendment. There are a number of names to be put on the amendment, and the young lady has a new copy of the amendment with the additional co-sponsors on it.

What this bill does, Mr. Speaker, is to increase the amount

that the pharmacists get from \$2 to \$2.75. There have been an awful lot of problems in the past with reimbursements to pharmacists.

Number one, if they should happen to fill a prescription and file for reimbursement and if the price of that particular drug should have an increase during the interim, that increase is not recognized and therefore they are losing an awful lot of money.

The record also says that they have not had an increase since 1972. I think it is a good amendment and I ask for your support.

The SPEAKER. The Chair recognizes the chairman of the Appropriations Committee.

Mr. McCLATCHY. Mr. Speaker, on looking over the amendment, I am absolutely sure that it has a strong fiscal impact and therefore needs a fiscal note. I would suggest that we lay the amendment on the table until a fiscal note is prepared.

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

Mr. TRELLO. Mr. Speaker, over 10 days ago I requested a fiscal note in writing. I, as of yet, have never received it.

Mr. McCLATCHY. I am not aware of any request for a fiscal note.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I believe that we have reached an agreement on this particular amendment. The chairman of the House Committee on Health and Welfare is going to hold a meeting on HB 375 which does the same thing as Mr. Trello's amendment; and, in consultation with the chairman, he said that he would hold a meeting no later than the week after next on this particular question, and it seems that we could expedite the business of this House if the gentleman, Mr. Trello, would agree at this time to withdraw his amendment on the basis of the assurances we received from Mr. Zord.

#### REQUEST TO TABLE

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

Mr. TRELLO. Mr. Speaker, I am agreeable to that, but I would like to request that HB 1187 be laid on the table until such time as the other bill comes out of committee.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, the gentleman, Mr. Trello, is concerned that he has an opportunity, in case the committee does not get out HB 375, to offer an amendment to a Welfare Code bill. HB 1424 is the next bill on the calendar. It is held for today, and I respectfully suggest that we call up for a vote HB 1187 at this time.

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

Mr. TRELLO. Mr. Speaker, I request that you hold the bill over until I get the fiscal note.

The SPEAKER. Is the gentleman withdrawing his amendment to HB 1187?

Mr. TRELLO. No.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, the gentleman, Mr. Trello, wishes to offer his amendment, and the question is whether or not we can get a fiscal note quickly enough.

Will the gentleman, Mr. McClatchy, stand for a brief interrogation?

The SPEAKER. The gentleman indicates that he will. The minority leader may proceed.

Mr. IRVIS. Will the gentleman, Mr. McClatchy, indicate if he could have a fiscal note ready for this amendment by the afternoon session?

Mr. McCLATCHY. I will try, Mr. Speaker, but I cannot give you any guarantees. There are two fiscal impacts to this, and the one is a little bit more serious than the 50 cent co-pay. It may just take us a little bit of time to get to that second aspect. I am not aware of the request for a fiscal note prior to this, so you got me a little off guard. We will do the best we can, but all I can say is that we will hold it over until we deliver it.

#### AMENDMENTS WITHDRAWN

##### HB 1187 PASSED OVER TEMPORARILY

Mr. IRVIS. Well, may I suggest to the Speaker that this bill be held over until after lunch, giving the appropriations staff a chance to prepare a fiscal note for the amendment, and then the amendment would be in order and the bill could be voted. So we could take the amendment and stop the argument.

The SPEAKER. Without objection, the Chair will pass over HB 1187. The gentleman from Allegheny, Mr. Trello, will withdraw his amendment. The Chair will pass the bill over temporarily.

Mr. TRELLO. Yes, that is agreeable.

The SPEAKER. Without objection, HB 1187 will be passed over temporarily.

#### MEETING OF SELECT COMMITTEE TO INVESTIGATE SEPTA

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts, for an announcement.

Mr. PITTS. Mr. Speaker, I would like to call a meeting of the Select Committee to Investigate SEPTA — Southeastern Pennsylvania Transportation Authority — immediately upon the recess in room 245.

The SPEAKER. The chairman of the special committee on SEPTA has asked that the members of the committee on SEPTA meet immediately upon the call of the recess in room 245.

#### BILL REREPORTED FROM COMMITTEE

**HB 268, PN 2286 (Amended) (Unanimous) By Mr. WILSON**

An Act establishing the responsibilities and liabilities of ski area operators and skiers in the sport of skiing.

Rereported from Committee on Consumer Affairs.

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

**HB 1090, PN 1221** By Mr. F. J. LYNCH

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding from the tax for education the sale or use of synthetic furs.

Finance.

**HB 1480, PN 1716 (Unanimous)** By Mr. F. J. LYNCH

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

Finance.

**HB 1577, PN 2287 (Amended) (Unanimous)** By Mr. F. J. LYNCH

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for the acquisition date for income tax purposes of property sold by a decedent's estate.

Finance.

**HB 1713, PN 2096 (Unanimous)** By Mr. F. J. LYNCH

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), authorizing school districts to be provided certain personal income tax data.

Finance.

**HB 1767, PN 2162 (Unanimous)** By Mr. F. J. LYNCH

An Act amending the "Pennsylvania Cigarette Tax Act," approved July 22, 1970 (P. L. 513, No. 178), further providing for the maintenance of certain records.

Finance.

#### HOUSE SCHEDULE

The SPEAKER. When the House will reconvene early this afternoon, the divorce reform bill and the row office bill will be called. The Chair asks that the members please have their amendments prepared for these two bills.

#### HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I suggest that the House recess until 1:30 for the purpose of taking lunch, and I would like to reemphasize, Mr. Speaker, what you just advised the members of.

We will be considering HB 640 this afternoon, the divorce reform legislation, and then we will be moving to SB 762, the pay bill for county officeholders. If there are amendments to either one of these two pieces of legislation, please take the time at this moment to have the Reference Bureau get those to you and have them circulated. It is my understanding that there will not be any more amendments to HB 640, but I do know that there are to be amendments to the other bill I mentioned. Please get your amendments prepared and circulated to all Representatives here on the floor of the House.

Mr. Speaker, I move that we recess this house until 1:30 p.m.



The SPEAKER. The Chair recognizes the minority leader. Conversation will cease. The announcements that are being made are of value to all of the members. The gentleman may proceed.

Mr. IRVIS. Mr. Speaker, the only reason that I rose to my feet is because I understand that there had been an informal agreement that there would be no amendments accepted this afternoon to the Divorce Code and that all we would do this afternoon on the Divorce Code is take motions and a final vote. Now I believe that is the informal agreement.

The SPEAKER. The gentleman is correct. That is the informal agreement, but the gentleman well knows that we cannot stop a member from offering such an amendment if he insists upon it. The Chair only asks that the members will abide by the informal agreement.

### CONSUMER AFFAIRS COMMITTEE MEETING

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

Mr. WILSON. To make an announcement, Mr. Speaker.

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

Mr. WILSON. The Consumer Affairs Committee had recessed until 10 o'clock tomorrow. That meeting will be void, and the recess will continue until next Tuesday at 10 o'clock.

### EDUCATION COMMITTEE MEETING

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

Mr. R. R. FISCHER. To make an announcement.

The SPEAKER. The gentleman is in order. The chairman of the Education Committee, Mr. Fischer, is recognized for an announcement.

Mr. R. R. FISCHER. I would like to call an immediate meeting of the House Education Committee in room 401; an immediate meeting of the Education Committee in room 401.

### RECESS

The SPEAKER. Without objection, this House now stands in recess until 1:30.

### AFTER RECESS

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

### BILL SIGNED BY SPEAKER

The following bill, having been prepared for presentation to the Governor, was signed by the Speaker:

#### SB 299, PN 802

An Act amending the act of May 1, 1929 (P. L. 1216, No. 427), entitled "Real Estate Brokers License Act of one thousand nine hundred and twenty-nine," further providing for information which must appear on a business sign.

### SENATE MESSAGE

#### SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Senate informed that it has adopted the Report of the Committee of Conference on SB 181, PN 1108.

### CALENDAR

#### REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. S. E. HAYES called up for consideration the following Report of the Committee of Conference on SB 181, PN 1108:

Prior Printer's Nos. 182, 958      Printer's No. 1108

#### REPORT OF THE COMMITTEE OF CONFERENCE ON SENATE BILL NO. 181

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. 181, entitled:

"An act amending the act of November 26, 1978 (~~No. 325~~) (P. L. 1375, No. 325), entitled 'An act providing for the regulation and safety of dams and reservoirs; consolidating and clarifying the programs of the Department of Environmental Resources and Navigation Commission for the Delaware River; establishing penalties and repealing certain acts,' further providing for water obstructions or AND encroachments and changing a repeal."

respectfully submit the following bill as our report:

W. LOUIS COPPERSMITH  
ROBERT J. MELLOW  
EDWIN G. HOLL

(Committee on the part of the Senate.)

R. HARRY BITTLE  
JOSEPH C. MANMILLER  
WILLIAM J. STEWART

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

#### An Act

amending the act of November 26, 1978 (P. L. 1375, No. 325), entitled "An act providing for the regulation and safety of dams and reservoirs; consolidating and clarifying the programs of the Department of Environmental Resources and Navigation Commission for the Delaware River; establishing penalties and repealing certain acts," further providing for water obstructions and encroachments and changing a repeal.

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

Section 1. The title and sections 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 17, 18, 19, 23, 25, 26 and 27, act of November 26, 1978 (P. L. 1375, No. 325) known as the "Dam Safety Act," are amended to read:

#### AN ACT

Providing for the regulation and safety of dams and reservoirs, water obstructions and encroachments; consolidating and clarifying the programs of the Department of Environmental Resources and Navigation Commission for the Delaware River; establishing penalties and repealing certain acts.

Section 1. Short title.

This act shall be known and may be cited as the "Dam Safety and Encroachments Act."

Section 2. Purposes.

The purposes of this act are to:

(1) Provide for the regulation of dams and reservoirs water obstructions and encroachments in the Commonwealth, in order to protect the health, safety and welfare of the people and property.

(2) Assure proper planning, design, construction, maintenance, monitoring and supervision of dams and reservoirs, including such preventative measures as are necessary to provide an adequate margin of safety.

(3) Protect the natural resources, environmental rights and values secured by the Pennsylvania Constitution and conserve the water quality, natural regime and carrying capacity of watercourses.

(4) Assure proper planning, design, construction, maintenance and monitoring of water obstructions and encroachments, in order to prevent unreasonable interference with waterflow and to protect navigation.

### Section 3. Definitions.

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

"Appurtenant works." Include, but are not limited to, such structures as spillways, either in the dam or separate therefrom; low level outlet works; and conduits such as tunnels, pipelines or penstocks through the dam or its abutments.

"Body of water." Any natural or artificial lake, pond, reservoir, swamp, marsh or wetland.

"Construct." To erect, build, place or deposit, including preliminary preparation of a site for construction.

"Dam." Any artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or any other fluid or semifluid; or any refuse bank fill or structure for highway, railroad or other purposes which does or may impound water or any other fluid or semifluid.

"Department." The Department of Environmental Resources of the Commonwealth of Pennsylvania.

"Encroachment." Any structure or activity which in any manner changes, expands or diminishes the course, current or cross-section of any watercourse, floodway or body of water.

"Hearing board." The Environmental Hearing Board.

"Navigation Commission." The Navigation Commission for the Delaware River or its navigable tributaries.

"Operation." Elements of the use, control and functioning of a facility which may affect primarily the storage, release or flow of water, the structural safety of a facility or navigation, with due consideration of the other purposes of this act.

"Owner." Any person who owns, controls, operates, maintains, or manages a dam or reservoir, water obstruction or encroachment.

"Person." Includes any natural person, partnership, association, corporation, municipality, municipal authority, receiver or trustee and any department, board, commission or authority of the Commonwealth. Whenever used in a section prescribing and imposing a penalty or sanction, the term "person" shall include the members of an association and the officers of a corporation, municipality or municipal authority.

"Reservoir." Any basin which contains or will contain the water or other fluid or semifluid impounded by a dam.

"Safety." Security from the risk or threat of significant loss or injury to life, health, property and the environment.

"Water obstruction." Includes any dike, bridge, culvert, wall, wingwall, fill, pier, wharf, embankment, abutment or other structure located in, along, across or projecting into any watercourse, floodway or body of water.

"Watercourse" or "stream." Any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

### Section 4. Scope.

This act shall apply to:

(1) All dams on a natural or artificial watercourse, other than those licensed pursuant to the Federal Power Act, where:

(i) the contributory drainage area exceeds 100 acres; or

(ii) the greatest depth of water at maximum storage elevation exceeds 15 feet; or

(iii) the impounding capacity at maximum storage elevation exceeds 50 acre-feet.

(2) All dams used for the storage of water not located on a watercourse and which have no contributory drainage, where the greatest depth of water at maximum storage elevation exceeds 15 feet and the impounding capacity at maximum storage elevation exceeds 50 acre-feet.

(3) All dams used for the storage of fluids or semifluids other than water, the escape of which may result in air, water or land pollution, or may result in danger to persons or property.

(4) All water obstructions and encroachments other than dams, located in, along, across or projecting into any watercourse, floodway or body of water, whether temporary or permanent.

### Section 5. Regulations and standards.

(a) The Environmental Quality Board shall have the power, and its duty shall be, to adopt such regulations and standards for the design, construction, operation, monitoring, maintenance, modification, repair and removal of dams and reservoirs, water obstructions and encroachments as are necessary and proper to carry out the purposes of this act. The regulations shall include, but are not limited to, rules establishing:

(1) Standards and criteria for the siting and design of dams, water obstructions and encroachments considering both existing and projected conditions which may affect the safety of a project during its construction and operational life.

(2) Requirements for operation of dams including operational plans to be prepared and implemented by owners.

(3) Requirements for monitoring, [including the installation of a flood monitoring system of the sensor type in all earthen dams which could cause loss of life or serious damage to property should a failure of the dam occur.] inspection and reporting of conditions affecting the safety of dams, obstructions and encroachments.

(4) Requirements for emergency warning and action plans to be prepared and implemented by owners, in cooperation with civil authorities.

(5) Reasonable fees for the processing of applications and periodic inspections, for the purpose of reimbursing the Commonwealth for the costs of administration of this act.

(b) In promulgating regulations pursuant to this act applicable to dams, and to water obstructions and encroachments which may present a substantial potential risk to life or property, the Environmental Quality Board shall consider:

(1) the inclusion of the best available preventative measures necessary to assure protection of life, health, property and the environment with an adequate margin of safety;

(2) water management and the impacts of development in watersheds as a whole;

(3) the state of scientific and technological knowledge at the time the regulations are adopted; and

(4) the immediate and long-range economic impact upon the Commonwealth and its citizens.

(c) In promulgating regulations pursuant to this act applicable to water obstructions and encroachments which do not present substantial potential risks to life or property, the Environmental Quality Board shall consider:

(1) the state of scientific and technological knowledge and good engineering practice relating to various types of water obstructions and encroachments;

(2) the economic impact upon the Commonwealth and its

citizens;

(3) the relationship of water obstructions and encroachments to hydrologic management in the watershed as a whole; and

(4) the impacts of water obstructions and encroachments upon water quality and the environment.

#### Section 6. Permit requirement.

(a) No person shall construct, operate, maintain, modify, enlarge or abandon any dam, water obstruction or encroachment without the prior written permit of the department.

(b) Any existing dam, water obstruction or encroachment constructed pursuant to a license or permit issued in compliance with the provisions of the act of June 8, 1907 (P. L. 496, No. 322), entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor," or the act of June 25, 1913 (P. L. 555, No. 355), entitled "An act providing for the regulation of dams, or other structures or obstructions, as defined herein, in, along, across, or projecting into all streams and bodies of water wholly or partly within, or forming part of the boundary of, this Commonwealth; vesting certain powers and duties in the Water Supply Commission of Pennsylvania, for this purpose; and providing penalties for the violation of the provisions hereof," shall be deemed to comply with the construction and operating permit requirements of this section. All such projects shall hereafter comply with the operating, maintenance, monitoring and other requirements of this act.

(c) The owner of any existing dam, water obstruction or encroachment who does not hold a permit issued pursuant to the act of June 8, 1907 (P. L. 496, No. 322), or the act of June 25, 1913 (P. L. 555, No. 355) shall apply for and receive a permit pursuant to this act on or before January 1, 1981. After the effective date of this act, all such projects shall comply with the operating, maintenance, monitoring and other requirements of this act.

(d) Any permit issued by the department after the effective date of this act for the construction and operation of a water obstruction or encroachment shall incorporate authorization for normal repairs and maintenance of permitted structures conducted within the original specifications for the water obstruction or encroachment. Any repairs or maintenance involving modification of the water obstruction or encroachment from its original specifications and any repairs or reconstruction involving a substantial portion of the structure, shall require the prior written permit of the department pursuant to subsection (a).

#### Section 7. General permits and waiver of permit requirements.

(a) The Environmental Quality Board may, by regulation, waive the permit requirements [of section 6] for any category of dam, water obstruction or encroachment which it determines has insignificant effect upon the safety and protection of life, health, property and the environment.

(b) The department may, in accordance with rules adopted by the Environmental Quality Board, issue general permits on a regional or Statewide basis for any category of dam, water obstruction or encroachment if the department determines that the projects in such category are similar in nature, and can be adequately regulated utilizing standardized specifications and conditions.

(c) General permits shall specify such design, operating and

monitoring conditions as are necessary to adequately protect life, health, property and the environment, under which such projects may be constructed and maintained without applying for and obtaining individual permits. The department may require the registration of any project constructed pursuant to a general permit.

(d) All general permits shall be published in the Pennsylvania Bulletin at least 30 days prior to the effective date of the permit.

