

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, JULY 1, 1980

Session of 1980

164th of the General Assembly

No. 54

HOUSE OF REPRESENTATIVES

The House convened at 11 a.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:

Father, as we meet today in this chamber to make decisions, we ask that You will give us guidance. Give us the understanding and wisdom we need to do Your will. Help us to be the kind of people You want us to be, so what we do here will be for Your purpose and for Your Glory. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, June 30, 1980, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2803 By Representatives E. G. JOHNSON, J. J. JOHNSON AND NOYE

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), authorizing the deduction of unreimbursed business travel expenses by employees regardless of whether such travel was overnight.

Referred to Committee on FINANCE, June 30, 1980.

No. 2804 By Representative HALVERSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for qualifications for Class 4 (school bus driver) licenses.

Referred to Committee on TRANSPORTATION, June 30, 1980.

No. 2805 By Representatives E. G. JOHNSON, KLINGAMAN, LEVI AND GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the location of loading zones for school children.

Referred to Committee on TRANSPORTATION, June 30, 1980.

No. 2806 By Representative KOLTER

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

Referred to Committee on TRANSPORTATION, June 30, 1980.

No. 2807 By Representatives WHITE, GALLAGHER, J. L. WRIGHT, JR., REED, HARPER, RHODES, FISHER, MILLER AND OLIVER

An Act relating to persons incapacitated by alcohol.

Referred to Committee on HEALTH AND WELFARE, June 30, 1980.

No. 2808 By Representatives WILSON AND GALLEN

An Act amending the "Municipality Authorities Act of 1945," approved May 2, 1945 (P. L. 382, No. 164), requiring Authorities to comply with the provisions of the Public Utility Code for all matters relating to utility services rendered outside of the corporate boundaries of municipal Authorities.

Referred to Committee on CONSUMER AFFAIRS, June 30, 1980.

No. 2809 By Representatives WILSON AND GALLEN

An Act amending the "Municipality Authorities Act of 1945," approved May 2, 1945 (P. L. 382, No. 164), providing for compliance by Authorities with applicable provisions of the Public Utility Code.

Referred to Committee on CONSUMER AFFAIRS, June 30, 1980.

No. 2810 By Representatives GLADECK, LASHINGER, YOHN, NAHILL, CORNELL, PYLES, LEWIS, POLITE, DURHAM, DeWEESE AND LIVENGOOD

An Act amending the act of November 1, 1971 (P. L. 495, No. 113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, \*\*\* providing for the collection by the recorder of deeds, of any amount payable upon a redetermination of the amount of tax due and providing for affidavits when the property is located in more than one political subdivision.

Referred to Committee on LOCAL GOVERNMENT, June 30, 1980.

**No. 2811** By Representative SERAFINI

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for humane education.

Referred to Committee on EDUCATION, June 30, 1980.

**No. 2812** By Representatives EARLEY, DURHAM, ARTY, MICOZZIE, CIVERA, SPITZ, GANNON, ALDEN AND RYAN

An Act making an appropriation to the Delaware County Association for the Blind.

Referred to Committee on APPROPRIATIONS, June 30, 1980.

**No. 2813** By Representatives McVERRY, RASCO, TADDONIO, FISHER, KNEPPER, DAWIDA, BURD, NAHILL, GLADECK, CORNELL, CIMINI, TRELLO, SEVENTY, KNIGHT, MICHLOVIC, CESSAR, ZORD, GRUPPO, MADIGAN, GEIST, FISCHER, SIEMINSKI, A. C. FOSTER, JR., STAIRS, MILLER AND COCHRAN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the effective dates of rate changes for municipal consumers.

Referred to Committee on CONSUMER AFFAIRS, June 30, 1980.

**No. 2814** By Representatives THOMAS AND HELFRICK

An Act amending the "Outdoor Advertising Control Act of 1971," approved December 15, 1971 (P. L. 596, No. 160), excluding nonprofit organizations from certain permit fees.

Referred to Committee on STATE GOVERNMENT, June 30, 1980.

**No. 2815** By Representatives HALVERSON, ROCKS, SALVATORE, McKELVEY, McVERRY, IRVIS, KOWALYSHYN, MICHLOVIC, MURPHY, DAWIDA, PISTELLA, SEVENTY, GRABOWSKI, BORSKI, PUCCIARELLI AND McMONAGLE

An Act amending "The Pennsylvania Fair Plan Act," approved July 31, 1968 (P. L. 738, No. 233), changing and adding definitions, and further providing for the composition of the board of directors, the contents of the Fair Plan and for the continuation of activities of the facility regardless of Federal reinsurance.

Referred to Committee on INSURANCE, June 30, 1980.

**No. 2816** By Representative COHEN

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing special tax provisions for taxpayers in certain areas.

Referred to Committee on STATE GOVERNMENT, June 30, 1980.

**No. 2817** By Representatives COHEN, MILLER, W. D. HUTCHINSON, FISHER, KNEPPER, McVERRY, KUKOVICH, BROWN, O'DONNELL, HOFFEL, STREET, COWELL, MANDERINO, IRVIS, OLIVER, WHITE, SHADDING, BORSKI, GIAMMARCO, RICHARDSON, BARBER, PIEVSKY AND GREENFIELD

An Act amending the "General Appropriation Act of 1980," approved June 18, 1980 (No. 17A), further providing for the appropriation to the Department of Public Welfare to provide legal services.

Referred to Committee on APPROPRIATIONS, June 30, 1980.

**HOUSE RESOLUTION  
INTRODUCED AND REFERRED****No. 243** By Representatives FISHER, E. R. LYNCH, O'DONNELL, SPENCER AND L. E. SMITH

Joint State Government Commission undertake a comparative study of Bankruptcy laws in Pennsylvania and other states.

Referred to Committee on RULES, June 30, 1980.

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

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

**SB 413, PN 1918**

Referred to Committee on Transportation, June 30, 1980

**SB 1185, PN 1463**

Referred to Committee on Local Government, June 30, 1980

**SB 1309, PN 1647**

Referred to Committee on Liquor Control, June 30, 1980

**SB 1406, PN 1902**

Referred to Committee on Insurance, June 30, 1980

**SB 1427, PN 1830**

Referred to Committee on Business and Commerce, June 30, 1980

**SB 1428, PN 1831**

Referred to Committee on Business and Commerce, June 30, 1980

**SB 1429, PN 1832**

Referred to Committee on Business and Commerce, June 30, 1980

**SB 1445, PN 1952**

Referred to Committee on State Government, June 30, 1980

**SB 1447, PN 1961**

Referred to Committee on Urban Affairs, June 30, 1980

**SB 1472, PN 1912**

Referred to Committee on Local Government, June 30, 1980

**SENATE MESSAGE**

**SENATE RESOLUTION FOR CONCURRENCE**

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

**SR 236**

Referred to Committee on Rules, 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 Northumberland, Mr. HELFRICK, for the remaining days of this week's legislative session; for the gentleman from Philadelphia, Mr. McKELVEY, for the day; and for the gentleman from Delaware, Mr. SPITZ, for the day.

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Fee.

Mr. FEE. There are no requests for leaves of absence.

The SPEAKER. Without objection, leaves will be granted.

**MASTER ROLL CALL RECORDED**

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

The following roll call was recorded:

**YEAS—189**

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

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

**NAYS—0**

**NOT VOTING—5**

Bennett	Johnson, J. J.	Jones	Shadding
Gray			

**EXCUSED—7**

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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

**CALENDAR**

**FINAL PASSAGE BILL CONSIDERED**

Agreeable to order,

The House proceeded to the consideration on final passage of **HB 2534, PN 3734**, 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.

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?

**MOTION TO RECOMMIT**

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Zitterman.

Mr. ZITTERMAN. Mr. Speaker, as you recall, prior to the House adjourning yesterday, we had a discussion regarding this HB 2534 and inserted the Smith amendment. In the interrogation of the prime sponsor, it was indicated by Mr. Smith that current law now permits the widow or widower of a funeral director to go into and retain the business as long as a supervisor with a license is named allowing him or her to proceed in this business. I fully understand the intent of the sponsor of the bill but, after reading through, find that the paragraph on page 2 which indicates "without time limitations," theoretically contradicts the 3-year provision in line 13 and also the provision that states that should the widow or widower inform of intent within

10 days and apply within 30 days for a certificate, she would be granted the right to operate the funeral home under this law. However, "without time limitations," there are some questions asking, is this time after death or what is the time period?

Secondly, under contractual law, the current statute indicates that if a partnership is formed, the provisions of this partnership give the right of all the partners to insert into the contract any provision relating to the partnership.

One of the problems I see in this bill, Mr. Speaker, is the fact that from a practicality viewpoint it does not make any sense because currently under law if three partners went into business under a partnership provision, they can, under law, indicate that in the death of one of the partners that the remaining spouse, either widow or widower, will have the right to gain a portion of this contract or the partnership to seek remuneration as called for by the contract. However, in this contract, the bill the way it is written violates the current contractual law, because should this bill be passed, the widow or widower can assume that the law reads that she has a right in this partnership and can sue the partnership saying that he or she has the rights under law.

As I said, Mr. Speaker, I agree on the concept that Mr. Smith has placed into this contract, but considering the abnormalities, I would like to make a motion that this bill, HB 2534, be referred back to the Committee on Professional Licensure so that we could review it again, Mr. Speaker.

The SPEAKER. The gentleman from Lackawanna, Mr. Zitterman, moves that HB 2534 be recommitted to the Committee on Professional Licensure.

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

Mr. L. E. SMITH. Mr. Speaker, the former speaker has made a statement that is a little bit confusing, which under this motion to recommit I cannot debate, but I would ask for a "no" vote on recommittal so that we might debate that and get that point straightened out.

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

The following roll call was recorded:

YEAS—66

Beloff	Fee	Kukovich	Pistella
Berson	Foster, Jr., A.	Lescovitz	Pratt
Borski	Fryer	Letterman	Pucciarelli
Brown	Gallagher	Levin	Rhodes
Cappabianca	Gamble	McIntyre	Ritter
Chess	Gatski	McMonagle	Rodgers
Clark, B. D.	George, M. H.	Maiale	Seventy
Cochran	Giammarco	Manderino	Steighner
Cohen	Goebel	Michlovic	Street
Cole	Goodman	Mullen	Stuban
Cowell	Grabowski	Murphy	Taylor, F.
DeMedio	Harper	Novak	White
DeWeese	Hoeffel	O'Donnell	Williams
Dombrowski	Irvis	Oliver	Zeller
Donatucci, R.	Itkin	Petrarca	Zitterman
Duffy	Knight	Pievsky	Zwikl
Dumas	Kolter		

NAYS—111

Alden	Gannon	Mackowski	Sirianni
Anderson	Geesey	Madigan	Smith, E. H.
Armstrong	Geist	Manmiller	Smith, L. E.
Arty	George, C.	Micozzie	Spencer
Barber	Gladeck	Miller	Stairs
Belardi	Grieco	Moehlmann	Stewart
Bittle	Gruppo	Mowery	Sweet
Bowser	Hagarty	Mrkonic	Swift
Brandt	Halverson	Nahill	Taddonio
Burd	Hasay	Noye	Taylor, E. Z.
Cessar	Hayes, Jr., S.	O'Brien, B. F.	Telek
Cimini	Honaman	Perzel	Thomas
Civera	Hutchinson, W.	Peterson	Trello
Clark, M. R.	Johnson, E. G.	Phillips	Vroon
Cornell	Kanuck	Piccola	Wachob
Coslett	Klingaman	Pitts	Wargo
Cunningham	Knepper	Pott	Wass
DeVerter	Kowalshyn	Punt	Wenger
Davies	Lashingier	Pyles	Wilson
Dawida	Laughlin	Rappaport	Wilt
Dietz	Lehr	Rasco	Wright, D. R.
Dininni	Levi	Rocks	Wright, Jr., J.
Dorr	Lewis	Ryan	Yahner
Durham	Livengood	Scheaffer	Yohn
Fischer	Lynch, E. R.	Schweder	Zord
Fisher	McCall	Serafini	
Foster, W. W.	McClatchy	Shupnik	Seltzer,
Freind	McVerry	Sieminski	Speaker
Gallen			

NOT VOTING—16

Austin	Gray	Jones	Richardson
Bennett	Greenfield	O'Brien, D. M.	Rieger
DiCarlo	Hutchinson, A.	Polite	Salvatore
Earley	Johnson, J. J.	Reed	Shadding

EXCUSED—8

Burns	Helfrick	Milanovich	Spitz
Caltagirone	McKelvey	Schmitt	Weidner

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

On the question recurring,  
Shall the bill pass finally?

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

Mr. L. E. SMITH. Mr. Speaker, I would just like to touch on the statement that Mr. Zitterman made. It does not make any difference what is in the legal partnership agreement that is drawn by however many partners there are. The problem we have today is that the funeral directors board has said no widow or widower is going to get a partnership license from the funeral directors board. And that is the problem we face. It has nothing to do with the written partnership agreement between two or three or four parties.

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Zitterman.

Mr. ZITTERMAN. Yes, Mr. Speaker, would the gentleman, Mr. Smith, stand for a brief interrogation?

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

Mr. ZITTERMAN. Mr. Speaker, in your insertion where it says "other licensed funeral directors nor shall...", would it not be more feasible if we indicated in there "the state

board of funeral directors deny a widow or widower", to clarify the intent of this legislation?

Mr. L. E. SMITH. I am sorry, Mr. Speaker, I heard very little of your question.

Mr. ZITTERMAN. The paragraph says, "other licensed funeral directors"—

Mr. L. E. SMITH. What line are you on?

Mr. ZITTERMAN. Mr. Speaker, starting with line 26 where it says, "business in partnership with one or more other licensed funeral directors nor shall...", my question is, would it not be more feasible on line 27 after it says, "directors nor shall..." to state "the state board of funeral directors deny a widow or widower the right to enter into a partnership"? I think your intent, Mr. Speaker, is to make sure that the state board of funeral directors does not deny a widow or widower from retaining a portion of this partnership should the remaining partners agree. And I agree to that, but I think that in line 27 we should place that sentence in to clarify the intent of the bill, Mr. Speaker.

Mr. L. E. SMITH. I do not see that that is a problem, and I ask for a "yes" vote, Mr. Speaker.

Mr. ZITTERMAN. Mr. Speaker, I would like to ask another question, please.

Mr. Speaker, in line 11 we say "shall issue a license and renewal thereof to his estate, only for a period not exceeding three (3) years, or widows or widowers of deceased licensees without time limitations,". However, on line 17 we say they must inform the board of their intent to continue practice within ten (10) days and apply within thirty (30) days for a certificate of licensure. Could you give me the definition of "without time limitations," and tell me whether that is ambiguous regarding both of the other paragraphs?

Mr. L. E. SMITH. You are asking me for a definition of "time limitations"?

Mr. ZITTERMAN. "Without time limitations,". Yes, Mr. Speaker, a clarification of what that is intending to do and actually what that means.

Mr. L. E. SMITH. I cannot make that any clearer than the statement "without time limitations,". That is as clear as I can make it.

Mr. ZITTERMAN. Mr. Speaker, does that mean that after the death of the licensed funeral director there are no provisions that 20 years later the spouse of the funeral director can come back and apply for that license or the provision under this act?

Mr. L. E. SMITH. It is without time limitation as long as they remain unmarried.

Mr. ZITTERMAN. Thank you, Mr. Speaker.

May I comment on the bill, please?

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

Mr. ZITTERMAN. Mr. Speaker, as I indicated in my proposal to return this bill back to the committee for clarification, this bill actually violates the current contractual law, and, as I said before, it theoretically gives the right of the remaining spouse to sue the current partnership as

written. As I mentioned before, "without time limitations," is very vague and ambiguous, and I would ask for a "no" vote on this bill, Mr. Speaker.

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

Mr. MURPHY. Mr. Speaker, would Mr. Smith stand for interrogation, please?

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

Mr. MURPHY. Mr. Speaker, in thinking about your amendment, I do have a number of questions on it.

Am I correct in assuming that what you have done is require, say, a widow of a licensed funeral director to remain in partnership only with the previous partners?

Mr. L. E. SMITH. Yes.

Mr. MURPHY. That is correct. And if that partner, for whatever reason, said, I do not want you as my partner anymore, the widow then would lose the opportunity to continue to own the funeral home business?

Mr. L. E. SMITH. Well, this has nothing to do with what happens between two partners, as far as what they agree on. This only assures that widow or widower that the board of funeral directors will give her a partnership license, which presently they have denied.

Mr. MURPHY. In her getting the license, she is at the mercy of a former partner in getting that license. If that partner, for whatever reason, says, I no longer want to be your partner in this business, then she loses her right to that license?

Mr. L. E. SMITH. Exactly.

Mr. MURPHY. I do not understand why you want to make it that restrictive, why you want to tie the widow or the widower to the partner's discretion in that respect?

Mr. L. E. SMITH. The widow or widower does not have to remain a partner. This only assures them that if they want to, they will be given a license by the funeral directors board.

Mr. MURPHY. But as I read your amendment, I do not know that that discretion is there. It seems to me that the widow or widower must remain a partner with the former partner or else they do not get a license.

Mr. L. E. SMITH. That is not true, Mr. Speaker.

Mr. MURPHY. Mr. Speaker, may I make a few comments?

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

Mr. MURPHY. Mr. Speaker, I feel that the amendment is unnecessary; that it is entirely too restrictive, and I had hoped that the members would see fit to deny the bill. Thank you.

On the question recurring,

Shall the bill pass finally?

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

Alden	Foster, Jr., A.	Levi	Scheaffer
Anderson	Freind	Lewis	Schweder
Armstrong	Gallagher	Livengood	Serafini
Arty	Gallen	Lynch, E. R.	Seventy
Austin	Gamble	McCall	Shupnik
Belardi	Gannon	McClatchy	Sieminski
Bittle	Gatski	McVerry	Sirianni
Bowser	Geesey	Mackowski	Smith, L. E.
Brandt	Geist	Madigan	Spencer
Burd	George, C.	Manmiller	Stairs
Cessar	George, M. H.	Michlovic	Stewart
Chess	Gladeck	Micozzie	Stuban
Cimini	Goebel	Miller	Sweet
Civera	Grabowski	Moehlmann	Swift
Clark, B. D.	Grieco	Mowery	Taddonio
Clark, M. R.	Gruppo	Mrkonic	Taylor, E. Z.
Cochran	Hagarty	Mullen	Telek
Cohen	Halverson	Nahill	Thomas
Cornell	Hasay	Novak	Trello
Coslett	Hayes, Jr., S.	Noye	Vroon
Cowell	Hoeffel	O'Brien, B. F.	Wachob
Cunningham	Honaman	Perzel	Wargo
DeMedio	Hutchinson, W.	Peterson	Wass
DeVertter	Itkin	Petrarca	Wenger
Davies	Johnson, E. G.	Phillips	Wilson
Dawida	Kanuck	Piccola	Wilt
Dietz	Klingaman	Pistella	Wright, D. R.
Dininni	Knepper	Pitts	Wright, Jr., J.
Dorr	Knight	Polite	Yahner
Duffy	Kolter	Pott	Yohn
Durham	Kowalshyn	Punt	Zord
Earley	Lashingier	Pyles	Zwilk
Fee	Laughlin	Rappaport	
Fischer	Lehr	Rasco	Seltzer,
Fisher	Lescovitz	Rodgers	Speaker
Foster, W. W.	Letterman	Ryan	

NAYS—37

Barber	Donatucci, R.	Levin	Pucciarelli
Beloff	Dumas	McIntyre	Rieger
Berson	Fryer	McMonagle	Ritter
Borski	Giammarco	Maiale	Steighner
Brown	Goodman	Manderino	Street
Cappabianca	Greenfield	Murphy	White
Cole	Harper	O'Donnell	Williams
DeWeese	Irvis	Oliver	Zeller
DiCarlo	Kukovich	Pievsky	Zitterman
Dombrowski			

NOT VOTING—15

Bennett	Jones	Rhodes	Shadding
Gray	O'Brien, D. M.	Richardson	Smith, E. H.
Hutchinson, A.	Pratt	Rocks	Taylor, F.
Johnson, J. J.	Reed	Salvatore	

EXCUSED—8

Burns	Helfrick	Milanovich	Spitz
Caltagirone	McKelvey	Schmitt	Weidner

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

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

HB 2667 PASSED OVER TEMPORARILY

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. Mr. Speaker, the gentleman, Mr. Fisher, D. Michael Fisher, has been called off the floor of the House for a press conference, and he asked that the bill be held temporarily until he is able to return. He has an interest in offering remarks concerning this legislation.

The SPEAKER. HB 2667 will be passed over temporarily.

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 **HB 2490, PN 3268**, entitled:

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), providing for copayments by recipients for prescriptions under the medical assistance program.

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. Street.

Mr. STREET. Mr. Speaker, will the prime sponsor of this piece of legislation stand for brief interrogation?

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

Mr. STREET. Mr. Speaker, on this particular piece of legislation, this copay, does this mean that if a recipient would go to a medical doctor and he would write a prescription, and maybe on that one prescription were two, possibly three, different orders, does this mean that he has to pay 50 cents for each order?

Mr. FREIND. For each particular prescription, and I am under the impression that most of the doctors write them on separate sheets, but for each particular drug that is dispensed, there will be a 50-cent payment.

Mr. STREET. Yes, what I am saying is, suppose this piece of legislation would pass and a recipient went to a doctor and the doctor did not write the prescriptions on individual pieces of paper, but he took one piece of paper and he made a prescription for five different types of medicine on one piece of paper. Would that indicate that that recipient had to pay 50 cents for each order filled?

