

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, MAY 27, 1980

Session of 1980

164th of the General Assembly

No. 39

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

REV. HAROLD KELLEY, pastor of Greene Valley Presbyterian Church, Carmichaels, Pennsylvania, guest chaplain and guest of the gentleman from Greene, Mr. DeWeese, offered the following prayer:

Let us pray.

Dear God, our Heavenly Father, we come at this time to offer to You our praise and adoration. We praise You for Your grace and mercy that has given us the privilege of living this day; for Your sovereignty that makes us realize that though we fail You, You do not fail us. In fact, You alone are responsible for the measure of order we have in this world. We are thankful that assuredly as You call ministers and missionaries, the Bible makes it very clear that you call persons to the governmental service for the word of God tells us that the powers that be are ordained of God. We are also thankful that Your involvement has been recognized since William Penn established our great Commonwealth upon Christian principles and ideals.

I pray today for Your presence and blessing on this session of the House. When the final gavel is rapped today, all may be satisfied that Your will has been done. Through Jesus Christ our Lord, Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNALS APPROVED

The SPEAKER. The Journals of Monday and Tuesday, May 12 and 13, 1980, are now in print.

Without objection, the Journals will stand approved.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Wednesday, May 21, 1980, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2575 By Representatives BRANDT, CESSAR, PICCOLA, LEVI, PETERSON, BOWSER AND MANMILLER

An Act amending the "Vital Statistics Law of 1953," approved June 29, 1953 (P. L. 304, No. 66), eliminating the office of local registrar, further providing for birth registration and records and the amendment thereof, for the preparation, registration and amendment of death certificates, providing for institutional records and further providing for the disposition, disclosure and copying of records.

Referred to Committee on STATE GOVERNMENT, May 21, 1980.

No. 2576 By Representatives McVERRY AND FISHER

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), further restricting the power to levy real estate transfer taxes on certain transfers between former husbands and wives.

Referred to Committee on FINANCE, May 21, 1980.

No. 2577 By Representatives McVERRY AND FISHER

An Act amending "The Realty Transfer Tax Act," approved December 27, 1951 (P. L. 1742, No. 467), further defining "document" so as to exclude certain transfers between former husbands and wives.

Referred to Committee on FINANCE, May 21, 1980.

No. 2578 By Representatives BROWN, ZORD, McCALL, PRATT AND COCHRAN

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, imposing an excess profits tax on certain corporations.

Referred to Committee on STATE GOVERNMENT, May 21, 1980.

No. 2579 By Representatives W. W. FOSTER, LEVI, DIETZ, GAMBLE, KNIGHT, CALTAGIRONE, STAIRS AND E. H. SMITH

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), removing provisions relating to advertisement of actions of commission.

**No. 2580** By Representatives W. W. FOSTER, LEVI, DIETZ, KLINGAMAN, GAMBLE, KNIGHT, GRIECO, CIMINI, CALTAGIRONE, STAIRS AND E. H. SMITH

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), further providing for overnight camping on State Game Lands.

Referred to Committee on GAME AND FISHERIES, May 21, 1980.

**No. 2581** By Representative HOFFEL

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further defining "approved leave of absence" and defining "maternity leave of absence".

Referred to Committee on EDUCATION, May 21, 1980.

**No. 2582** By Representative DiCARLO

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), authorizing certain handicapped persons to use semi-automatic rifles for hunting.

Referred to Committee on GAME AND FISHERIES, May 21, 1980.

### LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. I request a leave for the gentleman from Bucks, Mr. WEIDNER, for the week; the gentleman from Northumberland, Mr. HELFRICK, for the week; the gentleman from Montgomery, Mr. POLITE, for the day; the gentleman from Mifflin, Mr. DeVERTER, for the week; the gentleman from Philadelphia, Mr. McKELVEY, for the day; the gentleman from Allegheny, Mr. KNEPPER, for the day, and the gentleman from Jefferson, Mr. L. E. Smith for today.

The SPEAKER. Without objection, leaves will be granted. The Chair hears none.

The Chair recognizes the minority leader, Mr. Irvis, for leaves of absence.

Mr. IRVIS. We have no leaves to request at this time, Mr. Speaker.

### COMMUNICATIONS FROM GOVERNOR

#### BILLS SIGNED BY GOVERNOR

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

**APPROVAL OF HBs Nos. 1771, 1805, 2238 and 2393.**

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

May 21, 1980

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

I have the honor to inform you that I have this day approved and signed House Bill 1771, Printer's No. 2166, entitled "An act making an appropriation to the Mummery Museum of Arts in Philadelphia, Pennsylvania".

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

May 21, 1980

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

I have the honor to inform you that I have this day approved and signed House Bill 1805, Printer's No. 3056, entitled "An act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled 'An act relating to and regulating the business of banking and the exercise by corporations of fiduciary powers; affecting persons engaged in the business of banking and corporations exercising fiduciary powers and affiliates of such persons; affecting the shareholders of such persons and the directors, trustees, officers, attorneys and employes of such persons and of the affiliates of such persons; affecting national banks located in the Commonwealth; affecting persons dealing with persons engaged in the business of banking, corporations exercising fiduciary powers and national banks; conferring powers and imposing duties on the Banking Board, on certain departments and officers of the Commonwealth and on courts, prothonotaries, clerks and recorders of deeds; providing penalties; and repealing certain acts and parts of acts,' further providing for variable rate and alternative type mortgages, additional means of appraisal, secondary mortgages, clarification of late charges and DELETION OF equal payment requirements; PROVIDING FOR INTEREST RATES RELATED TO THE DISCOUNT RATE OF THE FEDERAL RESERVE BANKS; elimination of reference to Employees' Mutual Banking Association; increased reserves on deposits of mutual savings banks; authority to charge interest on fifteen day grace period of loan; expansion of authority to own treasury stock; and revising restrictions on officer and employe loans."

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

May 21, 1980

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

I have the honor to inform you that I have this day approved and signed House Bill 2238, Printer's No. 2860, entitled "An act amending the act of May 4, 1959 (P. L. 285, No. 39), entitled 'An act authorizing the issue and sale of bonds by the Commonwealth of Pennsylvania for the payment of compensation to certain veterans; creating a special fund in the State Treasury to be known as the Korean Conflict Veterans' Compensation Fund; defining the powers and duties of the Governor, the Auditor General, the State Treasurer, and the Board of Finance and Revenue in relation thereto; and providing for the payment of interest on and the redemption and refunding of such bonds; and making an appropriation,' to reduce the authorization".

DICK THORNBURGH  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

May 21, 1980

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

I have the honor to inform you that I have this day approved and signed House Bill 2393, Printer's No. 3283, entitled "An act amending the act of June 28, 1947 (P. L. 1110, No. 476), entitled 'An act defining and regulating certain installment sales of motor vehicles; prescribing the conditions under which such sales may be made and regulating the financing thereof; regulating and licensing persons engaged in the business of making or financing such sales; prescribing the form, contents and effect of instruments used in connection with such sales and the financing thereof; prescribing certain rights and obligations of buyers, sellers, persons financing such sales and others; limiting incidental charges in connection with such instruments and fixing maximum interest rates for delinquencies, extensions and loans; regulating insurance in connection with such sales; regulating repossessions, redemptions, resales and deficiency judgments and the rights of parties with respect thereto; authorizing extensions, loans and forbearances related to such sales; authorizing investigations and examinations of persons engaged in the business of making or financing such sales; prescribing penalties and repealing certain acts,' further providing for the finance charge of certain motor vehicles".

DICK THORNBURGH  
GOVERNOR

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. The Chair calls to the attention of the House that the gentleman from Mifflin, Mr. DeVerter, has asked that he be replaced as a conferee on HB 1623, and the Chair has appointed in his place the gentleman from Lancaster, Mr. Brandt.

**SENATE MESSAGE**

**AMENDED HOUSE BILL  
RETURNED FOR CONCURRENCE**

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

**HB 227, PN 3317**

The SPEAKER. The bill will appear on the calendar.

**MASTER ROLL CALL RECORDED**

The SPEAKER. Members please report to the floor. The Chair is about to take the master roll call, and only those members in their seats may be recorded.

The following roll call was recorded:

YEAS—189

- |           |               |              |              |
|-----------|---------------|--------------|--------------|
| Alden     | Freind        | Livengood    | Rocks        |
| Anderson  | Fryer         | Lynch, E. R. | Rodgers      |
| Armstrong | Gallagher     | McCall       | Ryan         |
| Arty      | Gallen        | McClatchy    | Salvatore    |
| Austin    | Gamble        | McIntyre     | Scheaffer    |
| Barber    | Gannon        | McMonagle    | Schweder     |
| Belardi   | Gatski        | McVerry      | Serafini     |
| Bennett   | Geesey        | Mackowski    | Seventy      |
| Berson    | Geist         | Madigan      | Shadding     |
| Bittle    | George, C.    | Maiale       | Shupnik      |
| Borski    | George, M. H. | Manderino    | Sieminski    |
| Bowser    | Giammarco     | Manmiller    | Sirianni     |
| Brandt    | Gladeck       | Michlovic    | Smith, E. H. |
| Brown     | Goebel        | Micozzie     | Spencer      |
| Burd      | Goodman       | Milanovich   | Spitz        |

- |                 |                |                |                 |
|-----------------|----------------|----------------|-----------------|
| Burns           | Grabowski      | Miller         | Stairs          |
| Caltagirone     | Gray           | Mochlmann      | Steighner       |
| Cappabianca     | Greenfield     | Mowery         | Stewart         |
| Cessar          | Grieco         | Mrkoncic       | Street          |
| Chess           | Gruppo         | Mullen         | Stuban          |
| Cimini          | Hagarty        | Murphy         | Sweet           |
| Civera          | Halverson      | Nahill         | Swift           |
| Clark, B. D.    | Harper         | Novak          | Taddonio        |
| Clark, M. R.    | Hasay          | Noye           | Taylor, E. Z.   |
| Cochran         | Hayes, Jr., S. | O'Brien, B. F. | Taylor, F.      |
| Cole            | Hoeffel        | O'Brien, D. M. | Telek           |
| Cornell         | Honaman        | O'Donnell      | Thomas          |
| Coslett         | Hutchinson, A. | Oliver         | Trello          |
| Cowell          | Hutchinson, W. | Perzel         | Vroon           |
| Cunningham      | Irvis          | Peterson       | Wachob          |
| DeMedio         | Itkin          | Petrarca       | Wargo           |
| DeWeese         | Johnson, E. G. | Phillips       | Wass            |
| DiCarlo         | Johnson, J. J. | Piccola        | Wenger          |
| Davies          | Jones          | Pievsky        | White           |
| Dawida          | Kanuck         | Pistella       | Wilson          |
| Dietz           | Klingaman      | Pitts          | Wilt            |
| Dininni         | Knight         | Pott           | Wright, D. R.   |
| Dombrowski      | Kolter         | Pratt          | Wright, Jr., J. |
| Donatucci, R.   | Kowalshyn      | Pucciarelli    | Yahner          |
| Dorr            | Kukovich       | Punt           | Yohn            |
| Duffy           | Lashinger      | Pyles          | Zeller          |
| Durham          | Laughlin       | Rappaport      | Zitterman       |
| Earley          | Lehr           | Rasco          | Zord            |
| Fee             | Lescovitz      | Reed           | Zwilk           |
| Fischer         | Letterman      | Rhodes         |                 |
| Fisher          | Levi           | Richardson     | Seltzer,        |
| Foster, W. W.   | Levin          | Rieger         | Speaker         |
| Foster, Jr., A. | Lewis          | Ritter         |                 |

NAYS—0

NOT VOTING—5

- |        |       |         |          |
|--------|-------|---------|----------|
| Beloff | Dumas | Schmitt | Williams |
| Cohen  |       |         |          |

EXCUSED—8

- |              |          |          |              |
|--------------|----------|----------|--------------|
| DeVerter     | Helfrick | McKelvey | Smith, L. E. |
| Hayes, D. S. | Knepper  | Polite   | Weidner      |

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

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

**HB 2534, PN 3402 (Amended)**

By Rep. GEESEY

An Act amending the "Funeral Director Law," approved January 14, 1952 (1951 P. L. 1898, No. 522), further providing for issuance of licenses for widows and widowers.

**PROFESSIONAL LICENSURE.**

**HB 2555, PN 3354**

By Rep. GEESEY

An Act authorizing the Pennsylvania Historical and Museum Commission on behalf of the Commonwealth to acquire the historic Continental Court House of York in the City of York, York County.

**PROFESSIONAL LICENSURE.**

**SB 1312, PN 1655**

By Rep. GEESEY

An Act amending the act of October 5, 1978 (P. L. 1109, No. 261), entitled "Osteopathic Medical Practice Act," providing for a short-term camp physician license.

PROFESSIONAL LICENSURE.

**ADDITION AND DELETIONS OF COSPONSORS**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I submit for the record a list of addition and deletions of sponsors of bills.

**ADDITION**  
HB 569, Arty 42.

**DELETIONS**  
HB 1, Madigan 143; HB 1066, Klingaman 64; HB 1066, Cimini 180; HB 2432, Cimini 180; HB 2433, Cimini 180; HB 2432, Grieco 179; HB 2433, Grieco 179.

**CALENDAR**

**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 2362, PN 3121**, entitled:

An Act amending the "Post Conviction Hearing Act," approved April 28, 1978 (P. L. 202, No. 53), delaying the effective day of a repeal of provisions relating to post conviction hearings.

On the question,  
Will the House agree to the bill on second consideration?  
Mr. SPENCER offered the following amendment:

Amend Sec. 1 (Sec. 2), page 2, line 15, by striking out "1982." and inserting 1981.

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

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

Mr. SPENCER. Mr. Speaker—  
Mr. IRVIS. Mr. Speaker, will the gentleman yield to me for a moment?

The SPEAKER. Will the gentleman from Tioga, Mr. Spencer, yield to the minority leader?

Mr. IRVIS. Mr. Speaker, I would particularly alert the Democrats to the fact that we are about to take up a number of amendments on a number of bills which were marked on our calendar some time ago. Some of these amendments are extremely important and do change the meanings of some of the bills. I would caution you that the amendments are being run, and if you continue to talk, you may be voting on amendments that you will regret. Thank you for yielding, Mr. Speaker.

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

Mr. SPENCER. When the House passed the Judiciary Act Repealer Act, which is known as JARA, we allowed the Supreme Court 2 years in which to enact postconviction rules. The rules have not been promulgated as yet, and the present bill in front of us continues this repealer for a 2-year period. My amendment reduces that 2-year period to 1 year. It is my understanding from the Supreme Court and

the Rules Committee that they will be in a position to have these rules promulgated within that 1-year period. I also understand that it is an agreed-to amendment. Thank you.

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

The following roll call was recorded:

**YEAS—171**

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

**NAYS—0**

**NOT VOTING—23**

Anderson	Durham	Manderino	Richardson
Austin	Foster, Jr., A.	Mullen	Street
Beloff	Gannon	Pott	Taylor, E. Z.
Berson	Johnson, J. J.	Pratt	White
Cohen	Levin	Reed	Williams
Dumas	McIntyre	Rhodes	

**EXCUSED—8**

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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

On the question,

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

Bill as amended was agreed to.

Ordered, that the bill as amended be prepared for third consideration.

\* \* \*

The House proceeded to second consideration of **HB 266, PN 2033**, entitled:

An Act requiring certain records of the Commonwealth, its agencies, political subdivisions, certain authorities and other agencies receiving or dispensing public funds or performing essential governmental functions to be open for examination and inspection by citizens of this Commonwealth; authorizing citizens to make extracts, copies, photographs or photostats of such records; providing for remedial relief; and providing penalties.

On the question,

Will the House agree to the bill on second consideration?

### MOTION TO RECOMMIT

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

Mr. GEESEY. Mr. Speaker, I understand that in the committee discussions on the bill, local government did not have an opportunity to have full input into the consideration of the bill. Therefore, I move that this bill be recommitted to the Local Government Committee for the express purpose of holding public hearings and giving local government an opportunity to have full input into the legislation. Thank you.

On the question,

Will the House agree to the motion?

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

Mr. J. L. WRIGHT. May I interrogate Mr. Geesey?

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

Mr. J. L. WRIGHT. Mr. Speaker, has the Local Government Committee requested the bill for the right to hold public hearings?

Mr. GEESEY. Yes, Mr. Speaker.

Mr. J. L. WRIGHT. I assume you realize that this is in direct opposition to what most newspaper editors would like to see?

Mr. GEESEY. Mr. Speaker, I should like to advise the gentleman that there are those editors which I am in direct opposition to, but it has no concern about the implication of the bill. It is simply to hold public hearings, Mr. Speaker, and that is all.

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

Mr. HOEFFEL. I rise in opposition to this motion to recommit. I understand the concern that many members feel that HB 266 did not go through the appropriate committee and I think that is probably true, but I am not

at all sure that the Local Government Committee is the appropriate place for further debate to be conducted. I would urge the members to vote against this motion offered by Mr. Geesey. I think if another committee should study this bill, it would more appropriately be the State Government Committee, not Local Government, and I would, therefore, urge a negative vote on this. Thank you.

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

Mr. MILLER. I would also like to rise in opposition of the move to send to Local Government because of the very pressing nature of the questions we have left open in the subject matter of this Sunshine Act. It would behoove us to address this issue fairly and squarely right before this General Assembly as opposed to sidetracking the legislation again for the purpose of public hearings. We are running out of time in this session, and I would hope my colleagues would share my wish that we hold the bill here for formal floor action. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

### VOTE STRICKEN

The SPEAKER. For what purpose does the majority leader rise?

Mr. RYAN. I would ask that the vote be stricken. Everyone seems to generally agree it should go to a committee, and there is confusion as to which one—

The SPEAKER. Will the gentleman yield?

The clerk will strike the vote.

For what purpose does the gentleman from Lancaster, Mr. Miller, rise?

Mr. MILLER. I am not certain of my parliamentary prerogative, as the distinguished majority leader just took with this bill, but I might suggest if he wishes to debate the merits of the bill and its intent or which committee it should go to, that is most properly addressed as part of the motion, not in simply asking the Speaker to strike a vote because of some supposed confusion. It is a very direct motion that is before the chamber, Mr. Speaker, and I question the Speaker's intent in striking that vote and wish he would address that. Thank you.

The SPEAKER. The Chair takes exception with a member taking exception to the Chair's reason for doing anything. The Chair's reasons are above reproach.

The Chair recognizes, Mr. Miller.

Mr. MILLER. Mr. Speaker, I genuinely thank you for clarifying that point of parliamentary procedure. Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I agree with you.

I would ask that the bill be held over until we get this ironed out. Thank you, Mr. Speaker.

**HB 266 PLACED ON SECOND READING POSTPONED CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 266 be placed on the second reading postponed consideration calendar.

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

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2412, PN 3197**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), authorizing the representative filing the tax return of a deceased individual taxpayer to claim the tax forgiveness.

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—172**

- |               |                 |                |                 |
|---------------|-----------------|----------------|-----------------|
| Alden         | Foster, W. W.   | Lynch, E. R.   | Rodgers         |
| Anderson      | Foster, Jr., A. | McCall         | Ryan            |
| Armstrong     | Freind          | McClatchy      | Salvatore       |
| Arty          | Fryer           | McIntyre       | Scheaffer       |
| Barber        | Gallagher       | McMonagle      | Schmitt         |
| Belardi       | Gallen          | McVerry        | Schweder        |
| Bennett       | Gamble          | Mackowski      | Serafini        |
| Bittle        | Gatski          | Madigan        | Seventy         |
| Borski        | Geesey          | Maiale         | Shadding        |
| Bowser        | Geist           | Manmiller      | Shupnik         |
| Brandt        | George, C.      | Michlovic      | Sieminski       |
| Brown         | George, M. H.   | Micozzie       | Sirianni        |
| Burd          | Giammarco       | Miller         | Smith, E. H.    |
| Burns         | Gladeck         | Moehlmann      | Spencer         |
| Caltagirone   | Goodman         | Mowery         | Spitz           |
| Cappabianca   | Grabowski       | Mrkonic        | Stairs          |
| Cessar        | Gray            | Mullen         | Steighner       |
| Chess         | Greenfield      | Murphy         | Stewart         |
| Cimini        | Grieco          | Nahill         | Suban           |
| Civera        | Gruppo          | Novak          | Sweet           |
| Clark, B. D.  | Hagarty         | Noye           | Swift           |
| Clark, M. R.  | Halverson       | O'Brien, B. F. | Taddonio        |
| Cochran       | Harper          | O'Brien, D. M. | Taylor, F.      |
| Cole          | Hasay           | O'Donnell      | Telek           |
| Cornell       | Hayes, Jr., S.  | Oliver         | Thomas          |
| Coslett       | Honaman         | Perzel         | Trello          |
| Cowell        | Hutchinson, A.  | Peterson       | Vroon           |
| Cunningham    | Hutchinson, W.  | Petrarca       | Wachob          |
| DeMedio       | Irvis           | Phillips       | Wargo           |
| DeWeese       | Itkin           | Piccola        | Wass            |
| DiCarlo       | Johnson, E. G.  | Pievsky        | Wenger          |
| Davies        | Kanuck          | Pistella       | Wilt            |
| Dawida        | Klingaman       | Pitts          | Wright, D. R.   |
| Dietz         | Knight          | Pott           | Wright, Jr., J. |
| Dininni       | Kolter          | Pratt          | Yahner          |
| Dombrowski    | Kowalshyn       | Pucciarelli    | Yohn            |
| Donatucci, R. | Kukovich        | Punt           | Zeller          |
| Dorr          | Laughlin        | Pyles          | Zitterman       |
| Duffy         | Lehr            | Rappaport      | Zord            |

- |         |           |            |          |
|---------|-----------|------------|----------|
| Durham  | Lescovitz | Rasco      | Zwilk    |
| Earley  | Letterman | Richardson |          |
| Fee     | Levi      | Rieger     | Seltzer, |
| Fischer | Lewis     | Ritter     | Speaker  |
| Fisher  | Livengood |            |          |

**NAYS—0**

**NOT VOTING—22**

- |        |                |            |               |
|--------|----------------|------------|---------------|
| Austin | Goebel         | Manderino  | Street        |
| Beloff | Hoefel         | Milanovich | Taylor, E. Z. |
| Berson | Johnson, J. J. | Reed       | White         |
| Cohen  | Jones          | Rhodes     | Williams      |
| Dumas  | Lashingier     | Rocks      | Wilson        |
| Gannon | Levin          |            |               |

**EXCUSED—8**

- |              |          |          |              |
|--------------|----------|----------|--------------|
| DeVerter     | Helfrick | McKelvey | Smith, L. E. |
| Hayes, D. S. | Knepper  | Polite   | Weidner      |

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.

**HB 1460 PASSED OVER TEMPORARILY**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 1460 be passed over temporarily.

The SPEAKER. Without objection, HB 1460 will be passed over temporarily.

\* \* \*

The House proceeded to third consideration of **HB 217, PN 235**, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), increasing the issuing agent's fee.