#### Section 10. Qualifications of persons responsible for design and supervision of projects.

[Where it deems necessary to assure the safe and proper design, construction, operation, monitoring and maintenance of a category of dam, the] The Environmental Quality Board [shall] may establish by regulation the minimum professional, education and experience qualifications of persons responsible for the preparation of plans, design analyses and specifications and the supervision of construction, operation, inspection and monitoring activities, in order to assure the proper design, construction, operation, monitoring or maintenance of any category of dam or, where necessary to protect public health and safety, of any category of water obstruction or encroachment.

#### Section 11. Proof of financial responsibility.

(a) As a requirement for approval of a permit under this act for any category of dam, water obstruction or encroachment which may present a substantial potential risk to life or property, the Environmental Quality Board may, by regulation, authorize the department to require proof of financial responsibility or security assuring the proper construction, operation, maintenance and termination of such projects.

(b) As proof of such responsibility or security, the regulations may require one or more of the following:

(1) a Certificate of Public Convenience from the Public Utility Commission if the owner of the proposed facility is subject to regulation under the act of May 28, 1937 (P. L. 1053, No. 286), known as the "Public Utility Law";

(2) ownership or management of the facility by an agency of the Federal, interstate, State, county or municipal government; or

(3) a bond or other legal device of a form acceptable to the department, payable to the Commonwealth, which guarantees proper construction, repair, operation and maintenance, inspections and monitoring of the facility and removal, if necessary. The amount of such shall be sufficient to cover all costs of entry, correction, repair, operation, maintenance, inspection, monitoring or removal of the facility by the Commonwealth in the event of failure of the owner to comply with the provisions of this act, or any regulation, permit or order issued hereunder.

#### Section 12. Projects affecting navigable waters of the Delaware Basin.

(a) No individual or general permit for a dam, water obstruction or encroachment in the commercially navigable waters of the Delaware River or of its navigable tributaries shall be issued without notice to and approval by the Navigation Commission. Any individual permit application or general permit not acted upon by the Navigation Commission within 60 days following notice to the commission, or within 60 days following receipt of any additional information required by the commission, shall be deemed approved by the Navigation Commission.

(b) A record of all permits issued for facilities in the commercially navigable waters of the Delaware River or of its navigable tributaries shall be filed with the Navigation Commission.

(c) The department and Navigation Commission shall cooperate for the purpose of assuring safe navigation in the Delaware River and eliminating any duplication of functions.

#### Section 13. Duties of owners.

The owner of any dam, water obstruction or encroachment shall have the legal duty to:

(1) monitor, operate and maintain the facility in a safe condition in accordance with the regulations, terms and conditions

of permits, approved operating plans and orders of the department issued pursuant to this act:

(2) conduct periodic inspections and analyses, as reasonably required by the department considering the type of facility and degree of potential hazard, and as required submit certified reports regarding the condition of the facility to the department; Provided, That in lieu of certified reports from the owner, the department may accept reports of equivalent inspections prepared by governmental agencies;

(3) immediately notify the department and responsible authorities in downstream communities of any condition which threatens the safety of the facility, and take all necessary actions to protect life and property, including any action required under an emergency plan or department order issued pursuant to this act; and

(4) prior to discontinuing use or abandonment, remove all or part of the facility and take other actions necessary to protect safety and the environment in a manner approved by the department.

#### Section 14. Investigation and correction of unsafe conditions.

(a) Whenever the department finds there is reasonable cause to suspect the existence of conditions adversely affecting the safety of a dam, water obstruction or encroachment, the department may order the owner to conduct such investigations, tests and analyses as may be required to determine the continuing safety of the facility.

(b) If the department determines that any dam, water obstruction or encroachment is unsafe or adversely affects property or the environment or has not been properly constructed, operated, monitored or maintained in compliance with this act, it may order the owner of the facility to repair, alter, maintain or remove the facility or take such other action necessary to carry out the purposes of this act, within such time as prescribed in the order.

(c) If:

(1) the owner cannot be ascertained or found;

(2) the owner refuses or fails to comply with an order issued pursuant to this section; or

(3) the condition of the facility is so dangerous as to require immediate remedial action;

the department or its authorized agents may enter and conduct such investigations, tests and analyses or take such corrective action as required to carry out the purposes of this act. The department thereafter may recover from the owner, in the name of the Commonwealth, the expenses incurred in taking such action, in the same manner as debts are recoverable by law.

#### Section 15. Projects affecting submerged lands of the Commonwealth.

(a) No permit shall be granted pursuant to this act for any project to occupy submerged lands of the Commonwealth in any navigable lake or river or stream declared a public highway, unless the applicant has obtained as easement, right-of-way, license or lease pursuant to this act, or holds an estate or interest in such submerged lands pursuant to other specific authority from the General Assembly.

(b) The department may, with the approval of the Governor, grant an easement, right-of-way, license or lease to occupy submerged lands of the Commonwealth in any navigable lake or river or stream declared a public highway, for any [project regulated under this act] dam, water obstruction or encroachment which is constructed for the purpose of:

(1) improving navigation or public transportation;

(2) recreation, fishing or other public trust purposes;

(3) protecting public safety or the environment;

(4) providing water supply, energy production or waste treatment;

(5) providing a public utility service by a government agency or subdivision or public utility or electric cooperative; or

(6) other activities which require access to water. Such easement, right-of-way, lease or license shall provide for the payment to the Commonwealth of compensation for the use of its

property in such amount and shall be subject to such terms and conditions as the department shall, with the approval of the Governor, prescribe.

(c) The total area of land which any such project may occupy under one or more easements, rights-of-way, licenses or leases granted by the department pursuant to this section shall not exceed ten] 25 acres.

(d) No easement, right-of-way, lease or license may be granted under this section which may adversely affect navigation or significantly impair the public's right in lands held in trust by the Commonwealth.

(e) No title, easement, right-of-way or other interest in submerged lands or other real estate of the Commonwealth may be granted except as expressly provided by this section or other specific authority from the General Assembly.

#### Section 17. [Delegations] Intergovernmental coordination and delegations to local agencies.

(a) In accordance with regulations adopted by the Environmental Quality Board, the department may by agreement delegate to a county conservation district or other county agency one or more of its regulatory functions to permit, inspect and monitor designated categories of dams, water obstructions and encroachments and to enforce this act and regulations adopted hereunder relating to such designated categories. Any county conservation district or other agency acting pursuant to a delegation agreement shall have the same powers and duties otherwise vested in the department to implement this act, to the extent delegated by the agreement.

(b) The department shall monitor and supervise the activities of each county conservation district or agency conducted pursuant to the agreement.

(c) Any provision of [the act of December 2, 1968 (P. L. 1133, No. 353), known as] the "Local Agency Law," notwithstanding, any person aggrieved by an action of a county conservation district or other agency pursuant to a delegation agreement may appeal such action to the department within 30 days following notice of such action. Any action of the department pursuant to such an appeal may be appealed to the Environmental Hearing Board in accordance with section 24.

(d) The department shall cooperate and coordinate with the United States Army Corps of Engineers and other appropriate Federal and interstate agencies for the purpose of assuring efficient regulation, permitting and inspection of dams, water obstructions and encroachments. The department is authorized, with the approval of the attorney General, to enter into administrative agreements with appropriate Federal and interstate agencies for the following purposes:

(1) to facilitate the submission and coordinated review of permit applications;

(2) to avoid unnecessary duplication of staff functions and hearings;

(3) to provide for coordinated inspection, monitoring and enforcement of application laws and regulations; and

(4) to accept delegations of authority from Federal and interstate agencies relating to the regulation of dams, water obstructions and encroachments.

#### Section 18. Unlawful conduct.

It shall be unlawful for any person to:

(1) Violate or assist in the violation of any of the provisions of this act or of any rules and regulations adopted hereunder.

(2) Fail to comply with any order by the department issued hereunder from which no appeal has been taken, which has been sustained on appeal, or which has been appealed for which no supersedeas has been granted for the period in which violation occurs.

(3) Construct, enlarge, repair, alter, remove, maintain, oper-

ate or abandon any dam, water obstruction or encroachment contrary to the terms and conditions of a general or individual permit or the rules and regulations of the department.

(4) Attempt to obtain a permit by misrepresentation or failure to disclose all relevant facts. Nothing in this act shall be construed to affect the application of any provision of the Crimes Code relating to perjury, false swearing or unsworn falsification to authorities.

(5) Intentionally obstruct, impair or pervert the administration of this act by the department or any municipality by force, violence, physical interference or obstacle, breach of official duty or any other unlawful act. Nothing in this act shall be construed to affect the application of section 5101 of the Crimes Code to obstructing administration of law or other governmental function.

#### Section 19. Civil remedies.

(a) Any activity or condition declared by this act to be unlawful conduct shall be restrained or prevented in the manner provided by law or equity for abatement of public nuisances, and the expense thereof shall be recoverable from the violator in such manner as may now or hereafter be provided by law.

(b) In addition, suits to restrain or prevent any unlawful conduct as defined in this act or to compel action to discontinue any unlawful conduct may be instituted in equity or at law in the name of the Commonwealth upon relation of the Attorney General, or upon relation of any district attorney of any county or upon relation of the solicitor of any municipality affected after 30 days notice has first been served upon the Attorney General of the intention of the district attorney or solicitor to so proceed. Such proceedings may be prosecuted in the Commonwealth Court, or in the court of common pleas of the county where the activity has taken place, the dam, water obstruction

or encroachment is maintained or the public is affected, and to that end jurisdiction is hereby conferred in law and equity upon such courts: Provided, That except in cases of emergency where, in the opinion of the court, the exigencies of the cases require immediate abatement of said unlawful conduct, the court may, in its decree, fix a reasonable time during which the person responsible for the unlawful conduct may make provision for the same. The expense of such proceedings shall be recoverable from the violator in such manner as may now or hereafter be provided by law.

#### Section 23. Summary proceedings.

All summary proceedings under the provisions of this act may be brought before any magistrate, alderman or justice of the peace of the county where the unlawful conduct has occurred or the dam, water obstruction or encroachment is maintained, or the public affected, and to that end jurisdiction is hereby conferred upon said magistrates, aldermen or justices of the peace, subject to appeal by either party in the manner provided by law. In the case of any appeal from any such conviction in the manner provided by law for appeals from summary conviction, it shall be the duty of the district attorney of the county to represent the interests of the Commonwealth.

#### Section 25. Preservation of existing rights and remedies.

The collection of any penalty under the provisions of this act shall not be construed as estopping the Commonwealth, or any district attorney or solicitor of a municipality, from proceeding in courts of law or equity to abate conduct forbidden under this act, or abate nuisances under existing law. It is hereby declared to be the purpose of this act to provide additional and cumulative remedies to abate unsafe dams, water obstructions or encroachments in this Commonwealth, and nothing in this act contained shall in any way abridge or alter rights of action or remedies now or hereafter existing in equity, or under the common law or statutory law, criminal or civil, nor shall any provision in this act, or the granting of any permit under this act, or any act done by virtue of this act, be construed as estopping the Commonwealth, persons or municipalities, in the exercise of their rights under the common law or decisional law or in equity, from proceeding in courts of law or equity to suppress nuisances, or to abate any unsafe dam now or hereafter existing, or enforce common law or statutory rights.

#### Section 26. Dams and Encroachments Fund.

All fines collected under the penal provisions of this act and all civil penalties collected under this act shall be paid into the Treasury of the Commonwealth in a special fund known as the Dams and Encroachments Fund, which shall be administered by the department for use in protecting the citizens of the Commonwealth from the hazards to life, property, and the environment resulting from unsafe dams, water obstructions and encroachments. Disbursements from the fund shall be in accordance with rules and regulations prescribed by the Environmental Quality Board.

#### Section 27. Repealer and savings clause.

(a) The following acts and parts of acts and supplements thereto are hereby repealed absolutely:

The act of March 23, 1803 (P. L. 389, No. 140), entitled "An act to authorise any person or persons owning lands adjoining navigable streams of water, declared public highways, to erect dams upon such streams, for mills and other water-works."

Sections 7 and 8 of the act of June 8, 1907 (P. L. 496, No. 322), entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor."

The act of June 25, 1913 (P. L. 555, No. 355), entitled "An act providing for the regulation of dams, or other structures or obstructions, as defined herein, in, along, across, or projecting into all streams and bodies of water wholly or partly within, or forming part of the boundary of, this Commonwealth; vesting certain powers and duties in the Water Supply Commission of Pennsylvania, for this purpose; and providing penalties for the violation of the provisions hereof." [only so far as it relates to dams and reservoirs.]

(b) All other acts or parts of acts inconsistent herewith are hereby repealed to the extent of such inconsistency.

(c) The provisions of this act shall not effect any suit, prosecution, or other instituted to enforce any right or abate any violation of any act or part thereof repealed by this act.

Section 2. This act shall take effect immediately.

On the question,

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

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

Mr. GREENFIELD. Mr. Speaker, we did not have an opportunity to caucus on this conference report. I think in those instances we should have an explanation of what changes were made by the Senate or what was agreed to by the conference committee.

The SPEAKER. The gentleman is correct. The Chair recognizes the gentleman from Franklin, Mr. Bittle.

Mr. BITTLE. Mr. Speaker, I was informed just a matter of an hour ago that the Democratic caucus had considered the legislation and that it was ready to be run. I will be glad to explain it if Mr. Greenfield has any questions.

Mr. Speaker, this is the legislation that was amended here on the floor of the House to codify the laws dealing with dams and encroachments and obstructions and impoundments into one act, into the Dam Safety Act. Those amendments were inserted here on the floor of the House, and the legislation went to the Senate.

The Senate did not concur in our amendments, and the conference committee report is based on a compromise that was

reached by the opponents and the proponents of the legislation.

The changes made effected some changes in making dams and impoundments the more dangerous objects "shall" type legislation, and the less serious encroachments called encroachments and obstructions a less serious category. That language was acceptable to the Waterways Association and also acceptable to the Department of Environmental Resources. I think that it was a grudging compromise, but I think the language did effect a good compromise and it was signed by all six members of the conference committee.

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—191

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

NAYS—0

NOT VOTING—12

Cessar	Dumas	Nahill	Richardson
Cianciulli	Earley	Pyles	Street
Cohen	Moehlmann	Rhodes	Wenger

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.

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1176, PN 1320**, entitled:

An Act amending the "Inheritance and Estate Tax Act of 1961," approved June 15, 1961 (P. L. 373, No. 207), providing for preferential valuation of land in agricultural use or agricultural reserve use.

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

YEAS—188

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

Dombrowski	Knight	Punt	Wright, J. L.
Donatucci	Kolter	Pyles	Yahner
Dorr	Kowalshyn	Rappaport	Yohn
Duffy	Kukovich	Reed	Zeller
Dumas	Lashinger	Rieger	Zitterman
Durham	Laughlin	Ritter	Zwilk
Fee	Lehr	Rocks	
Fischer, R. R.	Letterman	Rodgers	Seltzer,
Fisher, D. M.	Levi	Ryan	Speaker
Foster, A.	Lewis		

NAYS—6

Beloff	Irvis	Manderino	Zord
Gray	Levin		

NOT VOTING—9

Cianciulli	Moehlmann	Rhodes	Street
Cohen	O'Donnell	Richardson	Wenger
Earley			

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 SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, Mr. Hoeffel brought to my attention that he had asked for a hold on the bill that we just voted on for amendment.

My calendar is marked hold for possible amendment — Hoeffel. I am just wondering how we got to vote on that bill.

The SPEAKER. The Chair's calendar was not marked for amendment. The Chair checked with the—

Mr. MANDERINO. Does not the Chair get the same calendar that I get with the markings on it?

The SPEAKER. The Chair checked with the amendment clerk on his left and she indicated she had no amendment for this bill.

Mr. MANDERINO. It clearly indicates on the calendar hold for possible amendment and Hoeffel amendment. I think we ought to at least have the courtesy when we do this kind of thing to ask the people who have asked for holds whether the amendment is ready, whether it is down, whether it is prepared, whether it is not going to be offered, whether it is going to be offered, and not just put a bill up on the board and ignore all the markings that exist to the calendar.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, it is unfortunate that the minority whip has chosen to take off on the Speaker because the Speaker was not aware, I am sure, that Mr. Hoeffel had an amendment and he was putting a bill in position for a vote.

Mr. Hoeffel did make note of the fact that he had an amendment, and the bill was held yesterday. If the gentleman has an amendment, I would respectfully suggest that we get on with the business of entertaining Mr. Hoeffel's amendment.

Does the gentleman still intend to offer an amendment and, if so, what is the status of that amendment?

We seem to be having a very, very, very difficult time getting our amendments prepared.

Mr. MANDERINO. That may or may not be, but the fact of the matter remains that the bill has been marked as a hold for possible amendment. Mr. Hoeffel has been discussing the possibility of amending this, to the best of my knowledge, with the legal staff on this side of the aisle.

There is no amendment prepared but if we are going to play by new rules of the game where you cannot hold for possible amendments, we ought to know that. I do not see the great urgency that this bill move that quickly. It has been on the calendar for 4 days. We are rushing it through when Mr. Hoeffel has said, I am looking at amendments and I would like to hold it for possible amendment.

I think we ought to respect his hold or it ought to be released by him unless we are going to play new rules of the game.

I think that vote should be stricken and we ought to keep the thing on hold since that is what he wants.

The SPEAKER. Does the gentleman, Mr. Hoeffel, intend to offer an amendment to HB 1176?

Can the gentleman give the Chair an indication of when the amendment will be ready?

Mr. HOEFFEL. Next week.

VOTE STRICKEN

The SPEAKER. Without objection, the vote on HB 1176 on final passage will be stricken.

HB 1176 PASSED OVER

The SPEAKER. Without objection, HB 1176 will be passed over. The Chair hears none.

For the further information of the minority whip, the Chair would only like to suggest that 4 legislative days in this case happens to be a third week.