Mr. FREIND. Mr. Speaker, it is my opinion that a pharmacist would be within his rights should he desire to charge 50 cents for each drug dispensed because they are five separate drugs. A pharmacist could, if he desired, should he desire, consider it just as one prescription. He probably would not do that though because in addition to only getting 50 cents, he would only be entitled to one reimbursement from welfare. So if he counts it as one prescription, it is only one reimbursement, which would be \$2.25 plus the total wholesale cost of the five drugs. My opinion is what he would do is opt to go for the five.

Mr. STREET. Mr. Speaker, then it would be safe, based on that response, to conclude that the purpose of this legislation is to up the revenues that a pharmacist receives for his services to the recipient?

Mr. FREIND. Yes, it is the two-fold purpose, and the first is exactly as you described. As I explained before, the pharmacist, even starting today at \$2.25, is the lowest paid in the United States. So, yes, number one, to increase their revenue, and the second reason is to ensure the continuity and the continuation of the benefits, because there are many pharmacists who have taken the position they will no longer fill medicaid prescriptions when the reimbursement is so low that they continue to lose money.

Mr. STREET. Mr. Speaker, the amount of reimbursement that the State of Pennsylvania pays to a pharmacist, is that out of line with the amount of reimbursement that pharmacists get in other states?

Mr. FREIND. Unbelievably out of line, Mr. Speaker; by far the lowest in the United States. Many states are at \$2.90, \$3.25 to \$3.50. Pennsylvania is the lowest.

Mr. STREET. All right, so we are trying to get the Pennsylvania pharmacists up to \$2.75 by the state reimbursing them \$2.25 and the recipient giving them 50 cents?

Mr. FREIND. That is right, Mr. Speaker, which would still be low, but would not be nearly as low as it is now.

Mr. STREET. Mr. Speaker, do you anticipate, based on your research, that this particular piece of legislation will place a hardship on any welfare recipient?

Mr. FREIND. No, Mr. Speaker. As I discussed when we debated the bill before, I requested and received from the Department of Public Welfare their statistics from medicaid. The average medicaid recipient receives 10.8 prescriptions a year. Now, if you times that by 50 cents, that comes out to an annual cost of \$5.40. Now, that is an extremely liberal figure for this reason: The new regulations that are being promulgated by the department require pharmacists to fill prescriptions for a greater period of time. For example, in some cases it would go from a 45-day prescription to 100-day prescription. The end result of that is that recipients will be required to have fewer prescriptions filled, and since fewer prescriptions will be filled, they will make fewer payments of 50 cents. So, I believe that the economic impact is so low and the benefit—and not just to the pharmacists but to the recipients—is so great. I mean the main thrust of this bill is to insure that needy people have a place where they can continue to go to have their prescriptions filled. And I think when you weigh both, the small additional cost against that benefit, I have concluded that the bill is necessary and is a good thing for medicaid recipients.

Mr. STREET. Mr. Speaker, in several states that have attempted this, are you aware of the results that occur to some recipients who had to make a choice between whether they were going to go and get two or three prescriptions filled or whether they had to make a choice between whether they were going to go buy some food? I just listened to your response in taking an average. I think that I would have to agree with you, but when we take at an average we are also including people who never use their medicaid card for prescriptions all year. We have some people who use it for 25, 30, 40 prescriptions over a year. So I think that it may not be fair to take the average and

average it out to \$5-and-something per recipient. My information shows that it could be that some recipients will be put in a position where they will have to make a decision between whether they are going to get that medicine or whether they are going to buy food. What is your response to that, and do you have information that reveals similar information?

Mr. FREIND. Mr. Speaker, I have heard that argument. I have heard the argument that with a 50-cent copay there will be some recipients who opt not to get the prescription, thereby will not receive necessary drugs and will require down-the-line hospitalization. That was a concern of mine when the original proposal to do it by a regulation came up from the Department of Public Welfare. I contacted the department. According to their studies, this has not taken place in those states, and in fact the amount is so small that it would not cause people to forego having necessary prescriptions filled. Let us take your example, Mr. Speaker, of 30 prescriptions a year. Even at 30 prescriptions a year, that is \$15, and if you boil \$15 down into 52 weeks, that is an additional cost of a little bit less than 30 cents a week. When you weigh that small additional cost against the benefit of continuing to have the program and have people have a place to go to get their prescriptions filled, I think we are benefiting the medicaid recipients and certainly not harming them.

Mr. STREET. Mr. Speaker, what about the senior citizens who are in some type of boarding home who receive like \$25 a month or less for their total expenditures, the total amount of spending money that they have? You will find in your research—and I am sure you will agree—that our senior citizens get more prescriptions filled than do those who have not aged. What I am trying to get at is how do we deal with the senior citizen who has a \$15 or \$25 allocation for the month of which that senior citizen has to buy all of his personal things, his soap, and the things that it takes just to survive and be clean, and now he has to make a choice whether he is going to use that remaining amount of money to fill prescriptions or not, and what happens if he runs out of money?

Mr. FREIND. Mr. Speaker, we have the statistics on senior citizens. Senior citizens bring the average up to 10.8. They average approximately 25 prescriptions a year; that is \$12.50. Now, keep in mind that we continually increase the benefits for senior citizens. We just this year increased the benefits from the real estate tax rent rebate program, and I think if I were a senior citizen I would want to have a pharmacy that I could go to where in fact I could have that prescription filled. There is no way, Mr. Speaker, we can ever deal with the problem and come up with a perfect solution. It just does not happen. If we want perfection, we wait until we die and go to Heaven. That is the only place we are going to find it. But I do think this approach for the good, not just of the pharmacists, but for all of medicaid recipients is the best course to pursue, and that is why I introduced it.

Mr. STREET. I have no further interrogation, Mr. Speaker.

Am I in order to make a few comments on the bill at this time?

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

Mr. STREET. Mr. Speaker, I would urge that the members of this General Assembly vote "no" on HB 2490 for various reasons. Number one, I think that when we get to the point where we use welfare recipients to supplement things that we are supposed to do by charging them a cost for a service that should be rendered to them, I think that we are going a little far astray at that point. I also would say that in my area in Philadelphia that we face the possibility from pharmacists who have called and who have indicated to me that they are not willing to collect the 50 cents; they do not want to collect the 50 cents; that the 50 cents is going to put an additional burden on the pharmacists who collect it, and the pharmacists are going to be in a position on a number of occasions to make the determination as to whether he is going to fill a prescription for a client who will stand there and look at him and say I do not have 50 cents. I need my medicine, but I just do not have 50 cents. And I think that to put the pharmacists in that position is unfair, and what it seems like to me is we are going to have a pharmacist who has to make an issue or has to make a determination as to whether he is going to deal with medication that will physically enhance that individual or whether he is going to have to tell that individual, go back out into the community, find some soda bottles or something, but come up with the 50 cents or the \$1 or the \$1.50 and then you will get your prescription filled. Until then there is nothing I can do for you. I think that is an unfair position to put the pharmacists in, and I urge that the House vote "no" on HB 2490.

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

Mr. GALLAGHER. Mr. Speaker, on the bill before us last week, I did not have an opportunity to bring it to the attention of the House that the bill which will require 50 cents per prescription for any person who is on medical assistance receiving a medical card includes many of our adult senior citizens in Bucks County. A group called SAGE - State Association for Gifted Educators - which represents the senior citizens in Bucks County, have corresponded with the Representatives from Bucks County showing us what the problem is and that it does affect them, that they are not just the people on general assistance; they are senior citizens with a medical card and cannot afford that extra 50 cents. They are the ones who are caught in the bind of paying 50 cents for every prescription a doctor issues for his patient. So the person with the card is not taking advantage of a card; he is only getting the prescription and using it because his doctor or her doctor requires them to do that to help their medical condition at their age, and we are talking about senior citizens, not just people on general assistance.

In addition to that, in the Philadelphia area and including the suburban counties, we had seen the ads from the Pharmaceutical Association telling everybody that they are no longer going to participate with the contracts with the Department of Welfare until they receive the proper reimbursement for each prescription written and prepared by the pharmacist from the Department of Welfare. They made these full-page ads in the Philadelphia Inquirer, the Bulletin, the Daily News, the Bucks County Courier Times, and several other suburban newspapers. Last week the Department of Welfare had announced that they are going to start negotiations with that association this week. I have a letter from a local pharmacist in Bucks County where they indicate that Pennsylvania is 26th out of 44 states in being reimbursed for prescriptions prepared by pharmacists as compared to other states. We are 20 percent lower than New York, Ohio, Maryland, and New Jersey on medicaid fees, and negotiations are not in process this week. In discussing this matter with the local pharmacist in my district, who happens to be the president of the association, he recognizes that there are two issues. One is that they are in negotiations with the Department of Welfare; two, that this bill is before us. They are not taking a position on this bill, naturally, because if it passes they are going to get 50 cents by law if it should pass the Senate, but they are going to hold that in abeyance and they would rather continue negotiations that are going on right now, I assume, this week, because I was told by them that it is going on. So it would be inappropriate for this General Assembly to pass over to the Senate and into law a requirement that a senior citizen or any person who has a medicaid card pay 50 cents for every prescription required by his doctor to obtain that medicine that they need to stay alive, at the same time the Department of Welfare is negotiating with the association. For example, if the department is willing to give them \$2.75, say 75 cents more than they are getting now, and say that is all we can do for you because the General Assembly has already given you 50 cents, that will bring you at \$3.25. So you are going to be up to New York and New Jersey and Ohio and Maryland or you are going to be a little ahead of them.

Now, I think that we should not allow ourselves to be caught in the middle between this issue right now and negotiations underway, and in the meantime the senior citizens picking up that extra 50 cents which they cannot afford. They are the ones on social security. They have a difficult problem with their fuel; they have a difficult problem with their utilities, and 50 cents to them is something you cannot even hardly buy a loaf of bread with, or a quart of milk. Even though they use a lot of skim milk, it is about 48 or 49 cents for one quart. What do you think it is going to take for them to be able to put aside no milk for that week or that day or no loaf of bread for 50 cents? It does not look like much. That 50 cents comes out of that senior citizen's social security. It comes out of those people on general assistance. Both of those \$1 items are Federal tax dollars or state tax dollars. So the pharmaceutical people



are going to still receive tax dollars, and that is what the Department of Welfare is negotiating with them right now.

So, Mr. Speaker, I urge the members to vote "no" on this bill at this time in particular for two different reasons: One, it is inappropriate for senior citizens or people on general assistance to be having to pay an extra 50 cents for something that they do not want themselves but their physician requires them to take to stay alive. Two, because the Department of Welfare, who have tried to do this last year and failed, are trying again to do it through Representatives in this General Assembly, and at the same time negotiations are underway with the Pharmaceutical Associations. So they are trying to bargain with them on one side, and on the other side they are trying to have us to authorize 50 cents for each person. So I would urge members to vote "no" on this amendment. Thank you.

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

Mr. RICHARDSON. Mr. Speaker, I would like to interrogate the prime sponsor of the bill.

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

Mr. RICHARDSON. I would like to know, Mr. Speaker, how much money would be generated over a year's period of time with this additional 50 cents that is going to be given the pharmacists.

Mr. FREIND. Generated by whom?

Mr. RICHARDSON. By whomever is receiving the 50 cents, Mr. Speaker. It is your bill.

Mr. FREIND. I do not understand your question. Money generated by whom?

Mr. RICHARDSON. By the pharmacists. Evidently, I guess they are receiving the 50 cents extra. Is that right? How much money will they collect, Mr. Speaker?

Mr. FREIND. I have been advised there are approximately 10.4 million prescriptions filled a year. If you times that by 50 cents, that is \$5 million.

Mr. RICHARDSON. You are saying that \$5 million will be collected in a year's period of time for the pharmacists in the Commonwealth of Pennsylvania with this 50 cents. Is that right?

Mr. FREIND. We fill an excess of 10 million Medicaid prescriptions a year. So if you times that by 50 cents, it comes to a little over \$5 million.

Mr. RICHARDSON. Okay. How many pharmacists are there in the State of Pennsylvania, Mr. Speaker?

Mr. FREIND. I do not know.

Mr. RICHARDSON. Approximate number?

Mr. FREIND. I do not know.

Mr. RICHARDSON. You do not know. Is it not true, Mr. Speaker, that by executive order Secretary Helen O'Bannon could in fact make up this deficit that these pharmacists are in fact looking for?

Mr. FREIND. It is not true, and I would like to make two points here. Number one, the negotiations which Mr. Gallagher referred to have nothing whatsoever to do with the amount of reimbursement received by the pharmacist.

The only thing they are negotiating now are the terms of the contract. It has nothing to do with reimbursement. Number two, although there is the power under the law by regulation to increase the copay, the Department of Welfare will not do it regulationwise and insist that it be done legislatively.

Mr. RICHARDSON. Now, that is not answering the question, but can they by executive order do that?

Mr. FREIND. Not by executive order. They have the power to do it by regulations where they will not, and that is directly from the Secretary of Public Welfare.

Mr. RICHARDSON. Right. She can regulate that change. That is what I am saying. Whether it is by executive order or through regulations, it is the same thing as coming directly from the Secretary of the Commonwealth of Pennsylvania's Public Welfare.

Mr. FREIND. She can, but, fortunately, Secretary O'Bannon feels that that is a major policy change which should be done by the legislature.

Mr. RICHARDSON. That is the only question, Mr. Speaker, because my point is that I want people to understand that it is in the hands of the Secretary and that she can regulate that by order so that they can get that additional cost if it was regulated. I am saying the power is rested and vested with her to do that, and what I am pointing out, since you are the prime sponsor of the bill, is that not true, Mr. Speaker?

Mr. FREIND. She has the power by regulation to increase the reimbursement. Fortunately, she has opted not to exercise that power.

Mr. RICHARDSON. Fine. But the point is that she can do it. See, I am trying to show the members of this House who have a problem back home in their district that what you have not pointed out specifically is the fact that this does lie in the hands of the Secretary and that she can regulate it by law, but that she has chosen not to go that route, which indicates that there is an option but she has chosen not to take that option. And, therefore, the negotiations that Mr. Gallagher talked about are in fact open and maybe, pending on what this House does, determine whether or not she will regulate it in order for the pharmacists to get their money. That is all I have to say on that.

My second question to you—

Mr. FREIND. Is that a question, Mr. Speaker?

Mr. RICHARDSON. No, it is not a question. I am just stating it.

Mr. FREIND. Because I was going to say that that is absolutely false.

Mr. RICHARDSON. You had already answered it, Mr. Speaker. You do not have to respond again.

My second question, Mr. Speaker, is relevant to this: If you had information that there is a member of this House of Representatives who had an amendment to give the 50 cents that is necessary to make up for those pharmacists, would you be in favor of that amendment, Mr. Speaker?

Mr. FREIND. An amendment to do what, Mr. Speaker?

Mr. RICHARDSON. An amendment to a bill to help the pharmacists get the additional 50 cents that is needed to make up the difference of the \$2.25 to \$2.75.

Mr. FREIND. You mean increase the fee to a \$2.75 reimbursement?

Mr. RICHARDSON. That is what I said, Mr. Speaker.

Mr. FREIND. I would be in favor of that if there was a way to pay for it. There is not. It is a tight budget. There is only room in the budget for an increase of 25 cents, which we have done. To go to \$2.75 is whistling in the dark.

Mr. RICHARDSON. Well, while you are concerned with the fiscal responsibility of this House and also in terms of what the budget looks like, are you not equally concerned with the constituency here in the Commonwealth of Pennsylvania who are less fortunate than you, Mr. Speaker, and fit into a different category and whose budgets do not allow them to afford 50 cents on that \$1 to make themselves available for prescriptions? These are senior citizens of this Commonwealth and others who are less fortunate who cannot in fact get that money up to pay for that prescription, but there is certainly an amendment that would give the additional 50 cents and resolve the problem with the pharmacists. Why is there not any support from you, Mr. Speaker, on pushing that particular amendment?

Mr. FREIND. It is precisely, Mr. Speaker, because of my concern for that constituency that I introduced the bill. And I have such a concern for that constituency that I will not be a phony and support an amendment which would increase by 50 cents the state reimbursement when the money is not there, and that is a reality, Mr. Speaker.

Mr. RICHARDSON. Well, the money is there, Mr. Speaker, and that is a reality because they find money for anything that they want to find for. It all depends on how important it is.

My other question is that in Montgomery County, Mr. Speaker, how many pharmacists do you have and how many poor people are there in Montgomery County who apply for the services that are necessary and how much effect will it have on their constituency there?

Mr. FREIND. Well, Mr. Speaker, I am not from Montgomery County. I am from the County of Delaware.

Mr. RICHARDSON. Delaware County.

Mr. FREIND. Okay. I do not have a number to give you, but you would be extremely surprised even in those "affluent" districts such as Haverford and Radnor and Marble and I am talking about the—

Mr. RICHARDSON. I am talking about yours, Mr. Speaker.

Mr. FREIND. —number of people who in fact are on medicaid prescriptions. We have our problems in those counties too, Mr. Speaker, and I am concerned about those people and I feel that this bill, HB 2490, helps them rather than hurts them.

Mr. RICHARDSON. You still have not answered my question. How many are in your district and how many poor people are affected by this 50 cents that they have to pay additionally, Mr. Speaker?

Mr. FREIND. I do not have a number figure, Mr. Speaker, but I will tell you this, it is a considerable number right in my district.

Mr. RICHARDSON. Well, it seems to me that you would want to be concerned about those persons who have to pay that additional 50 cents.

The other question, Mr. Speaker, is, would you be in favor then of the legislative body here taking on that additional 50 cents that is necessary for those pharmacists so that those who presently receive a medical assistance card, so to speak, for getting free prescriptions or \$1 prescriptions that that be increased so that we could make up the difference that is needed in this Commonwealth from the pharmacies?

Mr. FREIND. Well, Mr. Speaker, before I introduced this bill I checked with the Appropriations Committee; I checked with the administration. The money is not there. It is just not there, Mr. Speaker.

Mr. RICHARDSON. No. I am saying if you apply that, Mr. Speaker, to ourselves. If we were to apply that bill where we put the onus on ourselves. In other words, let us stop taking it out on those who are less fortunate.

Mr. FREIND. Absolutely not. The answer is no, and I am not one of those who is going to phony it up and put on a hair shirt and apologize because I make \$18,700. Okay. I am not going to apologize for that. I did not apologize for my vote on the pay raise. I still think we are underpaid, and absolutely not. It is an easy cop out, Mr. Speaker. It gets headlines, but it is phony as heck.

Mr. RICHARDSON. Well, it is not phony as heck. It is only as phony as you make it, because the situation is such that if people in this Commonwealth are less fortunate and you can make more money than they can, then I am saying let us turn the burden around for a moment and apply that same amount of increase that you are talking about giving to the pharmacists on ourselves and let us pay the difference, since you say the money is not there. Finally, Mr. Speaker, I have no more further questions. I would like to know if I am in order to speak on the bill.

#### MR. ANDERSON REQUESTED TO PRESIDE

The SPEAKER. The Chair has asked the gentleman from York, Mr. Anderson, to preside temporarily.

THE SPEAKER PRO TEMPORE  
(JOHN HOPE ANDERSON) IN THE CHAIR

#### CONSIDERATION OF HB 2490 CONTINUED

Mr. RICHARDSON. I would like to know if I am order, Mr. Speaker, to speak on the bill?

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

Mr. RICHARDSON. I would just like to say that there are several points that have been made already as we tried to make last week on this bill, and that is that there is an option by which the pharmacists in this Commonwealth have to go by. Mr. Salvatore has an amendment that the

Republican Party is against because they are saying that we do not have the moneys to generate in this Commonwealth to deal specifically with relating to the \$2.75, making the 50 cents available to those members who are pharmacists in this Commonwealth. It should be noted also that Mr. Freind does not know how many pharmacists there are in the Commonwealth of Pennsylvania, but says that we will generate about \$10 million that is paid out additionally to medicare cases in the State of Pennsylvania and he says that about \$5 million of that will actually come in as being collected by these pharmacists. I share with you that if the option is available for the Secretary of Welfare to in fact, in her power that is vested in her that has been given to her by the Governor to in fact take care of the 50 cents on the prescriptions copay, then it seems to me that that is the route that we should be aiming at in trying to get the Secretary and the pharmacists to work out that particular problem.

Finally, it seems to me that all of this is a sham to get away from the fact that we are continually taxing poor people at the rate of unbelievable amounts that are not in their budget. They cannot afford it. They have indicated that, you know, with recession and also depression setting in, the effect that it has on them not receiving a cost of living increase, the overburden constantly comes about. It would seem to me that if we are legislators who are talking about those persons in our districts whom we are concerned about, that everybody in this House should be voting "no." I do not see how we can negate the fact that we are talking about our grandparents, maybe our great-grandparents, and others who are less fortunate who are on medical assistance and medicare and medicaid who in fact need their medicine in order to survive. It seems to me that for a small interest group of pharmacists in the Commonwealth of Pennsylvania we are saying, let us tax the poor people because we do not want to tax those who really should be taxed in order to get it, and to stand up there and say that he is not going to apologize for that is a strong indication of the lack of sincerity that exists in terms of our plight and fight to try to help those persons who really need it. There are other avenues which can be used. We are saying to the members of this House and also to the citizens of this Commonwealth, we do not want to use those options; we are just going to use the hardnosed approach and we are just going to bring the hammer down on your head regardless of how it affects you.

I think that, Mr. Speaker, we have a responsibility and a mandate to those citizens in this Commonwealth who are less fortunate, who are poor and cannot afford that 50 cents, and I would ask that everyone in the House vote "no" on HB 2490.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Earley.

Mr. EARLEY. Mr. Speaker, I would like to have brief interrogation of the prime sponsor.

The SPEAKER pro tempore. Mr. Freind indicates that he will submit to interrogation. The gentleman may proceed.

Mr. EARLEY. All right. Mr. Speaker, HB 2490, page 1, lines 17 through 19 indicates that the payment of the copayment fee by the recipient to the pharmacy provider shall not be waived by the department or the pharmacy provider. Mr. Speaker, is there a mechanism for monitoring that provision?

