

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, JUNE 30, 1980

Session of 1980

164th of the General Assembly

No. 53

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE ALBERT RASCO, member of the House of Representatives and guest chaplain, offered the following prayer:

Our Father, we ask Your guidance today as we meet together to make decisions that will affect Your people in the State of Pennsylvania.

We need the wisdom and the courage to do the right thing that will be in accordance with Your will. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Wednesday, June 25, 1980, will be postponed until printed. The Chair hears none.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

The Senate presented the following resolution for concurrence:

In the Senate, June 30, 1980

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, September 15, 1980 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, September 15, 1980 unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate? Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate informed that the Senate has concurred in **HB 1815, PN 2230; HB 1882, PN 2332; HB 2083, PN 2639; HB 2583, PN 3409; HB 2657, PN 3526; HB 2658, PN 3527; HB 2659, PN 3528; HB 2660, PN 3529; HB 2661, PN 3530; HB 2663, PN 3532; and HB 2665, PN 3534.**

SENATE MESSAGE

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

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

HB 1549, PN 3606; HB 2134, PN 3642; and HB 2662, PN 3643.

The SPEAKER. The bills will appear on the calendar.

SENATE MESSAGE

SENATE CONCURRENCE IN HOUSE RESOLUTION

The Senate informed that the Senate has concurred in **HR 218, PN 3158.**

SENATE MESSAGE

HOUSE AMENDED SENATE BILLS CONCURRED IN

The clerk of the Senate informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 623, PN 1848; SB 1186, PN 1919; SB 1188, PN 1849; and SB 1246, PN 1878.**

SENATE MESSAGE

SENATE INSISTS ON NONCONCURRENCE AND APPOINTED CONFERENCE COMMITTEE

The Senate informed that the Senate insists on nonconcurrence in House amendments to **SB 985, PN 1601**, and has appointed Messrs. STAPLETON, SMITH and HOLL 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 CONCURRENCE AND
APPOINTMENT OF A CONFERENCE COMMITTEE**

Mr. RYAN moved that the House insist upon Senate concurrence in House amendments to SB 985, PN 1601, 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 SB 985, PN 1601: Messrs. POLITE, FREIND and Mrs. GEORGE.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

**SENATE INSISTS ON NONCONCURRENCE
AND APPOINTED CONFERENCE COMMITTEE**

The Senate informed that the Senate insists on nonconcurrence in House amendments to **SB 986, PN 1602**, and has appointed Messrs. STAPLETON, SMITH and HOLL 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 CONCURRENCE AND
APPOINTMENT OF A CONFERENCE COMMITTEE**

Mr. RYAN moved that the House insist upon Senate concurrence in House amendments to SB 986, PN 1602, 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 SB 986, PN 1602: Messrs. POLITE, FREIND and Mrs. GEORGE.

Ordered, That the clerk inform the Senate accordingly.

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. 227, 2107, and 2362.

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

June 26, 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 227, Printer's No. 3585, entitled "An act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for jury selection commissions, requiring certain budgetary data from the Court Administrator and providing for the qualifications, selection and service of jurors and providing penalties".

**DICK THORNBURGH
GOVERNOR**

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

June 26, 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 2362, Printer's No. 3401, entitled "An act amending the act of April 28, 1978 (P. L. 202, No. 53), entitled 'A supplement to the act of July 9, 1976 (P. L. 586, No. 142), entitled 'An act amending Titles 42 (Judiciary and Judicial Procedure), 15 (Corporations and Unincorporated Associations), 18 (Crimes and Offenses) and 71 (State Government) of the Pennsylvania Consolidated Statutes, adding revised, codified and compiled provisions relating to judiciary and judicial procedure, including certain judicially enforceable rights, duties, immunities and liabilities and separately enacting certain related provisions of law,' making revisions, corrections and additions relating to judiciary and judicial procedure, including certain judicially enforceable rights, duties, immunities and liabilities, adding certain provisions of existing law to and making conforming and editorial changes in certain provisions of the Pennsylvania Consolidated Statutes, fixing the general effective date of the act as supplemented hereby and repealing certain acts and parts of acts supplied by the act as supplemented hereby or by other acts or otherwise obsolete,' delaying the effective date of a repeal of provisions relating to post conviction hearings".

**DICK THORNBURGH
GOVERNOR**

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

June 27, 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 2107, Printer's No. 3004, entitled, "An act amending the act of October 5, 1972 (Sp. Sess. No. 1, P. L. 2019, No. 4), entitled, as amended, 'An act implementing the provisions of clause (1) of subsection (a) of Section 7 of the Article VIII of the Constitution of the Commonwealth of Pennsylvania authorizing the incurring of debt for the rehabilitation of areas affected by the Great Storm and Floods of September, 1971 and June, 1972, and the Great Flood of July, 1977 through urban development assistance; imposing duties upon the Governor, the Auditor General and State Treasurer; prescribing the procedures for the issuance, sale and payment of general obligations bonds, the funding of debt and refunding of bonds; exempting said bonds from State and local taxation; creating certain funds; and making an appropriation,' further providing for the disposition of certain funds".

**DICK THORNBURGH
GOVERNOR**

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

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

SB 265, PN 1951

Referred to Committee on State Government, June 30, 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. BURNS, for the week, who, I may add, is attending Reserve duty with the Armed Forces; for the gentleman from Philadelphia, Mr. McKELVEY, for today; for the gentleman from Bucks, Mr. WEIDNER, for the week; and for the gentleman from Northumberland, Mr. HELFRICK, for today.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I request a leave for the gentleman from Berks, Mr. CALTAGIRONE, for the week; for the gentleman from Westmoreland, Mr. SCHMITT, for the week; for the gentleman from Beaver, Mr. MILANOVICH, for the week; for the gentleman from Dauphin, Mr. REED, for today; and for the gentleman from Allegheny, Mr. AUSTIN, for today.

The SPEAKER. Without objection, leaves are granted.

MASTER ROLL CALL RECORDED

The SPEAKER. The members will please report to the floor. The Chair is about to take the master roll. Only those members in their seats may be recorded.

The following roll call was recorded:

YEAS—187

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

DeMedio	Irvis	Peterson	Trello
DeVerter	Itkin	Petrarca	Vroon
DeWeese	Johnson, E. G.	Phillips	Wachob
DiCarlo	Johnson, J. J.	Piccola	Wargo
Davies	Kanuck	Pievsky	Wass
Dawida	Klingaman	Pistella	Wenger
Dietz	Knepper	Pitts	White
Dininni	Knight	Polite	Wilson
Dombrowski	Kolter	Pott	Wilt
Donatucci, R.	Kowalyshyn	Pratt	Wright, D. R.
Dorr	Kukovich	Pucciarelli	Wright, Jr., J.
Duffy	Lashinger	Punt	Yahner
Durham	Laughlin	Pyles	Yohn
Earley	Lehr	Rappaport	Zeller
Fee	Lescovitz	Rasco	Zitterman
Fischer	Letterman	Rhodes	Zord
Fisher	Levi	Richardson	Zwilk
Foster, W. W.	Levin	Rieger	
Foster, Jr., A.	Lewis	Ritter	Seltzer,
Freind	Livengood	Rocks	Speaker
Fryer			

NAYS—0

NOT VOTING—5

Beloff	Dumas	Jones	Williams
Bennett			

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

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

BILLS SIGNED BY SPEAKER

The Chair gave notice that it was about to sign the following bills, which were then signed:

HB 1815, PN 2230

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), referred to as the Township State Highway Law, amending a route in West Bradford Township, Chester County.

HB 1882, PN 2332

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), referred to as the Township State Highway Law, deleting a route in Clearfield County.

HB 2083, PN 2639

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Environmental Resources, to convey a parcel of land in Manheim Township, York County, in exchange for two parcels of land located in West Manheim Township, York County, Pennsylvania.

HB 2583, PN 3409

An Act amending the act of August 14, 1963 (P. L. 1032, No. 451), entitled "An act amending the act of March 31, 1949 (P. L. 372, No. 34), entitled 'An act to promote the welfare of the people of the Commonwealth; *** for State aided institutions,'" changing the allocation of funds for the Old Museum Building and increasing the allocation for a project.

HB 2657, PN 3526

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal period July 1, 1980 to June 30, 1981 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980.

HB 2658, PN 3527

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal period July 1, 1980 to June 30, 1981 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980.

HB 2659, PN 3528

An Act making an appropriation to the Department of Labor and Industry from the Workmen's Compensation Administration Fund to provide for the expenses of administering the Pennsylvania Workmen's Compensation Act and the Pennsylvania Occupational Disease Act for the fiscal period July 1, 1980 to June 30, 1981 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980.

HB 2660, PN 3529

An Act making an appropriation from a restricted revenue account within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs.

HB 2661, PN 3530

An Act making an appropriation to the Department of General Services out of various funds for payment of rental charges to the General State Authority.

HB 2663, PN 3532

An Act making an appropriation to the Erie Philharmonic Orchestra, Erie.

HB 2665, PN 3534

An Act making an appropriation to the American Wind Symphony Orchestra, Pittsburgh.

SB 602, PN 634

An Act amending the act of June 20, 1919 (P. L. 521, No. 258), entitled, as amended, "Transfer Inheritance Tax Law," changing the rate of commission and increasing the maximum.

SB 623, PN 1848

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," providing for the powers of the mayor.

SB 888, PN 1373

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the time frame for the creation of a Legislative Reapportionment Commission.

SB 1186, PN 1919

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," authorizing expenditures for certain recreational purposes and providing for the investment of township funds.

SB 1188, PN 1849

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," providing for the investment of city funds.

SB 1246, PN 1878

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further regulating insurance companies, associations and exchanges and their policy provisions and further providing for the classification of risks.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third 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 third consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 266 be recommitted to the Committee on Local Government.

The SPEAKER. It has been moved by the majority leader, Mr. Ryan, that HB 266 be recommitted to the Committee on Local Government.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to third consideration of **HB 1587, PN 1897**, entitled:

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), referred to as the Second Class County Assessment Law, further providing for refunds of taxes.

On the question,

Will the House agree to the bill on third consideration?

Mr. POTT offered the following amendments:

Amend Sec. 1 (Sec. 17), page 2, line 14, by inserting after "of" county taxes of

Amend Sec. 1 (Sec. 17), page 2, line 16, by removing the period after "action" and inserting by the board of county commissioners on individual refunds.

On the question,

Will the House agree to the amendments?

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

Mr. POTT. My amendment is a technical amendment inserted into the bill to clarify that the approval is strictly that of the boards of county commissioners. It is clarifying language, and I would appreciate your support. Thank you.

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

The following roll call was recorded:

YEAS—165

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

NAYS—0

NOT VOTING—27

Arty	Fischer	Jones	Shadding
Barber	Gannon	Levin	Stairs
Beloff	Gatski	Miller	Taylor, E. Z.
Bennett	Grabowski	Mowery	Williams
Berson	Gray	Mullen	Wilt
Davies	Hoeffel	Rhodes	Yohn
Dumas	Hutchinson, W.	Richardson	

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

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?

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 Allegheny, Mr. Goebel.

Mr. GOEBEL. Mr. Speaker, I have an amendment which is being reproduced, which would be just a very short time. If you could possibly pass over the bill temporarily, I would like to run one amendment to that bill.

Mr. Speaker, I am in error. I am referring to SB 1287, which is not being considered at this time. I am very sorry.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, if I had been in my seat on the Pott amendment to HB 1587, I would have voted in the affirmative.

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

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

Mr. DAVIES. Mr. Speaker, for some reason or other my switch did not work on the Pott amendment to HB 1587. I would like to be recorded in the affirmative.

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

CONSIDERATION OF HB 1587 CONTINUED

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—173

Alden	Fryer	McIntyre	Salvatore
Anderson	Gallagher	McMonagle	Scheaffer
Armstrong	Gallen	McVerry	Schweder
Arty	Gamble	Mackowski	Serafini
Barber	Geesey	Madigan	Seventy
Belardi	Geist	Maiale	Shupnik
Berson	George, C.	Manderino	Sieminski
Bittle	George, M. H.	Manmiller	Sirianni
Borski	Giammarco	Michlovic	Smith, E. H.
Bowser	Gladeck	Micozzie	Smith, L. E.
Brandt	Goebel	Miller	Spencer
Brown	Goodman	Moehlmann	Spitz
Burd	Gray	Mowery	Stairs
Cappabianca	Greenfield	Mrkonic	Steighner
Cessar	Grieco	Murphy	Stewart
Chess	Gruppo	Nahill	Stuban
Cimini	Hagarty	Novak	Sweet
Civera	Halverson	Noye	Swift
Clark, B. D.	Harper	O'Brien, B. F.	Taddonio
Clark, M. R.	Hasay	O'Brien, D. M.	Taylor, E. Z.
Cochran	Hayes, Jr., S.	O'Donnell	Taylor, F.
Cole	Honaman	Oliver	Telek
Cornell	Hutchinson, A.	Perzel	Thomas
Coslett	Irvis	Peterson	Trello

Cowell	Itkin	Petrarca	Vroon
Cunningham	Johnson, E. G.	Phillips	Wachob
DeMedio	Johnson, J. J.	Piccola	Wargo
DeVerter	Kanuck	Pievsky	Wass
DeWeese	Klingaman	Pistella	Wenger
DiCarlo	Knepper	Pitts	White
Dawida	Knight	Polite	Wilson
Dietz	Kolter	Pott	Wilt
Dininni	Kowalyszyn	Pratt	Wright, D. R.
Dombrowski	Lashingner	Pucciarelli	Wright, Jr., J.
Donatucci, R.	Laughlin	Punt	Yahner
Dorr	Lehr	Pyles	Yohn
Duffy	Lescovitz	Rappaport	Zeller
Durham	Letterman	Rasco	Zitterman
Earley	Levi	Rhodes	Zord
Fee	Lewis	Rieger	Zwilk
Fisher	Livengood	Ritter	
Foster, W. W.	Lynch, E. R.	Rocks	Seltzer,
Foster, Jr., A.	McCall	Rodgers	Speaker
Freind	McClatchy	Ryan	

NAYS—0

NOT VOTING—19

Beloff	Fischer	Hutchinson, W.	Richardson
Bennett	Gannon	Jones	Shadding
Cohen	Gatski	Kukovich	Street
Davies	Grabowski	Levin	Williams
Dumas	Hoeffel	Mullen	

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

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 1589, PN 3473**, entitled:

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), further providing for preparation of the annual budget.

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—170

Alden	Foster, W. W.	Livengood	Rodgers
Anderson	Foster, Jr., A.	Lynch, E. R.	Ryan
Armstrong	Fryer	McCall	Salvatore
Arty	Gallagher	McClatchy	Scheaffer
Barber	Gallen	McIntyre	Schweder
Belardi	Gamble	McMonagle	Serafini
Berson	Geesey	McVerry	Seventy
Borski	Geist	Mackowski	Sieminski
Bowser	George, C.	Madigan	Sirianni
Brandt	George, M. H.	Maiale	Smith, E. H.
Brown	Giammarco	Manderino	Smith, L. E.
Burd	Gladeck	Manmiller	Spencer
Cappabianca	Goebel	Michlovic	Spitz

Cessar	Goodman	Miller	Stairs
Chess	Gray	Moehlmann	Steighner
Cimini	Greenfield	Nowery	Stewart
Civera	Grieco	Mrkonic	Stuban
Clark, B. D.	Gruppo	Murphy	Sweet
Clark, M. R.	Hagarty	Nahill	Swift
Cochran	Halverson	Novak	Taddonio
Cohen	Harper	Noye	Taylor, E. Z.
Cole	Hasay	O'Brien, D. M.	Taylor, F.
Cornell	Hayes, Jr., S.	O'Donnell	Telek
Coslett	Honaman	Oliver	Thomas
Cowell	Hutchinson, A.	Perzel	Trello
Cunningham	Irvic	Peterson	Vroon
DeMedio	Itkin	Petrarca	Wachob
DeVerter	Johnson, E. G.	Phillips	Wargo
DeWeese	Johnson, J. J.	Piccola	Wass
DiCarlo	Kanuck	Pievsky	Wenger
Davies	Klingaman	Pistella	Wilson
Dawida	Knepper	Pitts	Wilt
Dietz	Knight	Pott	Wright, D. R.
Dininni	Kolter	Pratt	Wright, Jr., J.
Dombrowski	Kowalyszyn	Pucciarelli	Yahner
Donatucci, R.	Kukovich	Punt	Yohn
Dorr	Lashingner	Pyles	Zeller
Duffy	Laughlin	Rappaport	Zitterman
Durham	Lehr	Rasco	Zord
Earley	Lescovitz	Rhodes	Zwilk
Fee	Letterman	Rieger	
Fischer	Levi	Ritter	Seltzer,
Fisher	Lewis	Rocks	Speaker

NAYS—0

NOT VOTING—22

Beloff	Gatski	Micozzie	Shadding
Bennett	Grabowski	Mullen	Shupnik
Bittle	Hoeffel	O'Brien, B. F.	Street
Dumas	Hutchinson, W.	Polite	White
Freind	Jones	Richardson	Williams
Gannon	Levin		

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

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

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

REMARKS ON VOTE

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

Mr. KUKOVICH. I failed to vote on HB 1587. I would like to be marked in the affirmative.

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 2370, PN 3063**, entitled:

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), further providing for the appointment of assistant county solicitors.

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

NAYS—1

Lewis

NOT VOTING—16

Arty	Gannon	Jones	Shadding
Beloff	Gatski	Levin	Street
Bennett	Grabowski	Micozzie	White
Dumas	Hutchinson, W.	Rasco	Williams

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

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 Allegheny, Mr. Rasco.

Mr. RASCO. Mr. Speaker, on the last vote to HB 2370, I was out of my seat. I would like to be recorded as a "yes" vote for that bill.

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

The Chair recognizes the lady from Montgomery, Mrs. Lewis.

Mrs. LEWIS. Yes, Mr. Speaker, I was recorded in the negative on HB 2370. I would like to be recorded in the positive.

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

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 316, PN 1890.

REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. RYAN called up for consideration the following Report of the Committee of Conference on SB 316, PN 1890, entitled:

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), entitled "Real Estate Tax Sale Law," further providing for returns by collectors in certain cases, and providing for notices prior to sales and confirmation of sales.

On the question,

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—170

Alden	Fryer	McClatchy	Rodgers
Anderson	Gallagher	McIntyre	Ryan
Armstrong	Gallen	McMonagle	Salvatore
Arty	Gamble	McVerry	Scheaffer
Barber	Geesey	Madigan	Seventy
Belardi	Geist	Maiale	Shupnik
Berson	George, C.	Manderino	Sieminski
Bittle	George, M. H.	Manmiller	Sirianni
Borski	Giammarco	Michlovic	Smith, E. H.
Bowser	Gladeck	Micozzie	Smith, L. E.
Brandt	Goebel	Miller	Spencer
Brown	Goodman	Moehlmann	Spitz
Burd	Gray	Mowery	Stairs
Cessar	Greenfield	Mrkonic	Steighner
Chess	Grieco	Mullen	Stewart
Cimini	Gruppo	Murphy	Stuban
Civera	Hagarty	Nahill	Sweet
Clark, B. D.	Harper	Novak	Swift
Clark, M. R.	Hasay	O'Brien, B. F.	Taddonio
Cohen	Hayes, Jr., S.	O'Brien, D. M.	Taylor, E. Z.

Cornell	Hoeffel	O'Donnell	Taylor, F.
Coslett	Honaman	Oliver	Telek
Cowell	Hutchinson, A.	Perzel	Thomas
Cunningham	Irvis	Peterson	Trello
DeMedio	Itkin	Petrarca	Vroon
DeVerter	Johnson, E. G.	Phillips	Wachob
DeWeese	Johnson, J. J.	Piccola	Wargo
DiCarlo	Kanuck	Pievsky	Wass
Davies	Klingaman	Pistella	Wenger
Dawida	Knepper	Pitts	White
Dietz	Knight	Polite	Wilson
Dininni	Kolter	Pott	Wilt
Donatucci, R.	Kowalshyn	Pratt	Wright, D. R.
Dorr	Kukovich	Pucciarelli	Wright, Jr., J.
Duffy	Lashinger	Punt	Yahner
Durham	Laughlin	Pyles	Yohn
Earley	Lehr	Rappaport	Zeller
Fee	Lescovitz	Rasco	Zitterman
Fischer	Letterman	Rhodes	Zord
Fisher	Lewis	Richardson	Zwinkl
Foster, W. W.	Livengood	Rieger	
Foster, Jr., A.	Lynch, E. R.	Ritter	Seltzer,
Freind	McCall	Rocks	Speaker

NAYS—8

Cappabianca	Dombrowski	Levi	Noye
Cochran	Halverson	Mackowski	Serafini

NOT VOTING—14

Beloff	Gannon	Jones	Shadding
Bennett	Gatski	Levin	Street
Cole	Grabowski	Schweder	Williams
Dumas	Hutchinson, W.		

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

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.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 1352, PN 3497**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

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

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

The **SPEAKER**. The Chair recognizes the majority leader.

Mr. **RYAN**. Mr. Speaker, I suggest that the House do concur in the amendments inserted by the Senate.

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

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

YEAS—179

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

NAYS—0

NOT VOTING—13

Beloff	Gannon	Jones	Shadding
Bennett	Gatski	Levin	White
Cole	Hutchinson, W.	Schweder	Williams
Dumas			

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTES

The **SPEAKER**. The Chair recognizes the gentleman from Adams, Mr. Cole.

Mr. **COLE**. Mr. Speaker, on **HB 1352** and **SB 316**, I would like to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, on SB 316, I inadvertently voted in the negative. I would like to be recorded in the affirmative, please.

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

RECONSIDERATION OF VOTE ON HB 2667

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

Mr. D. M. FISHER. I move that the vote by which HB 2667, PN 3536, was defeated on the 17th day of June be reconsidered.

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

Mr. McCLATCHY. I second the motion.

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

The following roll call was recorded:

YEAS—171

Table listing names of members who voted 'YEAS' for HB 2667, including Alden, Anderson, Armstrong, Arty, Barber, Belardi, Berson, Bittle, Borski, Bowser, Brandt, Brown, Burd, Cappabianca, Cessar, Chess, Cimini, Civera, Clark, B. D., Clark, M. R., Cochran, Cole, Cornell, Coslett, Cowell, Cunningham, DeMedio, DeVerter, DeWeese, DiCarlo, Davies, Dawida, Dietz, Dininni, Dombrowski, Dorr, Duffy, Durham, Earley, Fee, Fischer, Fisher, Foster, W. W., Freind, Fryer, Gallen, Gamble, Geesey, Geist, George, C., George, M. H., Giammarco, Gladeck, Goebel, Goodman, Grabowski, Gray, Greenfield, Grieco, Gruppo, Hagarty, Halverson, Harper, Hasay, Hayes, Jr., S., Hoefel, Honaman, Hutchinson, A., Irvis, Itkin, Johnson, E. G., Johnson, J. J., Kanuck, Klingaman, Knepper, Knight, Kolter, Kowalyszyn, Lashing, Laughlin, Lehr, Lescovitz, Letterman, Levi, Lewis, Livengood, Lynch, E. R., McCall, McClatchy, McMonagle, McVerry, Mackowski, Madigan, Maiale, Manderino, Manmiller, Michlovic, Micozzie, Mochlmann, Mowery, Mrkonic, Mullen, Murphy, Nahill, Novak, Noye, O'Brien, B. F., O'Brien, D. M., O'Donnell, Oliver, Perzel, Peterson, Petrarca, Phillips, Piccola, Pievsky, Pistella, Pitts, Polite, Pott, Pratt, Pucciarelli, Punt, Pyles, Rappaport, Rasco, Rhodes, Richardson, Ritter, Rocks, Rodgers, Ryan, Salvatore, Scheaffer, Serafini, Seventy, Shupnik, Sieminski, Sirianni, Smith, E. H., Smith, L. E., Spencer, Spitz, Stairs, Steighner, Stewart, Street, Suban, Sweet, Swift, Taddonio, Taylor, E. Z., Taylor, F., Telek, Thomas, Trello, Vroon, Wachob, Wargo, Wass, Wenger, Wilson, Wilt, Wright, D. R., Wright, Jr., J., Yahner, Yohn, Zitterman, Zord, Seltzer, Speaker

Foster, Jr., A.

NAYS—3

Cohen Gallagher Kukovich

NOT VOTING—18

Table listing names of members who did not vote, including Beloff, Bennett, Donatucci, R., Dumas, Gannon, Gatski, Hutchinson, W., Jones, Levin, McIntyre, Miller, Rieger, Schweder, Shadding, White, Williams, Zeller, Zwikel

EXCUSED—9

Table listing names of members who were excused, including Austin, Burns, Caltagirone, Helfrick, McKelvey, Milanovich, Reed, Schmitt, Weidner

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

BILL PLACED ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 2667 be placed upon the final passage postponed calendar.

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

RECONSIDERATION OF VOTE ON HB 1440

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

Mr. ANDERSON. Mr. Speaker, I move that the vote by which HB 1440 was defeated on the 11th day of June be reconsidered.

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

Mr. LEHR. I second the motion.

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

The following roll call was recorded:

YEAS—151

Table listing names of members who voted 'YEAS' for HB 1440, including Alden, Anderson, Armstrong, Arty, Barber, Belardi, Berson, Bittle, Borski, Bowser, Brandt, Brown, Burd, Cappabianca, Cessar, Chess, Cimini, Clark, M. R., Cochran, Cole, Fisher, Foster, W. W., Foster, Jr., A., Freind, Fryer, Gallen, Gamble, Geesey, Geist, George, C., George, M. H., Giammarco, Gladeck, Goodman, Grabowski, Greenfield, Grieco, Gruppo, Hagarty, Halverson, Letterman, Levi, Lewis, Livengood, Lynch, E. R., McCall, McIntyre, McVerry, Mackowski, Madigan, Manderino, Manmiller, Micozzie, Miller, Mochlmann, Mowery, Mrkonic, Mullen, Murphy, Nahill, Rasco, Ritter, Rocks, Rodgers, Ryman, Salvatore, Scheaffer, Serafini, Seventy, Shupnik, Sieminski, Smith, E. H., Smith, L. E., Spitz, Stairs, Steighner, Suban, Swift, Taddonio, Taylor, E. Z.

Cornell	Hayes, Jr., S.	Noye	Taylor, F.
Coslett	Hoefel	O'Brien, B. F.	Telek
Cowell	Honaman	O'Brien, D. M.	Thomas
Cunningham	Hutchinson, A.	O'Donnell	Vroon
DeVerter	Irvis	Oliver	Wargo
DeWeese	Itkin	Perzel	Wass
DiCarlo	Johnson, E. G.	Peterson	Wenger
Davies	Johnson, J. J.	Phillips	Wilt
Dawida	Kanuck	Piccola	Wright, D. R.
Dietz	Klingaman	Pievsky	Yahner
Dininni	Knepper	Pitts	Yohn
Dombrowski	Knight	Polite	Zeller
Donatucci, R.	Kolter	Pott	Zitterman
Dorr	Kowalyshyn	Pratt	Zord
Duffy	Lashingner	Pucciarelli	Zwilk
Durham	Laughlin	Punt	
Earley	Lehr	Pyles	Seltzer,
Fee	Lescovitz	Rappaport	Speaker
Fischer			

NAYS—14

Clark, B. D.	Gray	Maiale	Richardson
Cohen	Harper	Michlovic	Stewart
Gallagher	Kukovich	Pistella	Sweet
Goebel	McMonagle		

NOT VOTING—27

Beloff	Hasay	Rhodes	Trello
Bennett	Hutchinson, W.	Rieger	Wachob
Civera	Jones	Schweder	White
DeMedio	Levin	Shadding	Williams
Dumas	McClatchy	Sirianni	Wilson
Gannon	Novak	Spencer	Wright, Jr., J.
Gatski	Petrarca	Street	

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

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

BILL PLACED ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 1440 be placed on the final passage postponed calendar.

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

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

Mr. KUKOVICH. Mr. Speaker, I respectfully request that on some of these motions to reconsider, we have some time to check the substance of the bill and also to check whether it was done within 5 legislative days. We really did not have the opportunity, and I will continue to vote "no" on any reconsideration unless I know what I am voting on.

RECONSIDERATION OF VOTE ON HB 2490

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

Mr. RICHARDSON. I move that the vote by which HB 2490 was passed on the 25th day of June be reconsidered.

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

Mr. WHITE. I second the motion.

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

The following roll call was recorded:

YEAS—174

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

NAYS—4

Belardi	Wilson	Wright, Jr., J.	Zord
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NOT VOTING—14

Beloff	Gannon	Levin	Shadding
Bennett	Gatski	Rhodes	White
Bowser	Hutchinson, W.	Schweder	Williams
Dumas	Jones		

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

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

**BILL PLACED ON FINAL
PASSAGE POSTPONED CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 2490 be placed on the final passage postponed calendar.