Mr. MANDERINO. Mr. Speaker, I do not know how that can be possible. We have been in session 3 days every week and a legislative day is a legislative day. It can only be 3. Last week, we were in session at least one that I know of and the week before we were in session 3.

The SPEAKER. The Chair is correct, three.

Mr. MANDERINO. Two the week before. I could be wrong, Mr. Speaker. The fact remains that it is my understanding that your calendar, my calendar and the Republican calendar on the other side of the aisle are all marked the same. Mine clearly says, hold for possible Hoeffel amendment.

The House proceeded to third consideration of **HB 311, PN 1067**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further defining "dividends," providing for taxation as personal income on installment payments of real and personal property and further providing for tax returns.

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

YEAS—195

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

NAYS—1

Hutchinson, A.

NOT VOTING—7

Cianciulli	Earley	Rhodes	Street
Cohen	Letterman	Richardson	

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

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

The House proceeded to third consideration of HB 607, PN 658, entitled:

An Act amending "The Fiscal Code," approved April 9, 1929 (P. L. 343, No. 176), further providing for settlement or resettlement of an account.

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

YEAS—195

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



NAYS—0

NOT VOTING—8

Cianciulli	Earley	Richardson	Spencer
Cohen	Rhodes	Serafini	Street

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

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

The House proceeded to third consideration of **HB 1786, PN 2188**, entitled:

An Act making an appropriation to the Franklin Institute of the Commonwealth of Pennsylvania at 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?

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

Mr. ZELLER. Mr. Speaker, I just would like to know the amount of this appropriation, if someone could tell me, please.

The SPEAKER. Will the chairman of the Appropriations Committee be able to respond to the question by the gentleman from Lehigh, Mr. Zeller?

The gentleman from Montgomery, Mr. McClatchy, may proceed.

Mr. McCLATCHY. I did not get the question, Mr. Speaker.

The SPEAKER. The question was: What is the amount of HB 1786?

Mr. McCLATCHY. What is the amount?

The SPEAKER. Ten thousand dollars.

Mr. McCLATCHY. That is a special appropriation for a book, I think, that is being written. I think Mr. Wilson could probably give you a little more detail, but it is a specific appropriation for a book.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—137

Armstrong	Freind	Manderino	Schweder
Arty	Gallagher	Manmiller	Seventy
Barber	Gallen	McCall	Shadding
Beloff	Gannon	McClatchy	Shupnik
Bennett	Gatski	McKelvey	Sirianni
Berson	Geist	McMonagle	Smith, E.
Bittle	George, M.	Milanovich	Smith, L.
Borski	Giammarco	Miller	Spencer
Bowser	Goodman	Moehlmann	Stairs
Brandt	Grabowski	Mowery	Stewart
Brunner	Gray	Musto	Stuban
Burd	Greenfield	Nahill	Sweet

Burns	Halverson	Novak	Swift
Caltagirone	Harper	Noye	Taddonio
Cappabianca	Hayes, D. S.	O'Brien, B.	Taylor, E.
Cessar	Hayes, S. E.	O'Brien, D.	Taylor, F.
Chess	Helfrick	O'Donnell	Thomas
Cochran	Hoeffel	Oliver	Vroom
Cole	Honaman	Perzel	Wachob
Coslett	Hutchinson, A.	Petrarca	Wagner
Cowell	Hutchinson, W.	Pievsky	Wargo
Cunningham	Irvis	Pitts	Weidner
Davies	Johnson, E.	Polite	Wenger
DeMedio	Johnson, J.	Pucciarelli	White
DeVerter	Jones	Pyles	Wilson
DeWeese	Klingaman	Rappaport	Wilt
DiCarlo	Knight	Reed	Wright, D.
Dombrowski	Kolter	Rieger	Wright, J. L.
Donatucci	Kowalyszyn	Ritter	Yahner
Dorr	Kukovich	Rocks	Yohn
Duffy	Laughlin	Rodgers	Zitterman
Dumas	Letterman	Ryan	
Durham	Levin	Salvatore	Seltzer,
Foster, A.	Lynch, E. R.	Scheaffer	Speaker
Foster, W.	Madigan	Schmitt	

NAYS—55

Anderson	Fryer	Levi	Pratt
Austin	Gamble	Lewis	Punt
Belardi	Geesey	Livengood	Scirica
Brown	George, C.	Lynch, F.	Serafini
Cimini	Gladeck	Mackowski	Sieminski
Clark, B.	Goebel	McVerry	Spitz
Clark, R.	Grieco	Michlovic	Steighner
Cornell	Gruppo	Micozzie	Telek
Dawida	Hasay	Mrkonic	Trello
Dietz	Itkin	Murphy	Wass
Dininni	Kanuck	Peterson	Zeller
Fee	Kernick	Piccola	Zord
Fischer, R. R.	Lashingner	Pistella	Zwinkl
Fisher, D. M.	Lehr	Pott	

NOT VOTING—11

Alden	Earley	Mullen, M. P.	Street
Cianciulli	Knepper	Rhodes	Williams
Cohen	McIntyre	Richardson	

The two-thirds 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.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair has given permission to WHP-TV for 10 minutes of silent film.

CALENDAR BILL ON FINAL PASSAGE

Agreeable to order,  
The House proceeded to the consideration on final passage of **HB 640, PN 2225**, entitled:

An Act consolidating, revising and amending the divorce and annulment laws of the Commonwealth and making certain repairs.

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?

**RECONSIDERATION OF VOTE ON HB 640**

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

Mr. CUNNINGHAM. Mr. Speaker, I move that the vote by which HB 640 passed third reading be reconsidered.

Mr. SCIRICA. I second the motion.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**RECONSIDERATION OF VOTE ON CUNNINGHAM AMENDMENT TO HB 640**

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

Mr. CUNNINGHAM. Mr. Speaker, I move that the vote by which the Cunningham amendment No. A3211 to HB 640, PN 2225, was defeated on the 10th day of October, 1979, be reconsidered.

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

Mr. SCIRICA. Mr. Speaker. I second the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—185**

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

Dininni	Kukovich	Punt	Yohn
Dombrowski	Lashingner	Pyles	Zeller
Donatucci	Laughlin	Rappaport	Zitterman
Dorr	Lehr	Reed	Zord
Duffy	Letterman	Rhodes	Zwikl
Durham	Levi	Richardson	
Fee	Levin	Rieger	Seltzer,
Fischer, R. R.	Lewis	Ritter	Speaker
Fisher, D. M.	Livengood	Rocks	

**NAYS—4**

DeWeese	George, C.	Greenfield	Jones
---------	------------	------------	-------

**NOT VOTING—14**

Cianciulli	Goebel	Stewart	White
Dumas	Johnson, J.	Street	Williams
Earley	McVerry	Swift	Wright, J. L.
Gannon	Pott		

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

On the question recurring,

Will the House agree to the amendments offered by Mr. CUNNINGHAM?

The clerk read the following amendments:

Amend Sec. 201, page 7, by inserting between lines 7 and 8 (2) Twenty four months elapses from the date of the service of the complaint and an affidavit has been filed evidencing consent by only one of the parties and there has been testimony from a witness, other than the parties, corroborating that the parties have lived separate and apart for 24 consecutive months.

Amend Sec. 202, page 7, line 11, by striking out "THE FIRST 90 DAYS OF"

Amend Sec. 202, page 7, line 11, by striking out "12-month" and inserting 24-month

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. It is the understanding of the Chair that there will be no debate on this amendment. Is the Chair correct?

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

Mr. ROCKS. Mr. Speaker, would I be in order to simply define what the vote is in front of the chamber?

The SPEAKER. Under the rules of the House, the gentleman is in order and may proceed.

Mr. ROCKS. In full agreement with the Speaker and the membership that it has all been said, I just thought it was important to point out that we have twice eliminated the only controversial provision of this bill. The vote in front of us would sustain that vote, and I would ask the members, please, to vote "no" on the amendment that is in front of us. Thank you, Mr. Speaker.

**PARLIAMENTARY INQUIRY**

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

Mr. WILLIAMS. Mr. Speaker, I do not wish to debate the bill. I would like to address an inquiry to the Chair, first of all.

The SPEAKER. The gentleman will state his point of inquiry.

Mr. WILLIAMS. And, secondly, Mr. Speaker, after my answer to that, I would like to comment on matters concerning that.

The SPEAKER. The gentleman will state his point of inquiry.

Mr. WILLIAMS. Mr. Speaker, this particular amendment, as I understand, has a 2-year no-fault provision in it, and I will be required to vote on the amendment. I have been in a legal situation of divorce proceedings for a couple of years and I will be directly affected by the outcome of this bill if it becomes law. With that in mind, I just want to be technically clear as to whether or not the Chair sees any conflict of interest in my voting one way or the other on the measure.

The SPEAKER. It is the opinion of the Chair that the gentleman or any other member of this House who is going through divorce proceedings would not have a conflict of interest in voting for or against this amendment.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I intend to change my vote on this measure, and in that I spoke on a previous measure contrary, although it was a shorter time, I feel that it is important, at least for me, one legislator, to briefly advance my reasons, mainly for my apparent change in the vote, not to debate the bill. I would appreciate the opportunity to briefly do that so that my vote will be more clearly understood by the folks on both sides in the constituencies who are highly interested in this issue, and I would ask the Chair if I could make that comment, limited to my own proposed change in vote on this measure.

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

Mr. WILLIAMS. Mr. Speaker, as you know, I strongly opposed the 1-year limitation in this matter, and I did so because I thought that people needed a chance to try to mend their differences, mainly for children and families. On the other hand, I always did feel that there was some time where, if parties were just irreconcilable, those factors did not obtain, and I do not know what that time is. I would prefer a time much longer than 2 years. But I do think the forces on both sides have come to what I think is an adequate compromise that would give people a chance to try. It also does conform to what we already have in the law, which is a 2-year period of separation on grounds of desertion. So there must be some philosophical base in the law with regard to a time period, even though one involves fault and the other does not.

Therefore, I do favor this as a responsible compromise to handle the tough differences that come up in this area, and I do so feeling that the moral question that we have with regard to not breaking up families and giving them at least an opportunity to wrestle with their differences would be more reasonably served by this amendment. I thank you, Mr. Speaker.

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

Mr. D. R. WRIGHT. I recognize that I am taxing the patience of the House, but I guess I would have to say that my own patience has been taxed over a period of days as I have sat and lis-

tened to the debate and have not commented. I recognize that one ought to be under no illusions that anything he says at this late date will have any effect on the outcome. We have discussed it so much, we have voted it so often that any dissidence that we may experience, Mr. Speaker, with regard to this provision may be certainly reduced at this point.

Mr. Speaker, I have had a fair amount of experience with situations, with experiences trying to help people before marriage and during marriage and after marriage, and very often that has been a case of the blind leading the blind, but I do want to tell you of at least one person whom I have talked to and attempted to help.

Here is a man in his late thirties, and for whatever reasons he has found life at home intolerable. Any semblance of sharing, of companionship, of mutuality of interests has been shattered. He became convinced, Mr. Speaker, that the only way he could extricate himself from this hell of home was to leave, and he left. Now, you might disagree with that, but you were not living in that situation. I might prefer that it were some other way, but I was not in that situation. His decision was to leave. Four years later he is paying 55 percent of his net income to this woman with whom he is not living.

If we defeat this amendment, Mr. Speaker, what we will effectively do is to consign this person to three choices. Only three choices are left to him. He has the choice of bigamy, adultery, or celibacy. I suggest that those of us who are interested in purity, in piety, in permanence would do well to support this amendment.

I thank you for your patience, Mr. Speaker.

The SPEAKER. The question recurs, will the House agree to the amendments? Those in favor will vote "aye"; opposed, "no." And only those members in their seats will be recorded.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—98

Anderson	Fisher, D. M.	Lehr	Richardson
Austin	Foster, W.	Levin	Ritter
Barber	Fryer	Lewis	Scheaffer
Bennett	Gallagher	Livengood	Schweder
Berson	Gamble	Madigan	Scirica
Bittle	Geesey	Manderino	Shadding
Bowser	George, M.	Manmiller	Sieminski
Brandt	Gladeck	McVerry	Smith, L.
Brown	Goebel	Michlovic	Spencer
Burd	Grabowski	Miller	Stewart
Burns	Greenfield	Moehlmann	Sweet
Cessar	Halverson	Mowery	Wachob
Chess	Harper	Nahill	Wagner
Clark, B.	Hoefel	Noye	Wass
Cohen	Honaman	O'Donnell	Weidner
Cornell	Hutchinson, A.	Oliver	White
Cowell	Hutchinson, W.	Piccola	Williams
Cunningham	Irvis	Pievsky	Wilt
Davies	Itkin	Pistella	Wright, D.
Dawida	Kanuck	Pott	Yohn
DeVerter	Kernick	Pratt	Zord
DeWeese	Knepper	Punt	Zwilk
DiCarlo	Kolter	Pyles	
Dorr	Kukovich	Rappaport	Seltzer,
Durham	Lashinger	Rhodes	Speaker

## NAYS—99

Alden	Gallen	McCall	Schmitt
Armstrong	Gannon	McClatchy	Serafini
Arty	Gatski	McIntyre	Seventy
Belardi	Geist	McKelvey	Shupnik
Beloff	George, C.	McMonagle	Sirianni
Borski	Giammarco	Micozzie	Smith, E.
Brunner	Goodman	Milanovich	Spitz
Caltagirone	Gray	Mrkonic	Stairs
Cappabianca	Grieco	Mullen, M. P.	Steighner
Cimini	Gruppo	Murphy	Stuban
Clark, R.	Hasay	Musto	Swift
Cochran	Hayes, D. S.	Novak	Taddonio
Cole	Hayes, S. E.	O'Brien, B.	Taylor, E.
Coslett	Helfrick	O'Brien, D.	Taylor, F.
DeMedio	Johnson, E.	Perzel	Telek
Dietz	Jones	Peterson	Thomas
Dininni	Klingaman	Petrarca	Trello
Dombrowski	Knight	Pitts	Vroon
Donatucci	Kowalyszyn	Polite	Wargo
Duffy	Laughlin	Pucciarelli	Wenger
Dumas	Letterman	Reed	Wright, J. L.
Fee	Levi	Rieger	Yahner
Fischer, R. R.	Lynch, E. R.	Rocks	Zeller
Foster, A.	Lynch, F.	Rodgers	Zitterman
Freind	Mackowski	Salvatore	

## NOT VOTING—6

Cianciulli	Johnson, J.	Street	Wilson
Earley	Ryan		

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

**RECONSIDERATION OF VOTE ON McVERRY  
AMENDMENT TO HB 640**

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

Mr. MULLEN. Mr. Speaker, I move that the vote by which the McVerry amendment No. 3226 to HB 640 passed on the 10th day of October 1979, be reconsidered.

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

Mr. ROCKS. Mr. Speaker, I second the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

## YEAS—177

Alden	Fee	Levin	Rocks
Anderson	Fischer, R. R.	Lewis	Rodgers
Armstrong	Foster, A.	Lynch, E. R.	Salvatore
Arty	Foster, W.	Lynch, F.	Scheaffer
Austin	Freind	Mackowski	Schmitt
Barber	Fryer	Madigan	Scirica
Belardi	Gallagher	Manmiller	Serafini
Beloff	Gallen	McCall	Seventy
Bennett	Gannon	McClatchy	Shadding
Berson	Gatski	McIntyre	Shupnik
Bittle	Geesey	McKelvey	Sieminski
Borski	Geist	McMonagle	Smith, E.
Bowser	George, C.	McVerry	Smith, L.
Brandt	George, M.	Michlovic	Spencer
Brunner	Giammarco	Micozzie	Spitz

Burd	Gladeck	Milanovich	Stairs
Burns	Goebel	Miller	Steighner
Caltagirone	Goodman	Moehlmann	Stewart
Cappabianca	Grabowski	Mrkonic	Sweet
Cessar	Gray	Mullen, M. P.	Swift
Chess	Greenfield	Murphy	Taddonio
Cimini	Grieco	Musto	Taylor, E.
Clark, B.	Gruppo	Nahill	Taylor, F.
Clark, R.	Halverson	Novak	Telek
Cochran	Harper	Noye	Thomas
Cohen	Hasay	O'Brien, B.	Trello
Cole	Hayes, D. S.	O'Brien, D.	Vroon
Cornell	Hayes, S. E.	O'Donnell	Wachob
Coslett	Helfrick	Perzel	Wagner
Cowell	Hoeffel	Peterson	Wargo
Cunningham	Honaman	Petrarca	Wass
Davies	Hutchinson, W.	Piccola	Wenger
Dawida	Irvic	Pievsky	Wilt
DeMedio	Johnson, E.	Pitts	Wright, D.
DeVerter	Kanuck	Polite	Wright, J. L.
DeWeese	Klingaman	Pott	Yahner
DiCarlo	Knepper	Pratt	Yohn
Dietz	Knight	Pucciarelli	Zeller
Dininni	Kolter	Punt	Zitterman
Dombrowski	Kowalyszyn	Pyles	Zord
Donatucci	Lashinger	Reed	Zwikl
Dorr	Laughlin	Rhodes	
Duffy	Lehr	Richardson	Seltzer,
Dumas	Letterman	Rieger	Speaker
Durham	Levi	Ritter	

## NAYS—11

Brown	Hutchinson, A.	Livengood	Weidner
Fisher, D. M.	Kernick	Oliver	White
Gamble	Kukovich	Pistella	

## NOT VOTING—15

Cianciulli	Jones	Ryan	Stuban
Earley	Manderino	Schweder	Williams
Itkin	Mowery	Sirianni	Wilson
Johnson, J.	Rappaport	Street	

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

On the question recurring,

Will the House agree to the amendment offered by Mr. McVERRY?

The clerk read the following amendment:

Amend Sec. 201, page 7, by inserting between lines 7 and 8 The court may also grant a divorce when for a period of at least three years immediately preceding the effective date of this act the parties have continuously lived separate and apart, with complete cessation of cohabitation, which must be established by an affidavit of one of the parties and corroborated by a witness other than the parties.