Mr. FREIND. Mr. Speaker, I have been advised by the department that the mechanism that they are already using to monitor medicaid prescriptions will be utilized there, so therefore it will be at no additional cost.

Mr. EARLEY. All right. I have no further questions. I would like to make some remarks.

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

Mr. EARLEY. Mr. Speaker, previously, when this bill was debated, I advanced the argument regarding the potential selective for filling prescriptions by those persons required under the copay plan to make these payments. I would like to reiterate those arguments. One of the things that I would like to point out is that it has been stated by the prime sponsor today that he has learned that the alleged studies that have taken place showed that there was not that great effect. I wish to differ with that. When we pass legislation, we must attempt to determine the impact of that legislation on the Commonwealth. If we have no experience in that area, we must ascertain whether there has been any similar experience in some other parts of the country. In this particular instance with copay, there has been similar experience, and that is in the State of California. During the California copay experience, studies were made of the impact. Now, I would like to read into the record some portions of that to show what has happened.

The studies in California showed, among other things, the following: It indicated that following the start of copayment utilization of ambulatory doctor office visits and other services associated with them, a decline relative to that of the persons in the noncopayment category. After a brief lag, however, hospitalization rates in the copay category rose to levels higher than those that existed before. Now, this alone sustains the argument that considering the fact that the overwhelming majority of the people involved in the medical assistance program and who would be affected by this copay law would be those persons in nursing homes, those elderly, disabled, blind on—

#### POINT OF ORDER

Mr. WILLIAMS. Mr. Speaker? Mr. Speaker, point of order.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Williams. Will he state his point of order?

Mr. WILLIAMS. My point of order, Mr. Speaker, is that I am trying desperately to hear Mr. Earley's remarks on this bill, which personally I find sincerely meaningful, and I would just like to ask if we could have some order so I can hear what he is saying. If I cannot hear it back here, I know the other members cannot hear what he is saying.

The SPEAKER pro tempore. The gentleman is correct. Will the members please take their seats?

The gentleman may proceed.

Mr. EARLEY. To go back and reiterate some points that were made as I was stating previously, the overwhelming majority of those people affected by this copay provision would be those people in nursing homes, those elderly, disabled, blind, on limited income with SSI - Supplemental Security Income - and those people on public assistance. It has been established and by documented evidence that where persons with limited income are required to abide by copay prescription provisions, that those people who normally require a number of prescriptions a month engage in selective prescription filling. In doing that, their condition deteriorates and the medical assistance payments for hospitalization increase to the point where the savings are eliminated and they wind up spending more for hospitalizations than they would under the noncopay plan. I submit that as stated in the Philadelphia Inquirer on Saturday, June 14, 1980, the poor cannot afford copay and neither can the state. The poor being required to pay copay will result in higher costs to the state and, as has been indicated, the state does not have the budgetary facilities to pay for it.

One other point: The argument has been advanced that the enactment of this copayment will cut down on frivolous and capricious use of medical benefits. I submit that that is a facetious argument not grounded in fact. We must bear in mind that the patient is not the initiator of medical services. The patient does not write the prescription. The patient does not determine what medication he or she requires. That is determined by the doctor. Now, if it is determined that the medical provider is being frivolous and capricious in issuing prescriptions, the way to attack that problem is not to attack the patient who receives the prescription. The patient is going to the provider with the understanding that there is a need for the medical attention, and the patient receives the prescription with the belief that there is a need for each and every item of medication that has been prescribed. But when the patient finds out the cost of the volume of medication needed and he or she does not have sufficient funds, then the patient takes it upon himself to attempt to determine that medication which he needs more than another, and, since the total problem is not being treated, there is a deterioration, and we have a counterproductive effect. That being the case, I will move and I urge this House to vote against HB 2490. Thank you.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I rise in support of this bill. No one can look at a bill like this and listen to the debate and not be somewhat concerned about the people who have little and are now asked to pay something. However, it seems to me that there is another problem at stake here, and it has been mentioned, but I think it deserves repeating.

In this state and in this country, we always hear the story that these people cannot afford anything, and because they

cannot afford anything, the small retail businessman, the middle class, the people who are in the pharmacies, have also for the last 12 years been shortchanged. This is a tough decision, perhaps, to make, but I think that if we are to come up with a sensible solution, we must take care of the frustration and the problem of those people - the business people. It does no good for the welfare recipient, for the senior citizen, to say, I do not have to pay 50 cents, if he cannot get the drugs, and the drugs and the medicines will not be available to him if the businessman is not in place to buy them, to gather them, and to provide them for him. It is always as always a problem of balancing interests.

Secondly, I must say that I find it difficult to understand why we cannot accept the principle that we are better off in this society when the person who is getting something and he has a problem, yes—but that he has to pay something out of his own pocket. When you give something to somebody completely for nothing, it is not very much appreciated. He has no real understanding in that situation that there is something there that he is involved in that he has a responsibility. It makes it too easy.

I think that we should support the bill. I think the pharmacists do need this improvement. I think we are far below what the surrounding states have. I think indeed we are at a point where it is not possible economically to fill these prescriptions at the base rate that is imposed, and I think that hurts a lot of other people in this society, because if the pharmacist cannot handle the prescription for the welfare recipient at what he is receiving, he has got to make it up somewhere else. And where does he make it up? He makes it up by charging more for those prescriptions to the people who are working, to the people who are producing, to you, to me, and to the working people of this Commonwealth, and I think that is wrong, because I think those people are always getting it in the neck in our society. Every time we do have this kind of a situation, we hear these problems. I think that the welfare person does have a problem and I think the senior citizen has a problem, but I think that it is a problem that they can meet, and I think on balance we should support the bill so that we do not once again simply hand the problem over to the people who are in the business and to those of our constituents who have to pay for these prescriptions. Thank you, Mr. Speaker.

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

Mr. WHITE. Mr. Speaker, I would like to clear up one question that one of the previous speakers, Mr. Street, asked of the prime sponsor, and it is for my own edification as well, if he would consent to just brief interrogation.

The SPEAKER pro tempore. Mr. Freind indicates that he will submit to interrogation. The gentleman may proceed.

Mr. WHITE. Mr. Speaker, Mr. Street posed a question relating to the possibility of a doctor writing prescriptions for medication of drugs on one "scrip." They call those pieces of paper "scrip." The bill, as I understand it, relates

to the number of prescriptions which would then lead us to believe that it is the number of items that are prescribed medically for that particular individual. I do not think that you answered the question, at least not to my satisfaction, unless I missed a portion of your response. What happens in the event that a doctor does prescribe on one "scrip" more than one prescription? Does that pharmacist then still have the option of charging 50 cents per order of medication, 50 cents per "scrip"? Would you kindly express to this House your interpretation of the language in the bill in that regard?

Mr. FREIND. Yes, Mr. Speaker. It is my opinion that if a doctor wrote five prescriptions on one piece of paper, five different drugs, that that pharmacist would be entitled to charge a 50-cent copay for each one.

Now, it is my opinion, further, that if he desired, he could count it as one prescription. The problem with doing that—just so you know I am not trying to water this down—if he did that, he would only be able to get reimbursement from welfare for one prescription, \$2.25 plus the wholesale cost of all of the drugs. So it is my opinion that in 99 percent of the time what would happen is that in fact the pharmacist, if there were five prescriptions but one piece of paper, would count them as they are, five different prescriptions and in fact charge 50 cents for each one of those prescriptions, or a total in your case of \$2.50.

Mr. WHITE. That would mean then also that on each of the invoices that are submitted to the Department of Welfare, they would have to have five separate invoices as well. Is that correct?

Mr. FREIND. Yes, Mr. Speaker, as is presently done.

Mr. WHITE. Thank you, Mr. Speaker.

I would like to make a few comments on the bill.

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

Mr. WHITE. Mr. Speaker, apparently we are about to once again shift the burden of responsibility to the group or groups of people in this Commonwealth who are least able to shoulder that responsibility.

I have heard and listened intently to the discussion and the debate as to who is to be affected, and I wish to point out that it is not just the welfare recipient who is being affected by this legislation. I daresay it is not just the elderly who are being affected by this legislation. What about the infirm? What about the disabled? And what about the blind? I share Mr. Hutchinson's concern over the economics of the middle class, the economics as it relates to small business people, as most pharmacists are, in spite of the enormous salary that most pharmacists average in this Commonwealth, but I think, Mr. Speaker, that that debate, that discussion, that problem, can best be resolved through the negotiations which are presently taking place between the pharmacists of this state and the Welfare Department.

A speaker further pointed out that these people are paying the 50 cents out of their pockets. I think that is ludicrous in that particularly those members who are receiving SSI or some other type of governmental assistance

will be simply taking the money that we already give them, that 50 cents, and applying that toward medical needs and medical care. We are talking further, Mr. Speaker, about people who have traditionally been eligible for health care but who have lacked that necessary adjective which precedes health care, which is quality health care. We are concerned about the cost of medical assistance. All of us are concerned about the cost of medical assistance, but what about the \$100 million that is lost in this Commonwealth annually through medical fraud, through medical assistance fraud, by doctors who overprescribe, by pharmacists who charge more than the standard rate for their particular medicines, who do not follow the directions of the generic bill that this legislature passed some 4 years ago? Every member of this House of Representatives and the Senate can go downstairs to that infirmary, can tell the nurse what is wrong with them, and can receive proper quality medical care free of charge. Every member of the Congress and the United States Senate can go to the infirmaries of the House and the Senate and receive quality medical care at no cost. If we are concerned about shifting the burden, if we are concerned about making up those dollars, let us deal with the 105,000 state employees who pay \$1 for their prescriptions. If you want to see to it that pharmacists are reimbursed and you want to subvert the negotiations which presently are taking place, let us increase that item. Let us say that every member of this House should not be entitled to a prescription for \$1. Let us pay. Let us go first. You have got a Secretary of Welfare who earns more than \$44,000 a year, yet pays \$1 for every prescription; a Governor, who makes more than \$64,000 a year and yet only may pay \$1 for every prescription that he or his family might need. That ought to point out to us the distinct ironies in here. Why is it that every time we start talking about money, the first people whom we want to lean on are those who think more about money than we, and that is the poor and the indigent of this Commonwealth? Common sense ought to say to us one thing. Items which cost us \$10 in 1970 for groceries today cost us in excess of \$23. Those people have not received the proper increments in that same 10-year period. They are already overburdened. I am concerned that what we will end up doing by passing HB 2490 is costing this Commonwealth and its taxpayers even more money through hospitalization because of that individual who refuses to put up the 50 cents; who tells the doctor, I do not have 50 cents for my prescription, and the doctor agrees to hospitalize him. Who picks up the cost then? This state does.

Mr. Speaker, I would urge each of my colleagues to think of those contradictions, to look at your own pocketbooks, and think about what it would cost each one of us to maintain the proper amount of health care with the beautiful health benefits which we put in or voted for ourselves. In that regard, Mr. Speaker, I would urge every member of this House to vote "no" on HB 2490. Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, what I am going to say I hope that the members will pay attention to, because it is going to be in a little different area. The argument given by Mr. White and Mr. Gallagher, both of them, I think, made the most sense today, and what I am going to say is going to shock some of you people because of the fact that we are going to talk about the area of law enforcement.

I was not going to bring this out, but between 1945, when they got out of World War II, and 1950, when I entered the Korean War, I sold drugs, legally. I worked for Brenner Drug Company here in Harrisburg, and my area was the eastern part of the State of Pennsylvania. Now, I have been on the phone here and I called a lot of my friends that I knew in that time, and they said to me, do not do us any favors—I have high respect for Mr. Freind, and what I am going to say I do not know of anybody in the room who knows more about this other than some other investigators in the past. Mr. Freind would know this because I think he was one of the top investigators in the state in some cases, and I know he ought to know in the area of crime, but these druggists said to me, do not do us any favors—because the fact is, he says, you are going to make me charge somebody 50 cents and they are going to take \$5 out of my store.

Now, I am not saying that against any individual race or any individual person. What I am saying is that no matter whether you are white, Puerto Rican, black, Chinese, or whatever the case might be—and I am not taking it out on any individual. It is the area in which you are—people who are hit hard, as Mr. White said, they see individuals making some of the money that is made by individuals only paying \$1 for a prescription, and this is exactly what they told me on the phone. They are going to be up in arms, and they are going to say to me, hey, look, you charged me 50 cents, I am going to get it back. And what we are doing is going to create one awful mess, and we talk about \$5 million it would cost to give them the extra 50 cents, it is going to cost \$25 million in insurance and pilferage and everything else. You are not doing anybody any favors with this.

Now, I am talking about the law enforcement area. Okay, now I am tough on law enforcement. I will say, okay, let us rack them up. Oh, no, it is not going to work because what are you going to rack anybody up with? What are you going to put them in jail for? What are you going to do, starve them to death? What are we going to do, you know, concentration camps? No way. I am not suggesting anything; all I am saying is, you are not going to get away with it. Fine. What Mr. Hutchinson said in regard to—I have it here, and I respect Mr. Hutchinson—it is a good responsibility of being part of society to be able to pay your way and make people responsible. That sounds great; for 50 cents? I cannot believe it, not for 50 cents. It is not going to work.

So what I am saying is this: Mr. Gallagher and Mr. White made two of the best points there are. Mr. White

said, and if I quote you right, Mr. Gallagher, beyond the negotiations right now, I think we are a little premature on this. Why not let the pharmacists work it out with the Department of Welfare and come back with something that will work? I do not think you are really going to do your pharmacists any good. What you are going to do is tell the people during the burn-baby-burn period, and everybody was mixed up at that time, and the types of people who were mixed up at that time were every type of nationality. And what did they do? Congress made a concession; they made a concession with the Civil Rights Act and all kinds of acts. They made a concession in regard to the waiting a year for welfare. You do not have to wait anymore. They made all kinds of concessions. Why? Because they knew what people were going to do.

Now, I am not saying you have to give in and have a hammer over your head, no; but there is a time in life when you are going to have to have concession, and I believe that in this particular case this is one of the concessions we are going to have to have and say, knock it off; forget about that 50 cents; either come back and supply the \$5 million and save \$25 million of the costs of insurance and pilferage and everything else and get down to a central bill. As Mr. Gallagher said, they are making negotiations. Let us let the system try to work without going out on a ridiculous, lousy 50 cents. I cannot believe it. For that reason, I vote against it.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Giammarco.

Mr. GIAMMARCO. I rise to oppose HB 2490 because of a few reasons. As Mr. Gallagher said, they are going into negotiations tomorrow. This should have been done long ago. Not only would this bill— With the health and welfare problem that we as members of this House have, I have been waiting over 2 months to collect my drug plan back because I have no pharmacists in my district that go along with our medical card. Why? Why is this going on? It has been brought to the Speaker; it has been brought to the chief clerk. I think we should get our commissioner off his butt over there to do something not only for the needy but for us as members of this House, that we have to argue about our own plan that we are not being serviced with.

The pharmacists in Philadelphia are definitely against this bill. As late as 20 minutes ago I talked to the head of the pharmacists group in Philadelphia; they are definitely against this HB 2490 for humane reasons. So far the state has not even issued their new numbers to take care of these problems. Two months overdue now, they are still waiting on their numbers. Why is this, the lack of responsibility over there to health and welfare? These prescriptions that the pharmacies have been filling for the past month, these pharmacists will not be paid, they will not be paid until sometime in September or October. Again I say, who is lagging? Not us as members but over there at the health and welfare office. So I am asking all the members on our side, both sides, to vote “no” on HB 2490. Thank you.

**MOTION TO RECOMMIT**

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

Mr. COHEN. Mr. Speaker, we have not discussed in adequate detail the fiscal impacts of the Commonwealth as a result of passing this bill. Mr. White has indicated, as have others, that we are going to pay increased medical costs as a result of saving 50 cents in prescriptions. Mr. Zeller has discussed the costs that are going to be borne by the pharmacists as the result of not having the same rapport with their clients that they have now and the result that additional security guards are going to have to be hired by pharmacists in order to prevent shoplifting.

I have not heard anybody discuss—perhaps I have missed it in the course of debate—reduced sales of prescriptions. They are going to be seen as a result of this. I have not seen anybody discuss the reduced corporate profits and reduced corporate profit tax revenues that this Commonwealth is going to get as a result of reduced prescription sales. I have not heard any discussion yet about the job layoffs that are going to take place as a result of less sales of prescriptions by Pennsylvania corporations.

Mr. Speaker, this bill needs a fiscal note because of all these factors, and it does not have one, I believe. I would therefore move that this bill be recommitted to the Appropriations Committee for the purpose of a fiscal note.

The SPEAKER pro tempore. The motion before the House made by the gentleman from Philadelphia, Mr. Cohen, is that the bill be recommitted to the Committee on Appropriations.

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

Mr. FREIND. Just very briefly on the recommittal motion, Mr. Speaker. We have checked with the Appropriations Committee. The Appropriations Committee has stated there is no fiscal impact, and because of that, a fiscal note is not necessary. I do not think any of us really consider that argument very strong. I think it is a delaying motion. I think whether you are for or against HB 2490, we ought to vote on the merits of the bill today, and for that reason I oppose recommittal.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Williams.

Mr. WILLIAMS. Mr. Speaker, I agree with Mr. Freind. I believe that this issue should come squarely before us at this time and that we should vote our conscience after examining the content and the implications of the bill and the issues around it. I do not believe that putting it in committee will serve any useful purpose in terms of coming to a fair and humane conclusion on this issue.

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

The following roll call was recorded:

YEAS—73

Austin	Gamble	McCall	Rhodes
Barber	Gatski	McIntyre	Richardson
Beloff	George, C.	Maiale	Rieger
Berson	Giammarco	Manderino	Ritter
Borski	Goebel	Michlovic	Rodgers
Brown	Grabowski	Mrkonic	Seventy
Cappabianca	Greenfield	Mullen	Shupnik
Clark, B. D.	Harper	Murphy	Stewart
Cochran	Hoeffel	Novak	Street
Cohen	Irvis	O'Donnell	Stuban
Cole	Itkin	Oliver	Sweet
DeMedio	Knight	Perzel	Trello
DeWeese	Kolter	Petrarca	Wachob
Dawida	Kukovich	Pievsky	Wargo
Dombrowski	Laughlin	Pistella	White
Dumas	Lescovitz	Pucciarelli	Yahner
Fee	Letterman	Rappaport	Zitterman
Fryer	Levin	Reed	Zwilk
Gallagher			

**NAYS—109**

Alden	Foster, W. W.	Lynch, E. R.	Serafini
Anderson	Foster, Jr., A.	McClatchy	Sieminski
Armstrong	Freind	McMonagle	Sirianni
Arty	Gallen	McVerry	Smith, E. H.
Belardi	Gannon	Mackowski	Smith, L. E.
Bittle	Geesey	Madigan	Spencer
Bowser	Geist	Manmiller	Stairs
Brandt	George, M. H.	Micozzie	Steighner
Burd	Gladeck	Miller	Swift
Cessar	Goodman	Moehlmann	Taddonio
Chess	Grieco	Mowery	Taylor, E. Z.
Cimini	Gruppo	Nahill	Telek
Civera	Hagarty	Noye	Thomas
Clark, M. R.	Halverson	O'Brien, B. F.	Vroon
Cornell	Hasay	O'Brien, D. M.	Wass
Coslett	Hayes, Jr., S.	Peterson	Wenger
Cowell	Honaman	Phillips	Williams
Cunningham	Hutchinson, W.	Piccola	Wilson
DeVerter	Johnson, E. G.	Pitts	Wilt
DiCarlo	Kanuck	Polite	Wright, D. R.
Davies	Klingaman	Pott	Wright, Jr., J.
Dietz	Knepper	Punt	Yohn
Dininni	Kowalyszyn	Pyles	Zeller
Dorr	Lashingier	Rasco	Zord
Duffy	Lehr	Rocks	
Durham	Levi	Ryan	Seltzer,
Earley	Lewis	Scheaffer	Speaker
Fischer	Livengood	Schweder	

**NOT VOTING—11**

Bennett	Gray	Jones	Shadding
Donatucci, R.	Hutchinson, A.	Pratt	Taylor, F.
Fisher	Johnson, J. J.	Salvatore	

**EXCUSED—8**

Burns	Helfrick	Milanovich	Spitz
Caltagirone	McKelvey	Schmitt	Weidner

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

On the question recurring,  
Shall the bill pass finally?

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

Mrs. HARPER. Mr. Speaker, I rise in opposition to HB 2490. I spoke last week on this bill, on my opposition, and I appeal to the members of this House, to the humanitarian side of you. I go to the store every week and shop and listen to the senior citizens who are on a fixed income, and I see them look at a piece of steak and fish and food and

they take one look and walk away, and they will tell you that they cannot afford a \$1 piece of fish or steak. I heard someone say that the money is not there in state government for the pharmacists. Well, I will tell you, the money is not there in the pockets of the senior citizens, the blind, and the people who are on a fixed income. Statistics have proven that the majority of the people over 55 years of age require, at least they need, some sort of drugs. They need from two to three prescriptions each month which will cost them, with this bill, from 50 cents to \$2.50 a month. These senior citizens and people on fixed incomes cannot afford this bill, and I ask you to vote down HB 2490.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Williams.

Mr. WILLIAMS. Mr. Speaker, I agree with all the speakers who have opposed this legislation. I especially agree with the remarks of Mr. White. Mr. Speaker, I will try to be brief on the issue. I think that what we are talking about is mainly just a very simple issue of morality. It is an issue of morality because we are talking about \$5 million. We have already designated and decided in medicaid that the heavy medical and medicine bills of the poor who are eligible, they cannot stand that weight. We have already decided that. And, Mr. Speaker, I would suggest that there are five million reasons why we should not impose this legislation on the poor. It is not an issue of the retailers. You do not see them here. They do not take the position that Mr. Hutchinson advanced.