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

**RECONSIDERATION OF VOTE
ON SB 640**

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

Mr. DORR. Mr. Speaker, I move that the vote by which SB 640 was passed on the 23d day of June be reconsidered.

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

Mr. YOHN. I second the motion.

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

The following roll call was recorded:

YEAS—167

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

NAYS—10

- | | | | |
|-----------|-----------|--------|-----------|
| Gallagher | Maiale | Mullen | Stewart |
| Gray | Michlovic | Ritter | Zitterman |
| Kukovich | Mrkonic | | |

NOT VOTING—15

- | | | | |
|---------|----------------|-----------|----------|
| Beloff | Gatski | Levin | Sirianni |
| Bennett | Hutchinson, W. | McMonagle | White |
| Dumas | Jones | Schweder | Williams |
| Gannon | Letterman | Shadding | |

EXCUSED—9

- | | | | |
|-------------|----------|------------|---------|
| Austin | Helfrick | Milanovich | Schmitt |
| Burns | McKelvey | Reed | Weidner |
| Caltagirone | | | |

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

**BILL PLACED ON FINAL
PASSAGE POSTPONED CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 640 be placed on the final passage postponed calendar.

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

REMARKS ON VOTE

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

Mrs. ARTY. Mr. Speaker, may I be recorded, please, on HB 2370 as being in the affirmative? Thank you.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I am going to ask that we break now for 1 1/2 hours. I would ask all the Republican members to go to the majority caucus room on the declaration of the recess. Any questions with respect to the balance of the week will be addressed at that caucus. I would ask that the minority leader or his caucus chairman pay particular attention in caucus today to any of the Senate bills on our calendar, concurrences in the conference committee reports. We will return to the floor at 3:30 and try and clean up the calendar as best we can. Thank you, Mr. Speaker.

STATE GOVERNMENT COMMITTEE MEETING

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

Mr. BERKS. Mr. Speaker, there will be a meeting right now of the State Government Committee in room 401. Will all the members of the State Government Committee report immediately to room 401?

BILL SIGNED BY SPEAKER

The Chair gave notice that it was about to sign the following bill, which was then signed:

HB 1352, PN 3497

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

DEMOCRATIC CAUCUS

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

Mr. GREENFIELD. There will be a Democratic caucus immediately upon the recess, and I say immediately. I would like you to report so we can get on with our work.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES****HB 2798, PN 3712** By Rep. THOMAS

An Act amending the act of December 11, 1967 (P. L. 707, No. 331), referred to as the Pennsylvania Thoroughbred Horse Racing Law, further providing for the disposition of pari-mutuel pools.

AGRICULTURE AND RURAL AFFAIRS.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, in accordance with the rules, I submit the following additions and deletions of sponsors:

ADDITIONS:

HB 2642, A. C. Foster 129; HB 2642, Mrkonic 189; HB 2642, Noye 16; HB 2642, Punt 128; HB 2642, Spencer 59; HB 2642, Stuban 8.

DELETIONS:

HB 2605, Vroon 178; HB 2490, Micozzie 66; HB 2490, Civera 39.

REMARKS ON VOTE

The SPEAKER. For what reason does the gentleman from Mercer, Mr. Wilt, rise?

Mr. WILT. Mr. Speaker, would you please have the record note that on SB 316, PN 1890, I inadvertently voted in the affirmative? I would like to be recorded in the negative.

RECESS

The SPEAKER. Without objection, this House now stands in recess until 3:30 p.m. The Chair hears none.

AFTER RECESS

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

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND Tabled****SB 265, PN 1951**

By Rep. GALLEN

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing the General Assembly to increase certain retirement benefits or pensions.

STATE GOVERNMENT.

**REPORT OF COMMITTEE
OF CONFERENCE PRESENTED**

Mr. GALLEN presented the Report of the Committee of Conference on **SB 764, PN 1967**.

The SPEAKER. The report will be laid over for printing under the rules.

SENATE MESSAGE**HOUSE AMENDED SENATE
BILL CONCURRED IN**

The clerk of the Senate informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 768, PN 1936**.

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 1873, PN 3650

The SPEAKER. The bill will appear on the calendar.

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

Mr. RYAN called up for consideration the following Report of the Committee of Conference on **HB 1262, PN 3704**, entitled:

An Act providing for adoption of capital projects to be financed from current revenues of the General Fund and making appropriations.

On the question,

Will the House concur in Senate amendments?

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

YEAS—172

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

NAYS—5

Cappabianca	Dombrowski	Hutchinson, A.	Zeller
DiCarlo			

NOT VOTING—15

Beloff	Johnson, J. J.	Pyles	White
Bennett	Jones	Rieger	Williams
Cornell	Levin	Shadding	Wright, D. R.
Dumas	Oliver	Vroon	

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

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 VOTE

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

Mr. DAVIES. On HB 1587 on final passage, my switch was inoperative. I would like to be recorded in the affirmative.

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

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 518, PN 1901.

REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. RYAN called up for consideration the following Report of the Committee of Conference on SB 518, PN 1901, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further providing for the number of licenses in certain municipalities, permitting minors to enter licensed premises for social purposes under certain conditions, defining the term "proper supervision," authorizing special occasion permits for certain museums and performing arts groups in third class cities.

On the question,

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—131

Alden	Fryer	Lewis	Schweder
Anderson	Gallen	Livengood	Serafini
Armstrong	Gamble	Lynch, E. R.	Seventy
Arty	Gannon	McCall	Shupnik
Belardi	Geesey	McClatchy	Sieminski
Berson	Geist	McMonagle	Sirianni
Bittle	George, M. H.	Madigan	Smith, E. H.
Borski	Giammarco	Manderino	Smith, L. E.
Bowser	Goebel	Manmiller	Spencer
Brandt	Goodman	Micozzie	Spitz
Burd	Gray	Moehlmann	Steighner
Cappabianca	Grieco	Murphy	Stewart
Cessar	Gruppo	Nahill	Stuban
Chess	Hagarty	Novak	Taddonio
Cimini	Halverson	Noye	Taylor, E. Z.
Civera	Harper	O'Brien, B. F.	Taylor, F.
Clark, M. R.	Hasay	Perzel	Telek
Cochran	Hayes, Jr., S.	Peterson	Thomas
Cohen	Hoefel	Petrarca	Trello
Cole	Honaman	Phillips	Vroon
Cornell	Hutchinson, A.	Piccola	Wachob
Coslett	Hutchinson, W.	Pievsky	Wargo
Cowell	Johnson, E. G.	Polite	Wilson
DeWeese	Kanuck	Pratt	Wright, D. R.
DiCarlo	Klingaman	Pucciarelli	Wright, Jr., J.
Davies	Knepper	Punt	Yohn
Dawida	Knight	Pyles	Zeller
Dininni	Kolter	Rappaport	Zitterman
Dombrowski	Kowalshyn	Ritter	Zord
Dorr	Kukovich	Rocks	Zwilk
Durham	Laughlin	Rodgers	
Earley	Lehr	Ryan	Seltzer,
Fisher	Levin	Salvatore	Speaker
Freind			

NAYS—43

Brown	Gallagher	Levi	Rasco
Clark, B. D.	Gatski	Mackowski	Scheaffer
Cunningham	George, C.	Maiale	Stairs
DeMedio	Gladeck	Michlovic	Street
DeVerter	Grabowski	Miller	Sweet
Dietz	Greenfield	Mowery	Swift
Duffy	Irvis	Mrkonic	Wass
Fee	Itkin	Mullen	Wenger
Fischer	Lashingier	O'Donnell	Wilt
Foster, W. W.	Lescovitz	Pistella	Yahner
Foster, Jr., A.	Letterman	Pitts	

NOT VOTING—18

Barber	Johnson, J. J.	Oliver	Rieger
Beloff	Jones	Pott	Shadding
Bennett	McIntyre	Rhodes	White
Donatucci, R.	McVerry	Richardson	Williams
Dumas	O'Brien, D. M.		

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

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 VOTE

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

Mr. ITKIN. Mr. Speaker, I inadvertently voted in the negative on SB 518. I would like my vote to be recorded in the affirmative.

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

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 1527, PN 3470**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), permitting certain hotel or restaurant liquor licensees to sell liquor and malt or brewed beverages on election days, further providing for penalties for out-of-state manufacturers of malt or brewed beverages; further defining the term "incorporated unit of a national veterans' organization" and making editorial changes.

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I suggest that the House nonconcur in the amendments inserted by the Senate to HB 1527.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I agree with the suggestion of the majority leader and ask that we nonconcur.

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

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

YEAS—1

Miller

NAYS—176

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

NOT VOTING—15

Barber	Johnson, J. J.	Rhodes	White
Beloff	Jones	Rieger	Williams
Bennett	McIntyre	Shadding	Wilt
Dumas	Oliver	Taylor, F.	

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

Less than the majority required by the Constitution having voted in the affirmative, the question was deter-

mined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, on SB 518, I voted in the affirmative and I would like the record to change that to the negative.

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

The Chair recognizes the gentleman from Venango, Mr. Peterson.

Mr. PETERSON. Mr. Speaker, on SB 518, I was recorded as voting in the affirmative. I would like to be recorded in the negative.

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Likewise, Mr. Speaker, my vote on SB 518 on concurrence was in the affirmative. I would have preferred it to be in the negative.

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

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

Mr. LETTERMAN. Mr. Speaker, on SB 518, I voted in the negative and would like my vote in the affirmative.

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

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

Mr. SWEET. On the same bill, SB 518, I voted in the negative and would like to be recorded in the affirmative.

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

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I was out of my seat on the following bills and would like to be recorded: HB 1589, PN 3473, aye; HB 1587, PN 1897, aye; HB 2370, PN 3063, aye; and on the recommittal of HB 266, I would like to be voted in the affirmative, and on the Conference Committee Report to HB 316. Thank you, Mr. Speaker.

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

Mr. McVERRY. I was out of my seat when the vote was taken on SB 518. I would like to be recorded in the affirmative.

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

Mr. LESCOVITZ. Mr. Speaker, on SB 518 I voted in the negative. I would like to be recorded in the affirmative.

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

Mr. LIVENGOOD. Mr. Speaker, not knowing the content of SB 518 when we voted on it, I voted in the affirmative. I would like to be recorded in the negative.

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

Mr. D. R. WRIGHT. My switch also malfunctioned on SB 518. I would like to be recorded in the negative.

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

Mr. ITKIN. Mr. Speaker, on SB 518, in view of the fact that there were numerous members who were not aware what they were voting on, I wonder whether we can have a revote on the bill?

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following HB 1937, PN 3599, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

An Act amending the act of July 12, 1935 (P. L. 677, No. 255), entitled "An act to fix the status of officers and employes of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States," including reservists who are employed by the instrumentalities of the Commonwealth or its political subdivisions within the provisions of the act.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate to HB 1937.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—171

Alden	Foster, Jr., A.	Levin	Rodgers
Anderson	Freind	Lewis	Ryan
Armstrong	Fryer	Livengood	Salvatore
Arty	Gallagher	Lynch, E. R.	Scheaffer
Belardi	Gallen	McCall	Serafini
Berson	Gamble	McClatchy	Seventy
Bittle	Gatski	McMonagle	Shupnik
Borski	Geesey	McVerry	Sieminski
Bowser	Geist	Mackowski	Sirianni
Brandt	George, C.	Madigan	Smith, E. H.
Brown	George, M. H.	Maiale	Smith, L. E.
Burd	Giammarco	Manderino	Spencer
Cappabianca	Gladeck	Manmiller	Spitz
Cessar	Goebel	Michlovic	Stairs
Chess	Goodman	Micozzie	Steighner
Cimini	Grabowski	Miller	Stewart
Civera	Gray	Moehlmann	Stuban
Clark, B. D.	Greenfield	Mowery	Sweet
Clark, M. R.	Grieco	Mrkonic	Swift
Cochran	Gruppo	Mullen	Taddonio
Cohen	Halverson	Murphy	Taylor, E. Z.
Cole	Harper	Nahill	Taylor, F.
Cornell	Hasay	Novak	Telek

Coslett	Hayes, Jr., S.	Noye	Thomas
Cowell	Hoeffel	O'Brien, B. F.	Trello
Cunningham	Honaman	O'Donnell	Vroon
DeMedio	Hutchinson, A.	Perzel	Wachob
DeVerter	Hutchinson, W.	Peterson	Wargo
DeWeese	Itkin	Petrarca	Wass
DiCarlo	Johnson, E. G.	Phillips	Wenger
Davies	Kanuck	Piccola	Wilson
Dawida	Klingaman	Pievsky	Wilt
Dietz	Knepper	Pistella	Wright, D. R.
Dininni	Knight	Pitts	Wright, Jr., J.
Dombrowski	Kolter	Polite	Yahner
Donatucci, R.	Kowalshyn	Pott	Yohn
Dorr	Kukovich	Pratt	Zeller
Duffy	Lashingner	Pucciarelli	Zitterman
Durham	Laughlin	Punt	Zord
Earley	Lehr	Pyles	Zwilk
Fee	Lescovitz	Rasco	
Fischer	Letterman	Ritter	Seltzer,
Fisher	Levi	Rocks	Speaker
Foster, W. W.			

NAYS—4

Hagarty	Rappaport	Richardson	Street
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NOT VOTING—17

Barber	Irvs	O'Brien, D. M.	Schweder
Beloff	Johnson, J. J.	Oliver	Shadding
Bennett	Jones	Rhodes	White
Dumas	McIntyre	Rieger	Williams
Gannon			

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

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

Mr. TRELLO. Mr. Speaker, on SB 518 I was voted in the affirmative. I would like to be recorded in the negative.

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

RECONSIDERATION MOTION FILED

The SPEAKER. The Chair has just received a reconsideration motion on SB 518, and the Chair has been informed that the bill has already left the possession of the House.

The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, immediately upon the passage of that bill, I informed your clerk there that we were filing a reconsideration motion and please do not send the bill out. You mean in face of that information you still sent the bill out?

The SPEAKER. The gentleman whom you are referring to informed me 30 seconds ago that you were going to send a reconsideration motion to the desk. Thirty seconds later the reconsideration motion came up here and the bill had already left my possession.

Mr. MANDERINO. How about sending somebody to bring it back?

The SPEAKER. The gentleman might be appointed as a committee of one to chase him down.

Mr. MANDERINO. Mr. Speaker, that is why we employ pages and sergeants at arms.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the lady from Montgomery, Mrs. Hagarty. For what purpose does the lady rise?

Mrs. HAGARTY. Mr. Speaker, I inadvertently voted in the negative on HB 1937. I would like to be recorded in the affirmative. Thank you.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I do not know whether I was recorded on the vote of HB 1937, PN 3599. Although I was in my seat, I was filling out the reconsideration papers on SB 518. Therefore, if I have not officially been voted, I would ask that the record show had I voted, I would have voted in the affirmative on HB 1937.

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

Mr. RASCO. Mr. Speaker, on SB 518 I am recorded as voting "no." I would like to change my vote to "yes" on SB 518.

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

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 2184, PN 3607**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the jurisdiction of the Supreme Court of Pennsylvania.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I request that the House do concur in the amendments inserted by the Senate to HB 2184.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, on this bill, after the Senate amendment was on the calendar for the first time today, the Democratic leadership of the House of Representatives requested that this bill be held and not voted today. I guess you are not honoring that request either.

The SPEAKER. The Chair's calendar has not been so noted.

Mr. MANDERINO. Well, Mr. Speaker, the majority leader and majority whip both have information that the Democrats have asked for a hold on this bill. I discussed it with Mr. Ryan personally, and he discussed it with Mr. Hayes personally. I think that we are entitled to a hold on a bill that appears on the calendar for the first day.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, it is true that the gentleman, Mr. Manderino, suggested or asked that this bill not be run this morning. That was prior to caucus when I told him that we were interested in caucusing on and moving today all of the bills that were in a position that they could become law. The reason given for the hold I did not think was of a legislative nature, and accordingly I said that I was going to call the bill up and have it moved today.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, does the sum total of all that come down to a bottom line that you are not going to respect the hold requested by the minority leader and the minority whip on a bill that has been on the calendar for one day in its present form?

Mr. RYAN. Mr. Speaker, there is no assurance from Mr. Irvis or Mr. Manderino that this bill will ever be in a position to vote in the near future. The reasons given to me for the hold were of a nonlegislative nature. It was not a request to hold it so that amendments would be drawn but rather it was something that had nothing to do with the legislation as such. If the gentleman is requesting that it be held until tomorrow, I have no problem with that, but that was not his request. His request was that he does not want it run.

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

Mr. SPENCER. Mr. Speaker, I urge that we concur in the Senate amendments to HB 2184. This is a very, very important bill in the last leg in the reformation of the appellate court judicial review. All this bill does, as amended by the Senate, is nail down the fact that the Supreme Court must hear all cases involving murder and it must consider the entire record. That is all that amendment did. The bill as it left the House stated that it review all sentences, and the Senate wanted to make sure that it reviewed the entire record.

There is no legitimate legislative reason that this bill be held. The minority leader knows it. This is being held for reasons other than the purpose of the bill. I would urge all to vote for concurrence of this bill and urge that it be brought up at this time.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I congratulate you on your tactics from moving from my parliamentary inquiries and my interrogation of the Chair and the majority leader to a discussion of the merits of the bill, and since we are moving to the merits of the bill, I would like to discuss the merits of the bill.

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

Mr. MANDERINO. Mr. Speaker, the bill is a bill which does a lot more than the gentleman, Mr. Spencer, indicates that it does. The amendments made by the Senate do a lot more than Mr. Spencer indicates that they do.

POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Tioga, who raises a point of order. The gentleman may state his point of order.

Mr. SPENCER. On a bill on concurrence in Senate amendments before the House, is the entire bill open for debate or simply the amendments placed in the bill by the Senate?

POINT OF ORDER

Mr. MANDERINO. Mr. Speaker, a point of order.

The SPEAKER. Will the gentleman yield?

Mr. MANDERINO. No, no. He did not yield when he had a point of order. Why should I yield when I have a point of order? My point of order is that his was not a point of order. His was a point of parliamentary inquiry.

The SPEAKER. The gentleman will yield. The Chair recognizes the minority whip for a point of order.

Mr. MANDERINO. Mr. Speaker, the gentleman rose to a point of order. My understanding of a point of order is that there is something that he wants to call the Chair's attention to that is proceeding out of order. He proceeded with a point of parliamentary inquiry, and this House, although it is liberal, should not allow parliamentary inquiry under a call for a point of order when a speaker is being interrupted.

The SPEAKER. Will the gentleman yield, both gentlemen?

In response to the gentleman from Tioga, Mr. Spencer, the Chair is unable to rule on his point of order because the Chair, unfortunately, was not listening to the remarks that were being made at the moment by the minority whip, Mr. Manderino.

The Chair would suggest that the minority whip proceed with his remarks and the Chair will be more diligent and listen to his remarks and then try to avoid any further nit-picking. The gentleman may proceed.

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Spencer, indicated to this House what the Senate had done to this particular bill passed by the House. The gentleman also referred to this particular piece of legislation—and not necessarily the amendments imposed by the Senate—as the last leg of the reformation of the court. Now, I do not know whether that was dealing with the amendment of the Senate or the entire bill as the last leg of the reformation process. But I was simply commenting on what he had said himself.

Mr. Speaker, the Senate made changes in the bill. The bill appears for the first time on the calendar today. They not only made changes, as Mr. Spencer indicated, having to do with the death penalty in murder cases; they made

changes having to do with the disciplinary board and the rulemaking power of the Supreme Court, and if he will check lines 21 through 25 on the second page, he will, I think, agree with me that changes were made in that area too. Obviously, he did not read the bill very well if he did not think that that particular— Maybe that particular second change had been made.

Mr. Speaker, in addition, if he does not need additional time to study the bill, those of us who would like additional time to study the bill should have been given some consideration. In any event, Mr. Speaker, what this bill does, with the amendment put in by the Senate, is to extend the jurisdiction of the Superior Court of Pennsylvania and limit the jurisdiction of the Supreme Court of Pennsylvania, a much heavier burden, even with the amendments put in by the Senate added to the body of the entire bill, additional jurisdiction, additional work is being placed on the Superior Court, and that is the reason the Superior Court is being expanded.

Mr. Speaker, we have not in fact yet expanded the Superior Court. There are not additional judges of the Superior Court in place to do the work that this particular bill would impose upon that court, and, Mr. Speaker, until those judges are in place to do the work, this bill ought to be delayed, and if you cannot see your way to hold this bill until judges are in place, I will recommend a negative vote and continue to recommend a negative vote. You can explain to the people of Pennsylvania and to the judges of the Superior Court why additional workload has been given to them and taken away from the Supreme Court without first having put in place the people to do that additional work, and they are not yet in place, Mr. Speaker.

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

Mr. SPENCER. I did not renew my objection, because I would hope that the Speaker would then allow me to answer the extraneous matters put in by the minority leader, and that is—

Mr. MANDERINO. Mr. Speaker, I am not going to be that courteous with the gentleman. If he is out of order, call him out of order.

Mr. SPENCER. The gentleman's objection to running this bill today is based solely on the fact, as he stated to me and the majority leader, that he was waiting until the Senate finds out who the judges are going to be for the Superior Court. That is no reason to hold up this bill. This bill is necessary; it is needed; we have nothing to do with the other body on confirmation of appointees; and I request that this House vote on this bill and defeat the specious reasoning and get on with the business of the day. Thank you.

The SPEAKER. Does the gentleman, Mr. Manderino, wish to be recognized?

Mr. MANDERINO. Only to suggest that those members in their seats are the only ones permitted to vote.

The SPEAKER. Only those members in their seats are permitted to vote. The members will proceed to vote.

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

(Members proceeded to vote.)

Mr. MANDERINO. Mr. Speaker, there are some votes that I would like to ask about.

The SPEAKER. The gentleman will call those members by name.

Mr. MANDERINO. Oh, they went off, Mr. Speaker. They seem to have gone off. They are still going off, Mr. Speaker.

Mr. Speaker, if you close the board, I will not have to call the names.

The SPEAKER. The Chair always tries to be fair to the minority whip.

Mr. MANDERINO. I understand that, Mr. Speaker.

The SPEAKER. Does the gentleman have any further challenges?

Mr. MANDERINO. Mr. Speaker, if there are no more votes that go up on the board except—

The SPEAKER. Does the gentleman have any challenges?

Mr. MANDERINO. I will challenge if additional votes go up that are on my list, Mr. Speaker.

The SPEAKER. Does the gentleman have any challenges?

Mr. MANDERINO. Not at the moment, Mr. Speaker.

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

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

YEAS—96

Alden	Foster, W. W.	Lynch, E. R.	Serafini
Anderson	Foster, Jr., A.	McClatchy	Sieminski
Armstrong	Freind	McVerry	Sirianni
Arty	Gallen	Mackowski	Smith, E. H.
Belardi	Gannon	Madigan	Smith, L. E.
Berson	Geesey	Manmiller	Spencer
Bittle	Geist	Micozzie	Spitz
Bowser	Gladeck	Miller	Stairs
Brandt	Grieco	Moehlmann	Swift
Burd	Gruppo	Mowery	Taddonio
Cessar	Hagarty	Nahill	Taylor, E. Z.
Cimini	Halverson	Perzel	Telek
Civera	Hasay	Peterson	Thomas
Clark, M. R.	Hayes, Jr., S.	Phillips	Wachob
Cornell	Honaman	Piccola	Wass
Coslett	Hutchinson, W.	Pitts	Wenger
Cunningham	Johnson, E. G.	Polite	Wilson
DeVerter	Kanuck	Pott	Wilt
Davies	Klingaman	Punt	Wright, Jr., J.
Dietz	Knepper	Rasco	Yohn
Dorr	Kukovich	Rocks	Zord
Durham	Lashingner	Ryan	
Earley	Lehr	Scheaffer	Seltzer,
Fischer	Levi	Schweder	Speaker
Fisher	Lewis		

NAYS—78

Borski	George, C.	McCall	Richardson
Brown	George, M. H.	McIntyre	Ritter
Cappabianca	Giammarco	McMonagle	Seventy
Chess	Goebel	Maiale	Shadding
Clark, B. D.	Goodman	Manderino	Shupnik
Cochran	Grabowski	Michlovic	Steighner
Cohen	Gray	Mrkonic	Stewart
Cole	Greenfield	Mullen	Street
Cowell	Harper	Murphy	Stuban
DeMedio	Hoeffel	Novak	Sweet

DeWeese	Iris	O'Donnell	Taylor, F.
DiCarlo	Itkin	Oliver	Trello
Dawida	Knight	Petrarca	Wargo
Dombrowski	Kolter	Pievsky	White
Donatucci, R.	Kowalyszyn	Pistella	Wright, D. R.
Duffy	Laughlin	Pratt	Yahner
Fee	Lescovitz	Pucciarelli	Zeller
Fryer	Letterman	Rappaport	Zitterman
Gallagher	Levin	Rhodes	Zwikel
Gatski	Livengood		

NOT VOTING—18

Barber	Gamble	O'Brien, B. F.	Rodgers
Beloff	Hutchinson, A.	O'Brien, D. M.	Salvatore
Bennett	Johnson, J. J.	Pyles	Vroon
Dininni	Jones	Rieger	Williams
Dumas	Noye		

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

RESOLUTION ADOPTED

Mr. RYAN called up HR 91, PN 1682, entitled:

General Assembly directs Joint State Government Commission investigate fee system for county row officers.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—174

Alden	Gallen	McIntyre	Ryan
Anderson	Gamble	McMonagle	Salvatore
Armstrong	Gannon	McVerry	Scheaffer
Arty	Gatski	Mackowski	Schweder
Barber	Geesey	Madigan	Serafini
Belardi	Geist	Maiale	Seventy
Berson	George, C.	Manderino	Shadding
Bittle	George, M. H.	Manmiller	Shupnik
Borski	Giammarco	Michlovic	Sieminski
Bowser	Gladeck	Micozzie	Sirianni
Brandt	Goebel	Miller	Smith, E. H.
Brown	Goodman	Moehlmann	Smith, L. E.
Burd	Grabowski	Mowery	Spencer
Cessar	Gray	Mrkonic	Spitz
Chess	Greenfield	Mullen	Stairs
Cimini	Grieco	Murphy	Steighner
Civera	Gruppo	Nahill	Stewart
Clark, B. D.	Hagarty	Novak	Street
Clark, M. R.	Halverson	Noye	Stuban
Cochran	Harper	O'Brien, B. F.	Swift
Cohen	Hayes, Jr., S.	O'Brien, D. M.	Taddonio
Cole	Hoeffel	O'Donnell	Taylor, E. Z.
Cornell	Honaman	Oliver	Taylor, F.
Coslett	Hutchinson, A.	Perzel	Telek
Cowell	Hutchinson, W.	Peterson	Thomas
DeMedio	Iris	Petrarca	Trello
DeVerter	Itkin	Phillips	Vroon
DeWeese	Johnson, E. G.	Piccola	Wachob
DiCarlo	Kanuck	Pievsky	Wargo
Davies	Klingaman	Pistella	Wass
Dawida	Knepper	Pitts	Wenger
Dietz	Knight	Polite	White
Dombrowski	Kolter	Pott	Wilson

Donatucci, R.	Kowalyszyn	Pucciarelli	Wilt
Dorr	Laughlin	Punt	Wright, D. R.
Duffy	Lehr	Pyles	Yahner
Earley	Lescovitz	Rappaport	Yohn
Fee	Letterman	Rasco	Zeller
Fischer	Levi	Rhodes	Zitterman
Fisher	Levin	Richardson	Zord
Foster, W. W.	Livengood	Rieger	Zwikel
Foster, Jr., A.	Lynch, E. R.	Ritter	
Fryer	McCall	Rocks	Seltzer,
Gallagher	McClatchy	Rodgers	Speaker

NAYS—9

Cappabianca	Hasay	Lashingner	Pratt
Cunningham	Kukovich	Lewis	Wright, Jr., J.
Durham			

NOT VOTING—9

Beloff	Dumas	Johnson, J. J.	Sweet
Bennett	Freind	Jones	Williams
Dininni			

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

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

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

PARLIAMENTARY INQUIRY

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

Mr. MURPHY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURPHY. Mr. Speaker, on the reorganization plan on the regulations for the Department of Health, this is the first time we have looked at this kind of resolution. Is it proper to amend those resolutions in any way, and how would you go about doing that?

The SPEAKER. Will the gentleman, Mr. Murphy, yield? The Chair believed that he had had the act in front of him, but he does not. I have sent for the act and as soon as I receive it, the Chair will refer to it and respond to the gentleman's inquiry.

Mr. MURPHY. Thank you, Mr. Speaker.