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—178**

- |             |                 |              |              |
|-------------|-----------------|--------------|--------------|
| Alden       | Foster, Jr., A. | Livengood    | Ritter       |
| Anderson    | Freind          | Lynch, E. R. | Rocks        |
| Armstrong   | Fryer           | McCall       | Rodgers      |
| Arty        | Gallagher       | McClatchy    | Ryan         |
| Austin      | Gallen          | McIntyre     | Salvatore    |
| Barber      | Gamble          | McMonagle    | Scheaffer    |
| Belardi     | Gatski          | McVerry      | Schweder     |
| Bennett     | Geesey          | Mackowski    | Seventy      |
| Bittle      | Geist           | Madigan      | Shadding     |
| Borski      | George, C.      | Maiale       | Shupnik      |
| Bowser      | George, M. H.   | Manderino    | Sieminski    |
| Brandt      | Giammarco       | Manmiller    | Sirianni     |
| Brown       | Gladeck         | Michlovic    | Smith, E. H. |
| Burd        | Goebel          | Micozzie     | Spencer      |
| Burns       | Goodman         | Milanovich   | Spitz        |
| Caltagirone | Grabowski       | Miller       | Stairs       |
| Cappabianca | Gray            | Moehlmann    | Steighner    |
| Cessar      | Greenfield      | Mowery       | Stewart      |

Chess	Grieco	Mrkonic	Stuban
Cimini	Gruppo	Mullen	Sweet
Civera	Hagarty	Murphy	Swift
Clark, B. D.	Halverson	Nahill	Taddonio
Clark, M. R.	Harper	Novak	Taylor, E. Z.
Cochran	Hasay	Noye	Taylor, F.
Cole	Hayes, Jr., S.	O'Brien, B. F.	Telek
Cornell	Hoeffel	O'Brien, D. M.	Thomas
Coslett	Honaman	O'Donnell	Trello
Cowell	Hutchinson, A.	Oliver	Vroon
Cunningham	Hutchinson, W.	Perzel	Wachob
DeWeese	Irvis	Peterson	Wargo
DiCarlo	Itkin	Petrarca	Wass
Davies	Johnson, E. G.	Phillips	Wenger
Dawida	Jones	Piccola	Wilson
Dietz	Kanuck	Pievsky	Wilt
Dininni	Klingaman	Pistella	Wright, D. R.
Dombrowski	Knight	Pitts	Wright, Jr., J.
Donatucci, R.	Kolter	Pott	Yahner
Dorr	Kowalyshyn	Pratt	Yohn
Duffy	Kukovich	Pucciarelli	Zeller
Durham	Laughlin	Punt	Zitterman
Earley	Lehr	Pyles	Zord
Fee	Lescovitz	Rappaport	Zwilk
Fischer	Letterman	Rasco	
Fisher	Levi	Richardson	Seltzer,
Foster, W. W.	Lewis	Rieger	Speaker

NAYS—0

NOT VOTING—16

Beloff	Dumas	Levin	Serafini
Berson	Gannon	Reed	Street
Cohen	Johnson, J. J.	Rhodes	White
DeMedio	Lashinger	Schmitt	Williams

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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 Dauphin, Mr. Reed.

Mr. REED. Mr. Speaker, while I continued to press the green switch, it nonetheless did not record because my switch was not open. Kindly record me in the affirmative on HB 217.

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

The Chair recognizes the gentleman from Philadelphia, Mr. Street.

Mr. STREET. Mr. Speaker, I would like to be recorded in the affirmative on HB 217.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 218, PN 236**, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), further prohibiting the sale by any person of any license for a fee in excess of the fee established by law; providing penalties for violations of license fee requirements; authorized three-day licenses to residents of the Commonwealth to hunt on regulated shooting grounds and increasing the issuing agent's fee for issuing such licenses.

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—175

Alden	Fryer	Livengood	Ritter
Armstrong	Gallagher	Lynch, E. R.	Rocks
Arty	Gallen	McCall	Ryan
Austin	Gamble	McClatchy	Salvatore
Barber	Gatski	McIntyre	Scheaffer
Belardi	Geesey	McMonagle	Schweder
Berson	Geist	McVerry	Serafini
Bittle	George, C.	Mackowski	Seventy
Borski	George, M. H.	Madigan	Shadding
Bowser	Giammarco	Maiale	Shupnik
Brandt	Gladeck	Manderino	Sieminski
Brown	Goebel	Manmiller	Sirianni
Burd	Goodman	Michlovic	Smith, E. H.
Burns	Grabowski	Micozzie	Spencer
Caltagirone	Gray	Milanovich	Spitz
Cappabianca	Greenfield	Miller	Stairs
Cessar	Grieco	Moehlmann	Steighner
Chess	Gruppo	Mowery	Stewart
Cimini	Hagarty	Mrkonic	Street
Civera	Halverson	Mullen	Stuban
Clark, B. D.	Harper	Murphy	Sweet
Clark, M. R.	Hasay	Novak	Swift
Cochran	Hayes, Jr., S.	Noye	Taddonio
Cole	Hoeffel	O'Brien, B. F.	Taylor, E. Z.
Cornell	Honaman	O'Brien, D. M.	Taylor, F.
Coslett	Hutchinson, A.	O'Donnell	Telek
Cowell	Hutchinson, W.	Oliver	Thomas
DeWeese	Irvis	Perzel	Trello
DiCarlo	Itkin	Peterson	Wachob
Davies	Johnson, E. G.	Petrarca	Wargo
Dawida	Jones	Phillips	Wass
Dietz	Kanuck	Piccola	Wenger
Dininni	Klingaman	Pievsky	Wilson
Dombrowski	Knight	Pistella	Wilt
Donatucci, R.	Kolter	Pitts	Wright, D. R.
Dorr	Kowalyshyn	Pott	Yahner
Duffy	Kukovich	Pratt	Yohn
Durham	Lashinger	Pucciarelli	Zeller
Earley	Laughlin	Punt	Zitterman
Fee	Lehr	Rappaport	Zord
Fischer	Lescovitz	Rasco	Zwilk
Fisher	Letterman	Reed	
Foster, W. W.	Levi	Richardson	Seltzer,
Foster, Jr., A.	Lewis	Rieger	Speaker
Freind			

NAYS—0

NOT VOTING—19

Anderson	DeMedio	Nahill	Vroon
Beloff	Dumas	Pyles	White
Bennett	Gannon	Rhodes	Williams
Cohen	Johnson, J. J.	Rodgers	Wright, Jr., J.
Cunningham	Levin	Schmitt	

EXCUSED—8

DeVerter      Helfrick      McKelvey      Smith, L. E.  
 Hayes, D. S.    Knepper      Polite          Weidner

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 1066, PN 2826**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding provisions relating to district constables.

On the question,

Will the House agree to the bill on third consideration?

Mr. CAPPABIANCA offered the following amendments:

Amend Bill, page 23, lines 29 and 30, page 24, lines 1 through 16, by striking out all of said lines on said pages and inserting constable shall take place when the current term of each constable now in office expires.

Amend Sec. 8, page 24, line 17, by striking out "8" and inserting 7

Amend Sec. 9, page 30, line 22, by striking out "9" and inserting 8

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Cappabianca.

Mr. CAPPABIANCA. Mr. Speaker, it is a rather simple amendment. All it does is grandfather in the present elected constables. It allows them to complete their term. I would like an affirmative vote, if there is no opposition.

The SPEAKER. Would the the gentleman from Erie, Mr. Cappabianca, come to the desk, please?

AMENDMENTS WITHDRAWN TEMPORARILY

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Cappabianca.

Mr. CAPPABIANCA. Mr. Speaker, I withdraw my amendment temporarily.

The SPEAKER. The Chair thanks the gentleman.

BILL PASSED OVER TEMPORARILY

The SPEAKER. Without objection, HB 1066 will be passed over temporarily.

\* \* \*

The House proceeded to third consideration of **SB 1003, PN 1180**, entitled:

An Act amending the act of December 9, 1969 (P. L. 333, No. 141), entitled "An act enabling certain minors' consent to donate blood," changing the age of consent for blood donations.

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 Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, since it is a Senate bill, could someone answer a question relative to the emancipated teenager, 16 and 17?

The SPEAKER. Is there anyone on the floor of the House who can answer the interrogation of the gentleman from Berks, Mr. Davies, on SB 1003?

The Chair recognizes the gentleman from Allegheny, Mr. Zord. The gentleman, Mr. Davies, may proceed.

Mr. DAVIES. Mr. Speaker, for my own clarification, what about an emancipated teenager in the age group of 16 to 17? What become of their rights? Are they allowed to make contributions now or not allowed to make contributions?

Mr. ZORD. To the best of my knowledge of this piece of legislation, it just changes the age to 17 instead of 18. I cannot answer any other part. I do not know. I cannot do it.

Mr. DAVIES. So we cannot get a clarification, or rather it would stop at that age rather than include those people in the category?

Mr. ZORD. That is right.

Mr. DAVIES. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

YEAS—156

Alden	Freind	McCall	Rieger
Anderson	Fryer	McClatchy	Ritter
Armstrong	Gallagher	Mackowski	Ryan
Arty	Gallen	Madigan	Salvatore
Barber	Gamble	Manderino	Scheaffer
Belardi	Gatski	Manmiller	Schweder
Bennett	Geist	Michlovic	Serafini
Berson	George, C.	Micozzie	Sirianni
Bittle	George, M. H.	Milanovich	Smith, E. H.
Borski	Giammarco	Miller	Spencer
Brandt	Gladeck	Mochlmann	Spitz
Brown	Goebel	Mowery	Stairs
Burd	Goodman	Mrkonic	Steighner
Burns	Grabowski	Mullen	Stewart
Caltagirone	Greenfield	Murphy	Street
Cappabianca	Grieco	Nahill	Suban
Cessar	Gruppo	Novak	Sweet
Cimini	Hagarty	Noye	Swift
Civera	Harper	O'Brien, B. F.	Taylor, E. Z.
Clark, B. D.	Hasay	O'Brien, D. M.	Taylor, F.
Clark, M. R.	Hayes, Jr., S.	O'Donnell	Telek
Cochran	Hoeffel	Oliver	Thomas
Cole	Honaman	Perzel	Vroon
Coslett	Hutchinson, A.	Peterson	Wachob
Cowell	Irvis	Petrarca	Wass
DeMedio	Johnson, E. G.	Phillips	Wenger
DeWeese	Jones	Piccola	White
DiCarlo	Klingaman	Pievsky	Wilson
Davies	Knight	Pistella	Wilt
Dawida	Kolter	Pitts	Wright, D. R.
Dininni	Kowalshyn	Pott	Wright, Jr., J.
Dombrowski	Kukovich	Pratt	Yahner



Donatucci, R.	Lashingier	Pucciarelli	Yohn
Dorr	Laughlin	Pyles	Zeller
Durham	Lehr	Rappaport	Zord
Earley	Lescovitz	Rasco	Zwinkl
Fee	Levi	Reed	
Fischer	Lewis	Rhodes	Seltzer,
Fisher	Livengood	Richardson	Speaker
Foster, W. W.	Lynch, E. R.		

## NAYS—23

Austin	Foster, Jr., A.	McMonagle	Sieminski
Chess	Geesey	McVerry	Taddonio
Cornell	Gray	Maiale	Trello
Cunningham	Itkin	Punt	Wargo
Dietz	Letterman	Seventy	Zitterman
Duffy	McIntyre	Shupnik	

## NOT VOTING—15

Beloff	Gannon	Kanuck	Schmitt
Bowser	Halverson	Levin	Shadding
Cohen	Hutchinson, W.	Rocks	Williams
Dumas	Johnson, J. J.	Rodgers	

## EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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 the information that the House has passed the same without amendment.

## REQUEST TO CALL UP HB 2378

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

Mr. RAPPAPORT. Is it the intention of the Chair to pass over HB 2378?

The SPEAKER. The Chair's calendar has been so marked.

Mr. RAPPAPORT. Mr. Speaker, I call the bill up.

The SPEAKER. The gentleman from Philadelphia, Mr. Rappaport, objects to the bill being passed over?

Mr. RAPPAPORT. Yes, Mr. Speaker. I do.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, that was requested to stay on hold until amendments were drafted, and I am wondering—We have customarily held bills for the purpose of amendments. If the gentleman wants to make an issue of it, so be it, and then, of course, this is a two-edged sword that works the other way, and it has been working mostly in favor of the minority party over the months.

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

Mr. RAPPAPORT. Would the majority leader consent to interrogation?

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

Mr. RAPPAPORT. Mr. Speaker, which members of the House have stated to the majority leader that they are preparing amendments?

Mr. RYAN. The bill is on hold, and both of our calendars are marked that Mr. Salvatore has requested a hold. I am advised that amendments have been ordered from Reference Bureau.

Mr. RAPPAPORT. Mr. Speaker, I will not burden the majority leader further.

Would the gentleman from Philadelphia, Mr. Salvatore, consent to interrogation?

Mr. SALVATORE. Yes, I will, Mr. Speaker.

The SPEAKER. The gentleman from Philadelphia, Mr. Salvatore, indicates he will stand for interrogation. Mr. Rappaport may proceed.

Mr. RAPPAPORT. Mr. Speaker, could the gentleman please inform us as to what type of amendments are being drawn?

Mr. RYAN. Mr. Speaker, will the gentleman yield?

The SPEAKER. For what purpose does the majority leader rise?

Mr. RYAN. I want to ask a question of Mr. Rappaport, and this is rhetorical at best.

We have customarily, at a leadership level, marked matters for hold. When we have felt there is an abuse, then we tell one another that there is an abuse and we say that we are going to call them up. I have never, I have never interrogated a member of your caucus as to amendments that are going to be proposed to a bill that is on hold. I have simply put them on notice to get the amendments down.

I object, on behalf of my role, in my role as leader, to interrogating any member of our caucus at this stage as to what the amendments are. If you want to open this kind of thing up, you do so at your own risk, because if you review your calendars, you will find that there are many more bills on hold at the request of Mr. Manderino and Mr. Irvis than there are at the request of any of our leaders. I do not think we should take up the time on the floor to interrogate members on amendments that will be offered. The appropriate time to do that is when they are offered, rather than discussing the merits of amendments at this time.

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

Mr. RAPPAPORT. Mr. Speaker, I have given that courtesy ever since I have been here, and I have received that courtesy. I am very well aware of that, and as the members well know, I am rather jealous of the courtesies extended in this House by members to the others, and I deplore the fact that in recent years these courtesies have not been observed.

But, Mr. Speaker, this bill came out of committee and I was informed that it was put on hold by a member of this House, and then the member of this House was not here for a week. It is a bill of not great consequence that involves my district, and I am merely trying to find out when the amendments will be ready and when this bill will be ready for a vote. If the majority leader can so inform me, I will be very happy to withdraw my request that the bill now be called up.

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

Mr. SALVATORE. First, I would like to respond that, yes, I was not here for a week. I took a leave of absence for 3 days, Mr. Speaker. Make that part of the record, since the gentleman brought it up.

There are amendments being drafted to this piece of legislation and the amendments will be prepared today. Does that satisfy the gentleman from Philadelphia, Mr. Speaker?

The SPEAKER. The gentleman from Philadelphia, Mr. Salvatore, indicates that he has ordered amendments and he should receive them sometime today. Was that the response of the gentleman?

Mr. SALVATORE. Incidentally, Mr. Speaker, they are not my amendments; they are Mr. O'Brien's amendments.

REQUEST WITHDRAWN

The SPEAKER. The Chair recognizes Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, this is the first I hear that they were indeed Mr. O'Brien's amendments. I have been informed that there was Mr. Salvatore's hold on it last week. I have never heard Mr. O'Brien's name before. Now, I apologize to the gentleman for that. In the light of the statement that the amendments were prepared today, I will not call the bill up today. I withdraw that.

The SPEAKER. The Chair thanks the gentleman.

Mr. RAPPAPORT. May I finish, Mr. Speaker? And I shall not press the majority leader if the bill is not called up finally today but at his pleasure sometime this week. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman. Without objection, HB 2378 will be passed over. The Chair hears none.

\* \* \*

The House proceeded to third consideration of **SB 843, PN 1761**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Secretary of Education, to sell and convey the former Warren Campus of Edinboro State College, situate in Conewango Township, Warren County, to Warren 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?

The Chair recognizes the gentleman from Carbon, Mr. McCall.

Mr. McCALL. Mr. Speaker, can somebody stand for interrogation on this bill?

The SPEAKER. Will the gentleman repeat his inquiry?

Mr. McCALL. Could someone stand for interrogation on this bill, Mr. Speaker?

The SPEAKER. The gentleman from Warren, Mr. Peterson, indicates he will stand for interrogation. Mr. McCall may proceed.

Mr. McCALL. Mr. Speaker, I noted on the bill there are 29.-some acres and three buildings being transferred for a dollar. Can you tell me for what purpose?

Mr. PETERSON. Yes. Mr. Speaker, these buildings were formally part of the Warren State Hospital, were then utilized for a number of years as the Edinboro campus, have been vacant for a number of years again since that campus closed, and they will be used by the county for a human services complex, and if at any time they are not used for public service, they will revert back to the state.

Mr. McCALL. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

YEAS—181

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

NAYS—1

Fryer

NOT VOTING—12

Beloff	Dumas	Irvis	Shadding
Berson	Earley	Johnson, J. J.	Street
Cohen	Gannon	Manderino	Williams

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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 the 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 1048, PN 1718**, entitled:

An Act amending the act of July 20, 1979 (No. 62), entitled "A supplement to the act of \_\_\_\_\_, entitled, 'An act providing for the capital budget for the fiscal year 1979-1980,' itemizing public improvement projects to be acquired or constructed by the Department of General Services together with their estimated financial cost;....," authorizing the acquisition of property in Turtle Creek Borough for the Saw Mill Run project.

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—179

Alden	Freind	Lynch, E. R.	Rodgers
Anderson	Fryer	McCall	Ryan
Armstrong	Gallagher	McClatchy	Salvatore
Arty	Gallen	McMonagle	Scheaffer
Austin	Gamble	McVerry	Schmitt
Barber	Gatski	Mackowski	Schweder
Belardi	Geesey	Madigan	Serafini
Bennett	Geist	Maiale	Seventy
Berson	George, C.	Manderino	Shupnik
Bittle	George, M. H.	Michlovic	Sieminski
Borski	Giammarco	Micozzie	Sirianni
Bowser	Gladeck	Milanovich	Smith, E. H.
Brandt	Goebel	Miller	Spencer
Brown	Grabowski	Moehlmann	Spitz
Burd	Gray	Mowery	Stairs
Burns	Greenfield	Mrkonic	Steighner
Caltagirone	Grieco	Mullen	Stewart
Cappabianca	Gruppo	Nahill	Street
Cessar	Hagarty	Novak	Stuban
Chess	Halverson	Noye	Sweet
Cimini	Harper	O'Brien, B. F.	Swift
Civera	Hasay	O'Brien, D. M.	Taddonio
Clark, B. D.	Hayes, Jr., S.	O'Donnell	Taylor, E. Z.
Clark, M. R.	Hoeffel	Oliver	Taylor, F.
Cochran	Honaman	Perzel	Telek
Cole	Hutchinson, W.	Peterson	Thomas
Cornell	Irvis	Petrarca	Vroon

Coslett	Itkin	Phillips	Wachob
Cowell	Johnson, E. G.	Piccola	Wargo
Cunningham	Jones	Pievsky	Wass
DeMedio	Kanuck	Pistella	Wenger
DiCarlo	Klingaman	Pitts	White
Davies	Knight	Pott	Wilson
Dawida	Kolter	Pratt	Wilt
Dietz	Kowalyshyn	Pucciarelli	Wright, D. R.
Dombrowski	Kukovich	Punt	Wright, Jr., J.
Donatucci, R.	Lashingier	Pyles	Yahner
Dorr	Laughlin	Rappaport	Yohn
Duffy	Lehr	Rasco	Zeller
Durham	Lescovitz	Reed	Zitterman
Earley	Letterman	Rhodes	Zord
Fee	Levi	Richardson	Zwinkl
Fischer	Levin	Rieger	
Fisher	Lewis	Ritter	Seltzer,
Foster, W. W.	Livengood	Rocks	Speaker
Foster, Jr., A.			

NAYS—0

NOT VOTING—15

Beloff	Dumas	Johnson, J. J.	Shadding
Cohen	Gannon	McIntyre	Trello
DeWeese	Goodman	Manmiller	Williams
Dininni	Hutchinson, A.	Murphy	

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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 the information that the House has passed the same without amendment.

\* \* \*

The House proceeded to third consideration of **SB 759, PN 1643**, entitled:

An Act amending the act of July 15, 1976 (P. L. 1036, No. 208), entitled "Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act," changing the minimum loan and extending assistance in the form of loans for purchase of certain used equipment and further providing for certain refinancing and for the guarantee of certain funds by political subdivisions.

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

Amend Bill, page 1, by inserting between lines 17 and 18 Section 1. The definition of "apparatus equipment" in section 3, act of July 15, 1976 (P.L.1036, No.208), known as the "Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act," is amended and the section is amended by adding a definition to read:

Section 3. Definitions.—As used in this act:

\* \* \*

"Apparatus equipment" means elevated equipment, pumpers, tankers, ladder trucks, utility or special service vehicles, ambulances, rescue vehicles or other large equipment used for fire fighting and emergency.

\* \* \*

"Utility or special service vehicle" means a vehicle carrying accessory equipment including but not limited to ladders, oxygen equipment, generators and adaptors, flood lights, smoke ejectors, and other equipment necessary to perform the ordinary functions of supporting fire fighting activities.

\*\*\*

Amend Sec. 1, page 1, line 18, by striking out "1." and inserting 2.

Amend Sec. 1, page 1, lines 19 to 21, by striking out all of lines 19 and 20, and "Assistance Act," and inserting 4 of the act,

Amend Sec. 1 (Sec. 4), page 2, line 21, by inserting after "equipment" or utility or special service vehicle

Amend Sec. 1 (Sec. 4), page 2, line 22, by inserting after "equipment" or vehicle

Amend Sec. 2, page 6, line 5, 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 Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, this amendment changes the definition as currently published in the Department of Community Affairs regulations where the Department of Community Affairs says "other large equipment," and then they go on to spell out certain equipment. This changes that definition to allow special service trucks for fire companies. These special service trucks are exactly the type of thing that is needed in many fire companies, but they cannot qualify for the loan now because of the fact that the definition put out by DCA does not cover them. The reason the definition put out by DCA does not cover them, I was told by the State Fire Commissioner, Chet Henry, that there is some booklet put out by the national fire insurance companies that they take their definitions from, and it is not covered in that booklet. That is the only reason these trucks do not qualify, and I am just asking that the definition be changed to allow these special service trucks be allowed to qualify.

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

Mr. ZELLER. Mr. Speaker, to back up what Mr. Burns is stating, we did meet 2 weeks ago, just about 2 weeks ago, with Mr. Henry, and this is a fact. We are having problems like with the small attack trucks, too; with the little units that do not cost the amount of money that some of the bigger equipment costs, but they do the job in brush fires. They are also speedier and smaller to get through areas which are congested, and they do a tremendous job, but you do not have to take a large piece of equipment into an area. So this amendment is very much needed, and I would like to see the members give it approval.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—180

Alden	Fryer	McCall	Ryan
Anderson	Gallagher	McClatchy	Salvatore
Armstrong	Gallen	McIntyre	Scheaffer
Arty	Gamble	McMonagle	Schmitt
Austin	Gatski	McVerry	Schweder
Barber	Geesey	Mackowski	Serafini
Belardi	Geist	Madigan	Seventy
Bennett	George, C.	Maiale	Shupnik
Borski	George, M. H.	Manderino	Sieminski
Bowser	Giammarco	Manmiller	Sirianni

Brandt	Gladeck	Michlovic	Smith, E. H.
Brown	Goebel	Micozzie	Spencer
Burd	Goodman	Miller	Spitz
Burns	Grabowski	Moehlmann	Stairs
Caltagirone	Gray	Mowery	Steighner
Cappabianca	Grieco	Mrkonic	Stewart
Cessar	Gruppo	Mullen	Street
Chess	Hagarty	Murphy	Stuban
Cimini	Halverson	Nahill	Sweet
Civera	Harper	Novak	Swift
Clark, B. D.	Hasay	Noye	Taddonio
Clark, M. R.	Hayes, Jr., S.	O'Brien, B. F.	Taylor, E. Z.
Cochran	Hoeffel	O'Brien, D. M.	Taylor, F.
Cole	Honaman	O'Donnell	Telek
Cornell	Hutchinson, A.	Oliver	Thomas
Coslett	Hutchinson, W.	Perzel	Trello
Cowell	Irvis	Peterson	Vroon
Cunningham	Itkin	Petrarca	Wachob
DeMedio	Johnson, E. G.	Phillips	Wargo
DiCarlo	Jones	Piccola	Wass
Davies	Kanuck	Pievsky	Wenger
Dawida	Klingaman	Pistella	White
Dietz	Knight	Pitts	Wilson
Dininni	Kolter	Pott	Wilt
Dombrowski	Kowalyshyn	Pratt	Wright, D. R.
Donatucci, R.	Kukovich	Pucciarelli	Wright, Jr., J.
Dorr	Lashinger	Punt	Yahner
Duffy	Laughlin	Pyles	Yohn
Durham	Lehr	Rappaport	Zeller
Earley	Lescovitz	Rasco	Zitterman
Fee	Letterman	Reed	Zord
Fischer	Levi	Richardson	Zwikl
Fisher	Levin	Rieger	
Foster, W. W.	Lewis	Rocks	Seltzer,
Foster, Jr., A.	Livengood	Rodgers	Speaker
Freind	Lynch, E. R.		