Mr. Freind and the department say that we need \$5 million from somewhere. One of those five million reasons has been advanced by Mr. White. In less than one month, in one city, \$5 million could be raised if the state were interested in making sure that the big medical machine and institutions do not rip off people in medicines. Five million dollars could be raised very simply in doing that. If this state is interested in providing a level of income on these medicines, it would be simple to do. A fee bill, a new fee bill, that would say we would inspect to make sure that those working people who pay a lot of money in hospitals and in doctors' offices do not get cheated, and the insurance companies do not get cheated, would raise \$5 million.

I would suggest, Mr. Speaker, in the area of medical and health matters we all know that there are awesome amounts of moneys that are being wasted in the system. If we are serious, we do not need to impose on the backs of the poor a subsidy that indeed is a very important burden on their backs. It is not so that \$5 a year is the amount of money. SEPTA - Southeastern Pennsylvania Transportation Authority - raises its fees; other people raise their fees; there is no more welfare. In several different ways when we chip away at the poor, it disallows the very thing we aim to achieve, which is medical health among all people in this Commonwealth.

Mr. Speaker, I will not belabor the deception. I am merely saying that it is a moral issue. It is a moral issue to say that the least among us can and should have what the best of us have, and Jesus said that very clearly, the least

among us and the best among us, and we are talking about health. It is no excuse to say we always have to collide with the poor. I say that the rich are being ripped off, the middle class are being ripped off, and it is very simple and very easy to find \$5 million. And, Mr. Speaker, I say it is a moral issue that if, indeed, we do believe that people less able, people more old deserve that, we have no need to guess and impose some more money. If we really mean that, we can achieve that very simply just by going back to the drawing boards, and Mr. White gave some examples.

Not a person in this auditorium who has been to a hospital as I have been recently and even more recently who sees that bill—and Mr. Freind, being a lawyer, I am sure has seen those bills—where you say, what did you give me, and no one can tell you. And you get charged for a bottle, \$20, and it took one drop. Mr. Speaker, we would be doing a distinct disservice if we would not attack this problem in a humane way and allow ourselves to be guilty of once again saying that we will not try to achieve what we are given in the books we read from every Sunday. That is just some sensitivity in an area of a quality of life for the least among us.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Mr. Speaker, I think we have been over the issue. I just want to make one point which is a fact. The negotiations which are taking place right now with the pharmacists and the department have nothing whatsoever to do with reimbursement. They are going to talk about the contract, the method of payment, the time requirement for prescription, and this has nothing whatsoever to do with reimbursements. There will be no greater reimbursement from the department than \$2.25, and that is an absolute fact.

I firmly believe, Mr. Speaker, this bill benefits not just the pharmacists, but it benefits the medicaid recipients. And I hear we can come up with \$5 million, but the problem is not alone with respect to drugs. You have the dentists and doctors and hundreds of other areas. But I will tell you somebody else who benefits. The person who continually bears the burden of government is the middle-income taxpayer, Mr. Speaker, who makes \$12,000 to \$15,000 a year, but who does not qualify for any benefits whatsoever, and everything we do in government that costs money they pick up the burden for. They are the ones who celebrate, I think it is the beginning of June, tax freedom day. Up until that point in the beginning of June, every penny that he or she has made has gone to some type of tax; and how far do we go?

What we try to do, Mr. Speaker, is strike a balance. Sure, we want to take care of our senior citizens, and I think we are doing a good job of that. And we want to take care of our poor and disabled. We are doing the best we can there. Social Security and SSI - Supplemental Security Income - continue to increase, but we cannot forget the middle-income taxpayer too. I think this is a reasonable approach. It is a balanced approach. I think it is a good



idea and I would strenuously urge the members to support this bill. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Williams.

Mr. WILLIAMS. Mr. Speaker, I will be brief. I just want to reply to the fact that Mr. Freind said that that meeting that is taking place has nothing to do with this. That is just not so. It is true that the discussions have been around a right by the pharmacists to make some input on a provider's contract. There is no area of discussion that the department and the pharmacists cannot engage in including a method of arriving at a fee. I just wanted to correct that, and I wanted to also comment that the pharmacists—and we sort of tried to help bring those meetings about—did not go charging in at any point saying that they wanted the applicants who pay to have their fee raised. I just wanted to make that clear, that those discussions are open-ended to my knowledge.

Mr. RICHARDSON. Mr. Speaker, I would like to request that only members in their seats be recorded.

On the question recurring,  
Shall the bill pass finally?

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

(Members proceeded to vote.)

VOTES CHALLENGED

Mr. IRVIS. Mr. Speaker, is the gentleman, Mr. Mowery, on the floor?

The SPEAKER pro tempore. The gentleman, Mr. Mowery, is present.

Mr. IRVIS. The gentleman, Mr. Gannon? Is the gentleman, Mr. Gannon, on the floor, Mr. Speaker? If he is not on the floor, Mr. Speaker, I would suggest that he not be voted.

The SPEAKER pro tempore. Is the gentleman, Mr. Gannon, on the floor? If he is not on the floor, we request that his vote be stricken.

Mr. IRVIS. Mr. Speaker, Mr. Gannon is still being voted.

Mr. RYAN. Mr. Speaker, I can certify that he is here. Now, I would agree that he is not on the floor at the moment.

Mr. IRVIS. Is the gentleman, Mr. Wright, on the floor?

The SPEAKER pro tempore. Is the gentleman, Mr. Wright, present in the House?

Mr. IRVIS. The gentleman, Mr. Wright, is not on the floor, Mr. Speaker, apparently.

The SPEAKER pro tempore. Mr. Wright is not on the floor. Will you see that his vote is stricken?

Mr. IRVIS. Is the gentleman, Mr. Taddonio, on the floor?

The SPEAKER pro tempore. Is Mr. Taddonio present in the House?

Mr. IRVIS. Is Mr. Taddonio on the floor, Mr. Speaker? I do not see him. Is Mr. Telek on the floor, Mr. Speaker? Mr. Telek is on the floor, but I do not see Mr. Taddonio.

The SPEAKER pro tempore. Mr. Telek is on the floor.

Mr. IRVIS. I had no intentions of challenging Miss Sirianni. I know when I am licked.

We see no further challenges, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. RICHARDSON. I would like to know how much time has elapsed, Mr. Speaker.

The SPEAKER pro tempore. Five minutes and 12 seconds.

Mr. STREET. Mr. Speaker, is Mr. Punt here?

The SPEAKER pro tempore. Is Mr. Punt in the House?

Mr. STREET. He may be standing up over there but I do not see him.

Mr. IRVIS. Mr. Punt is not actually on the floor, Mr. Speaker. I would appreciate having that vote stricken.

Mr. RICHARDSON. Mr. Speaker, how much time has elapsed now, Mr. Speaker?

The SPEAKER pro tempore. You have 2 minutes and 40 seconds.

Mr. IRVIS. Mr. Speaker, it has been brought to my attention that we do not see Mr. Nahill on the floor. Is Mr. Nahill here? We see the gentleman. Thank you.

Mr. RICHARDSON. Mr. Speaker, I think it is time for the clerk to record the vote.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—97

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

NAYS—81

Barber	Gatski	McCall	Rhodes
Beloff	George, C.	McIntyre	Richardson
Berson	Giammarco	McMonagle	Rieger
Borski	Goebel	Maiale	Ritter
Brown	Goodman	Manderino	Rodgers
Cappabianca	Grabowski	Michlovic	Seventy
Clark, B. D.	Greenfield	Micozzie	Shupnik
Cochran	Harper	Mrkonic	Steighner
Cohen	Hoefel	Mullen	Stewart

Cole	Iris	Murphy	Street
DeMedio	Itkin	Novak	Sweet
DeWeese	Knight	O'Brien, B. F.	Trello
Dawida	Kolter	O'Donnell	Wachob
Dombrowski	Kowalyszyn	Oliver	Wargo
Duffy	Kukovich	Petrarca	White
Dumas	Laughlin	Pievsky	Williams
Earley	Lehr	Pistella	Yahner
Fee	Lescovitz	Pucciarelli	Zeller
Fryer	Letterman	Rappaport	Zitterman
Gallagher	Levin	Reed	Zwilk
Gamble			

NOT VOTING—15

Austin	Hutchinson, A.	Punt	Taddonio
Bennett	Johnson, J. J.	Salvatore	Taylor, F.
Donatucci, R.	Jones	Schweder	Wright, Jr., J.
Gray	Pratt	Shadding	

EXCUSED—8

Burns	Helfrick	Milanovich	Spitz
Caltagirone	McKelvey	Schmitt	Weidner

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

The SPEAKER pro tempore. The Chair at this time returns the gavel back to the Speaker, Mr. Seltzer.

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman, Mr. Anderson, for presiding.

REMARKS ON VOTE

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

Mr. E. H. SMITH. Mr. Speaker, when we voted on HB 2534, PN 3734, I was not in my seat. I would like to be recorded in the affirmative on this bill.

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

SPECIAL ORDER OF BUSINESS REQUESTED

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

Mr. RHODES. Mr. Speaker, pursuant to House rule 17, I at this time would like to move that we take up the Governor's veto of HB 2261, PN 2901, as a first order of business upon our return to the floor of the House after the recess for lunch.

The SPEAKER. The gentleman from Allegheny, Mr. Rhodes, moves that the override of the Governor's veto on HB 2261 be taken up as a first order of business on the return from the recess.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, when we marked the calendar earlier today, the marking that I had called for was to go through the calendar up to page 3 and break for lunch, which we will do now. Essentially, I am going to object to

what the gentleman is asking for. We have a schedule to try to meet today if we are going to get out of here at any reasonable time this week or next week, which includes the bulk of the bills that are on concurrence or the reports of conference committees. I do not know what the ordinary order of business is to take up a veto override. My recollection is that it is the final order of business after the calendar is concluded. I am not sure, Mr. Speaker, after the rulings yesterday where this fits in as far as a majority vote or a constitutional majority vote, but, in any event, I oppose at this time the motion of the gentleman to take up as a special order after the luncheon recess this particular issue, but would rather suggest that it come along at the end of the day when we have concluded the other business.

The SPEAKER. For the information of the majority leader and the other members of the House, for this motion to prevail, it takes a simple majority of the members voting.

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

Mr. RHODES. Mr. Speaker, briefly, I only rise to make this motion, Mr. Speaker, in large part because not only is this an urgent matter for the House to take up since this is a House bill and it must first be considered by the House if we are to override the Governor's veto, but, otherwise, this bill must be acted upon by the Senate. And if we are going to have an opportunity to have the Senate act on the override after our action, if an override is successful, we must take it up early this afternoon, Mr. Speaker. Therefore, with all due deference to the majority leader's schedule, I certainly hope the House will vote to take it up as the first order of business after we return from lunch. Thank you, Mr. Speaker.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—104

Alden	Gamble	McCall	Rieger
Austin	Gannon	McIntyre	Ritter
Barber	Gatski	McMonagle	Rodgers
Beloff	George, C.	McVerry	Schweder
Berson	George, M. H.	Maiale	Seventy
Borski	Giammarco	Manderino	Shupnik
Brown	Gladeck	Michlovic	Stairs
Cappabianca	Goodman	Miller	Steighner
Chess	Greenfield	Moehlmann	Stewart
Clark, B. D.	Hagarty	Mullen	Street
Cochran	Harper	Murphy	Stuban
Cole	Hoefel	Novak	Sweet
Cowell	Iris	O'Brien, B. F.	Taddonio
DeMedio	Itkin	O'Donnell	Taylor, E. Z.
DeWeese	Knepper	Oliver	Telek
DiCarlo	Knight	Petrarca	Trello
Dawida	Kolter	Phillips	Wachob
Dombrowski	Kowalyszyn	Pievsky	Wargo
Donatucci, R.	Kukovich	Pistella	White
Duffy	Lashinger	Pott	Williams
Dumas	Laughlin	Pucciarelli	Wilt
Earley	Lescovitz	Pyles	Wright, D. R.
Fee	Letterman	Rappaport	Yahner
Fisher	Levin	Reed	Zeller
Fryer	Lewis	Rhodes	Zitterman
Gallagher	Livengood	Richardson	Zwilk

**NAYS—71**

Anderson	Durham	Lynch, E. R.	Scheaffer
Armstrong	Fischer	McClatchy	Serafini
Arty	Foster, W. W.	Mackowski	Sieminski
Belardi	Foster, Jr., A.	Madigan	Sirianni
Bittle	Freind	Manmiller	Smith, E. H.
Bowser	Gallen	Mowery	Smith, L. E.
Brandt	Geesey	Nahill	Spencer
Burd	Geist	Noye	Thomas
Cessar	Grieco	O'Brien, D. M.	Vroon
Cimini	Gruppo	Perzel	Wass
Civera	Halverson	Peterson	Wenger
Clark, M. R.	Hasay	Piccola	Wilson
Cornell	Hayes, Jr., S.	Pitts	Wright, Jr., J.
Coslett	Honaman	Polite	Yohn
DeVerter	Johnson, E. G.	Punt	Zord
Davies	Klingaman	Rasco	
Dietz	Lehr	Rocks	Seltzer,
Dininni	Levi	Ryan	Speaker
Dorr			

**NOT VOTING—18**

Bennett	Gray	Kanuck	Salvatore
Cohen	Hutchinson, A.	Micozzie	Shadding
Cunningham	Hutchinson, W.	Mrkonic	Swift
Goebel	Johnson, J. J.	Pratt	Taylor, F.
Grabowski	Jones		

**EXCUSED—8**

Burns	Helfrick	Milanovich	Spitz
Caltagirone	McKelvey	Schmitt	Weidner

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

**REQUEST FOR RECESS**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I suggest we break now until 3:30 and be prepared—I think it is only fair to say that we should be prepared—to work extremely late tonight. Thank you, Mr. Speaker.

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

Mr. LETTERMAN. Mr. Speaker, I intend to call up SB 443 before we leave here today. I would like to see it as the second piece of business taken care of after we come back. I make a motion that it be the second piece of business.

**DEMOCRATIC CAUCUS**

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. There will be a Democratic caucus at 2:30. A Democratic caucus at 2:30. Thank you, Mr. Speaker.

**REPUBLICAN CAUCUS**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would ask that the Republicans report to the Republican caucus room at 2:15.

**PARLIAMENTARY INQUIRY**

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

Mr. DiCARLO. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DiCARLO. Mr. Speaker, could you advise me at what point during the day I can make a motion to remove a bill from the tabled calendar, please?

**SB 237 REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I had discussed this matter with Mr. DiCarlo. He desires that SB 237 be taken from the table for an agreed-to amendment and then re-tabled. Is that correct, Mr. DiCarlo?

So I accordingly would move that SB 237 be removed from the table now—

The SPEAKER. Let the Chair respond to the gentleman.

The ordinary procedure is that you take a bill from the table under the same conditions that it was placed on the table. If it was on third reading, you would take it from the table when we are on third reading. If it is on final passage, you would take it from the table when it was on final passage. This House historically though has been rather lenient and motions are considered most any time for removal from the table.

So, it has been moved by the majority leader, Mr. Ryan, that SB 237 be taken from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**SB 265 REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 265 be taken from the table and placed on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**RECESS**

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

**AFTER RECESS**

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

**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. 2583, 2657, 2658, 2659 and 2660.**

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

June 30, 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 2583, Printer's No. 3409, entitled "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; creating The General State Authority as a body corporate and politic with power to construct, improve, equip, furnish, and operate projects, and to lease the same, and to fix fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds for said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; empowering The General State Authority to sell and convey projects and property to the Commonwealth; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act,' increasing the powers and the borrowing capacity of the Authority, allocating the proceeds of such borrowing capacity, and regulating the leasing of projects constructed for State aided institutions,' changing the allocation of funds for the Old Museum Building and increasing the allocation for a project".

**DICK THORNBURGH**  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

June 30, 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 2657, Printer's No. 3526, entitled "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".

**DICK THORNBURGH**  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

June 30, 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 2658, Printer's No. 3527, enti-

itled "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".

**DICK THORNBURGH**  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

June 30, 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 2659, Printer's No. 3528, entitled "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".

**DICK THORNBURGH**  
GOVERNOR

Commonwealth of Pennsylvania  
Governor's Office, Harrisburg

June 30, 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 2660, Printer's No. 3529, entitled "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".

**DICK THORNBURGH**  
GOVERNOR

**BILL SIGNED BY SPEAKER**

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

**SB 226, PN 1929**

An Act amending the act of August 31, 1955 (P. L. 531, No. 131), entitled "Pennsylvania Athletic Code," further providing for the age of participants in certain amateur athletic contests.

**MOTION TO REMOVE  
VETO MESSAGE FROM TABLE**

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

Mr. RHODES. Mr. Speaker, I move that HB 2261 and the veto message be taken from the table.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—92

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

NAYS—96

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

NOT VOTING—5

Bennett	Johnson, J. J.	Jones	Shadding
Gray			

EXCUSED—8

Burns	Helfrick	Milanovich	Spitz
Caltagirone	McKelvey	Schmitt	Weidner

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

CALENDAR RESUMED  
REQUEST TO CALL UP  
DISCHARGE RESOLUTION

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

Mr. LETTERMAN. I would like to run SB 443, if it is at all possible.

The SPEAKER. The gentleman from Centre, Mr. Letterman, moves that the discharge resolution on SB 443 be made a special order of business.

Mr. LETTERMAN. Right now.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, for the same reasons that I gave this morning on the veto vote, I would like a "no" vote on this so that we can move the calendar as we had planned.

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

Mr. LETTERMAN. May I interrogate Mr. Ryan?

The SPEAKER. The gentleman indicates he will permit himself to be interrogated.

Mr. LETTERMAN. Mr. Speaker, does that include running the discharge resolution?

Mr. RYAN. The discharge resolution is positioned on the calendar. It can be called up for you when we reach that point on the calendar.

Mr. LETTERMAN. Very good. Thank you.

The SPEAKER. Is the gentleman withdrawing his motion?

Mr. LETTERMAN. Mr. Speaker, I withdraw it as long as the promise is kept that I get a chance to run it.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. RYAN. I am not anticipating a problem, but I do not want you to say that I pulled an end run on you. My words were, when we reach that point of the calendar. Now, we have all seen from time to time in the heat of battle an adjournment resolution. I do not plan such a thing. I expect, however, tonight to be a long night, and if it happens, it is not by design to prevent that particular measure from coming up for a vote. I just want to be clear with you on that.

MOTION TO CALL UP DISCHARGE  
RESOLUTION

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

Mr. LETTERMAN. Mr. Speaker, then I ask for the vote now.

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

The following roll call was recorded:

YEAS—90

Austin	Gatski	McMonagle	Rodgers
Barber	George, C.	Maiale	Schweder
Berson	George, M. H.	Manderino	Seventy
Borski	Giammarco	Michlovic	Shupnik
Brown	Goebel	Mrkonic	Stairs
Cappabianca	Goodman	Mullen	Steighner
Chess	Grabowski	Murphy	Stewart
Clark, B. D.	Greenfield	Novak	Street
Cochran	Harper	O'Brien, B. F.	Stuban
Cohen	Hoeffel	O'Donnell	Sweet
Cole	Hutchinson, A.	Oliver	Taylor, F.
Cowell	Irviss	Petrarca	Telek
DeMedio	Itkin	Pievsky	Trello

DeWeese	Knight	Pistella	Wachob
DiCarlo	Kolter	Pratt	Wargo
Dawida	Kowalshyn	Pucciarelli	White
Dombrowski	Kukovich	Rappaport	Williams
Donatucci, R.	Laughlin	Reed	Wright, D. R.
Duffy	Lescovitz	Rhodes	Yahner
Dumas	Letterman	Richardson	Zeller
Fee	Livengood	Rieger	Zitterman
Gallagher	McCall	Ritter	Zwilk
Gamble	McIntyre		

**NAYS—94**

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

**NOT VOTING—9**

Beloff	Gray	Jones	Shadding
Bennett	Johnson, J. J.	Levin	Wright, Jr., J.
Fryer			

**EXCUSED—8**

Burns	Helfrick	Milanovich	Spitz
Caltagirone	McKelvey	Schmitt	Weidner

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

**FINAL PASSAGE POSTPONED BILLS 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 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.

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?

Without objection, the Chair reverses its decision as to the bill having been agreed to on third consideration.

On the question recurring,

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 Bucks, Mr. Wilson.

Mr. WILSON. Mr. Speaker, I would move at this time that SB 414 be reverted back to PN 1118.

The SPEAKER. It is moved by the gentleman from Bucks, Mr. Wilson, that the House revert to PN 1118 on SB 414.

On the question,

Will the House agree to the motion?

**POINT OF ORDER**

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

Mr. THOMAS. A point of order, Mr. Speaker. Is this a proper motion since the same motion was made and defeated on a prior day?

The SPEAKER. It is the opinion of the Chair that it is a proper motion.

Mr. THOMAS. Thank you.

The SPEAKER. The Chair recognizes the gentleman.

Mr. THOMAS. Mr. Speaker, I oppose the motion to revert to prior PN 1118, just the same as I did yesterday, but I can add a little more light and subject matter to your thinking today because yesterday I had all my discussion material in my office. Today I brought some of it with me.

As PN 1118 came to us from the Senate, it dealt with "bute" only, phenylbutazone. It placed the promulgation of all the rules and regulations in the hands of a state veterinarian appointed by the Governor. To revert to a prior printer's number would do this very same thing again, leave the full responsibility of the drug we are out to get in the hands of one big person appointed by the Governor. It was then expanded on the recommendation of the special study committee that worked on the whole business of use and abuse of drugs, including the whole field of medications, medicaments, stimulants, narcotics, et cetera, that affect horses, especially on the racetrack. And that is really all we are doing here, trying to take the ills and abuses out of horse racing. Let the horse do his thing, not the drug do it for the horse.