If I could further, Mr. Speaker, clarify my question. I am most interested in the Department of Health's certificate of need; if we would be able to amend that by addition or just simply by deletion in part or in toto. Thank you.

REMARKS ON VOTE

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

Mr. ZELLER. Mr. Speaker, on HB 1262, PN 3704, I inadvertently voted in the negative. I would like to be recorded in the positive. Thank you.

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

PARLIAMENTARY INQUIRY CONTINUED

The SPEAKER. The gentleman from Allegheny, Mr. Murphy, has raised a parliamentary inquiry. For the edification of the Chair and the members of the House, will the gentleman restate his point of parliamentary inquiry?

Mr. MURPHY. Yes, Mr. Speaker.

On House Regulation 1, dealing with the Department of Health's certificate of need, I asked whether it would be possible to amend the resolution, either in part or in toto, whether affirmatively or by rejecting certain portions of it?

The SPEAKER. After careful review, it is the opinion of the Chair that the reorganization plan is not amendable, and that the House has one of three alternatives, either to adopt it, to reject it, or let it become law by virtue of no action being taken.

Mr. MURPHY. Is that also true for the certificate of need regulations for the Department of Health?

The SPEAKER. Specifically, that is true. That is part of the reorganization plan. It is section 401.5; it is part of section 401.

Mr. MURPHY. Mr. Speaker, is it possible to divide that resolution in any way then?

The SPEAKER. It is the opinion of the Chair it is not possible to divide the resolution.

Mr. MURPHY. Thank you, Mr. Speaker.

BILL SIGNED BY SPEAKER

The Chair gave notice that it was about to sign the following bill, which was then signed:

HB 1937, PN 3599

An Act amending the act of July 12, 1935 (P. L. 677, No. 255), entitled "An act to fix the status of officers and employes of the Commonwealth and political subdivisions thereof while in training with the armed forces of the United States," including reservists who are employed by the instrumentalities of the Commonwealth or its political subdivisions within the provisions of the act.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1542, PN 1819**, entitled:

An Act providing for adoption of capital projects to be financed from aviation restricted revenues within the Motor License Fund.

On the question,

Will the House agree to the bill on third consideration?

Mr. WILSON offered the following amendments:

Amend Bill, page 1, by inserting between lines 16 and 17 Section 2. Property acquired or improved with funds appropriated by this act shall not be sold by the Commonwealth unless the purchase price equals or exceeds the amount of Commonwealth funds invested in the property, or the bond issue or portion thereof representing the indebtedness incurred for such acquisition or improvement have been retired.

Amend Sec. 2, page 1, line 17, 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. Wilson.

Mr. WILSON. Mr. Speaker, this amendment is identical to the amendment that we put into HB 2114. HB 1542 makes an appropriation to Harrisburg International Airport. What we are saying here is simply that any property acquired or improved with funds appropriated by this act shall be returned to the Commonwealth if in fact that property is sold or given away to somebody in the future.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—171

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

NAYS—4

Dietz	Maiale	O'Donnell	Wilt
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NOT VOTING—17

Beloff	Freind	Levin	Sirianni
Bennett	Johnson, J. J.	McMonagle	Stewart
Borski	Jones	Micozzie	Street
Civera	Laughlin	Shadding	Williams
Dumas			

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

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?

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

NAYS—2

Fischer	Hasay
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NOT VOTING—11

Beloff	Civera	Johnson, J. J.	Shadding
Bennett	Dumas	Jones	Williams
Borski	Freind	Micozzie	

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

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

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

* * *

The SPEAKER. Without objection, HB 2794 will be passed over.

The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I apologize for not paying more strict attention, but on page 1, HB 2794, the gentleman, Mr. Manderino, would like to have that bill called up because he intends to offer an important amendment to the bill.

The SPEAKER. The Chair will reverse its decision as to the bill being passed over.

The House proceeded to third consideration of **HB 2794, PN 3703**, entitled:

An Act making an appropriation to the Pennsylvania Crime Commission.

On the question,

Will the House agree to the bill on third consideration?

Mr. MANDERINO offered the following amendments:

Amend Title, page 1, line 1, by inserting after "the" Department of Aging and to the

Amend Sec. 1, page 1, line 4, by striking out "The sum of \$200,000 or as much thereof as may be" and inserting (a) The sum of \$2,316,000 or as much thereof as may be necessary as is hereby specifically appropriated to the Department of Aging for the fiscal year July 1, 1980 to June 30, 1981 for the payment of grants and for the purpose of developing, operating and purchasing services for the aged and other adults, including but not limited to model projects, homemaking services, community care services, foster care services, protective care services and counseling services. (b) The sum of \$200,000 or as much thereof as may be

Amend Bill, page 1, by inserting between lines 7 and 8 Section 2. The money appropriated in section 1 to the Department of Aging shall be in addition to any money appropriated pursuant to Part II of the act of June 18, 1980 (No. 17A) known as the "General Appropriation Act of 1980."

Amend Sec. 2, page 1, line 8, by striking out "2." and inserting 3.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, my amendment to HB 2794, which is numbered A7531, adds \$2,316,000 to the amount of \$12,471,000 already appropriated for local aging programs in HB 1623, which was the budget document. This would bring the total of state funds available—

PARLIAMENTARY INQUIRY

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

Mr. RYAN. Mr. Speaker, I have a point of parliamentary inquiry. I am not sure whether it is that or a point of order, but I will take a chance that it is a parliamentary inquiry.

The SPEAKER. Will the gentleman yield?

Under the rules of the House, a point of parliamentary inquiry is not a proper inquiry to make to interrupt a speaker.

Mr. RYAN. Well, I do not know about all those rules, Mr. Speaker. I want to raise a question as to when the appropriate time would be to question the constitutionality of the gentleman's amendment?

The SPEAKER. The Chair will recognize the gentleman when Mr. Manderino has completed his brief remarks.

Mr. RYAN. Thank you.

The SPEAKER. The gentleman, Mr. Manderino, may proceed. See, Jim, I am a friend.

Mr. MANDERINO. Mr. Speaker, this would bring the total state funds available for local aging programs to \$14,787,000, the amount originally requested by the Governor.

Mr. Speaker, it is curious that we are considering a bill that would increase 1980-81 administrative funds for the Crime Commission by 24 percent over the current year's amount, when the funds provided in 1980-81 for direct services to aging programs represents a \$2.3-million cut from the amount needed to provide absolutely essential services to senior citizens across the state.

I am sure the members will recall that the Governor's 1980-81 budget proposal recommended providing state moneys for local aging programs from lottery funds as opposed to the general fund. HB 1623, as we passed it, the budget document, however, included general fund moneys for local aging programs, but the amount was \$2,316,000 less than the Governor was willing to spend from the lottery fund for the same programs. The reason for this reduction, Mr. Speaker, as we were told, was that the administration indicated to the conferees on HB 1623 that Federal funds estimated to be available for aging programs in 1980-81 could be earned with the same amount of state funds provided in 1979-80. This assumed that local funds would make up the difference. What the administration failed to indicate when making this recommendation, however, was the fact that because the state has traditionally provided all match for the Federal funds, any local moneys that became available may be used to support or expand existing aging programs or provide services that have helped meet some special need unique to a particular locality.

The result, therefore, of the administration assuming that local funds would be used for match purposes, especially after having originally recommended that the state meet all match requirements, has been to force local aging organizations to decide which services to their constituents must be cut in order to comply with this mandate. Given that the

Department of Aging stresses services to the homebound, those who could not stay out of an institution if various community support services were not available, it is likely that neighborhood senior citizen centers will be dealt the sharpest blow from the budget cuts. This means that 350 senior citizen centers across the Commonwealth of Pennsylvania that provide some 80,000 clients with meals, socialization and recreation activities, education services related to nutrition, health, home management and retirement preparation, support services such as shopping, health screening, transportation and legal counseling will provide less services to our constituents in 1980-81 than they were able to provide during the current fiscal year.

Mr. Speaker, we were too trusting when we believed the administration's explanation for this funding reduction. We were too trusting, Mr. Speaker, because the same administration that recommended one level of funding for aging programs from the lottery fund, recommended at the last minute a reduced level of funding for the same programs from the general fund.

It is my opinion, Mr. Speaker, we must admit fault for believing an erroneous recommendation, but the administration must accept even greater fault for deliberately misleading the General Assembly and thereby creating this situation.

My amendment restores that \$2,316,000 cut from the amount originally requested for aging programs and will insure adequate funding for services that are essential to an important segment of Pennsylvania's population.

I ask for unanimous support of the amendment so that we may provide the same level of aging services in Pennsylvania as we have in past years. I am sorry, along with many others, that those of you who called to our attention the cut were told that leaders believed that the \$12 million that was being provided instead of the \$14 million was enough to fund all of the programs funded in the past. We were misled. I apologize. I ask that you help us rectify the misleading information and misleading figure that we were given by the administration by adding back into the budget the amount of money necessary to fund all of the aging programs. Thank you, Mr. Speaker.

CONSTITUTIONAL POINT OF ORDER

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I am not going to pass on the content of the amendment the gentleman is offering at this time, because I am really not sure as to whether or not his remarks are accurate or inaccurate. We are trying to determine that. But I think there is a greater problem with the amendment than its contents, which may in fact be no problem at all. That is one of constitutionality.

Now, we have from time to time over the years raised the question of constitutionality of an amendment or of a bill as a way off an otherwise unpleasant vote. I think the problem we have here today, though, on this particular method Mr. Manderino uses, really flies straight into the

face of the constitution, and what might be even more important to us as individuals, it opens up a procedure that, to my knowledge, has not been opened up before.

Now the constitution seems to be very clear on this. It says that the general appropriation bill, the GA bill, which this is not—the bill that he is attempting to amend is not a GA bill—the general appropriation bill shall embrace nothing but appropriations for the executive, legislative, judicial departments of the Commonwealth for the public debt and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject. Now that is the part which is in issue here today.

Admittedly, the bill before us, HB 2794, is not a general appropriation bill. That is passed and it may very well be that that act the GA bill represented will be before us from time to time and this amendment could be a proper amendment to that act. However, what we have before us is a simple general appropriation, a bill to appropriate \$200,000 to the Crime Commission. It is not a general appropriation bill. It is a single subject and the Department of Aging does not fall within the category of the Crime Commission. So we are talking about an entirely different subject when we look to Mr. Manderino's amendment compared to the bill that is before us.

It is for that reason that I raise the question of constitutionality, not to avoid the question the amendment raises, but rather to keep some order in our proceedings here in the House, and also, of course, to uphold the constitution, It was written for a good purpose. When you have an appropriation bill, you cannot amend it. It has to deal with one subject, except for our major appropriation bill, which is the GA bill which we have already passed. I would ask for a negative vote on the question as to whether or not the amendment is constitutional. Thank you, Mr. Speaker.

The SPEAKER. The majority leader, Mr. Ryan, suggests that the amendment offered by the minority whip, Mr. Manderino, is unconstitutional.

Those who believe that the amendment is constitutional would vote "aye"; and those who would believe it unconstitutional would vote "no."

The Chair recognizes Mr. Manderino.

Mr. MANDERINO. Mr. Speaker, just a few days ago I heard Mr. Ryan in an argument on constitutionality talk about what this House had done many times in the past, and I can remember telling him about how we held our hand on the Bible and raised our other hand. And it did not seem to make much difference, because we had done it before in the past. But we have done exactly what I am asking that we do here today, in the past.

We have a bill dealing with appropriations. It is a supplemental appropriation. We have already appropriated money to the Crime Commission in the GA bill. There is no prohibition on putting a second supplemental appropriation in the same bill. The constitution requires that the bill contain one subject matter. And as Mr. Ryan argued the other day, the subject matter here is supplemental appropriations. He wants to make one; I want to make one. He wants to make

one to the Crime Commission, which is very worthy; I want to make one to the senior citizen amount, which is very worthy. I ask that we turn down his plea of unconstitutionality and vote in the affirmative on constitutionality.

On the question,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—87

Barber	Gatski	Livengood	Rieger
Berson	George, C.	McCall	Ritter
Borski	George, M. H.	McIntyre	Schweder
Brown	Giammarco	McMonagle	Seventy
Cappabianca	Goebel	Maiale	Shadding
Chess	Goodman	Manderino	Shupnik
Clark, B. D.	Grabowski	Michlovic	Steighner
Cochran	Gray	Mrkonic	Stewart
Cohen	Greenfield	Mullen	Street
Cole	Harper	Murphy	Stuban
Cowell	Hoefel	Novak	Sweet
DeMedio	Hutchinson, A.	O'Brien, B. F.	Taylor, F.
DeWeese	Irvis	O'Donnell	Trello
DiCarlo	Itkin	Oliver	Wachob
Dawida	Knight	Petrarca	Wargo
Dombrowski	Kolter	Pievsky	White
Donatucci, R.	Kowalyszyn	Pistella	Wright, D. R.
Duffy	Kukovich	Pratt	Yahner
Fee	Laughlin	Pucciarelli	Zeller
Fryer	Lescovitz	Rappaport	Zitterman
Gallagher	Letterman	Rhodes	Zwinkl
Gamble	Levin	Richardson	

NAYS—92

Alden	Foster, Jr., A.	Madigan	Sieminski
Anderson	Gallen	Manmiller	Sirianni
Armstrong	Gannon	Miller	Smith, E. H.
Arty	Geesey	Moehlmann	Smith, L. E.
Belardi	Geist	Mowery	Spencer
Bowser	Gladeck	Nahill	Spitz
Brandt	Grieco	Noye	Stairs
Burd	Gruppo	O'Brien, D. M.	Swift
Cessar	Hagarty	Perzel	Taddonio
Cimini	Halverson	Peterson	Taylor, E. Z.
Clark, M. R.	Hasay	Phillips	Telek
Cornell	Hayes, Jr., S.	Piccola	Thomas
Coslett	Honaman	Pitts	Vroon
Cunningham	Hutchinson, W.	Polite	Wass
DeVerter	Johnson, E. G.	Pott	Wenger
Davies	Klingaman	Punt	Wilson
Dietz	Lashinger	Pyles	Wilt
Dininni	Lehr	Rasco	Wright, Jr., J.
Dorr	Levi	Rocks	Yohn
Durham	Lewis	Ryan	Zord
Earley	Lynch, E. R.	Salvatore	
Fischer	McClatchy	Scheaffer	Seltzer,
Fisher	McVerry	Serafini	Speaker
Foster, W. W.	Mackowski		

NOT VOTING—13

Beloff	Dumas	Jones	Micozzie
Bennett	Freind	Kanuck	Rodgers
Bittle	Johnson, J. J.	Knepper	Williams
Civera			

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

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

The SPEAKER. For what purpose does the gentleman, Mr. Manderino, rise?

Mr. MANDERINO. To inform the Chair that I have another amendment to this bill, Mr. Speaker, which amends the title of the bill and makes it a general appropriation bill, subject to a number of different subject matters being within the bill.

Mr. Speaker, it is being distributed, and I would like that amendment considered. It does the same thing, but amends the title of the bill to meet Mr. Ryan's anticipated objection. Mr. Speaker, this amendment is A7618.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, Mr. Manderino's amendment has not been put in print and circulated. I would ask that the bill be passed over and we continue with the calendar.

Mr. MANDERINO. Mr. Speaker, my amendment is in print, and it has been given to the amendment clerk. It has been given to the amendment clerk—

Mr. RYAN. But it has not been given to the members.

Mr. MANDERINO. That is not my fault. I cannot pass them out. Do you want me to pass them out, Mr. Ryan?

Mr. RYAN. Go ahead.

**BILL PLACED ON
THIRD CONSIDERATION POSTPONED
CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 2794 be placed on the third consideration postponed calendar.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, Mr. Ryan seeks to postpone a vote by this House on a very important matter that this House ought to take up. We ought to take up whether or not the senior citizen centers around this Commonwealth will be shortchanged because of what the administration told the General Assembly or whether we ought to make a supplemental appropriation to them so that full funding to the senior citizen centers can be had this year.

Mr. Speaker, I urge those of you who want to follow your leader—what is that word, Sam?—blindly, think about the consequences of the way you vote on postponing this particular supplemental appropriation which is in amendment form.

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

The following roll call was recorded:

YEAS—93

Alden	Foster, Jr., A.	McVerry	Sieminski
Anderson	Gallen	Mackowski	Sirianni
Armstrong	Gannon	Madigan	Smith, E. H.
Arty	Geesey	Manmiller	Smith, L. E.
Belardi	Geist	Miller	Spencer
Bittle	Gladeck	Moehlmann	Spitz
Bowser	Grieco	Mowery	Stairs
Brandt	Gruppo	Nahill	Swift
Burd	Hagarty	Noye	Taddonio

Cessar	Halverson	O'Brien, D. M.	Taylor, E. Z.
Cimini	Hasay	Perzel	Telek
Clark, M. R.	Hayes, Jr., S.	Peterson	Thomas
Cornell	Honaman	Piccola	Vroon
Coslett	Hutchinson, W.	Pitts	Wass
Cunningham	Johnson, E. G.	Polite	Wenger
DeVerter	Kanuck	Pott	Wilson
Davies	Klingaman	Punt	Wilt
Dietz	Knepper	Pyles	Wright, Jr., J.
Dorr	Lashinger	Rasco	Yohn
Durham	Lehr	Rocks	Zord
Earley	Levi	Ryan	
Fischer	Lewis	Salvatore	Seltzer,
Fisher	Lynch, E. R.	Scheaffer	Speaker
Foster, W. W.	McClatchy	Serafini	

NAYS—86

Barber	George, C.	McCall	Rieger
Berson	George, M. H.	McIntyre	Ritter
Borski	Giammarco	McMonagle	Rodgers
Brown	Goebel	Maiale	Schweder
Cappabianca	Goodman	Manderino	Seventy
Clark, B. D.	Grabowski	Michlovic	Shupnik
Cochran	Gray	Mrkonic	Steighner
Cohen	Greenfield	Mullen	Stewart
Cole	Harper	Murphy	Street
Cowell	Hoeffel	Novak	Stuban
DeMedio	Hutchinson, A.	O'Brien, B. F.	Sweet
DeWeese	Irvs	O'Donnell	Taylor, F.
DiCarlo	Itkin	Oliver	Trello
Dawida	Johnson, J. J.	Petrarca	Wachob
Dombrowski	Knight	Pievsky	Wargo
Donatucci, R.	Kolter	Pistella	White
Duffy	Kowalshyn	Pratt	Wright, D. R.
Fee	Kukovich	Pucciarelli	Yahner
Fryer	Laughlin	Rappaport	Zeller
Gallagher	Lescovitz	Rhodes	Zitterman
Gamble	Levin	Richardson	Zwilk
Gatski	Livengood		

NOT VOTING—13

Beloff	Dininni	Jones	Phillips
Bennett	Dumas	Letterman	Shadding
Chess	Freind	Micozzie	Williams
Civera			

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

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

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the minority whip.
Mr. MANDERINO. Mr. Speaker, point of parliamentary inquiry.

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

Mr. MANDERINO. Mr. Speaker, if we get to final passage postponed calendars today, can I call that bill up again if the amendments are ready? I just want to know how to do business, because we kind of keep changing it, whether I am asking or he is asking.

The SPEAKER. It is the opinion of the Chair the answer is "no." The House has disposed of the bill for the day. The gentleman will be in order tomorrow.

Mr. MANDERINO. Mr. Speaker, have we disposed of all final passage postponeds?

The SPEAKER. It is not on final passage. The bill has been placed on the third reading postponed calendar.

Mr. MANDERINO. Mr. Speaker, could the Chair reconsider its decision? I understand the amendments are in the process of being distributed.

The SPEAKER. The Chair cannot reconsider what the House disposed of.

* * *

The House proceeded to third consideration of **HB 756, PN 819**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further defining "tangible personal property."

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 minority whip.
Does the gentleman wish to debate the bill?

Mr. MANDERINO. Mr. Speaker, I would like to debate the bill.

The SPEAKER. The gentleman is in order to debate HB 756. The gentleman may proceed.

Mr. MANDERINO. Mr. Speaker, this is a bill purporting to give an exemption from the sales tax of Pennsylvania presently being paid by apartment owners who buy their utility service, whether it be fuel, gas, electricity, water, et cetera, in bulk.

Mr. Speaker, it is difficult for me to determine just how much money in tax relief we are granting and how big a hole is being put in the budget, because I have seen so many different figures on the subject matter. I have in my hand, Mr. Speaker, a legislative bill analysis, session 1979-80, prepared by the Department of Revenue on HB 756, PN 819, which is the printer's number that is before us that is dated December 5, 1979. That particular analysis indicates that the revenue loss to the Commonwealth of Pennsylvania by this bill in PN 819 is \$32 million.

Now, I am in error. I was reading from the analysis of 12/5/79. I gave that date. The first analysis was given 6/30/79, which would have been June 30, 1979. Now, in June of 1979, on this particular printer's number, the Department of Revenue told us we would find a revenue loss of \$32 million. In December of 1979, on the exact same printer's number, the exact same bill, we received another analysis. Somehow we went from \$32 million to about \$1.8 million. Now, I do not know what happened to \$30 million, but I have, Mr. Speaker, before me from just two utilities that service this Commonwealth, Duquesne Light and Philadelphia Electric, and in an inquiry to these two companies on how much money was involved in this particular bill for the electric revenue, Mr. Speaker, Philadelphia

Electric tells us they would be relieved from the tax on electric bills \$1.6; on gas revenues \$520,000; on steam another \$1 million; and Duquesne Light indicates one-half million dollars. Just these two utility companies, Mr. Speaker, demonstrate a revenue loss to this Commonwealth well over the \$1.8 million, which is the latest figure from the Department of Revenue.

Mr. Speaker, we asked the Appropriations Committee staff and the Finance Committee staff of the House Democratic committee to analyze the bill as best they could and determine what revenue loss there would be. The revenue loss, as we think best interprets the language of this bill, is a revenue loss of from \$12 million to \$15 million. Mr. Speaker, we are going to be asked here shortly to vote on a fee bill to raise \$12 million or \$15 million by putting additional burdens on persons who contribute now to the state treasury. Mr. Speaker, I do not think that we ought to be given this kind of tax relief when, one, we do not really know how much it is going to cost. It is going to cost someplace between \$1.8 million and \$32 million, and that is too wide a range of possibilities for me to act on. Two, Mr. Speaker, I ought not to think we should be granting tax relief when we have passed the budget that all of us know is some \$40 or \$50 million short of meeting all the requirements of this Commonwealth for this next fiscal year. Mr. Speaker, I urge a negative vote.

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

Mr. RAPPAPORT. Mr. Speaker, I would like to join with my minority whip in urging a "no" vote on this bill. It is very interesting just which types of buildings would be affected. Modern apartment buildings have individual meters for each tenant that is to provide for conservation of electric power, and we have given that sales tax exemption in that circumstance. Older buildings, which are conspicuous wasters of energy, which tend to be buildings which do not meet code standards, are the ones with one meter for a number of tenants. We should be encouraging the conversion of those buildings to individual meters. This bill will discourage that, and for that reason there should be a "no" vote on this bill. 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—56

Anderson	Fisher	McClatchy	Serafini
Armstrong	Foster, Jr., A.	McVerry	Smith, E. H.
Arty	Gallen	Mowery	Smith, L. E.
Belardi	Gannon	Nahill	Spencer
Bittle	Geesey	O'Brien, D. M.	Stairs
Bowser	Geist	Perzel	Swift
Brandt	Grieco	Polite	Taddonio
Cessar	Hasay	Pott	Telek
Cimini	Hayes, Jr., S.	Punt	Wass
Clark, M. R.	Honaman	Pyles	Wilt
Coslett	Hutchinson, W.	Rasco	Yohn
Dietz	Johnson, E. G.	Rocks	
Dorr	Knepper	Ryan	Seltzer,
Earley	Kowalshyn	Salvatore	Speaker
Fischer	Lehr		

NAYS—122

Alden	George, M. H.	McIntyre	Rieger
Barber	Giammarco	McMonagle	Ritter
Berson	Gladeck	Mackowski	Rodgers
Brown	Goebel	Madigan	Scheaffer
Burd	Goodman	Maiale	Schweder
Cappabianca	Grabowski	Manderino	Seventy
Chess	Gray	Manmiller	Shupnik
Clark, B. D.	Greenfield	Michlovic	Sieminski
Cochran	Gruppo	Miller	Spitz
Cohen	Hagarty	Moehlmann	Steighner
Cole	Halverson	Mrkonic	Stewart
Cornell	Harper	Mullen	Street
Cowell	Hoeffel	Murphy	Stuban
Cunningham	Hutchinson, A.	Novak	Sweet
DeMedio	Irvis	Noye	Taylor, E. Z.
DeVerter	Itkin	O'Brien, B. F.	Thomas, F.
DeWeese	Kanuck	O'Donnell	Taylor
DiCarlo	Klingaman	Oliver	Trello
Davies	Knight	Peterson	Vroon
Dawida	Kolter	Petrarca	Wachob
Dombrowski	Kukovich	Phillips	Wargo
Donatucci, R.	Lashinger	Piccola	Wenger
Duffy	Laughlin	Pievsky	White
Durham	Lescovitz	Pistella	Wilson
Fee	Letterman	Pitts	Wright, D. R.
Foster, W. W.	Levi	Pratt	Wright, Jr., J.
Fryer	Levin	Pucciarelli	Yahner
Gallagher	Lewis	Rappaport	Zeller
Gamble	Livengood	Rhodes	Zitterman
Gatski	Lynch, E. R.	Richardson	Zwilk
George, C.	McCall		

NOT VOTING—14

Beloff	Dininni	Jones	Sirianni
Bennett	Dumas	Micozzie	Williams
Borski	Freind	Shadding	Zord
Civera	Johnson, J. J.		

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

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 2266**, **PN 3366**, entitled:

An Act amending the act of November 24, 1976 (P. L. 1182, No. 262), entitled "An act relating to the dispensing and sale of hearing aids, providing for the registration and regulation of hearing aid fitters and dealers, making certain acts illegal, prescribing penalties and making an appropriation," adding a definition of dealer-fitter; further defining "business of selling hearing aids," "fitting"; further providing for persons excluded from registration and prohibiting the sale or dispensing of hearing aids by certain persons.

On the question,

Will the House agree to the bill on third consideration?

Mr. GALLEN offered the following amendments:

Amend Title, page 1, line 31, by inserting after "AIDS," "advertise" and

Amend Title, page 1, line 32, by inserting after "REGISTRATION"; further providing for applications for examination, temporary certificates and reciprocal registration;

Amend Sec. 1, page 6, line 22, by inserting after "103" 204, 301, clause (5) of section 302, subsection (a) and the introductory paragraph of subsection (b) of section 306, sections 307

Amend Sec. 1 (Sec. 103), page 7, line 2, by inserting brackets before and after "AND" and inserting immediately thereafter or

Amend Sec. 1 (Sec. 103), page 7, line 11, by striking out the bracket before "EITHER"

Amend Sec. 1 (Sec. 103), page 7, line 13, by striking out the bracket after "OTOLARYNGOLOGIST"

Amend Sec. 1 (Sec. 103), page 7, line 14, by removing the period after "AIDS" and inserting: Provided, however, That no person including any dealer, physician or audiologist shall fit a hearing aid unless he or she is a registered fitter qualified by departmental examination.

Amend Sec. 1, page 8, by inserting between lines 13 and 14

Section 204. Publishing Information.—The department may publish and distribute information including the examination requirements for obtaining a dealer's or fitter's registration certificate to engage in the business of selling or the practice of fitting [and] or selling hearing aids within this Commonwealth.

Section 301. Applications.—Each person desiring to obtain a registration certificate from the department to engage in the practice of fitting [and selling] hearing aids or in the business of selling hearing aids shall make application to the department. The application shall be made upon a form approved by the secretary and shall be made in such manner as is provided by the department and shall be accompanied by the appropriate fee.

Section 302. Applicant Qualifications.—The secretary may require proof concerning the honesty, truthfulness and good reputation of the applicant, and in addition, shall ascertain that the applicant for a hearing aid fitter's certificate has a thorough knowledge of the following areas demonstrated by passing a practical examination compiled by the department:

* * *

(5) The procedures and use of equipment established by the department for the fitting [and selling] of hearing aids.

* * *

Section 306. Temporary Hearing Aid Fitter's Registration Certificate.—(a) An applicant who has fulfilled the requirements, has made application, and proves to the satisfaction of the department that he has been engaged in the fitting [and selling] of hearing aids at an established place of business in a state other than the Commonwealth of Pennsylvania for a period of two years within a five-year period immediately prior to his application, may have a temporary fitter's registration certificate issued to him which shall be valid and effective for a period ending 30 days after the conclusion of a qualifying examination given not earlier than 90 days after the date of issue of such temporary fitter's registration certificate, but not later than one year after the date of issue of such temporary fitter's registration certificate.