On the question,

Will the House agree to the amendment?

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

Mr. MULLEN. Mr. Speaker, last week when we were debating this bill, Mr. McVerry offered this amendment, and I do not honestly think that anyone knew exactly what they were voting on. I think it is important that each person should open up

his new printer's number, PN 2225, on page 7, and read the amendment. It is on lines 17 to line 23.

What this in fact does is negate what we did a minute ago. This is unilateral divorce to a limited extent. What Mr. McVerry's amendment does is to say that a person can get a unilateral divorce providing they have been separated from their spouse for a period of 3 consecutive years prior to the passage of this bill if during that time they had no cohabitation with their spouse and if a third person would verify that they lived separate and apart for the 3 years and had no cohabitation.

This is unilateral divorce to a limited extent, and since we have already knocked down unilateral divorce 99 to 98, I think that we ought to delete this from the bill and then pass the bill, because I think at that particular point in time we will have a meaningful divorce reform bill. So I ask all of you, if you will, to vote against Mr. McVerry's amendment. Thank you.

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

Mr. McVERRY. At the time that my amendment was offered last week, a 2-year unilateral no-fault provision had been passed into the bill. The purpose of offering the amendment was to provide a unilateral divorce for those persons who had been separated for at least 3 years prior to the effective date of the act, because the 2-year unilateral provision as passed required a separation of 2 years following the filing of a complaint. Simply speaking, it provided that those persons who had been separated for quite a period of time prior to this new law would have been entitled to a divorce.

Frankly, I oppose Mr. Mullen's motion to delete that provision from the bill. Being a strong proponent of unilateral no-fault divorce, I feel as though those persons who have been separated for 3 years prior to the passage of this act should still be entitled to a divorce upon the effective date of this act.

However, Mr. Speaker, I am offering today right now and I have delivered to the desk an amendment, A3359, which will in fact amend the language that we passed last week into this bill by my amendment by eliminating the words "effective date of this act" and inserting the words "granting of a divorce." The effect of the amendment that I am now offering in counter to Mr. Mullen's request that my amendment be deleted from the bill would in fact grant the right to a unilateral divorce to any and all persons who have been separated for a period of 3 years.

We have gone from 1 year to 2 years. That has gone down by one vote. There are many people in this Chamber who have expressed that that is not a sufficient period of time. I do not think that my amendment, which was passed by a strong plurality of votes last week, should be deleted from the bill, but rather it should be amended to permit the granting of a unilateral divorce upon a 3-year separation.

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

Mr. COWELL. Mr. Speaker, I would just ask that you clarify the issue before us because we are hearing several different words about deleting and adding another amendment.

Am I correct in understanding that the motion before us now

is to reconsider the McVerry amendment and those in favor of the—

The SPEAKER. The question before the House is the adoption of the McVerry amendment, No. 3226, which was adopted last week on October 10.

Mr. COWELL. So those in favor of that amendment would vote in the affirmative? Those opposed to deletion would vote in the negative?

The SPEAKER. The gentleman is correct.

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

Mr. ZELLER. Mr. Speaker, if I may. To answer the gentleman, with the problem right now I do not believe that that is entirely true. We are all confused because Mr. McVerry added something to that. He said that he was going to introduce an amendment and then started to relate to that amendment. A lot of us are wondering whether you are talking about, yes, the amendment he is referring to that he is going to introduce or the one he introduced last week.

The SPEAKER. Will the members please take their seats? The Chair will, again, put the question. The question before the House is the amendment offered by the gentleman from Allegheny, Mr. McVerry, on October 10. The amendment was numbered A3226. Those members who are in favor to continue this amendment in the bill will vote "aye." Those who would like to take the amendment out of the bill will vote "no." The members will proceed to vote.

On the question recurring,  
Will the House agree to the amendment?  
(Members proceeded to vote)

### VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

The Chair will again attempt to inform the members of that which they are now about to vote. We are now in the position that the question before the House is amendment No. 3226 which is now being offered by the gentleman from Allegheny, Mr. McVerry.

Those voting in the affirmative vote to adopt the amendment offered by Mr. McVerry. Those voting "no" vote opposed to the amendment offered by Mr. McVerry.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, thank you for the explanation.

Mr. Speaker, I have voted on four different occasions for unilateral no-fault divorce. I am, however, at this time rising to oppose the McVerry amendment. The reasons that I am rising to oppose the McVerry amendment are because this House has just recently, in a very close vote, expressed its view that unilateral divorce shall not be a part of the law of this Commonwealth, and if the McVerry amendment stays in this bill, you have created an inconsistency and an unfairness that will make this House look foolish. You will have created no-fault divorce for people who have been separated at a time when we had a

fault theory, but hereafter anyone else is going to have to put up with it forever.

If Mr. McVerry subsequently offers an additional amendment or anything comes up, that is another story, but as the bill now stands, this amendment should not be in the bill. I support Mr. Mullen and I oppose the amendment.

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

#### MOTION TO RECOMMIT

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

Mr. PICCOLA. Mr. Speaker, because of the confusion surrounding this amendment and because this bill, in my view, was written in a balanced fashion and is now out of balance, I would move to recommit HB 640, along with all amendments, to the Committee on the Judiciary.

The SPEAKER. The gentleman from Dauphin, Mr. Piccola, moves that HB 640 and the amendments be recommitted to the Committee on Judiciary. The gentleman's motion is in order.

The Chair recognizes the gentleman from Philadelphia, Mr. Mullen, to debate the merits or demerits of the recommittal motion only. The gentleman is in order and may proceed.

Mr. MULLEN. Mr. Speaker, I do not think that the House would be served, and neither would the people of the Commonwealth, by recommitting this bill. I think we have debated it long enough, I think we have argued point after point and I think we should go on and finish the bill one way or another. So I ask that we vote against the recommittal motion. Thank you.

The SPEAKER. The question recurs: Shall HB 640 and the amendments be recommitted to the Judiciary Committee?

The Chair recognizes the chairman of the Judiciary Committee, Mr. Spencer.

Mr. SPENCER. Mr. Speaker, as chairman of the Judiciary Committee, I would urge all members not to vote in favor of recommitment. I have been on the Judiciary Committee for 17 years, and for 17 years we have been trying to get some sort of no-fault divorce through this House, and we have one more amendment, as I understand it, from Mr. McVerry. I do wish that the members of this House would allow him to at least try this one amendment before any further action is taken and would respectfully request all members to vote against the recommitment at this time. Thank you.

#### MOTION WITHDRAWN

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

Mr. PICCOLA. With deference to my chairman, Mr. Speaker, I will withdraw the motion.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, will the gentleman, Mr. Spencer, stand for a very brief interrogation?

The SPEAKER. Will the gentleman, Mr. Bennett, yield for a moment?

#### AMENDMENT WITHDRAWN

The SPEAKER. For the information of the members of the House, the gentleman from Allegheny, Mr. McVerry, is withdrawing the amendment to HB 640.

#### HOUSE BILL 640 PASSED OVER TEMPORARILY

The SPEAKER. Without objection, HB 640 and its amendments will be passed over temporarily. It is the understanding of the Chair that Mr. McVerry has another amendment which will be offered later on this afternoon.

Without objection, HB 640 will be passed over temporarily.

The Chair recognizes the gentleman from Centre, Mr. Letterman. For what purpose does the gentleman rise?

Mr. LETTERMAN. Mr. Speaker, I thought last week when we left here we had agreed that nothing else would be done to this bill except the reconsideration of the Cunningham amendment. Now what have we done; have we just forgot all about that?

The SPEAKER. The gentleman is correct. There was an attempt among the joint leadership of this House to restrict debate and eliminate any additional amendments as of last week. The gentleman also knows that any accommodation reached by the leadership of this House is not binding on any of our members. Under the rules of this House, members have the opportunity to debate legislation or offer amendments to legislation.

It is the Chair's further understanding that the amendment to be offered by Mr. McVerry is an amendment in lieu of the one which was going to be debated rather fervently here today, and it would be the opinion of the Chair that the best interests of the House and those proponents and opponents of this legislation can be best served if we will await the amendment being prepared by Mr. McVerry and dispose of it at a later hour this afternoon.

Mr. LETTERMAN. Thank you.

#### CALENDAR BILL ON FINAL PASSAGE POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. PITTS, the House resumed consideration on final passage of **SB 762, PN 1207**, entitled:

An Act amending the act of November 1, 1971 (P. L. 495, No. 113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," increasing the salary of county officers and county commissioners in calendar year 1980 and granting powers to county commissioners to fix salaries.

On the question recurring,  
Shall the bill pass finally?

#### RECONSIDERATION OF VOTE ON SB 762

Mr. PITTS moved that the vote by which SB 762 was agreed to as amended on third consideration on Wednesday, October 10, 1979, be reconsidered.

Mr. DAVIES seconded the motion.

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

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

Mr. PITTS offered the following amendments:

Amend Title, page 1, lines 6 and 7, by striking out "in calendar year 1980"

Amend Sec. 1 (Sec. 1), page 1, line 20, by striking out all of said line

Amend Sec. 1 (Sec. 2), page 2, line 27, by striking out all of said line

Amend Sec. 1 (Sec. 3), page 3, line 16, by striking out all of said line

Amend Sec. 1 (Sec. 4), page 4, line 11, by striking out all of said line

Amend Sec. 1 (Sec. 4), page 5, line 10, by inserting a period after "employed"

Amend Sec. 1 (Sec. 4), page 5, line 10, by striking out "effective January 1, 1980."

Amend Sec. 1 (Sec. 5), page 5, line 13, by striking out all of said line

Amend Sec. 1 (Sec. 6), page 6, line 2, by striking out all of said line

Amend Sec. 1 (Sec. 7), page 7, line 9, by striking out all of said line

Amend Sec. 1 (Sec. 8), page 8, line 7, by striking out all of said line

Amend Sec. 1 (Sec. 9), page 8, line 26, by striking out all of said line

Amend Sec. 1 (Sec. 10), page 9, line 15, by striking out all of said line

Amend Sec. 2 (Sec. 10.1), page 10, by inserting between lines 23 and 24

(e) No new salary schedule shall take effect until the term of the office following the term for which the compensation was increased by an act of the General Assembly.

Amend Sec. 3, page 10, line 24, by inserting after "and", except as herein provided,

Amend Sec. 3, page 10, line 26, by removing the period after Pennsylvania and inserting: Provided, however, That section 4 insofar as it relates to mileage shall take effect January 1, 1980: And provided further, That the increase in compensation provided by this act shall be payable only after all officers for that office throughout the Commonwealth are eligible for such increase or January 1, 1982, whichever date is later.

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

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

Mr. PITTS. Mr. Speaker, my amendment would defer the \$3,000 pay increase for county commissioners and row officers until their next term of office. The presidential guidelines for wage increases are 7 percent, and the commissioners and row officers who are elected this year will automatically receive the \$3,000 pay increase which was enacted into law in 1976. Should they receive this additional \$3,000 as set forth in the present SB 762, they would far exceed the Presidential guideline in 1 year. So by banking these pay raises for the future, this 7-percent guideline will be met. Therefore, I urge adoption of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Venango, Mr. Levi.

Mr. LEVI. I would oppose this amendment. What we are doing is stripping out any pay raise for the elected row officers for another 4 years. That will mean that a county commissioner in the Commonwealth of Pennsylvania for a period of 12 years would receive only a \$3,000 increase for a 12-year period of time. Senate bill 762 puts an additional \$3,000 into the bill, which is \$6,000 which would encompass a 12-year span of time. I do not think this is a large increase. I think it is a fair increase, a reasonable increase, so I would ask everyone to defeat this amendment to the bill.

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

Mr. AUSTIN. Mr. Speaker, would Mr. Pitts stand for a brief interrogation?

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

Mr. AUSTIN. Mr. Speaker, do I have you correctly that what this means is the row officers and the county commissioners will receive their duly accorded pay raise of \$3,000 set in 1976; however, they will not receive another pay raise until 1984?

Mr. PITTS. Yes. In the case of those who are elected this fall, that is true.

Mr. AUSTIN. And that would be a pay raise of \$3,000 in 1984 for those people who are under the county government structure—

Mr. PITTS. —in addition to the \$3,000 which they will get this January.

Mr. AUSTIN. Okay. And that \$3,000 was the \$3,000 voted on in a prior session? Is that correct, Mr. Speaker?

Mr. PITTS. That is correct.

Mr. AUSTIN. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Montour, Mr. Wagner.

Mr. WAGNER. Mr. Speaker, I would like to request the Chair to exempt me from voting on the bill and all amendments on this very worthwhile bill.

The SPEAKER. Did the gentleman ask the Chair whether or not it is in order for him to vote on this legislation and the amendments?

Mr. WAGNER. Yes.

The SPEAKER. It is the opinion of the Chair as long as the member is in the hall of the House, under the rules of the House, a member must vote on this legislation.

The Chair recognizes the gentleman from Bucks, Mr. Weidner.

Mr. WEIDNER. Mr. Speaker, I oppose this amendment. It is a very comprehensive amendment, and we are faced with a time element in this legislation. We have 20 days to have this SB 762 enacted into law, and if these comprehensive amendments would be accepted and go back to the Senate and they reject them, it would wind up in a conference committee. We have no time for that. I, therefore, oppose the amendment.

The SPEAKER. The Chair recognizes the gentleman from

Allegheny, Mr. Austin.

Mr. AUSTIN. Mr. Speaker, I am wondering, as of last week we enacted an amendment which gave the power to the county commissioners to set their own salaries. My question is, if we approve the Pitts amendment, will they then receive a \$3,000 raise in 1980, be eligible for a \$3,000 raise in 1984, but then, going above that, would they have the power or the authority to give themselves an even higher raise?

I suppose the answer is "yes," but I do not know that as a fact, and if anyone in the House could give me that answer, I would appreciate it. If the answer is "yes," then I would have to oppose the Pitts amendment, because I have a strong feeling that between 1980 and 1984 we may have many county governments here in Pennsylvania who would opt to set their own salary schedules, and I think then the \$3,000 raise in 1984 would be a little useless.

The SPEAKER. Does the majority whip, Mr. Hayes, wish to respond to the question?

The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, would the gentleman restate his question, please?

Mr. AUSTIN. Yes, Mr. Speaker, what I am anxious to know is, if we adopt the Pitts amendment, it is my understanding that that would call for a pay raise for county row officers and county commissioners in 1984? Perhaps that is incorrect. That is what I am asking.

Mr. S. E. HAYES. If I understand the gentleman's question, and maybe I do not, Mr. Speaker, but if I do in fact understand the gentleman's question, there is a constitutional prohibition against county officers, be they commissioners or those whom we refer to as row officeholders, from receiving an increase in their emoluments during their elected term of office.

Mr. AUSTIN. Mr. Speaker, what I am asking is, I think we inserted into this bill last week an amendment which allowed the county commissioners to set their own salaries. That is the bill, okay?

Mr. S. E. HAYES. That provision came to us from the Senate and from the House Committee on Local Government.

Mr. AUSTIN. What I want to know is, would the Pitts amendment allow for a salary increase beginning in 1984, then?

Mr. S. E. HAYES. If I understand the gentleman's amendment, the proviso which will allow county commissioners to set the salaries for county officers would begin after the second \$3,000 would trigger by the Pitts amendment. That is my understanding of the amendment. I am reading it to see if I am wrong. Just a minute, please, Mr. Speaker.

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

Mr. AUSTIN. Mr. Speaker, may I yield to Mr. Cowell for a moment?

The SPEAKER. Would the gentleman yield until we attempt to get an answer from the majority whip to the question posed to him?

While the Chair is waiting for a conclusion of the majority

whip, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Mr. Speaker, I think that the point that Mr. Austin has tried to make is very valid, and basically the point is that if, as a part of this proposed law, we are going to give county officials or county commissioners the ability and the responsibility to set salaries in the future, it is meaningless for us to establish any kind of salary increase schedule for future years. It makes absolutely no sense.

So the only two issues, really, that we ought to be debating today are, one, are we going to give them that power in the future?, and, secondly, for interim purposes, are we going to give an extra or an additional salary increase to officials who are going to be elected this fall? That is the real issue before us.

Aside from that, it is extraneous, it is meaningless for us to propose increases for 1982 or 1984 or any further year.

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

Mr. COHEN. Mr. Speaker, I would urge the defeat of this amendment.

We are always told that the real problems facing government are that a handful of elected officials get too much money. The fact is, as we well know, that our salaries are far lower in real dollars than they were some years ago; the county salaries are far lower in real dollars than they were some years ago; and that this kind of cynicism that we are daily confronted with — that the way we are going to improve government is to drive out people who are not wealthy in it by having very, very small salary increases so that every year the salaries in real dollars are less than they were the year before — is ridiculous.

I think we ought to support the pay raise in this bill and defeat the amendment.

#### AMENDMENTS WITHDRAWN

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

Mr. PITTS. Mr. Speaker, I withdraw my amendment, to SB 762.

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

Mr. PITTS. Mr. Speaker, I will have it redrafted so that there is no misunderstanding on the point the gentleman raised.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. DAVIES offered the following amendments:

Amend Title, page 1, lines 5 through 7, by striking out "increasing the salary of" in line 5, all of line 6 and "1980 and" in line 7

Amend Bill, page 1, lines 11 through 20; pages 2 through 9, lines 1 through 30; page 10, lines 1 and 2, by striking out all of said lines on said pages and inserting

Section 1. The act of November 1, 1971 (P. L. 495, No. 113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for the



disposition of fees, for filing of bonds in certain cases and for duties of certain officers," is amended by adding a section to read:

Amend Sec. 2 (Sec. 10.1), page 10, line 6, by removing the period after "act" and inserting : Provided, however, That salary increases made pursuant to this act shall not exceed the lesser of either:

(1) seven and one-half per cent of the annual salary; or

(2) the percentage established as a wage guideline by the Federal Government.