Now, while we were working on this whole business, many other states were doing the same thing, and then the National Association of State Racing Commissions was meeting to put something together that would kind of codify regulations on a uniform basis for all states and for all racing commissions across the United States, and that is the reason for the second version of the amendment since it came to the House. The special study commission in Pennsylvania recommended what we put in the draft when it left the Agriculture Committee. Since that time, I believe in April of 1980, the National Association of State Racing Commissions came up with standard recommendations from a special study commission of 27 people who voted 26 to 1, if my memory is correct, in favor of the regulatory

measures that they sent out to every state racing commission. Now that state racing commission came to the study commission with the recommendations and boiled it all down to the version that we have before us today, PN 1945.

Since we import horses to horse racing in Pennsylvania, it is imperative that our regulations are not too far apart from those states from which the horses come. I strongly urge that you vote the motion down and that we go ahead and pass SB 414, PN 1945, as presently on the calendar.

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

Mr. WILSON. Mr. Speaker, there is only one simple problem, as I find it, with that proposal and that drug control committee and commission and all of the things that are in this bill under PN 1945, and I understand that that is very simply the estimated cost of some \$600,000, and that is where the problem lies.

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

The following roll call was recorded:

YEAS—71

Table with 4 columns of names: Alden, Austin, Barber, Beloff, Berson, Borski, Brown, Cappabianca, Clark, B. D., Cohen, DeWeese, DiCarlo, Dawida, Dombrowski, Donatucci, R., Duffy, Dumas, Durham, Earley, Fryer, Gallagher, George, C., George, M. H., Giammarco, Goebel, Grabowski, Greenfield, Harper, Hoeffel, Hutchinson, A., Iris, Itkin, Laughlin, Lescovitz, Letterman, Levin, McIntyre, McMonagle, Maiale, Manderino, Michlovic, Mrkonic, Mullen, Murphy, Novak, O'Donnell, Oliver, Petrarca, Pievsky, Pratt, Pucciarelli, Rappaport, Richardson, Rieger, Ritter, Schweder, Shupnik, Steighner, Street, Stuban, Trello, Wachob, Wargo, White, Williams, Wilson, Wright, Jr., J., Zeller, Zitterman, Zord, Zwinkl

NAYS—111

Table with 4 columns of names: Anderson, Armstrong, Arty, Belardi, Bittle, Bowser, Brandt, Burd, Cessar, Cimini, Civera, Clark, M. R., Cochran, Cole, Cornell, Coslett, Cowell, Cunningham, DeMedio, DeVerter, Davies, Dietz, Dininni, Dorr, Fee, Fischer, Fisher, Freind, Gallen, Gamble, Gannon, Gatski, Geist, Gladeck, Goodman, Grieco, Gruppo, Hagarty, Halverson, Hayes, Jr., S., Honaman, Hutchinson, W., Johnson, E. G., Kanuck, Klingaman, Knepper, Knight, Kolter, Kowalshyn, Lashinger, Lehr, Levi, Lewis, Lynch, E. R., McCall, McClatchy, McVerry, Manderino, Madigan, Micozzie, Miller, Mochlmann, Mowery, Nahill, Noye, O'Brien, B. F., O'Brien, D. M., Perzel, Phillips, Piccola, Pistella, Pitts, Polite, Pott, Punt, Pyles, Rasco, Reed, Rieger, Ryan, Salvatore, Scheaffer, Seventy, Sieminski, Sirianni, Smith, E. H., Smith, L. E., Spencer, Stewart, Swift, Taddonio, Taylor, E. Z., Taylor, F., Telek, Thomas, Vroon, Wass, Wenger, Wilt, Wright, D. R., Wright, Jr., J., Yahner, Yohn, Zeller, Zord, Zwinkl

Table with 4 columns: Foster, W. W., Foster, Jr., A., Livengood, Rodgers, Speaker

NOT VOTING—11

Table with 4 columns: Bennett, Chess, Geesey, Gray, Johnson, J. J., Jones, Kukovich, Peterson, Rhodes, Shadding, Sweet

EXCUSED—8

Table with 4 columns: Burns, Caltagirone, Helfrick, McKelvey, Milanovich, Schmitt, Spitz, Weidner

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.

YEAS—132

Table with 4 columns of names: Anderson, Armstrong, Arty, Belardi, Bittle, Bowser, Brandt, Burd, Cappabianca, Cessar, Cimini, Civera, Clark, B. D., Clark, M. R., Cochran, Cole, Cornell, Coslett, Cunningham, DeMedio, DeVerter, DiCarlo, Davies, Dietz, Dininni, Dombrowski, Dorr, Duffy, Durham, Earley, Fee, Foster, W. W., Foster, Jr., A., Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Gatski, Geesey, Geist, George, C., George, M. H., Gladeck, Goodman, Grieco, Gruppo, Hagarty, Halverson, Hasay, Hayes, Jr., S., Honaman, Hutchinson, W., Johnson, E. G., Kanuck, Klingaman, Knepper, Kolter, Kowalshyn, Lashinger, Laughlin, Lehr, Lescovitz, Letterman, Levi, Lewis, Livengood, Lynch, E. R., McCall, McClatchy, Mackowski, Madigan, Manmiller, Micozzie, Miller, Mochlmann, Mowery, Nahill, Novak, Noye, O'Brien, B. F., O'Brien, D. M., Perzel, Peterson, Petrarca, Phillips, Piccola, Pistella, Pitts, Polite, Pratt, Punt, Pyles, Rasco, Reed, Ritter, Rocks, Rodgers, Ryan, Salvatore, Scheaffer, Serafini, Seventy, Shupnik, Sieminski, Sirianni, Smith, E. H., Smith, L. E., Spencer, Stairs, Steighner, Stewart, Swift, Taddonio, Taylor, E. Z., Taylor, F., Telek, Thomas, Vroon, Wass, Wenger, Wilson, Wilt, Wright, D. R., Wright, Jr., J., Yahner, Yohn, Zeller, Zord, Zwinkl, Seltzer, Speaker

NAYS—54

Table with 4 columns of names: Alden, Austin, Barber, Beloff, Berson, Borski, Brown, Cohen, Cowell, DeWeese, Dawida, Donatucci, R., Dumas, Fisher, Giammarco, Goebel, Grabowski, Greenfield, Harper, Hoeffel, Hutchinson, A., Irvis, Itkin, Knight, Kukovich, Levin, McMonagle, McVerry, Maiale, Manderino, Michlovic, Mrkonic, Murphy, O'Donnell, Oliver, Pievsky, Pott, Pucciarelli, Rappaport, Rhodes, Richardson, Rieger, Schweder, Street, Stuban, Sweet, Trello, Wachob, Wargo, White, Williams, Zitterman

Fischer	McIntyre		
NOT VOTING—7			
Bennett	Gray	Jones	Shadding
Chess	Johnson, J. J.	Mullen	
EXCUSED—8			
Burns	Helfrick	Milanovich	Spitz
Caltagirone	McKelvey	Schmitt	Weidner

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

\* \* \*

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 890, PN 1969**, 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 and for the disposition of pari-mutuel pools in counties of the fourth class.

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?

Without objection, the Chair reverses its decision as to the bill having been agreed to on third consideration as amended.

On the question recurring,

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

Mr. ITKIN offered the following amendments:

Amend Sec. 1 (Sec. 7.2), page 2, line 19, by inserting a bracket after "subdivision"

Amend Sec. 1 (Sec. 7.2), page 2, line 19, by striking out the bracket after "(other"

Amend Sec. 1 (Sec. 7.2), page 2, line 20, by striking out "other"

Amend Sec. 1 (Sec. 7.2), page 2, line 22, by striking out the bracket before "agency)"

Amend Sec. 1 (Sec. 7.2), page 2, line 22, by inserting a bracket before "whose"

Amend Sec. 1 (Sec. 7.2), page 2, line 23, by striking out the colon after "annum"

Amend Sec. 1 (Sec. 7.2), page 2, lines 23 and 24, by striking out "agency of a municipality in which the race track is located"

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, SB 890 was defeated yesterday in part through certain changes that the bill made to current law. Mr. Hutchinson took certain exceptions to the legislation, which I believe has some merit. In order to meet in

part his objections and to other members of the House about allowing law enforcement officers to work part-time at harness racing tracks, I have had the following amendment drafted and I offer it to your consideration today.

The nemesis of SB 890 is the fact that current harness racing law has a prohibition that states that a public employe may work at a harness track so long as his compensation is less than \$12,000 from a public employer and also if he is not in law enforcement. I have kept in, by amending this bill, the feature of denying employment to those in law enforcement in consideration of the concerns the members of the House have expressed, but have deleted the limitation that a person could not work at a track if his compensation from his employer exceeded \$12,000.

Now the reason for a bill of this nature is due to the fact that there have been people working at the track part-time under current law who have gotten periodic increases in salary and are now pushing beyond the \$12,000 limit. So a few hundred dollars raise from their public employer has denied them the opportunity to work part-time at the track, which sometimes can be a fairly major income producer to the individual who works at the track. In doing so in structuring this amendment, I have made it identical to what the law currently reads for flat racing. That is if this amendment is adopted to SB 890, the law will be exactly identical to the current law for flat tracks concerning employment which would prohibit law enforcement personnel from working part-time at the tracks, but would allow public employes who are not law enforcement personnel from working at the tracks without reference to the compensation they receive. I think in so doing we make the two laws applying to harness racing and to flat tracks identical, and at the same time provide an opportunity for those who have been working at the track who are public employes to resume their part-time employment by removing the prohibition of income.

Mr. Speaker, this bill is important to be passed today because there are many people who are waiting to take advantage of this change in the law. Some of them are working at the tracks not knowing that there was such a law and were told that they could no longer work because of erroneous provisions in the law with respect to harness racing. Mr. Speaker, I would urge an affirmative vote to the amendment I offer today on SB 890.

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

Mr. DAWIDA. Very briefly, Mr. Speaker, I would hope that everyone in the House would consider supporting the Itkin amendment. It takes care of some of the objections that Mr. Hutchinson brought up yesterday. This is a very important vote, not to a lot of people, but I do know of a number of people who are unable to work because of this amendment who should be allowed to, people whose jobs have no conflict of interest at all with the racing and in particular those in western Pennsylvania who represent areas around The Meadows race track. A good number of you have people who are working there who would be



unable to work at the tracks if we do not pass this bill today, and this amendment, I believe, would take care of the objections brought up yesterday. So I urge your support.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, the Itkin amendment improves a bad bill. I do not want to get into the debate on the merits of the bill. The Itkin amendment does improve the bill. I do not think it salvages the bill. What it does basically, as I understand it, is it broadens the prohibition on law enforcement officers being employed at a track. SB 890 in its current form, as I read it, prohibits only those law enforcement officers who are employed by the municipality in which the track is located from also being employed by the track. The Itkin amendment would, as I understand it, prohibit all law enforcement officers from being employed by the track no matter where they come from, and, therefore, I think that it is in order, but I do not think it goes far enough, frankly.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—178

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

Foster, W. W. Levi Rieger Speaker

NAYS—2

Belardi Mochlmann

NOT VOTING—13

Beloff	Johnson, J. J.	Lynch, E. R.	Smith, L. E.
Bennett	Jones	Rappaport	Street
Dietz	Levin	Shadding	Swift
Gray			

EXCUSED—8

Burns	Helfrick	Milanovich	Spitz
Caltagirone	McKelvey	Schmitt	Weidner

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. W. D. HUTCHINSON. Mr. Speaker, for the reasons that I gave yesterday, I would oppose the bill. I think that the problems we discussed yesterday involved public employes who would be in sensitive positions where they could be in a conflict of interest, the tax assessor, the head of the tax office, and so on, were mentioned. Under this bill as it now stands, those people could still be employed by the track. I think the Itkin amendment improved the bill, but not enough that we should vote for it. I think we should defeat this. If we need to address this problem, I think it ought to be done in a more leisurely way and we ought to try to draw the necessary distinctions. I oppose the bill.

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

Mr. MULLEN. Mr. Speaker, when I was debating this bill yesterday with Mr. Hutchinson, I did give the House members some bad information. Mr. Hutchinson had asked me the question, if a county commissioner, I believe of Luzerne County, would be able to be employed by the track or any other elected officials like county commissioners or register of wills in any of the counties. My answer to Mr. Hutchinson was, yes, they could. I was in error. The bill clearly states that all elected public officers and party officials are in fact banned from working at any of the tracks. That is existing law. That will continue to be the law under the bill that is now before you. With Mr. Itkin's amendment we have restored the bill to the exact way that the bill was passed back in 1975, Act No. 82.

Now, under existing law, there is no ceiling on salaries for public employes employed at the Continental Racing Track Association in Bucks County, Eagles Downs, National Turf, and Dauphin County Shamrock Racing or Mountain View in Dauphin County or Lakelands Racing

Association. Those public employes who are working there have no salary limitations. In other words, the \$12,000 limitation was amended by Act 82 and those people could be making \$13,000, \$15,000, or what have you. Now for the harness racing tracks, we still have the limit of \$12,000.

This is all that we are removing in this bill, nothing more and nothing less. We are taking the limit of \$12,000 off the harness racing. It affects Liberty Bell, William Penn, Washington Trotting Association, Mount Laurel Racing Association and Pocono Downs. They are the only tracks that are involved.

I think it is very unfair to discriminate for public employes working at different tracks. If you are going to have a limitation for one, you should have a limitation for all, but to have a limitation for one group and not for the other group is wrong; it is discrimination. This is all we are trying to do after we have inserted Mr. Itkin's amendment, to eliminate the discrimination and to state that even though a public employe who works part-time for a track may make more than \$12,000, he can still continue to work and make the additional money. I think it is only fair to people. Most of those people are friends of ours or neighbors.

I see no way that a public employe really can influence what goes on at the race tracks. He is earning a buck, trying to keep his family together, and I certainly ask you to try to eliminate the discrimination and vote for the bill. There is nothing more.

Again, as I said before, elected public officials or party public officials are not permitted to work at the tracks, and if you look at the original bill that we passed back in 1959, a public officer is defined as every person elected to any public office of the Commonwealth or any other political subdivision thereof are prohibited from working and they will still be prohibited from working under the provisions of this bill. Thank you.

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

Mr. LEVI. I do not think the time has come for this bill. Here we are in Pennsylvania with over 8 percent unemployment and we are now going to let public employes, our employes, and people from the public sector, take down second jobs while we have so many of our own people unemployed. I do not think the time is right for this bill and I would like all the members to reflect on this and vote "no."

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

Mr. W. D. HUTCHINSON. Mr. Speaker, the arguments advanced ably by the gentleman from Philadelphia, on analysis, basically boils down to this: If you believe as I do that there is a conflict of interest and that, as the gentleman, Mr. Levi, said, public officials should not be involved in this, if you believe that, then basically the gentleman from Philadelphia is arguing simply, let us extend a bad principle because otherwise we would be discriminatory. I do not buy that. I think we should defeat

this, and then we should take a hard look at the whole thing and get rid of the conflict of interest right down the line with other legislation. I urge a "no" vote on the bill.

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

Mr. PISTELLA. Mr. Speaker, I would just like to make a few brief points.

The reality of this situation is in fact that there are a small number of employes of various municipal bodies who are currently employed by race tracks. I would like to illustrate the point that a few years ago I was hired by Allegheny County for the princely sum of \$7,400. At that time, should I have chosen to work in a part-time job to supplement my income in these inflationary times and once my salary reached \$12,000, I could no longer be employed. Well, I was a lot more fortunate than some other people. I decided not to go to a race track to work. I came here, which is just about as big a gamble.

The problem is that these people are financially locked into situations where they need the income. We are talking about people who work as clerks, as ticket takers. These same people are now being prohibited from working, and I think it is only fair that we give them the opportunity to earn an income above and beyond what they are currently making in various municipalities. They need it very badly, and I would encourage everyone to vote in favor of the bill. Thank you.

On the question recurring,

Shall the bill pass finally?

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

#### YEAS—102

Anderson	Fisher	McCall	Rodgers
Barber	Fryer	McIntyre	Salvatore
Beloff	Gallagher	McMonagle	Schweder
Borski	Gallen	McVerry	Seventy
Bowser	Gamble	Maiale	Shupnik
Brown	Gatski	Manderino	Sirianni
Cappabianca	George, M. H.	Michlovic	Smith, L. E.
Cessar	Giammarco	Mullen	Spencer
Chess	Goebel	Murphy	Steighner
Clark, B. D.	Goodman	Novak	Stewart
Cochran	Grabowski	O'Brien, B. F.	Street
Cohen	Greenfield	O'Brien, D. M.	Sweet
Cole	Harper	O'Donnell	Taddonio
Cowell	Hoeffel	Oliver	Taylor, F.
DeMedio	Hutchinson, A.	Perzel	Thomas
DeWeese	Irviss	Petrarca	Vroon
DiCarlo	Itkin	Pievsky	Wachob
Davies	Knepper	Pistella	Wargo
Dawida	Knight	Pott	White
Dombrowski	Kolter	Pratt	Williams
Donatucci, R.	Kukovich	Pucciarelli	Wilson
Dorr	Laughlin	Rasco	Wilt
Duffy	Lescovitz	Rhodes	Wright, Jr., J.
Dumas	Letterman	Rieger	Yahner
Fee	Levin	Rocks	Zitterman
Fischer	Lynch, E. R.		

#### NAYS—86

Alden	Freind	Livengood	Ritter
Armstrong	Gannon	McClatchy	Ryan
Arty	Geesey	Mackowski	Scheaffer
Austin	Geist	Madigan	Serafini
Belardi	George, C.	Manmiller	Sieminski
Berson	Gladeck	Micozzie	Smith, E. H.

Bittle	Grieco	Miller	Stairs
Brandt	Gruppo	Moehlmann	Stuban
Burd	Hagarty	Mowery	Swift
Cimini	Halverson	Mrkonic	Taylor, E. Z.
Civera	Hasay	Nahill	Telek
Clark, M. R.	Hayes, Jr., S.	Noye	Trello
Cornell	Honaman	Peterson	Wass
Coslett	Hutchinson, W.	Phillips	Wenger
Cunningham	Johnson, E. G.	Piccola	Wright, D. R.
DeVerter	Kanuck	Pitts	Yohn
Dietz	Klingaman	Polite	Zeller
Dininni	Kowalshyn	Punt	Zord
Durham	Lashinger	Pyles	Zwickl
Earley	Lehr	Rappaport	
Foster, W. W.	Levi	Reed	Seltzer,
Foster, Jr., A.	Lewis	Richardson	Speaker

NOT VOTING—5

Bennett	Johnson, J. J.	Jones	Shadding
Gray			

EXCUSED—8

Burns	Helfrick	Milanovich	Spitz
Caltagirone	McKelvey	Schmitt	Weidner

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

RECONSIDERATION OF VOTE ON SB 414

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

Mr. O'DONNELL. Mr. Speaker, I move that the vote by which SB 414 was passed finally on the 1st day of July be reconsidered.

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

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

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

The following roll call was recorded:

YEAS—101

Alden	Gamble	McMonagle	Ryan
Arty	Gannon	McVerry	Schweder
Barber	Gatski	Maiale	Serafini
Belardi	George, C.	Manderino	Seventy
Beloff	George, M. H.	Michlovic	Shupnik
Berson	Giammarco	Micozzie	Sieminski
Borski	Goebel	Moehlmann	Stairs
Brown	Grabowski	Mullen	Steighner
Cappabianca	Greenfield	Murphy	Stewart
Civera	Harper	Novak	Street
Cochran	Hoeffel	O'Brien, D. M.	Stuban
Cohen	Hutchinson, A.	O'Donnell	Sweet
Cowell	Irvis	Oliver	Taddonio
DeMedio	Itkin	Petrarca	Taylor, F.
DeWeese	Knepper	Pievsky	Thomas
DiCarlo	Kowalshyn	Pistella	Trello
Dawida	Kukovich	Pott	Wachob
Dombrowski	Lashinger	Pratt	Wargo
Donatucci, R.	Laughlin	Pucciarelli	White
Dumas	Lescovitz	Rappaport	Williams
Durham	Letterman	Rhodes	Wilt
Earley	Levin	Richardson	Yahner

Fee	Lynch, E. R.	Rieger	Zeller
Fisher	McCall	Ritter	Zitterman
Freind	McIntyre	Rocks	Zwickl
Fryer			

NAYS—87

Anderson	Foster, W. W.	Levi	Reed
Armstrong	Foster, Jr., A.	Lewis	Rodgers
Austin	Gallagher	Livengood	Salvatore
Bittle	Gallen	McClatchy	Scheaffer
Bowser	Geesey	Mackowski	Sirianni
Brandt	Geist	Madigan	Smith, E. H.
Burd	Gladeck	Manmiller	Smith, L. E.
Cessar	Goodman	Miller	Spencer
Chess	Grieco	Mowery	Swift
Cimini	Gruppo	Mrkonic	Taylor, E. Z.
Clark, B. D.	Hagarty	Nahill	Telek
Clark, M. R.	Halverson	Noye	Vroon
Cole	Hasay	O'Brien, B. F.	Wass
Cornell	Hayes, Jr., S.	Perzel	Wenger
Coslett	Honaman	Peterson	Wilson
Cunningham	Hutchinson, W.	Phillips	Wright, D. R.
DeVerter	Johnson, E. G.	Piccola	Wright, Jr., J.
Davies	Kanuck	Pitts	Yohn
Dietz	Klingaman	Polite	Zord
Dininni	Knight	Punt	
Dorr	Kolter	Pyles	Seltzer,
Duffy	Lehr	Rasco	Speaker
Fischer			

NOT VOTING—5

Bennett	Johnson, J. J.	Jones	Shadding
Gray			

EXCUSED—8

Burns	Helfrick	Milanovich	Spitz
Caltagirone	McKelvey	Schmitt	Weidner

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

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—134

Anderson	Freind	Lynch, E. R.	Salvatore
Armstrong	Fryer	McCall	Scheaffer
Arty	Gallagher	McClatchy	Serafini
Barber	Gallen	McVerry	Seventy
Belardi	Gamble	Mackowski	Shupnik
Bittle	Gannon	Madigan	Sieminski
Bowser	Gatski	Manmiller	Sirianni
Brandt	Geist	Micozzie	Smith, E. H.
Burd	George, C.	Miller	Smith, L. E.
Cappabianca	George, M. H.	Moehlmann	Spencer
Cessar	Gladeck	Mowery	Stairs
Chess	Goodman	Nahill	Steighner
Cimini	Grieco	Novak	Stewart
Civera	Gruppo	Noye	Sweet
Clark, B. D.	Hagarty	O'Brien, B. F.	Swift
Clark, M. R.	Halverson	O'Brien, D. M.	Taddonio
Cole	Hasay	Perzel	Taylor, E. Z.
Cornell	Hayes, Jr., S.	Peterson	Telek
Coslett	Honaman	Petrarca	Thomas
Cunningham	Hutchinson, W.	Phillips	Vroon
DeMedio	Johnson, E. G.	Piccola	Wass
DeVerter	Kanuck	Pistella	Wenger
DiCarlo	Klingaman	Pitts	Wilson
Davies	Knepper	Polite	Wilt
Dietz	Kolter	Pratt	Wright, D. R.
Dininni	Kowalshyn	Punt	Wright, Jr., J.
Dombrowski	Lashinger	Pyles	Yahner
Dorr	Laughlin	Rasco	Yohn
Duffy	Lehr	Reed	Zeller

Durham	Lescovitz	Rhodes	Zord
Earley	Letterman	Ritter	Zwick
Fee	Levi	Rocks	
Foster, W. W.	Lewis	Rodgers	Seltzer,
Foster, Jr., A.	Livengood	Ryan	Speaker

**NAYS—53**

Alden	Fisher	McIntyre	Rappaport
Austin	Giammarco	McMonagle	Richardson
Beloff	Goebel	Maiale	Rieger
Berson	Grabowski	Manderino	Schweder
Borski	Greenfield	Michlovic	Street
Brown	Harper	Mrkonic	Stuban
Cochran	Hoefel	Mullen	Taylor, F.
Cohen	Hutchinson, A.	Murphy	Trello
Cowell	Irvis	O'Donnell	Wachob
DeWeese	Itkin	Oliver	Wargo
Dawida	Knight	Pievsky	White
Donatucci, R.	Kukovich	Pott	Williams
Dumas	Levin	Pucciarelli	Zitterman
Fischer			

**NOT VOTING—6**

Bennett	Gray	Jones	Shadding
Geesey	Johnson, J. J.		