(b) An applicant who has fulfilled the requirements of section 301 and has made application therefor, and who proves to the satisfaction of the department that he will be supervised and trained by a person who holds a valid fitter's registration certificate issued pursuant to the provisions of section 305 or subsection (a) may have an apprentice fitter's registration certificate issued to him which shall entitle him to be engaged, under such supervision, in the fitting [and selling] of hearing aids for the following periods:

* * *

Section 307. Reciprocal Registration.—Whenever the department determines that another state or jurisdiction has requirements equivalent to or higher than those in effect pursuant to this act and that such state or jurisdiction has a

program equivalent to or stricter than the program for determining whether applicants to this act are qualified as a hearing aid dealer or fitter, the secretary may issue certificates of endorsement to applicants who hold current, unsuspended and unrevoked certificates or licenses to sell or fit [and sell] hearing aids in such other state or jurisdiction. No such applicants for certificate of endorsement shall be required to submit to or undergo a qualifying examination or requirements other than the payment of fees. The holder of a certificate of endorsement shall be registered in the same manner as registrants. The fee for an initial certificate of endorsement shall be the same as the fee for an initial registration certificate. Fees, grounds for renewal and procedures for the suspension and revocation of certificates of endorsement shall be the same as for renewal, suspension and revocation of a registration certificate. Such reciprocity provision shall not, however, apply where the state or jurisdiction of the individuals seeking such certificate of endorsement does not extend like reciprocity to an individual registered by this Commonwealth under this act.

Amend Sec. 1 (Sec. 309), page 8, line 14, by inserting brackets before and after "THIS" and inserting immediately thereafter Except as provided in section 309.1 this

Amend Sec. 2 (Sec. 309.1), page 8, line 24, by striking out "SALE OR DISPENSING OF AIDS" and inserting Fitting of Hearing Aids

Amend Sec. 2 (Sec. 309.1), page 8, line 26, by striking out "SELL OR DISPENSE" and inserting fit

Amend Sec. 2 (Sec. 309.1), page 8, line 27, by removing the comma after "EXAMINATION" and inserting a period

Amend Sec. 2 (Sec. 309.1), page 8, lines 27 through 29, by striking out "OR HE OR SHE" in line 27, all of lines 28 and 29

Amend Bill, page 8, by inserting between lines 29 and 30

Section 3. Sections 314, 401, the introductory paragraph of section 402, 501, subsection (a) of section 505, clause (4) of section 601 and 605 of the act are amended to read:

Section 314. Expiration of Suspended Registration Certificate.—A registration certificate which has been suspended is subject to expiration and shall be renewed as provided in this act, but such renewal does not entitle the holder of the registration certificate while it remains suspended and until it is reinstated, to engage in the business of selling or in the practice of fitting [and selling] of hearing aids, or in any other activity or conduct in violation of the order or judgment by which the registration certificate was suspended. A registration certificate which has been revoked is subject to expiration, but it may not be renewed. If it is reinstated after its expiration, the registrant as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

Section 401. Misrepresentation of Registrant's Relationship with Purchaser.—The registrant shall, at the outset of his relationship with the potential purchaser, advise such person that any examination or representation made by a registered hearing aid dealer or fitter in connection with the practice of fitting [and] or selling of his hearing aid is not an examination, diagnosis or prescription by a person licensed to practice medicine in this Commonwealth and, therefore, must not be regarded as a medical opinion.

Section 402. Referral to Physician.—Whenever any of the following conditions are found to exist either from observations by the registrant or on the basis of information furnished by the prospective hearing aid user, a registrant shall, prior to fitting [and selling] a hearing aid to any individual, suggest to that individual in writing that his best interests would be served if he would consult a licensed physician specializing in diseases of the ear, or if no such licensed physician is available, then to a duly licensed physician:

Section 501. Address of Registrant.—Before engaging in the business of selling or the practice of fitting [and selling] hearing aids, each registrant shall notify the department in writing of the address or addresses where he is to engage, or intends to engage in the selling or fitting [and selling] of hearing aids, and, also, of any changes in such address or addresses. Any notice required to be given by the department to a registrant may be given by United States mail to such address, postage thereon prepaid.

Section 505. Facilities and Procedures.—(a) No registered hearing aid fitter shall engage in the practice of fitting [and selling] hearing aids unless he shall maintain his place of business so as to provide equipment and facilities as follows:

(1) Access to a selection of hearing aid models, supplies, and accessories sufficient to provide for the immediate needs of customers.

(2) An audiometer conforming at all times to specifications for pure-tone and speech diagnostic audiometers as established by the department, and subject to periodic inspection and calibration by the department.

Section 601. Causes for Denial, Suspension or Revocation of Certificate.—The secretary may deny, suspend, or revoke a registration certificate or impose conditions of probation upon a registrant for any of the following causes:

(4) Use of the term "doctor" or "physician" or "clinic" or "audiologist" or any derivation thereof, as part of the firm name under which the registrant fits [and] or sells hearing aids, unless authorized by law.

Section 605. Unlawful Acts.—It is unlawful:

(1) To sell or barter, or offer to sell or barter any registration certificate issued by the department.

(2) To purchase or procure by barter any registration certificate issued by the department with intent to use the same as evidence of the holder's qualification to practice the fitting [and selling] of hearing aids.

(3) To alter with fraudulent intent in any material manner a registration certificate issued by the department.

(4) To use or attempt to use any registration certificate issued by the department which has been purchased, fraudulently issued, counterfeited, or materially altered as a valid registration certificate.

(5) To engage in the practice of fitting [and selling] hearing aids under a false or assumed name except as provided in section 310.

(6) To willfully make any false statement in a material regard in an application for an examination before the department for a registration certificate.

(7) To engage in the practice of fitting [and] or selling hearing aids in this Commonwealth without having at the time of so doing a valid unrevoked and unexpired registration certificate or temporary registration certificate.

(8) To advertise by displaying a sign or otherwise or hold oneself out to be a person engaged in the business of selling or the practice of fitting [and selling] hearing aids without having at the time of so doing a valid, unrevoked registration certificate.

Amend Sec. 3, page 8, line 30, by striking out "3." and inserting 4.

On the question,

Will the House agree to the amendments?

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

Mr. GALEN. Mr. Speaker, the language in this amendment has been agreed to with everyone who is concerned with the bill, and what it really does is to say that no person can or shall fit a hearing aid unless he or she is a registered fitter qualified by departmental examination. I ask for a positive vote on the amendment.

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

The following roll call was recorded:

YEAS—172

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

NAYS—4

Alden	DiCarlo	Dawida	Rappaport
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NOT VOTING—16

Armstrong	Civera	Johnson, J. J.	Pucciarelli
Beloff	Dumas	Jones	Seventy
Bennett	Freind	Letterman	Shadding
Borski	Giammarco	Micozzie	Williams

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

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. ITKIN offered the following amendments:

Amend Title, page 1, line 31, by inserting after "“FITTING”;" changing memberships on the advisory board;
Amend Sec. 1, page 6, line 22, by inserting after "103" , 201

Amend Bill, page 8, by inserting between lines 13 and 14

Section 201. Advisory Council.—There is hereby created an Advisory Council, which shall advise the department in administering this act. The council shall consist of eight individuals appointed by the Governor, [three] one of whom shall be a hearing aid [fitters] fitter registered under this act with at least three years experience in the Commonwealth, one of whom shall be a hearing aid dealer registered under this act with at least three years experience in the Commonwealth. The remaining [four] six shall consist of a physician certified by the American Board of Otolaryngology specializing in disorders of the ear, [an audiologist, and] two audiologists, and three public members who shall represent the interest of the general public.

The terms of office of members of the council shall be three years or until their successors are qualified. Any vacancy of the council shall be filled for the remainder of the unexpired term, in the same manner as the original appointments.

Members of the council shall receive no compensation, but shall be entitled to reimbursement for actual expenses incurred in the performance of duties under this act.

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, this amendment refers to the advisory council set up under the act, which this bill amends. The law provides that there shall be, with respect to the fitting of hearing aids, to the board an advisory council. This particular advisory council seems, in my judgment, to be weighted towards those who perform the services rendered, the fitters and the dealers, and does not have enough representation on the part of those trained to measure hearing loss, audiologists, and also those which the law is trying to protect, namely, the consumers.

Mr. Speaker, what my amendment would do would be to restructure the advisory council so it really serves as a protection to the consuming public to which this act was supposed to provide that protection. The advisory council now contains three hearing aid fitters, and that would be reduced to one to allow for the expertise of the fitter on the advisory council. However, from those reductions from three to one, we would increase, instead of having one audiologist, to having two audiologists, and instead of having one public member, we would have three public members. Mr. Speaker, I think this is a fair change in the composition of the advisory council. I think it is a matter of judgment. I believe that the council should be more consumer oriented than it purports to do now. Thank you, Mr. Speaker.

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

Mr. GALLEN. Mr. Speaker, will Mr. Itkin stand for interrogation?

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

Mr. GALLEN. Mr. Speaker, this is not exactly the same amendment that you discussed with me last week, is it? This has been changed somewhat. Is that right?

Mr. ITKIN. No. I do not think this has been changed. I do not recall our conversation.

Mr. GALLEN. Okay. Just to refresh the gentleman's memory, it seems to me that in our conversation you mentioned the fact that additional consumers would be on the board, but I did not remember that you had changed the—

Mr. ITKIN. No. This amendment has not been redrawn, if that is what you are referring to.

Mr. GALLEN. Okay.

Mr. ITKIN. And if I misled you into believing that this would only add additional consumers, I apologize, if that was the case. I do not recall such conversation. Nevertheless, the amendment speaks for itself. It would be the reduction from three fitters to one fitter and an increase of one additional audiologist and one more public member, giving the consumer representation three.

Mr. GALLEN. Thank you, Mr. Speaker.

Mr. Speaker, I am going to oppose the amendment. I would join with the gentleman in drawing up proper legislation to amend the bill, but it seems to me that we have done a lot of work on this bill. I was really not apprised of the fact that this amendment contained the language that it does and I ask for a negative vote.

AMENDMENT WITHDRAWN

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

Mr. ITKIN. Mr. Speaker, in view of the fact that the chairman of the committee is indicates his desire of working together and trying to develop some sort of restructuring of the advisory council, I appreciate that good-faith effort and I will withdraw this amendment.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—177

Anderson	Gallagher	McCall	Rodgers
Armstrong	Gallen	McClatchy	Ryan
Arty	Gamble	McIntyre	Salvatore
Barber	Gatski	McMonagle	Scheaffer
Belardi	Geesey	McVerry	Schweder
Berson	Geist	Mackowski	Serafini
Bittle	George, C.	Madigan	Seventy

Borski	George, M. H.	Maiale	Shadding
Bowser	Giammarco	Manderino	Shupnik
Brandt	Gladeck	Manmiller	Sieminski
Brown	Goebel	Michlovic	Sirianni
Burd	Goodman	Miller	Smith, E. H.
Cappabianca	Grabowski	Moehlmann	Smith, L. E.
Cessar	Gray	Mowery	Spencer
Chess	Greenfield	Mrkonic	Stairs
Cimini	Grieco	Mullen	Steighner
Clark, B. D.	Gruppo	Murphy	Stewart
Clark, M. R.	Hagarty	Nahill	Street
Cochran	Halverson	Novak	Stuban
Cohen	Harper	Noye	Sweet
Cole	Hasay	O'Brien, B. F.	Taddonio
Cornell	Hayes, Jr., S.	O'Brien, D. M.	Taylor, E. Z.
Coslett	Hoeffel	O'Donnell	Taylor, F.
Cowell	Honaman	Oliver	Telek
Cunningham	Hutchinson, A.	Perzel	Thomas
DeMedio	Hutchinson, W.	Peterson	Trello
DeVerter	Irvic	Petrarca	Vroon
DeWeese	Itkin	Phillips	Wachob
DiCarlo	Johnson, E. G.	Piccola	Wargo
Davies	Kanuck	Pievsky	Wass
Dawida	Klingaman	Pistella	Wenger
Dietz	Knepper	Pitts	White
Dininni	Knight	Polite	Wilson
Dombrowski	Kolter	Pott	Wright, D. R.
Donatucci, R.	Kowalshyn	Pratt	Wright, Jr., J.
Dorr	Kukovich	Pucciarelli	Yahner
Duffy	Lashingier	Punt	Yohn
Durham	Laughlin	Pyles	Zeller
Earley	Lehr	Rappaport	Zitterman
Fee	Lescovitz	Rasco	Zord
Fischer	Levi	Rhodes	Zwilk
Fisher	Levin	Richardson	
Foster, W. W.	Lewis	Rieger	Seltzer,
Foster, Jr., A.	Livengood	Ritter	Speaker
Fryer	Lynch, E. R.	Rocks	

NAYS—4

Alden	Gannon	Spitz	Wilt
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NOT VOTING—11

Beloff	Dumas	Jones	Swift
Bennett	Freind	Letterman	Williams
Civera	Johnson, J. J.	Micozzie	

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

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

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

* * *

The House proceeded to third consideration of SB 890, PN 1017, entitled:

An Act amending the act of December 22, 1959 (P. L. 1978, No. 728), entitled, as amended, "Pennsylvania Harness Racing Law," further providing for the employment of public employes.

On the question,

Will the House agree to the bill on third consideration?

Mr. MANDERINO offered the following amendments:

Amend Title, page 1, line 12, by removing the period after "employes" and inserting and for the disposition of pari-mutuel pools in counties of the fourth class.

Amend Bill, page 2, by inserting between lines 29 and 30 Section 2. The first paragraph of section 15 of the act, amended April 11, 1978 (P.L.23, No.12), is amended to read:

Section 15. Disposition of Pari-mutuel Pools.—Every corporation authorized under this act to conduct pari-mutuel betting at a harness horse race meeting on races run thereat shall distribute all sums deposited in any pari-mutuel pool to the holders of winning tickets therein, provided such tickets be presented for payment before April first of the year following the year of their purchase, less seventeen per centum of the total deposits plus the breaks from all wagers except that [in school districts of the first class and counties of the third class,] the amount distributed shall be less nineteen per centum of the total deposits plus the breaks from the exacta, daily double, quinella and other wagering involving two horses each racing day, and less twenty-five per centum of the total deposit plus the breaks from the trifecta and other wagering involving more than two horses in one or more races each racing day and less nineteen per centum from regular wagers for any permit holder whose total deposits in its pari-mutuel pool averaged less than three hundred thousand dollars (\$300,000) a day for the previous meeting of the permit holder: [and except that in counties of the fourth class the amount distributed shall be less nineteen per centum of the total deposits plus the breaks from the exacta, daily double, quinella and other wagering involving two horses each racing day and from the trifecta and other wagering involving more than two horses in one or more races each racing day:]

Amend Sec. 2, page 2, line 30, by striking out "2." and inserting 3.

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

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, several years ago, perhaps in 1978, the percentage of takeout on exotic betting at the pari-mutuel harness tracks in Pennsylvania was changed to allow a higher percentage. At that time, one pari-mutuel track in Pennsylvania, The Meadows in Washington County, Pennsylvania, elected at that time not to be included in the higher takeout on exotic wagering believing at that time that it was better business judgment not to use the higher percentage of takeout for the track. Mr. Speaker, needless to say, time has proven that a bad business judgment was made by the track associations operating at The Meadows in Washington County, and my amendment simply accedes to their request to be included with all the other pari-mutuel tracks in Pennsylvania with the same percentage of takeout as all the other tracks are permitted so that the mistake made at that time when this was changed by The Meadows can be corrected, and I urge an affirmative vote, Mr. Speaker.

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

The following roll call was recorded:

YEAS—182

Alden	Gallagher	Lynch, E. R.	Rodgers
Anderson	Gallen	McCall	Ryan
Armstrong	Gamble	McClatchy	Salvatore
Arty	Gannon	McIntyre	Scheaffer
Barber	Gatski	McMonagle	Schweder
Belardi	Geesey	McVerry	Serafini
Berson	Geist	Mackowski	Seventy

Bittle	George, C.	Madigan	Shadding
Borski	George, M. H.	Maiale	Shupnik
Bowser	Giammarco	Manderino	Sieminski
Brandt	Gladeck	Manmiller	Sirianni
Brown	Goebel	Michlovic	Smith, E. H.
Burd	Goodman	Miller	Smith, L. E.
Cappabianca	Grabowski	Moehlmann	Spencer
Cessar	Gray	Mowery	Spiz
Chess	Greenfield	Mrkonic	Stairs
Cimini	Grieco	Mullen	Steighner
Clark, B. D.	Gruppo	Murphy	Stewart
Clark, M. R.	Hagarty	Nahill	Street
Cochran	Halverson	Novak	Stuban
Cohen	Harper	Noye	Sweet
Cole	Hasay	O'Brien, B. F.	Swift
Cornell	Hayes, Jr., S.	O'Brien, D. M.	Taddonio
Coslett	Hoeffel	O'Donnell	Taylor, E. Z.
Cowell	Honaman	Oliver	Taylor, F.
Cunningham	Hutchinson, A.	Perzel	Telek
DeMedio	Hutchinson, W.	Peterson	Thomas
DeVerter	Iris	Petrarca	Trello
DeWeese	Itkin	Phillips	Vroon
DiCarlo	Johnson, E. G.	Piccola	Wachob
Davies	Kanuck	Pievsky	Wargo
Dawida	Klingaman	Pistella	Wass
Dietz	Knepper	Pitts	Wenger
Dininni	Knight	Polite	White
Dombrowski	Kolter	Pott	Wilt
Donatucci, R.	Kowalyshyn	Pratt	Wright, D. R.
Dorr	Kukovich	Pucciarelli	Wright, Jr., J.
Duffy	Lashinger	Punt	Yahner
Durham	Laughlin	Pyles	Yohn
Earley	Lehr	Rappaport	Zeller
Fee	Lescovitz	Rasco	Zitterman
Fischer	Letterman	Rhodes	Zord
Fisher	Levi	Richardson	Zwinkl
Foster, W. W.	Levin	Rieger	
Foster, Jr., A.	Lewis	Ritter	Seltzer,
Fryer	Livengood	Rocks	Speaker

NAYS—0

NOT VOTING—10

Beloff	Dumas	Jones	Williams
Bennett	Freind	Micozzie	Wilson
Civera	Johnson, J. J.		

EXCUSED—9

Austin	Helfrick	Milanovich	Schmitt
Burns	McKelvey	Reed	Weidner
Caltagirone			

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?

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 SPEAKER. For what purpose does the gentleman from Erie, Mr. DiCarlo, rise?

Mr. DiCARLO. Mr. Speaker, is there somebody in the House who might be able to indicate to the membership exactly what the bill does?

The SPEAKER. The gentleman from Erie, Mr. DiCarlo, asked for clarification on the purpose of the bill. The gentleman from Philadelphia, Mr. Mullen, stands for inter-rogation. The gentleman, Mr. DiCarlo, may proceed.

Mr. DiCARLO. Yes, Mr. Speaker, could you inform the House the purpose of SB 890 and what the new language does, please?

Mr. MULLEN. Yes. A couple of years ago we passed an amendment which put a limit of \$12,000 on an outside job. Any person who had a salary of more than \$12,000 would not be able to work at the tracks. We passed an amendment before the flat racing bill to take that ceiling off. So that now we say that anyone can work at the tracks regardless of having a second job whereby their salary would be in excess of \$12,000.

Now, what we are doing for the harness racing is asserting the same amendment. That is the first thing we are doing. The second, we do not permit the policemen, sheriff, employes, or anyone connected with law enforcement officers to work at the track. However, we inserted a second amendment in the Senate which will now permit law enforcement officers to work at the tracks, providing that those law enforcement officers, in the municipality where the track is located, are not permitted to work there. That is the only thing the bill does, those two things I mentioned.

Mr. DiCARLO. Mr. Speaker, does that include also members? I am looking at the bill; I am rather confused. It includes not only law enforcement officials but also people from the DA's office and other public employes. Is that accurate?

Mr. MULLEN. No. No. It only refers to law enforcement officers. I think that the DA people would be affected, but I do not think that any other public employes would be affected.

Mr. DiCARLO. All right. Basically, the intent of the legislation, though, is to remove the \$12,000 limit?

Mr. MULLEN. Right. To put it on the same equality with the flat tracks. See, we have inserted an amendment to the law a couple of years ago lifting it for the flat tracks. We are doing the same for the harness racing in this bill, lifting the ceiling of \$12,000; but in addition to that they are also permitting law enforcement officers who were formerly prohibited from working at the track to work at the track providing they do not reside in the same municipality where the track is located.

Mr. DiCARLO. Okay. Thank you, Mr. Speaker.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, would the gentleman from Philadelphia, Mr. Mullen, consent to interrogation?

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I am sorry, but I am going to have to be a little technical in the interrogation, because I want to be sure I understand the bill. SB 890 begins by saying, "No public officer, public employe or party officer shall:". It prohibits them from doing certain things. Is that correct, Mr. Speaker? That is what it starts out to do. It prohibits—

Mr. MULLEN. Yes, it may say that. I do not have the bill before me.

Mr. W. D. HUTCHINSON. Okay. Well, I do have it in front of me, and that is on page 1, lines 21 and 22. And then it lists four things that they cannot do, and the third thing, which appears on page 2 of the bill, line 12, subparagraph 3, says they shall not "Hold any office or employment with any firm, association or corporation specified in clause (2)..." Now, clause (2) essentially means that they cannot be employed by the race track itself or the pari-mutuel association. Then, however, going down to line 18 on page 2, it gives an exemption from the provisions of clause (3), and in effect that exemption now would have no limit on salary. It simply says that a public official, any public official other than a law enforcement officer, district attorney, police officer, or so on, can hold employment. He can be employed by the race track.

Now, may I ask the gentleman, let us suppose that there is a race track in Dauphin County— Well, that is a flat track, and I will not go into that, because I am not sure of what we did with them.

Mr. MULLEN. Well, it is the same thing. Okay.

Mr. W. D. HUTCHINSON. Well, I am not sure of that. I do not recall that legislation, but let us go up into, I guess, it is Luzerne County where there is the Pocono race track. Under your bill, could a county commissioner in Luzerne County have an employment contract with the Pocono Downs race track?

Mr. MULLEN. First of all, I think you would have to determine the municipality in which the track was located. I do not think it says county; it says a municipality. In other words, anyone in that county would not necessarily be able to have a contract with the race track if they were located in the municipality wherein the track is located. That is my understanding.

Mr. W. D. HUTCHINSON. Well, I understand that the only people who are prohibited from being employed under this bill are persons who are—

Mr. MULLEN. Law enforcement officers.

Mr. W. D. HUTCHINSON. Law enforcement agencies.

Mr. MULLEN. Yes.

Mr. W. D. HUTCHINSON. I read the bill that the county commissioner could be employed by the race track?

Mr. MULLEN. I would think so.

Mr. W. D. HUTCHINSON. Okay. Now what about, let us say, a clerk of courts or an elected row officer in the courthouse?

Mr. MULLEN. I would think so, yes. I would say they would be entitled to be employed there, yes.

Mr. W. D. HUTCHINSON. And, of course, if it were in the County of Philadelphia, then a court employe in Philadelphia, a row officer there, could be employed?

Mr. MULLEN. Yes. For example, as long as we are talking about Philadelphia, anyone who is in the law enforcement— See, it is easier to determine Philadelphia because Philadelphia is not only a county and municipality. The only ones who would be excluded, for example, in

Philadelphia from working in the race track in Philadelphia would be the law enforcement officers. But if you are on the other side of the boundary line, say Delaware, Bucks, or something like that, you would be able to be employed. Why they have that distinction, I do not know. I do not think it makes good sense, but that is the way the flat tracks were, and what they are trying to do is equalize it. My only concern about it is, I feel that in this day and age, when a man is trying to raise a family, it is really difficult to expect him to do it on one salary. I see no objections to permitting someone to have a second job and this is what basically it amounts to.

Mr. W. D. HUTCHINSON. May I ask this question: What about a person who works in, let us say, Luzerne County—not to talk about Philadelphia County—for the county commissioners and is the chief of the tax assessment office?

Mr. MULLEN. I would say that person would be permitted to be employed, yes. I see nothing wrong with that.

Again taking the situation of Luzerne County, the only persons I would see under this bill who would be prohibited from working at that track would be law enforcement officers who are employed within the municipality.

Mr. W. D. HUTCHINSON. All right. Thank you, Mr. Speaker.

I am not sure of the rest of this, but I am opposed to this bill. I think that if you take a look at this, the provisions that the General Assembly placed in the laws when we permitted racing to try to avoid conflict of interest were important to the public view of that industry, and I think that from what Mr. Mullen has said, if this bill becomes law, it is fraught with all kinds of possibilities of conflict of interest. That county commissioner, that tax assessor, who, believe me, has very many important functions that can benefit or hurt the racetrack, he, true, is still prohibited from being a stockholder—he may be prohibited from that—but he can become an employe at a nice salary.

This bill, and I am not certain of this—and I did not want to interrogate Mr. Mullen on it because I do not know any of us are certain on it—but as I read it, it says, “No public officer, public employe or party officer shall:” and then it says what he cannot do, but it says he can be employed. I would suppose that under those circumstances perhaps a member of this General Assembly could be employed in that capacity. Perhaps a member of the executive branch of the government could be employed as far as this statute is concerned. I do not think that is proper. I think that is exactly the kind of conflict of interest that should be avoided. I oppose the bill and I urge a “no” vote. Thank you, Mr. Speaker.

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

Mr. MULLEN. Mr. Speaker, I will be very brief. First of all, I could not tell a horse from a mule, and I do not know much about it. The only interest I have in this matter at all is that there are people who are trying to get a second job

to help them raise their families. All this bill does is put the harness racing on the same level as flat racing.

If you look at the existing law, you will see that the existing law for flat racing is identical to this bill in every respect except one, and what we are doing in this bill which is more than we did for flat racing is providing that law enforcement officers, who were formerly excluded from working at the track at all, are now permitted to work at the track providing they do not live in the municipality where the track is located. That is the only difference between existing law for flat racing and this particular law. There is no other difference that I can see, and that is the way I understand it. It is just a matter, I think, of really believing whether you want to give a guy an opportunity to make a few extra bucks to try to help his family, because most of these jobs are part-time jobs. I see nothing wrong with that, and that is all I think that is in this bill, what I told you.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I would like to make it absolutely clear that I am certain that the Representative from Philadelphia intended only to do what he said, that he wanted to help people with the second job, and I certainly would not like any implication—and I do not think he took any—that I felt that there was some conflict of interest on his part.

My opposition to the bill is not based on that problem or any motive that the gentleman may have, because I think his motives are good. My opposition is based upon the effect the bill may have when you read it. If we did this for the flats, then I think we ought to be considering legislation to repeal it for the flats and go back to strict prohibitions of conflict of interest in this field, and I would be glad to sponsor such legislation. In the meantime I think any extension of that conflict is not in order and I think that this bill should be defeated. 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—77

Barber	Gallen	Levin	Salvatore
Borski	Gamble	McCall	Seventy
Bowser	Gatski	McIntyre	Shadding
Brown	George, M. H.	McMonagle	Shupnik
Cappabianca	Giammarco	Maiale	Smith, L. E.
Clark, B. D.	Goebel	Manderino	Spencer
Cochran	Goodman	Mullen	Steighner
Cohen	Grabowski	Murphy	Stewart
Cole	Gray	Novak	Street
DeMedio	Greenfield	O'Brien, B. F.	Sweet
DeWeese	Hoeffel	Petrarca	Taddonio
Davies	Irviss	Pievsky	Taylor, F.
Dawida	Itkin	Pistella	Trello
Dombrowski	Knepper	Polite	Wachob
Donatucci, R.	Knight	Pratt	Wargo
Duffy	Kolter	Pucciarelli	Wilson
Fee	Laughlin	Rhodes	Wright, D. R.
Fisher	Lescovitz	Rieger	Wright, Jr., J.
Fryer	Letterman	Rodgers	Zitterman
Gallagher			

NAYS—105

Alden	Gannon	Mackowski	Scheaffer
Anderson	Geesey	Madigan	Schweder
Armstrong	Geist	Manmiller	Serafini
Arty	George, C.	Michlovic	Sieminski
Belardi	Gladeck	Miller	Sirianni
Berson	Grieco	Moehlmann	Smith, E. H.
Bittle	Gruppo	Mowery	Spitz
Brandt	Hagarty	Mrkonic	Stairs
Burd	Halverson	Nahill	Stuban
Cessar	Harper	Noye	Swift
Chess	Hasay	O'Brien, D. M.	Taylor, E. Z.
Cimini	Hayes, Jr., S.	O'Donnell	Telek
Clark, M. R.	Honaman	Oliver	Thomas
Cornell	Hutchinson, W.	Perzel	Vroon
Coslett	Johnson, E. G.	Peterson	Wass
Cowell	Kanuck	Phillips	Wenger
Cunningham	Klingaman	Piccola	White
DeVerter	Kowalshyn	Pitts	Wilt
DiCarlo	Kukovich	Pott	Yahner
Dietz	Lashinger	Punt	Yohn
Dininni	Lehr	Pyles	Zeller
Dorr	Levi	Rappaport	Zord
Durham	Lewis	Rasco	Zwikl
Earley	Livengood	Richardson	
Fischer	Lynch, E. R.	Ritter	Seltzer,
Foster, W. W.	McClatchy	Rocks	Speaker
Foster, Jr., A.	McVerry	Ryan	

NOT VOTING—9

Beloff	Dumas	Johnson, J. J.	Micozzie
Bennett	Freind	Jones	Williams
Civera			

EXCUSED—10

Austin	Helfrick	Milanovich	Schmitt
Burns	Hutchinson, A.	Reed	Weidner
Caltagirone	McKelvey		

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

LEAVES OF ABSENCE GRANTED

The SPEAKER. The gentleman from Westmoreland, Mr. A. K. HUTCHINSON, has asked for a leave of absence for the remainder of today's session.