(b) Salary increases shall be of uniform rates insofar as they relate to county officers governed by this act.

Amend Sec. 2 (Sec. 10.1), page 10, line 7, by striking out "(B)" and inserting (c)

Amend Sec. 2 (Sec. 10.1), page 10, line 19, by striking out "(C)" and inserting (d)

Amend Sec. 2 (Sec. 10.1), page 10, line 21, by striking out "(D) No" and inserting (e) Except as provided in subsection (f), no

Amend Sec. 2 (Sec. 10.1), page 10, by inserting between lines 23 and 24

(f) The county commissioners may provide for salary increases to take effect immediately solely for the purpose of computing the amount of county pension fund contributions and/or benefits.

On the question,

Will the House agree to the amendments?

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

Mr. DAVIES. Mr. Speaker, for the sake of clarity, I am withdrawing amendment A3330, which essentially is the same amendment as Mr. Pitts offered, and I am speaking to amendment A3304, the first of two amendments that I would like to submit for consideration of this body.

The SPEAKER. The gentleman is in order and will proceed to explain his amendment.

Mr. DAVIES. Mr. Speaker, this essentially would provide power to the commissioners to increase those salaries after the affixed date. However, it would put a restriction in amendment two that instead of the \$3,000 increase, which is part and parcel of the current bill, would provide a limit on affixing those salaries to the current 7½-percent national guideline figures which had been established by the Carter Administration.

Now, in the event that that would change, those percentages would decrease in the second proviso. It would be then the wage guidelines that would be adopted by any Federal agency or any President or whatever the Federal guidelines may become. It says that it should be the lesser amount of those increases, and it would mean that if that would exceed the 7½ percent, they could not increase it above the 7½ percent for any of those offices.

Then, of course, it also establishes that the rate should be uniform. That means that if the percentage for row office of one would be 4 percent and would be affixed at 4 percent for the recorder of deeds, it would then be 4 percent for the county sheriff as well.

It would also mean, in the uniformity aspect, that it would be affixed for both the minority and the majority members of the commission of the county commissioners. That would not, of course, pertain to the chairman—since that would not be necessary to affix therein a uniformity clause since he does have additional responsibilities.

In addition to this, there would be a provision at the end which would allow those same county commissioners to provide for someone who is definitely not re-upping or reinstating or rerunning for the office, but going to retire for the sake of that retirement, a retroactive clause which would allow the commissioners to adopt a retroactive increase to affect that person's last year's income, which essentially would allow them to award somebody to the effect that they pension a man after, let us say, a long period of service.

This was necessitated by the fact that in my own situation or in my own county we have someone who is going to retire after some 18 years of extreme vital service to the county and, of course, should be given that type of consideration after, of course, not receiving the increase anticipated by the '76 action of this legislative body.

That essentially is what this amendment would do, Mr. Speaker. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Venango, Mr. Levi.

Mr. LEVI. I would like to take exception to this amendment. I find three parts that, I believe, make the bill most unsatisfactory.

When we put a cap of 7½ percent annual on salary or the established wage guideline of the Federal Government, what we are doing is taking it back to where we are now. Essentially we are establishing the salary because they would obviously go up to that maximum.

Another problem with that section is that 7½ percent may not meet the need of their legislators or the row officers because of inflation, and there is no guarantee that 5 years from now there will be any Federal guidelines to establish the rates.

For those reasons, I oppose that section of the amendment. And the bottom part of the amendment, I think, flaunts the Constitution of the Commonwealth of Pennsylvania by providing a salary increase without being elected and before an election.

So I think for those three reasons, I feel that this amendment is poorly drafted and should be defeated. Thank you, Mr. Speaker.

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

Mr. COWELL. Mr. Speaker, will Mr. Davies consent to interrogation, please?

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

Mr. COWELL. Mr. Speaker, I apologize. It is extremely difficult and it was extremely difficult to hear the explanation that the gentleman, Mr. Davies, gave. Perhaps if you could ask for a little bit more quiet, all of us will be able to hear the next explanation.

The SPEAKER. The gentleman may proceed.

Mr. COWELL. Mr. Speaker, again, I would like to review the amendment briefly so that all of us have an understanding. Do I understand that the first section of the amendment, the first 10 or 12 lines, basically eliminates all of those salary increases that are enumerated on pages 1 through page 10 of the bill?

Mr. DAVIES. Yes. It would eliminate those additional \$3,000 increases that were affixed in that portion of the bill. That is correct.

Mr. COWELL. Okay.

Mr. DAVIES. It would keep in place, though, the \$3,000 that had been previously enacted by this legislature.

Mr. COWELL. Okay. And it is not your intent then, even though we have some other language in the amendment that talks about increases not exceeding 7½ percent or a couple of other alternatives, that that 7½-percent limit applies to this so-called second \$3,000 increase but rather those limits would apply to the decisions that the county commissioners might make in future years?

Mr. DAVIES. Yes, that is essentially correct. It would be giving them, the original provisions of the bill, that authority. This would be, essentially, placing a cap on that that would be 7½ percent or less. It, at no time, could exceed that 7½-percent guideline. This would merely be a cap which we are placing on that authority that we are granting to the commissioners as the bill was amended.

Mr. COWELL. Finally, Mr. Speaker, I could not hear your explanation and I apologize for your having to go through this again. I did hear you make some comment about a retroactive increase, and as I read the amendment, I do see some language on the very bottom talking about salary increases taking effect immediately for purposes of computing pensions, what have you. Could you go over that explanation one more time?

Mr. DAVIES. Yes. Essentially what it does is to give the current commissioners the authority to, between now and the election day—and I would extend that beyond the election day until they go out of office—make increases retroactive for the purpose of affecting someone's retirement, let us say, for the forthcoming years, for someone who is not re-upping. The same thing would be applicable for those commissioners the next time around if there are those who decide not to run; that authority would be extended as well.

Essentially what it is doing is not affecting 3 years but only 1 year, so at least we will give a 1-year increase to that individual to increase their retirement benefits. Of these people, one, for example, in my own county has served 18 years, I think, in that particular position and had not had benefit of the \$6,000 increase and would not have any benefits from that. This would be an attempt to allow this to be increased, effective only to those people who were not going to re-up or rerun for the office. That, essentially, is what that provision does.

Mr. COWELL. Mr. Speaker, when you talk about people not running for re-election and talk about the commissioners being able to—again for purposes of the pension—increase the salary immediately, am I correct in understanding then that your intent is that commissioners, who are serving today and who will serve until the end of this year, would be able, the day after this

passes into law and would be signed into law by the Governor, let us say November 1 as a hypothetical date, to adopt salary increases for the purposes of computing pensions?

Mr. DAVIES. I am sorry, sir, I missed the very last three words of your statement. The rest of it I think I have but I missed the last—

Mr. COWELL. The gut of that question was, would commissioners who are serving today, perhaps on November 1, if this has been signed into law by then, be able to adopt a salary increase for the purposes of computing a pension, and my thought is that that increase and that pension benefit would apply to those very same people who would make that decision?

Mr. DAVIES. Yes, Mr. Speaker, that would be true but there is a uniformity provision in there so it would have to be uniform to all of those in percentile. So that there is a guarantee that we could say that they could not feather their own nests without considering those other people who will be going to be given consideration. That is what the uniformity provision in the prior sections speak to.

Mr. COWELL. Would that uniformity section apply on a statewide basis or only within that county?

Mr. DAVIES. Only within that county, sir. Each county acts on its own with a uniformity clause which would pertain to that particular county, and this would, of course, bind them to that uniformity for the percentile for all of those offices in that county.

Mr. COWELL. Okay.

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

Mr. WEIDNER. Mr. Speaker, I oppose this amendment for the same reason I did the other, but for several other reasons. I think Mr. Levi had stated several objections. And I think down in—“Provided, however, That salary increases made pursuant to this act shall not exceed the lesser of either:” “seven and one-half per cent . . .” or “the percentage established . . .”.

I do not think that that is quite fair to put that into legislation because we do not know by 1984 what the percentage might be and to limit it to 7½ percent for inflation when inflation might be up in the double figures, I do not think that is quite fair to limit them to that extent. And as was stated, I think the last paragraph is definitely unconstitutional because that would be granting them a salary increase during their term of office. I ask for your “no” vote on this amendment.

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

Mr. FRYER. Mr. Speaker, it seems to me that there are several matters in this proposed amendment that I feel the sponsor would be better if he would break them down into individual proposals.

I am well aware of the intent of the gentleman, but I would question the point and I read, “Salary increases shall be of uniform rates insofar as they relate to county officers governed by this act.”

I would remind the gentleman that we have offices which pay a different salary, such as commissioners, the aides, coroners, jury commissioner. The gentleman states that it should be uni-

form. Uniform by what method? Would he take the commissioner's salary increase and apply that same amount which would be unfair or would he apply a percentage basis? And I do not quarrel with his intent but that is not spelled out in the amendment.

I would also point out that in regard to the salary increases to take effect or computing the amount of pension funds, that to me—and I recognize that we have dedicated public officials on the county level but that—reminds me of a bon voyage party. And this would take place in all counties where you would be having people retiring short of the severance pay, it would appear to me.

As I say, I do not quarrel with the gentleman's intentions but I do believe that the amendment should be broken down. I think it should be stipulated by percentage or amount, whichever the gentleman prefers. But if the amendment remains as a whole, I must cast my vote in the negative. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Kernick.

Mrs. KERNICK. Mr. Speaker, is the amendment divisible?

The SPEAKER. It is the opinion of the Chair that the amendment is not divisible.

Mrs. KERNICK. Do you not want to find out where I wish to divide it before you make your decision?

The SPEAKER. The Chair was anticipating a question raised by some member and the Chair in reading the amendment does not believe it to be divisible. If the lady would like to indicate where she would suggest, the Chair would be very happy to listen.

Mrs. KERNICK. I would like to separate the amendment, let us see, it would start "Amend Sec. 2 (Sec. 10.1), page 10, line 21, by striking out '(D) No' " at the bottom of the page.

#### SECTION OF AMENDMENT WITHDRAWN

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

Mr. DAVIES. Mr. Speaker, possibly to alleviate the concerns of both the Speaker and the lady in that I would voluntarily withdraw that section (e) down to the bottom of the page, submit my other amendment, and let it pass or fall on its own merit, and then just consider the other aspects of the amendment.

The SPEAKER. Will the gentleman indicate to the Chair what part of the amendment he would like to withdraw?

Mr. DAVIES. I will withdraw from section "(e) Except as provided in subsection (f), . . ."

The SPEAKER. The Chair apologizes, but he cannot understand the gentleman.

Mr. DAVIES. I would withdraw part of amendment A3304 from I think about the fifth or sixth line up from the bottom, subsection "(e) Except as provided in subsection . . ." and all the language from there to the bottom of the page, which would end up "pension fund contributions and/or benefits."

The SPEAKER. Does the gentleman have a copy of his amendment in front of him?

Mr. DAVIES. Yes, Mr. Speaker.

The SPEAKER. For the information of the Chair, would the gentleman count up from the bottom the number of lines?

Mr. DAVIES. Seven lines, Mr. Speaker, starting with subsection "(e) Except as provided in subsection (f), . . ." That language to the bottom of the page I suggest be deleted from the amendment.

The SPEAKER. For the information of the gentleman, it is the opinion of the Chair that this amendment cannot be divided at that point.

The Chair recognizes the lady from Allegheny, Mrs. Kernick. For what purpose does the lady rise?

Mrs. KERNICK. A point of clarification. I am suggesting to divide it two lines above that, and I think if Mr. Davies will read closely, he wants to go to two lines above that (e) line, and there it is divisible.

Mr. DAVIES. Mr. Speaker, the lady is correct and I am in error. That is the correct place for the division, and I would agree to—

The SPEAKER. The Chair agrees with the lady from Allegheny, Mrs. Kernick, that it is possible to divide the amendment at that point.

Mrs. KERNICK. Mr. Speaker, Mr. Davies is willing to drop that portion of the amendment.

#### AMENDMENTS DIVIDED

The SPEAKER. The Chair is aware of that. For the information of the members, if they will look at the copy of the amendment on their desks, Mr. Davies is withdrawing the last nine lines of amendment numbered 3304. Are there any questions from any of the members on the part of the amendment Mr. Davies is withdrawing?

#### PARLIAMENTARY INQUIRY

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

Mr. DAVIES. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman may state it.

Mr. DAVIES. May I then reserve the right to submit that amendment by itself and have it either pass or fall without being ruled dilatory? Is that preserved with my withdrawal at this time?

The SPEAKER. If the gentleman wants to reserve the right to offer that part of the amendment at a later time, the Chair would suggest that he ask for a division of the amendment at this time and we will vote on it.

Mr. DAVIES. All right, sir, I so request that division.

The SPEAKER. The question before the House is all of amendment No. A3304 with the exception of the last nine lines, which starts off by saying: "Amend Sec. 2 (Sec. 10.1), page 10, line 21, by striking out '(D) No' and inserting" et cetera, et cetera, et cetera.

The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Before we vote on that, the concerns of the minority chairman of the Local Government Committee, I would

like to address his concerns about uniformity and I would also like to address the concerns of the majority chairman.

The SPEAKER. If the gentleman wishes to debate the first part of the amendment, the gentleman is in order and may proceed.

Mr. DAVIES. The concerns of Mr. Fryer about uniformity is that I inform Mr. Fryer that we are speaking of a uniformity in percentages, which simply means that if there is a percentile increase granted by the commissioners to the commissioners, those same uniform applications apply to the other row offices in the county. This is essentially what it states or, as I said, minority or majority members of the same. In addition to that— Well, that point is moot since we are going to consider that separately.

Mr. Weidner's concern about the matter of them being affixed to a certain amount is no different from any other provision that I submitted for consideration for our own increases here in the House, and I have actively supported action on that consideration. I think that we should stay within the frameworks of certain percentiles. I think it would be pennywise and poundfoolish to do anything else but address ourselves to those limitations. These limitations I know are arbitrary, but they are the fairest and, in fact, could exceed the current \$3,000 if they so selected, but it at least would set a cap on those increases for the interim that this legislation would be in effect.

On the question,  
Will the House agree to Part I of the amendments?

The following roll call was recorded:

YEAS—25

Alden	Davies	Kernick	Spitz
Austin	Dawida	Kowalshyn	Stewart
Brown	Fryer	Kukovich	Stuban
Burns	Gallen	Pott	Wass
Clark, R.	Gatski	Reed	Wilson
Coslett	George, M.	Serafini	Wright, J. L.
Cunningham			

NAYS—161

Anderson	Gannon	Mackowski	Rocks
Armstrong	Geesey	Madigan	Rodgers
Arty	Geist	Manderino	Ryan
Belardi	George, C.	Manmiller	Salvatore
Beloff	Giammarco	McCall	Scheaffer
Bennett	Gladeck	McClatchy	Schmitt
Berson	Goebel	McIntyre	Schweder
Bittle	Goodman	McKelvey	Scirica
Bowser	Grabowski	McMonagle	Seventy
Brandt	Greenfield	McVerry	Shupnik
Brunner	Grieco	Michlovic	Sieminski
Burd	Gruppo	Micozzie	Sirianni
Caltagirone	Halverson	Milanovich	Smith, E.
Cappabianca	Harper	Miller	Smith, L.
Cessar	Hasay	Moehlmann	Spencer
Chess	Hayes, D. S.	Mowery	Stairs
Cimini	Hayes, S. E.	Mrkonic	Steighner
Clark, B.	Helfrick	Mullen, M. P.	Sweet
Cochran	Hoeffel	Musto	Swift
Cohen	Honaman	Nahill	Taddonio
Cole	Hutchinson, A.	Novak	Taylor, E.
Cornell	Irvis	Noye	Taylor, F.
Cowell	Itkin	O'Brien, B.	Telek
DeMedio	Johnson, E.	O'Brien, D.	Thomas

DeVerter	Johnson, J.	O'Donnell	Trello
DeWeese	Jones	Oliver	Vroon
DiCarlo	Kanuck	Perzel	Wachob
Dietz	Klingaman	Peterson	Wargo
Dininni	Knepper	Petrarca	Weidner
Dombrowski	Knight	Piccola	Wenger
Dorr	Kolter	Pievsky	White
Duffy	Lashinger	Pistella	Wright, D.
Durham	Laughlin	Pitts	Yahner
Fee	Lehr	Polite	Yohn
Fischer, R. R.	Letterman	Pratt	Zeller
Fisher, D. M.	Levi	Pucciarelli	Zitterman
Foster, A.	Levin	Punt	Zwinkl
Foster, W.	Lewis	Pyles	
Freind	Livengood	Rappaport	Seltzer,
Gallagher	Lynch, E. R.	Rieger	Speaker
Gamble	Lynch, F.	Ritter	

NOT VOTING—17

Barber	Earley	Rhodes	Wagner
Borski	Gray	Richardson	Williams
Cianciulli	Hutchinson, W.	Shadding	Wilt
Donatucci	Murphy	Street	Zord
Dumas			

The question was determined in the negative, and Part I of the Davies amendments was not agreed to.

AMENDMENTS WITHDRAWN

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

Mr. DAVIES. Mr. Speaker, the electronic handwriting on the wall is very obvious. I withdraw the other amendment that had been signed.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies, for the second set of amendments.

Mr. DAVIES. Mr. Speaker, that second amendment was that additional amendment for separate consideration. I would care to withdraw that.

The SPEAKER. It is the impression of the Chair that the gentleman had had three sets of amendments. He had already withdrawn one and he was now withdrawing the second part of the second one. Is he indicating to the Chair that he does not have a third set?

Mr. DAVIES. No. The one that duplicated the Pitts amendment I had formerly withdrawn. I am now withdrawing the one that pertains to the retirement provision.