NAYS—0

NOT VOTING—14

Beloff	DeWeese	Johnson, J. J.	Ritter
Berson	Dumas	Milanovich	Shadding
Bittle	Gannon	Rhodes	Williams
Cohen	Greenfield		

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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

On the question,

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

Mr. WASS offered the following amendment:

Amend Sec. 1 (Sec. 4), page 3, line 25, by inserting brackets before and after "\$5,000" and inserting immediately thereafter \$1,000

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Mr. Speaker, what we are trying to do with this amendment is trying to help the small fire companies that have minor repairs to a single pumper. Many of our small communities just have one pumper, and it is very unusual that they would have an expense of \$5,000. So they have asked me to reduce the amount of money you can

borrow for repairs under this particular bill from \$5,000 to \$1,000. It is an amendment that favors the small fire companies in my community.

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

Mr. LETTERMAN. I am all in favor of it. May I interrogate Mr. Wass, please?

The SPEAKER. The gentleman, Mr. Wass, indicates he will stand for interrogation.

Mr. LETTERMAN. Mr. Speaker, what good would this do? It would cost them more money to finance the \$1,000 than it would do any good.

Mr. WASS. Mr. Speaker, I cannot speak with any professionalism about this particular problem, but I have many, many small fire companies in my communities that have breakdowns or repairs to a single truck, a pumper truck. They only have one truck in the unit, one truck in the fire company, and they said that they do not need to borrow \$5,000. They want that reduced to \$1,000 so they can make application for a \$1,000 repair bill.

Mr. LETTERMAN. Well, you see what I do not understand, Mr. Speaker, is they would have more than that in their coffers just to get that half.

Mr. WASS. No; that is not true. They are still selling tickets to pay for the truck. No, sir. You misunderstand the small community fire company. They do not have \$1,000 to pay for repairs.

Mr. LETTERMAN. They have to have half of the loan. So that is already more than what we are telling you. And that is what I am saying, it does not make any sense to me that we reduce it that far. You know, I would like to help them, too, but I do not see where you are helping them one bit. You are just costing them more money because you let more of them get it for nothing.

Mr. WASS. Mr. Speaker, my amendment, again, will reduce the amount of money that a fire company can borrow from this fund for repairs.

Mr. LETTERMAN. I certainly do not see, Mr. Speaker, where you are helping anything, because if you do this, they still have to come up with \$500. Right?

Mr. WASS. How many dollars?

Mr. LETTERMAN. They would have to come up with \$500 of their own. If they can come up with \$500, it is better for them to pay the cash than it is to go borrow the money. You are just putting them further in debt. I really would like to see the advantage to your amendment, and I do not see it.

Mr. WASS. Mr. Speaker, you do not see an advantage to reducing the amount of money that a small fire company can borrow from \$5,000 to \$1,000? They can never apply for the repair because their repairs do not come to \$5,000.

Mr. LETTERMAN. Then what I am saying to you is they are better off, since they already have to have half of it anyhow, to pay for it themselves than they would be to go borrow the money to do it, because it will end up costing them a lot more money than what you are talking about. That is all I have to say. Thank you.

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

Mr. A. K. HUTCHINSON. This bill was passed 4 or 5 years ago, and I think we are going a little too far when we go with this one to add to that fund, because we are going to have to pass another bond issue pretty quick, so everybody better get their votes on the line. I think we are going down too far for \$1,000. It is going to cost them money for a lawyer. I think that they could raise the money someplace for \$1,000. I am against this amendment.

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

Mr. ZELLER. Mr. Speaker, could I interrogate Mr. Wass, please?

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

Mr. ZELLER. Mr. Speaker, I do not have a copy of Act 208 with me, but what you are saying is that in the repair area they can now repair equipment for a cost of from \$5,000 up.

Mr. WASS. Under this provision they cannot borrow less than \$5,000.

Mr. ZELLER. That is right; for repairs.

Mr. WASS. For repairs.

Mr. ZELLER. Okay. Thank you very much.

Now, the point I want to get at is something that Mr. Hutchinson has stated. In our meeting a little over a week and a half ago, we talked about the amount of money that was left—it is around \$3 million—out of the \$10-million bond issue. This is a circulative, sort of a PIDA - Pennsylvania Industrial Development Authority - operation I guess you are all aware of. Now, the problem Mr. Hutchinson brought out—and I am not against your move if we can see where we are going to be able to get into another bond issue, because I can see where you get down to where every fire company—and I am not talking about your little units—even the bigger units are going to take advantage of this. They will all take advantage of it, because now when you get down to \$1,000, that is going to open it up to a larger area. And if we do—which I am not against; I am not against it to help the small fire companies—the problem is we will have to go back to another bond issue—and I am not against that either—but just so the members here understand that we are going to have to put through another bond issue. We are not sure, under the interpretation by the Justice Department, whether we are going to have to go to another referendum for it or the last section of the act, which we read last week at a meeting Mr. Zwinkl and I had in our area, and we are not sure whether or not we can do it by the House, actually, and the Senate, the legislature, appropriating an extra \$10 million or \$5 million, whatever it is, as another bond issue. We do not know. We have to get that interpretation. We do not know yet.

So here is where we stand, with \$3 million left in the fund, and I just feel that you are going to have to vote your own conscience on this if you feel that this is going to

start taking more money out and we are going to wind up having to go to another bond issue. So I am just reminding you. I personally can support it. I just wanted to know it so you know where we stand in regard to this fund. I am not against your amendment. Thank you.

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

The following roll call was recorded:

YEAS—92

Alden	Foster, Jr., A.	Mackowski	Sirianni
Anderson	Freind	Madigan	Smith, E. H.
Armstrong	Gallen	Manmiller	Spencer
Arty	Geist	Micozzie	Spitz
Belardi	Gladeck	Miller	Stairs
Bittle	Grieco	Nahill	Steighner
Bowser	Gruppo	Noye	Stuban
Brandt	Hagarty	O'Brien, D. M.	Swift
Burd	Halverson	Perzel	Taddonio
Cessar	Hayes, Jr., S.	Peterson	Telek
Cimini	Honaman	Phillips	Thomas
Civera	Hutchinson, W.	Piccola	Vroon
Clark, M. R.	Johnson, E. G.	Pratt	Wass
Cornell	Kanuck	Punt	Wenger
Coslett	Klingaman	Pyles	Wilt
Davies	Kowalshyn	Rasco	Wright, D. R.
Dietz	Lashinger	Reed	Wright, Jr., J.
Dininni	Lehr	Ritter	Yohn
Dorr	Levi	Rocks	Zeller
Durham	Lewis	Ryan	Zwinkl
Earley	Livengood	Salvatore	
Fischer	Lynch, E. R.	Serafini	Seltzer,
Fisher	McClatchy	Sieminski	Speaker
Foster, W. W.	McVerry		

NAYS—89

Austin	Gallagher	Letterman	Pucciarelli
Barber	Gamble	Levin	Rappaport
Bennett	Gatski	McCall	Richardson
Berson	Geesey	McIntyre	Rieger
Borski	George, C.	McMonagle	Scheaffer
Brown	George, M. H.	Maiale	Schmitt
Burns	Giammarco	Manderino	Schweder
Caltagirone	Goebel	Michlovic	Seventy
Cappabianca	Goodman	Milanovich	Shupnik
Chess	Grabowski	Moehlmann	Stewart
Clark, B. D.	Gray	Mowery	Street
Cole	Harper	Mrkonic	Sweet
Cowell	Hasay	Mullen	Taylor, E. Z.
Cunningham	Hoeffel	Novak	Taylor, F.
DeMedio	Hutchinson, A.	O'Brien, B. F.	Trello
DeWeese	Irvic	O'Donnell	Wachob
DiCarlo	Itkin	Oliver	Wargo
Dawida	Knight	Petrarca	White
Dombrowski	Kolter	Pievsky	Wilson
Donatucci, R.	Kukovich	Pistella	Yahner
Duffy	Laughlin	Pitts	Zitterman
Fee	Lescovitz	Pott	Zord
Fryer			

NOT VOTING—13

Beloff	Gannon	Jones	Rodgers
Cochran	Greenfield	Murphy	Shadding
Cohen	Johnson, J. J.	Rhodes	Williams
Dumas			

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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?

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—179

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

NAYS—0

NOT VOTING—15

Beloff	Cohen	Halverson	Shadding
Bittle	Dumas	Johnson, J. J.	Sirianni
Bowser	Gannon	Kanuck	Williams
Cochran	Greenfield	Salvatore	

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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 the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

#### ANNOUNCEMENT BY MR. MACKOWSKI

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

Mr. MACKOWSKI. Mr. Speaker, I would like to make a request. I have a bill on the calendar, SB 506, which I have very serious concern about. I understand there is a hold on the bill for some additional amendments. I wish that those members who have amendments would get them in so we can call it up for a vote tomorrow. The bill is on page 14.

#### ANNOUNCEMENT BY MAJORITY LEADER

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, moments ago I had a discussion with Mr. Irvis relative to all the holds on the calendar, asking that they be updated and that members, who have asked the leadership to put holds on bills until they get amendments, please follow up on their amendments, because shortly we are going to remove all holds that have been put on for amendment purposes. Mr. Irvis is going to review those holds that were placed on by the minority; I am going to review the holds that have been placed on by the majority so that the calendar can free up. Thank you, Mr. Speaker.

#### INTERROGATION

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

Mr. LETTERMAN. May I interrogate Mr. Ryan, please?

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

Mr. LETTERMAN. Mr. Speaker, you are concerned about bills that have amendments?

Mr. RYAN. No, Mr. Speaker. What I said was that as the leadership, yours and ours, review our calendars each day, we notice that there are holds placed on bills. For instance, SB 506 was marked held by Mr. Irvis. SB 506 also reflects that you have an amendment to offer to it.

Mr. LETTERMAN. I do not.

Mr. RYAN. You do not. Well, our calendar indicates that you do. It may be that Mr. Irvis marked the hold on SB 506 for you to get an amendment. That is the way I would ordinarily read that bill. Now, if you are saying you have no amendment and Mr. Irvis has no hold, then I see no reason why we cannot call SB 506 up.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Would you place the House at ease? There has been some misunderstanding, and I want to get it straightened out.

The SPEAKER. The Chair will be at ease for a moment. The Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Mr. Speaker, I am in error. I do have an amendment for this SB 506 and it is prepared. We are ready to go with it, so whatever you want to do with it, you can run it or do what you want to. I would appreciate it if you would run it today, if you can.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would suggest that we go back to SB 506 and that we get rid of it. Mr. Letterman can offer his amendment now.

The SPEAKER. The Chair recognizes Mr. Letterman.

Mr. LETTERMAN. We are sending for the amendment now. It is prepared, and we will have it printed.

The SPEAKER. Will the gentleman yield? The Chair is going to complete the calendar in order. We will take it in order.

Mr. LETTERMAN. Thank you.

#### 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 770, PN 1815**.

##### REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. RYAN called up for consideration the following Report of the Committee of Conference on **SB 770, PN 1815**, entitled:

An Act regulating the licensure and practice of optometry, making repeals and providing penalties.

On the question,

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

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, my calendar is marked with a "hold" from a member of my caucus. I do not know whether that has been removed.

The SPEAKER. The Chair's calendar has been marked to vote the bill.

Mr. MURPHY. Mr. Speaker, the majority leader had given me a hold on this bill until late this afternoon. Is 2:30 late? I could use about—

The SPEAKER. In the context of where we are in voting, it is because the calendar has been about completed.

Mr. MURPHY. Mr. Speaker, I wanted to inquire with the Department of Health about their feelings about this piece of legislation. I have not done that yet. I would like to have time to do that.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I see the minority leader is motioning that the bill can be run. Perhaps what I should do is simply explain what the Conference Committee did.

The Conference Committee made some purely technical amendments—I assure the House that they are technical—with one exception, and I think that is largely technical too.

The big controversy in the House over this bill, as the members will recall, was over the issue of whether or not there should be a requirement in the bill that an optometrist who detects pathology refer the condition to an ophthalmologist. Such a provision was not in the Senate bill; it was inserted in the House bill. The Conference Committee has left that provision in the bill, although they moved it from the definition section to the penalty section of the bill. That is the only change that we made, and I think it is not a change of substance. I recommend approval of the Conference Report.

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

Mr. MURPHY. Would Mr. Hutchinson please submit to interrogation?

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

Mr. MURPHY. Mr. Speaker, could you please indicate to the House why that particular section was moved, number one, and why the words were changed from “may include failure” to “shall refer”?

Mr. W. D. HUTCHINSON. It was moved because it was felt that it was more appropriate to place that language in the penalty section and make it clear that the licensing authorities had power to discipline for such a violation. The change from “shall” to “may” in the context of it is not significant because “shall” in that context, I think, does mean “may.” Any optometrist must refer, as I read the language, where pathology is detected and a referral is appropriate.

Mr. MURPHY. Mr. Speaker, you said that in this context “may” means “shall.” I have not been in the House long, but it seems to me that that word is a very important word, and the distinction is important. If I may read that section, I think it very clearly says, “may” and not “shall,” and it says, “Neglect of duty in the practice of optometry, which may include failure to refer a patient, when appropriate, to a physician.” It seems to me that the word “shall” carries much more weight and makes it much more important and has much more impact on the requirements of an optometrist to refer to a physician. I do not think that “may” means “shall” in this context. May I hear you repeat that again, please?

Mr. W. D. HUTCHINSON. It is my opinion that the use of the word “may” in this context was inserted because there are other matters which constitute unprofessional conduct in that area. This is simply one of them. It is my understanding that it meets the objections that were in the House, or so the Conference Committee thought.

Mr. MURPHY. So are you suggesting it is the Conference Committee’s clear intent that an optometrist must refer a patient in case of a pathological condition?

Mr. W. D. HUTCHINSON. Yes, it is, when appropriate. I might add on the “when appropriate” language, all that was designed to do was to take care of the case where an optometrist has already made a referral basically to someone and there is a chronic condition of the eye and the person is returning to the optometrist, he should not have to make a referral every time when there has been no change. But it was the intent of the Conference Committee that a referral would have to be made in all appropriate cases.

Mr. MURPHY. Mr. Speaker, there were also some other additional objections by the Secretary of Health to this particular piece of legislation, particularly dealing with the definition of treatment and how broadly it was defined in here and the ability of the optometrist to define in the sense their own rule and in the treatment of the eye. Was there anything done in the Conference Committee to deal with that issue and the objection of the Secretary of Health?

Mr. W. D. HUTCHINSON. No, but that part was not changed from what the House had done. We are now in a conference report. The Conference Committee did not address those portions of the bill in which there was no major difference between the House and the Senate version or in which the Senate conferees were willing to accede to the House version.

Mr. MURPHY. Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, this is very interesting, and I want the members to hear this because several weeks ago that was the highlight of the whole bill, the referral. That is where we got into the real guts of the bill, the real guts of it that they—I mean the optometrists did not want to have any change there because they wanted it so that they may refer when appropriate. Appropriate to whom, the optometrist or the patient? That is the catch here.

Now it bothers me because it is all in the way they look at it. The difference between a depression and a recession, a depression is when you are out of work; a recession is when your neighbor is out of work. That is exactly what we have here. It is all in the way they look at it. And I say to you, that we have got to do the same thing we did a few weeks ago, since, in Mr. Hutchinson’s own words, he said, that was the only area they referred to because that is the only area they were concerned about. Is that not nice?

So I say to you that we should vote against the approval of this Conference Report and send it back to the drawing board and do for the people, the people, your eyes, which is number one, for the people, rather than the optometrist. And they have been lobbying down there real heavy, and I mean heavy, because they were in my office today and they are down here looking out for their own welfare. And I say to you right now, we have got to say no to this Conference Report because that was the number one issue on the floor



several weeks ago, it is the number one issue with them right now, and they want to "may" do it when it is appropriate, for whom? For them. Therefore, we have got to say no and send it back and be responsible to the public and not to the optometrist.

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

Mr. HOEFFEL. I rise in opposition to this Conference Report, Mr. Speaker, and urge the House to vote in the negative.

My concern is with the section dealing with referral. There is no question that this Conference Report represents a substantive change from current law. Now this report would no longer require referral from optometrists to physicians if a pathological condition were discovered. The language is very clever, and the proponents of this legislation are trying to smooth over the change, but the change exists and it is very real.

At the risk of repeating some of the earlier arguments, I would just like to point out to the members that the language on page 9, line 28, lists one of several reasons for which an optometrist could lose his license. Number 11 is the point in contention, that an optometrist can lose his license for neglect of duty. Then neglect of duty includes the definition that it may include failure to refer. But there is no mandatory language there. There is no requirement as exists under current law that reference to a physician be committed when a pathological condition is discovered. There is just no question that this represents a substantive change, and I feel that we should reject it. The House once approved that this bill include mandatory reference, and I think we should insist upon that and vote "no." Thank you.

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

Mr. LEVIN. Mr. Speaker, I second Mr. Hoeffel's concern. I would like to add just one consideration to it.

We fought very hard not very long ago to prevent exactly this kind of language from subverting the purpose of the original law. I remind you that this referral provision was in the existing act that we were changing. Now many of us have been lobbied very hard saying that this was not a significant change and it adds power to the board. I think that is just not correct. This is a substantial change and the burden should be on the optometrists to prove that their educational background is sufficient before we make a change of this kind. To make the change prematurely endangers the eyesight of the Pennsylvanians that we serve. I hope we will have the good sense to reject this Conference Report.

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

Mr. D. R. WRIGHT. Would the gentleman, Mr. Hutchinson, stand for a brief question?

Mr. W. D. HUTCHINSON. Yes

The SPEAKER. The gentleman may proceed.

Mr. D. R. WRIGHT. Mr. Speaker, in your understanding of this legislation, is the failure to refer a possible condition for a license revocation?

Mr. W. D. HUTCHINSON. Yes.

Mr. D. R. WRIGHT. If an optometrist failed to refer when there was a pathological condition present, would he not also be liable for a malpractice suit?

Mr. W. D. HUTCHINSON. Yes.

Mr. D. R. WRIGHT. Is it your judgment that these two potential sanctions are adequate safeguards in this legislation?

Mr. W. D. HUTCHINSON. Yes.

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

On the question recurring,

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

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

YEAS—124

Alden	Earley	Letterman	Rieger
Anderson	Fee	Levi	Rocks
Armstrong	Fisher	Livengood	Ryan
Arty	Foster, W. W.	Lynch, E. R.	Salvatore
Austin	Foster, Jr., A.	McCall	Scheaffer
Belardi	Gallagher	McClatchy	Schweder
Bennett	Gallen	McIntyre	Serafini
Bittle	Gamble	Mackowski	Seventy
Bowser	Gannon	Madigan	Shupnik
Brandt	Geesey	Manderino	Sieminski
Burd	Geist	Manmiller	Sirianni
Burns	George, C.	Micozzie	Smith, E. H.
Caltagirone	Giammarco	Milanovich	Spencer
Cappabianca	Gladeck	Mowery	Steighner
Cessar	Goodman	Mrkonic	Stewart
Chess	Grabowski	Nahill	Stuban
Cimini	Greenfield	Novak	Swift
Civera	Grieco	Noye	Taddonio
Clark, M. R.	Gruppo	O'Brien, B. F.	Taylor, F.
Cochran	Hasay	O'Brien, D. M.	Thomas
Cole	Hayes, Jr., S.	Perzel	Trello
Cornell	Honaman	Peterson	Wass
Coslett	Hutchinson, A.	Petrarca	Wenger
Cowell	Hutchinson, W.	Phillips	Wilson
DeMedio	Itkin	Piccola	Wilt
DiCarlo	Johnson, E. G.	Pratt	Wright, D. R.
Dawida	Jones	Pucciarelli	Yohn
Dietz	Klingaman	Punt	Zitterman
Dininni	Kolter	Pyles	
Dombrowski	Kukovich	Rappaport	Seltzer, Speaker
Donatucci, R.	Laughlin	Rasco	
Dorr	Lehr		

NAYS—59

Barber	Gray	Maiale	Ritter
Berson	Hagarty	Michlovic	Spitz
Borski	Halverson	Miller	Stairs
Brown	Harper	Moehlmann	Street
Clark, B. D.	Hoeffel	Mullen	Taylor, E. Z.
Cunningham	Irvis	Murphy	Telek
DeWeese	Kanuck	O'Donnell	Vroon
Davies	Knight	Oliver	Wargo
Duffy	Kowalshyn	Pievsky	White
Durham	Lashinger	Pistella	Wright, Jr., J.
Fischer	Lescovitz	Pitts	Yahner
Freind	Levin	Pott	Zeller
Fryer	Lewis	Reed	Zord
George, M. H.	McMonagle	Rhodes	Zwilk
Goebel	McVerry	Richardson	

## NOT VOTING—11

Beloff	Gatski	Schmitt	Wachob
Cohen	Johnson, J. J.	Shadding	Williams
Dumas	Rodgers	Sweet	

## EXCUSED—8

DeVertter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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

Ordered, That the clerk inform the Senate accordingly.

## REMARKS ON VOTES

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

Mr. WACHOB. Mr. Speaker, I was out of my seat during the final passage of SB 770, the conference report. Had I been in my seat, I would like to be recorded in the negative.

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

The Chair recognizes the gentleman from Washington, Mr. Sweet.

Mr. SWEET. My sentiments are the same. I would like to be recorded in the negative.

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

## CONSIDERATION OF HB 1066 CONTINUED

## AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Cappabianca.

Mr. CAPPABIANCA. Mr. Speaker, I inadvertently gave you the wrong amendment the first time. It should be 5228. I am withdrawing the other amendment.

The SPEAKER. The gentleman indicates that he is withdrawing amendment No. 5217 and he is offering, in its stead, 5228.

*On the question recurring,*

Will the House agree to the bill on third consideration?

Mr. CAPPABIANCA offered the following amendments:

Amend Sec. 6, page 23, line 28, by striking out "The" and inserting (a) Any constable, now in office, who is the only constable within the magisterial district and who meets the requirements of sections 2942 and 2945 within the time limits prescribed therein, shall be deemed, for purposes of this act, to be a district constable and shall be entitled to exercise all the rights, duties, responsibilities and powers imposed on a district constable. The initial election for a constable deemed a district constable shall be held at the municipal election immediately preceding the expiration of such constable's elected term of office. (b) Except as provided in subsection (a), the

Amend Sec. 6, page 23, line 29, by inserting after "constable" in all other magisterial districts

On the question,

Will the House agree to the amendments?

The Chair recognizes the gentleman from Erie, Mr. Cappabianca.

Mr. CAPPABIANCA. Mr. Speaker, it is the same explanation I gave the last time, wrong amendment number. What it does is it permits the present constables to complete their term.

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

Mr. W. D. HUTCHINSON. On this amendment, would the gentleman consent to interrogation on the amendment?

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

Mr. W. D. HUTCHINSON. As I understand this amendment, the gentleman proposes that any constable in office in a magisterial district where there is currently only one constable— Is that correct?

Mr. CAPPABIANCA. That is correct.

Mr. W. D. HUTCHINSON.—and limited to that, where there is only one constable in that magisterial district, the constable would be able to continue in office as the district constable until the expiration of his term?

Mr. CAPPABIANCA. That is correct. But there is another paragraph which would permit those constables who are not in magisterial districts also to complete their term.

In other words, Mr. Speaker, in Erie County at the present time, there are 34 constables. Under the present new bill, they would be reduced to 17 constables. It would permit the 34 elected constables to complete their terms—

Mr. W. D. HUTCHINSON. And it would permit them to complete their terms all over the state as district constables?