Without objection, leave will be granted.

The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, the gentleman from Delaware, Mr. FREIND, would also ask for a leave for the balance of today's session.

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

BILLS ON THIRD CONSIDERATION
CONTINUED

The House proceeded to third consideration of **HB 569, PN 3247**, entitled:

An Act amending the act of November 30, 1976 (P. L. 1205, No. 264), referred to as the Emergency Medical Technician Law, further providing for additional job protection for emergency medical technician or emergency medical technician-paramedic and removing additional liabilities for instruction to emergency medical technician-paramedic.

On the question,

Will the House agree to the bill on third consideration?

Mr. LIVENGOOD offered the following amendments:

Amend Sec. 3, page 2, line 28, by inserting after "amended" and a subsection is added

Amend Sec. 3 (Sec. 5), page 3, by inserting between lines 5 and 6 (c) No emergency medical technician or emergency medical technician-paramedic, who in good faith attempts to render emergency care authorized by this act at an emergency scene while enroute to a place of employment, shall receive any form of reprimand or penalty by his or her employer as a result of late arrival at the place of employment. An employer may request written verification from any such emergency medical technician or emergency medical technician-paramedic who shall obtain the written verification from either the police officer or ambulance personnel who is in charge at the emergency scene.

On the question,

Will the House agree to the amendments?

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

Mr. LIVENGOOD. Mr. Speaker, the amendment says:

No emergency medical technician or emergency medical technician-paramedic, who in good faith attempts to render emergency care authorized by this act at an emergency scene while enroute to a place of employment, shall receive any form of reprimand or penalty by his or her employer as a result of late arrival at the place of employment. An employer may request written verification from any such emergency medical technician or emergency medical technician-paramedic who shall obtain the written verification from either the police officer or ambulance personnel who is in charge at the emergency scene.

I ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—181

Alden	Gallagher	McCall	Ryan
Anderson	Gallen	McClatchy	Salvatore
Armstrong	Gamble	McIntyre	Scheaffer
Arty	Gannon	McMonagle	Schweder
Barber	Gatski	McVerry	Serafini
Belardi	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	Miller	Smith, L. E.
Burd	Goodman	Moehlmann	Spencer
Cappabianca	Grabowski	Mowery	Spitz
Cessar	Gray	Mrkonic	Stairs
Chess	Greenfield	Mullen	Steighner
Cimini	Grieco	Murphy	Stewart
Clark, B. D.	Gruppo	Nahill	Stuban
Clark, M. R.	Hagarty	Novak	Sweet
Cochran	Halverson	Noye	Swift
Cohen	Harper	O'Brien, B. F.	Taddonio
Cole	Hasay	O'Brien, D. M.	Taylor, E. Z.
Cornell	Hayes, Jr., S.	O'Donnell	Taylor, F.

Coslett	Hoeffel	Oliver	Telek
Cowell	Honaman	Perzel	Thomas
Cunningham	Hutchinson, W.	Peterson	Trello
DeMedio	Irviss	Petrarca	Vroon
DeVerter	Itkin	Phillips	Wachob
DeWeese	Johnson, E. G.	Piccola	Wargo
DiCarlo	Kanuck	Pievsky	Wass
Davies	Klingaman	Pistella	Wenger
Dawida	Knepper	Pitts	White
Dietz	Knight	Polite	Wilson
Dininni	Kolter	Pott	Wilt
Dombrowski	Kowalyshyn	Pratt	Wright, D. R.
Donatucci, R.	Kukovich	Pucciarelli	Wright, Jr., J.
Dorr	Lashingner	Punt	Yahner
Duffy	Laughlin	Pyles	Yohn
Durham	Lehr	Rappaport	Zeller
Earley	Lescovitz	Rasco	Zitterman
Fee	Letterman	Rhodes	Zord
Fischer	Levi	Richardson	Zwinkl
Fisher	Levin	Rieger	
Foster, W. W.	Lewis	Ritter	Seltzer,
Foster, Jr., A.	Livengood	Rocks	Speaker
Fryer	Lynch, E. R.	Rodgers	

NAYS—0

NOT VOTING—9

Beloff	Dumas	Jones	Street
Bennett	Johnson, J. J.	Micozzie	Williams
Civera			

EXCUSED—11

Austin	Freind	McKelvey	Schmitt
Burns	Helfrick	Milanovich	Weidner
Caltagirone	Hutchinson, A.	Reed	

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?

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—181

Alden	Gallagher	McCall	Salvatore
Anderson	Gallen	McClatchy	Scheaffer
Armstrong	Gamble	McIntyre	Schweder
Arty	Gannon	McMonagle	Serafini
Barber	Gatski	McVerry	Seventy
Belardi	Geesey	Mackowski	Shadding
Berson	Geist	Madigan	Shupnik
Bittle	George, C.	Maiale	Sieminski
Borski	George, M. H.	Manmiller	Sirianni
Bowser	Giammarco	Michlovic	Smith, E. H.
Brandt	Gladeck	Miller	Smith, L. E.
Brown	Goebel	Moehlmann	Spencer
Burd	Goodman	Mowery	Spitz
Cappabianca	Grabowski	Mrkonic	Stairs
Cessar	Gray	Mullen	Steighner
Chess	Greenfield	Murphy	Stewart
Cimini	Grieco	Nahill	Street
Clark, B. D.	Gruppo	Novak	Stuban
Clark, M. R.	Hagarty	Noye	Sweet
Cochran	Halverson	O'Brien, B. F.	Swift
Cohen	Harper	O'Brien, D. M.	Taddonio
Cole	Hasay	O'Donnell	Taylor, E. Z.
Cornell	Hayes, Jr., S.	Oliver	Taylor, F.
Coslett	Hoeffel	Perzel	Telek

Cowell	Honaman	Peterson	Thomas
Cunningham	Hutchinson, W.	Petrarca	Trello
DeMedio	Irviss	Phillips	Vroon
DeVerter	Itkin	Piccola	Wachob
DeWeese	Johnson, E. G.	Pievsky	Wargo
DiCarlo	Kanuck	Pistella	Wass
Davies	Klingaman	Pitts	Wenger
Dawida	Knepper	Polite	White
Dietz	Knight	Pott	Wilson
Dininni	Kolter	Pratt	Wilt
Dombrowski	Kowalyshyn	Pucciarelli	Wright, D. R.
Donatucci, R.	Kukovich	Punt	Wright, Jr., J.
Dorr	Lashingner	Pyles	Yahner
Duffy	Laughlin	Rappaport	Yohn
Durham	Lehr	Rasco	Zeller
Earley	Lescovitz	Rhodes	Zitterman
Fee	Letterman	Richardson	Zord
Fischer	Levi	Rieger	Zwinkl
Fisher	Levin	Ritter	
Foster, W. W.	Lewis	Rocks	Seltzer,
Foster, Jr., A.	Livengood	Rodgers	Speaker
Fryer	Lynch, E. R.	Ryan	

NAYS—0

NOT VOTING—9

Beloff	Dumas	Jones	Micozzie
Bennett	Johnson, J. J.	Manderino	Williams
Civera			

EXCUSED—11

Austin	Freind	McKelvey	Schmitt
Burns	Helfrick	Milanovich	Weidner
Caltagirone	Hutchinson, A.	Reed	

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

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

REMARKS ON VOTE

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

Mr. BOWSER. Mr. Speaker, earlier on the vote on the Conference Committee Report on HB 1262, I mistakenly voted in the positive and I would like to be recorded in the negative.

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 **HB 2640, PN 3500**, entitled:

An Act amending the act of March 22, 1862 (P. L. 164, No. 164), entitled, as amended, "An act to provide for the destruction, and to prevent the spread of Canada thistles, chicory and marihuana, and imposing certain powers and duties upon supervisors and constables in relation thereto," extending the act to include Johnson grass.

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

NAYS—0

NOT VOTING—12

Barber	Civera	Johnson, J. J.	Micozzie
Beloff	Dumas	Jones	Mullen
Bennett	Gray	McIntyre	Williams

EXCUSED—11

Austin	Freind	McKelvey	Schmitt
Burns	Helfrick	Milanovich	Weidner
Caltagirone	Hutchinson, A.	Reed	

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

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

* * *

The House proceeded to third consideration of **SB 414, PN 1945**, entitled:

An Act protecting race horses from abuse, establishing prohibited substances during horse races, creating a presumption, creating the Equine Drug Control Committee and establishing the Pennsylvania Race Horse Testing Laboratory.

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

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, I would like to move to revert to a prior printer's number.

The SPEAKER. The gentleman, Mr. O'Donnell, will indicate to the Chair what the prior printer's number is he wishes to revert to.

Mr. O'DONNELL. PN 1187.

The SPEAKER. The Chair does not have any such number on the bill.

Mr. O'DONNELL. Mr. Speaker, it is the number previous to 1600. PN 1118.

The SPEAKER. Did the gentleman, Mr. O'Donnell, indicate he wishes to revert to PN 1600?

Mr. O'DONNELL. No, sir. I wish to revert to PN 1118.

The SPEAKER. The gentleman from Philadelphia has posed an interesting question to the Chair when he moves that the House revert to PN 1118. The Chair calls to the attention of the members of the House, we are not going back to the prior printer's number but we are going back two printer's numbers, both amendments which have been inserted in the bill in House committees. The Chair only remarks that it is an unusual procedure, but the Chair sees no objection in it.

Mr. O'DONNELL. Thank you, Mr. Speaker.

The SPEAKER. The question before the House is the reversion to PN 1118.

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

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell. The Chair would suggest that Mr. O'Donnell explain what he is attempting to do.

For what purpose does the gentleman, Mr. Gallen, rise?

Mr. GALEN. Mr. Speaker, I wonder if the gentleman would yield for 1 second.

Mr. O'DONNELL. I yield.

The SPEAKER. The gentleman indicates that he will yield.

Mr. GALEN. We are yielding to a prior printer's number and we do not have that prior printer's number on our desks, so we do not know that to which we are—

The SPEAKER. It was the purpose of the Chair to ask Mr. O'Donnell to explain to the House what the effects of this reversion would be. The bill had been in print in the printer's number that the gentleman is attempting to revert to.

Mr. GALLEN. Another question, Mr. Speaker. Will the bill in that printer's number be distributed in the event that we should revert?

The SPEAKER. Will the gentleman yield until Mr. O'Donnell explains what the effect of the motion will be? The Chair would be very reluctant to permit this House to vote on any legislation without knowing what was in it.

The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, as this bill originally came from the Senate, one of the most important provisions in it was that horses would not be allowed to be injected with foreign substances, which is the language that was used, except under certain circumstances. Later versions of the bill took that language out, then went on to give an extensive list of what substances may not be included. In the prior printer's number after that one, I believe that they put bute in and outlawed it altogether.

In the final version of the bill, which is PN 1945, which you would have in front of you if this motion does not pass, bute is allowed up to a certain percentage per milliliter. So there is a certain amount of bute that will be permitted under the present printer's number. The present printer's number also creates an equine drug control board, which was not in the original version of the bill, and creates the opportunity for an extensive regulatory scheme under this board and under the state veterinarian. I think those are the most significant changes and I think may undercut the original purpose of the bill as it was put in by Senator Howard.

The SPEAKER. The Chair recognizes the gentleman from Snyder, Mr. Thomas.

Mr. THOMAS. The previous speaker is not exactly correct when he says the prior printer's number did not have the equine drug control committee in it. The original bill that came from the Senate did not, but PN 1118 did; PN 1600 did; and the present printer's number, PN 1945, did.

This bill has been around for a long time. It is not new even to this session. It has been before us for about the past three sessions, and it was known as the bute bill up until the present version. Now it became a drug use and abuse bill. There was a special study commission appointed perhaps 2 years ago—I forget the size of that, but approximately a dozen very prominent people in the horse field—to study the effects and use and abuse of all drugs, not just bute.

The bill came from the Senate. It was introduced in the Senate March 6, 1979. It was passed there and came to my committee, this House Agriculture Committee, October 15. It was reported and referred from that committee to the Appropriations Committee March 18, and each time it was

amended, it was done so on the advice of all the interested parties of the horse industry of Pennsylvania.

I sat in on almost all, if not all, meetings, and many other House members sat in on a lot of those meetings. One of the last meetings we had was called by the Secretary of Agriculture, on the advice of the Governor, that we put something together that both the harness racing and the thoroughbred racing people could live with and that we codify something for the benefit of the horseracing industry, which supports about 20,000 paychecks in Pennsylvania.

It is my humble opinion that what we have before us today is a refined version of the work of thousands of hours of many people over the past years, and I would oppose the motion to revert. I think to do that would be to destroy the very thing that we set out to do - create something good for the horse industry of Pennsylvania.

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

Mr. J. L. WRIGHT. Mr. Speaker, may I quiz Mr. Reno Thomas?

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

Mr. J. L. WRIGHT. Mr. Speaker, I suspect at this point you are the expert on the subject piece of legislation. I note that it has had four printer's numbers, and the History is not quite up to date on an explanation of same. Was PN 1945 the result of an amendment, perhaps, in the Appropriations Committee?

Mr. THOMAS. I beg your pardon?

Mr. J. L. WRIGHT. Is PN 1945 a product of an amendment in the Appropriations Committee?

Mr. THOMAS. I believe that is where it was inserted into the bill.

Mr. J. L. WRIGHT. Okay. Thank you.

Next question: The motion before us is to revert to PN 1118. Is that correct?

Mr. THOMAS. Yes, it is.

Mr. J. L. WRIGHT. Is that the version that came out of the Senate?

Mr. THOMAS. No, it is not.

Mr. J. L. WRIGHT. What is the—

Mr. THOMAS. Wait a minute. That is the Senate version.

Mr. J. L. WRIGHT. I thank you, sir.

I would suggest at this late date, if I am allowed to make an additional comment, that if we do not agree to revert to PN 1118, the bill cannot pass this week and would probably wind up in a conference committee, and it may not even see the light of day by the end of this session. I second Mr. O'Donnell's motion to revert to the prior printer's number of 1118. It will get the bill passed, an effort, of course, that many members in the legislature have been attempting to do for several sessions.

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

Mr. ZELLER. Mr. Speaker, would Mr. Thomas consent to interrogation?

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

Mr. ZELLER. Mr. Speaker, I believe it was the meeting we had on May 22, according to my book, in room 401 where Senator Howard was there, and I believe that is where we agreed to pass the bill out of committee, and that was SB 414 with the printer's number of 1118. Is that not correct?

Mr. THOMAS. I believe you are correct.

Mr. ZELLER. Right. Now, since that time and at that time there was much discussion with Senator Howard, who has been the major contender in this for a long time—and I happen to agree with him in regard to the use of bute—and we seemed to all agree and the bill was voted out. Then, may I ask you a question, that bill then wound up to be amended in the Appropriations Committee. Is that not correct?

Mr. THOMAS. Are you directing that question to me, Mr. Speaker?

Mr. ZELLER. Yes, Mr. Speaker. The present printer's number then was amended in the Appropriations Committee. Is that not correct?

Mr. THOMAS. The present version was amended in the Appropriations Committee.

Mr. ZELLER. Right.

Mr. THOMAS. It was first amended in the Agriculture and Rural Affairs Committee.

Mr. ZELLER. Mr. Speaker, under interrogation, the printer's number that Mr. O'Donnell wants to revert to was the result of the meeting we had—that I would refer to, the date again, in May, that was May 22—and that was how PN 1118 came about. Is that not true?

Mr. THOMAS. PN 1600 is the amended version that was reported from the Agriculture and Rural Affairs Committee.

Mr. ZELLER. On May 22?

Mr. THOMAS. I do not know the date.

Mr. ZELLER. I would like to know, that was PN 1600, and we are going back to PN 1118. Now, the reason why I am asking you this is that maybe you can explain to the House the reason why PN 1118 was changed to PN 1600 and what was included, because I know we all agreed at that meeting, and that is why I am wondering why we are going back to PN 1118. I would like to get down to the nitty-gritty of this, so maybe you could explain, what did we do? Senator Howard was there and he agreed, and we all agreed, with PN 1600. Maybe you could explain.

Mr. THOMAS. To the best of my knowledge, we have no problem with Senator Howard's version of the bill today, PN 1945. When the bill came to us, it dealt only with drug bute, and it had no Equine Drug Control Commission.

The SPEAKER. The question that Mr. Zeller has asked is, what amendments were put into this bill in the Agriculture Committee?

Mr. THOMAS. PN 1600—it made it an all-inclusive bill for any drug, medicament, stimulant, et cetera, and it also created an Equine Drug Control Committee.

Mr. ZELLER. And Senator Howard was agreeable to that?

Mr. THOMAS. That is right.

Mr. ZELLER. Okay; that is what I wanted to know. I thank you very much.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—86

Alden	George, C.	McCall	Rieger
Barber	George, M. H.	McIntyre	Ritter
Berson	Giammarco	McMonagle	Rodgers
Borski	Goebel	Maiale	Schweder
Cappabianca	Goodman	Manderino	Seventy
Chess	Grabowski	Michlovic	Shadding
Clark, B. D.	Gray	Mrkonic	Shupnik
Cochran	Greenfield	Mullen	Steighner
Cohen	Harper	Murphy	Stewart
Cowell	Hoeffel	Novak	Street
DeWeese	Irvis	O'Brien, B. F.	Stuban
DiCarlo	Itkin	O'Donnell	Taylor, F.
Dawida	Johnson, J. J.	Oliver	Trello
Dombrowski	Knight	Petrarca	Wachob
Donatucci, R.	Kolter	Pievsky	Wargo
Duffy	Kowalshyn	Pistella	White
Durham	Kukovich	Pratt	Wilson
Fee	Laughlin	Pucciarelli	Wright, D. R.
Fryer	Lescovitz	Rappaport	Wright, Jr., J.
Gallagher	Letterman	Rhodes	Zitterman
Gamble	Levin	Richardson	Zwikel
Gatski	Livengood		

NAYS—94

Anderson	Foster, W. W.	McClatchy	Scheaffer
Armstrong	Foster, Jr., A.	McVerry	Serafini
Arty	Gallen	Mackowski	Sieminski
Belardi	Gannon	Madigan	Sirianni
Bittle	Geesey	Manmiller	Smith, E. H.
Bowser	Geist	Miller	Smith, L. E.
Brandt	Gladeck	Moehlmann	Spencer
Brown	Grieco	Mowery	Spitz
Burd	Gruppo	Nahill	Stairs
Cessar	Hagarty	Noye	Swift
Cimini	Halverson	O'Brien, D. M.	Taddonio
Clark, M. R.	Hasay	Perzel	Taylor, E. Z.
Cole	Hayes, Jr., S.	Peterson	Telek
Cornell	Honaman	Phillips	Thomas
Coslett	Hutchinson, W.	Piccola	Vroon
Cunningham	Johnson, E. G.	Pitts	Wass
DeVertter	Kanuck	Polite	Wenger
Davies	Klingaman	Pott	Wilt
Dietz	Knepper	Punt	Yohn
Dininni	Lashinger	Pyles	Zeller
Dorr	Lehr	Rasco	Zord
Earley	Levi	Rocks	
Fischer	Lewis	Ryan	Seltzer,
Fisher	Lynch, E. R.	Salvatore	Speaker

NOT VOTING—10

Beloff	DeMedio	Micozzie	Williams
Bennett	Dumas	Sweet	Yahner
Civera	Jones		

EXCUSED—11

Austin	Freind	McKelvey	Schmitt
Burns	Helfrick	Milanovich	Weidner
Caltagirone	Hutchinson, A.	Reed	

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

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

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

The question is, shall the bill pass finally?

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

(Members proceeded to vote.)

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

Mr. LETTERMAN. Mr. Speaker, before passage, I would just like to remind the members that the establishment of these two boards is going to cost \$600,000. That is going to come out of local government money, which they are probably going to come back and ask us for in some other form, and I hope the ones who vote for this are ready to vote for a tax increase to give them enough money to live on. Thank you.

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

Mr. ZELLER. Mr. Speaker, if I may, on the bill.

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

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

Mr. ZELLER. If I am allowed, the reason I was questioning though was because of the fact that Senator Howard had agreed, and he has been one of the most knowledgeable—not taking anything away from Mr. Thomas, but I think one of the individuals who has been most knowledgeable—in regard to the use of bute and his worriment about it, and I have shared this for years and years. What I would like to ask, if you do not mind, at this time is if Mr. Thomas would answer a question for me under interrogation, if Mr. Thomas would answer a question, please.

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

Mr. ZELLER. Mr. Speaker, I did not want to go back to PN 1118 because I was not sure exactly what it contained. When we went through this in committee and went to PN 1600, we were all in agreement. Now that we are at PN 1945, is bute in the same position as it was in PN 1118 and PN 1600?

Mr. THOMAS. To the best of my knowledge, it is.

Mr. ZELLER. I understand it is not. That is why we wanted to know, because I wanted to go back to PN 1600, not PN 1118. So the prior printer's number, I think, was wrong because the prior PN 1118 should have been PN 1600, but that is beside the point. The point I want to ask you now is, I understand the way I read it, bute is not in

the same position as it was then. It is going to be left up to a team of veterinarians who, the information I receive in going to—not as betting but investigation of—these tracks, if you go to the right vet, you can get anything you want, and it sort of scares me at the position that this bill is in right now, and I know that is not your intent. But you are telling the body now, Mr. Speaker, that the bute part of the bill is the same as it was in PN 1600 or PN 1118, to the best of your knowledge?

Mr. THOMAS. To the best of my knowledge, all drugs are banned from horses before they race, but it specifies certain conditions by which they are banned.

Mr. ZELLER. Yes, I know. There is a time frame and all that. Well, thank you, Mr. Speaker.

I voted against reverting back because I felt it was a wrong printer's number. I agree with what Mr. O'Donnell was trying to do, but I feel we have gone far afield here in regards to not only the cost of setting up this commission, but I feel that it is an awful loss to local government at the cost of, again, allowing a group of people to play games with horses, and that is why I sincerely feel that any of you people here who are animal lovers are going to get a lot of people on your neck. You better think twice before you vote on this one, because I feel if we went back to the original Senator Howard bill, I think it would have been a good one, but I think we have gone far afield and I believe it should have come back to the Agriculture Committee instead of being amended in Appropriations Committee. I never did like that movement in the first place, so I feel that what we should do is actually—and I say this sincerely with all respect to Mr. Thomas—vote this measure down.

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—93

Anderson	Gallagher	Mackowski	Sieminski
Armstrong	Gallen	Madigan	Sirianni
Arty	Geesey	Manmiller	Smith, E. H.
Bittle	Geist	Miller	Smith, L. E.
Bowser	George, M. H.	Moehlmann	Spencer
Brandt	Gladeck	Mowery	Spitz
Burd	Grieco	Nahill	Stairs
Cessar	Gruppo	Noye	Sweet
Cimini	Hagarty	O'Brien, D. M.	Swift
Clark, M. R.	Halverson	Perzel	Taylor, E. Z.
Cole	Hasay	Peterson	Telek
Cornell	Hayes, Jr., S.	Phillips	Thomas
Coslett	Honaman	Piccola	Vroon
DeMedio	Hutchinson, W.	Pitts	Wass
DeVertter	Johnson, E. G.	Polite	Wenger
DiCarlo	Klingaman	Pott	Wilson
Davies	Knepper	Punt	Wilt
Dietz	Lashinger	Pyles	Wright, Jr., J.
Dininni	Lehr	Rasco	Yohn
Dorr	Levi	Rocks	Zord
Durham	Lewis	Rodgers	
Fee	Livengood	Ryan	Seltzer,
Foster, W. W.	Lynch, E. R.	Salvatore	Speaker
Foster, Jr., A.	McClatchy	Scheaffer	

NAYS—87

Alden	Gannon	McCall	Rieger
Barber	Gatski	McIntyre	Ritter
Belardi	George, C.	McMonagle	Schweder
Berson	Giammarco	McVerry	Serafini
Brown	Goebel	Maiale	Seventy
Cappabianca	Goodman	Manderino	Shadding
Chess	Grabowski	Michlovic	Shupnik
Clark, B. D.	Gray	Mrkonic	Steighner
Cochran	Greenfield	Mullen	Stewart
Cohen	Hoeffel	Murphy	Street
Cowell	Irvis	Novak	Stuban
Cunningham	Itkin	O'Brien, B. F.	Taylor, F.
DeWeese	Johnson, J. J.	O'Donnell	Trello
Dawida	Kanuck	Oliver	Wachob
Dombrowski	Knight	Petrarca	Wargo
Donatucci, R.	Kolter	Pievsky	White
Duffy	Kowalshyn	Pistella	Wright, D. R.
Earley	Kukovich	Pratt	Yahner
Fischer	Laughlin	Pucciarelli	Zeller
Fisher	Lescovitz	Rappaport	Zitterman
Fryer	Letterman	Rhodes	Zwilk
Gamble	Levin	Richardson	

NOT VOTING—10

Beloff	Civera	Jones	Taddonio
Bennett	Dumas	Micozzie	Williams
Borski	Harper		

EXCUSED—11

Austin	Freind	McKelvey	Schmitt
Burns	Helfrick	Milanovich	Weidner
Caltagirone	Hutchinson, A.	Reed	

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 **SB 1287, PN 1928**, entitled:

An Act requiring prompt payment to milk producers, providing for the establishment of a Milk Producers' Security Fund and a Cooperative Security Fund, providing for a procedure to process claims against the Milk Producers' Security Fund and Cooperative Security Fund, providing for alternative methods of security on behalf of milk producers, and providing for certain prohibitions and penalties.

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

Amend Sec. 22, page 20, line 8, by striking out "Article V" and inserting Sections 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511 and 512

Amend Sec. 22, page 20, line 9, by striking out "is" and inserting are

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

The SPEAKER. The Chair recognizes the gentleman from Snyder, Mr. Thomas.

Mr. THOMAS. This is a corrective amendment. The bill as it is drafted on your calendar now calls for the repeal of Article V. When it was repealed, article V dealt with the bonding section and it also repealed the bond requirements for subdealers or bobtailers. The amendment that you have

before you now restores the bond that subdealers or bobtailers require, and, as far as I know, it is an agreed-to amendment.

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

The following roll call was recorded:

YEAS—172

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

NAYS—1

Cohen

NOT VOTING—17

Barber	Dumas	Jones	Sirianni
Beloff	Gray	Letterman	Taylor, F.
Bennett	Harper	McIntyre	Williams
Bowser	Johnson, J. J.	Micozzie	Wright, Jr., J.
Civera			

EXCUSED—11

Austin	Freind	McKelvey	Schmitt
Burns	Helfrick	Milanovich	Weidner
Caltagirone	Hutchinson, A.	Reed	

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. GOEBEL offered the following amendments:

Amend Bill, page 1, lines 1 through 19; page 2, lines 1 through 13, by striking out all of said lines on said pages and inserting

Repealing the act of April 28, 1937 (P.L.417, No.105), entitled, as amended, "An act relating to milk and the products thereof; creating a Milk Marketing Board; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the board; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the board; authorizing the board to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the board to examine the business, papers and premises of milk dealers, and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the board to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the board, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the board; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations," abolishing the Milk Marketing Board.

Amend Bill, page 2, lines 16 through 30; pages 3 through 19, lines 1 through 30; page 20, lines 1 through 15, by striking out all of said lines on said pages and inserting

Section 1. The act of April 28, 1937 (P.L.417, No.105), known as the "Milk Marketing Law," is repealed.

Section 2. The Milk Marketing Board is hereby abolished and the terms of all present members thereof are terminated on the effective date of this act.

Section 3. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

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

Mr. GOEBEL. Mr. Speaker, this is a simple technical change in the bill here. It strips the bill out and just adds in enough to repeal the Milk Marketing Board. So this is probably the only vote you are going to get on this maybe for another 4 years. It is the first time I have seen a Milk Marketing Board bill up in the 4 years that I have been here, so anybody who wants to vote against the Milk Marketing Board, this is about the only chance you are going to get to drive another stake into the heart of the

bureaucracy here in Harrisburg. An affirmative vote would be appreciated.