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

Mr. KUKOVICH offered the following amendment:

Amend Sec. 2 (Sec. 10.1), page 10, by inserting between lines 23 and 24  
(e) Any salary increase shall be on a percentage basis and applied equally to all county officials.

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

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

Mr. KUKOVICH. Mr. Speaker, the purpose of this amend-

ment is very simply to make sure that in the future any pay increases that are granted by county commissioners are applied in uniform basis.

The main rationale behind that is to prevent political intrigue or political infighting within a courthouse, especially in counties where the parties are closely split and there might be certain row officers of one party and the county commissioners of another.

I would favor an affirmative vote on amendment A3288 for that reason.

The SPEAKER. The Chair recognizes the gentleman from Venango, Mr. Levi.

Mr. LEVI. I cannot find any fault with this particular amendment. It treats everybody fairly in the courthouse, the minority and majority parties. I think this is an amendment that everybody in his own conscience would have to vote upon.

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

The following roll call was recorded:

YEAS—181

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

NAYS—12

Burd	Lewis	O'Brien, D.	Salvatore
Gladeck	Manderino	Perzel	Sweet
Irvis	McKelvey	Polite	Weidner

NOT VOTING—10

Borski	Greenfield	Street	Williams
Cianciulli	Rhodes	Wagner	Zord
Earley	Richardson		

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

On the question recurring,

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

Mr. KUKOVICH offered the following amendments:

Amend Title, page 1, line 5 by inserting after "of" where it appears the last time certain

Amend Sec. 1, page 1, line 11 by removing the comma after "8" and inserting and

Amend Sec. 1, page 1, line 11 by striking out "and 10"

Amend Sec. 1 (Sec. 10), pages 9 and 10 by striking out all of lines 13 through 30, page 9; and all of line 1, page 10

On the question,

Will the House agree to the amendments?

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

Mr. KUKOVICH. Mr. Speaker, this is amendment A3302 and what it does is eliminate any pay increase for jury commissioners.

The rationale behind that amendment is that the jury commissioner is not a fulltime job. It is not even a parttime job, but in most instances it is nothing more than an honorary position. In many areas jury commissioners do not even have to show up at the courthouse.

I do not think that pay raise is necessary and I would urge support of this amendment.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I oppose the amendment. I disagree with the premise on which it is offered, that the jury commissioners are simply honorary. That is not true in many counties.

In many counties they have significant duties to perform. I think there is legislation before this House which we will probably run within the next week or two which will further change their duties, and I think that they are entitled to the same type of increase as the other officers.

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

Mr. KUKOVICH. When you say if that legislation does pass, the power would still be with the county commissioners to raise their salaries prospectively. At this point, jury commissioners simply do not deserve a raise.

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

Mr. W. D. HUTCHINSON. Well, I said there were two reasons. The first reason is that in some of the metropolitan counties which are already operating under the 1972 act, which requires random selection of jurors, there are significant work and services to be performed.

That act applies in such counties as Philadelphia, Delaware, Montgomery, Bucks, Allegheny, and some of the western counties. I think that those people are entitled to increased compensation just the same as the other officers. I oppose the amendment.

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

Mr. WEIDNER. Mr. Speaker, I also oppose the amendment for the main reason of, of course, it is lengthy and comprehensive and would take time to move over in the Senate.

I certainly agree with Mr. Hutchinson on the jury commissioner being a row officer and they have duties to perform, and I do not think they should be eliminated from this salary increase. I ask for a "no" vote.

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

The following roll call was recorded:

YEAS—22

Armstrong	Gallen	Mowery	Serafini
Belardi	George, M.	O'Donnell	Stewart
Burns	Honaman	Petrarca	Wachob
Clark, B.	Kernick	Reed	Wilson
Fischer, R. R.	Kukovich	Scirica	Wright, J. L.
Fryer	Michlovic		

NAYS—172

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

DeWeese	Jones	Pistella	Wright, D.
DiCarlo	Kanuck	Pitts	Yahner
Dietz	Klingaman	Polite	Yohn
Dininni	Knepper	Pott	Zeller
Dombrowski	Knight	Pratt	Zitterman
Donatucci	Kolter	Pucciarelli	Zord
Dorr	Kowalyszyn	Punt	Zwikl
Duffy	Lashinger	Pyles	
Dumas	Laughlin	Rappaport	Seltzer,
Durham	Lehr	Rieger	Speaker
Fee	Letterman	Ritter	
Fisher, D. M.	Levi	Rocks	

NOT VOTING—9

Cianciulli	Rhodes	Street	White
Earley	Richardson	Wagner	Williams
O'Brien, D.			

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

REMARKS ON VOTE

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

Mr. MILLER. My apologies, Mr. Speaker. I wish to be recorded in the affirmative on that vote on the Kukovich amendment to SB 762. My switch was jammed.

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

On the question recurring,

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

Mr. KUKOVICH offered the following amendments:

Amend Sec. 1 (Sec. 1), page 2, line 2, by striking out "\$37,000" and inserting \$36,380

Amend Sec. 1 (Sec. 1), page 2, line 3, by striking out "35,000" and inserting 34,241

Amend Sec. 1 (Sec. 1), page 2, line 5, by striking out "33,300" and inserting 32,421

Amend Sec. 1 (Sec. 1), page 2, line 6, by striking out "31,300" and inserting 30,281

Amend Sec. 1 (Sec. 1), page 2, line 8, by striking out "28,000" and inserting 26,750

Amend Sec. 1 (Sec. 1), page 2, line 9, by striking out "27,000" and inserting 25,680

Amend Sec. 1 (Sec. 1), page 2, line 11, by striking out "24,000" and inserting 22,470

Amend Sec. 1 (Sec. 1), page 2, line 12, by striking out "23,000" and inserting 21,400

Amend Sec. 1 (Sec. 1), page 2, line 14, by striking out "21,000" and inserting 19,260

Amend Sec. 1 (Sec. 1), page 2, line 15, by striking out "21,000" and inserting 19,260

Amend Sec. 1 (Sec. 1), page 2, line 17, by striking out "19,000" and inserting 17,120

Amend Sec. 1 (Sec. 1), page 2, line 18, by striking out "19,000" and inserting 17,120

Amend Sec. 1 (Sec. 1), page 2, line 20, by striking out "15,500" and inserting 13,375

Amend Sec. 1 (Sec. 1), page 2, line 21, by striking out "15,500" and inserting 13,375

Amend Sec. 1 (Sec. 1), page 2, line 23, by striking out "14,000" and inserting 11,770

Amend Sec. 1 (Sec. 1), page 2, line 24, by striking out "14,000" and inserting 11,770

Amend Sec. 1 (Sec. 2), page 2, line 29, by striking out "\$30,000" and inserting \$28,890

Amend Sec. 1 (Sec. 2), page 3, line 1, by striking out "26,500" and inserting 25,145

Amend Sec. 1 (Sec. 2), page 3, line 3, by striking out "23,500" and inserting 21,935

Amend Sec. 1 (Sec. 2), page 3, line 5, by striking out "21,500" and inserting 19,260

Amend Sec. 1 (Sec. 2), page 3, line 7, by striking out "19,000" and inserting 17,120

Amend Sec. 1 (Sec. 2), page 3, line 9, by striking out "17,000" and inserting 14,980

Amend Sec. 1 (Sec. 2), page 3, line 11, by striking out "15,500" and inserting 13,375

Amend Sec. 1 (Sec. 2), page 3, line 13, by striking out "14,000" and inserting 11,700

Amend Sec. 1 (Sec. 3), page 3, line 18, by striking out "\$30,000" and inserting \$28,890

Amend Sec. 1 (Sec. 3), page 3, line 20, by striking out "26,500" and inserting 24,610

Amend Sec. 1 (Sec. 3), page 3, line 22, by striking out "23,500" and inserting 21,935

Amend Sec. 1 (Sec. 3), page 3, line 24, by striking out "21,500" and inserting 19,795

Amend Sec. 1 (Sec. 3), page 3, line 26, by striking out "19,000" and inserting 17,120

Amend Sec. 1 (Sec. 3), page 3, line 28, by striking out "17,000" and inserting 14,980

Amend Sec. 1 (Sec. 3), page 3, line 30, by striking out "15,500" and inserting 13,375

Amend Sec. 1 (Sec. 3), page 4, line 2, by striking out "14,000" and inserting 11,700

Amend Sec. 1 (Sec. 4), page 4, line 13, by striking out "\$30,000" and inserting \$28,890

Amend Sec. 1 (Sec. 4), page 4, line 15, by striking out "26,500" and inserting 25,145

Amend Sec. 1 (Sec. 4), page 4, line 17, by striking out "23,500" and inserting 21,935

Amend Sec. 1 (Sec. 4), page 4, line 19, by striking out "21,500" and inserting 19,795

Amend Sec. 1 (Sec. 4), page 4, line 21, by striking out "19,000" and inserting 17,120

Amend Sec. 1 (Sec. 4), page 4, line 25, by striking out "17,000" and inserting 14,980

Amend Sec. 1 (Sec. 4), page 4, line 29, by striking out "15,500" and inserting 13,375

Amend Sec. 1 (Sec. 4), page 5, line 3, by striking out "14,000" and inserting 11,770

Amend Sec. 1 (Sec. 5), page 5, line 15, by striking out "\$31,000" and inserting \$29,960

Amend Sec. 1 (Sec. 5), page 5, line 17, by striking out "27,500" and inserting 26,215

Amend Sec. 1 (Sec. 5), page 5, line 19, by striking out "25,000" and inserting 23,540

Amend Sec. 1 (Sec. 5), page 5, line 21, by striking out "23,500" and inserting 21,935

Amend Sec. 1 (Sec. 5), page 5, line 23, by striking out "20,500" and inserting 18,725

Amend Sec. 1 (Sec. 5), page 5, line 25, by striking out "18,000" and inserting 16,050

Amend Sec. 1 (Sec. 5), page 5, line 27, by striking out "16,500" and inserting 14,445

Amend Sec. 1 (Sec. 5), page 5, line 29, by striking out "15,000" and inserting 12,840

Amend Sec. 1 (Sec. 6), page 6, line 4, by striking out "\$30,000" and inserting \$28,890

Amend Sec. 1 (Sec. 6), page 6, line 6, by striking out "26,500" and inserting 25,145

Amend Sec. 1 (Sec. 6), page 6, line 8, by striking out "23,500" and inserting 21,935

Amend Sec. 1 (Sec. 6), page 6, line 10, by striking out "21,500" and inserting 19,795

Amend Sec. 1 (Sec. 6), page 6, line 12, by striking out "19,000" and inserting 17,120

Amend Sec. 1 (Sec. 6), page 6, line 14, by striking out "17,000" and inserting 14,980

Amend Sec. 1 (Sec. 6), page 6, line 16, by striking out "15,500" and inserting 13,375

Amend Sec. 1 (Sec. 6), page 6, line 18, by striking out "14,000" and inserting 11,770

Amend Sec. 1 (Sec. 7), page 7, line 11, by striking out "\$30,000" and inserting \$28,890

Amend Sec. 1 (Sec. 7), page 7, line 13, by striking out "26,500" and inserting 25,145

Amend Sec. 1 (Sec. 7), page 7, line 15, by striking out "23,500" and inserting 21,935

Amend Sec. 1 (Sec. 7), page 7, line 17, by striking out "21,500" and inserting 19,795

Amend Sec. 1 (Sec. 7), page 7, line 19, by striking out "19,000" and inserting 17,120

Amend Sec. 1 (Sec. 7), page 7, line 21, by striking out "17,000" and inserting 14,980

Amend Sec. 1 (Sec. 7), page 7, line 23, by striking out "15,500" and inserting 13,375

Amend Sec. 1 (Sec. 7), page 7, line 25, by striking out "14,000" and inserting 11,770

Amend Sec. 1 (Sec. 8), page 8, line 9, by striking out "\$30,000" and inserting \$28,890

Amend Sec. 1 (Sec. 8), page 8, line 11, by striking out "26,500" and inserting 25,145

Amend Sec. 1 (Sec. 8), page 8, line 13, by striking out "23,500" and inserting 21,935

Amend Sec. 1 (Sec. 8), page 8, line 15, by striking out "21,500" and inserting 19,795

Amend Sec. 1 (Sec. 8), page 8, line 17, by striking out "19,000" and inserting 17,120

Amend Sec. 1 (Sec. 8), page 8, line 19, by striking out "17,000" and inserting 14,980

Amend Sec. 1 (Sec. 8), page 8, line 21, by striking out "15,500" and inserting 13,375

Amend Sec. 1 (Sec. 8), page 8, line 23, by striking out "14,000" and inserting 11,770

Amend Sec. 1 (Sec. 9), page 8, line 28, by striking out "\$30,000" and inserting \$28,890

Amend Sec. 1 (Sec. 9), page 8, line 30, by striking out "24,000" and inserting 23,112

Amend Sec. 1 (Sec. 9), page 9, line 2, by striking out "19,000" and inserting 17,120

Amend Sec. 1 (Sec. 9), page 9, line 4, by striking out "17,000" and inserting 14,980

Amend Sec. 1 (Sec. 9), page 9, line 6, by striking out "14,000" and inserting 11,770

Amend Sec. 1 (Sec. 9), page 9, line 8, by striking out "7,000" and inserting 5,350

Amend Sec. 1 (Sec. 9), page 9, line 10, by striking out "6,500" and inserting 4,815

Amend Sec. 1 (Sec. 9), page 9, line 12, by striking out "5,500" and inserting 3,745

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

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

Mr. KUKOVICH. Now we will try a controversial amendment. What I am trying to do with this amendment is to be fiscally and philosophically consistent with the economics of pay raises in the Commonwealth.

This amendment very simply raises the salaries 7 percent over and above the raises they were granted in 1976 and will be receiving in 1980. I am aware that this means it will be 7 percent over a 4-year period, which means, of course, it is much less.

I have voted against pay raises for ourselves and for the judges. I do feel that row officers do deserve some increase, but I think some of the increases currently in the bill are unjustified. I think that this amendment is a more reasonable and modest approach and I would appreciate your support.

The SPEAKER. The Chair recognizes the gentleman from Venango, Mr. Levi.

Mr. LEVI. I rise to oppose this amendment. We have worked hard in the House Local Government Committee. The Senate has worked hard to come up with a bill that we believe is acceptable.

I think when we look at our county commissioners over the full term of 12 years, I think the \$6,000 raise is very modest. I can see no reason why we should take it back to anything less than a modest increase of the \$6,000 for 12 years, which is roughly around 2 percent or 2½ percent over that period of time. I ask for a negative vote.

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

Mr. WEIDNER. Again, Mr. Speaker, I oppose this amendment. I would also like to say, speaking about the guidelines, I understand these salary increases were checked with the White House, and they agree that they are within the government's guidelines on increases in salaries.

It is very comprehensive and I ask for a "no" vote.

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

The following roll call was recorded:

YEAS—39

Alden	Fryer	Michlovic	Seventy
Armstrong	Gallen	Miller	Smith, L.
Belardi	George, M.	Moehlmann	Taddonio
Brown	Goebel	Mowery	Wachob
Cappabianca	Honaman	Murphy	Wargo
Chess	Kernick	Noye	Wass
Cowell	Knight	Pitts	Wenger
Davies	Kowalyszyn	Reed	Zeller
Dawida	Kukovich	Scheaffer	Zord
Dininni	Manmiller	Serafini	

NAYS—157

Anderson	Foster, W.	Levin	Rocks
Arty	Freind	Lewis	Rodgers
Austin	Gallagher	Livengood	Ryan
Barber	Gamble	Lynch, E. R.	Salvatore
Beloff	Gannon	Lynch, F.	Schmitt
Bennett	Gatski	Mackowski	Schweder
Berson	Geesey	Madigan	Scirica
Bittle	Geist	Manderino	Shadding
Borski	George, C.	McCall	Shupnik
Bowser	Giammarco	McClatchy	Sieminski
Brandt	Gladeck	McIntyre	Sirianni
Brunner	Goodman	McKelvey	Smith, E.
Burd	Grabowski	McMonagle	Spencer
Burns	Gray	McVerry	Spitz
Caltagirone	Greenfield	Micozzie	Stairs
Cessar	Grieco	Milanovich	Steghner
Cimini	Gruppo	Mrkonich	Stewart
Clark, B.	Halverson	Mullen, M. P.	Stuban
Clark, R.	Harper	Musto	Sweet
Cochran	Hasay	Nahill	Swift
Cohen	Hayes, D. S.	Novak	Taylor, E.
Cole	Hayes, S. E.	O'Brien, B.	Taylor, F.
Cornell	Helfrick	O'Brien, D.	Telek
Coslett	Hoeffel	O'Donnell	Thomas
Cunningham	Hutchinson, A.	Oliver	Trello
DeMedio	Hutchinson, W.	Perzel	Vroon
DeVerte	Irvis	Peterson	Weidner
DeWeese	Itkin	Petrarca	White
DiCarlo	Johnson, E.	Piccola	Wilson
Dietz	Johnson, J.	Pievsky	Wilt
Dombrowski	Jones	Pistella	Wright, D.
Donatucci	Kanuck	Polite	Wright, J. L.
Dorr	Klingaman	Pott	Yahner
Duffy	Knepper	Pratt	Yohn
Dumas	Kolter	Pucciarelli	Zitterman
Durham	Lashinger	Punt	Zwikl
Fee	Laughlin	Pyles	
Fischer, R. R.	Lehr	Rappaport	Seltzer,
Fisher, D. M.	Letterman	Rieger	Speaker
Foster, A.	Levi	Ritter	

NOT VOTING—7

Cianciulli	Rhodes	Street	Williams
Earley	Richardson	Wagner	

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

SB 762 PASSED OVER TEMPORARILY

The SPEAKER. Other than the gentleman from Chester, Mr. Pitts, are there any other amendments to be offered to SB 762?