Mr. CAPPABIANCA. Exactly.

Mr. W. D. HUTCHINSON. So that, in effect, we would have 5,000 district constables until whenever their terms were completed, or whatever?

Mr. CAPPABIANCA. Their terms will expire in 6 years from the date they were elected.

Mr. W. D. HUTCHINSON. Mr. Speaker, I oppose the amendment as it has been explained. I would have had no objection to the amendment if it had limited to those areas where there was a magisterial district in which there was a single constable. But what the amendment seems to me to be doing is to pass the duties of a district constable on to all of the constables that we now have, and I am opposed to that.

Mr. CAPPABIANCA. Mr. Speaker, may I ask Mr. Hutchinson a question?

Mr. W. D. HUTCHINSON. Certainly, I will consent to interrogation.

Mr. CAPPABIANCA. Well, what happens to the present constables who were elected for a 6-year term if this bill is enacted?

Mr. W. D. HUTCHINSON. It was my understanding that they would have to finish their terms simply as the

district justices of the peace did. So I think that is in the bill already. I do think you had a concern that I was willing to concede, that if you had an area where there was only one constable in a magisterial district, why should we go to the trouble of having him fill out the term and then have a district constable election and have him run for that? I could conceive that, but I think the bill already provides for the other part that you are concerned about, and I think your amendment would make the bill and the language of the bill unclear, and, therefore, I oppose it.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. DiCarlo.

Mr. DiCARLO. Mr. Speaker, will the gentleman, Mr. Hutchinson, consent to a brief interrogation?

The SPEAKER. The gentleman indicates that he will. Mr. DiCarlo may proceed.

Mr. DiCARLO. Mr. Speaker, can you enlighten the House as to the 5,000-and-some constables that we are concerned about, who presently exist in the Commonwealth, are they all elected?

Mr. W. D. HUTCHINSON. I believe they are at least initially elected, yes.

Mr. Speaker, if I may, I would answer the question yes, with the exception, Mr. Speaker, that there may be cases in which there has been a vacancy by death, resignation, or some such manner in which a vacancy has been filled by other than election.

Mr. DiCARLO. Mr. Speaker, under the legislation that you have proposed, where does it say in HB 1066 that the people shall continue until the expiration of their term?

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Cappabianca.

Mr. CAPPABIANCA. Mr. Speaker, with your permission, I would like to move to divide the amendment.

The SPEAKER. Will the gentleman indicate in what manner he wishes to divide the amendment?

Mr. CAPPABIANCA. Mr. Speaker, under section (a), after the end of the first paragraph where it begins, "The initial election for a constable deemed a district...." I would eliminate from there down.

AMENDMENTS WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Cappabianca.

Mr. CAPPABIANCA. Mr. Speaker, I withdraw amendment No. 5228.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. CAPPABIANCA offered the following amendment:

Amend Sec. 6, page 23, line 28, by inserting after "6." Any constable, now in office, who is the only constable within the magisterial district and who meets the requirements of 42 Pa.C.S. § 2942 (relating to qualifications for office) and § 2945 (relating to education and training) within the time limits prescribed therein, shall be deemed, for purposes of this act, to be a district constable and shall be entitled to exercise all the rights, duties, responsibilities and powers imposed on a district constable.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Cappabianca.

Mr. CAPPABIANCA. I believe, Mr. Speaker, this is an agreed-to amendment. It basically does what I said the other one would do.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, this amendment is agreed to. It limits the designation of the new district constables of those areas which have one constable per magisterial district.

For the benefit of those members who were concerned about the position of existing constables, if they would look at the bill on page 24, line 2, it says, "Except as provided in subsection (b) any constable in office on the effective date of this act may complete the remainder of his term, at the completion of which his office is abolished." Between that language and the amendment that Mr. Cappabianca is offering now, we have handled the problem. I agree to the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—184

Alden	Fryer	Livengood	Ritter
Anderson	Gallagher	Lynch, E. R.	Rocks
Armstrong	Gallen	McCall	Rodgers
Arty	Gamble	McClatchy	Ryan
Austin	Gannon	McIntyre	Salvatore
Barber	Gatski	McMonagle	Scheaffer
Belardi	Geesey	McVerry	Schmitt
Bennett	Geist	Mackowski	Schweder
Berson	George, C.	Madigan	Serafini
Bittle	George, M. H.	Maiale	Seventy
Borski	Giammarco	Manderino	Shupnik
Bowser	Gladeck	Manmiller	Sieminski
Brandt	Goebel	Michlovic	Sirjanni
Burd	Goodman	Micozzie	Smith, E. H.
Burns	Grabowski	Milanovich	Spencer
Caltagirone	Gray	Miller	Spitz
Cappabianca	Greenfield	Moehlmann	Stairs
Cessar	Grieco	Mowery	Steighner
Chess	Gruppo	Mrkonic	Stewart
Cimini	Hagarty	Mullen	Street
Civera	Halverson	Murphy	Stuban
Clark, B. D.	Harper	Nahill	Swift
Clark, M. R.	Hasay	Novak	Taylor, E. Z.
Cochran	Hayes, Jr., S.	Noye	Taylor, F.
Cole	Hoeffel	O'Brien, B. F.	Telek
Cornell	Honaman	O'Brien, D. M.	Thomas
Coslett	Hutchinson, A.	O'Donnell	Trello
Cowell	Hutchinson, W.	Oliver	Vroon
Cunningham	Irviss	Perzel	Wachob
DeMedio	Itkin	Peterson	Wargo
DeWeese	Johnson, E. G.	Petrarca	Wass
DiCarlo	Johnson, J. J.	Phillips	Wenger
Davies	Jones	Piccola	White
Dawida	Kanuck	Pievsky	Wilson
Dietz	Klingaman	Pistella	Wilt
Dininni	Knight	Pitts	Wright, D. R.
Dombrowski	Kolter	Pott	Wright, Jr., J.
Donatucci, R.	Kowalshyn	Pratt	Yahner
Duffy	Kukovich	Pucciarelli	Yohn
Durham	Lashingier	Punt	Zeller
Earley	Laughlin	Pyles	Zitterman

Fee	Lehr	Rappaport	Zord
Fischer	Lescovitz	Rasco	Zwilk
Fisher	Letterman	Reed	
Foster, W. W.	Levi	Richardson	Seltzer,
Foster, Jr., A.	Levin	Rieger	Speaker
Freind	Lewis		

NAYS—1

Sweet

NOT VOTING—9

Beloff	Dorr	Rhodes	Taddonio
Brown	Dumas	Shadding	Williams
Cohen			

EXCUSED—8

DeVertter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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

REMARKS ON VOTE

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

Mr. BROWN. Mr. Speaker, my switch was locked, Mr. Speaker, and I would like to be recorded in the affirmative on the Cappabianca amendment.

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

CONSIDERATION OF HB 1066 CONTINUED

On the question,

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

Mr. D. M. FISHER offered the following amendments:

Amend Sec. 3 (Sec. 2151), page 3, line 7 by striking out "seven" and inserting 12

Amend Sec. 3 (Sec. 2152), page 3, line 18 by striking out "Three" and inserting Eight

Amend Sec. 3 (Sec. 2152), page 3, line 18 by removing the period after "constables" and inserting and each one of whom shall be selected from a different class county, excluding first class counties.

On the question,

Will the House agree to the amendments?

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

Mr. D. M. FISHER. Preliminarily, I would like to apologize of sorts to my colleagues in the House for offering the number of amendments that I am about to offer. However, all of these amendments have been requested by the Allegheny County Constables Association, which has had great concern about the bill, and they could not get the amendments together and get their thoughts together until the time this bill came before the floor. I have discussed a number of the amendments with the prime sponsor, Mr. Hutchinson. I believe a number of them are agreed to, but I will go over them one by one, and I will try to be as expeditious as possible.

First of all, amendment No. 5104, which is the first amendment I am offering, is an amendment which would increase the size of the District Constable Education Board by adding an additional five constables. The board size would now be increased from 7 to 12. The increase of these five constables would assure that there would be one constable on the District Constable Education Board from every class of county throughout the Commonwealth. The reason for this is, obviously Allegheny County, which is the largest county that has constables—remember, Philadelphia County does not have constables and is not covered by the act—without this amendment, would not be assured of representation on the board. We believe every class of county should have this representation, and it would do so by accepting this amendment. Thank you, Mr. Speaker.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I must oppose this amendment somewhat regrettably. I oppose this amendment for the following reasons: First, it increases the size of the board from 7 to 12. That increases cost. It makes it an unwieldy board.

Secondly, one of the purposes of this bill is to attempt to tie this system in with the district justice system in the Commonwealth, and this would conflict with the intent and recommendation of the task force on which the constables had representation, and it would make this board inconsistent with the education board for the minor judiciary. I think that has worked well; it has done a good job; and I do not think we should increase it simply so that a particular county should have representation. I think seven is enough; the present balance is good. I oppose it.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—91

Austin	Duffy	Manderino	Serafini
Barber	Fee	Michlovic	Seventy
Belardi	Fisher	Miller	Shupnik
Bennett	Gallagher	Moehlmann	Stairs
Borski	Gamble	Mrkonic	Steighner
Bowser	Giammarco	Mullen	Street
Brown	Goebel	Murphy	Stuban
Burd	Grabowski	Novak	Sweet
Burns	Greenfield	O'Donnell	Taddonio
Caltagirone	Grieco	Peterson	Taylor, F.
Cessar	Hasay	Petrarca	Trello
Chess	Itkin	Pistella	Wachob
Cimini	Jones	Pott	Wargo
Clark, B. D.	Kukovich	Pratt	Wass
Cochran	Laughlin	Pucciarelli	White
Cornell	Lescovitz	Rasco	Wilson
Coslett	Levi	Rhodes	Wilt
Cowell	Levin	Richardson	Wright, Jr., J.
Cunningham	McIntyre	Rieger	Zeller
Davies	McMonagle	Ritter	Zitterman
Dawida	McVerry	Rodgers	Zord
Dietz	Mackowski	Schmitt	Zwilk
Donatucci, R.	Maiale	Schweder	

NAYS—94

Alden	Gannon	Kowalyszyn	Pyles
Anderson	Gatski	Lashing	Rappaport
Armstrong	Geesey	Lehr	Reed
Arty	Geist	Letterman	Rocks
Berson	George, C.	Lewis	Ryan
Bittle	George, M. H.	Livengood	Salvatore
Brandt	Gladeck	Lynch, E. R.	Scheaffer
Cappabianca	Goodman	McCall	Sieminski
Civera	Gruppo	McClatchy	Sirianni
Clark, M. R.	Hagarty	Madigan	Smith, E. H.
DeMedio	Halverson	Manmiller	Spencer
DeWeese	Harper	Micozzie	Spitz
DiCarlo	Hayes, Jr., S.	Milanovich	Swift
Dininni	Hoefel	Mowery	Taylor, E. Z.
Dombrowski	Honaman	Noye	Telek
Dorr	Hutchinson, A.	O'Brien, B. F.	Thomas
Durham	Hutchinson, W.	O'Brien, D. M.	Vroon
Earley	Irvis	Oliver	Wenger
Fischer	Johnson, E. G.	Perzel	Wright, D. R.
Foster, W. W.	Johnson, J. J.	Phillips	Yahner
Foster, Jr., A.	Kanuck	Piccola	Yohn
Freind	Klingaman	Pievsky	
Fryer	Knight	Pitts	Seltzer,
Gallen	Kolter	Punt	Speaker

NOT VOTING—9

Beloff	Dumas	Nahill	Stewart
Cohen	Gray	Shadding	Williams
Cole			

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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?

Mr. D. M. FISHER offered the following amendments:

Amend Sec. 4 (Sec. 2945), page 8, line 12, by striking out "EVERY" and inserting (1) Every

Amend Sec. 4 (Sec. 2945), page 8, by inserting between lines 25 and 26 (2) Any person who has six consecutive years of service as a constable prior to being elected or appointed a district constable or deputy constable, shall be exempt from this subsection.

On the question,

Will the House agree to the amendments?

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

Mr. D. M. FISHER. This amendment would seek to grandfather in any constable who has had 6 consecutive years of service from the initial training and education requirements of the act. This language, this grandfather clause, is very similar to the grandfather clause that was provided when we enacted the District Justice System Act in the early 1970's. It is something which existing constables are asking for so that they do not have to go through the rigors of the education and training as are set up in the act. I would urge your support for this amendment.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I have no objection to this amendment. I think it is a good amendment, and I urge the members to vote for it.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—167

Anderson	Foster, Jr., A.	Letterman	Rhodes
Armstrong	Fryer	Levi	Rieger
Arty	Gallagher	Levin	Ritter
Barber	Gallen	Lewis	Rodgers
Belardi	Gamble	Livengood	Schmitt
Bennett	Gannon	Lynch, E. R.	Schweder
Bittle	Gatski	McCall	Serafini
Borski	Geesey	McClatchy	Seventy
Bowser	Geist	McIntyre	Shupnik
Brandt	George, C.	McMonagle	Sieminski
Brown	George, M. H.	McVerry	Smith, E. H.
Burd	Giammarco	Mackowski	Spencer
Burns	Gladeck	Madigan	Stairs
Caltagirone	Goebel	Maiale	Steighner
Cappabianca	Goodman	Manmiller	Stewart
Cessar	Grabowski	Michlovic	Stuban
Chess	Greenfield	Micozzie	Swift
Cimini	Grieco	Milanovich	Taddonio
Clark, B. D.	Gruppo	Miller	Taylor, E. Z.
Clark, M. R.	Hagarty	Mowery	Taylor, F.
Cochran	Halverson	Mrkonic	Telek
Cole	Harper	Mullen	Thomas
Cornell	Hasay	Murphy	Trello
Coslett	Hayes, Jr., S.	Nahill	Vroon
Cowell	Hoefel	Novak	Wachob
Cunningham	Honaman	Noye	Wargo
DeMedio	Hutchinson, A.	O'Brien, B. F.	Wass
DeWeese	Hutchinson, W.	O'Donnell	Wenger
DiCarlo	Itkin	Oliver	White
Davies	Johnson, E. G.	Perzel	Wilson
Dawida	Johnson, J. J.	Peterson	Wilt
Dietz	Jones	Petrarca	Wright, D. R.
Dininni	Kanuck	Phillips	Wright, Jr., J.
Dombrowski	Klingaman	Piccola	Yahner
Donatucci, R.	Knight	Pistella	Yohn
Dorr	Kolter	Pitts	Zeller
Duffy	Kowalyszyn	Pott	Zitterman
Durham	Kukovich	Pratt	Zord
Earley	Lashing	Pucciarelli	Zwinkl
Fee	Laughlin	Punt	
Fischer	Lehr	Rappaport	Seltzer,
Fisher	Lescovitz	Reed	Speaker
Foster, W. W.			

NAYS—14

Alden	O'Brien, D. M.	Ryan	Sirianni
Berson	Pievsky	Salvatore	Spitz
Civera	Richardson	Scheaffer	Sweet
Moehlmann	Rocks		

NOT VOTING—13

Austin	Freind	Manderino	Shadding
Beloff	Gray	Pyles	Street
Cohen	Irvis	Rasco	Williams
Dumas			

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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. D. M. FISHER offered the following amendments:

Amend Sec. 4 (Sec. 2943), page 7, lines 6 through 8 by striking out "the district" in line 6, all of line 7, and "shall appoint, with the approval of" in line 8

Amend Sec. 4 (Sec. 2943), page 7, line 9 by inserting after "district" encompassing the magisterial district in which the vacancy exists shall appoint

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

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

Mr. D. M. FISHER. This amendment would seek to provide that where there is a vacancy in the office of constable, the appointment would be made by the president judge rather than by the district justice. The purpose of this amendment is to provide some uniformity in the appointment process and to perhaps get away from any favoritism that may come from a district justice appointing a favorite in his area. I would urge your support.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I think this is a good amendment. I support it, and I urge the members to vote in favor of it.

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

The following roll call was recorded:

YEAS—174

Alden	Gallen	Lynch, E. R.	Rodgers
Anderson	Gamble	McCall	Ryan
Armstrong	Gannon	McClatchy	Salvatore
Arty	Gatski	McIntyre	Scheaffer
Barber	Geesey	McMonagle	Schmitt
Belardi	Geist	McVerry	Schweder
Bennett	George, C.	Mackowski	Serafini
Berson	George, M. H.	Madigan	Seventy
Bittle	Giammarco	Maiale	Shupnik
Borski	Gladeck	Manderino	Sieminski
Bowser	Goebel	Manmiller	Sirianni
Brandt	Goodman	Michlovic	Smith, E. H.
Brown	Grabowski	Micozzie	Spencer
Burd	Greenfield	Mowery	Spitz
Burns	Grieco	Mrkonic	Stairs
Caltagirone	Gruppo	Mullen	Street
Cessar	Hagarty	Murphy	Stuban
Chess	Halverson	Nahill	Sweet
Cimini	Harper	Novak	Swift
Civera	Hasay	Noye	Taddonio
Clark, M. R.	Hayes, Jr., S.	O'Brien, B. F.	Taylor, E. Z.
Cochran	Hoeffel	O'Brien, D. M.	Taylor, F.
Cole	Honaman	O'Donnell	Telek
Cornell	Hutchinson, A.	Oliver	Thomas
Coslett	Hutchinson, W.	Perzel	Trello
Cowell	Irvs	Peterson	Vroon
Cunningham	Itkin	Petrarca	Wachob
DeMedio	Johnson, E. G.	Phillips	Wargo
DeWeese	Johnson, J. J.	Piccola	Wass
DiCarlo	Jones	Pistella	Wenger
Davies	Kanuck	Pitts	White
Dawida	Klingaman	Pott	Wilson
Dietz	Knight	Pratt	Wilt
Dininni	Kolter	Pucciarelli	Wright, D. R.
Dorr	Kowalyszyn	Punt	Wright, Jr., J.

Duffy	Kukovich	Pyles	Yahner
Durham	Lashinger	Rappaport	Yohn
Earley	Lehr	Rasco	Zeller
Fee	Lescovitz	Reed	Zitterman
Fisher	Letterman	Rhodes	Zord
Foster, W. W.	Levi	Richardson	Zwikl
Foster, Jr., A.	Levin	Rieger	
Freind	Lewis	Ritter	Seltzer,
Gallagher	Livengood	Rocks	Speaker

NAYS—12

Cappabianca	Fischer	Milanovich	Pievsky
Clark, B. D.	Fryer	Miller	Steighner
Dombrowski	Laughlin	Moehlmann	Stewart

NOT VOTING—8

Austin	Cohen	Dumas	Shadding
Beloff	Donatucci, R.	Gray	Williams

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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. D. M. FISHER offered the following amendment:

Amend Sec. 4 (Sec. 2957), page 14, lines 14 through 16, by striking out "The district" in line 14, all of line 15 and "fee collected for the services performed." in line 16

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

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

Mr. D. M. FISHER. There is a provision in the bill at the present time on page 15 which requires that the district constables compensate their deputies not less than 75 percent of any of the fees collected for their services. The constables feel that this not-less-than-75-percent figure is too high. The amendment would seek to delete the guaranteed 75 percent and leave the amount to be paid to the deputy constables up to negotiation between the constable and his deputies. I would urge your support for this amendment.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I strongly oppose this particular amendment. What the scheme of this legislation is, is to have a district constable who serves the same function to the district justice as the sheriff serves to the court of common pleas, to the judges. Because there may be areas where one person cannot handle all of that work, we want to have deputies appointed. That serves two purposes: It provides enough people, and it also takes care of a large number of people who are currently constables but may not choose to seek the office of district constable under the new legislation. The problem we have, if Mr. Fisher's amendment does it this way, is that that deputy cannot be guaranteed that he will receive a fair portion of the fee. It opens the road to abuses, to all kinds of prob-

lems, and makes the district constable the one who sets the fee. We do not think that is correct. We think that the deputy should be guaranteed a percentage of that fee, and we think 25 percent of the fee is plenty to guarantee the district constable to handle his cost of administration. I oppose the amendment.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, the gentleman, Mr. Fisher, had indicated earlier that he was interested in uniformity in the legislation dealing with the appointment of officials by the president judge, and yet whenever we deal with the passage of money and the distribution of money, the gentleman does not wish to see uniformity. Mr. Speaker, I would think that in view of the circumstance that is there, a 25-percent fee is adequate and the 75 percent going the other way is more than fair. I would ask for a vote in the negative.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. May I interrogate Mr. Hutchinson, please?

The SPEAKER. The gentleman indicates he will stand for interrogation.

Mr. WASS. Mr. Speaker, my constables have a concern that the magistrates take any of the fee. They feel that the deputy should get the entire fee. Can you justify the 25 percent staying with the chief constable?

Mr. W. D. HUTCHINSON. Okay. As I understand it, the gentleman has corrected himself and he is referring to the fact that the chief constable collects the fee.

Mr. WASS. Right.

Mr. W. D. HUTCHINSON. Yes; I think I can. The reason that we have put that in is because the district constable will have certain administrative functions. He will have to send these people out; he will have to supervise them and so on; and, therefore, he should receive a portion of the fee. Now, what we did was try to set that at a reasonable amount. Mr. Fisher wants to leave it entirely up to the district constable to say how much his deputies want. We say that is wrong, that the deputy should be guaranteed a fair portion of that fee. We have arrived at the 25 percent based upon what we think a reasonable administrative charge would be for the district constable. It could be less.

Incidentally, I should point out to you that this simply says that the district constable must pay the deputies at least 75 percent. If a particular district constable wants to pay his deputies more, or if, because there are special services there, they are helping him in some other ways and he is not administering, then he could pay them 80 percent, 90 percent, or 100 percent. This provision is to protect the deputy so that he is not at the mercy of a district constable who says, if you want the job, you have got to take what I give you.

Mr. WASS. Thank you very much.

Mr. W. D. HUTCHINSON. Right.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—23

Borski	Fisher	Hasay	Seventy
Burns	Gallagher	Itkin	Trello
Cessar	Gamble	Mullen	White
Cimini	Giammarco	O'Brien, D. M.	Wilson
Clark, B. D.	Greenfield	Pistella	Wright, Jr., J.
Duffy	Grieco	Rasco	

NAYS—112

Alden	George, C.	Lynch, E. R.	Schweder
Arty	George, M. H.	McCall	Serafini
Belardi	Gladeck	McClatchy	Sirianni
Berson	Goodman	Mackowski	Smith, E. H.
Bittle	Gruppo	Madigan	Spencer
Brandt	Hagarty	Maiale	Spitz
Brown	Halverson	Manderino	Stairs
Burd	Hayes, Jr., S.	Manmiller	Steighner
Chess	Hoeffel	Michlovic	Stewart
Clark, M. R.	Honaman	Miller	Street
Cochran	Hutchinson, A.	Mowery	Suban
Cowell	Hutchinson, W.	Novak	Sweet
Cunningham	Irvis	Noye	Swift
DiCarlo	Johnson, E. G.	O'Brien, B. F.	Taylor, E. Z.
Davies	Kanuck	O'Donnell	Taylor, F.
Dawida	Klingaman	Petrarca	Telek
Dietz	Knight	Phillips	Thomas
Dombrowski	Kolter	Piccola	Wass
Dorr	Kowalyszyn	Pievsky	Wilt
Durham	Kukovich	Pott	Wright, D. R.
Earley	Lashinger	Pyles	Yahner
Fischer	Laughlin	Reed	Yohn
Foster, W. W.	Lehr	Rieger	Zeller
Foster, Jr., A.	Lescovitz	Ritter	Zitterman
Freind	Letterman	Rocks	Zord
Gallen	Levi	Ryan	
Gannon	Levin	Salvatore	Seltzer,
Geesey	Lewis	Scheaffer	Speaker
Geist	Livengood		

NOT VOTING—59

Anderson	DeWeese	McVerry	Rhodes
Armstrong	Dininni	Micozzie	Richardson
Austin	Donatucci, R.	Milanovich	Rodgers
Barber	Dumas	Moehlmann	Schmitt
Beloff	Fee	Mrkonic	Shadding
Bennett	Fryer	Murphy	Shupnik
Bowser	Gatski	Nahill	Sieminski
Caltagirone	Goebel	Oliver	Taddonio
Cappabianca	Grabowski	Perzel	Vroon
Civera	Gray	Peterson	Wachob
Cohen	Harper	Pitts	Wargo
Cole	Johnson, J. J.	Pratt	Wenger
Cornell	Jones	Pucciarelli	Williams
Coslett	McIntyre	Punt	Zwikl
DeMedio	McMonagle	Rappaport	

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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

On the question recurring,

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

Mr. D. M. FISHER offered the following amendment:

Amend Sec. 4 (Sec. 2959), page 19, line 9, by striking out "COMMONWEALTH'S GENERAL FUND." and inserting district constable education board.