The SPEAKER. The Chair recognizes the gentleman from Snyder, Mr. Thomas.

Mr. THOMAS. Mr. Speaker, I knew nothing about this amendment until a few hours ago when I saw it pass my desk. I would certainly oppose the amendment. This is not the time or the place to deal with an administrative government agency. What we are doing in SB 1287 is giving this agency something further to do on behalf of agriculture's largest industry. Agriculture today is more than a billion-and-a-half-dollar industry, and the dairy industry is the big half of that sum total. I would strenuously, without going into further debate, oppose the amendment.

The SPEAKER. The Chair recognizes the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. Mr. Speaker, I rise to speak against the amendment and I agree with Mr. Thomas. I think this is the wrong time to make this move, and I think by making this move nobody will suffer here but the consumer, because just as soon as we take this regulation away, the milk will increase in cost and the poor consumer will pay the bill.

On the question,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—39

Berson	Fischer	Kukovich	Pistella
Cappabianca	Giammarco	Lashinger	Pucciarelli
Cessar	Gladeck	McVerry	Rappaport
Chess	Goebel	Michlovic	Seventy
Clark, B. D.	Grabowski	Mrkonic	Stairs
Cohen	Greenfield	Mullen	Stewart
Cowell	Harper	Murphy	Taddonio
DeWeese	Hoeffel	O'Donnell	Trello
Dawida	Hutchinson, W.	Perzel	Zord
Duffy	Knepper	Pievsky	

NAYS—137

Alden	Gamble	Mackowski	Shadding
Anderson	Gannon	Madigan	Shupnik
Armstrong	Gatski	Maiale	Sieminski
Arty	Geesey	Manderino	Sirianni
Belardi	Geist	Manmiller	Smith, E. H.
Bittle	George, C.	Moehlmann	Smith, L. E.
Bowser	George, M. H.	Mowery	Spencer
Brandt	Goodman	Nahill	Spitz
Brown	Grieco	Novak	Steighner
Burd	Gruppo	Noye	Stuban
Cimini	Hagarty	O'Brien, B. F.	Sweet
Clark, M. R.	Halverson	O'Brien, D. M.	Swift
Cochran	Hasay	Oliver	Taylor, E. Z.
Cole	Hayes, Jr., S.	Peterson	Taylor, F.
Cornell	Honaman	Petrarca	Telek
Coslett	Irvic	Phillips	Thomas
Cunningham	Johnson, E. G.	Piccola	Vroon
DeMedio	Kanuck	Pitts	Wachob
DeVerter	Klingaman	Polite	Wargo
DiCarlo	Knight	Pott	Wass
Davies	Kolter	Pratt	Wenger
Dietz	Kowalshyn	Punt	White
Dininni	Laughlin	Pyles	Wilson
Dombrowski	Lehr	Rasco	Wilt
Donatucci, R.	Lescovitz	Rhodes	Wright, D. R.
Dorr	Letterman	Richardson	Wright, Jr., J.
Durham	Levi	Rieger	Yahner
Earley	Levin	Ritter	Yohn

Fee	Lewis	Rocks	Zeller
Fisher	Livengood	Rodgers	Zitterman
Foster, W. W.	Lynch, E. R.	Ryan	Zwikl
Foster, Jr., A.	McCall	Salvatore	
Fryer	McClatchy	Scheaffer	Seltzer,
Gallagher	McIntyre	Schweder	Speaker
Gallen	McMonagle	Serafini	

NOT VOTING—14

Barber	Civera	Johnson, J. J.	Miller
Beloff	Dumas	Jones	Street
Bennett	Gray	Micozzie	Williams
Borski	Itkin		

EXCUSED—11

Austin	Freind	McKelvey	Schmitt
Burns	Helfrick	Milanovich	Weidner
Caltagirone	Hutchinson, A.	Reed	

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—176

Alden	Gamble	McIntyre	Salvatore
Anderson	Gannon	McMonagle	Scheaffer
Armstrong	Gatski	McVerry	Schweder
Arty	Geesey	Mackowski	Serafini
Belardi	Geist	Madigan	Seventy
Berson	George, C.	Maiale	Shadding
Bittle	George, M. H.	Manderino	Shupnik
Bowser	Giammarco	Manmiller	Sieminski
Brandt	Gladeck	Michlovic	Sirianni
Brown	Goebel	Moehlmann	Smith, E. H.
Burd	Goodman	Mowery	Smith, L. E.
Cappabianca	Grabowski	Mrkonic	Spencer
Cessar	Greenfield	Mullen	Spitz
Chess	Grieco	Murphy	Stairs
Cimini	Gruppo	Nahill	Steighner
Clark, B. D.	Hagarty	Novak	Stewart
Clark, M. R.	Halverson	Noye	Stuban
Cochran	Harper	O'Brien, B. F.	Sweet
Cohen	Hasay	O'Brien, D. M.	Swift
Cole	Hayes, Jr., S.	O'Donnell	Taddonio
Cornell	Hoeffel	Oliver	Taylor, E. Z.
Coslett	Honaman	Perzel	Taylor, F.
Cowell	Hutchinson, W.	Peterson	Telek
Cunningham	Irvis	Petrarca	Thomas
DeMedio	Itkin	Phillips	Trello
DeVerter	Johnson, E. G.	Piccola	Vroon
DeWeese	Kanuck	Pievsky	Wachob
DiCarlo	Klingaman	Pistella	Wargo
Davies	Knepper	Pitts	Wass
Dawida	Knight	Polite	Wenger
Dietz	Kolter	Pott	White
Dombrowski	Kowalshyn	Pratt	Wilson
Donatucci, R.	Kukovich	Pucciarelli	Wilt
Dorr	Lashingier	Punt	Wright, D. R.
Duffy	Laughlin	Pyles	Wright, Jr., J.
Durham	Lehr	Rappaport	Yahner
Earley	Lescovitz	Rasco	Yohn
Fee	Letterman	Rhodes	Zeller
Fischer	Levi	Richardson	Zitterman
Fisher	Levin	Rieger	Zord
Foster, W. W.	Lewis	Ritter	Zwikl

Foster, Jr., A.	Livengood	Rocks	
Fryer	Lynch, E. R.	Rodgers	Seltzer,
Gallagher	McCall	Ryan	Speaker
Gallen	McClatchy		

NAYS—0

NOT VOTING—14

Barber	Civera	Johnson, J. J.	Miller
Beloff	Dininni	Jones	Street
Bennett	Dumas	Micozzie	Williams
Borski	Gray		

EXCUSED—11

Austin	Freind	McKelvey	Schmitt
Burns	Helfrick	Milanovich	Weidner
Caltagirone	Hutchinson, A.	Reed	

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 **HB 2525, PN 3313**, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), providing for the continuation, composition and functions of the State Veterans' Commission.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMENDED

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

Mr. SCHEAFFER. Mr. Speaker, I move that HB 2525 be recommitted to the Committee on Veterans Affairs.

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

Mr. COHEN. Mr. Speaker, I would like to speak on the motion.

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

Mr. COHEN. Mr. Speaker, it has been moved that HB 2525 be recommitted to committee—I believe the Veterans Affairs Committee.

The SPEAKER. The gentleman is correct.

Mr. COHEN. Thank you, Mr. Speaker.

This bill in itself does not seem to me to be of earth-shaking significance. Although some veterans' groups want it, I think all by itself it will somewhat improve the performance of the State Veterans' Commission. I do not think that this bill is being recommitted because of any sudden discovery of defects or any sudden discovery that the current State Veterans' Commission is doing a better job than hitherto been expected.

It seems kind of funny that after I came up with amendments providing for nuclear safety in Pennsylvania, amendments which provide for the hiring of nuclear inspectors at each nuclear plant in Pennsylvania—something the Senate has passed 47 to 1 and which has aroused very little controversy in Pennsylvania—and also after I came up with amendments which implement Governor Thornburgh's statement, which he has made all over this country, do we need state licensing personnel—

The SPEAKER. The gentleman will yield. The Chair would ask the gentleman from Philadelphia, Mr. Cohen, to please confine his debate to the reasons for recommittal or no recommittal. The question before the House is recommittal and not any amendments that the gentleman may have proposed.

For what purpose does the gentleman, Mr. Manderino, rise?

Mr. MANDERINO. To inform you of the results of a survey that I took. During this session of the legislature, members on this side of the aisle have regressed and digressed from the subject matter before us 111 times, and on the other side of the aisle, they have never done it, and I cannot understand why, Mr. Speaker.

The SPEAKER. Facetiously, the Chair would ask the gentleman to move over.

Mr. MANDERINO. Mr. Speaker, it seems to me that you are being unfair in the way you wield that gavel.

The SPEAKER. The Chair thanks the gentleman for that enlightening information.

The gentleman, Mr. Cohen, may continue.

Mr. COHEN. Mr. Speaker, will the gentleman, Mr. Scheaffer, submit to interrogation?

Mr. SCHEAFFER. Yes, I will.

The SPEAKER. The gentleman indicates he will. The gentleman, Mr. Cohen, may proceed.

Mr. COHEN. Mr. Speaker, could the gentleman inform us as to why he is making this motion?

Mr. SCHEAFFER. There is more work to be done in this particular piece of legislation. Since the veterans' organizations have held their conventions this month, we have two words in this particular bill, and both of them are the same word. It is "designee," and they are concerned. Right now the members of this Veterans' Commission have to be the commanders of all these organizations, and this particular bill says commanders or designee. It also says the Adjutant General or designee. And some things have come up as to whether they want designees rather than the commander of the VFW or the commander of the legion or the commander of the disabled veterans, so we would like to discuss this term "designee" all over again. That is why we would like to have it recommitted.

Mr. COHEN. Have you reached any conclusion as to what language you wish to have in this bill?

Mr. SCHEAFFER. We have not discussed it yet. I am not the only member of that committee.

The SPEAKER. Does the gentleman have any further interrogation?

Mr. COHEN. Why could we not have discussions about this tomorrow. You could call a special meeting of the committee—

Mr. SCHEAFFER. Because our committee does our discussion in committee meetings and not on the floor of the House.

Mr. COHEN. Thank you. I have no further interrogation.

The SPEAKER. The Chair thanks the gentleman.

Mr. COHEN. Mr. Speaker, I would like to continue with my remarks.

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

Mr. COHEN. Mr. Speaker, before we adjourn for the summer, this will be the last chance we will have, over 1 year after the Three Mile Island incident, to vote on the question of nuclear safety in Pennsylvania. That is an important issue.

The SPEAKER. The gentleman will yield. The question before the House is the motion on recommittal. The gentleman is recognized to debate the question of recommittal.

Mr. COHEN. Mr. Speaker, it is my conclusion, which I think is obvious, that in order to vote for nuclear safety in Pennsylvania, we have to vote "no" on recommittal. We cannot stick these two very worthy amendments for nuclear safety on thin air nor can we stick these amendments on other bills. This is the only bill—

The SPEAKER. The Chair is attempting to be lenient with the gentleman. The gentleman will please confine his remarks on the motion to recommit.

Mr. COHEN. Mr. Speaker, this is not the first time that a bill in which nuclear safety amendments—

The SPEAKER. The question before the House is the motion to recommit. If the gentleman wishes to debate the motion, he is in order and may proceed.

Mr. COHEN. Mr. Speaker, recommitting this bill will send a message, I think the wrong message, to the citizens of Pennsylvania. Recommitting this bill will say that it is the opinion of the majority of the members of this House that we want to avoid fundamental issues. Recommitting this bill will say that the goal of the membership of this House is to avoid facing the issue of nuclear safety and to avoid facing other issues such as Mr. Clark has.

The SPEAKER. The gentleman is out of order. The Chair has attempted to be lenient. The gentleman will please confine his remarks to the motion. The gentleman, Mr. Cohen, may proceed.

Mr. COHEN. Mr. Speaker, Mr. Scheaffer or any other member has the option, if he feels that this bill is insufficiently prepared, to seek to delete the original provisions of this bill from this bill. I would suggest that if my amendments pass, an amendment introduced by Mr. Scheaffer to delete the original language would be in order, and then we could proceed, he could reintroduce the bill, and consider it in committee at whatever length he desires to consider it. We could get input from the veterans; you could get input

from everybody in the Commonwealth. It is not necessary to vote on the specific veterans' provisions of this bill today or tomorrow if we do not want to do that. We have the option of deleting the original language.

I would think, though, that we do not have the option of voting on issues of nuclear safety in any way other—

The SPEAKER. The gentleman is out of order. The gentleman will please take his seat. The question before the House is the recommittal on HB 2525. Those in favor of recommittal will vote "aye" —

Mr. COHEN. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. COHEN. To continue speaking.

The SPEAKER. The Chair will permit the gentleman to continue one more time for as long as he wants on the recommittal motion. The gentleman may proceed.

Mr. COHEN. I would think that the people who would benefit by a "no" vote from recommittal for the reasons which are obvious are people in counties like Montgomery County, like Lancaster County, like Armstrong County, Lebanon County, people in certain kinds of counties. And the counties that would benefit by voting "no" happen to be counties with very heavy Republican registration majorities, and I think as a Democrat the general humanitarian consideration should prevail and that, although as somebody interested in Democratic majorities in this House, nuclear accidents would tend to reduce the number of registered Republicans.

The SPEAKER. The gentleman is out of order.

The Chair recognizes the minority whip on the recommittal motion.

Mr. MANDERINO. Mr. Speaker, will the gentleman, Mr. Cohen, consent to interrogation?

Mr. COHEN. Yes, Mr. Speaker.

The SPEAKER. The gentleman will confine his remarks to the reason for recommittal. The gentleman may proceed.

Mr. MANDERINO. That is 118 before I even said anything.

The SPEAKER. The gentleman may proceed.

Mr. MANDERINO. Did you ever hear of a recall petition?

The SPEAKER. I might even vote for it.

The gentleman, Mr. Manderino, may proceed.

Mr. MANDERINO. Mr. Speaker, a motion to recommit HB 2525 has been made giving reasons that the Administrative Code should not be amended in the manner that this bill intends to amend the Administrative Code. Do you intend to amend the Administrative Code?

Mr. COHEN. Yes, I do.

Mr. MANDERINO. And are your amendments to any section of the Administrative Code that speaks to nuclear energy or nuclear safety?

Mr. COHEN. Yes, they are, Mr. Speaker.

Mr. MANDERINO. Do your amendments propose to amend the Administrative Code as this particular bill does by prescribing powers and duties to members of the

Governor's cabinet who are given responsibilities under the Administrative Code?

Mr. COHEN. Yes, they do, Mr. Speaker. They give additional responsibilities to the Secretary of the Commonwealth and to the Secretary of the Department of Environmental Resources.

Mr. MANDERINO. Mr. Speaker, under the Administrative Code, have you attempted to amend other bills on the Administrative Code necessitating your continual production of these amendments every time an Administrative Code bill comes up?

Mr. COHEN. I have tried to amend other bills such as HB 1019, which was also recommitted.

The SPEAKER. For what purpose does the gentleman from Cumberland, Mr. Scheaffer, rise?

Mr. SCHEAFFER. Mr. Speaker, I just want to ask a question. What does this have to do with recommitting HB 2525, which has to do with military affairs?

Mr. MANDERINO. No; it has to do with the Administrative Code.

The SPEAKER. The question before the House is the motion to recommit. The Administrative Code is not before the House, the gentleman's amendments are not before the House, nor does the Chair believe that the interrogation of the minority whip is proper. The gentleman may confine his interrogation to the reason for recommittal. He may proceed.

Mr. MANDERINO. Mr. Cohen is trying to demonstrate to this House that he has amendments to this bill, Mr. Speaker, that amend the Administrative Code and that if the bill is recommitted, his amendments, though germane to the Administrative Code, cannot be offered. Now, what is more pertinent to recommittal?

Mr. Speaker, I think that Mr. Cohen and many members of this side of the aisle have suffered from the gavel wielded by the Speaker in this session of the legislature when the Speaker felt, for reasons other than members were straying from the subject matter, that he would put them in their place. Mr. Speaker, I have said to you and have said to this House that you have wielded the gavel unfairly; you continue to wield it unfairly—

The SPEAKER. The gentleman is out of order.

Mr. MANDERINO. —and I will continue to point it out.

The SPEAKER. The gentleman is out of order. The question before the House is recommittal, not the demeanor of the Speaker. If the gentleman wishes to further debate the recommittal motion, he is in order.

Mr. MANDERINO. Mr. Speaker, I think that Mr. Cohen has a right to offer amendments to the bill before us. He has circulated those amendments; he has informed the members of this House that he intends to amend the bill, and I think if in fact the members of this House believe that this bill is being recommitted for the purpose of denying him the opportunity to exercise the responsibilities that he was charged with when the people in his district elected him to the House, they ought to oppose the recommittal motion as it has been placed.

We have seen this same tactic, Mr. Speaker, from time to time in this session on other bills. It is for the members of this House, I think, to judge. I would hope that they would judge fairly the reasons for recommittal. I personally believe that this bill is being called on for recommittal only because distasteful amendments, distasteful to the other side of the aisle, are being proposed to this bill, and I would hope that members would oppose recommittal. I am sure that Mr. Cohen, myself, Mr. Petrarca— If I had a phone book, I could probably pick out a lot of people who are opposed to recommittal of this bill simply because it will deny the right of Pennsylvanians to have safety in the establishment of nuclear plants.

Mr. Speaker, I would hope that if we are going to follow the rule as strictly as you would have us follow the rule on debating the question before us, it be equally applied to all speakers. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—91

Alden	Foster, W. W.	Lynch, E. R.	Serafini
Anderson	Foster, Jr., A.	McClatchy	Sieminski
Armstrong	Gallen	McVerry	Smith, E. H.
Arty	Gamble	Mackowski	Smith, L. E.
Belardi	Gannon	Madigan	Spencer
Bittle	Geist	Manmiller	Spitz
Bowser	Gladeck	Moehlmann	Stairs
Brandt	Grieco	Mowery	Swift
Burd	Gruppo	Mrkonic	Taddonio
Cessar	Hagarty	Noye	Taylor, E. Z.
Cimini	Halverson	O'Brien, D. M.	Telek
Clark, M. R.	Hasay	Perzel	Thomas
Cornell	Hayes, Jr., S.	Peterson	Vroon
Coslett	Honaman	Phillips	Wass
Cunningham	Hutchinson, W.	Pitts	Wenger
DeVerter	Itkin	Polite	Wilson
Davies	Johnson, E. G.	Pott	Wilt
Dietz	Kanuck	Punt	Wright, Jr., J.
Dininni	Klingaman	Rasco	Yohn
Dorr	Knepper	Rocks	Zord
Durham	Lehr	Ryan	
Earley	Levi	Salvatore	Seltzer,
Fischer	Lewis	Scheaffer	Speaker

NAYS—81

Berson	George, C.	Manderino	Rodgers
Borski	George, M. H.	Michlovic	Schweder
Brown	Giammarco	Miller	Seventy
Cappabianca	Goodman	Murphy	Shadding
Chess	Grabowski	Nahill	Shupnik
Clark, B. D.	Greenfield	Novak	Steighner
Cochran	Harper	O'Brien, B. F.	Stewart
Cohen	Hoeffel	O'Donnell	Street
Cole	Irvis	Oliver	Stuban
Cowell	Knight	Petrarca	Sweet
DeWeese	Kolter	Pievsky	Taylor, F.
DiCarlo	Kowalshyn	Pistella	Trello
Dawida	Kukovich	Pratt	Wachob
Dombrowski	Lashingner	Pucciarelli	Wargo
Donatucci, R.	Laughlin	Pyles	White
Duffy	Lescovitz	Rappaport	Wright, D. R.
Fee	Letterman	Rhodes	Yahner
Fryer	Livengood	Richardson	Zeller
Gallagher	McCall	Rieger	Zitterman
Gatski	Maiale	Ritter	Zwinkl

NOT VOTING—18

Barber	Dumas	Levin	Mullen
Beloff	Goebel	McIntyre	Piccola
Bennett	Gray	McMonagle	Sirianni
Civera	Johnson, J. J.	Micozzie	Williams
DeMedio	Jones		

EXCUSED—11

Austin	Freind	McKelvey	Schmitt
Burns	Helfrick	Milanovich	Weidner
Caltagirone	Hutchinson, A.	Reed	

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

The SPEAKER. The bill is so recommitted.

* * *

The House proceeded to third consideration of **SB 1145, PN 1882**, entitled:

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," further providing for assessments for lighting.

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	Gannon	McVerry	Schweder
Anderson	Gatski	Mackowski	Serafini
Armstrong	Geesey	Madigan	Seventy
Arty	Geist	Maiale	Shadding
Belardi	George, C.	Manderino	Shupnik
Berson	George, M. H.	Manmiller	Sieminski
Bittle	Giammarco	Michlovic	Sirianni
Borski	Gladeck	Miller	Smith, E. H.
Bowser	Goebel	Moehlmann	Smith, L. E.
Brandt	Goodman	Mowery	Spencer
Brown	Grabowski	Mrkonic	Spitz
Burd	Greenfield	Mullen	Stairs
Cappabianca	Grieco	Murphy	Steighner
Cessar	Gruppo	Nahill	Stewart
Chess	Hagarty	Novak	Street
Cimini	Halverson	Noye	Stuban
Clark, M. R.	Harper	O'Brien, B. F.	Sweet
Cochran	Hasay	O'Brien, D. M.	Swift
Cole	Hayes, Jr., S.	O'Donnell	Taddonio
Cornell	Hoeffel	Oliver	Taylor, E. Z.
Coslett	Honaman	Perzel	Taylor, F.
Cowell	Hutchinson, W.	Peterson	Telek
Cunningham	Irvis	Petrarca	Thomas
DeMedio	Itkin	Phillips	Trello
DeVerter	Johnson, E. G.	Piccola	Vroon
DeWeese	Kanuck	Pievsky	Wachob
DiCarlo	Klingaman	Pistella	Wargo
Davies	Knepper	Pitts	Wass
Dawida	Knight	Polite	Wenger
Dietz	Kolter	Pott	White
Dininni	Kowalshyn	Pratt	Wilson
Donatucci, R.	Lashingner	Pucciarelli	Wilt
Dorr	Laughlin	Punt	Wright, D. R.
Duffy	Lehr	Pyles	Wright, Jr., J.
Durham	Lescovitz	Rappaport	Yahner
Earley	Letterman	Rasco	Yohn
Fee	Levi	Rhodes	Zeller
Fischer	Levin	Rieger	Zitterman

Foster, W. W.	Livengood	Ritter	Zord
Foster, Jr., A.	Lynch, E. R.	Rocks	Zwikl
Fryer	McCall	Rodgers	
Gallagher	McClatchy	Ryan	Seltzer,
Gallen	McIntyre	Salvatore	Speaker
Gamble	McMonagle		

NAYS—4

Clark, B. D.	Cohen	Dombrowski	Richardson
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NOT VOTING—14

Barber	Dumas	Jones	Micozzie
Beloff	Fisher	Kukovich	Scheaffer
Bennett	Gray	Lewis	Williams
Civera	Johnson, J. J.		

EXCUSED—11

Austin	Freind	McKelvey	Schmitt
Burns	Helfrick	Milanovich	Weidner
Caltagirone	Hutchinson, A.	Reed	

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 **HB 2534, PN 3402**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Mr. L. E. SMITH offered the following amendments:

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. I do not have marked on my calendar any amendments to this bill. We have not seen the amendments, to my knowledge.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. I gave these amendments to Mr. Greenfield at about 1:30, and the amendments have already been circulated.

Mr. IRVIS. Mr. Speaker, Mr. Greenfield does not recall the amendment. We did not have it in caucus, but I have a request that the bill be passed over. I will not object to hearing an explanation of the amendment, but I would ask that if the amendment be adopted, the bill be held over and not be passed today.

Mr. L. E. SMITH. Mr. Speaker, may I interrogate the minority leader?

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

Mr. L. E. SMITH. Mr. Speaker, am I wrong about the procedure that is followed in giving the other party amendments for a bill that is going to be run?

Mr. IRVIS. No, Mr. Speaker. The gentleman is correct, and I am not objecting to that. I am simply stating that I was not aware of it and therefore the caucus was not aware of it, but I have said to the gentleman that as long as he has followed the procedure, I was willing to hear the amendment and his explanation of it. My request is that if the amendment be adopted, we not pursue this bill into final passage. That is my only request at this moment.

Mr. L. E. SMITH. Mr. Speaker, the amendment is in three different parts. The first two parts are rather technical in nature. The last part of the amendment tightens it up a little bit, makes it a little more restrictive, so that we are not permitting any person to join into a partnership in a funeral establishment, but it would be limited to only those people, only a widow or widower, of the deceased partner.

The SPEAKER. Will the gentleman yield? The clerk will read the amendment.

Amend Sec. 1 (Sec. 8), page 2, line 15, by removing the comma after "widow" and inserting or widower,

Amend Sec. 1 (Sec. 8), page 2, line 22, by striking out "SUPERVISION" and inserting supervisor

Amend Sec. 1 (Sec. 8), page 2, lines 27 and 28, by striking out "AS LONG AS A FULL-" in line 27, all of line 28 and inserting with one or more of the licensed funeral directors with whom the deceased licensee was in partnership.

On the question,

Will the House agree to the amendments?

The SPEAKER. Is it agreeable to the gentleman, Mr. Smith, that the amendments be adopted and the bill be reprinted and considered tomorrow on final passage?

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

Mr. MURPHY. To interrogate Mr. Smith on the amendment.

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

Mr. MURPHY. Mr. Speaker, I guess I am puzzled as to why we want to do this in the first place and I want to try to understand the implications of what we are doing.

If I understand it correctly, if I were the owner of a funeral home in partnership with another person, and I passed away and my wife inherited that portion of the partnership, you are saying that once the person with whom I was in partnership passed away, my wife would have no further interest in the business.

Mr. L. E. SMITH. Well, we are getting into the context of the bill now, and I do not know how much latitude we are going to have at that point, but that has been the recent ruling of the funeral directors board, that they will not issue a widow or a widower a license unless they are a licensed funeral director. So you are right, if you were a funeral director in partnership with another man and you passed away, your wife is forced out of that business.

Mr. MURPHY. My wife, excuse me, would be—?

Mr. L. E. SMITH. Forced out of the business.

Mr. MURPHY. No; she would be in the business as long as the other partner remained alive?

Mr. L. E. SMITH. No; she would not have a partnership license under present interpretation of the funeral directors board. Now, the reason for the bill—

Mr. MURPHY. Okay. The existing bill, yes. In the existing bill it would give her that right to that partnership. Okay.

Mr. L. E. SMITH. Right.

Mr. MURPHY. Now you want to limit that to only as long as the other partner survives. Why do you want to do that?

Mr. L. E. SMITH. Mr. Speaker, I do not think I understand the question.

Mr. MURPHY. Why do you want to take away the license from the widow or widower once the other partner—

Mr. L. E. SMITH. That is not the purpose of the amendment at all.

Mr. MURPHY. It seems to me, in looking at your amendment, that that is the effect of it though.

Mr. L. E. SMITH. Mr. Speaker, I really do not know how to interpret the amendment any differently than I have explained it. Now, the purpose for this amendment is to prohibit any unlicensed person from joining in a partnership. We are restricting it just to the widow or the widower of the deceased.

Mr. MURPHY. Okay; thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. I am not doing this to interrupt the orderly flow, but I have been advised by several of my members that they do not have copies of this amendment and they are concerned about it. I was quite sincere when I said we had not debated it. Would you see to it that copies are distributed so at least they have them in front of them?

The SPEAKER. The amendment clerk indicates that amendments were passed out this afternoon. Do the pages have additional sets of amendments to pass out to those members who have not received them? Will members who do not have a copy of the amendments hold up their hands? The copies of the amendments are in the well of the House. Any member who wishes a copy, hold up his hand. Does the minority leader, Mr. Irvis, have a copy? Now all of the members have a copy of the amendments.

The Chair recognizes the gentleman from Lackawanna, Mr. Zitterman.

Mr. ZITTERMAN. Yes, Mr. Speaker. Would the gentleman, Mr. Smith, stand for brief interrogation?

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

Mr. ZITTERMAN. Mr. Speaker, under current law, if a funeral director passes away leaving a widow, is it not possible for the woman who is the owner of the funeral home to take in a supervisor to run this funeral home?

Mr. L. E. SMITH. Yes, Mr. Speaker, as long as that supervisor is a licensed mortician.

Mr. ZITTERMAN. Well, would this not be in line with the statute on the books? Would she not then have a right to operate that funeral home?

Mr. L. E. SMITH. Yes.