The position the House now finds itself in is that the amendment that Mr. Pitts has ordered to SB 762 is now being typed in the Legislative Reference Bureau. By the time it is completed, sent to the floor of the House and reproduced, it will be a matter of 15 minutes.



The amendment of Mr. McVerry's to the divorce bill is now being reproduced in the basement.

If the House has no objection, the Chair would like to return to the three remaining bills on the calendar which he would like to take up today.

Without objection, SB 762 and the amendments will be passed over temporarily.

#### CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1089, PN 2061**, entitled:

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), requiring all checks for assistance to contain the recipient social security number.

On the question,

Will the House agree to the bill on third consideration?

Mr. ITKIN offered the following amendments:

Amend Title, page 1, line 4, by removing the period after "number" and inserting ; and declaring certain regulations to be null and void.

Amend Bill, page 1, by inserting between lines 13 and 14

Section 2. The order of the Department of Public Welfare appearing at Volume 9, Pennsylvania Bulletin, page 3243, entitled "Pharmaceutical Services; Drug Reimbursement Policy," together with the annex thereto designated as sections 9413.6, 9413.61, 9413.611 and 9413.62 of Title 55 of the Pennsylvania Code, which appear on pages 3244 and 3245 of Volume 9 of the Pennsylvania Bulletin, are hereby declared to be null and void.

Amend Sec. 2, page 1, line 14, by striking out "2. This" and inserting 3. (a) Section 1 of this

Amend Sec. 2, page 1, by inserting after line 15

(b) Section 2 of this act shall take effect immediately and shall be retroactive to October 15, 1979.

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, this amendment has one specific purpose and that is to nullify the regulation imposed by the Secretary of the Department of Public Welfare instituting a co-payment for pharmaceutical services.

As of October 15, those persons who qualify for pharmaceutical services under medical assistance now have to pay a 50-cent fee.

This amendment, if adopted, would negate that regulation of the department and return the situation to the way it originally was, that those people on medical assistance may have their prescriptions filled for free.

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

Mr. McCLATCHY. Mr. Speaker, I have several problems with this amendment.

This amendment certainly has serious fiscal impact on the appropriations of the Commonwealth, specifically for the Department of Welfare. It certainly needs a fiscal note.

Secondly, I do not think our caucus has discussed the amendment to know exactly what they are voting on and the implications of it. What I would like to do is have the amendment held for caucus, Mr. Speaker.

The SPEAKER. The Chair asks the gentleman from Allegheny, Mr. Itkin, to withdraw his amendment. And if the gentleman would concur, the Chair would then suggest that the bill be passed over for the day.

Mr. ITKIN. Mr. Speaker, is Mr. Cochran offering his amendment today?

The SPEAKER. It would be the suggestion of the Chair that if the gentleman, Mr. Itkin, would withdraw his amendment, that the bill be passed over and that Mr. Cochran would then only offer his amendment the next time the bill is brought up.

Mr. ITKIN. Well, Mr. Speaker, I would be willing to withdraw my amendment at this time and yield to Mr. Cochran for the specific purpose of offering his amendment.

Mr. McCLATCHY. Mr. Speaker, the same holds true with Mr. Cochran. We need a caucus on that; and, also, it needs a fiscal note.

#### AMENDMENTS WITHDRAWN

Mr. ITKIN. Mr. Speaker, I think we really know what the impact of this amendment will be. The department has, in fact, said so.

The department expects that it will receive, by the imposition of co-pay, some \$3 million, which is highly dubious and questionable. The only thing the fiscal note is going to show is to spit back to us exactly that figure. In addition, the department—

The SPEAKER. Will the gentleman yield?

Is the gentleman, Mr. Itkin, indicating he is not withdrawing his amendment at this time?

Mr. ITKIN. Mr. Speaker, I will withdraw my amendment. Let me put it this way. I will yield the floor, Mr. Speaker, to Mr. Cochran. I will withdraw my amendment and yield the floor to Mr. Cochran.

The SPEAKER. The gentleman, Mr. Itkin, has withdrawn his amendment to HB 1089. He yields the floor to the gentleman from Fayette, Mr. Cochran.

Is it the intention of the gentleman from Fayette, Mr. Cochran, to offer his amendment at this time?

Mr. COCHRAN. Mr. Speaker, I would like to propose this, but if it is going to need a fiscal note, I am willing to wait until the next time the bill is run.

#### HB 1089 PASSED OVER

The SPEAKER. Without objection, HB 1089 will be passed over. The Chair hears none.

The House resumed third consideration of **HB 1187, PN 2063**, entitled:

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), requiring verification of residency of two years for general assistance.

On the question recurring,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. The gentleman, Mr. Trello, does have his amendment, and also a fiscal note has been prepared by the Appropriations Committee.

If it is the Speaker's intention, this bill is prepared for amendment and final passage.

The SPEAKER. For the information of the Chair, has this amendment been caucused on?

Mr. S. E. HAYES. No, Mr. Speaker.

HB 1187 PASSED OVER

The SPEAKER. Without objection, HB 1187 will be passed over.

For the information of the Chair, has the amendment to be offered by Mr. Manderino on the next bill, HB 1424, been caucused on?

Mr. S. E. HAYES. No, Mr. Speaker.

HB 1424 PASSED OVER

The SPEAKER. Without objection, HB 1424 will be passed over.

HB 948 TAKEN FROM TABLE

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. On today's Tabled Calendar, on page 7, we find HB 948, PN 1034. As you will recall, yesterday several amendments were offered, one of which was an amendment by Mr. Ryan. There were several questions about that amendment, and the bill was placed on the table.

I respectfully suggest and move that we take the bill off the table and vote the bill finally today, and the gentleman, Mr. Ryan, will have the opportunity to offer his amendment as a bill or an amendment to another bill.

The SPEAKER. It has been moved by the majority leader, Mr. Hayes, that HB 948 be taken from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

SPECIAL ORDER OF BUSINESS

CALENDAR BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 948, PN 1034, entitled:

An Act amending the "Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act," approved July 15, 1976 (P. L. 1035, No. 208), extending assistance in the form of loans for purchase of certain used equipment.

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

YEAS—194

Alden	Foster, A.	Lewis	Rodgers
Anderson	Foster, W.	Livengood	Ryan

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

NAYS—0

NOT VOTING—9

Cianciulli	Irvis	Rhodes	Street
Earley	Manderino	Smith, E.	Williams
Goodman			

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.

REMARKS ON VOTES

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

Mr. E. H. SMITH. Mr. Speaker, when we voted on HB 948, I happened to be at the telephone in the rear of the room and I would like to be recorded in favor of HB 948, PN 1034.

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

The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, on HB 948, the votes of Messrs. Manderino and Irvis should be recorded in the affirmative.

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

### CONSIDERATION OF HB 640 RESUMED

Agreeable to order,

The House resumed third consideration of **HB 640, PN 2225**, entitled:

An Act consolidating, revising and amending the divorce and annulment laws of the Commonwealth and making certain repeals.

On the question recurring,

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

Mr. McVERRY offered the following amendments:

Amend Sec. 201, page 7, by inserting between lines 3 and 4

(d) The court may also grant a divorce when for a period of at least three years immediately preceding the granting of the divorce the parties have continuously lived separate and apart, with complete cessation of cohabitation, which must be established by an affidavit of one of the parties and corroborated by a witness other than the parties and 90 days have elapsed from the date of the filing of the complaint.

Amend Sec. 202, page 8, line 6, by inserting after "(C)" or (d)

Amend Sec. 202, page 8, line 10, by striking out "OR (C)" and inserting , (c) or (d)

On the question,

Will the House agree to the amendments?

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

Mr. McVERRY. Mr. Speaker, last week, this chamber passed the Cunningham amendment to HB 640 which permitted the granting of a unilateral divorce to persons who had been separated for a period of at least 2 years.

Subsequent to the adoption of that amendment, I submitted an amendment to let persons who had been separated for a period of 3 years prior to the passage of this act, be also entitled to a unilateral no-fault divorce.

The Cunningham amendment now having been removed from the bill, it was appropriate for the removal of my amendment also. That is why I agreed to withdraw that amendment on the motion for reconsideration that was proposed by Mr. Mullen.

I now submit amendment A3383, which would grant parties who had been separated for a period of at least 3 years the right to a unilateral divorce. In effect what this amendment does is simply increase that period of time which persons must be separated in order to secure a divorce without the consideration of fault.

We had, by very close margins, defeated a 1-year separation and a 2-year separation and, as a final desperation compromise to save some true divorce reform for this bill, I am proposing that we consider granting persons who have been separated for a period of at least 3 years a divorce without regard to fault.

I would appreciate an affirmative vote on the amendment,

Mr. Speaker. Thank you.

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

Mr. MULLEN. Mr. Speaker, this amendment is nothing more than a unilateral divorce provision which we have voted down three times already, and I think we ought to vote this down too. All Mr. McVerry did was to increase the period of time from 2 years to 3 years and he changed the wording a little bit. In this particular amendment he said the three years will run immediately preceding the granting of the divorce, and in the amendment which he withdrew, he said, "immediately preceding the effective date of this act."

But no matter how you look at it or no matter how you measure it up, it is unilateral divorce, which we voted against three times already.

I certainly recommend that we vote against it this time, also. Thank you.

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

Mr. ROCKS. Very simply, Mr. Speaker, I would ask for a "no" vote on this amendment. I think the principle of unilateral no-fault divorce has been clearly defined. I would hope that the chamber would sustain its position of the past, and that is, to keep it out of this bill. We have good solid reform in place and ready to move out of this chamber. I would ask finally for a "no" vote. I thank you, Mr. Speaker.

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

Mr. SCIRICA. I support this amendment and I would ask for a "yes" vote.

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

Mr. MURPHY. I would like to ask Mr. McVerry a number of questions, please?

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

Mr. MURPHY. Mr. Speaker, as the first two motions indicated before, there was an absolute right to a unilateral divorce for the 1 year and the 2 years. Do I read your amendment correctly that it gives a substantial amount of discretion to the courts in the determination of whether a person has that right to a unilateral divorce or not?

Mr. McVERRY. Well, the wording of the amendment is clear in that it says the court may also grant a divorce upon parties being separated for 3 years. It does not impose upon the court the absolute duty to grant a divorce to persons who have been separated for 3 years.

Mr. MURPHY. Could you give us an example of when you would see this particular provision being applied or an example of the discretion the court might have?

Mr. McVERRY. No, I cannot.

Mr. MURPHY. You feel that this would be used as an absolute unilateral provision by the courts?

Mr. McVERY. No. That would be conjecture for me to say that it would be an absolute provision of the courts. It is within the courts discretion, upon parties being separated for 3 years, to grant a divorce upon application of either parties. It is within their discretion. And I presume there could be factors that the court could weigh which would cause the court to not grant the divorce.

I do not have an example of that on the tip of my tongue. That is not the reason it was drafted the way it was, but it leaves the discretion with the court to grant a divorce.

Mr. MURPHY. Okay, thank you.

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

Mr. MULLEN. Mr. Speaker, I would like to clarify that answer. In my opinion, the court would have no other alternative. First of all, this creates a new cause for divorce in Pennsylvania if this amendment goes in. The court would have no other alternative except to grant the divorce if the party who seeks the divorce comes in there, files an affidavit that in fact they have been living separate and apart for a 3-year period and there has been no cohabitation, he files that affidavit, and then a third witness also files an affidavit that he knows of that as a personal fact, that they have been living separate and apart for 3 years. If that is proven by the person who seeks the divorce and by his witness, the court would have no other alternative except to grant the divorce. That is my understanding of what this amendment would do. That is why it is bad, because an innocent person would have no chance to come and defend their position like they do today in a contested divorce. Thank you.

The SPEAKER. Does the gentleman from Allegheny, Mr. McVerry, wish to be recognized?

Mr. McVERY. Yes, Mr. Speaker.

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

Mr. McVERY. I would beg to differ with Mr. Mullen. I would suggest that the court would be hard pressed to not grant a divorce. But the language of the bill is clear. It says that the court may grant the divorce upon the presentation of that proof. It does not say that the court shall or must grant the divorce upon the presentation of that proof. And there may be circumstances—each case is considered individually. There may be circumstances—where a court would not and, if that reasoning was justified by the court, the court may not also grant a divorce upon the 3-year separation.

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

Mr. AUSTIN. Mr. Speaker, would Mr. McVerry stand for a very brief interrogation?

The SPEAKER. The gentleman, Mr. McVerry, indicates that he will stand for interrogation. The gentleman, Mr. Austin, may proceed.

Mr. AUSTIN. Mr. Speaker, if this amendment passes, would those persons who have already lived separately and apart for a 3-year period be able to petition the court for immediate consideration of a unilateral divorce?

Mr. McVERY. Yes, they would. However, the amendment

also provides that no such decree of divorce shall be issued until 90 days have elapsed from the filing of the complaint. Now within that 90 days, pursuant to the next section of the bill dealing with counseling, either party can request counseling, which is mandatory under the bill and under this grounds for divorce. So if an individual has been separated for a period of 3 years and files an application for a divorce, he can get that divorce no sooner than 90 days from filing the complaint. Within that period of time, he or she can be compelled to undergo marital counseling pursuant to the counseling provision of the bill.

Mr. AUSTIN. So, Mr. Speaker, then Mr. McVerry has combined both a unilateral provision of 3 years and also the amendment which passed last week making a type of retroactive divorce available.

Mr. McVERY. Yes and no. Yes, I have combined the language to provide a unilateral no-fault, but I have also given the court the ability to take into consideration the circumstances of those persons who have been separated for a period of 3 or more years up to the passage of this bill.

Mr. AUSTIN. Thank you, Mr. Speaker.

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

Mr. SPITZ. Mr. Speaker, this basic reform to the Divorce Code was considered by a task force in this House 12 to 15 years ago. It was thoroughly considered by our Judiciary Committee; members of both sides worked very hard on it. We have beat it to death here on the floor. We are now being presented with an amendment that is vague. It does not say whether the courts shall grant a divorce; it does not say what the defenses are; it does not say whether the plaintiff has to be innocent and injured, as it used to be. So we do not know whether it will be fault or no-fault.

I do not think at this point in time this House should now be passing bad law, which is not even understood by the members of this House as it is being presented. Whatever the merits of our prior arguments were, they at least were clear.

I believe the amendment we have in front of us now, if it is passed and enacted, will be bad law. I think that we should, for that reason, vote against it.

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

The following roll call was recorded:

YEAS—106

Anderson	Fryer	Levi	Richardson
Austin	Gallagher	Levin	Ritter
Barber	Gamble	Lewis	Scheaffer
Bennett	Geesey	Livengood	Schweder
Berson	Geist	Lynch, E. R.	Scirica
Bittle	George, M.	Madigan	Seventy
Bowser	Gladeck	Manderino	Sieminski
Brandt	Goebel	Manmiller	Smith, L.
Brown	Grabowski	McVerry	Spencer
Burd	Greenfield	Michlovic	Stewart
Burns	Harper	Miller	Sweet
Cessar	Hayes, S. E.	Moehlmann	Trello
Chess	Hoeffel	Mowery	Wachob
Clark, B.	Honaman	Murphy	Wagner

Cohen	Hutchinson, A.	Nahill	Wass
Cornell	Hutchinson, W.	Noye	Weidner
Cowell	Irvis	O'Donnell	White
Cunningham	Itkin	Oliver	Williams
Davies	Johnson, E.	Piccola	Wilson
Dawida	Johnson, J.	Pievsky	Wilt
DeVerter	Kanuck	Pistella	Wright, D.
DeWeese	Kernick	Pott	Yohn
DiCarlo	Knepper	Pratt	Zord
Dorr	Kolter	Punt	Zwilk
Durham	Kukovich	Pyles	
Fisher, D. M.	Lashinger	Rappaport	Seltzer,
Foster, W.	Lehr	Rhodes	Speaker

NAYS—93

Alden	Freind	McClatchy	Schmitt
Armstrong	Gallen	McIntyre	Serafini
Arty	Gannon	McKelvey	Shadding
Belardi	Gatski	McMonagle	Shupnik
Beloff	George, C.	Micozzie	Sirianni
Borski	Giammarco	Milanovich	Smith, E.
Brunner	Goodman	Mrkonic	Spitz
Caltagirone	Gray	Mullen, M. P.	Stairs
Cappabianca	Grieco	Musto	Steighner
Cimini	Gruppo	Novak	Stuban
Clark, R.	Halverson	O'Brien, B.	Swift
Cochran	Hasay	O'Brien, D.	Taddonio
Cole	Hayes, D. S.	Perzel	Taylor, E.
Coslett	Helfrick	Peterson	Taylor, F.
DeMedio	Jones	Petrarca	Telek
Dietz	Klingaman	Pitts	Thomas
Dininni	Knight	Polite	Vroon
Dombrowski	Kowalyshyn	Pucciarelli	Wargo
Donatucci	Laughlin	Reed	Wenger
Duffy	Letterman	Rieger	Wright, J. L.
Dumas	Lynch, F.	Rocks	Yahner
Fee	Mackowski	Rodgers	Zeller
Fischer, R. R.	McCall	Salvatore	Zitterman
Foster, A.			

NOT VOTING—4

Cianciulli	Earley	Ryan	Street
------------	--------	------	--------

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

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

Mr. DeMEDIO offered the following amendments:

Amend Sec. 401, page 18, line 1, by inserting after "PROPERTY" funds, income from and increases in value of such property

Amend Sec. 401, page 18, lines 2 and 3, by striking out "PROVIDED BY" and inserting resulting from

Amend Sec. 401, page 18, line 3, by inserting after "PROPERTY" funds, income from and increases in value of such property

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

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

Mr. DeMEDIO. Mr. Speaker, this amendment merely clarifies the amendment passed by the House last week dealing with the income received by those who were injured or lost a limb or had their body functions impaired, which of course, mainly is supported strongly by all our veterans groups.