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

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

Mr. D. M. FISHER. This amendment would alter where an additional \$1 on each successfully served process would be sent. The bill currently provides for it to be sent to the General Fund, but the amendment would send it directly to the District Constable Education Board fund. This is simply attempting to set aside an additional \$1, which is provided for in the bill, in the restricted account. It is set aside to allay some of the concerns of the constables that the moneys will not be appropriated for their use, and it is an amendment for which I urge your support. Thank you.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I am going to oppose this amendment. I am going to oppose it on a basic principle that I have. I think where funds are raised on a statewide basis and they involve a state situation, I believe this General Assembly should retain power over those funds. I think it would be a bad precedent for us to permit the District Constable Education Board or indeed any board to take that money that we have provided for and let them decide how they are going to use it. I think we should have it all back here, because that is the prime power of this General Assembly. I oppose the amendment.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, would Mr. Fisher please stand for brief interrogation?

The SPEAKER. The gentleman indicates that he will.

Mr. LAUGHLIN. Mr. Speaker, what amount of money do you feel would be raised by this \$1 contribution to the education fund?

Mr. D. M. FISHER. Mr. Speaker, quite frankly, I have that somewhere in this file, although I think it is more or less a "guesstimate." It is \$1 on each process served. The number of processes successfully served I am sure would be consistent from year to year, but it is obviously going to vary in the future.

Mr. LAUGHLIN. Mr. Speaker, based on the number of processes served in the State of Pennsylvania at \$1 each, I would believe that the figures that are based within the bill and within the fiscal report that we have show that an education program for the constables would cost in excess of \$300,000. But you are talking about raising, possibly, \$1 million by giving a charge of \$1 for each one. Mr. Speaker, that would indicate approximately a \$700,000 excess into that education fund, and for that reason I would ask a negative vote, Mr. Speaker.

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

The following roll call was recorded:

YEAS—28

Borski	Duffy	McVerry	Rieger
Cessar	Fischer	Miller	Ritter
Cimini	Fisher	O'Brien, D. M.	Salvatore
Civera	Gamble	Perzel	Seventy
DeMedio	Grieco	Pistella	Trello
Dietz	Itkin	Pratt	White
Donatucci, R.	McIntyre	Rasco	Zord

NAYS—156

Alden	Gallen	Livengood	Ryan
Anderson	Gannon	Lynch, E. R.	Scheaffer
Armstrong	Gatski	McCall	Schmitt
Arty	Geesey	McClatchy	Schweder
Barber	Geist	McMonagle	Serafini
Belardi	George, C.	Mackowski	Shupnik
Bennett	George, M. H.	Madigan	Sieminski
Berson	Giammarco	Maiale	Sirianni
Bittle	Gladeck	Manderino	Smith, E. H.
Bowser	Goebel	Manmiller	Spencer
Brandt	Goodman	Michlovic	Spitz
Brown	Grabowski	Micozzie	Stairs
Burd	Greenfield	Milanovich	Steighner
Burns	Gruppo	Moehlmann	Stewart
Caltagirone	Hagarty	Mowery	Stuban
Cappabianca	Halverson	Mrkonic	Sweet
Chess	Harper	Mullen	Swift
Clark, B. D.	Hasay	Murphy	Taddonio
Clark, M. R.	Hayes, Jr., S.	Nahill	Taylor, E. Z.
Cochran	Hoeffel	Novak	Taylor, F.
Cole	Honaman	Noye	Telek
Cornell	Hutchinson, A.	O'Brien, B. F.	Thomas
Coslett	Hutchinson, W.	O'Donnell	Vroon
Cowell	Irvis	Oliver	Wachob
Cunningham	Johnson, E. G.	Peterson	Wargo
DeWeese	Jones	Petrarca	Wass
DiCarlo	Kanuck	Phillips	Wenger
Davies	Klingaman	Piccola	Wilson
Dawida	Knight	Pievsky	Wilt
Dininni	Kolter	Pitts	Wright, D. R.
Dombrowski	Kowalyszyn	Pott	Wright, Jr., J.
Dorr	Kukovich	Pucciarelli	Yahner
Durham	Lashingier	Punt	Yohn
Earley	Laughlin	Pyles	Zeller
Fee	Lehr	Rappaport	Zitterman
Foster, W. W.	Lescovitz	Reed	Zwinkl
Foster, Jr., A.	Letterman	Rhodes	
Freind	Levi	Rocks	Seltzer,
Fryer	Levin	Rodgers	Speaker
Gallagher	Lewis		

NOT VOTING—10

Austin	Dumas	Richardson	Street
Beloff	Gray	Shadding	Williams
Cohen	Johnson, J. J.		

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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

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

Mr. D. M. FISHER offered the following amendment:

Amend Sec. 4 (Sec. 2957), page 15, line 26, by removing the period after "2958" and inserting , to each district constable or deputy district constable.

On the question,



Will the House agree to the amendment?

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

Mr. D. M. FISHER. This amendment insures that when more than one district constable or deputy constable is necessary to perform a service, each one be compensated the appropriate fee. I think, perhaps, this is merely a clarifying amendment of what was intended, but there are circumstances where, in the arrest of individuals who have been charged with a felony, it may not be advisable or feasible for one constable to go out to make the arrest. As the problem exists at the present time, sometimes only one constable can be paid. This assures that if two people go out and do the work, the two people will be paid the same amount. I urge your support for this amendment.

The SPEAKER. The Chair recognizes Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, I support this amendment. I think it does clarify the language in a good way and I think it should be supported. I ask the members to vote "yes."

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—183

Alden	Foster, Jr., A.	Livengood	Rieger
Anderson	Freind	Lynch, E. R.	Ritter
Armstrong	Fryer	McCall	Rocks
Arty	Gallagher	McClatchy	Rodgers
Austin	Gallen	McIntyre	Ryan
Barber	Gamble	McMonagle	Salvatore
Belardi	Gannon	McVerry	Scheaffer
Bennett	Gatski	Mackowski	Schmitt
Berson	Geesey	Madigan	Schweder
Bittle	Geist	Maiale	Serafini
Borski	George, C.	Maderino	Seventy
Bowser	George, M. H.	Manmiller	Shupnik
Brandt	Giammarco	Michlovic	Sieminski
Brown	Gladeck	Micozzie	Sirianni
Burd	Goebel	Milanovich	Smith, E. H.
Burns	Goodman	Miller	Spencer
Caltagirone	Grabowski	Moehlmann	Stairs
Cappabianca	Greenfield	Mowery	Steighner
Cessar	Grieco	Mrkonic	Stewart
Chess	Gruppo	Mullen	Stuban
Cimini	Hagarty	Murphy	Sweet
Civera	Halverson	Nahill	Swift
Clark, B. D.	Harper	Novak	Taddonio
Clark, M. R.	Hasay	Noye	Taylor, E. Z.
Cochran	Hayes, Jr., S.	O'Brien, B. F.	Taylor, F.
Cole	Hoeffel	O'Brien, D. M.	Telek
Cornell	Honaman	O'Donnell	Thomas
Coslett	Hutchinson, A.	Oliver	Trello
Cowell	Hutchinson, W.	Perzel	Vroon
Cunningham	Irvis	Peterson	Wargo
DeMedio	Itkin	Petrarca	Wass
DeWeese	Johnson, E. G.	Phillips	Wenger
DiCarlo	Jones	Piccola	White
Davies	Kanuck	Pievsky	Wilson
Dawida	Knight	Pistella	Wilt
Dietz	Kolter	Pitts	Wright, D. R.
Dininni	Kowalyszyn	Pott	Wright, Jr., J.
Dombrowski	Kukovich	Pratt	Yahner
Donatucci, R.	Lashinger	Pucciarelli	Yohn
Dorr	Laughlin	Punt	Zeller
Duffy	Lehr	Pyles	Zitterman
Durham	Lescovitz	Rappaport	Zord
Earley	Letterman	Rasco	Zwilk
Fee	Levi	Reed	

Fischer	Levin	Rhodes	Seltzer,
Fisher	Lewis	Richardson	Speaker
Foster, W. W.			

NAYS—2

Klingaman	Spitz
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NOT VOTING—9

Beloff	Gray	Shadding	Wachob
Cohen	Johnson, J. J.	Street	Williams
Dumas			

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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. D. M. FISHER offered the following amendment:

Amend Sec. 4 (Sec. 2958), page 16, lines 13 through 30; page 17, lines 1 through 30; page 18, lines 1 through 30, by striking out all of said lines on said pages and inserting

(1) Executing a warrant or writ on behalf of the Commonwealth or a political subdivision thereof, for each warrant or writ: \$7.50 summary, \$15 misdemeanor, \$25 felony, plus 25¢ per mile.

(2) Conveying defendants to jail, on mittimus or warrants, for each warrant or writ: \$7.50 summary, \$15 misdemeanor, \$25 felony plus 25¢ per mile.

(3) Arresting persons guilty of a breach of the peace, riotous or disorderly conduct, drunkenness, or who may be engaged in the commission of any unlawful act tending to imperil the personal security or endanger the property of the citizens, or violating any ordinance of any borough, township or political subdivision, for the violation of which a fine or penalty is imposed, or offending or suspected of offending against the laws of this Commonwealth, protecting timberlands, or the violation of any other law of this Commonwealth, and bring such offender before a justice of the peace, for each defendant: \$7.50 summary, \$15 misdemeanor, \$25 felony. In addition, for every act in or about the arrest or commitment of each act: \$7.50 summary, \$15 misdemeanor, \$25 felony plus 25¢ per mile.

(4) Transporting prisoner from other county to issuing authority for hearing or arraignment: \$60 per district constable or deputy constable per day, plus 25¢ per mile.

(5) Making an arrest on a warrant issued by any court on summary case, \$7.50.

(6) Taking defendant before district justice on summary case for purposes of making bail, where defendant is arrested in county other than county of issuing authority, \$7.50.

(7) Taking defendant before issuing authority on summary case where defendant has insufficient funds, or no fine and costs are stated on warrant or for arraignment, \$7.50.

(8) Where defendant is released by district justice on summary case, after being arrested and arraignment, either by bail or other release, \$7.50.

(9) Taking defendant to any jail or lockup either by order of judiciary, or because judiciary not available, on summary case, \$7.50.

(10) Where defendant having been arrested on summary case, deposits with district constable the sum of

fine and costs or the amount of bail requested by judiciary, for purpose of bail for hearing, in addition to warrant costs \$5.

- (11) Issuing citation on defendant, \$7.50.  
 (12) Appearance at hearing on summary citation, \$7.50.  
 (13) All other waiting time, the rate \$7.50 per hour and/or a minimum of one hour or fraction thereof.  
 (14) Executing a search warrant and making return, \$10.  
 (15) Making an arrest on a warrant issued by any court on misdemeanor warrant, \$15.  
 (16) Taking defendant before district justice on misdemeanor case for purpose of making bail, where defendant is arrested in county other than county of issuing authority, \$15.  
 (17) Taking defendant to any jail or lockup either by order of judiciary, or because judiciary not available, on misdemeanor case, \$15.  
 (18) Making arrest on misdemeanor case, without warrant, \$15.  
 (19) Appearance at hearing on misdemeanor case upon conviction, \$15.  
 (20) Making an arrest on a warrant issued by any court on felony warrant, \$25.  
 (21) Taking defendant before district justice on felony case for purpose of making bail, where defendant is arrested in county other than county of issuing authority, \$25.  
 (22) Taking defendant before issuing authority on felony case, for arraignment, \$25.  
 (23) Where defendant is released by district justice on felony case, after being arrested and arraignment either by bail or other release, \$25.  
 (24) Taking defendant to any jail or lockup either by order of judiciary, or because judiciary not available, on felony case, \$25.  
 (25) Making arrest on felony case, without warrant, \$25. (26) Appearance in court when subpoenaed or summons, \$60 per day. (27) Executing discharge to jailer, \$7.50. (28) Taking defendant before district justice on felony case from prison or lockup, \$25. (29) Taking defendant before district justice on misdemeanor case from prison or lockup, \$15. (30) Services of deputy or assisting officer, per writ, on felony case, \$25. (31) Services of deputy or assisting officer, per writ, on misdemeanor case, \$15. (32) Services of deputy or assisting officer, per writ on summary case, \$7.50. (33) Serving subpoena, in all cases, \$10 for the first witness, plus \$5 for each additional witness at the same address. (34) Serving hearing notice in any civil case for the first defendant, \$10, plus \$5 for each additional defendant at the same address. (35) Serving notice of execution, \$10. (36) Levying goods, including schedule of property levied upon and set aside each address, \$20. (37) Posting notice of levy each address levied, \$5 per notice. (38) Posting sale notice, \$7.50 per notice. (39) Advertising sale of personal property of defendant by posting of handbills, \$5. (40) Taking inventory of goods levied each item, 05¢. (41) Selling goods levied, \$20. (42) Clerk at sale,

- \$15. (43) Holding sale, 3% on all proceeds. (44) Receiving and paying over moneys on execution, \$4. (45) Each item on bill of sale 05¢. (46) Appraising property where exemption is claimed by defendant, \$10. (47) Serving notice of possession, \$10. (48) Turning over of property to landlord without forcible ejection on order for possession, \$25. (49) Forcible ejection on order for possession, \$50. (50) Making return of not found on any process, \$2 per return. (51) (i) Traveling expenses, in the performance of any duty or service required by law, shall be computed by the route usually traveled in going from points and places where the district constable may reside, to where he receives any paper to be executed, to the points or places required to be traveled whether that route be highways, railroads, or otherwise.  
 (ii) In no case however shall more mileage be demanded or received than for the miles actually traveled, each mile going and coming, except that a minimum fee of \$2 shall be allowed as mileage.  
 (52) Recovering an expired, suspended or revoked vehicle registration or license, the flat sum of \$9 without mileage.  
 (53) For services not herein specially provided for the same fee may be charged and received as for similar services.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Mr. Fisher.

Mr. D. M. FISHER. This amendment would delete the entire fee section of the bill which is before us and insert an entirely new fee structure which would categorize the fees, based not upon the service but rather upon the presumed risk to the constable in serving the process. For example, the fee for a process served on a person charged with a misdemeanor would be more than the fee charged for service on a person who is charged with a felony.

This type of fee structure would attempt to assess the cost where the danger is involved. It would attempt to place an appropriate fee in cases where constables, perhaps, would undergo substantial risk of harm in executing an arrest. These are serious cases at times in some communities. Remember, constables in many communities are serving arrest warrants for felonies, particularly in areas where police departments are undermanned. It is an attempt, as I say, to associate the cost to the type of warrant that is served rather than as the present system is contemplated under the bill. I would urge your support for this type of fee arrangement and for this amendment. Thank you, Mr. Speaker.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I oppose this amendment. This would completely negate the fee section as we have placed it in the bill. It would, as Mr. Fisher correctly states, adopt an entirely new approach to the setting of fees based supposedly on the grading of offenses. However, it would be an administrative nightmare, and I oppose it for three reasons.

First, if you establish the fee on the basis of the offense you are going to establish it not on the basis of the offense that the fellow is convicted of but the offense with which he was charged. Nowhere in Mr. Fisher's amendment does it say—and indeed I cannot envision how it would work—if he was not convicted of the highest grade offense at which he was charged and he had to pay the higher fee, what would happen to the difference? Would he be entitled to get it back? If so, who would pay it? Would the constable keep it? None of those problems are addressed. It would be an administrative nightmare.

Secondly, you cannot really tell in the beginning the grade of many of the offenses until you know the facts. They charge them with everything, including the most serious one, and it would really make this a guessing game.

Finally, we just cannot tell the fiscal impact of this. It could be a 50-percent increase; it could be a 500-percent increase over the current fee structure, because no data is available on this method. I oppose it. I think it leaves it really open to wide abuse on the part of anyone who wanted to gouge in connection with fees, because the practice would be to charge the highest possible offense, to charge it, so you could get the highest fee, without regard to whether you could get a conviction. I oppose the amendment. I think it is unworkable administratively, and we do not have the data on which to base this.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, would the gentleman please stand for brief interrogation?

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

Mr. LAUGHLIN. Mr. Speaker, who is responsible for the cost of the constable in the event of an acquittal?

Mr. D. M. FISHER. In the event of an acquittal, Mr. Speaker, at present the fee would be paid by the Commonwealth. Excuse me, by the county.

Mr. LAUGHLIN. By the county courts, Mr. Speaker, to be specific.

Mr. D. M. FISHER. That is correct.

Mr. LAUGHLIN. And in regard to that, our court system in the State of Pennsylvania at our local county level is in extreme financial condition right now to pay the expenses of the present court costs. What you are doing here is possibly adding a tremendous burden to the court costs of this state, and I would ask a negative vote, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—27

Burns	Fischer	Mullen	Rodgers
Cessar	Fisher	O'Brien, D. M.	Salvatore
Cimini	Gallagher	Perzel	Seventy
DeMedio	George, C.	Pott	Taddonio
Dietz	Grieco	Pratt	Trello
Duffy	Itkin	Rasco	Wilson
Fee	Milanovich	Richardson	

NAYS—154

Alden	Gallen	Lynch, E. R.	Ryan
Anderson	Gamble	McCall	Scheaffer
Armstrong	Gannon	McClatchy	Schmitt
Arty	Gatski	McIntyre	Schweder
Barber	Geesey	McMonagle	Serafini
Belardi	Geist	McVerry	Shupnik
Bennett	George, M. H.	Mackowski	Sieminski
Berson	Giammarco	Madigan	Sirianni
Bittle	Goebel	Maiale	Smith, E. H.
Bowser	Goodman	Manderino	Spencer
Brandt	Grabowski	Manmiller	Spitz
Brown	Greenfield	Michlovic	Stairs
Burd	Gruppo	Micozzie	Steighner
Caltagirone	Hagarty	Miller	Stewart
Cappabianca	Halverson	Moehlmann	Street
Chess	Harper	Mowery	Stuban
Civera	Hasay	Mrkonic	Sweet
Clark, B. D.	Hayes, Jr., S.	Murphy	Swift
Clark, M. R.	Hoefel	Nahill	Taylor, E. Z.
Cochran	Honaman	Novak	Taylor, F.
Cole	Hutchinson, A.	Noye	Telek
Cornell	Hutchinson, W.	O'Brien, B. F.	Thomas
Coslett	Irvis	O'Donnell	Vroon
Cowell	Johnson, E. G.	Oliver	Wachob
Cunningham	Kanuck	Peterson	Wargo
DeWeese	Klingaman	Petrarca	Wass
DiCarlo	Knight	Phillips	Wenger
Davies	Kolter	Piccola	White
Dawida	Kowalyshyn	Pievsky	Wilt
Dininni	Kukovich	Pistella	Wright, D. R.
Dombrowski	Lashinger	Pitts	Yahner
Donatucci, R.	Laughlin	Punt	Yohn
Dorr	Lehr	Pyles	Zeller
Durham	Lescovitz	Rappaport	Zitterman
Earley	Letterman	Reed	Zord
Foster, W. W.	Levi	Rhodes	Zwikl
Foster, Jr., A.	Levin	Rieger	
Freind	Lewis	Ritter	Seltzer,
Fryer	Livengood	Rocks	Speaker

NOT VOTING—13

Austin	Dumas	Johnson, J. J.	Shadding
Beloff	Gladeck	Jones	Williams
Borski	Gray	Pucciarelli	Wright, Jr., J.
Cohen			

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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

On the question recurring,

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

Mr. D. M. FISHER offered the following amendment:

Amend Sec. 4 (Sec. 2941), page 5, lines 29 and 30, by striking out all of line 29 and "six years from each magisterial district." in line 30, and inserting There is hereby established the office of district constable. The number, elections and terms of district constables shall be as heretofore provided by law for the office of constable.

On the question,

Will the House agree to the amendment?

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

Mr. D. M. FISHER. This amendment addresses itself to the number of constables. The bill in its current form

provides that there shall be one constable for every magisterial district in the Commonwealth. My amendment would seek to continue the number of constables at their current level. Of course, the reason for this is that there are many constables out there who feel that there is more than enough work to do in the magisterial districts. The mere fact that the argument has been made that in some districts constables do no work, I do not believe is sufficient to require that many constables who are working, who are performing a service for the courts, for the local district justices, should be driven out of work merely because of the Task Force report which is included in HB 1066. There are those constables who are willing to work, and, in my opinion, should be allowed to continue to work, and this amendment would attempt to keep the number as they are rather than limiting them to one per magisterial district. I urge your support for the amendment. Thank you.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I oppose this amendment. This amendment if adopted would, of course, defeat the entire purpose of the bill. By way of background, we do not really know how many constables there are in the Commonwealth of Pennsylvania at the present time. Estimates range around 4,000. It is obvious that many of them do not have any work to do and are not needed. The bill provides for one in each magisterial district, 556, and up to four deputies per district if the workload does exist, so that we can handle that additional workload where needed. This would give 2,780 writ servers for the minor judiciary constables outside of Philadelphia, and we think that is plenty. This would simply take us back to the present system, which has not proven very workable. I oppose the amendment.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, Mr. Hutchinson covered the answer quite adequately.

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

Mr. GAMBLE. Mr. Speaker, I rise in favor of the amendment. Do you remember a few years back we had the justice of the peace system, and I was part of that system. That system cost the taxpayers not one dime. We upgraded that system to make it more professional, and now the taxpayers are paying salaries up to \$25,000. The counties are picking up expenses of the office space and also of the secretarial pay. If we go the route of this bill and try to professionalize the constables, the next thing is the taxpayers are going to be burdened once again with salaries, and so forth. That will follow. The only way we can stop that is to vote for the Fisher amendment.

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

The following roll call was recorded:

YEAS—77

Bennett	George, C.	Miller	Seventy
Bowser	Goebel	Mrkonic	Shupnik
Brown	Grabowski	Mullen	Sirianni
Burd	Greenfield	Novak	Spitz
Burns	Grieco	O'Brien, D. M.	Stairs
Caltagirone	Halverson	Perzel	Street
Cessar	Hasay	Petrarca	Taddonio
Chess	Hutchinson, A.	Piccola	Taylor, F.
Cimini	Jones	Pistella	Trello
Clark, B. D.	Kanuck	Pott	Wachob
Cochran	Knight	Pratt	Wargo
Cowell	Kolter	Punt	Wass
DeMedio	Kukovich	Rasco	Wenger
Duffy	Letterman	Rhodes	Wilson
Fee	Lewis	Richardson	Wright, Jr., J.
Fisher	Livengood	Ritter	Yahner
Fryer	McVerry	Salvatore	Zeller
Gallagher	Madigan	Schmitt	Zord
Gamble	Milanovich	Schweder	Zwinkl
Gatski			

NAYS—106

Alden	Fischer	Lescovitz	Rappaport
Anderson	Foster, W. W.	Levi	Reed
Armstrong	Foster, Jr., A.	Levin	Rieger
Arty	Freind	Lynch, E. R.	Rocks
Barber	Gallen	McCall	Rodgers
Belardi	Gannon	McClatchy	Scheaffer
Berson	Geesey	McIntyre	Serafini
Bittle	Geist	McMonagle	Sieminski
Borski	George, M. H.	Mackowski	Smith, E. H.
Brandt	Giammarco	Maiale	Spencer
Cappabianca	Gladeck	Manderino	Steighner
Civera	Goodman	Manmiller	Stewart
Clark, M. R.	Gruppo	Michlovic	Stuban
Cornell	Hagarty	Moehlmann	Sweet
Coslett	Harper	Mowery	Swift
Cunningham	Hayes, Jr., S.	Murphy	Taylor, E. Z.
DeWeese	Hoeffel	Nahill	Telek
DiCarlo	Honaman	Noye	Thomas
Davies	Hutchinson, W.	O'Brien, B. F.	Vroon
Dawida	Irviss	O'Donnell	White
Dietz	Itkin	Oliver	Wilt
Dininni	Johnson, E. G.	Peterson	Wright, D. R.
Dombrowski	Klingaman	Phillips	Yohn
Donatucci, R.	Kowalshyn	Pievsky	Zitterman
Dorr	Lashingier	Pitts	
Durham	Laughlin	Pucciarelli	Seltzer, Speaker
Earley	Lehr	Pyles	

NOT VOTING—11

Austin	Cole	Johnson, J. J.	Shadding
Beloff	Dumas	Micozzie	Williams
Cohen	Gray	Ryan	

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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

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

Mr. D. M. FISHER offered the following amendment:

Amend Sec. 4 (Sec. 2941), page 5, lines 29 and 30; page 6, lines 1 and 2, by striking out all of said lines on said pages and inserting

(a) Districts.—

(1) There shall be one district constable elected for a term of six years from each magisterial district having a population of less than 25,000.