Mr. ZITTERMAN. Well, I appear to be a little confused because frankly—

Mr. L. E. SMITH. Well, let me explain it to you. The funeral directors board has recently interpreted the law that they are not going to issue any more licenses to widows unless they are licensed funeral directors, widows or widowers, in partnership. They are not going to give them a partnership license, and this bill is to correct that interpretation of present law.

Mr. ZITTERMAN. Mr. Speaker, may I comment on the bill?

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

Mr. ZITTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, it appears that the minority leader, Mr. Irvis, is correct. The bill does appear to be confusing, and considering the fact that we have not had an opportunity to caucus on this bill, I think Mr. Irvis was very lenient. I think this bill as written, especially on page 3, gives more rights than meets the eye, and if we cannot pass over the bill, I would suggest a negative vote on the amendment.

The SPEAKER. The Chair was going to follow the suggestion of the minority leader that, if the majority of the members would accept the amendment, accept the amendment tonight, have it reprinted, and it would give the members an opportunity tomorrow to review the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—150

Alden	Foster, Jr., A.	Lewis	Rocks
Anderson	Gallagher	Livengood	Rodgers
Armstrong	Gallen	Lynch, E. R.	Ryan
Arty	Gamble	McCall	Salvatore
Belardi	Gannon	McClatchy	Scheaffer
Berson	Gatski	McVerry	Serafini
Bittle	Geesey	Mackowski	Seventy
Bowser	Geist	Madigan	Sieminski
Brandt	George, C.	Maiale	Sirianni
Brown	George, M. H.	Manderino	Smith, E. H.
Burd	Gladeck	Manmiller	Smith, L. E.
Cessar	Goodman	Miller	Spencer
Chess	Greenfield	Moehlmann	Spitz
Cimini	Grieco	Mowery	Stairs
Clark, M. R.	Gruppo	Mrkonic	Steighner
Cochran	Hagarty	Mullen	Stewart
Cohen	Halverson	Nahill	Sweet
Cornell	Hasay	Novak	Swift
Coslett	Hayes, Jr., S.	Noye	Taddonio
Cowell	Hoeffel	O'Brien, B. F.	Taylor, E. Z.
Cunningham	Honaman	O'Brien, D. M.	Telek
DeMedio	Hutchinson, W.	O'Donnell	Thomas
DeVerter	Irvis	Oliver	Vroon
DiCarlo	Itkin	Perzel	Wachob
Davies	Johnson, E. G.	Peterson	Wass
Dawida	Kanuck	Petrarca	Wenger
Dietz	Klingaman	Phillips	Wilson
Dininni	Knepper	Piccola	Wilt
Dombrowski	Knight	Pievsky	Wright, D. R.
Donatucci, R.	Kolter	Pistella	Wright, Jr., J.
Dorr	Kowalyshyn	Pitts	Yahner
Duffy	Kukovich	Polite	Yohn
Durham	Lashinger	Pott	Zeller

Earley	Laughlin	Punt	Zord
Fee	Lehr	Pyles	Zwilk
Fischer	Lescovitz	Rappaport	
Fisher	Letterman	Rasco	Seltzer,
Foster, W. W.	Levi	Richardson	Speaker

NAYS—24

Borski	Giammarco	Murphy	Street
Cappabianca	Goebel	Pratt	Stuban
Clark, B. D.	Grabowski	Pucciarelli	Taylor, F.
Cole	Harper	Schweder	Trello
DeWeese	McMonagle	Shadding	Wargo
Fryer	Michlovic	Shupnik	Zitterman

NOT VOTING—16

Barber	Dumas	Levin	Rieger
Beloff	Gray	McIntyre	Ritter
Bennett	Johnson, J. J.	Micozzie	White
Civera	Jones	Rhodes	Williams

EXCUSED—11

Austin	Freind	McKelvey	Schmitt
Burns	Helfrick	Milanovich	Weidner
Caltagirone	Hutchinson, A.	Reed	

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?

Bill as amended was agreed to.

Ordered, that the bill as amended be prepared for final passage.

* * *

The House proceeded to third consideration of **HB 1048, PN 1171**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), authorizing school boards to publish notices on the availability of audit reports.

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 Philadelphia, Mr. Richardson.

Mr. RICHARDSON. Would the prime sponsor of this bill submit to brief interrogation?

The SPEAKER. Will the gentleman from Northampton, Mr. Sieminski, stand for interrogation?

Mr. SIEMINSKI. Absolutely, Mr. Speaker.

The SPEAKER. The gentleman indicates he will. Mr. Richardson may proceed.

Mr. RICHARDSON. Mr. Speaker, could you just briefly tell us what this auditing report does in your bill, what you are requesting here?

Mr. SIEMINSKI. Yes. Current law requires that an audit be performed of each school district, and that report is printed in the newspapers. Now, it costs the school districts

\$350, \$400, \$500 per edition of the newspaper they print it in, and the purpose of my bill is to change the language whereby the school district will merely advertise the fact that the audit has been performed and a copy is available at the district office for public inspection.

Mr. RICHARDSON. As opposed to printing it in the newspaper?

Mr. SIEMINSKI. Yes, as opposed to printing the entire report in the newspaper.

Mr. RICHARDSON. Does this have anything to do with preaudits or postaudits?

Mr. SIEMINSKI. I am sorry, I did not understand the gentleman.

Mr. RICHARDSON. Does this have anything to do with a preaudit or a postaudit of the school district?

Mr. SIEMINSKI. No, only the final audit.

Mr. RICHARDSON. Only the what?

Mr. SIEMINSKI. Final audit.

Mr. RICHARDSON. The final audit?

Mr. SIEMINSKI. Yes.

Mr. RICHARDSON. Which is a postaudit?

Mr. SIEMINSKI. Yes.

Mr. RICHARDSON. Thank you very much, 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—161

Alden	Foster, Jr., A.	Levi	Ryan
Anderson	Fryer	Levin	Salvatore
Armstrong	Gallagher	Lewis	Scheaffer
Arty	Gallen	Livengood	Schweder
Belardi	Gamble	Lynch, E. R.	Seventy
Berson	Gannon	McCall	Shadding
Bittle	Gatski	McClatchy	Shupnik
Borski	Geesey	McMonagle	Sieminski
Bowser	Geist	McVerry	Sirianni
Brandt	George, C.	Mackowski	Smith, E. H.
Brown	George, M. H.	Madigan	Smith, L. E.
Burd	Giammarco	Maiale	Spitz
Cappabianca	Gladeck	Manderino	Stairs
Cessar	Goebel	Manmiller	Steighner
Chess	Goodman	Moehlmann	Stuban
Cimini	Grabowski	Mowery	Sweet
Clark, B. D.	Greenfield	Mrkonic	Swift
Clark, M. R.	Grieco	Mullen	Taddonio
Cochran	Gruppo	Nahill	Taylor, E. Z.
Cohen	Hagarty	Novak	Taylor, F.
Cole	Halverson	Noye	Telek
Cornell	Harper	O'Brien, B. F.	Thomas
Coslett	Hasay	O'Brien, D. M.	Trello
Cowell	Hayes, Jr., S.	Oliver	Vroon
Cunningham	Hoeffel	Perzel	Wargo
DeMedio	Honaman	Peterson	Wass
DeVerter	Hutchinson, W.	Petrarca	Wenger
DeWeese	Irvic	Phillips	Wilson
DiCarlo	Itkin	Piccola	Wilt
Davies	Johnson, E. G.	Pievsky	Wright, D. R.
Dietz	Kanuck	Pitts	Wright, Jr., J.
Dininni	Klingaman	Polite	Yahner
Dombrowski	Knepper	Pott	Yohn
Donatucci, R.	Knight	Pratt	Zeller
Dorr	Kolter	Pucciarelli	Zitterman
Duffy	Kowalshyn	Punt	Zord
Durham	Lashinger	Pyles	Zwilk
Earley	Laughlin	Rappaport	

Fee	Lehr	Ritter	Seltzer,
Fischer	Lescovitz	Rocks	Speaker
Fisher	Letterman	Rodgers	

NAYS—14

Dawida	Miller	Rasco	Stewart
Foster, W. W.	Murphy	Richardson	Street
Kukovich	O'Donnell	Serafini	Wachob
Michlovic	Pistella		

NOT VOTING—15

Barber	Dumas	McIntyre	Spencer
Beloff	Gray	Micozzie	White
Bennett	Johnson, J. J.	Rhodes	Williams
Civera	Jones	Rieger	

EXCUSED—11

Austin	Freind	McKelvey	Schmitt
Burns	Helfrick	Milanovich	Weidner
Caltagirone	Hutchinson, A.	Reed	

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.

RESOLUTION ADOPTED

Mr. RYAN called up **HR 235, PN 3455**, entitled:

General Assembly memorialize Governor, Department of Education and Department of Health develop a Keystone State Games Program.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—172

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

Dombrowski	Kukovich	Pucciarelli	Yahner
Donatucci, R.	Lashinger	Punt	Yohn
Dorr	Laughlin	Pyles	Zeller
Duffy	Lehr	Rappaport	Zitterman
Durham	Lescovitz	Rasco	Zord
Earley	Letterman	Ritter	Zwilk
Fee	Levi	Rocks	
Fischer	Levin	Rodgers	Seltzer,
Fisher	Lewis	Ryan	Speaker
Foster, W. W.	Livengood		

NAYS—3

Kanuck	Richardson	Wright, Jr., J.
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NOT VOTING—15

Beloff	Gray	McIntyre	Rieger
Bennett	Halverson	Manderino	White
Civera	Johnson, J. J.	Micozzie	Williams
Dumas	Jones	Rhodes	

EXCUSED—11

Austin	Freind	McKelvey	Schmitt
Burns	Helfrick	Milanovich	Weidner
Caltagirone	Hutchinson, A.	Reed	

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

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

PARLIAMENTARY INQUIRY

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

Mr. RICHARDSON. I rise to a point of parliamentary inquiry, Mr. Speaker.

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

Mr. RICHARDSON. I would like to know how the Speaker got from page 1 of the supplemental calendar all the way to the end without calling up any of the bills on the supplemental calendar.

The SPEAKER. The first three bills in the supplemental calendar were passed over temporarily and the Chair went to SB 640.

Mr. RICHARDSON. Did you say passed over temporarily, Mr. Speaker?

The SPEAKER. The gentleman is correct.

SUPPLEMENTAL CALENDAR

FINAL PASSAGE POSTPONED BILL CONSIDERED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. RYAN, the House resumed consideration on final passage of **SB 640, PN 1931**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," authorizing the board to transfer certain licenses to performing arts facilities on city-owned premises and requiring the affixing of official seals to liquor and alcohol packages and providing penalties.

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

The question is, shall the bill pass finally?

RECONSIDERATION OF VOTE ON SB 640

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

Mr. DORR. Mr. Speaker, I move that the vote by which SB 640 passed third consideration as amended on June 23, 1980, be reconsidered.

Mr. YOHN. I second the motion.

On the question,

Will the House agree to the motion?

Motion was agreed to.

On the question recurring,

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

Mr. DORR offered the following amendments:

Amend Bill, page 6, by inserting between lines 9 and 10

Section 3. Section 406 of the act is amended by adding a subsection to read:

Section 406. Sales by Liquor Licensees; Restrictions.—* *

(c) Notwithstanding any other provisions of the Liquor Code to the contrary, any hotel, restaurant, club or municipal golf course licensee which operates a golf course on the same property as the licensed premises may sell liquor and malt or brewed beverages from a building of any size at one location on said golf course not separated from the licensed premises by a public road for consumption on said golf course and at any time such licensee is permitted to sell such beverages in its licensed premises.

Amend Sec. 3, page 6, line 10, by striking out "3." and inserting 4.

Amend Sec. 4, page 9, line 6, by striking out "4." and inserting 5.

Amend Sec. 5, page 12, line 25, by striking out "5." and inserting 6.

On the question,

Will the House agree to the amendments?

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

Mr. DORR. Mr. Speaker, the amendment would provide that those liquor licensees who operate golf courses may include on the premises at which they sell those items one place in a building on the golf course other than at the restaurant, hotel, club, or whatever is licensed. The purpose of the amendment is to allow those licensees to have a snack-shack or whatever they may have, some sort of building, however, in one place on the golf course where they can dispense beverages to the members or to the public taking part in the recreational activity. In effect, at least for club licensees, this amendment is now law by virtue of court decision. I am told that the Liquor Control Board—and I believe this is true of hotels also—is issuing permits and including in the licensed premises those items or those places where this amendment will permit them in a case of

clubs and hotels by reason of court decisions. I have drafted the amendment on this occasion that is before you with the limitations in it, which are a part of the current operation of the Liquor Control Board, in order to conform to those court decisions.

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

Mr. RICHARDSON. I would like to ask Mr. Dorr a few questions.

The SPEAKER. Will the gentleman, Mr. Dorr, stand for interrogation? The gentleman indicates that he will. Mr. Richardson may proceed.

Mr. RICHARDSON. Mr. Speaker, I would just like to know whether or not, on these golf courses that you are speaking of here, there are already provisions for liquor to be sold on the premises of these golf courses. Do not most of these have country clubs or clubs where these golf courses already exist and there is a place by which they do sell liquor on them?

Mr. DORR. Mr. Speaker, first of all, this amendment will apply only to places where there is a liquor license. The problem is that they may not sell it except in what the Liquor Board calls the licensed premises, so that, for example, if there is a clubhouse or a restaurant or a hotel, the licensed premises are inside that building, the hotels, for example. This would permit them to have a snack-shack out on the golf course so that, for example, at the end of nine holes, if a person is passing that snack-shack, he can pick up a beer.

Mr. RICHARDSON. Thank you very much.

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

Mr. DAVIES. Mr. Speaker, would the maker of the amendment stand for one question?

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

Mr. DAVIES. In the vernacular now of the referral of the clubhouse as a 19th hole, what are they going to designate this spot as, Mr. Speaker?

Mr. DORR. Whatever you want.

Mr. LETTERMAN. The keyhole.

Mr. DAVIES. Thank you, Mr. Speaker.

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

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

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

Mr. LETTERMAN. Mr. Speaker, would this possibly include a movable vehicle?

Mr. DORR. Pardon me?

Mr. LETTERMAN. Would this possibly include a movable vehicle?

Mr. DORR. In my judgment—

Mr. LETTERMAN. I am talking about the small carts where they put the tubs of ice out with the beer in it and sell it as they go along.

Mr. DORR. In my judgment, it would not, Mr. Speaker. The amendment says in a building. I do not think that could be termed a building.

Mr. LETTERMAN. What is the definition of a building in your amendment?

Mr. DORR. Well, there is no definition in the amendment. A building is a structure which is attached to the real estate.

Mr. LETTERMAN. Okay. Just for clarification, I am trying to get this on the record what you are clarifying. I am going to vote for the bill. I think it is very good. Also it does include public golf courses, right, as long as they have a license for that course, right, for the clubhouse?

Mr. DORR. I have attempted to include any type of licensee who has a golf course, so it would include—Specifically, there is a specific license for municipal golf courses, and that is one of the things that is included in the bill. That is correct. There are other public golf courses which have restaurant liquor licenses, for example, and they would also be included.

Mr. LETTERMAN. Okay. For clarification, if I took four posts and put a roof on it to put this beer under, would that be a building?

Mr. DORR. I think you would have to have a foundation of some sort. They would have to be attached to the land someway. You could not just set it up like a tent, in my opinion. You would have to attach it to the land with some kind of attachment.

Mr. LETTERMAN. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—114

Alden	Gamble	McClatchy	Scheaffer
Anderson	Gatski	McMonagle	Schweder
Arty	Geesey	McVerry	Serafini
Barber	George, C.	Mackowski	Seventy
Belardi	George, M. H.	Maiale	Shadding
Berson	Giammarco	Michlovic	Sieminski
Bittle	Gladeck	Mowery	Smith, E. H.
Borski	Goodman	Mullen	Spencer
Brown	Greenfield	Murphy	Steighner
Burd	Grieco	Nahill	Stewart
Cappabianca	Gruppo	Novak	Stuban
Cessar	Hagarty	O'Brien, B. F.	Sweet
Chess	Hasay	O'Brien, D. M.	Swift
Clark, M. R.	Hutchinson, W.	Oliver	Taddonio
Cohen	Itkin	Perzel	Telek
Cole	Klingaman	Pievsky	Trello
Cornell	Knepper	Pistella	Vroon
Coslett	Knight	Polite	Wachob
Cowell	Kolter	Pott	Wilson
DeWeese	Kowalshyn	Pratt	Wilt
DiCarlo	Kukovich	Pucciarelli	Wright, Jr., J.
Davies	Lashinger	Punt	Yahner
Dawida	Laughlin	Pyles	Yohn
Dombrowski	Lehr	Rasco	Zeller
Donatucci, R.	Lescovitz	Ritter	Zord
Dorr	Letterman	Rocks	Zwikl
Duffy	Levin	Rodgers	
Earley	Lynch, E. R.	Ryan	Seltzer,
Fisher	McCall	Salvatore	Speaker

NAYS—58

Armstrong	Foster, Jr., A.	Lewis	Pitts
Bowser	Fryer	Livengood	Richardson
Brandt	Gallagher	Madigan	Shupnik
Cimini	Gallen	Manderino	Sirianni
Clark, B. D.	Gannon	Manmiller	Spitz
Cochran	Geist	Miller	Stairs
Cunningham	Goebel	Moehlmann	Street
DeMedio	Grabowski	Mrkonic	Taylor, E. Z.
DeVerter	Harper	Noye	Thomas
Dietz	Hayes, Jr., S.	O'Donnell	Wargo
Dininni	Hoeffel	Peterson	Wass
Durham	Honaman	Petrarca	Wenger
Fee	Irvis	Phillips	Wright, D. R.
Fischer	Johnson, E. G.	Piccola	Zitterman
Foster, W. W.	Levi		

NOT VOTING—18

Beloff	Halverson	Micozzie	Smith, L. E.
Bennett	Johnson, J. J.	Rappaport	Taylor, F.
Civera	Jones	Rhodes	White
Dumas	Kanuck	Rieger	Williams
Gray	McIntyre		

EXCUSED—11

Austin	Freind	McKelvey	Schmitt
Burns	Helfrick	Milanovich	Weidner
Caltagirone	Hutchinson, A.	Reed	

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 Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. Mr. Speaker, now that this amendment is in the bill, I would like to offer another amendment. Could there be a possibility of holding this bill until tomorrow so I can prepare an amendment?

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

Mr. GANNON. Mr. Speaker, I oppose any motion to hold this bill over. This bill has been on the calendar now for several weeks, and if any member has had any amendments that they would consider for it, I think they should have them ready by today.

Mr. DOMBROWSKI. Mr. Speaker, as I look at the calendar, it is a supplemental calendar. I think it is the first day.

Mr. GANNON. This is not the first day, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I point out to the gentleman who is concerned about the delay of the bill that it is a Senate bill. If it is amended and passed tomorrow, it can go immediately to the Senate for action. It will not be lost by allowing it to be held over one night.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would respectfully disagree with the minority leader. Under the Senate practices, I understand—and I suspect that they can waiver from time to time; but it is my recollection, and I would like Mr. Irvis to comment on it if he thinks that it is appropriate—that the Senate takes the position that they will not put on their calendar anything that is not in print. Accordingly, if we wait until tomorrow and the bill is amended again and sent to the Senate, it will not go on the Senate calendar until the following day because it would not come from us in print tomorrow.

The Senate has indicated, and we have indicated, that this is a 2-day session—we have indicated, I am not sure where the Senate is, that this is a 2-day session—that we would like to keep the desk open on Wednesday to receive bills. I do not realistically believe that we are going to get out of here tomorrow and have just the desk open, although we are attempting to do it.

This bill is a bill that has been on our calendar and passed and was reconsidered and brought back because Mr. Dorr wanted to offer an amendment. I personally think it is unfair to ask Mr. Gannon to again wait while someone gets an amendment and attempts to include it. There will be other liquor bills on the calendar from time to time.

One of the principal portions of this bill deals with the Robin Hood Dell in Philadelphia. I would suspect that they are interested in having it passed so that they can take advantage of the summer season at Robin Hood Dell. It does not affect me, and for that reason I would ask the gentleman to withdraw his request to hold it over so that with some assurance we can pass it over to the Senate.

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—124

Alden	Gamble	Letterman	Rodgers
Anderson	Gannon	Lewis	Ryan
Arty	Gatski	Lynch, E. R.	Salvatore
Belardi	Geesey	McCall	Schweder
Berson	George, C.	McClatchy	Serafini
Bittle	George, M. H.	McVerry	Seventy
Borski	Giammarco	Maiale	Shadding
Brown	Gladeck	Manderino	Shupnik
Burd	Goebel	Michlovic	Sieminski
Cappabianca	Goodman	Mowery	Smith, E. H.
Cessar	Grabowski	Mullen	Spencer
Chess	Greenfield	Murphy	Spitz
Clark, M. R.	Grieco	Nahill	Stairs
Cochran	Gruppo	Novak	Steighner
Cohen	Hagarty	O'Brien, D. M.	Stewart
Cole	Halverson	O'Donnell	Stuban
Cornell	Harper	Oliver	Sweet
Coslett	Hasay	Perzel	Swift
Cowell	Hutchinson, W.	Petrarca	Taddonio
DeWeese	Itkin	Pievsky	Taylor, F.
DiCarlo	Kanuck	Pistella	Trello
Davies	Klingaman	Polite	Vroon
Dawida	Knepper	Pott	Wargo
Dombrowski	Knight	Pratt	Wilson
Donatucci, R.	Kolter	Pucciarelli	Wilt
Dorr	Kowalshyn	Punt	Yahner

Duffy	Kukovich	Pyles	Yohn
Durham	Lashinger	Rasco	Zeller
Earley	Laughlin	Rhodes	Zitterman
Fee	Lehr	Ritter	Zord
Fisher	Lescovitz	Rocks	Zwikl

NAYS—51

Armstrong	Fryer	Manmiller	Smith, L. E.
Barber	Gallagher	Miller	Street
Bowser	Gallen	Moehlmann	Taylor, E. Z.
Brandt	Geist	Mrkonic	Telek
Cimini	Hayes, Jr., S.	Noye	Thomas
Clark, B. D.	Hoeffel	O'Brien, B. F.	Wachob
Cunningham	Honaman	Peterson	Wass
DeMedio	Irvis	Phillips	Wenger
DeVerter	Johnson, E. G.	Piccola	Wright, D. R.
Dietz	Levi	Pitts	Wright, Jr., J.
Dininni	Livengood	Richardson	
Fischer	Mackowski	Scheaffer	Seltzer,
Foster, W. W.	Madigan	Sirianni	Speaker
Foster, Jr., A.			

NOT VOTING—15

Beloff	Gray	McIntyre	Rieger
Bennett	Johnson, J. J.	McMonagle	White
Civera	Jones	Micozzie	Williams
Dumas	Levin	Rappaport	

EXCUSED—11

Austin	Freind	McKelvey	Schmitt
Burns	Helfrick	Milanovich	Weidner
Caltagirone	Hutchinson, A.	Reed	

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

Mr. LETTERMAN. Mr. Speaker, may I make a comment, please, on the last bill?

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

Mr. LETTERMAN. I just would like to say that you can tell who plays golf and who does not and who knows when you are thirsty at the ninth hole. Thank you.

* * *

The SPEAKER. Without objection, HB 2490 will be passed over.

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

Mr. RICHARDSON. I have an objection.
The SPEAKER. The gentleman objects, and the gentleman indicates he wishes the bill called up.

The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, if the gentleman would yield for a moment, the reason I had asked that this bill be held over, you will recall, Mr. Speaker, about 5 or 5:30 this afternoon I added Mr. Freind's name to the list for leaves of absence for the day only. He had a personal problem at home. He had to leave the floor of the House and go back

to his home district, and that is the reason I asked that this bill be held over. He will be back in town tomorrow, and I am sure it can be called up then and fully debated.

Mr. RICHARDSON. Mr. Speaker, I thought that the members on this side of the aisle asked for the same kind of request, but it seems that we do not get afforded that same respect.

Also, last week, just before the vote was taken and you moved to adjourn this House, I also attempted to try to get the attention of the Chair, and the Chair refused to even recognize me. I would like to point those things out, Mr. Speaker, as courtesies that are not provided to every member of this House, and, as a result, I am asking that the bill be called today, Mr. Speaker.

HB 2490 PASSED OVER

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I ask that the bill be placed on the third reading postponed calendar or final passage postponed calendar. If that is not inappropriate, I ask that it be passed over.

The SPEAKER. The Chair recognizes the majority leader who moves that HB 2490 be passed over for the day.

The Chair recognizes the minority whip.

Mr. MANDERINO. Is it not necessary, Mr. Speaker, to have 102 votes to suspend the rules of this House which call for final passage postponed bills to be taken up in order when we get to that part of the calendar?

The SPEAKER. The Chair is reluctant to rule against the gentleman, but I cannot find anything in the parliamentary authority which dictates it takes 102 votes to pass over a bill, and the Chair would ask the gentleman to please cite the authority so the Chair can rule properly.

Mr. MANDERINO. Mr. Speaker, rule 17 sets out an order of business for this House and it says, "The daily order of business shall be:", and if you want to deviate from that daily order of business, then it would seem to me, Mr. Speaker, you must suspend rule 17.

The SPEAKER. The Chair does not believe we are deviating, and the Chair would hope the gentleman would have more authority than that to base his conclusions on. We are under the order of business.

Mr. MANDERINO. Mr. Speaker, under 9, rule 17.9, "Final passage bills (bills on final passage postponed calendar may be called up under this order of business)." And that is what he is doing; he is calling it up under this order of business, final passage postponed.

The SPEAKER. The motion before the House is to pass over the bill.

Mr. MANDERINO. No; the motion you are attempting to place is to pass over so that a majority vote can win. The only motion that you should accept is a motion to suspend the regular order of business called for under rule 17.

The SPEAKER. The gentleman is in error. We are not passing over the order of business. The order of business is the bill before us.

Mr. MANDERINO. Mr. Speaker, what is the necessity of writing rule 17 in our rules if your interpretation is correct? There is no order of business that this House must follow if your interpretation is correct.

The SPEAKER. The Chair would hope the gentleman would have some authority to cite. The Chair does not want to rule against him.

Mr. MANDERINO. Mr. Speaker, I doubt that the Chair does not want to rule against me. I doubt that very strongly. I am simply pointing out that there is an order of business called for in a rule of this House. It says we will first pray, we will pledge allegiance, there will be corrections to the Journal, there will be leaves of absence, there will be a master roll call, there will be reports of committees; and, Mr. Speaker, if you check Mason's and Jefferson's, I am sure you will find that this House must follow its order of business and follow the rule that sets up the order of business for this House, and to deviate from that order of business, you must suspend the rule that sets it up.

Mr. Speaker, we have jumped from pillar to post this year and, especially under your speakership, from one bill to the other anytime you felt like going from one place to the other, and, Mr. Speaker, I am going to insist for the rest of this session that we take every bill up in its proper order, and I will make a motion each time that you deviate from that. Why else would we say, Mr. Speaker, without objection, we will go to page 13; without objection, we will go to page 17? The reason it is without objection, Mr. Speaker, is because you are deviating from the rules of this House every time you do that, and you must get unanimous consent of this House or a suspension of the rule.

The SPEAKER. The gentleman is in error. The gentleman well knows why we go "without objection." That permits a member to object to the bill being passed over.

Mr. MANDERINO. Why should he be able to object?

The SPEAKER. The gentleman will yield. The gentleman, Mr. Richardson, objected to the bill being passed over. The Chair then recognized the majority leader, Mr. Ryan, who moved that the bill be passed over, and that is the question before the House. It is only an automatic passover if the majority of the members of the House want it to be.

Mr. MANDERINO. Mr. Speaker, would you tell me what the last paragraph in rule 17 means then where it says:

Any question may, by a majority vote of the House, be made a special order of business. When the time arrives for its consideration, the Speaker shall lay the special order of business before the House.

The SPEAKER. The paragraph the minority whip refers to has nothing to do with the question at hand.

Mr. MANDERINO. Pardon me? But it has to have some significance.

The SPEAKER. It has significance but not—

Mr. MANDERINO. The rule of construction, Mr. Speaker, is that we do not intend an absurdity by placing words within our rules.

The SPEAKER. The gentleman indicates then he has no further citations for the Chair?

Mr. MANDERINO. Mr. Speaker, I cite rule 17. I indicated that Mason's and Jefferson's certainly tell you that you have to follow the order of business as set forth in your rules.

The SPEAKER. The Chair has indicated and will indicate again that this House has followed the order of business, and the order of business before us is—

Mr. MANDERINO. Final passage postponed.

The SPEAKER. —HB 2490. The Chair has followed the order of business, and the bill before us was HB 2490. At that point the Chair recognized the majority leader, who made a motion that HB 2490 be passed over.