It merely adds the words to property, indicating that included with the property would be funds, income and any increase in value of such property which results after this have been awarded to a person who suffers this type of a loss.

The amendment has been agreed upon by the prime sponsor, Mr. Scirica. Thank you, Mr. Speaker.

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

Mr. SCIRICA. This is a good amendment, Mr. Speaker. I support the amendment.

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—5

Cianciulli Ryan Street Williams  
Earley

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—148

Alden	Gallen	Lynch, E. R.	Scheaffer
Anderson	Gamble	Madigan	Schmitt
Armstrong	Gannon	Manderino	Schweder
Arty	Geesey	Manmiller	Scrica
Austin	Geist	McKelvey	Seventy
Barber	George, M.	McVerry	Shadding
Bennett	Giammarco	Michlovic	Sieminski
Berson	Gladeck	Micozzie	Sirianni
Bittle	Goebel	Milanovich	Smith, E.
Bowser	Grabowski	Miller	Smith, L.
Brandt	Greenfield	Moehlmann	Spencer
Brown	Gruppo	Mowery	Spitz
Burd	Harper	Murphy	Stairs
Burns	Hasay	Nahill	Stewart
Caltagirone	Hayes, D. S.	Noye	Sweet
Cappabianca	Hayes, S. E.	O'Brien, D.	Swift
Cessar	Hoeffel	O'Donnell	Taylor, E.
Chess	Honaman	Oliver	Taylor, F.
Clark, B.	Hutchinson, A.	Perzel	Trello
Cochran	Hutchinson, W.	Peterson	Wachob
Cohen	Irvic	Petrarca	Wagner
Cornell	Itkin	Piccola	Wass
Coslett	Johnson, E.	Pievsky	Weidner
Cowell	Johnson, J.	Pistella	Wenger
Cunningham	Kanuck	Pitts	White
Davies	Kernick	Polite	Williams
Dawida	Klingaman	Pott	Wilson
DeMedio	Knepper	Pratt	Wilt
DeVerter	Knight	Punt	Wright, D.
DeWeese	Kolter	Pyles	Wright, J. L.
DiCarlo	Kowalshyn	Rappaport	Yohn
Dorr	Kukovich	Reed	Zeller
Dumas	Lashinger	Rhodes	Zord
Durham	Lehr	Richardson	Zwinkl
Fisher, D. M.	Levi	Ritter	
Foster, W.	Levin	Rocks	Seltzer,
Fryer	Lewis	Salvatore	Speaker
Gallagher	Livengood		

NAYS—51

Belardi	Fischer, R. R.	Lynch, F.	Rodgers
Beloff	Foster, A.	Mackowski	Serafini
Borski	Freind	McCall	Shupnik
Brunner	Gatski	McClatchy	Steighner
Cimini	George, C.	McIntyre	Stuban
Clark, R.	Goodman	McMonagle	Taddonio
Cole	Gray	Mrkonic	Telek
Dietz	Grieco	Mullen, M. P.	Thomas
Dininni	Halverson	Musto	Vroon
Dombrowski	Helfrick	Novak	Wargo
Donatucci	Jones	O'Brien, B.	Yahner
Duffy	Laughlin	Pucciarelli	Zitterman
Fee	Letterman	Rieger	

NOT VOTING—4

Cianciulli Earley Ryan Street

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.

REMARKS ON VOTES

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

Mr. RIEGER. Mr. Speaker, my lever was locked. I wanted to vote "yes" on HB 640 and they locked the lever.

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

The Chair recognizes the gentleman from Washington, Mr. DeMedio. For what purpose does the gentleman rise?

Mr. DeMEDIO. Mr. Speaker, on final passage of HB 640, I am shown as voting "yes." I was out of my seat and, when I got to my seat, I voted "no." I have one copy showing me "yes" and another copy as "no." I want to be recorded as voting "no" on final passage of HB 640.

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

The House resumed third consideration of **SB 762, PN 1207**, entitled:

An Act amending the act of November 1, 1971 (P. L. 495, No. 113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," increasing the salary of county officers and county commissioners in calendar year 1980 and granting powers to county commissioners to fix salaries.

On the question recurring,

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

Mr. PITTS offered the following amendments:

Amend Title, page 1, lines 6 and 7, by striking out "in calendar year 1980"

Amend Sec. 1 (Sec. 1), page 1, line 20, by striking out all of said line

Amend Sec. 1 (Sec. 2), page 2, line 27, by striking out all of said line

Amend Sec. 1 (Sec. 3), page 3, line 16, by striking out all of said line

Amend Sec. 1 (Sec. 4), page 4, line 11, by striking out all of said line

Amend Sec. 1 (Sec. 4), page 5, line 10, by inserting a period after "employed"

Amend Sec. 1 (Sec. 4), page 5, line 10, by striking out "effective January 1, 1980."

Amend Sec. 1 (Sec. 5), page 5, line 13, by striking out all of said line

Amend Sec. 1 (Sec. 6), page 6, line 2, by striking out all of said line

Amend Sec. 1 (Sec. 7), page 7, line 9, by striking out all of said line

Amend Sec. 1 (Sec. 8), page 8, line 7, by striking out all of said line

Amend Sec. 1 (Sec. 9), page 8, line 26, by striking out all of said line

Amend Sec. 1 (Sec. 10), page 9, line 15, by striking out all of said line

Amend Sec. 2 (Sec. 10.1), page 10, by inserting between lines 23 and 24

(e) No new salary schedule established pursuant to this section shall take effect until the term of the office following the term for which the compensation was increased by an act of the General Assembly.

Amend Sec. 3, page 10, line 24, by inserting after "and", except as herein provided,

Amend Sec. 3, page 10, line 26, by removing the period after "Pennsylvania" and inserting: Provided, however, That section 4 insofar as it relates to mileage shall take effect January 1, 1980: Any provided further, That the increase in compensation provided by section 1 of this amendatory act shall be payable only to those officers taking office on or after January 1, 1982.

On the question,

Will the House agree to the amendments?

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

Mr. PITTS. Mr. Speaker, the amendment which I have circulated clarifies the point raised by Mr. Austin. The amendment would merely delay the \$3,000 pay increase in the bill for county commissioners and row officers until 1982 or 1984, their next term of office. Again, they are receiving a pay increase—This is amendment 3387. Again and it would defer the 13,000 pay increase for county commissioners and row officers until they take their next term of office, 1982 or 1984.

Again, the commissioners and row officers who are elected this year will automatically receive a \$3,000 pay increase which was enacted into law in 1976. Should they receive this additional \$3,000 as set forth in the present bill, next year they would far exceed the Presidential guideline in any 1 year, and this would defer those increases until their next term of office.

The sentence we added in section E, for the sake of Mr. Austin, is a section saying that they would not have the power of raising those salaries, under this section, until the next term of office. They would not take effect until the next term of office following the term for which the compensation was increased by this act. I urge adoption of the amendment.

The SPEAKER. The Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Mr. Speaker, I rise to oppose this amendment. I would like to share with you just for a moment the situation in two of my counties. My county commissioners, 8 years ago, were receiving \$13,000 and today are still receiving the annual salary of \$13,000. If they had received a 7-percent increase with inflation each year for those 8 years, they today would have a salary of \$20,871. So as inflation has risen, they have actually lost in income \$29,362 if we would want to peg it on a 7-percent annual increase.

I am not saying that they should have that much money. I understand the concern for the \$6,000 increase for those individuals who did not get the increase last time, but if we defer the \$3,000, we will be giving these people one increase in a 12-year period of \$3,000. I think that is unfair. I do not think that

is going to bring good talent into the county commissioner offices and I would ask these members to defeat this amendment.

The SPEAKER. The Chair recognizes the gentleman from Venango, Mr. Levi.

Mr. LEVI. Mr. Speaker, I oppose this bill also or this amendment.

A few weeks ago this House passed a bill increasing mileage to 17 cents a mile for all members of the Commonwealth and all its municipalities. This amendment would take this back from our municipalities for an additional 2 years. I think we have to oppose it because we have set a law and now we are amending the law we just passed, and it has just been signed by the Governor. I think we should oppose this bill on the merit of that amendment.

The SPEAKER. Does the gentleman, Mr. Pitts, wish to be recognized?

The Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Mr. Speaker, just for the information of my colleague, Mr. Levi, in the last section on page 10, line 26, we have inserted that this section 4, insofar as it relates to mileage, shall take effect in January 1, 1980.

On the point of the \$6,000, if we do not adopt this amendment, those eligible for the increase will receive a \$6,000 pay raise in January of 1980 and that far exceeds the Presidential guidelines for wage increases, which is 7 percent. Thank you, Mr. Speaker.

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

Mr. WEIDNER. Mr. Speaker, again without becoming redundant, this is a very comprehensive amendment. It is going to take time over in the Senate, and I also feel that the mileage requirement in that is against what we have already passed, and the guidelines for this legislation that is before us today, for the entire 4 years and, for some of them, 8 years, does comply with the guidelines. So I ask for a "no" vote on this amendment.

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

Mr. DAVIES. Mr. Speaker, I support the amendment because essentially I think it addresses some of the inequities that do exist.

I know Mr. Peterson in his appeals said, What about those people who have waited? But, by the same token, on the injustice of the increases that may be considered by the bill as it stands now, I can see myself voting for an amendment that would give a \$6,000 increase to an untried district attorney or recorder of deeds or register of wills come January 1, 1980. So if you want to speak about inequities, the current bill as it stands has those inequities.

I think that this amendment does a great deal to adjust itself to try to remedy some of those inequities, and I, of course, support the amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—53

Alden	Fischer, R. R.	Knepper	Pott
Armstrong	Fisher, D. M.	Kowalyshyn	Reed
Arty	Foster, A.	Kukovich	Ryan
Brandt	Freind	Lynch, E. R.	Scheaffer
Brown	Fryer	Lynch, F.	Serafini
Cessar	Gallen	McVerry	Spitz
Cimini	Gannon	Micozzie	Stairs
Clark, R.	George, M.	Miller	Stuban
Cole	Goebel	Moehlmann	Taddonio
Coslett	Hayes, S. E.	Mowery	Wargo
Davies	Honaman	Mullen, M. P.	Wass
DeVerter	Johnson, E.	Noye	Wenger
Dietz	Kernick	Pitts	Zord
Dorr			

NAYS—145

Anderson	Geesey	Manderino	Schweder
Austin	Geist	Manmiller	Scirica
Barber	George, C.	McCall	Seventy
Belardi	Giammarco	McClatchy	Shadding
Beloff	Gladeck	McIntyre	Shupnik
Bennett	Goodman	McKelvey	Sieminski
Berson	Grabowski	McMonagle	Sirianni
Bittle	Gray	Michlovic	Smith, E.
Borski	Greenfield	Milanovich	Smith, L.
Bowser	Grieco	Mrkonic	Spencer
Brunner	Gruppo	Murphy	Steighner
Burd	Halverson	Musto	Stewart
Burns	Harper	Nahill	Sweet
Caltagirone	Hasay	Novak	Swift
Cappabianca	Hayes, D. S.	O'Brien, B.	Taylor, E.
Chess	Helfrick	O'Brien, D.	Taylor, F.
Clark, B.	Hoeffel	O'Donnell	Telek
Cochran	Hutchinson, A.	Oliver	Thomas
Cohen	Hutchinson, W.	Perzel	Trello
Cornell	Irvic	Peterson	Vroon
Cowell	Itkin	Petrarca	Wachob
Cunningham	Johnson, J.	Piccola	Weidner
Dawida	Jones	Pievsky	White
DeMedio	Kanuck	Pistella	Williams
DeWeese	Klingaman	Polite	Wilson
DiCarlo	Knight	Pratt	Wilt
Dininni	Kolter	Pucciarelli	Wright, D.
Dombrowski	Lashinger	Punt	Wright, J. L.
Donatucci	Laughlin	Pyles	Yahner
Duffy	Lehr	Rappaport	Yohn
Dumas	Letterman	Richardson	Zeller
Durham	Levi	Rieger	Zitterman
Fee	Levin	Ritter	Zwicl
Foster, W.	Lewis	Rocks	
Gallagher	Livengood	Rodgers	Seltzer,
Gamble	Mackowski	Salvatore	Speaker
Gatski	Madigan	Schmitt	

NOT VOTING—5

Cianciulli	Rhodes	Street	Wagner
Earley			

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—141

Anderson	Gamble	Lynch, F.	Rodgers
Arty	Gannon	Mackowski	Ryan
Barber	Geesey	Madigan	Salvatore
Beloff	Geist	Manderino	Scheaffer
Bennett	Giammarco	Manmiller	Schweder
Berson	Gladeck	McCall	Scirica
Bittle	Goodman	McIntyre	Seventy
Borski	Grabowski	McKelvey	Shadding
Bowser	Greenfield	McMonagle	Shupnik
Brunner	Grieco	Milanovich	Sirianni
Burd	Halverson	Moehlmann	Smith, E.
Burns	Harper	Mowery	Smith, L.
Caltagirone	Hasay	Mullen, M. P.	Spencer
Chess	Hayes, D. S.	Murphy	Steighner
Clark, B.	Hayes, S. E.	Musto	Stewart
Cochran	Helfrick	Nahill	Sweet
Cohen	Hoeffel	Novak	Swift
Cornell	Hutchinson, A.	Noye	Taylor, E.
Cowell	Hutchinson, W.	O'Brien, B.	Taylor, F.
DeMedio	Irvic	O'Brien, D.	Thomas
DeVerter	Itkin	O'Donnell	Trello
DeWeese	Johnson, E.	Oliver	Vroon
DiCarlo	Johnson, J.	Peterson	Weidner
Dietz	Jones	Petrarca	White
Dininni	Kanuck	Piccola	Williams
Donatucci	Klingaman	Pievsky	Wilson
Dorr	Kolter	Pistella	Wilt
Duffy	Lashinger	Polite	Wright, D.
Dumas	Laughlin	Pucciarelli	Wright, J. L.
Durham	Lehr	Punt	Yohn
Fee	Letterman	Pyles	Zeller
Foster, A.	Levi	Rhodes	Zwicl
Foster, W.	Levin	Richardson	
Freind	Lewis	Rieger	Seltzer,
Gallagher	Livengood	Ritter	Speaker
Gallen	Lynch, E. R.	Rocks	

NAYS—57

Alden	Dombrowski	Kowalyshyn	Serafini
Armstrong	Fischer, R. R.	Kukovich	Sieminski
Austin	Fisher, D. M.	McVerry	Spitz
Belardi	Fryer	Michlovic	Stairs
Brandt	Gatski	Micozzie	Stuban
Brown	George, C.	Miller	Taddonio
Cappabianca	George, M.	Mrkonic	Telek
Cessar	Goebel	Perzel	Wachob
Cimini	Gray	Pitts	Wargo
Clark, R.	Gruppo	Pott	Wass
Cole	Honaman	Pratt	Wenger
Coslett	Kernick	Rappaport	Yahner
Cunningham	Knepper	Reed	Zitterman
Davies	Knight	Schmitt	Zord
Dawida			

NOT VOTING—5

Cianciulli	McClatchy	Street	Wagner
Earley			

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 with amendment in which concurrence of the Senate is requested.



**REMARKS ON VOTE**

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

Mr. DOMBROWSKI. Mr. Speaker, on SB 762, I inadvertently voted in the negative. I would like to be recorded in the affirmative.

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

**HB 855 TAKEN FROM TABLE**

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, on page 2 of the Tabled Calendar, I move that we take off the table and place on the active calendar HB 855, PN 2275.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**SENATE MESSAGE****HOUSE AMENDED SENATE BILLS  
CONCURRED IN**

The Senate informed that it has concurred in House amendments to the following bills:

SB 535, PN 1080; and SB 797, PN 1182.

**SENATE MESSAGE****APPOINTMENT OF CONFERENCE COMMITTEE**

The Senate informed that it insists on concurrence in Senate amendments to HB 396, PN 1911, and has appointed Messrs. COPPERSMITH, MELLOW and SNYDER a Committee of Conference to confer with a similar committee of the House of Representatives, (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two houses in relation to said bill.

**MOTION INSISTING UPON NONCONCURRENCE AND  
APPOINTMENT OF A CONFERENCE COMMITTEE**

Mr. S. E. HAYES moved that the House insist upon nonconcurrence in Senate amendments to HB 396, PN 1911, and that a committee of conference be appointed.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**APPOINTMENT OF COMMITTEE OF  
CONFERENCE**

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on HB 396, PN 1911: Messrs. SPENCER, McCLATCHY and ZITTERMAN.

Ordered, That the clerk inform the Senate accordingly.

**BILLS AND RESOLUTIONS PASSED OVER**

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over.

The Chair hears no objection.

**WELCOMES**

The SPEAKER. The Chair welcomes Mr. and Mrs. Phil DeMilo of Baden, Pennsylvania, who are here today as the guests of Messrs. Laughlin, Kolter, and Milanovich.

The Chair welcomes to the balcony guests from Armco Steel, primarily from Butler and Beaver Counties. The Chair has been asked to note that Armco Steel is presently engaged in a \$50-million expansion project in western Pennsylvania which will provide more jobs for Pennsylvanians. They are here today as the guests of Mr. James Burd.

The Chair welcomes to the floor of the House Miss Carol Ann Weisenfeld who is the Director of Development for Fox Chase Cancer Institute, who is here today as the guest of Mr. McKelvey and Mr. Williams.

The Chair welcomes to the balcony the Duncansville Golden Age Club directed by their president, Rev. Horst.

They are here as guests of the gentleman from Blair, Mr. Johnson.

**ADJOURNMENT**

Mr. McMONAGLE moved that this House of Representatives do now adjourn until Wednesday, October 17, 1979, at 11 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:08 p.m., e.d.t., the House adjourned.