(2) There shall be two district constables elected for terms of six years from each magisterial district having a population of at least 25,000 but less than 50,000.

(3) There shall be three district constables elected from each magisterial district having a population of 50,000 or more.

(b) Application of title.—The provisions of this title relating to constables shall apply throughout the Commonwealth except in the first judicial district.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Mr. Fisher.

Mr. D. M. FISHER. I am sorry that the last amendment was not accepted. However, the last amendment which I have here is an alternative, and I think it is something that most of the members can support.

One of the reasons that the Allegheny County Constables Association is against this bill is that, quite frankly, our magisterial districts are a lot larger and have a lot different makeup than most of the other magisterial districts in your counties. In Allegheny County, as many of you have heard us debate and talk about the problems which we have, we have 130 different municipalities. We have magisterial districts that are far more populated than any other county magisterial district in the state.

What my amendment attempts to do is it would increase the number of district constables according to the total population in the magisterial districts. Now records of the total population in the magisterial district are kept by the state court administrator. What I would propose is that for every magisterial district with a population under 25,000, there would be one district constable; for every magisterial district with a population between 25,000 and 50,000, there would be two district constables, and for every magisterial district in excess of 50,000, there would be three district constables. In addition to the district constable, each district constable, of course, has the right to appoint four deputies. Now why does Allegheny County need that?

For Allegheny County, I will just read to you the population figures for our county for the various magisterial districts: District 1, 28,000; District 2, 41,000; District 3, 39,000; District 4, 30,000; District 5, 29,000; District 6, 60,000; District 7, 33,000; District 8, 29,000; District 9, 39,000; District 10, 26,000, and so on. If you go to any other county—I will just go at random and try to pick out one—Delaware County, for instance, District 1, 16,000; District 2, 16,000; District 3, 15,000; District 4, 40,000; District 5, 36,000; District 6, 15,000. What we have here is a magisterial district around the state that is not equally represented by population. We are going to have a problem if in these districts they are only allowed one district constable.

My amendment would set up a gradation in which there could be more for those districts where there was more population. I think this is a reasonable approach. It is an approach that is different in sort to the prior amendment, but it is an approach that I would urge you to adopt and at least let us have a constable system that will work for our counties' court system. Thank you.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I must oppose this amendment too. It seems to me it is simply an attempt to set up a very special situation which is not warranted.

The legislation which we are considering provides for an even distribution of work by the district justice. This legislation would say that we are not going to have an even distribution in certain areas in the Commonwealth and Allegheny County. It has a fiscal impact. I am not raising that technically under rule 19, but there is a fiscal impact for additional training, and I think that if we are going to have uniform statewide legislation on this subject, we should have it, and we should not have a special situation. I oppose the amendment.

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

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

Mr. Speaker, do you think that it means anything according to just population and how much work the magistrate does?

Mr. D. M. FISHER. Mr. Speaker, I think there is a relationship between the population of the district and the case load for the various magistrates, yes.

Mr. LETTERMAN. Then before we could accept your amendment, would you think it would be proper if we started to look at how much work a magistrate does in his district and regulate the pay accordingly? Instead of going just by population, do you not think that we should start to go by the amount of work that a magistrate or a constable does?

Mr. D. M. FISHER. Mr. Speaker, I do not want you to misinterpret what this amendment attempts to do. This is not going to make a difference in the pay. What this is going to mean is there are going to be additional constables available to do the work. The question is if the work is there, you only have so many hours, as we know, in a week or in a day to get the work done. In heavily populated districts, where I think there is a relationship between the population and the case load, without an additional set of constables, the work is not going to be done. The law enforcement system is going to be thwarted. You are going to have unserved warrants, and I think it is the thing that it not only applies in our county, but it applies in a lot of other counties with higher populations and higher case loads. It does not have anything to do with how much they are going to get paid.

Mr. LETTERMAN. Okay. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, would Mr. Fisher please stand for interrogation?

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

Mr. LAUGHLIN. Mr. Speaker, do you know what length of time the committee studied this particular legislation, the task force that was involved in it?

Mr. D. M. FISHER. I think the study has been going on since approximately 1976, Mr. Speaker.

Mr. LAUGHLIN. Yes, Mr. Speaker, it has been going on for a number of years.

Are you aware that one of the statements by the task force was to the extent that at no time is there a greater need for more than three deputies in a district in the greatest percentage of the magisterial districts across the state, and, in addition to that, the opportunity for presentation to the judge for additional help is there?

Mr. D. M. FISHER. I am aware of that testimony, but I believe there is also other testimony that the amount of constables provided for in this bill was not enough.

Mr. LAUGHLIN. Mr. Speaker, in view of the fact that the judge does have the opportunity to review that and to add whatever staff is necessary, I would think that the amendment that you are offering would not be needed in this legislation and I would urge a "no" vote.

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

The following roll call was recorded:

YEAS—59

Belardi	Dawida	Michlovic	Ritter
Bennett	Duffy	Milanovich	Rocks
Borski	Fisher	Miller	Schweder
Bowser	Gallagher	Mrkonic	Serafini
Brown	Gamble	Mullen	Seventy
Burns	Gatski	Murphy	Sweet
Caltagirone	George, C.	Nahill	Taddonio
Cessar	Grieco	Novak	Trello
Chess	Hasay	Perzel	Wilson
Cimini	Hutchinson, A.	Pistella	Wright, Jr., J.
Clark, B. D.	Kukovich	Pott	Yahner
Cochran	Letterman	Pratt	Zeller
Cunningham	Livengood	Rasco	Zord
DeMedio	McVerry	Reed	Zwikel
Davies	Mackowski	Rhodes	

NAYS—122

Alden	Gannon	McCall	Scheaffer
Anderson	Geesey	McClatchy	Schmitt
Armstrong	Geist	McIntyre	Shupnik
Arty	George, M. H.	McMonagle	Sieminski
Barber	Giammarco	Madigan	Sirianni
Berson	Gladeck	Maiiale	Smith, E. H.
Bittle	Goebel	Manderino	Spencer
Brandt	Grabowski	Manmiller	Spitz
Burd	Gruppo	Micozzie	Stairs
Cappabianca	Hagarty	Moehlmann	Steighner
Civera	Halverson	Mowery	Stewart
Clark, M. R.	Hayes, Jr., S.	Noye	Street
Cole	Hoefel	O'Brien, B. F.	Stuban
Cornell	Honaman	O'Brien, D. M.	Swift
Coslett	Hutchinson, W.	O'Donnell	Taylor, E. Z.
Cowell	Irvis	Oliver	Taylor, F.
DiCarlo	Itkin	Peterson	Telek
Dietz	Johnson, E. G.	Petrarca	Thomas
Dininni	Kanuck	Phillips	Vroon
Dombrowski	Klingaman	Piccola	Wachob
Donatucci, R.	Knight	Pievsky	Wargo
Dorr	Kolter	Pitts	Wass
Durham	Kowalshyn	Pucciarelli	Wenger
Earley	Lashingier	Punt	White
Fee	Laughlin	Pyles	Wilt
Fischer	Lehr	Rappaport	Wright, D. R.
Foster, W. W.	Lescovitz	Richardson	Yohn
Foster, Jr., A.	Levi	Rieger	Zitnerman
Freind	Levin	Rodgers	
Fryer	Lewis	Ryan	Seitzer,

Gallen Lynch, E. R. Salvatore Speaker

NOT VOTING—13

Austin	Dumas	Greenfield	Jones
Beloff	Goodman	Harper	Shadding
Cohen	Gray	Johnson, J. J.	Williams
DeWeese			

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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

On the question recurring,

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

Mr. GALLAGHER offered the following amendments:

Amend Sec. 2, page 2, lines 17 through 21, by striking out all of said lines

Amend Sec. 3, page 2, line 22, by striking out "3" and inserting 2

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

Amend Chapter 29, Table of Contents, page 5, line 5, by striking out all of said line

Amend Chapter 29, Table of Contents, page 5, line 6, by striking out "2952" and inserting 2951

Amend Chapter 29, Table of Contents, page 5, line 7, by striking out "2953" and inserting 2952

Amend Chapter 29, Table of Contents, page 5, line 8, by striking out "2954" and inserting 2953

Amend Chapter 29, Table of Contents, page 5, line 9, by striking out "2955" and inserting 2954

Amend Chapter 29, Table of Contents, page 5, line 10, by striking out "2956" and inserting 2955

Amend Chapter 29, Table of Contents, page 5, line 11, by striking out "2957" and inserting 2956

Amend Chapter 29, Table of Contents, page 5, line 12, by striking out "2958" and inserting 2957

Amend Chapter 29, Table of Contents, page 5, line 13, by striking out "2959" and inserting 2958

Amend Chapter 29, Table of Contents, page 5, line 14, by striking out "2960" and inserting 2959

Amend Sec. 4, page 12, lines 19 through 26, by striking out all of said lines

Amend Sec. 4 (Sec. 2952), page 12, line 27, by striking out "2952" and inserting 2951

Amend Sec. 4 (Sec. 2953), page 13, line 2, by striking out "2953" and inserting 2952

Amend Sec. 4 (Sec. 2953), page 13, line 3, by striking out "District constable Administrator" and inserting Supreme Court

Amend Sec. 4 (Sec. 2953), page 13, line 10, by striking out "2957" and inserting 2956

Amend Sec. 4 (Sec. 2954), page 13, line 11, by striking out "2954" and inserting 2953

Amend Sec. 4 (Sec. 2954), page 13, lines 17 and 18, by striking out "district constable administrator" and inserting Supreme Court of Pennsylvania

Amend Sec. 4 (Sec. 2955), page 13, line 20, by striking out "2955" and inserting 2954

Amend Sec. 4 (Sec. 2956), page 13, line 25, by striking out "2956" and inserting 2955

Amend Sec. 4 (Sec. 2957), page 14, line 2, by striking out "2957" and inserting 2956

Amend Sec. 4 (Sec. 2957), page 14, line 6, by striking out "2958" and inserting 2957

Amend Sec. 4 (Sec. 2957), page 14, line 24, by striking out "2958" and inserting 2957

Amend Sec. 4 (Sec. 2957), page 15, line 25, by striking out "or the local administrator,"

Amend Sec. 4 (Sec. 2957), page 15, line 26, by striking out "2958" and inserting 2957

Amend Sec. 4 (Sec. 2958), page 16, line 10, by striking out "2958" and inserting 2957

Amend Sec. 4 (Sec. 2959), page 19, line 1, by striking out "2959" and inserting 2958

Amend Sec. 4 (Sec. 2959), page 19, line 13, by removing the comma after "ADMINISTRATION" and inserting a period

Amend Sec. 4 (Sec. 2959), page 19, lines 13 and 14, by striking out ", INCLUDING THE OPERATING COSTS OF THE DISTRICT" in line 13 and all of line 14

Amend Sec. 4 (Sec. 2960), page 19, line 16, by striking out "2960" and inserting 2959

Amend Sec. 4 (Sec. 2965), page 20, lines 19 through 21, by striking out "UNLESS A" in line 19; all of line 20 and "2951 (RELATING TO LOCAL ADMINISTRATOR)," in line 21

Amend Sec. 5, page 23, line 19, by striking out "5" and inserting 4

Amend Sec. 6, page 23, line 28, by striking out "6" and inserting 5

Amend Sec. 7, page 24, line 2, by striking out "7" and inserting 6

Amend Sec. 7, page 24, line 12, by striking out "2957" and inserting 2956

Amend Sec. 7, page 24, line 13, by striking out "2958" and inserting 2957

Amend Sec. 8, page 24, line 17, by striking out "8" and inserting 7

Amend Sec. 9, page 30, line 22, by striking out "9" and inserting 8

On the question,

Will the House agree to the amendments?

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

Mr. GALLAGHER. Mr. Speaker, what this amendment does is to take out of the bill the position of district constable administrator primarily throughout the section. Basically there is no need for a district constable administrator presently under present practice. The court administrator of the common pleas court of each county is the administrator and on top of that is the Supreme Court administrator. So there is no need to put another position in there at a cost of approximately \$17,500 per district area. So if you multiply that by the number of districts that are being created by this bill, there really is no need for that. This is real pork-barrelling at the worst time of life in economics right now to add another political job. We are trying to clean up the constables politically, and you want to put on top of the constables a new administrative position, where the court administrators of every common pleas court now handles it and so does the Supreme Court administrator. So that is the reason for this amendment, and I urge the members to adopt it.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I oppose the amendment. I think, Mr. Speaker, that the gentleman

misunderstands the bill. It does provide for a district constable administrator at the Supreme Court level, and I think he is correct that the cost of that could be \$17,500. With respect to the local level, however, the bill does not require the hiring of an additional person. In fact, it would be contemplated, I believe, that the functions of the local administrator would be carried out by existing personnel.

The SPEAKER. The Chair recognizes the gentleman from Lycoming, Mr. Cimini.

Mr. CIMINI. Mr. Speaker, I would like to interrogate the prime sponsor, Mr. Hutchinson.

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

Mr. CIMINI. Mr. Speaker, according to this, we are going to be setting up 67 district constable boards across this county at an approximate cost of \$175,000. I think the analysis here says that the \$175,000 annually will be raised by a \$1 fee charged all persons on whom process is successfully served. However, there is another statement here: No detailed cost estimate can be made, although it is safe to assume that several areas can be itemized as costing the Commonwealth additional general fund moneys. In other words, we are going to take a system that costs nothing and we are going to make a system out of it that will cost something to the taxpayers of the Commonwealth.

Mr. W. D. HUTCHINSON. Mr. Speaker, I would be glad to respond to the gentleman, but I think that what he is asking is not really germane to Mr. Gallagher's amendment.

If I may, Mr. Cimini refers to the cost of the district constable board at \$175,000; that is the education board statewide; and I think that the statements that he made are really not germane at this point on Mr. Gallagher's amendment. They may certainly be germane and relevant when we reach the merits of the bill, but at this point I think they are premature.

I think there is a saving that you did not mention in here on the picking up of licenses too, but I just do not think we are at that point yet. I would be glad to answer them at the appropriate time, Mr. Speaker, but I do not think they have anything to do with Mr. Gallagher's amendment.

Mr. CIMINI. I think the Speaker is correct. I did not realize I was speaking on Mr. Gallagher's amendment. That is why I questioned you in the beginning.

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

Mr. GALLAGHER. Mr. Speaker, the amendment deals with doing away with district constable administrators, which is creating a new position which we do not have, and provides the dollars, the amounts, in here.

Presently, in Bucks County the assistant court administrator handles all the constables' problems and arrangements for them, and, under the existing position, salaries are fixed by the president judge or the judges of the common pleas court with their funds. What we are doing here is creating a brand new position, which is in addition

to what is already being done, at no cost to that system without additional fees. In other words, they are already doing it now in Bucks County.

The Supreme Court's administrator, Mr. Barbieri, already handles district justices, constables, and any employes under the common pleas courts of the Commonwealth at the salaries set by the Supreme Court.

So what we are setting by this bill is a statewide administrator and a districtwide administrator, which it spells on the calendar here, "2. Establishment of a District Constable Board approximately \$175,000," which has nothing to do with the education of the constables. And number 1 is the "Establishment of a District Constable Administration's Office with related staff and operating funds approximately \$17,500." So that has nothing to do with the education. The education is a separate item, which is called continuing education of constables in the amount of approximately \$300,000.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, would the gentleman from Bucks consent to brief interrogation?

The SPEAKER. The gentleman indicates that he will. Mr. Hutchinson may proceed.

Mr. W. D. HUTCHINSON. Mr. Speaker, will the gentleman tell me, this is a 4-page amendment, as I understand it. Is that correct?

Mr. GALLAGHER. That is correct.

Mr. W. D. HUTCHINSON. And is it not correct, Mr. Speaker, that this amendment, as you have drafted it, simply deletes all language anywhere in the bill that refers to the district constable administrator or the local constable administrator?

Mr. GALLAGHER. It deals with doing away with the local administrator, yes.

Mr. W. D. HUTCHINSON. Yes. Well, Mr. Speaker, I oppose the amendment based on that interrogation. If we delete all of the language that refers to this administration — We are creating a different system under this bill. It needs some administration, and Mr. Gallagher simply deletes it. There is no replacement for it. It does not leave—

Mr. GALLAGHER. Mr. Speaker, pardon me. On page 2 of the amendment, it says, for example, "Amend Sec. 4...page 13, line 3, by striking out 'District constable Administrator' and inserting Supreme Court". So we are not leaving it in void; we are putting it back where it is now. We are putting it back where it is now at no additional cost. Mr. Barbieri, the administrator of the Supreme Court now, makes plenty of money and is very adequate in handling the whole statewide position of district justices, which he does for constables and other employes of the Commonwealth. So I am not doing away with it and leaving it empty; we are throwing it back to the Supreme Court where it belongs and with the common pleas court where they have the assistant administrator who presently is employed by that common pleas court and is paid for that

work. All we are doing is creating a new position outside the common pleas court and outside the Supreme Court, and that is why the amendment should be adopted, Mr. Speaker.

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

The following roll call was recorded:

YEAS—148

Anderson	Gamble	Livengood	Ritter
Armstrong	Gannon	McCall	Rocks
Barber	Gatski	McIntyre	Rodgers
Belardi	Geesey	McMonagle	Salvatore
Bennett	Geist	McVerry	Scheaffer
Borski	George, C.	Mackowski	Serafini
Bowser	George, M. H.	Madigan	Seventy
Brandt	Giammarco	Maiale	Shupnik
Brown	Gladeck	Manderino	Sieminski
Burd	Goebel	Michlovic	Sirianni
Burns	Goodman	Milanovich	Smith, E. H.
Caltagirone	Grabowski	Miller	Spencer
Cessar	Greenfield	Mowery	Spitz
Chess	Grieco	Mrkonic	Stairs
Cimini	Gruppo	Murphy	Steighner
Clark, B. D.	Halverson	Novak	Street
Cochran	Harper	Noye	Stuban
Cole	Hasay	O'Brien, B. F.	Swift
Cornell	Hayes, Jr., S.	O'Brien, D. M.	Taddonio
Coslett	Hoefel	O'Donnell	Taylor, E. Z.
Cowell	Honaman	Oliver	Taylor, F.
Cunningham	Hutchinson, A.	Perzel	Thomas
DeWeese	Irvis	Peterson	Trello
Davies	Johnson, E. G.	Petrarca	Wachob
Dietz	Jones	Phillips	Wargo
Dombrowski	Kanuck	Piccola	Wass
Donatucci, R.	Klingaman	Pievsky	Wenger
Dorr	Knight	Pistella	White
Duffy	Kolter	Pott	Wilson
Fee	Kowalyshyn	Pratt	Wilt
Fischer	Lashinger	Pucciarelli	Wright, D. R.
Fisher	Lehr	Punt	Wright, Jr., J.
Foster, W. W.	Lescovitz	Pyles	Yahner
Foster, Jr., A.	Letterman	Rappaport	Zeller
Fryer	Levi	Reed	Zitterman
Gallagher	Levin	Richardson	Zord
Gallen	Lewis	Rieger	Zwikl

NAYS—33

Alden	Dawida	Lynch, E. R.	Stewart
Arty	Dininni	McClatchy	Sweet
Berson	Durham	Manmiller	Telek
Bittle	Earley	Micozzie	Vroon
Cappabianca	Hagarty	Moehlmann	Yohn
Civera	Hutchinson, W.	Nahill	
Clark, M. R.	Itkin	Pitts	Seltzer,
DeMedio	Kukovich	Rasco	Speaker
DiCarlo	Laughlin	Ryan	

NOT VOTING—13

Austin	Freind	Mullen	Schweder
Beloff	Gray	Rhodes	Shadding
Cohen	Johnson, J. J.	Schmitt	Williams
Dumas			

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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. HOEFFEL offered the following amendment:

Amend Sec. 4 (Sec. 2946), page 11, line 18, by inserting after "municipalities)."

A deputy district constable shall be responsible to and under the direct supervision of the district constable who appointed him. All civil, criminal and administrative process served by a deputy district constable shall be assigned to the deputy by the district constable. In no event shall process be directly assigned to a deputy for service without such assignment being approved by the district constable.

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

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

Mr. HOEFFEL. My amendment is designed to make perfectly clear in the bill that the deputy district constables shall be directly supervised by the district constables and that all work assigned to the deputies should go through the district constables to whom they report. I ask for an affirmative vote.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I support this amendment. I think the members should vote "yes."

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

The following roll call was recorded:

YEAS—179

Alden	Foster, Jr., A.	Lewis	Rocks
Anderson	Fryer	Livengood	Rodgers
Armstrong	Gallagher	Lynch, E. R.	Ryan
Arty	Gallen	McCall	Salvatore
Barber	Gamble	McIntyre	Scheaffer
Belardi	Gannon	McMonagle	Schweder
Bennett	Gatski	McVerry	Serafini
Berson	Geesey	Mackowski	Seventy
Bittle	Geist	Madigan	Shupnik
Borski	George, C.	Maiale	Sieminski
Bowser	George, M. H.	Manderino	Sirianni
Brandt	Giammarco	Manmiller	Smith, E. H.
Brown	Gladeck	Michlovic	Spencer
Burd	Goebel	Micozzie	Spitz
Burns	Goodman	Milanovich	Stairs
Caltagirone	Grabowski	Miller	Steighner
Cappabianca	Greenfield	Moehlmann	Stewart
Cessar	Grieco	Mowery	Stuban
Chess	Gruppo	Mrkonic	Sweet
Cimini	Hagarty	Murphy	Swift
Civera	Halverson	Nahill	Taddonio
Clark, B. D.	Harper	Novak	Taylor, E. Z.
Clark, M. R.	Hasay	Noye	Taylor, F.
Cochran	Hayes, Jr., S.	O'Brien, B. F.	Telek
Cole	Hoeffel	O'Brien, D. M.	Thomas
Cornell	Honaman	O'Donnell	Trello
Coslett	Hutchinson, A.	Oliver	Vroon
Cowell	Hutchinson, W.	Peterson	Wachob
Cunningham	Irvs	Petrarca	Wargo
DeMedio	Itkin	Phillips	Wass
DeWeese	Johnson, E. G.	Piccola	Wenger
DiCarlo	Jones	Pievsky	White
Davies	Kanuck	Pistella	Wilson
Dawida	Klingaman	Pitts	Wilt
Dietz	Knight	Pott	Wright, D. R.

Dininni	Kolter	Pratt	Wright, Jr., J.
Dombrowski	Kowalyshyn	Pucciarelli	Yahner
Donatucci, R.	Kukovich	Punt	Yohn
Dorr	Lashinger	Pyles	Zeller
Duffy	Laughlin	Rasco	Zitterman
Durham	Lehr	Reed	Zord
Earley	Lescovitz	Rhodes	Zwinkl
Fec	Letterman	Richardson	
Fischer	Levi	Rieger	Seltzer,
Fisher	Levin	Ritter	Speaker
Foster, W. W.			