**EXCUSED—8**

Burns	Helfrick	Milanovich	Spitz
Caltagirone	McKelvey	Schmitt	Weidner

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

**BILL ON THIRD CONSIDERATION  
POSTPONED**

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. RYAN, the House resumed third consideration of **HB 2794, PN 3703**, entitled:

An Act making an appropriation to the Pennsylvania Crime Commission.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. MANDERINO offered the following amendments:

Amend Title, page 1, line 1, by striking out all of said line and inserting Amending the act of June 18, 1980 (No. 17A), 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; to provide supplemental appropriations from the General Fund to the various departments of the Commonwealth for the fiscal period July 1, 1978 to June 30, 1980," increasing certain appropriations to the Department of Aging and the Pennsylvania Crime Commission.

Amend Bill, page 1, lines 4 through 7, by striking out all of said lines and inserting

Section 1. As much as relates to the Department of Aging and the Pennsylvania Crime Commission in section 201, act of June 18, 1980 (17A), known as the "General Appropriation Act of 1980," is amended to read:

Section 201. The following sums, or as much thereof as may be necessary, are hereby specifically appropriated from the General Fund to the several hereinafter named agencies of the Executive, Legislative and Judicial Departments of the Commonwealth for the payment of salaries, wages or other compensation and travel expense of the duly elected or appointed officers and employees of the Commonwealth, for payment of fees of contractual services rendered, for the purchase or rental of goods, services, printing, equipment, land and buildings and for payment of any other expenses, as provided by law or by this act, necessary for the proper conduct of the duties, functions and activities and for the purposes hereinafter set forth for the fiscal period beginning July 1, 1980 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1980.

**I. EXECUTIVE DEPARTMENT**

\* \* \*

To the Department of Aging

\* \* \*

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 . . . . .

[12,471,000]  
14,787,000

\* \* \*

To the Pennsylvania Crime Commission

For general government operations of the Pennsylvania Crime Commission . . . . .

[\$1,800,000]  
\$2,000,000

\* \* \*

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority whip. Mr. MANDERINO. Mr. Speaker, when this General Assembly passed the general appropriation bill for the current fiscal year—I do not know whether the fiscal year ended yesterday or today—HB 1623 of the budget bill—

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

Mr. McCLATCHY. This amendment could be agreed to.

Mr. MANDERINO. I did not hear what he said. Thank you, Mr. Speaker.

Mr. Speaker, this is the amendment that restores to the HB 1623-type budget the amount of money needed for all the senior citizen programs in the Commonwealth. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

**YEAS—183**

Alden	Freind	McClatchy	Rodgers
Anderson	Fryer	McIntyre	Ryan
Armstrong	Gallagher	McMonagle	Salvatore
Arty	Gallen	McVerry	Scheaffer
Austin	Gamble	Mackowski	Schweder
Barber	Gannon	Madigan	Serafini
Belardi	Gatski	Maiale	Seventy
Beloff	Geesey	Manderino	Shupnik

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

NAYS—2

Cimini Lewis

NOT VOTING—9

Bennett	Halverson	Jones	Shadding
Borski	Johnson, J. J.	Kanuck	Yohn
Gray			

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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—183

Alden	Foster, Jr., A.	Lynch, E. R.	Rocks
Anderson	Freind	McCall	Rodgers
Armstrong	Fryer	McClatchy	Ryan
Arty	Gallagher	McIntyre	Salvatore
Austin	Gallen	McMonagle	Scheaffer
Barber	Gamble	McVerry	Schweder
Belardi	Gannon	Mackowski	Serafini
Beloff	Gatski	Madigan	Seventy

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

NAYS—0

NOT VOTING—11

Bennett	Halverson	Kanuck	Sirianni
Bowser	Johnson, J. J.	Micozzie	Thomas
Gray	Jones	Shadding	

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2419, PN 3147**, entitled:

An Act making an appropriation to the United Cerebral Palsy of Wyoming Valley, Luzerne County.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—173

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

NAYS—15

DeVerter	Lashinger	Livengood	Scheaffer
Dawida	Letterman	Murphy	Smith, L. E.
George, M. H.	Levi	Peterson	Spitz
Gladeck	Lewis	Pitts	

NOT VOTING—6

Bennett	Johnson, J. J.	Shadding	Sweet
Gray	Jones		

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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

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

\* \* \*

The House proceeded to third consideration of **HB 2427, PN 3167**, entitled:

An Act making an appropriation to the United Cerebral Palsy of Philadelphia and vicinity.

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—167

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

NAYS—20

Cimini	Gladeck	Lewis	Pitts
DeVerter	Grieco	Livengood	Scheaffer
Dawida	Lashinger	Lynch, E. R.	Smith, L. E.
Geist	Letterman	Murphy	Spitz
George, M. H.	Levi	Peterson	Taylor, E. Z.

NOT VOTING—7

Bennett	Johnson, J. J.	Rhodes	Sweet
Gray	Jones	Shadding	

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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

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

\* \* \*

The House proceeded to third consideration of **HB 2475, PN 3235**, entitled:

An Act making an appropriation to the Holy Spirit Hospital, Camp Hill, Pennsylvania.

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

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

The question is, shall the bill pass finally?

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

YEAS—162

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

NAYS—24

Alden	Geist	Levi	Pratt
Austin	George, M. H.	Lewis	Scheaffer
Dawida	Gladeck	Livengood	Smith, L. E.
Fischer	Kanuck	Murphy	Spitz
Fryer	Lashingner	Peterson	Stairs
Gatski	Letterman	Pitts	Taylor, E. Z.

NOT VOTING—8

Bennett	Gray	Jones	Sirianni
Davies	Johnson, J. J.	Shadding	Williams

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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

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

REMARKS ON VOTES

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

Mr. CUNNINGHAM. Mr. Speaker, I note that the record erroneously indicates that I voted in the affirmative on the Manderino amendment on HB 2794. That is incorrect. I wish to be recorded in the negative on the Manderino amendment to HB 2794. Thank you.

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

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

Mr. THOMAS. Mr. Speaker, I note that the record does not have me recorded voting on HB 2794. I would like to be recorded 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 2483, PN 3243**, entitled:

An Act making an appropriation to the Association for the Blind of Carbon and Monroe Counties, for the provision of services to the blind.

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—169

Alden	Fischer	McMonagle	Salvatore
Anderson	Fisher	McVerry	Schweder
Armstrong	Foster, W. W.	Mackowski	Serafini
Arty	Foster, Jr., A.	Madigan	Seventy

Austin	Freind	Maiale	Shupnik
Barber	Gallagher	Manderino	Sieminski
Belardi	Gallen	Manmiller	Smith, E. H.
Beloff	Gamble	Michlovic	Smith, L. E.
Berson	Gannon	Micozzie	Spencer
Bittle	Gatski	Miller	Stairs
Borski	Geesey	Moehlmann	Steighner
Bowser	George, C.	Mowery	Stewart
Brandt	Giammarco	Mrkonic	Street
Brown	Goebel	Mullen	Stuban
Burd	Goodman	Nahill	Sweet
Cappabianca	Grabowski	Novak	Swift
Cessar	Greenfield	Noye	Taddonio
Chess	Grieco	O'Brien, B. F.	Taylor, E. Z.
Cimini	Gruppo	O'Brien, D. M.	Taylor, F.
Civera	Hagarty	O'Donnell	Telek
Clark, B. D.	Halverson	Oliver	Thomas
Clark, M. R.	Harper	Perzel	Trello
Cochran	Hasay	Petrarca	Vroon
Cohen	Hayes, Jr., S.	Phillips	Wachob
Cole	Hoeffel	Piccola	Wargo
Cornell	Honaman	Pievsky	Wass
Coslett	Hutchinson, A.	Pistella	Wenger
Cowell	Hutchinson, W.	Polite	White
Cunningham	Irvis	Pott	Williams
DeMedio	Itkin	Pratt	Wilson
DeVerter	Johnson, E. G.	Pucciarelli	Wilt
DeWeese	Klingaman	Punt	Wright, D. R.
DiCarlo	Knight	Pyles	Wright, Jr., J.
Davies	Kolter	Rappaport	Yahner
Dietz	Kowalyshyn	Rasco	Yohn
Dininni	Kukovich	Reed	Zeller
Dombrowski	Laughlin	Rhodes	Zitterman
Donatucci, R.	Lehr	Richardson	Zord
Dorr	Lescovitz	Rieger	Zwikl
Duffy	Levin	Ritter	
Durham	Lynch, E. R.	Rocks	Seltzer,
Earley	McCall	Rodgers	Speaker
Fee	McIntyre	Ryan	

NAYS—16

Dawida	Gladeck	Levi	Peterson
Fryer	Kanuck	Lewis	Pitts
Geist	Lashingner	Livengood	Scheaffer
George, M. H.	Letterman	Murphy	Spitz

NOT VOTING—9

Bennett	Johnson, J. J.	Knepper	Shadding
Dumas	Jones	McClatchy	Sirianni
Gray			

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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

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

\* \* \*

The House proceeded to third consideration of **HB 2611, PN 3458**, entitled:

An Act making an appropriation to the Johnstown Flood Museum Association, Johnstown, Pennsylvania, to establish the Johnstown historical archives.

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—155

Anderson	Foster, W. W.	McMonagle	Schweder
Armstrong	Foster, Jr., A.	McVerry	Serafini
Arty	Gallagher	Madigan	Seventy
Barber	Gallen	Maiale	Shupnik
Belardi	Gamble	Manderino	Sieminski
Beloff	Gannon	Manmiller	Sirianni
Bittle	Geesey	Micozzie	Smith, E. H.
Borski	George, C.	Miller	Spencer
Bowser	Giammarco	Moehlmann	Stairs
Brandt	Goebel	Mowery	Steighner
Brown	Goodman	Mullen	Stewart
Burd	Grabowski	Nahill	Street
Cappabianca	Greenfield	Novak	Stuban
Cessar	Grieco	Noye	Sweet
Chess	Gruppo	O'Brien, B. F.	Swift
Chess	Gruppo	O'Brien, D. M.	Taddonio
Cimini	Hagarty	O'Donnell	Taylor, E. Z.
Civera	Halverson	O'Donnell	Taylor, F.
Clark, M. R.	Harper	Oliver	Telek
Cochran	Hasay	Perzel	Thomas
Cohen	Hayes, Jr., S.	Petrarca	Trello
Cole	Hoeffel	Phillips	Vroon
Cornell	Honaman	Piccola	Wachob
Coslett	Hutchinson, W.	Pievsky	Wargo
Cowell	Irvis	Pistella	Wass
Cunningham	Itkin	Polite	White
DeMedio	Johnson, E. G.	Pucciarelli	Williams
DeWeese	Klingaman	Punt	Wilson
DiCarlo	Knepper	Pyles	Wilt
Davies	Knight	Rappaport	Wright, D. R.
Dietz	Kolter	Rasco	Wright, Jr., J.
Dininni	Kowalyshyn	Reed	Yahner
Dombrowski	Kukovich	Richardson	Yohn
Donatucci, R.	Laughlin	Rieger	Zeller
Dorr	Lehr	Ritter	Zitterman
Duffy	Lescovitz	Rocks	Zwikl
Dumas	Levin	Rodgers	
Durham	McCall	Ryan	Seltzer,
Earley	McClatchy	Salvatore	Speaker
Fee	McIntyre		
Fisher			

NAYS—30

Alden	Gatski	Lewis	Pitts
Austin	Geist	Livengood	Pratt
Clark, B. D.	George, M. H.	Lynch, E. R.	Scheaffer
DeVerter	Gladeck	Mackowski	Smith, L. E.
Dawida	Kanuck	Michlovic	Spitz
Fischer	Lashingner	Murphy	Wenger
Freind	Letterman	Peterson	Zord
Fryer	Levi		

NOT VOTING—9

Bennett	Hutchinson, A.	Jones	Rhodes
Berson	Johnson, J. J.	Mrkonic	Shadding
Gray			

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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

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



\* \* \*

The House proceeded to third consideration of **HB 2613, PN 3460**, entitled:

An Act making an appropriation to the York County Blind Center, a branch of the Pennsylvania Association for the Blind.

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—166**

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

**NAYS—17**

Dawida	Gladeck	Levi	Pitts
Freind	Kanuck	Lewis	Scheaffer
Fryer	Lashingner	Livengood	Spitz
Geist	Letterman	Murphy	Swift

**NOT VOTING—11**

Bennett	Jones	Perzel	Shadding
Gray	Knepper	Rocks	Sirianni
Johnson, J. J.	O'Brien, D. M.	Salvatore	

**EXCUSED—7**

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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

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

\* \* \*

The House proceeded to third consideration of **SB 1201, PN 1946**, entitled:

An Act making an appropriation to the County Commissioners of Fayette County.

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

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

The question is, shall the bill pass finally?

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

**YEAS—136**

Anderson	Fee	McIntyre	Ritter
Arty	Fischer	McMonagle	Rocks
Austin	Fisher	McVerry	Rodgers
Barber	Foster, Jr., A.	Mackowski	Ryan
Beloff	Gallagher	Madigan	Salvatore
Berson	Gallen	Maiale	Schweder
Bittle	Gamble	Manderino	Seventy
Borski	Gannon	Manmiller	Shupnik
Bowser	Gatski	Michlovic	Sirianni
Brandt	Geesey	Micozzie	Smith, E. H.
Burd	Giammarco	Miller	Stairs
Cappabianca	Goebel	Mowery	Steighner
Cessar	Goodman	Mrkonic	Stewart
Chess	Grabowski	Mullen	Street
Civera	Greenfield	Novak	Stuban
Clark, B. D.	Hagarty	Noye	Sweet
Clark, M. R.	Harper	O'Brien, B. F.	Taddonio
Cochran	Hasay	O'Brien, D. M.	Taylor, F.
Cohen	Hoefel	O'Donnell	Thomas
Cole	Honaman	Oliver	Trello
Coslett	Hutchinson, A.	Perzel	Wachob
Cowell	Hutchinson, W.	Peterson	Wargo
Cunningham	Iris	Petrarca	White
DeMedio	Itkin	Piccola	Williams
DeWeese	Knepper	Pievsky	Wilt
DiCarlo	Knight	Pistella	Wright, D. R.
Davies	Kolter	Polite	Yahner
Dawida	Kukovich	Pott	Yohn
Dininni	Laughlin	Pucciarelli	Zeller
Dombrowski	Lehr	Rappaport	Zitterman
Donatucci, R.	Lescovitz	Reed	Zwilk
Dorr	Levi	Rhodes	
Duffy	Levin	Richardson	Seltzer,
Dumas	McCall	Rieger	Speaker
Earley	McClatchy		

**NAYS—53**

Alden	George, M. H.	Livengood	Sieminski
Armstrong	Gladeck	Lynch, E. R.	Smith, L. E.
Belardi	Grieco	Moehlmann	Spencer
Brown	Gruppo	Murphy	Spitz
Cimini	Halverson	Nahill	Swift
Cornell	Hayes, Jr., S.	Phillips	Taylor, E. Z.
DeVerter	Johnson, E. G.	Pitts	Telek
Dietz	Kanuck	Pratt	Vroon

Durham	Klingaman	Punt	Wass
Foster, W. W.	Kowalshyn	Pyles	Wenger
Freind	Lashinger	Rasco	Wilson
Fryer	Letterman	Scheaffer	Wright, Jr., J.
Geist	Lewis	Serafini	Zord
George, C.			

NOT VOTING—5

Bennett	Johnson, J. J.	Jones	Shadding
Gray			

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

\* \* \*

The House proceeded to third consideration of **SB 1300, PN 1634**, entitled:

An Act making an appropriation to the Erie Center for the Blind.

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—173

Alden	Fischer	McMonagle	Salvatore
Anderson	Fisher	McVerry	Schweder
Armstrong	Foster, W. W.	Mackowski	Serafini
Arty	Foster, Jr., A.	Madigan	Seventy
Austin	Gallagher	Maiiale	Shupnik
Barber	Gallen	Manderino	Sieminski
Belardi	Gamble	Manmiller	Sirianni
Beloff	Gannon	Michlovic	Smith, E. H.
Berson	Gatski	Micozzie	Smith, L. E.
Bittle	Geesey	Miller	Spencer
Borski	George, C.	Moehlmann	Stairs
Bowser	Giammarco	Mowery	Steighner
Brandt	Goebel	Mrkonic	Stewart
Brown	Goodman	Mullen	Street
Burd	Grabowski	Nahill	Stuban
Cappabianca	Greenfield	Novak	Sweet
Cessar	Grieco	Noye	Swift
Chess	Gruppo	O'Brien, B. F.	Taddonio
Cimini	Hagarty	O'Brien, D. M.	Taylor, E. Z.
Civera	Halverson	O'Donnell	Taylor, F.
Clark, B. D.	Harper	Oliver	Telek
Clark, M. R.	Hasay	Perzel	Thomas
Cochran	Hayes, Jr., S.	Peterson	Trello
Cohen	Hoeffel	Petrarca	Vroon
Cole	Honaman	Phillips	Wachob
Cornell	Hutchinson, A.	Piccola	Wargo
Coslett	Hutchinson, W.	Pievsky	Wass
Cowell	Irvis	Pistella	Wenger
Cunningham	Itkin	Polite	White
DeMedio	Johnson, E. G.	Pott	Williams
DeVerter	Klingaman	Pratt	Wilson
DeWeese	Knepper	Pucciarelli	Wilt

DiCarlo	Knight	Punt	Wright, D. R.
Davies	Kolter	Pyles	Wright, Jr., J.
Dietz	Kowalshyn	Rappaport	Yahner
Dininni	Kukovich	Rasco	Yohn
Dombrowski	Laughlin	Reed	Zeller
Donatucci, R.	Lehr	Rhodes	Zitterman
Dorr	Lescovitz	Richardson	Zord
Duffy	Levin	Rieger	Zwickl
Dumas	Lynch, E. R.	Ritter	
Durham	McCall	Rocks	Seltzer,
Earley	McClatchy	Rodgers	Speaker
Fee	McIntyre	Ryan	

NAYS—16

Dawida	George, M. H.	Letterman	Murphy
Freind	Gladeck	Levi	Pitts
Fryer	Kanuck	Lewis	Scheaffer
Geist	Lashinger	Livengood	Spitz

NOT VOTING—5

Bennett	Johnson, J. J.	Jones	Shadding
Gray			

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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

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

\* \* \*

The House proceeded to third consideration of **SB 1397, PN 1776**, entitled:

An Act making an appropriation to the Cambria County Association for the Blind and the Handicapped.