PARLIAMENTARY INQUIRY

Mr. RICHARDSON. Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER. The Chair recognizes Mr. Richardson, who may state his point of parliamentary inquiry.

Mr. RICHARDSON. Was not this bill placed on the third postponed calendar, Mr. Speaker?

The SPEAKER. No. The bill is on the final passage postponed calendar.

Mr. RICHARDSON. Was not it placed there this morning, Mr. Speaker?

The SPEAKER. The Chair was unable to hear the gentleman.

Mr. RICHARDSON. Was it not placed there this morning, Mr. Speaker?

The SPEAKER. No. The reconsideration motion that the gentleman submitted was to place it on the final passage postponed calendar.

Mr. RICHARDSON. I said, was it not placed on the third postponed calendar this morning or this afternoon, Mr. Speaker?

The SPEAKER. The bill was placed on the final passage postponed calendar today.

Mr. RICHARDSON. Right, and as a result of that, Mr. Speaker, the bill then was passed over for today, and now it is being asked, Mr. Speaker, if I am correct, to be called back up out of order to be considered at this time. I objected to that point, Mr. Speaker. It was you who did not recognize me any longer and recognized the motion by Mr. Ryan. I had an objection; I wanted to speak to my objection of why I did not want the bill passed over. You originally passed over it and went to SB 640, passing over the three bills primarily that were already on this calendar. At that point I raised the objection to the bill being passed over for today because it had already been placed on the third postponed calendar. At this point, Mr. Speaker, I am asking within the confines of this House and its rules that HB 2490 be called up and be voted on.

The SPEAKER. The question before the House is the motion made by the majority leader, Mr. Ryan, that the bill be passed over.

Mr. RICHARDSON. You called the bill up, Mr. Speaker, before any motion was made, which means that in order to bring up a bill out of order, there must be a suspension of the rules in order for that to happen, Mr. Speaker, and you are violating those rules.

The SPEAKER. The members will please take their seats. The Chair is unable to hear Mr. Richardson, and apparently Mr. Richardson is unable to hear the Chair.

Mr. RICHARDSON. Mr. Speaker?

The SPEAKER. Will the gentleman yield until the Chair goes through the— The final bill on today's calendar was HB 2490, and the Chair said, "Without objection, this bill will be passed over." The gentleman from Philadelphia, Mr. Richardson, stood in place and said he objected to the bill being passed over. The Chair at that point recognized the majority leader, Mr. Ryan, who moved that the bill be passed over.

Mr. RICHARDSON. The only problem with that, Mr. Speaker, is that you forgot that earlier during the day you had placed the bill on the third postponed calendar. If this had just been a supplemental calendar with new bills on it and they were being taken up in order and it was asked to be passed over, your point would be well taken. At this point, Mr. Speaker, earlier today you said that the first seven pages would be passed over temporarily, meaning that you would come back to those bills. At some point during the proceedings, going to pages 8 and 9, you indicated that it was moved by the gentleman from Philadelphia, seconded by the gentleman from Philadelphia, Mr. White, that HB 2490 would then be placed on the third postponed calendar, and the bill—

The SPEAKER. Will the gentleman yield? The gentleman is in error. The motion was to place the bill on the final passage postponed calendar, not on the third reading postponed calendar.

Mr. RICHARDSON. Okay; final passage postponed calendar. Whatever calendar it was posted on, you moved that it be placed on that. At that point the bill was passed over, Mr. Speaker, for the rest of the day. When this supplemental calendar came back out, Mr. Speaker, it then raised a different question than is presently before this House. I am arguing the point, Mr. Speaker, that the rules are now being changed in order that this bill be passed over with just a simple majority vote when it requires the rules to be suspended, which means that we will have considered this bill twice this day in the position that it presently exists on this calendar.

The SPEAKER. The gentleman is in error. The House did not consider the bill twice today. This is the only time the bill has been before us.

Mr. RICHARDSON. The bill was before us, Mr. Speaker, when you brought it up. I am raising this as a point of parliamentary inquiry again. When the reconsideration motion on HB 2490 was raised and at that point it

was placed in front of the House, that question was raised in the House. That was one time, Mr. Speaker, because you said it out of your mouth, HB 2490 was asked to be reconsidered. We voted in this House by a majority vote that the rules be suspended in order that that bill be placed on the third consideration postponed calendar after we voted for the reconsideration, Mr. Speaker, which means that HB 2490 was already before this House, and if it has got to be brought back up out of place, Mr. Speaker, the rules have to be suspended.

The SPEAKER. If the Chair understood the gentleman, the gentleman, in my opinion, is talking against his own position. If the Chair would follow the suggestion of the gentleman from Philadelphia, Mr. Richardson, the bill could not be called up for his consideration today.

Mr. RICHARDSON. No, Mr. Speaker, not unless the rules were suspended, and when I rose to my feet for the objection, you said that now in order for this bill to be considered, it requires 102 votes for it to be passed over because that is the motion of the majority side.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, in the Pennsylvania Manual, which sets out the rules of the House and interpretations under the rules of the House, in the latest Manual 1978-79—at least the one I have here—on page 260: “Under a parliamentary inquiry, the question was asked whether it was within the province of a member to call any bill at any time.

“The Speaker Pro-Tempore replied it was not. Only by unanimous consent or action taken by the House can we divert from the regular order”—of business—“of the calendar.”

Mr. Speaker, I am sure that Mason’s and Jefferson’s will tell you the same thing, that the House and the Senate set up orders of business to follow, and that rule which sets up the order of business is a rule that must be suspended to digress from that order of business. Mr. Speaker, you can disagree and you can rule against me. You, before this session is over, or some future Speaker, will rue the day that you made a precedent that you may be about to make.

The SPEAKER. The gentleman is in error when he suggests that we are taking the bill out of order. The bill is not being taken out of order. The bill is in the order of the rule.

Does the gentleman, Mr. Manderino, wish to be recognized again?

Mr. MANDERINO. No, Mr. Speaker. It would appear that no matter how many times I prevail in the mind, I will not prevail with you.

The SPEAKER. Unfortunately, the Chair is bound by the rules of this House, and he respects the rules of the House, and he will rule by the rules of the House and not from the position that the minority whip wishes him to take.

Mr. MANDERINO. Would you cite to me what rule you are going to abide by now?

The SPEAKER. The Chair will again cite the rule of the order of business, rule 17. The Chair has followed rule 17. The order of business before the House under rule 17 is final passage postponed. The bill on final passage postponed before the House is HB 2490. At that point the majority leader has moved that we pass over this bill, and the question is on the motion.

Those in favor of passing over HB 2490 will vote “aye”; opposed, “no.”

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—94

Alden	Foster, Jr., A.	McVerry	Serafini
Anderson	Gallen	Mackowski	Sieminski
Armstrong	Gannon	Madigan	Sirianni
Arty	Geesey	Manmiller	Smith, E. H.
Belardi	Geist	Miller	Smith, L. E.
Bittle	Gladeck	Moehlmann	Spencer
Bowser	Grieco	Mowery	Spitz
Brandt	Gruppo	Nahill	Stairs
Burd	Hagarty	Noye	Swift
Cessar	Halverson	O’Brien, D. M.	Taddonio
Cimini	Hasay	Perzel	Taylor, E. Z.
Clark, M. R.	Hayes, Jr., S.	Peterson	Telek
Cornell	Honaman	Phillips	Thomas
Coslett	Hutchinson, W.	Piccola	Vroon
Cunningham	Johnson, E. G.	Pitts	Wass
DeVerter	Kanuck	Polite	Wenger
Davies	Klingaman	Pott	Wilson
Dietz	Knepper	Punt	Wilt
Dorr	Lashingier	Pyles	Wright, Jr., J.
Durham	Lehr	Rasco	Yohn
Earley	Levi	Rocks	Zord
Fischer	Lewis	Ryan	
Fisher	Lynch, E. R.	Salvatore	Seltzer,
Foster, W. W.	McClatchy	Scheaffer	Speaker

NAYS—81

Barber	Gatski	Livengood	Ritter
Berson	George, C.	McCall	Rodgers
Brown	George, M. H.	McMonagle	Seventy
Cappabianca	Giammarco	Maiale	Shadding
Chess	Goebel	Manderino	Shupnik
Clark, B. D.	Goodman	Michlovic	Steighner
Cochran	Grabowski	Mrkonic	Stewart
Cohen	Greenfield	Mullen	Street
Cole	Harper	Murphy	Stuban
Cowell	Hoeffel	Novak	Sweet
DeMedio	Irvis	O’Brien, B. F.	Taylor, F.
DeWeese	Itkin	O’Donnell	Trello
DiCarlo	Knight	Oliver	Wachob
Dawida	Kolter	Petrarca	Wargo
Dombrowski	Kowalshyn	Pievsky	White
Donatucci, R.	Kukovich	Pistella	Wright, D. R.
Duffy	Laughlin	Pratt	Yahner
Fee	Lescovitz	Pucciarelli	Zeller
Fryer	Letterman	Rhodes	Zitterman
Gallagher	Levin	Richardson	Zwilk
Gamble			

NOT VOTING—15

Beloff	Dininni	Jones	Rieger
Bennett	Dumas	McIntyre	Schweder
Borski	Gray	Micozzie	Williams
Civera	Johnson, J. J.	Rappaport	

EXCUSED—11

Austin	Freind	McKelvey	Schmitt
Burns	Helfrick	Milanovich	Weidner
Caltagirone	Hutchinson, A.	Reed	

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

RECONSIDERATION OF VOTE ON HB 1542

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, I move that the vote by which HB 1542, PN 1819, was passed on the 30th day of June be reconsidered.

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

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

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

The following roll call was recorded:

YEAS—171

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

NAYS—2

Fischer Wright, Jr., J.

NOT VOTING—17

Barber	Gray	McIntyre	Shupnik
Beloff	Johnson, J. J.	Micozzie	Wargo
Bennett	Jones	Rappaport	White
Civera	Kanuck	Rieger	Williams
Dumas			

EXCUSED—11

Austin	Freind	McKelvey	Schmitt
Burns	Helfrick	Milanovich	Weidner
Caltagirone	Hutchinson, A.	Reed	

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

BILL PLACED ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 1542 be placed on the final passage postponed calendar.

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

RECONSIDERATION OF VOTE ON SB 890

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

Mr. PISTELLA. Mr. Speaker, I move that the vote by which SB 890, PN 1017, was defeated on the 30th day of June be reconsidered.

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

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

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

The following roll call was recorded:

YEAS—168

Anderson	Gallagher	Lynch, E. R.	Rocks
Armstrong	Gallen	McCall	Rodgers
Arty	Gamble	McClatchy	Ryan
Belardi	Gannon	McMonagle	Salvatore
Berson	Gatski	McVerry	Scheaffer
Bittle	Geesey	Mackowski	Schweder
Borski	Geist	Madigan	Serafini
Bowser	George, C.	Maiale	Seventy
Brandt	George, M. H.	Manderino	Shadding
Brown	Giammarco	Manmiller	Sieminski
Burd	Gladeck	Michlovic	Sirianni
Cappabianca	Goebel	Miller	Smith, E. H.
Cessar	Goodman	Moehlmann	Spitz
Chess	Grabowski	Mowery	Stairs
Cimini	Greenfield	Mrkonic	Steighner
Clark, B. D.	Grieco	Mullen	Stewart
Clark, M. R.	Gruppo	Murphy	Stuban
Cochran	Hagarty	Nahill	Sweet
Cohen	Halverson	Novak	Swift
Cole	Harper	Noye	Taddonio
Cornell	Hasay	O'Brien, B. F.	Taylor, E. Z.
Coslett	Hayes, Jr., S.	O'Brien, D. M.	Taylor, F.

Cowell	Hoeffel	O'Donnell	Telek
Cunningham	Honaman	Oliver	Thomas
DeMedio	Hutchinson, W.	Perzel	Trello
DeVerter	Irvis	Peterson	Vroon
DeWeese	Itkin	Petrarca	Wachob
DiCarlo	Johnson, E. G.	Phillips	Wass
Davies	Klingaman	Piccola	Wenger
Dawida	Knepper	Pievsky	Wilson
Dietz	Knight	Pistella	Wilt
Dininni	Kolter	Pitts	Wright, D. R.
Dombrowski	Kowalyshyn	Polite	Wright, Jr., J.
Dorr	Kukovich	Pott	Yahner
Duffy	Lashinger	Pratt	Yohn
Durham	Laughlin	Pucciarelli	Zeller
Earley	Lehr	Punt	Zitterman
Fee	Lescovitz	Pyles	Zord
Fischer	Letterman	Rasco	Zwilk
Fisher	Levi	Rhodes	
Foster, W. W.	Levin	Richardson	Seltzer,
Foster, Jr., A.	Lewis	Ritter	Speaker
Fryer	Livengood		

NAYS—0

NOT VOTING—22

Alden	Dumas	Micozzie	Spencer
Barber	Gray	Rappaport	Street
Beloff	Johnson, J. J.	Rieger	Wargo
Bennett	Jones	Shupnik	White
Civera	Kanuck	Smith, L. E.	Williams
Donatucci, R.	McIntyre		

EXCUSED—11

Austin	Freind	McKelvey	Schmitt
Burns	Helfrick	Milanovich	Weidner
Caltagirone	Hutchinson, A.	Reed	

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

BILL PLACED ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 890 be placed on the final passage postponed calendar.

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

RECONSIDERATION OF VOTE ON SB 414

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

Mr. WILSON. Mr. Speaker, I move that the vote by which SB 414, PN 1945, was defeated on the 30th day of June be reconsidered.

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

Mr. J. L. WRIGHT. Mr. Speaker, I second the motion.

On the question,
Will the House agree to the motion?
The following roll call was recorded:

YEAS—161

Alden	Fryer	Livengood	Ryan
Anderson	Gallagher	Lynch, E. R.	Salvatore
Armstrong	Gallen	McCall	Scheaffer
Arty	Gamble	McMonagle	Schweder
Belardi	Gannon	McVerry	Serafini
Berson	Gatski	Mackowski	Seventy
Bittle	Geesey	Madigan	Shadding
Borski	Geist	Maiale	Sieminski
Bowser	George, C.	Manderino	Sirianni
Brandt	George, M. H.	Manmiller	Smith, E. H.
Burd	Giammarco	Miller	Smith, L. E.
Cappabianca	Gladeck	Moehlmann	Spencer
Cessar	Goodman	Mowery	Spitz
Chess	Greenfield	Mullen	Stairs
Cimini	Grieco	Nahill	Steighner
Clark, B. D.	Gruppo	Novak	Stewart
Clark, M. R.	Hagarty	Noye	Stuban
Cochran	Halverson	O'Brien, B. F.	Sweet
Cohen	Harper	O'Brien, D. M.	Swift
Cole	Hasay	O'Donnell	Taddonio
Cornell	Hayes, Jr., S.	Oliver	Taylor, E. Z.
Coslett	Hoeffel	Perzel	Taylor, F.
Cowell	Honaman	Peterson	Telek
Cunningham	Hutchinson, W.	Petrarca	Thomas
DeMedio	Irvis	Phillips	Trello
DeVerter	Itkin	Piccola	Vroon
DeWeese	Johnson, E. G.	Pievsky	Wachob
DiCarlo	Kanuck	Pistella	Wass
Davies	Klingaman	Pitts	Wenger
Dietz	Knepper	Polite	Wilson
Dininni	Knight	Pott	Wilt
Dombrowski	Kolter	Pratt	Wright, D. R.
Donatucci, R.	Kowalyshyn	Pucciarelli	Wright, Jr., J.
Dorr	Lashinger	Punt	Yahner
Durham	Laughlin	Pyles	Yohn
Earley	Lehr	Rasco	Zord
Fee	Lescovitz	Rhodes	Zwilk
Fischer	Letterman	Richardson	
Fisher	Levi	Ritter	Seltzer,
Foster, W. W.	Levin	Rocks	Speaker
Foster, Jr., A.	Lewis	Rodgers	

NAYS—9

Brown	Goebel	Kukovich	Mrkonc
Dawida	Grabowski	Michlovic	Murphy
Duffy			

NOT VOTING—20

Barber	Gray	Micozzie	Wargo
Beloff	Johnson, J. J.	Rappaport	White
Bennett	Jones	Rieger	Williams
Civera	McClatchy	Shupnik	Zeller
Dumas	McIntyre	Street	Zitterman

EXCUSED—11

Austin	Freind	McKelvey	Schmitt
Burns	Helfrick	Milanovich	Weidner
Caltagirone	Hutchinson, A.	Reed	

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

BILL PLACED ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 414 be placed on the final passage postponed calendar.

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

REMARKS ON VOTE

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

Mr. ALDEN. Mr. Speaker, on SB 890 my switch malfunctioned. I would like to be recorded in the affirmative on reconsideration.

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

SENATE MESSAGE

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

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

HB 382, PN 3706; HB 1683, PN 3722; and HB 2553, PN 3723.

The SPEAKER. The bills will appear on the calendar.

SENATE MESSAGE

HOUSE AMENDED SENATE BILLS CONCURRED IN

The clerk of the Senate informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 226, PN 1929; and SB 1240, PN 1914.**

BILLS SIGNED BY SPEAKER

The Chair gave notice that it was about to sign the following bills, which were then signed:

SB 316, PN 1890

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), entitled "Real Estate Tax Sale Law," further providing for returns by collectors in certain cases, and providing for notices prior to sales and confirmation of sales.

SB 518, PN 1901

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further providing for the number of licenses in certain municipalities, permitting minors to enter licensed premises for social purposes under certain conditions, defining the term "proper supervision," authorizing special occasion permits for certain museums and performing arts groups in third class cities.

SB 768, PN 1936

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for petitions attested by verified statements, increasing intestate share of surviving spouse; clarifying certain provisions relating to spouses' elections; authorizing certain payments to family and funeral directors; changing bond requirements; adding provisions for distributees; increasing interest rates; changing

provisions concerning termination of trusts and combination of trusts; making technical and editorial changes and making repeals.

SB 1240, PN 1914

A Supplement to the act of (P. L. , No.), entitled "An act to provide for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt, and for the public schools for the fiscal period July 1, 1980 to June 30, 1981, and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980," itemizing appropriations required from the Motor License Fund for the proper operation of the several departments of the Commonwealth authorized to spend Motor License Fund moneys.

REMARKS ON VOTE

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

Mr. W. D. HUTCHINSON. Mr. Speaker, on the vote on the Goebel amendment to HB 1287, my switch was locked in the affirmative. I would like to be recorded in the negative. Thank you, Mr. Speaker.

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

REQUEST TO CALL UP DISCHARGE RESOLUTION

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

Mr. LETTERMAN. Mr. Speaker, I rise to call up the discharge resolution on SB 443, PN 1443.

The SPEAKER. The Chair was unable to hear the gentleman. Would the gentleman repeat his request?

Mr. LETTERMAN. I would like to call up for a vote SB 443, PN 1447, on a discharge resolution.

The SPEAKER. Is that on page 16?

Mr. LETTERMAN. Yes, sir.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I believe there is a rule of the House which states that a discharge resolution cannot be called up until it has been at least on the calendar 1 day, prior to a member calling the discharge resolution for a vote. Is that correct, Mr. Speaker?

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

Mr. LETTERMAN. Mr. Speaker, now do you see why I wanted to bring this up last week when you told me you wanted to hold it until next week?

The SPEAKER. The gentleman is in error. The Chair did not want to hold it for 1 week.

Mr. LETTERMAN. You did not want to put it on the calendar for me and that is exactly what has happened. I asked you then to put it on, and you said you were too busy that night to put it on, so I did not object to it. But I certainly would hope that we do not object to calling it up today, because unless we can get it out today, it is not going to do us any good until later in September. I tried to

use every courtesy I could and I hope you will do the same for me.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I asked a question of the Chair. It is my understanding that there is a House rule, and I believe it is House rule 53, which does acknowledge a member's right to call up a discharge resolution providing that member signed the resolution. However, the discharge resolution must have been on the calendar at least 1 legislative day prior thereto. I have a copy of our calendar from Wednesday, June 25, and I did not see it on that particular calendar, which is the most recent day we have been in voting session prior to today. I do not see that discharge resolution on the June 25 calendar.

MOTION TO SUSPEND RULES

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

Mr. LETTERMAN. I ask for a vote on the suspension of the rules.

The SPEAKER. The gentleman, Mr. Letterman, moves that rule 53 be suspended in order that he can call up this discharge resolution on SB 443, which is on page 16 of today's calendar.

POINT OF ORDER

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

Mr. ZELLER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. ZELLER. Mr. Speaker, the point of order I want to bring out is, I believe if Mr. Hayes is interpreting it correctly, it has to, in other words, only be on the calendar for 1 day, because that is the necessity of a discharge resolution. If it would be on tomorrow, it would be on 2 days. So actually it is on a day. So I believe that it is a misinterpretation of the rule.

The SPEAKER. The question before the House is the suspension of the rules. The motion is made by the gentleman from Centre, Mr. Letterman.

Mr. MANDERINO. Mr. Speaker, on suspension of the rules, will the gentleman, Mr. Letterman, consent to interrogation?

Mr. LETTERMAN. Yes, Mr. Speaker.

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

Mr. MANDERINO. Mr. Speaker, the rule that you seek to suspend is a rule requiring that the discharge resolution be—

MOTION WITHDRAWN

Mr. LETTERMAN. Mr. Speaker, I withdraw the request for a suspension of the rules since I have read the rule. The rule does not say that it has to be on more than 1 day. So I think it was misinterpreted. I think that probably it is only 1 day.

Mr. MANDERINO. Mr. Speaker, the discharge resolution that you wish to call up at this time, was it introduced in time so that it could have been on the calendar prior to today?

Mr. LETTERMAN. Yes, sir, Mr. Speaker. I gave it on the 24th.

Mr. MANDERINO. And do you have any knowledge why it was not on at least 1 day prior to today?

Mr. LETTERMAN. Only that they told me they were too busy that night to put it on. They had overlooked it.

Mr. MANDERINO. Did they apologize to you for not placing it on the calendar?

Mr. LETTERMAN. Yes, sir. Mr. Seltzer did apologize for doing it.

Mr. MANDERINO. Mr. Speaker, the point that I have tried to make is, the gentleman was denied having the discharge resolution on the calendar prior to today, because somebody was too busy to put it on, as the rules of this House require, the day after 25 signatures were obtained. The day after 25 signatures were obtained and existed to that discharge resolution was the last legislative day that we were in session. Had the rules of the House been followed, it would have been on the last Wednesday that you referred to, Mr. Speaker.

I think that Mr. Seltzer is aware of that. I think that Mr. Seltzer did apologize to the gentleman for not having it on on the proper day. Mr. Speaker, the point that I want to make is an extension of that apology would be a courtesy to allow it to be heard today.

MOTION TO SUSPEND RULES

The SPEAKER. The Chair would indicate to the gentleman from Centre, Mr. Letterman, that the Chair believes that the rule must be suspended in order that the bill can be taken up this evening. The Chair has read the rule very carefully.

Mr. LETTERMAN. So have I, and now I change my mind. I will agree that it needs a second day. I would ask for the suspension of the rules.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—86

Barber	George, C.	McVerry	Shupnik
Berson	George, M. H.	Maiale	Sieminski
Brown	Goebel	Manderino	Steighner
Cappabianca	Goodman	Michlovic	Stewart
Chess	Grabowski	Mrkonic	Street
Clark, B. D.	Greenfield	Mullen	Stuban
Cochran	Grieco	Murphy	Sweet
Cohen	Gruppo	Novak	Taylor, F.
Cole	Harper	O'Brien, B. F.	Telek
Cowell	Hoeffel	O'Donnell	Trello
DeMedio	Irvis	Oliver	Wachob
DeWeese	Itkin	Petrarca	Wargo
DiCarlo	Knight	Phillips	White
Dawida	Kolter	Pievsy	Wright, D. R.
Dombrowski	Kowalshyn	Pistella	Wright, Jr., J.
Duffy	Kukovich	Pratt	Yahner
Earley	Lashinger	Rappaport	Zeller
Fee	Laughlin	Rhodes	Zitterman

Fryer	Lescovitz	Richardson	Zwilk
Gallagher	Letterman	Ritter	
Gamble	Livengood	Rodgers	Seltzer,
Gatski	McCall	Seventy	Speaker

NAYS—78

Anderson	Fisher	Lynch, E. R.	Salvatore
Armstrong	Foster, Jr., A.	McClatchy	Scheaffer
Arty	Gallen	Mackowski	Serafini
Belardi	Gannon	Madigan	Sirianni
Bittle	Geesey	Manmiller	Smith, E. H.
Bowser	Geist	Miller	Smith, L. E.
Brandt	Gladeck	Moehlmann	Spencer
Burd	Hagarty	Mowery	Spitz
Cessar	Halverson	Noye	Stairs
Cimini	Hasay	Perzel	Swift
Clark, M. R.	Hayes, Jr., S.	Peterson	Taddonio
Coslett	Honaman	Piccola	Taylor, E. Z.
Cunningham	Hutchinson, W.	Pitts	Thomas
DeVerter	Johnson, E. G.	Polite	Wass
Davies	Kanuck	Pott	Wenger
Dietz	Klingaman	Punt	Wilson
Dininni	Knepper	Rasco	Wilt
Dorr	Lehr	Rocks	Yohn
Durham	Levi	Ryan	Zord
Fischer	Lewis		

NOT VOTING—26

Alden	Dumas	McIntyre	Pyles
Beloff	Foster, W. W.	McMonagle	Rieger
Bennett	Giammarco	Micozzie	Schweder
Borski	Gray	Nahill	Shadding
Civera	Johnson, J. J.	O'Brien, D. M.	Vroon
Cornell	Jones	Pucciarelli	Williams
Donatucci, R.	Levin		

EXCUSED—11

Austin	Freind	McKelvey	Schmitt
Burns	Helfrick	Milanovich	Weidner
Caltagirone	Hutchinson, A.	Reed	

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

The SPEAKER. The Chair attempted in his humble way to apologize by voting with the gentleman on the suspension of the rules.

Mr. LETTERMAN. I appreciate that. Thank you.

The SPEAKER. The Chair recognizes the minority leader.

Mr. MANDERINO. Mr. Speaker, if Mr. Letterman had made a motion to take up the discharge resolution and he would have prevailed by a majority vote, would we have taken up the resolution or would we have had to have suspended a rule?

The SPEAKER. The Chair does not understand the gentleman's question. Will the gentleman please repeat it?

Mr. MANDERINO. If Mr. Letterman, when you came to discharge resolutions on the calendar, would have moved to take up that discharge resolution, would that have been sufficient to pass by a majority vote?

The SPEAKER. No. The rules still applied whether or not the bill is taken up in order or called up by the gentleman later in the day.

Mr. MANDERINO. Thank you, Mr. Speaker.

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.

WELCOME

The SPEAKER. The Chair welcomes to the front of the House Mr. and Mrs. Robert Boyd and their daughters, and Mrs. Bowser, who is the wife of Mr. Bowser. They are here as the guests of Harry Bowser.

COMMUNICATIONS

TEMPLE UNIVERSITY
Of The Commonwealth System
Of Higher Education
Philadelphia, Pennsylvania 19122
June 27, 1980

The Honorable H. Jack Seltzer
The Speaker
House of Representatives
Room 139, Capitol
Harrisburg, Pennsylvania

Dear Mr. Speaker:

In the absence of President Wachman from the country and on behalf of the Board of Trustees and the administration of Temple University - Of The Commonwealth System of Higher Education, may I submit to you the enclosed financial accounting report in compliance with the provisions of Section 8 of the University's current appropriation act, Act 21A. If you have any question at all about the report, I would greatly appreciate it if you would let me know and I will have the information developed to respond to it.

With best regards,
Sincerely,
James D. Logan

JDL/q
Enclosure

(Booklet is on file with the Journal clerk.)

TRI-COUNTY MANPOWER ADMINISTRATION OFFICE
344 N. McKean Street,
Butler, Pennsylvania 16001

June 26, 1980

SUBJECT: Proposed Fiscal Year 1981 Comprehensive
Employment and Training Plan
TO: A-95 State Clearinghouses and
Appropriate Councils and Agencies
FROM: John Zatalava, Executive Director
Tri-County Manpower Administration

In compliance with Federal Regulations, enclosed for your review and comments is a Draft Plan of Tri-County Manpower Administration's proposed CETA operation for fiscal year 1981. The Plan is self-explanatory, and any comments should be made in writing by August 2, 1980 to the above address. Comments will be incorporated in the final version of the Plan to be submitted to the U. S. Department of Labor on August 15, 1980.

There will be a meeting of the Advisory Council in July, open to the public. The date

of this meeting will be published in area newspapers.

tp

(Booklet is on file with the Journal clerk.)

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, I move that this House do now adjourn until Tuesday, July 1, 1980, at 11 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 8:52 p.m., e.d.t., the House adjourned.