NAYS—0

NOT VOTING—15

Austin	Freind	Mullen	Shadding
Beloff	Gray	Perzel	Street
Cohen	Johnson, J. J.	Rappaport	Williams
Dumas	McClatchy	Schmitt	

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. McVerry, who offers the following amendment which will be read by the clerk.

Mr. McVERRY. Mr. Speaker, I am withdrawing that amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. W. D. HUTCHINSON offered the following amendments:

Amend Sec. 4 (Sec. 2960), page 19, line 22, by removing the period after "constable" and inserting , except under the circumstances enumerated in section 2965(e) of this chapter.

Amend Sec. 4 (Sec. 2965), page 20, line 25, by removing the period after "DISTRICT." and inserting , however, the Pennsylvania State Police may serve a criminal process arising out of a criminal investigation in which it participates.

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

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

Mr. W. D. HUTCHINSON. Mr. Speaker, this amendment is inserted at the request of the investigative department of the State Police. Basically, it provides that where there is a criminal process arising out of a criminal investigation which is conducted by the State Police, they may serve the process in it. It is designed to protect the security of their investigations.

It is a desirable amendment, and I would urge the members to support it.

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

The following roll call was recorded:

YEAS—182

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

NAYS—0

NOT VOTING—12

Austin	Dumas	Kukovich	Rasco
Beloff	Gray	Mullen	Shadding
Cohen	Johnson, J. J.	Perzel	Williams

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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

RECONSIDERATION OF VOTE ON AMENDMENTS TO HB 1066

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

Mr. TRELLO. Mr. Speaker, I move that the vote by which amendment No. 5104 to HB 1066 was defeated on the 27th day of May 1980, be reconsidered.

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

Mr. GAMBLE. I second the motion.

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

The following roll call was recorded:

YEAS—177

Alden	Foster, Jr., A.	Livengood	Rocks
Anderson	Freind	Lynch, E. R.	Ryan
Armstrong	Fryer	McCall	Salvatore
Arty	Gallagher	McClatchy	Scheaffer
Austin	Gallen	McIntyre	Schmitt
Belardi	Gamble	McMonagle	Schweder
Bennett	Gannon	McVerry	Serafini
Berson	Gatski	Mackowski	Shupnik
Bittle	Geesey	Madigan	Sieminski
Borski	Geist	Maiale	Sirianni
Bowser	George, C.	Manderino	Smith, E. H.
Brandt	George, M. H.	Manmiller	Spencer
Brown	Giammarco	Michlovic	Spitz
Burd	Gladeck	Micozzie	Stairs
Burns	Goodman	Miller	Steighner
Caltagirone	Greenfield	Moehlmann	Stewart
Cappabianca	Grieco	Mowery	Street
Cessar	Gruppo	Mrkonic	Stuban
Chess	Hagarty	Murphy	Sweet
Cimini	Halverson	Nahill	Swift
Civera	Harper	Novak	Taddonio
Clark, B. D.	Hasay	Noye	Taylor, E. Z.
Clark, M. R.	Hayes, Jr., S.	O'Brien, B. F.	Taylor, F.
Cochran	Hoefel	O'Brien, D. M.	Telek
Cornell	Honaman	O'Donnell	Thomas
Coslett	Hutchinson, A.	Oliver	Trello
Cowell	Hutchinson, W.	Perzel	Vroon
Cunningham	Irvin	Peterson	Wachob
DeMedio	Itkin	Petrarca	Wargo
DeWeese	Johnson, E. G.	Phillips	Wass
DiCarlo	Jones	Piccola	Wenger
Davies	Kanuck	Pievsky	White
Dawida	Klingaman	Pistella	Wilson
Dietz	Knight	Pitts	Wilt
Dininni	Kolter	Pott	Wright, D. R.
Dombrowski	Kowalyszyn	Pratt	Wright, Jr., J.
Donatucci, R.	Kukovich	Pucciarelli	Yohn
Dorr	Lashinger	Punt	Zeller
Duffy	Laughlin	Pyles	Zitterman
Durham	Lehr	Rappaport	Zord
Earley	Lescovitz	Reed	Zwinkl
Fee	Letterman	Rhodes	
Fischer	Levi	Richardson	Seltzer,
Fisher	Levin	Rieger	Speaker
Foster, W. W.	Lewis	Ritter	

NAYS—2

Milanovich	Seventy
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NOT VOTING—15

Barber	Dumas	Johnson, J. J.	Shadding
Beloff	Goebel	Mullen	Williams
Cohen	Grabowski	Rasco	Yahner
Cole	Gray	Rodgers	

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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

On the question recurring,

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

Mr. D. M. FISHER reoffered the following amendments:

Amend Sec. 3 (Sec. 2151), page 3, line 7 by striking out "seven" and inserting 12

Amend Sec. 3 (Sec. 2152), page 3, line 18 by striking out "Three" and inserting Eight

Amend Sec. 3 (Sec. 2152), page 3, line 18 by removing the period after "constables" and inserting and each one of whom shall be selected from a different class county, excluding first class counties.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher, to explain his amendment.

Mr. D. M. FISHER. I believe this is one of the amendments that went down. This was the amendment which increased the number on the District Constable Education Board from 7 to 12. As I had previously said, all it does is insure that the membership is represented by a constable from each county. I think it is a very reasonable amendment, and I know Mr. Trello, who moved to reconsider the vote, also agrees with me, and I hope we have your support for this amendment.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I oppose the amendment for the reasons that I gave previously. It creates an unwieldy board. It permits special representation. I am opposed to it, and I urge the members to vote against it.

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

Mr. TRELLO. Mr. Speaker, it seems to me that it is special legislation to prevent Allegheny County from being represented on the board. After all, it is the largest county and represents the most constables, and I think it is only fair that they should be represented on the board, and I encourage everybody to give me an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—78

Austin	Dawida	Letterman	Serafini
Barber	Donatucci, R.	Livengood	Seventy
Belardi	Duffy	McIntyre	Steighner
Bennett	Fee	McVerry	Street
Borski	Fisher	Michlovic	Sweet
Bowser	Gamble	Milanovitch	Taddonio
Brown	Gatski	Miller	Taylor, F.
Burd	George, C.	Mrkonic	Trello
Burns	George, M. H.	Murphy	Wargo
Caltagirone	Giammarco	Nahill	Wass
Cessar	Goebel	Novak	Wenger
Chess	Grabowski	Perzel	White
Cimini	Grieco	Petrarca	Wilson
Clark, B. D.	Hutchinson, A.	Pistella	Wright, Jr., J.
Cochran	Itkin	Pott	Yahner
Coslett	Jones	Pratt	Zeller
Cowell	Knight	Rhodes	Zitterman
DeMedio	Kolter	Rieger	Zord
DiCarlo	Kukovich	Ritter	Zwilk
Davies	Laughlin		

NAYS—107

Alden	Geesey	McClatchy	Rocks
Anderson	Geist	McMonagle	Rodgers
Armstrong	Gladeck	Mackowski	Ryan
Arty	Goodman	Madigan	Salvatore
Berson	Greenfield	Maiale	Scheaffer
Bittle	Gruppo	Manderino	Schweder
Brandt	Hagarty	Manmiller	Shupnik
Cappabianca	Halverson	Micozzie	Sieminski
Civera	Harper	Moehlmann	Sirianni
Clark, M. R.	Hasay	Mowery	Smith, E. H.
Cole	Hayes, Jr., S.	Noye	Spencer
Cornell	Hoeffel	O'Brien, B. F.	Spitz
Cunningham	Honaman	O'Brien, D. M.	Stairs
DeWeese	Hutchinson, W.	O'Donnell	Stewart
Dietz	Irvis	Oliver	Stuban
Dininni	Johnson, E. G.	Peterson	Swift
Dombrowski	Kanuck	Phillips	Taylor, E. Z.
Dorr	Klingaman	Piccola	Telek
Durham	Kowalshyn	Pievsky	Thomas
Earley	Lashingier	Pitts	Vroon
Fischer	Lehr	Pucciarelli	Wachob
Foster, W. W.	Lescovitz	Punt	Wilt
Foster, Jr., A.	Levi	Pyles	Wright, D. R.
Freind	Levin	Rappaport	Yohn
Fryer	Lewis	Rasco	
Gallagher	Lynch, E. R.	Reed	Seltzer,
Gallen	McCall	Richardson	Speaker
Gannon			

NOT VOTING—9

Beloff	Gray	Mullen	Shadding
Cohen	Johnson, J. J.	Schmitt	Williams
Dumas			

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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

RECONSIDERATION OF VOTE ON AMENDMENTS TO HB 1066

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I move that the vote by which amendment No. 5357 to HB 1066 was passed on the 27th day of May be reconsidered.

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

Mr. DORR. I second the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—162

Alden	Fisher	McCall	Ryan
Anderson	Foster, W. W.	McClatchy	Salvatore
Armstrong	Foster, Jr., A.	McMonagle	Scheaffer
Arty	Freind	McVerry	Schweder
Barber	Fryer	Mackowski	Serafini
Bennett	Gallen	Madigan	Seventy
Berson	Gamble	Maiale	Shupnik
Bittle	Gannon	Manderino	Sieminski
Borski	Gatski	Manmiller	Spencer
Bowser	Geesey	Michlovic	Spitz
Brandt	Geist	Micozzie	Stairs
Brown	George, C.	Miller	Steighner

Burd	Goodman	Moehlmann	Stewart
Burns	Gruppo	Mowery	Street
Caltagirone	Hagarty	Mrkonic	Stuban
Cappabianca	Halverson	Murphy	Sweet
Cessar	Harper	Nahill	Swift
Chess	Hasay	Novak	Taddonio
Cimini	Hayes, Jr., S.	Noye	Taylor, E. Z.
Civera	Hoeffel	O'Brien, B. F.	Taylor, F.
Clark, B. D.	Honaman	O'Brien, D. M.	Telek
Clark, M. R.	Hutchinson, W.	O'Donnell	Thomas
Cochran	Irvs	Peterson	Trello
Cole	Itkin	Petrarca	Wachob
Cornell	Johnson, E. G.	Phillips	Wargo
Cowell	Kanuck	Piccola	Wass
Cunningham	Klingaman	Pievsky	Wenger
DeMedio	Knight	Pistella	White
DeWeese	Kolter	Pitts	Wilson
DiCarlo	Kowalyshyn	Pott	Wilt
Davies	Kukovich	Pratt	Wright, D. R.
Dawida	Lashingier	Pucciarelli	Wright, Jr., J.
Dietz	Laughlin	Punt	Yahner
Dininni	Lehr	Pyles	Yohn
Donatucci, R.	Lescovitz	Rappaport	Zeller
Dorr	Letterman	Rasco	Zitterman
Duffy	Levi	Reed	Zord
Durham	Levin	Rhodes	Zwinkl
Earley	Lewis	Rieger	
Fee	Livengood	Rocks	Seltzer,
Fischer	Lynch, E. R.	Rodgers	Speaker

NAYS—3

Belardi	Gladeck	Milanovich
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NOT VOTING—29

Austin	Giammarco	Johnson, J. J.	Ritter
Beloff	Goebel	Jones	Schmitt
Cohen	Grabowski	McIntyre	Shadding
Coslett	Gray	Mullen	Sirianni
Dombrowski	Greenfield	Oliver	Smith, E. H.
Dumas	Grieco	Perzel	Vroon
Gallagher	Hutchinson, A.	Richardson	Williams
George, M. H.			

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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

On the question recurring,

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

Mr. GALLAGHER reoffered the following amendments:

Amend Sec. 2, page 2, lines 17 through 21, by striking out all of said lines

Amend Sec. 3, age 2, line 22, by striking out "3" and inserting 2

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

Amend Chapter 29, Table of Contents, page 5, line 5, by striking out all of said line

Amend Chapter 29, Table of Contents, page 5, line 6, by striking out "2952" and inserting 2951

Amend Chapter 29, Table of Contents, page 5, line 7, by striking out "2953" and inserting 2952

Amend Chapter 29, Table of Contents, page 5, line 8, by striking out "2954" and inserting 2953

Amend Chapter 29, Table of Contents, page 5, line 9, by striking out "2955" and inserting 2954

Amend Chapter 29, Table of Contents, page 5, line 10, by striking out "2956" and inserting 2955

Amend Chapter 29, Table of Contents, page 5, line 11, by striking out "2957" and inserting 2956

Amend Chapter 29, Table of Contents, page 5, line 12, by striking out "2958" and inserting 2957

Amend Chapter 29, Table of Contents, page 5, line 13, by striking out "2959" and inserting 2958

Amend Chapter 29, Table of Contents, page 5, line 14, by striking out "2960" and inserting 2959

Amend Sec. 4, page 12, lines 19 through 26, by striking out all of said lines

Amend Sec. 4 (Sec. 2952), page 12, line 27, by striking out "2952" and inserting 2951

Amend Sec. 4 (Sec. 2953), page 13, line 2, by striking out "2953" and inserting 2952

Amend Sec. 4 (Sec. 2953), page 13, line 3, by striking out "District constable Administrator" and inserting Supreme Court

Amend Sec. 4 (Sec. 2953), page 13, line 10, by striking out "2957" and inserting 2956

Amend Sec. 4 (Sec. 2954), page 13, line 11, by striking out "2954" and inserting 2953

Amend Sec. 4 (Sec. 2954), page 13, lines 17 and 18, by striking out "district constable administrator" and inserting Supreme Court of Pennsylvania

Amend Sec. 4 (Sec. 2955), page 13, line 20, by striking out "2955" and inserting 2954

Amend Sec. 4 (Sec. 2956), page 13, line 25, by striking out "2956" and inserting 2955

Amend Sec. 4 (Sec. 2957), page 14, line 2, by striking out "2957" and inserting 2956

Amend Sec. 4 (Sec. 2957), page 14, line 6, by striking out "2958" and inserting 2957

Amend Sec. 4 (Sec. 2957), page 14, line 24, by striking out "2958" and inserting 2957

Amend Sec. 4 (Sec. 2957), page 15, line 25, by striking out "or the local administrator,"

Amend Sec. 4 (Sec. 2957), page 15, line 26, by striking out "2958" and inserting 2957

Amend Sec. 4 (Sec. 2958), page 16, line 10, by striking out "2958" and inserting 2957

Amend Sec. 4 (Sec. 2959), page 19, line 1, by striking out "2959" and inserting 2958

Amend Sec. 4 (Sec. 2959), page 19, line 13, by removing the comma after "ADMINISTRATION" and inserting a period

Amend Sec. 4 (Sec. 2959), page 19, lines 13 and 14, by striking out ", INCLUDING THE OPERATING COSTS OF THE DISTRICT" in line 13 and all of line 14

Amend Sec. 4 (Sec. 2960), page 19, line 16, by striking out "2960" and inserting 2959

Amend Sec. 4 (Sec. 2965), page 20, lines 19 through 21, by striking out "UNLESS A" in line 19; all of line 20 and "2951 (RELATING TO LOCAL ADMINISTRATOR)," in line 21

Amend Sec. 5, page 23, line 19, by striking out "5" and inserting 4

Amend Sec. 6, page 23, line 28, by striking out "6" and inserting 5

Amend Sec. 7, page 24, line 2, by striking out "7" and inserting 6

Amend Sec. 7, page 24, line 12, by striking out "2957" and inserting 2956

Amend Sec. 7, page 24, line 13, by striking out "2958" and inserting 2957

Amend Sec. 8, page 24, line 17, by striking out "8" and inserting 7

Amend Sec. 9, page 30, line 22, by striking out "9" and inserting 8

On the question recurring,

Will the House agree to the amendments?

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

Mr. GALLAGHER. Mr. Speaker, I did not ask that the vote be reconsidered. Who asked for that? Mr. Hutchinson? I am happy with the way it was adopted.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I would like, if I could, some attention from the House. I think there was confusion on the last vote. Otherwise I would not have asked for reconsideration. It is not my practice, when the House expresses its will as it did here by a large vote, to waste your time by reconsideration, but I think there was a great deal of confusion.

What Mr. Gallagher is talking about is the elimination of a large amount of language in the bill concerning the administration of this system. He wants to eliminate that because he says that it would cost money, and we have a \$17,500 fiscal note on this to set the office up in the Supreme Court. It was confused because Mr. Cimini took the floor thinking we were talking about the general fiscal policy and began to talk about \$175,000. That is not what we are talking about; we are talking about \$17,500. But there is a more important reason why I think you should not vote for this. Mr. Gallagher said in the debate on the amendment that the Supreme Court is doing this now and, if you take these sections out of the bill, they can do it anyway as they see fit.

Now I am one of the members of this House who happens to be opposed to giving the Supreme Court of this Commonwealth any more power than they have at the moment, and that is why we put this in here, so that it would be done at the local level. At some point a bill of this type—and I say this to Mr. Gallagher—if it becomes law, is going to be worked over in the Senate, perhaps go to conference, and certainly there will be amendments. I, frankly, would not have any objection in working with you, Mr. Speaker, at the appropriate time to put language in the bill which would provide that the local district constable administrator would have to be done with current personnel. I am just concerned about your amendment and the residual powers that it grants to the Supreme Court, and I think the members should vote against it and I would appreciate a “no” vote for those reasons. Thank you.

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

Mr. GALLAGHER. Mr. Speaker, I can understand Mr. Hutchinson's concern since he is the prime sponsor, but let us get back to reality. Right now the common pleas court of Bucks County is a good example. The administrator of that court oversees the operation of the district justices and the constables, and it is out of the funds of the common pleas court. What we are doing here is adding an additional position to just supervise the constables. The Supreme Court is worse than the common pleas court; they have

enough money now that we generate to them through the administrator of the Supreme Court, and his name is Barbieri. He is handling over, I think it is, about \$600,000 or \$700,000 to operate the office which he handles through district justices and constables via the courts' administrators of each county.

Now, let us not play games with it, Mr. Speaker. If you and I agree that the Supreme Court has too much, we should do away with Mr. Barbieri and his powers and his funds. But since he is already there and since in Bucks County the court administrator is already there and already budgeted for and they all already doing the work, there is no need for us to create another position and add additional patronage jobs—that is what it really is—for the supervision of the constables. So I urge the members just to vote the way you did before. It is the proper amendment. Do not waste a lot of dollars for nothing when we are already being supervised by the court administrators of the various common pleas courts of the county.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I would urge the members, before they vote, to realize one other thing. If the Gallagher amendment goes in, it is going to cost each and every one of your counties money, because one of the things that we have done in this bill is provide that \$1 out of each fee collected is to be returned to the counties for the operation of this office and generally for the operation of their court system. That gives much needed relief to your county commissioners in this situation, and I think you should think twice before you vote on this because you would, in fact, be depriving your counties of money because the Gallagher amendment, as I understand it, takes that portion, that \$1, that goes back to the counties from every fee, out of the bill as well.

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

Mr. GALLAGHER. The money goes right back to the county, like you said, to pay for what the administrator of the court is now doing. Why create another position and give them that additional money too? That is the way we are trying to do it, just the way it is now. The administrator of Bucks County and court administrator is doing a fine job in supervising our constables and our district justices. No additional funds are necessary. They are already appropriated. We are not taking it away from them. It goes to the county. You say so. I think we are beating a dead horse, Mr. Speaker. You know it and I know it.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, just finally, the section of the bill that Mr. Gallagher wants to amend—or in any event this office—does not require a new person. It just requires that somebody be designated so there is responsibility as local administrator over the constables. In fact, it can and should be the same person. Thank you, Mr. Speaker.

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

Mr. GALLAGHER. I thought I had the last time. Just vote "yes" again. Thank you.

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

The following roll call was recorded:

YEAS—125

Barber	Gamble	Livengood	Ritter
Belardi	Gannon	McCall	Rodgers
Bennett	Gatski	McIntyre	Scheaffer
Bowser	George, C.	McMonagle	Schmitt
Brown	George, M. H.	Mackowski	Schweder
Burd	Giammarco	Madigan	Serafini
Burns	Gladeck	Maiale	Shupnik
Caltagirone	Goodman	Manderino	Sieminski
Cappabianca	Greenfield	Manmiller	Sirianni
Cessar	Grieco	Michlovic	Spencer
Chess	Gruppo	Milanovich	Spitz
Cimini	Halverson	Miller	Stairs
Clark, B. D.	Harper	Mowery	Steighner
Cochran	Hasay	Mrkonic	Street
Cole	Hayes, Jr., S.	Mullen	Stuban
Cowell	Hoeffel	Noye	Swift
Cunningham	Honaman	O'Brien, B. F.	Taylor, F.
DeWeese	Hutchinson, A.	O'Donnell	Thomas
DiCarlo	Irvis	Oliver	Wachob
Davies	Jones	Peterson	Wargo
Dininni	Kanuck	Petrarca	Wass
Dombrowski	Klingaman	Phillips	Wenger
Donatucci, R.	Kolter	Piccola	White
Dorr	Kowalshyn	Pievsky	Wilson
Duffy	Lashingner	Pistella	Wilt
Fee	Laughlin	Pratt	Wright, D. R.
Fischer	Lescovitz	Pucciarelli	Wright, Jr., J.
Fisher	Letterman	Rasco	Zeller
Foster, W. W.	Levi	Rhodes	Zitterman
Foster, Jr., A.	Levin	Richardson	Zord
Gallagher	Lewis	Rieger	Zwinkl
Gallen			

NAYS—57

Alden	Earley	McClatchy	Salvatore
Anderson	Freind	McVerry	Seventy
Armstrong	Fryer	Micozzie	Smith, E. H.
Arty	Geesey	Murphy	Stewart
Berson	Geist	Nahill	Sweet
Bittle	Goebel	Novak	Taddonio
Brandt	Grabowski	O'Brien, D. M.	Taylor, E. Z.
Civera	Hagarty	Pitts	Telek
Clark, M. R.	Hutchinson, W.	Pott	Trello
Cornell	Itkin	Punt	Vroon
Coslett	Johnson, E. G.	Pyles	Yahner
DeMedio	Knight	Rappaport	
Dawida	Kukovich	Reed	Seltzer,
Dietz	Lehr	Rocks	Speaker
Durham	Lynch, E. R.	Ryan	

NOT VOTING—12

Austin	Cohen	Johnson, J. J.	Shadding
Beloff	Dumas	Mochlmann	Williams
Borski	Gray	Perzel	Yohn

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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?

The Chair recognizes the gentleman from Lycoming, Mr. Cimini.