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—171

Alden	Fisher	McMonagle	Salvatore
Anderson	Foster, W. W.	McVerry	Schweder
Armstrong	Foster, Jr., A.	Mackowski	Serafini
Arty	Gallagher	Madigan	Seventy
Austin	Gallen	Maiiale	Shupnik
Barber	Gamble	Manderino	Sieminski
Belardi	Gannon	Manmiller	Sirianni
Beloff	Gatski	Michlovic	Smith, E. H.
Berson	Geesey	Micozzie	Smith, L. E.
Bittle	George, C.	Miller	Spencer
Borski	Giammarco	Moehlmann	Stairs
Bowser	Goebel	Mowery	Steighner
Brandt	Goodman	Mrkonic	Stewart
Brown	Grabowski	Mullen	Street
Burd	Greenfield	Nahill	Stuban
Cappabianca	Grieco	Novak	Sweet
Cessar	Gruppo	Noye	Swift
Chess	Hagarty	O'Brien, B. F.	Taddonio
Cimini	Halverson	O'Brien, D. M.	Taylor, E. Z.
Civera	Harper	O'Donnell	Taylor, F.
Clark, B. D.	Hasay	Oliver	Telek

Clark, M. R.	Hayes, Jr., S.	Perzel	Thomas
Cochran	Hoefel	Petrarca	Trello
Cohen	Honaman	Phillips	Vroon
Cole	Hutchinson, A.	Piccola	Wachob
Cornell	Hutchinson, W.	Pievsky	Wargo
Coslett	Irvis	Pistella	Wass
Cowell	Itkin	Polite	Wenger
Cunningham	Johnson, E. G.	Pott	White
DeMedio	Klingaman	Pratt	Williams
DeVerter	Knepper	Pucciarelli	Wilson
DiCarlo	Knight	Punt	Wilt
Davies	Kolter	Pyles	Wright, D. R.
Dietz	Kowalshyn	Rappaport	Wright, Jr., J.
Dininni	Kukovich	Rasco	Yahner
Dombrowski	Laughlin	Reed	Yohn
Donatucci, R.	Lehr	Rhodes	Zeller
Dorr	Lescovitz	Richardson	Zitterman
Duffy	Levin	Rieger	Zord
Dumas	Lynch, E. R.	Ritter	Zwinkl
Durham	McCall	Rocks	
Earley	McClatchy	Rodgers	Seltzer,
Fee	McIntyre	Ryan	Speaker
Fischer			

NAYS—17

Dawida	Gladeck	Levi	Peterson
Freind	Kanuck	Lewis	Pitts
Fryer	Lashingner	Livengood	Scheaffer
Geist	Letterman	Murphy	Spitz
George, M. H.			

NOT VOTING—6

Bennett	Gray	Jones	Shadding
DeWeese	Johnson, J. J.		

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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

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

\* \* \*

The House proceeded to third consideration of **HB 2667, PN 3536**, entitled:

An Act making an appropriation to the Schoolhouse Arts Center, Allegheny County, Pennsylvania.

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

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

The question is, shall the bill pass finally?

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

YEAS—139

Alden	Fisher	McMonagle	Richardson
Anderson	Foster, Jr., A.	McVerry	Rieger
Arty	Gallagher	Mackowski	Rocks
Barber	Gamble	Madigan	Rodgers
Beloff	Gannon	Maiale	Ryan
Berson	Geesey	Manderino	Salvatore
Bittle	Giammarco	Manmiller	Schweder
Borski	Goebel	Micozzie	Seventy
Bowser	Goodman	Miller	Shupnik

Brandt	Grabowski	Moehlmann	Smith, E. H.
Burd	Greenfield	Mowery	Smith, L. E.
Cappabianca	Grieco	Mrkonjic	Spencer
Cessar	Gruppo	Mullen	Stairs
Chess	Hagarty	Nahill	Steighner
Cimini	Halverson	Novak	Stewart
Civera	Harper	Noye	Street
Clark, B. D.	Hasay	O'Brien, B. F.	Stuban
Clark, M. R.	Hoefel	O'Brien, D. M.	Sweet
Cochran	Honaman	O'Donnell	Taddonio
Cole	Hutchinson, W.	Oliver	Taylor, F.
Cornell	Irvis	Perzel	Trello
Coslett	Itkin	Peterson	Vroon
Cowell	Klingaman	Petrarca	Wachob
Cunningham	Knepper	Piccola	Wargo
DeMedio	Knight	Pievsky	Wass
DiCarlo	Kolter	Pistella	White
Dawida	Kukovich	Polite	Williar.s
Dininni	Laughlin	Pott	Wilt
Dombrowski	Lehr	Pucciarelli	Wright, D. R.
Donatucci, R.	Lescovitz	Punt	Yohn
Dorr	Levi	Pyles	Zitterman
Duffy	Levin	Rappaport	Zord
Dumas	McCall	Rasco	
Earley	McClatchy	Reed	Seltzer,
Fee	McIntyre	Rhodes	Speaker
Fischer			

NAYS—49

Armstrong	Gatski	Lewis	Sirianni
Austin	Geist	Livengood	Spitz
Belardi	George, C.	Lynch, E. R.	Swift
Brown	George, M. H.	Michlovic	Taylor, E. Z.
Cohen	Gladeck	Murphy	Telek
DeVerter	Hayes, Jr., S.	Phillips	Thomas
Davies	Hutchinson, A.	Pitts	Wenger
Dietz	Johnson, E. G.	Pratt	Wilson
Durham	Kanuck	Ritter	Wright, Jr., J.
Foster, W. W.	Kowalshyn	Scheaffer	Yahner
Freind	Lashingner	Serafini	Zeller
Fryer	Letterman	Sieminski	Zwinkl
Gallen			

NOT VOTING—6

Bennett	Gray	Jones	Shadding
DeWeese	Johnson, J. J.		

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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

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

\* \* \*

The House proceeded to third consideration of **HB 2535, PN 3408**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining "forcible felony".

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

BILL RECOMMENDED

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

Mr. WHITE. Mr. Speaker, I move that HB 2535 be recommitted to the Committee on Judiciary.

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

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

Mr. ZELLER. Mr. Speaker, when you mentioned pages 6 and 7 and that the bills would be passed over, I did not get a chance to be recognized. I would like to have action taken on SB 804. I understand there are two of us at least who have amendments for it, if we can, at least, get our amendments in.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, among other things, I have a hold on this bill from Mr. Zeller. My calendar is marked for a hold for Mr. Zeller. There are 4, 5, 6, 7, 8, 9, 11—There are about 12 or 13 amendments listed for it which we did not caucus on, because we marked the calendar that these three pages would be over, particularly this one because of the notation of the hold.

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

Mr. ZELLER. Mr. Speaker, I never had a hold on the bill. When I went to you and the minority side, I said I had an amendment. The amendment has been circulated—it is being circulated anyway—and I never had a hold. The same question was asked on HB 265. I did not have a hold on HB 265 either. As a matter of fact, all I had was amendments, so I do not know where this business of a hold came in. So I appreciate your concern, but I have no hold on SB 804. We have amendments for it; that is all. We would appreciate running it.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. We are not in a position to run SB 804 at this time. I would ask the gentleman to withdraw his request or I will move that we pass it over, whatever the gentleman prefers.

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

Mr. ZELLER. I am sorry, Mr. Speaker, I did not get it. What was that?

Mr. RYAN. I said that we are not in a position to run all of these amendments now, because we thought the bill was on a hold. I am asking that you either withdraw your request or I will move that the bill be passed over.

Mr. ZELLER. I will go along with you, Mr. Speaker. The problem as I see it was a question of having an amendment, and your staff had marked it as a hold, rightly so, and evidently I did not get to them to tell them that my amendment was being circulated. I did not know that was necessary. So I do not blame you. All I say is that we did want to run it. If there is going to be a battle on it, I am going to withdraw taking any action, because I want this to be run later if it can. I do not want to kill the darn thing. I want to run it. So I will go along with the leadership.

The SPEAKER. The Chair thanks the gentleman.

**REPORT OF COMMITTEE  
OF CONFERENCE CONSIDERED**

Mr. RYAN called up for consideration the following Report of the Committee of Conference on **HB 552, PN 3721**, entitled:

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), requiring the Department of Public Welfare to develop and implement a State plan for regulating and licensing personal care boarding homes, prohibiting abusive, fraudulent and deceptive acts and practices by providers of and persons eligible for State medical assistance; providing remedies and penalties therefor; imposing certain participation requirements on providers and persons eligible; providing for third party liability; and imposing powers and duties on the Attorney General, the Department of Public Welfare and the district attorneys.

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—186**

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

Fisher	Levin	Ritter	Seltzer,
Foster, W. W.	Lewis	Rocks	Speaker

NAYS—1

Cunningham

NOT VOTING—7

Bennett	Johnson, J. J.	Micozzie	Shadding
Gray	Jones	Perzel	

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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.

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 543, PN 1930.

REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. RYAN called up for consideration the following Report of the Committee of Conference on SB 543, PN 1930, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," amending a definition and providing for election expenses, earnings on investments, withdrawal of candidates, filing of reports and affidavits and for certain audits.

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—185

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

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

NAYS—3

Cohen	Grabowski	Scheaffer
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NOT VOTING—6

Bennett	Johnson, J. J.	Shadding	Zitterman
Gray	Jones		

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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.

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 764, PN 1967.

REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. RYAN called up for consideration the following Report of the Committee of Conference on SB 764, PN 1967, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for appointment of poll watchers by candidates for elections, further providing for affidavits of candidates, placing limitations on the eligibility of candidates, changing the time limitation for circulation and filing of nomination papers, further providing for absentee ballots and for the contents of certain reports.

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—185

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

NAYS—2

Berson	Cohen
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NOT VOTING—7

Bennett	Johnson, J. J.	Micozzie	Shadding
Gray	Jones	Novak	

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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 1549, PN 3606**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

An Act to temporarily authorize cities, boroughs, incorporated towns, townships and school districts to file suggestions of nonpayment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims, or the judgments thereon, have been lost, and providing for the reinstatement of the liens of such claims and judgments.

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 1549.

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—188

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

Durham	Lescovitz	Reed	Zord
Earley	Letterman	Rhodes	Zwikel
Fee	Levi	Richardson	
Fischer	Levin	Rieger	Seltzer,
Fisher	Lewis	Ritter	Speaker
Foster, W. W.	Livengood		

NAYS—0

NOT VOTING—6

Bennett	Johnson, J. J.	Shadding	Williams
Gray	Jones		

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following HB 1683, PN 3722, 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 "Health Care Facilities Act," approved July 19, 1979 (P. L. 130, No. 48), amending and adding certain definitions; further providing for powers and duties of the department, for the encouragement of competition and innovation, for cooperation with the department; further providing for certificates of need, for the promulgation of regulations and other procedural matters, for major medical equipment and for the licensure and regulation of health care facilities, and providing penalties.

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 to HB 1683.

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—170

Alden	Foster, W. W.	McIntyre	Salvatore
Anderson	Foster, Jr., A.	McMonagle	Scheaffer
Armstrong	Freind	McVerry	Schweder
Arty	Fryer	Mackowski	Serafini
Austin	Gallen	Madigan	Seventy
Barber	Gamble	Manmiller	Shupnik
Belardi	Gannon	Michlovic	Sieminski
Berson	Gatsky	Micozzie	Sirianni
Bittle	Geesey	Miller	Smith, E. H.
Borski	Geist	Moehlmann	Smith, L. E.
Bowser	George, C.	Mowery	Spencer
Brandt	George, M. H.	Mrkonic	Spitz
Brown	Gladeck	Mullen	Stairs
Burd	Goebel	Nahill	Steighner
Cappabianca	Goodman	Novak	Stewart
Cessar	Grabowski	Noye	Street

Chess	Grieco	O'Brien, B. F.	Stuban
Cimini	Gruppo	O'Brien, D. M.	Sweet
Civera	Hagarty	O'Donnell	Swift
Clark, B. D.	Halverson	Oliver	Taddonio
Clark, M. R.	Harper	Perzel	Taylor, E. Z.
Cochran	Hasay	Peterson	Taylor, F.
Cohen	Hayes, Jr., S.	Petrarca	Telek
Cole	Hoeffel	Phillips	Thomas
Cornell	Honaman	Piccola	Trello
Coslett	Hutchinson, W.	Pievsky	Wachob
Cowell	Irviss	Pistella	Wargo
DeMedio	Itkin	Pitts	Wass
DeVerter	Johnson, E. G.	Polite	Wenger
DeWeese	Klingaman	Pott	White
DiCarlo	Knepper	Pratt	Williams
Davies	Knight	Punt	Wilt
Dawida	Kolter	Pyles	Wright, D. R.
Dietz	Kowalshyn	Rappaport	Wright, Jr., J.
Dininni	Lashinger	Rasco	Yahner
Dombrowski	Laughlin	Reed	Yohn
Dorr	Lehr	Rhodes	Zeller
Duffy	Lescovitz	Richardson	Zitterman
Durham	Levi	Rieger	Zord
Earley	Livengood	Ritter	Zwikel
Fee	Lynch, E. R.	Rocks	
Fischer	McCall	Rodgers	Seltzer,
Fisher	McClatchy	Ryan	Speaker

NAYS—12

Cunningham	Greenfield	Kukovich	Maiale
Donatucci, R.	Hutchinson, A.	Levin	Manderino
Gallagher	Kanuck	Lewis	Murphy

NOT VOTING—12

Beloff	Giammarco	Jones	Shadding
Bennett	Gray	Letterman	Vroon
Dumas	Johnson, J. J.	Pucciarelli	Wilson

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following HB 2134, PN 3642, 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 June 30, 1979 (No. 7A), entitled "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," increasing the appropriation.

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 to HB 2134.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I rise to urge a nonconcurrency in HB 2134. HB 2134, Mr. Speaker, is a deficiency appropriation of \$400,000 to the Bureau of Professional and Occupational Affairs in the Department of State.

Mr. Speaker, several years ago—I think it was in July of 1978—this General Assembly passed legislation that required the fees collected by the Bureau of Professional and Occupational Affairs to be placed in a restricted receipts account to be appropriated by the General Assembly for the workings of the Bureau of Professional and Occupational Affairs, the theory being that the fees coming in should operate and pay for the expenditures necessary in the operations of that bureau. Mr. Speaker, in the fiscal year prior to the fiscal year that ended on the 30th of June, \$4,200,000 was appropriated by this General Assembly for the operation of the Bureau of Professional and Occupational Affairs. If we give this \$400,000 deficiency appropriation, in the fiscal year just ending the bureau would have spent or will have spent \$4,900,000, or an increase of \$700,000 in their budget over the year before, which was \$4,200,000. Mr. Speaker, at that rate of spending, the restricted receipts account which we have set up will be depleted and we will be using general fund money in the next fiscal year.

Mr. Speaker, a communication given to us by the department itself indicates, and I will read briefly from it: "In summary, there is no way of avoiding the unpleasant realities of the situation. The Bureau of Professional and Occupational Affairs has overspent its appropriated budget." That is their statement, not mine, and I feel that we ought not to continue to appropriate money, allow bureaus to overspend by their own admission, and then provide for the deficiency, especially when we can see down the line that what we set up in 1978, the restricted receipts account, to make sure that the fees coming in would pay for the operation of the bureau will be violated by the end of the next fiscal year at the present rate of spending if we allow the deficiency. I urge a negative vote. These departments ought to begin to live within the appropriation given them by the General Assembly and not come back here continuously for large increases in their budget simply because they overspent.

This bureau indicates to us that they put a freeze on hiring. They did, after they hired a number of new personnel, including several attorneys. Then they put the freeze on hiring, and that is why they need \$200,000. Mr. Speaker, I simply say that the only way to get them to begin living within their budget is to deny these kinds of deficiencies. I urge a negative vote.

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

Mr. McCLATCHY. Mr. Speaker, I urge an affirmative vote. These moneys for these departments are out of the restricted funds. It is our job to appropriate them to them. I would certainly agree with the minority whip that if they

present us with demands on the general fund, they are whistling "Dixie." Mr. Speaker, it is my estimation that their request is correct and that we indeed are only appropriating money coming from the restricted funds to allow them to operate. I ask for a "yes" vote, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, to back up what the minority whip has stated, not too long ago in talking to members in the professional licensing bureau, which I have always supported and found in the past that they were not treated too well, I find at this time there has been a duplication of jobs in regard to the possibility here we see after this fiscal year of handling some holdovers who will get the ax after July 1. I find that there are people over there in higher salaries than people who have been holding the jobs at the present time, and not just because of inflation. And there has been duplication of costs, and they are using that as a weapon now for the extra money. After July 1 you are going to see some heads roll, but they are going to have the extra money and that extra money will be used to put on more employes in regard to the political arena. This is what is going on, and anyone who works over there will tell you and they will deny they told you this. They know what is going on in the department, and some of you people who are going to find out this is going to happen are going to be really embarrassed.

We talk about oversight committees for the various departments. Evidently this department has become the untouchable, because there is no oversight. We are taking their word for it from a political move to bring people in. There are people over there who will tell you this, but they will deny it in front of anyone else; they will deny they even told you. But they know what is going on, because they know they are going to get the ax, and that is going to be dropping very shortly. So some of them are holdovers because they knew the job and they had to bring somebody in to learn the job at a much higher salary, and as soon as they know the job, they are going down the road. So they are playing games, and you and I know they are playing games. So this extra money is going to continue to allow them to play games, and our minority leader is absolutely correct on this issue.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I thought the House was entitled to more detail on the personnel that was hired, so we made a telephone call. The personnel that was hired by this department before the freeze were 11 attorneys with an average salary with benefits of \$28,000.

Mr. Speaker, there is no question that there was no attempt by this department to live within their budget, and it is too late to put the brakes on for the department or force them to put the brakes on once they have hit the general fund and used money. Before that happens, now is the time to stop the overspending. Mr. Speaker, I urge a negative vote.



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—92

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

NAYS—94

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

NOT VOTING—8

Bennett	Gray	Johnson, J. J.	Rhodes
Dumas	Hutchinson, A.	Jones	Shadding

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, if I would file a reconsideration motion on that last vote, would I get the same courtesy as the others got to have it come up right away again as we did on SB 414? I mean, would it come up immediately or would you wait until tomorrow?

The SPEAKER. Would the gentleman like it to come up immediately?

Mr. MANDERINO. Yes.

The SPEAKER. It will come up immediately as soon as the gentleman files a reconsideration motion.

Mr. MANDERINO. Thank you, Mr. Speaker.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 2553, PN 3723**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

An Act fixing the fees to be received by the prothonotary of Philadelphia County.

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 to HB 2553.

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—175

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

Dininni	Kolter	Pott	Wilt
Dombrowski	Kowalyshyn	Pratt	Wright, D. R.
Donatucci, R.	Kukovich	Punt	Wright, Jr., J.
Dorr	Lashingner	Pyles	Yahner
Duffy	Laughlin	Rappaport	Yohn
Dumas	Lehr	Rasco	Zeller
Durham	Lescovitz	Reed	Zitterman
Earley	Letterman	Rhodes	Zord
Fee	Levi	Richardson	Zwikl
Fischer	Levin	Rieger	Seltzer,
Fisher	Livengood	Ritter	Speaker
Foster, Jr., A.	Lynch, E. R.	Rocks	
Freind			

NAYS—6

Cunningham	Foster, W. W.	Klingaman	Serafini
DeVerter	Hasay		

NOT VOTING—13

Bennett	Johnson, J. J.	McClatchy	Scheaffer
Bowser	Jones	Mowery	Shadding
Cole	Lewis	Pucciarelli	Wachob
Gray			

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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.

RECONSIDERATION OF VOTE  
ON HB 2134

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I move that the vote by which HB 2134, PN 3642, was defeated on the 1st day of July be reconsidered.

The SPEAKER. The Chair recognizes the minority leader.

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

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—169

Alden	Fisher	Livengood	Salvatore
Anderson	Foster, W. W.	Lynch, E. R.	Scheaffer
Armstrong	Foster, Jr., A.	McCall	Schweder
Arty	Freind	McClatchy	Serafini
Barber	Fryer	McIntyre	Seventy
Belardi	Gallagher	McMonagle	Sieminski
Beloff	Gallen	McVerry	Sirianni
Berson	Gamble	Mackowski	Smith, E. H.
Bittle	Gannon	Madigan	Smith, L. E.
Borski	Gatski	Maiale	Spencer
Bowser	Geesey	Manderino	Spitz
Brandt	Geist	Manmiller	Stairs
Brown	George, C.	Michlovic	Steighner
Burd	George, M. H.	Micozzie	Stewart
Cappabianca	Giammarco	Miller	Street
Cessar	Gladeck	Moehlmann	Stuban
Chess	Goodman	Mowery	Swift
Civera	Greenfield	Mrkonic	Taddonio
Clark, B. D.	Gruppo	Murphy	Taylor, E. Z.
Clark, M. R.	Hagarty	Nahill	Taylor, F.
Cochran	Harper	Novak	Telek
Cohen	Hasay	Noye	Thomas
Cole	Hayes, Jr., S.	O'Brien, B. F.	Trelo

Cornell	Hoeffel	O'Brien, D. M.	Vroon
Coslett	Honaman	O'Donnell	Wachob
Cowell	Hutchinson, A.	Oliver	Wargo
Cunningham	Hutchinson, W.	Perzel	Wass
DeMedio	Irvic	Peterson	Wenger
DeVerter	Itkin	Petrarca	White
DeWeese	Johnson, E. G.	Phillips	Williams
DiCarlo	Klingaman	Piccola	Wilson
Davies	Knepper	Pievsky	Wilt
Dawida	Knight	Pistella	Wright, D. R.
Dietz	Kolter	Polite	Wright, Jr., J.
Dininni	Kowalyshyn	Pott	Yahner
Dombrowski	Kukovich	Pratt	Yohn
Donatucci, R.	Laughlin	Pucciarelli	Zeller
Dorr	Lehr	Pyles	Zitterman
Duffy	Lescovitz	Rasco	Zwikl
Dumas	Letterman	Reed	
Durham	Levi	Ritter	Seltzer,
Earley	Levin	Rodgers	Speaker
Fee	Lewis	Ryan	

NAYS—4

Fischer	Halverson	Punt	Zord
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NOT VOTING—21

Austin	Grieco	Mullen	Rieger
Bennett	Johnson, J. J.	Pitts	Rocks
Cimini	Jones	Rappaport	Shadding
Goebel	Kanuck	Rhodes	Shupnik
Grabowski	Lashingner	Richardson	Sweet
Gray			

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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

The SPEAKER. Does the minority whip, Mr. Manderino, wish to take the note at this time?