Mr. CIMINI. This is just to clarify the Gallagher amendment, which I had not meant to talk on. To get back to this district constable board which is going to cost approximately \$175,000—this is the important thing—there will be 67 boards set up in 67 counties. Each member of the board will receive \$50 per meeting and also travel costs, but it also says that there will be \$1 fee to help pay for these boards. However, there is no guarantee that in future assessments that money will not have to come out of general funds. In other words, it is going to cost you possibly money out of funds that are not paid by the people who commit crimes. In other words, we have a system now with constables that costs no money whatsoever to the taxpayer. By the time we finish up, I am afraid, with this particular bill, there is a very, very strong possibility that the taxpayers will be helping to fund this particular new system that falls under this HB 1066. That is why I have withdrawn my support from the bill and also my name.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, so that the members may know what we are talking about in money, the cost of the bill with the Gallagher amendment, which has now gone in and removed some of the costs, as I understand it, would be approximately \$550,000. The companion bill, HB 1067, which takes the duties of picking up licenses away from the State Police and puts it on the district constable—because then we would have a system where we knew who the constable was and a chain of command to work through—would save the Commonwealth of Pennsylvania \$5,600,000 in the motor license fund. Today that is involved also in the \$25 for the writ server or the constable who comes into the Commonwealth. It would pay them and it would provide the Commonwealth with a net increase of \$5,600,000 in the motor license fund, money, as you know, which we could well use with the transportation problems. That would come under the companion bill HB 1067. I think it is a good deal fiscally, and I do not think that is a reason not to vote for it. Thank you.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—32

Alden	Earley	Levin	Stairs
Arty	Fischer	Maiale	Stewart
Berson	Foster, Jr., A.	Micozzie	Sweet
Bittle	Gannon	Nahill	Vroon

Civera	Hoeffel	Punt	Wachob
Cornell	Hutchinson, W.	Reed	
DeMedio	Kowalyszyn	Ryan	Seltzer,
Dombrowski	Lashingner	Spitz	Speaker
Durham	Laughlin		

NAYS—152

Anderson	Gamble	McClatchy	Rieger
Armstrong	Gatski	McIntyre	Ritter
Austin	Geesey	McMonagle	Rocks
Belardi	Geist	McVerry	Rodgers
Bennett	George, C.	Mackowski	Salvatore
Borski	George, M. H.	Madigan	Scheaffer
Bowser	Giammarco	Manderino	Schweder
Brandt	Gladeck	Manmiller	Serafini
Burd	Goebel	Michlovic	Seventy
Burns	Goodman	Milanovich	Shupnik
Caltagirone	Grabowski	Miller	Sieminski
Cappabianca	Greenfield	Moehlmann	Sirianni
Cessar	Grieco	Mowery	Smith, E. H.
Chess	Gruppo	Mrkonic	Spencer
Cimini	Hagarty	Mullen	Steighner
Clark, B. D.	Halverson	Murphy	Street
Clark, M. R.	Harper	Novak	Stuban
Cochran	Hasay	Noye	Swift
Cole	Hayes, Jr., S.	O'Brien, B. F.	Taddonio
Coslett	Honaman	O'Brien, D. M.	Taylor, E. Z.
Cowell	Hutchinson, A.	O'Donnell	Taylor, F.
Cunningham	Irviss	Oliver	Telek
DeWeese	Itkin	Perzel	Thomas
DiCarlo	Johnson, E. G.	Peterson	Trello
Davies	Jones	Petrarca	Wargo
Dawida	Kanuck	Phillips	Wass
Dietz	Klingaman	Piccola	Wenger
Dininni	Knight	Pievsky	White
Donatucci, R.	Kolter	Pistella	Wilson
Dorr	Kukovich	Pitts	Wilt
Duffy	Lehr	Pott	Wright, D. R.
Fee	Lescovitz	Pratt	Wright, Jr., J.
Fisher	Letterman	Pucciarelli	Yahner
Foster, W. W.	Levi	Pyles	Yohn
Freind	Lewis	Rappaport	Zeller
Fryer	Livengood	Rasco	Zitterman
Gallagher	Lynch, E. R.	Rhodes	Zord
Gallen	McCall	Richardson	Zwinkl

NOT VOTING—10

Barber	Cohen	Johnson, J. J.	Shadding
Beloff	Dumas	Schmitt	Williams
Brown	Gray		

EXCUSED—8

DeVertter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

\* \* \*

The House proceeded to third consideration of **HB 1067, PN 2827**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the surrender of licenses, registration plates and cards.

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

**BILL RECOMMENDED**

The SPEAKER. Will the gentleman, Mr. Hutchinson, indicate to the Chair what disposition he would like to make of the companion bill, HB 1067?

Mr. W. D. HUTCHINSON. Yes. I think HB 1067 should be either placed upon the table or recommitted, in light of the vote on HB 1066. I would make a motion to recommit it if that is in order.

The SPEAKER. To what committee would the gentleman indicate he would like it to be recommitted?

Mr. W. D. HUTCHINSON. I would make a motion to recommit it to the Transportation Committee because it involves a problem with the transportation.

The SPEAKER. It has been moved by the gentleman from Schuylkill, Mr. Hutchinson, that HB 1067 be recommitted to the Committee on Transportation.

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

The following roll call was recorded:

YEAS—146

Alden	Foster, Jr., A.	McCall	Salvatore
Anderson	Freind	McClatchy	Scheaffer
Armstrong	Gallen	McVerry	Schweder
Arty	Gamble	Mackowski	Serafini
Belardi	Gannon	Madigan	Seventy
Bennett	Geesey	Maiale	Sieminski
Berson	Geist	Manmiller	Smith, E. H.
Bittle	George, C.	Michlovic	Spencer
Brandt	George, M. H.	Milanovich	Spitz
Brown	Goodman	Moehlmann	Steighner
Burd	Grabowski	Mowery	Stewart
Burns	Greenfield	Mrkonic	Stuban
Caltagirone	Grieco	Mullen	Sweet
Cappabianca	Gruppo	Murphy	Swift
Cessar	Hagarty	Nahill	Taddonio
Chess	Halverson	Novak	Taylor, E. Z.
Cimini	Hasay	O'Brien, B. F.	Taylor, F.
Civera	Hayes, Jr., S.	O'Brien, D. M.	Telek
Clark, B. D.	Hoeffel	Oliver	Thomas
Clark, M. R.	Honaman	Perzel	Trello
Cochran	Hutchinson, W.	Peterson	Vroon
Cole	Irviss	Petrarca	Wachob
Cornell	Itkin	Phillips	Wargo
Coslett	Johnson, E. G.	Piccola	Wass
Cowell	Kanuck	Pievsky	Wenger
Cunningham	Klingaman	Pitts	White
DeMedio	Kolter	Pott	Wilson
DiCarlo	Kowalyszyn	Pucciarelli	Wright, D. R.
Davies	Kukovich	Punt	Wright, Jr., J.
Dawida	Lashingner	Pyles	Yahner
Dietz	Laughlin	Rappaport	Zeller
Dininni	Lehr	Rasco	Zitterman
Dombrowski	Lescovitz	Reed	Zord
Dorr	Letterman	Rhodes	Zwinkl
Duffy	Levi	Rocks	
Durham	Lewis	Rodgers	Seltzer,
Foster, W. W.	Lynch, E. R.	Ryan	Speaker

NAYS—26

Bowser	Goebel	McIntyre	Richardson
DeWeese	Harper	McMonagle	Rieger
Donatucci, R.	Hutchinson, A.	Miller	Shupnik
Fee	Jones	Noye	Stairs
Fischer	Knight	O'Donnell	Street
Fisher	Levin	Pratt	Wilt
Giammarco	Livengood		

NOT VOTING—22

Austin	Earley	Johnson, J. J.	Schmitt
Barber	Fryer	Manderino	Shadding
Beloff	Gallagher	Micozzie	Sirianni
Borski	Gatski	Pistella	Williams
Cohen	Gladeck	Ritter	Yohn
Dumas	Gray		

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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

The SPEAKER. The bill is so recommitted.

REMARKS ON VOTES

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

Mr. A. K. HUTCHINSON. I was out of my seat. I would like to have voted in the affirmative on HB 1066.

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

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

Mr. BROWN. Mr. Speaker, I was in the back at a meeting and I would like to be recorded in the negative on final passage for HB 1066.

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

The Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Mr. Speaker, I was out of my seat on several rollcall votes today. Had I been in my seat, I would like to be recorded as follows: HB 2412 on final passage, yes; HB 218 on final passage, yes; HB 217 on final passage, yes; SB 1003 on final passage, yes; SB 843 on final passage, yes; SB 1084 on final passage, yes; and SB 759, on final passage, yes. Thank you, Mr. Speaker.

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

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

Mr. CUNNINGHAM. Mr. Speaker, I was erroneously recorded in the negative on HB 1066. I wish to be recorded in the affirmative.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of SB 506, PN 526, entitled:

A Supplement to the act of July 9, 1976 (P. L. 857, No. 154), entitled "An act providing for the capital budget for the fiscal year 1976-1977," itemizing an additional public improvement project to be constructed by the Department of General Services, together with its estimated financial cost, authorizing the incurring of debt for the project without approval of the

electors to complete the project, stating the estimated useful life of such project and making an appropriation.

On the question,

Will the House agree to the bill on third consideration?

Mr. A. K. HUTCHINSON offered the following amendments:

Amend Title, page 1, line 3, by striking out "an"

Amend Title, page 1, line 4, by striking out "project" and inserting projects

Amend Title, page 1, line 5, by striking out "its" and inserting their

Amend Title, page 1, line 5, by striking out "cost," and inserting costs,

Amend Title, page 1, line 6, by striking out "project" and inserting projects

Amend Title, page 1, line 7, by striking out "project," and inserting projects,

Amend Title, page 1, line 8, by striking out "project" and inserting projects,

Amend Sec. 1, page 1, lines 12 and 13, by striking out "Project.—An additional capital project" and inserting Projects.—Additional capital projects

Amend Sec. 1, page 1, line 14, by striking out "project" and inserting projects

Amend Sec.1, page 1, line 16, by striking out "is" and inserting are

Amend Sec. 1, page 1, line 16, by striking out "the" where it appears the second time, and inserting their

Amend Sec. 1, Page 1, line 17, by striking out "cost" and inserting costs

Amend Sec. 1, page 1, line 18, by striking out "project," and inserting projects,

Amend Sec. 1, page 1, line 20, by striking out "\$3,640,000" and inserting \$4,029,000

Amend Sec. 1, page 1, line 21, by inserting before "Eldred" (1)

Amend Sec. 1, page 2, by inserting between lines 2 and 3

(2) Flood Protection, Tributary Jack's Run, City of Greensburg and Hempfield township, Westmoreland County.

Road section 1: Oxford Drive to Crestview Drive ..... 173,000

(Base construction Authorization \$144,000)

Road section 2: Route 119 to Union Cemetery Road. .... 216,000

(Base Construction Authorization \$180,000)

Amend Sec. 2, page 2, line 9, by striking out "\$3,640,000" and inserting \$4,029,000

Amend Sec. 2, page 2, line 10, by striking out "project" and inserting projects

Amend Sec. 2, page 2, line 11, by striking out "project" and inserting projects

Amend Sec. 3, page 2, line 13, by striking out "Project." and inserting Projects.

Amend Sec. 3, page 2, line 15, by striking out "project" and inserting projects

Amend Sec. 4, page 2, line 21, by striking out "\$3,640,000" and inserting \$4,029,000

Amend Sec. 4, page 2, line 22, by striking out "project" and inserting projects



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

**POINT OF ORDER**

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

Mr. ZELLER. Mr. Speaker, point of order.

The SPEAKER. The gentleman, Mr. Zeller, raises a point of order. The gentleman will state it.

Mr. ZELLER. Mr. Speaker, is it A6854 or A6845?

The SPEAKER. The amendment that the Chair has is amendment 6854.

Mr. A. K. HUTCHINSON. Mr. Speaker, I can explain that. The first amendment I had was made up wrong. They forgot to put the Flood Protection Tributary, Jack's Run in the City of Greensburg, and I had to have it redrafted. The first one I passed out did not have the first three words on it, two sentences.

The SPEAKER. The amendment before the House is A6854. The only difference between A6854 and A6845 is the insertion of the word "Greensburg". The amounts of money are the same. It is a technical change in the amendment.

Mr. A. K. HUTCHINSON. It was sent up to them that way, but somebody missed the first two sentences.

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

Mr. McCLATCHY. Mr. Speaker, I hate to oppose my good friend, Mr. Hutchinson, but these projects are highway projects, for the most part, and really should not be mixed in with the general fund finance projects, Mr. Speaker. Therefore, I oppose the amendment.

Mr. A. K. HUTCHINSON. This is a capital budget.

Mr. McCLATCHY. Yes, but there is a regular capital budget and there is a highway capital budget. You got them mixed up, Mr. Speaker.

Mr. A. K. HUTCHINSON. It will not be the last time, either.

This is a flood control project. This is not a road project. This is a regular capital budget. This is not a highway budget.

Mr. McCLATCHY. I have got to get the right amendment. Wait a minute.

Mr. A. K. HUTCHINSON. The amendments are the same.

Mr. Speaker, I will accept your apology. Roll the amendment.

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

Mr. McCLATCHY. Mr. Speaker, I withdraw my objection that the amendment being offered is to the wrong bill.

Mr. A. K. HUTCHINSON. Thank you, Mr. Speaker.

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

The following roll call was recorded:

**YEAS—175**

Alden	Fryer	McCall	Ritter
Anderson	Gallagher	McClatchy	Rocks
Armstrong	Gallen	McIntyre	Rodgers
Arty	Gamble	McMonagle	Ryan
Austin	Gannon	McVerry	Salvatore
Barber	Gatski	Mackowski	Scheaffer
Belardi	Geesey	Madigan	Schweder
Bennett	Geist	Maiale	Seventy
Berson	George, C.	Manderino	Shupnik
Bittle	George, M. H.	Manmiller	Sieminski
Borski	Giammarco	Michlovic	Sirianni
Bowser	Gladeck	Micozzie	Spencer
Brandt	Goebel	Milanovich	Spitz
Brown	Goodman	Miller	Stairs
Burd	Grabowski	Moehlmann	Steighner
Caltagirone	Greenfield	Mowery	Stewart
Cappabianca	Grieco	Mrkonic	Street
Cessar	Gruppo	Mullen	Stuban
Chess	Hagarty	Murphy	Sweet
Cimini	Halverson	Nahill	Swift
Civera	Harper	Novak	Taddonio
Clark, B. D.	Hasay	Noye	Taylor, E. Z.
Clark, M. R.	Hayes, Jr., S.	O'Brien, B. F.	Taylor, F.
Cochran	Hoeffel	O'Brien, D. M.	Telek
Cornell	Honaman	O'Donnell	Thomas
Cowell	Hutchinson, A.	Oliver	Trello
Cunningham	Irvis	Peterson	Vroon
DeMedio	Itkin	Petrarca	Wachob
DeWeese	Johnson, E. G.	Phillips	Wargo
DiCarlo	Kanuck	Piccola	Wass
Dawida	Klingaman	Pievsky	Wenger
Dietz	Knight	Pistella	White
Dininni	Kowalyszyn	Pitts	Wilt
Dombrowski	Kukovich	Pott	Wright, D. R.
Donatucci, R.	Lashinger	Pratt	Wright, Jr., J.
Dorr	Laughlin	Pucciarelli	Yahner
Duffy	Lehr	Punt	Yohn
Durham	Lescovitz	Pyles	Zeller
Earley	Letterman	Rappaport	Zitterman
Fee	Levi	Rasco	Zord
Fischer	Levin	Reed	Zwinkl
Fisher	Lewis	Rhodes	
Foster, W. W.	Livengood	Richardson	Seltzer,
Foster, Jr., A.	Lynch, E. R.	Rieger	Speaker
Freind			

**NAYS—0**

**NOT VOTING—19**

Beloff	Davies	Jones	Shadding
Burns	Dumas	Kolter	Smith, E. H.
Cohen	Gray	Perzel	Williams
Cole	Hutchinson, W.	Schmitt	Wilson
Coslett	Johnson, J. J.	Serafini	

**EXCUSED—8**

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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

**REMARKS ON VOTE**

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

Mr. DAVIES. Mr. Speaker, I was out of my seat. Had I been in my seat, I would have been recorded in the affirmative on the Hutchinson amendment to SB 506.

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

**BASIC EDUCATION SUBCOMMITTEE MEETING**

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

Mr. DAVIES. Mr. Speaker, also I would like to call for a meeting of the Subcommittee on Basic Education in the rear of the House.

The SPEAKER. The gentleman, Mr. Davies, has called for a Subcommittee on Basic Education meeting in the rear of the House upon adjournment.

**CONSIDERATION OF SB 506 CONTINUED**

On the question,

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

Mr. LETTERMAN offered the following amendments:

Amend Title, page 1, line 3, by striking out "an"

Amend Title, page 1, line 4, by striking out "project" and inserting projects

Amend Title, page 1, line 6, by striking out "project" and inserting projects

Amend Sec. 1, page 1, line 18, by striking out "project," and inserting projects,

Amend Sec. 1, page 2, by inserting between lines 2 and 3

II. Lock Haven State College . . . . .	2,954,000
For Theatre lighting . . . . .	264,000
For renovation of Thomas Field House . . . . .	2,460,000
For rehabilitation of campus fire protection system . . . . .	230,000

Amend Sec. 2, page 2, line 9, by striking out "\$3,640,000" and inserting \$6,594,000

Amend Sec. 2, page 2, line 11, by striking out "project" and inserting projects

Amend Sec. 4, page 2, line 21, by striking out "\$3,640,000" and inserting \$6,594,000

Amend Sec. 4, page 2, line 22, by striking out "project" and inserting projects

On the question,

Will the House agree to the amendments?

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

Mr. LETTERMAN. Mr. Speaker, I would like to explain to the members the mistake that is made, and since the machine is broken down, I guess you are going to go along with me trying to pass this this way. Right?

The top figure where it says "Lock Haven State College" if you look, the figure is \$3 million-something. It should be \$2,954,000. They made a mistake of adding the three figures up. It is a real good piece of legislation. It is something that is really needed. I would not ask for it if it was not.

One of them is for rehabilitation of the campus fire protection system. The reason I am asking for this \$230,000 is that 5 years ago they built a 5-story dorm and did not put fire hoses to the hydrants on the floors. We have had

several bad fires, and the fire companies in my district do not have equipment to get up to fight these fires without the proper equipment there. That is the reason I am asking for that. It could cost a lot of people's lives.

The other one is for theater lighting. That is \$264,000. Eight years ago they built the Sloan Fine Arts Building. We have not had lights in that building to use it since it was built. It is sitting there not being used because of that.

The other is for renovation of the Thomas Field House. This is a 40-year-old building. It has never been renovated. It is the oldest one in our state college system, and to date what they need, the fire marshall is demanding they put new doorways, new windows, and they have to put new bleachers, everything in it, or they will close it down and condemn it.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

**YEAS—158**

Anderson	Foster, W. W.	McCall	Rocks
Armstrong	Foster, Jr., A.	McClatchy	Rodgers
Arty	Freind	McIntyre	Ryan
Barber	Gallagher	McMonagle	Salvatore
Belardi	Gallen	McVerry	Schmitt
Bennett	Gamble	Mackowski	Schweder
Berson	Gannon	Madigan	Serafini
Bittle	Gatski	Maiale	Seventy
Bowser	Geesey	Manderino	Shupnik
Brandt	Geist	Manmiller	Sieminski
Brown	George, C.	Michlovic	Sirianni
Burd	George, M. H.	Micozzie	Smith, E. H.
Burns	Giammarco	Milanovich	Steighner
Caltagirone	Goebel	Moehlmann	Stewart
Cappabianca	Goodman	Mowery	Street
Cessar	Grabowski	Mrkonic	Stuban
Cimini	Grieco	Mullen	Sweet
Civera	Gruppo	Murphy	Swift
Clark, B. D.	Hagarty	Nahill	Taddonio
Clark, M. R.	Harper	Novak	Taylor, E. Z.
Cochran	Hasay	Noye	Taylor, F.
Cole	Hayes, Jr., S.	O'Brien, B. F.	Telek
Cornell	Hoeffel	O'Brien, D. M.	Thomas
Cowell	Honaman	O'Donnell	Trello
Cunningham	Hutchinson, A.	Oliver	Wachob
DeMedio	Irvis	Peterson	Wargo
DeWeese	Itkin	Petrarca	Wass
DiCarlo	Johnson, E. G.	Piccola	Wenger
Davies	Jones	Pievsky	Wilson
Dawida	Knight	Pistella	Wright, D. R.
Dietz	Kowalshyn	Pitts	Wright, Jr., J.
Dininni	Kukovich	Pott	Yahner
Dombrowski	Lashingier	Pratt	Yohn
Donatucci, R.	Laughlin	Pucciarelli	Zeller
Dorr	Lehr	Punt	Zitterman
Duffy	Lescovitz	Pyles	Zord
Durham	Letterman	Reed	Zwinkl
Earley	Levin	Richardson	
Fee	Livengood	Rieger	Seltzer,
Fisher	Lynch, E. R.	Ritter	Speaker

**NAYS—15**

Alden	Halverson	Lewis	Stairs
Fischer	Kanuck	Miller	Vroon
Fryer	Klingaman	Rasco	Wilt
Gladeck	Levi	Scheaffer	

NOT VOTING—21

Austin	Dumas	Kolter	Shadding
Beloff	Gray	Perzel	Spencer
Borski	Greenfield	Phillips	Spitz
Chess	Hutchinson, W.	Rappaport	White
Cohen	Johnson, J. J.	Rhodes	Williams
Coslett			

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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?

Y es 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—181

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

NAYS—1

Fryer

NOT VOTING—12

Barber	Dumas	Hutchinson, A.	Shadding
Beloff	Gallagher	Johnson, J. J.	Williams
Cohen	Greenfield	Kolter	Yohn

EXCUSED—8

DeVerter	Helfrick	McKelvey	Smith, L. E.
Hayes, D. S.	Knepper	Polite	Weidner

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 the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

REMARKS ON VOTE

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

Mr. RAPPAPORT. On the vote previous to this one, on the Letterman amendment to SB 506, I would like to be recorded in the affirmative. Thank you.

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

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.

CONFERENCE COMMITTEE MEETING ON HB 1623

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

Mr. McCLATCHY. Mr. Speaker, I would like to announce a meeting of the Conference Committee on HB 1623 tomorrow afternoon at 5 o'clock.

EDUCATION COMMITTEE MEETING

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

Mr. R. R. FISCHER. Mr. Speaker, I would like to announce a meeting of the Committee on Education tomorrow at the noon recess in the Capitol annex meeting room.

SECOND CLASS CITIES AND COUNTIES SUBCOMMITTEE MEETING

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

Mr. POTT. I wish to announce a meeting of the Second Class Cities and Counties Subcommittee in room 145, at 9:30 a.m., Wednesday, May 28.

**STATE GOVERNMENT COMMITTEE MEETING**

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

Mr. GALLEN. I wish to announce that there has been a change in rooms for the State Government Committee meeting. The meeting will be held in the majority caucus room at 10 a.m. tomorrow morning.

**REPORT OF COMMITTEE  
OF CONFERENCE PRESENTED**

Mr. DININNI presented the Report of the Committee of Conference on **SB 10, PN 1834**.

The SPEAKER. The report will be laid over for printing under the rules.

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

**HB 1372, PN 1549** By Rep. LEHR

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), eliminating forty per centum food requirement for special Sunday sales permit.

LIQUOR CONTROL.

**HB 1966, PN 2476** By Rep. LEHR

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), increasing the salaries of the chairman and members of the Pennsylvania Liquor Control Board.

LIQUOR CONTROL.

**LEAVE OF ABSENCE GRANTED**

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, if you would kindly return to leaves of absence, I would request a leave for the gentleman from Jefferson, Mr. Smith, for today.

The SPEAKER. Without objection, leave will be granted.

**STATEMENT BY MINORITY LEADER**

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, on Tuesday, May 6, 1980, when I was asked by the Chair if there were any leaves of absence and answered in the negative, I was in error, and I should like now to correct that error.

The gentleman, Mr. Zwinkl, requested a leave of absence, the reason being that he had to attend the funeral of his wife's grandfather. Mr. Zwinkl being one of our most highly in attendance members, we should like to make sure that this is on the record, because on the record of the Legislative Journal, the reason for his being excused does not appear.

I recognize, Mr. Speaker, that it may be too late to correct the record of May 6, 1980, though I request that if it is not too late that that record be corrected. If it is too late, then I should like to have my remarks included in

today's Journal to show that the gentleman, Mr. Zwinkl, was absent for a cause on May 6, 1980. Thank you, Mr. Speaker.

**SENATE MESSAGE****SENATE INSISTS ON CONCURRENCE  
AND APPOINTED CONFERENCE COMMITTEE**

The Senate informed that it insists on concurrence in Senate amendments to **HB 1011, PN 3124**, and has appointed Messrs. LINCOLN, STOUT and HESS, 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. RYAN moved that the House insist upon nonconcurrency in Senate amendments to **HB 1011, PN 3124**, 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 1011, PN 3124**: Messrs. A. C. FOSTER, LEVI and A. K. HUTCHINSON.  
Ordered, That the clerk inform the Senate accordingly.

**ADJOURNMENT**

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

Mr. PISTELLA. Mr. Speaker, I move that this House do now adjourn until Wednesday, May 28, 1980, at 11 a.m., e.d.t.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 4:27 p.m., e.d.t., the House adjourned.