Mr. MANDERINO. Yes.

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—95

Alden	Foster, Jr., A.	Mackowski	Serafini
Anderson	Freind	Madigan	Sieminski
Armstrong	Gannon	Manmiller	Sirianni
Arty	Geesey	Micozzie	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.
Civera	Hayes, Jr., S.	Peterson	Telek
Clark, M. R.	Honaman	Phillips	Thomas
Cornell	Hutchinson, W.	Piccola	Vroon
Coslett	Johnson, E. G.	Pitts	Wass
Cunningham	Klingaman	Polite	Wenger
DeVerter	Knepper	Pott	Wilson
Davies	Lashingner	Punt	Wilt
Dietz	Lehr	Pyles	Wright, Jr., J.
Dininni	Levi	Rasco	Yohn
Dorr	Lewis	Rocks	Zord
Durham	Lynch, E. R.	Ryan	
Earley	McClatchy	Salvatore	Seltzer,
Fisher	McVerry	Scheaffer	Speaker
Foster, W. W.			

NAYS—93

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

NOT VOTING—6

Bennett	Gray	Jones	Shadding
Gallen	Johnson, J. J.		

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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.

REMARKS ON VOTE

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

Mr. CIMINI. On amendment 7618 to HB 2794, I was incorrectly recorded. I want the record to show that I would have voted in the affirmative for A7618 to HB 2794.

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 2662, PN 3643, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

An Act making appropriations to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to adjust errors.

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 to HB 2662.

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—184

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

NAYS—0

NOT VOTING—10

Bennett	Gray	McClatchy	Shadding
Dawida	Johnson, J. J.	Rhodes	Sirianni
Geist	Jones		

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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 Elk, Mr. Wachob.

Mr. WACHOB. On concurrence in Senate amendments to HB 2553, I was out of my seat and 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 Blair, Mr. Geist.

Mr. GEIST. On the last bill, HB 2662, my voting switch did not register. I would like to be voted in the affirmative, please, on concurrence in Senate amendments.

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

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

Mr. LETTERMAN. Mr. Speaker, while we are taking a little siesta, how about running SB 443?

The SPEAKER. Will the gentleman come to the desk? We are working on that right now.

### REMARKS ON VOTES

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

Mr. CUNNINGHAM. Mr. Speaker, on the conference committee report on HB 552, 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 Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, I was not in my seat when we took the vote on concurrence in Senate amendments to HB 2662. If I was, I would have voted in the affirmative.

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

### HOUSE SCHEDULE AND REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, we obviously just had a meeting at the rostrum, and we are awaiting printed matter from the amendment clerk, which will take some time. There are approximately five bills we want to touch on before we break for the evening, including the discharge resolution that Mr. Letterman is interested in, the override of the veto that Mr. Rhodes is interested in, the toxic waste bill, and two or three others.

The SPEAKER. The fee bill?

Mr. RYAN. The fee bill, and HB 265, and, accordingly, we have a time problem, of course. So it has been decided that the best thing for us to do at this time in order to allow people to get something to eat is to break, to report to the Republican caucus room in the case of the majority at 7:15, to return to the floor at 8:15 and stay until we finish our work.

### DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. It will be necessary for the Democrats to caucus at 7:15. We are going to be dealing with the toxic waste disposal bill, and that is a very important vote. So we may be prepared to go back on the floor to take up the calendar, as the majority leader has announced, at 8:15. Democratic caucus at 7:15.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. I would guess that it goes without saying that those of you who checked out of your motel rooms better check back in. Those of you who did not check out, stay.

### REMARKS ON VOTE

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

Mrs. LEWIS. I would like to be recorded in the negative on concurrence in Senate amendments to HB 2553. Thank you.

### 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 2664, PN 3730; HB 2674, PN 3648; HB 2675, PN 3720; and HB 2676, PN 3649.**

### 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 419, PN 1883; SB 496, PN 1937; and SB 881, PN 1915.**

### SENATE MESSAGE

#### SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Senate informed that it has adopted the Report of the Committee of Conference on **HB 1011, PN 3489.**

**SENATE MESSAGE****SENATE ADOPTS REPORT  
OF COMMITTEE OF CONFERENCE**

The Senate informed that it has adopted the Report of the Committee of Conference on **HB 1262, PN 3704**.

**BILLS SIGNED BY SPEAKER**

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

**HB 1011, PN 3489**

An Act amending the act of June 18, 1941 (P. L. 137, No. 74), entitled "An act providing for the appointment, powers and control of members of volunteer fire companies as special fire police, and conferring powers on them at fires attended by their fire companies in any city, borough, town and township," further providing for the powers of special fire police.

**HB 1262, PN 3704**

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

**HB 1549, PN 3606**

An Act to temporarily authorize cities, boroughs, incorporated towns, townships and school districts to file suggestions of nonpayment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims, or the judgments thereon, have been lost, and providing for the reinstatement of the liens of such claims and judgments.

**HB 1683, PN 3722**

An Act amending the "Health Care Facilities Act," approved July 19, 1979 (P. L. 130, No. 48), amending and adding certain definitions; further providing for powers and duties of the department, for the encouragement of competition and innovation, for cooperation with the department; further providing for certificates of need, for the promulgation of regulations and other procedural matters, for major medical equipment and for the licensure and regulation of health care facilities, and providing penalties.

**HB 2553, PN 3723**

An Act fixing the fees to be received by the prothonotary of Philadelphia County.

**HB 2662, PN 3643**

An Act making appropriations to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to adjust errors.

**SB 419, PN 1883**

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled "The Fiscal Code," further providing for investment of funds by the Treasury Department, and permitting savings and loan associations to be designated as inactive depositories.

**SB 496, PN 1937**

An Act authorizing the Department of General Services, with the approval of the Governor, to convey a tract of land, together with any improvements or buildings thereon, in Hazleton, Luzerne County, Pennsylvania to the Hazleton-Nanticoke MH/MR Center, Inc.

**SB 881, PN 1915**

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), entitled, "Pennsylvania Urban Mass Transportation Law," adding and further providing for definitions and program authorizations, making an editorial change, further providing for project grants, further providing for intergovernmental cooperation, providing for State subsidies, authorizing the creation of a transportation authority to function in each metropolitan area consisting of any county of the first class and all nearby counties within a radius of twenty miles of any such first class county, as a body corporate and politic for the purpose of establishing an integrated mass transportation system with all pertinent powers including, but not limited to, leasing, acquiring, owning, operating and maintaining a system for, or otherwise providing for, the transportation of persons, authorizing the borrowing of money and issuance of bonds therefor, conferring the right of eminent domain on the authority; altering the jurisdiction of the Public Utility Commission, authorizing the acceptance of grants from Federal, State and local governments, limiting actions against the authority and exempting it from taxation, authorizing counties and municipalities to enter into compacts for the financing of each authority and to make appropriations in accordance with such compacts, creating a citizen advisory committee conferring exclusive jurisdiction upon certain courts with respect to matters relating to such authority, empowering each authority to function outside of the metropolitan area under certain terms and conditions, imposing a requirement to submit a reorganization plan, providing sanctions for failure to submit a reorganization plan and making appropriations, and making certain transfers and repeals.

**REPORT OF COMMITTEE  
OF CONFERENCE PRESENTED**

Mr. POLITE presented the Report of the Committee of Conference on **SB 985, PN 1973**.

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

**REPORT OF COMMITTEE  
OF CONFERENCE PRESENTED**

Mr. POLITE presented the Report of the Committee of Conference on **SB 986, PN 1974**.

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

**RECESS**

The SPEAKER. Without objection, this House now stands in recess until 8:15 p.m. The Chair hears none.

**AFTER RECESS**

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

## SENATE MESSAGE

HOUSE BILLS  
CONCURRED IN BY SENATE

The clerk of the Senate informed that the Senate has concurred in **HB 1111, PN 3052; HB 2666, PN 3535; HB 2668, PN 3537; HB 2669, PN 3538; HB 2670, PN 3539; HB 2671, PN 3608; HB 2672, PN 3541; HB 2673, PN 3542; HB 2677, PN 3546; HB 2679, PN 3548; HB 2680, PN 3549; HB 2681, PN 3550; HB 2682, PN 3551; HB 2683, PN 3552; HB 2684, PN 3609; HB 2685, PN 3554; HB 2686, PN 3555; HB 2687, PN 3556; HB 2688, PN 3557; HB 2689, PN 3558; HB 2690, PN 3559; HB 2691, PN 3560; HB 2692, PN 3561; HB 2693, PN 3562; HB 2694, PN 3563; HB 2695, PN 3564; HB 2698, PN 3567; HB 2699, PN 3568; HB 2700, PN 3569; HB 2701, PN 3570; HB 2702, PN 3571; HB 2703, PN 3572; HB 2704, PN 3573; HB 2705, PN 3574; HB 2706, PN 3575; HB 2707, PN 3576; HB 2708, PN 3577; HB 2709, PN 3578; HB 2710, PN 3579; HB 2711, PN 3580; HB 2712, PN 3581; and HB 2715, PN 3584.**

## 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 2696, PN 3724; HB 2697, PN 3725; HB 2713, PN 3656; and HB 2714, PN 3657.**

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

## 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 62, PN 3655; HB 421, PN 3498; HB 1673, PN 3735; and HB 2290, PN 3644.**

The SPEAKER. The bills will appear on the calendar.

## BILLS SIGNED BY SPEAKER

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

**HB 1111, PN 3052**

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for division and organization of certain school districts.

**HB 2666, PN 3535**

An Act making an appropriation to the Schuylkill County Council for Arts.

## HB 2668, PN 3537

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect, providing for a basis for payments of such appropriations and providing a method of accounting for the funds appropriated.

## HB 2669, PN 3538

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), entitled "An act providing for the establishment and operation of the University of Pittsburgh \*\*\*\*" making appropriations for carrying the same into effect, providing for a basis for payments of such appropriations, and providing a method of accounting for the funds appropriated.

## HB 2670, PN 3539

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), entitled "An Act providing for the establishment and operation of Temple University \*\*\*," making appropriations for carrying the same into effect, providing for a basis for payments of such appropriation and providing a method of accounting for the funds appropriated.

## HB 2671, PN 3608

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled "An act providing for the establishment and operation of Lincoln University, \*\*\*\*" making appropriations for carrying the same into effect, providing for a basis for payments of such appropriation, and providing a method of accounting for the funds appropriated.

## HB 2672, PN 3541

An Act making an appropriation to the Delaware Valley College of Science and Agriculture at Doylestown, Pennsylvania.

## HB 2673, PN 3542

An Act making an appropriation to the Trustees of Drexel University of the Commonwealth of Pennsylvania at Philadelphia, Pennsylvania.

## HB 2677, PN 3546

An Act making an appropriation to the Trustees of the University of Pennsylvania.

## HB 2679, PN 3548

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia, Pennsylvania.

## HB 2680, PN 3549

An Act making an appropriation to the Philadelphia College of Art, Philadelphia, Pennsylvania.

## HB 2681, PN 3550

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia, Pennsylvania.

## HB 2682, PN 3551

An Act making an appropriation to the Philadelphia College of Textiles and Science.

## HB 2683, PN 3552

An Act making an appropriation to the Philadelphia College of Performing Arts, Philadelphia, Pennsylvania, for maintenance, general operation and student aid.

**HB 2684, PN 3609**

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia, Pennsylvania.

**HB 2685, PN 3554**

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

**HB 2686, PN 3555**

An Act making an appropriation to the Johnson School of Technology of Scranton, Pennsylvania.

**HB 2687, PN 3556**

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County, Pennsylvania.

**HB 2688, PN 3557**

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

**HB 2689, PN 3558**

An Act making an appropriation to the Wistar Institute-Research, Philadelphia, for the operation and maintenance of the institute.

**HB 2690, PN 3559**

An Act making an appropriation to Lankenau Hospital, Philadelphia for research.

**HB 2691, PN 3560**

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardio-vascular studies.

**HB 2692, PN 3561**

An Act making an appropriation to St. Francis Hospital, Pittsburgh.

**HB 2693, PN 3562**

An Act making an appropriation to Inglis House of Philadelphia.

**HB 2694, PN 3563**

An Act making an appropriation to St. Christopher's Hospital of Philadelphia, Pennsylvania for treatment of Cerebral Palsy.

**HB 2695, PN 3564**

An Act making an appropriation to the Children's Hospital, Pittsburgh for Cerebral Dysfunction.

**HB 2698, PN 3567**

An Act making an appropriation to the Trustees of the Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease.

**HB 2699, PN 3568**

An Act making an appropriation to the Central Penn Oncology Group.

**HB 2700, PN 3569**

An Act making an appropriation to the Burn Foundation of Greater Delaware Valley.

**HB 2701, PN 3570**

An Act making an appropriation to the Sunshine Foundation, Philadelphia, Pennsylvania for chronically and terminally ill children.

**HB 2702, PN 3571**

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

**HB 2703, PN 3572**

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

**HB 2704, PN 3573**

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

**HB 2705, PN 3574**

An Act making an appropriation to the Pennsylvania Academy of the Fine Arts, Philadelphia, Pennsylvania.

**HB 2706, PN 3575**

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

**HB 2707, PN 3576**

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

**HB 2708, PN 3577**

An Act making an appropriation to the Trustees of the Buhl Planetarium and Institute of Popular Science, Pittsburgh, Pennsylvania.

**HB 2709, PN 3578**

An Act making an appropriation to the Division of Education of the Philadelphia Museum of Art, Philadelphia, Pennsylvania.

**HB 2710, PN 3579**

An Act making an appropriation to the Allentown Museum of Art at Allentown, Pennsylvania.

**HB 2711, PN 3580**

An Act making an appropriation to the Beacon Lodge Camp.

**HB 2712, PN 3581**

An Act making an appropriation to the Arsenal Family and Children's Center.

**HB 2715, PN 3584**

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance and operation of the Western Psychiatric Institute and Clinic.

**ANNOUNCEMENT BY MAJORITY LEADER**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, a number of members have asked me as to our plans for tomorrow. It is our intention to be in tomorrow. Thank you, Mr. Speaker.

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

Mr. RYAN called up for consideration the following Report of the Committee of Conference on **SB 985, PN 1973**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for the disposition of certain unused and unnecessary lands, further providing for the review and approval of certain budget and providing for certain payments and reimbursements to community colleges.

On the question,

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

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I request that the House do adopt the committee of conference report on SB 985, PN 1973.

On the question recurring,

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

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

**YEAS—184**

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

Dininni	Kowalyszyn	Pratt	Wright, D. R.
Dombrowski	Kukovich	Punt	Wright, Jr., J.
Donatucci, R.	Lashingner	Pyles	Yahner
Dorr	Laughlin	Rappaport	Yohn
Duffy	Lehr	Rasco	Zeller
Durham	Lescovitz	Reed	Zitterman
Earley	Letterman	Rhodes	Zord
Fee	Levi	Rieger	Zwilk
Fischer	Levin	Ritter	
Fisher	Lewis	Rocks	Seltzer,
Foster, W. W.	Livengood	Rodgers	Speaker
Foster, Jr., A.	Lynch, E. R.		

**NAYS—0**

**NOT VOTING—10**

Beloff	Giammarco	Jones	Richardson
Bennett	Gray	Pucciarelli	Shadding
Dumas	Johnson, J. J.		

**EXCUSED—7**

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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.

**REPORT OF COMMITTEE  
OF CONFERENCE CONSIDERED**

Mr. RYAN called up for consideration the following Report of the Committee of Conference on **SB 986, PN 1974**, entitled:

An Act amending the act of June 22, 1964 (1st Sp. Sess., P. L. 84, No. 6), entitled "Eminent Domain Code," further providing for abandonment of certain projects.

On the question,

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

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. I urge the House to adopt the report of the committee on conference on SB 986, PN 1974, Mr. Speaker.

On the question recurring,

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

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

**YEAS—179**

Alden	Foster, Jr., A.	Livengood	Rocks
Anderson	Freind	Lynch, E. R.	Rodgers
Armstrong	Fryer	McCall	Ryan
Arty	Gallagher	McClatchy	Salvatore
Austin	Gallen	McIntyre	Scheaffer
Belardi	Gamble	McMonagle	Schweder
Berson	Gannon	McVerry	Serafini
Bittle	Gatski	Mackowski	Seventy
Borski	Geesey	Madigan	Shupnik
Bowser	Geist	Maiale	Sieminski
Brandt	George, C.	Manderino	Sirianni
Brown	George, M. H.	Manmiller	Smith, E. H.
Burd	Giammarco	Michlovic	Smith, L. E.



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

NAYS—4

Barber	Knight	Street	Williams
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NOT VOTING—11

Beloff	Johnson, J. J.	Pucciarelli	Shadding
Bennett	Jones	Rhodes	Taylor, E. Z.
Gray	Lashinger	Richardson	

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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 SUBMITTED FOR THE RECORD

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

Mr. POLITE. Mr. Speaker, I would like to submit remarks for the record.

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

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

Mr. Speaker, I want to thank my colleagues for supporting the adoption of the Conference Committee Reports on SB 985 and SB 986.

These bills are very important to a family in my legislative district. Over 10 years ago, the North Penn School District condemned 80 acres of farm land which belonged

to C. Howard Knapp, Florence Knapp and Henrietta Knapp. The land was to be used for a new high school.

The school, however, was never built. The Knapps started legal proceedings to get the land back. While school board members seemed willing to return the land to the Knapps, the law required them to sell the land at market value. As land value had skyrocketed in the last few years, the price of the land would have been many times what the school board originally paid Knapp for the land.

Under the legislation approved today, the land will have to be offered back to the Knapps at the same price paid to them when the land was condemned.

I thank the members for supporting this legislation which I have supported and I am certain that the Knapps, Howard, 94 years of age, Florence, 106, and Henrietta, 92, would also like to express their thanks.

**AMENDED HOUSE BILL  
RETURNED FOR CONCURRENCE  
CONSIDERED**

The Senate returned the following **HB 2664, PN 3730**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

An Act making an appropriation to the Lansdowne Symphony Orchestra Association.

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 2664.

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—149

Alden	Fryer	McVerry	Serafini
Anderson	Gallagher	Mackowski	Seventy
Armstrong	Gallen	Madigan	Shupnik
Arty	Gamble	Maiale	Sirianni
Austin	Gannon	Manderino	Smith, E. H.
Berson	Gatski	Manmiller	Spencer
Bittle	Geesey	Michlovic	Spitz
Borski	Geist	Micozzie	Stairs
Bowser	Giammarco	Miller	Steighner
Brandt	Goebel	Moehlmann	Stewart
Burd	Goodman	Mrkonic	Stuban
Cappabianca	Grabowski	Mullen	Sweet
Cessar	Greenfield	Nahill	Swift
Chess	Grieco	Novak	Taddonio
Cimini	Hagarty	O'Brien, B. F.	Taylor, E. Z.
Civera	Halverson	O'Donnell	Taylor, F.
Clark, B. D.	Harper	Oliver	Telek
Clark, M. R.	Hayes, Jr., S.	Petrarca	Thomas
Cochran	Hoeffel	Phillips	Trello
Cohen	Honaman	Piccola	Vroon
Cole	Hutchinson, A.	Pievsky	Wachob
Cornell	Hutchinson, W.	Pistella	Wargo
Cowell	Irvis	Polite	Wenger
Cunningham	Itkin	Pott	White

DeMedio	Johnson, E. G.	Pucciarelli	Williams
DeWeese	Klingaman	Punt	Wilson
DiCarlo	Knight	Pyles	Wilt
Davies	Kolter	Rappaport	Wright, D. R.
Dininni	Kukovich	Rasco	Wright, Jr., J.
Dombrowski	Laughlin	Reed	Yohn
Duffy	Lehr	Rhodes	Zeller
Durham	Lescovitz	Rieger	Zitterman
Earley	Levin	Ritter	Zord
Fee	Lynch, E. R.	Rocks	Zwikl
Fischer	McCall	Rodgers	
Fisher	McClatchy	Ryan	Seltzer,
Foster, Jr., A.	McIntyre	Salvatore	Speaker
Freind	McMonagle	Schweder	

NAYS—32

Barber	George, C.	Lashinger	Pitts
Belardi	George, M. H.	Letterman	Pratt
Brown	Gladeck	Levi	Scheaffer
Coslett	Gruppo	Lewis	Sieminski
DeVerter	Hasay	Livengood	Smith, L. E.
Dawida	Kanuck	Mowery	Street
Dietz	Knepper	Murphy	Wass
Foster, W. W.	Kowalshyn	Peterson	Yahner

NOT VOTING—13

Beloff	Dumas	Jones	Perzel
Bennett	Gray	Noye	Richardson
Donatucci, R.	Johnson, J. J.	O'Brien, D. M.	Shadding
Dorr			

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

The two-thirds 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.

**AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED**

The Senate returned the following **HB 2674, PN 3648**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

An Act making appropriations to the Hahnemann Medical College and Hospital of Philadelphia, 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 2674.

The **SPEAKER**. The Chair recognizes the gentleman from Philadelphia, Mr. Williams.

**Mr. WILLIAMS**. Mr. Speaker, I would like to ask the gentleman, Mr. McClatchy, if he will stand for brief interrogation.

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

**Mr. WILLIAMS**. Mr. Speaker, this bill in section 1(a) on line 5 calls for the appropriation of \$3,366,000 for Hahnemann College for instruction in the doctor of medicine programs. Could you tell me exactly what that \$3,366,000 is going to Hahnemann to be used for?

**Mr. McCLATCHY**. Mr. Speaker, we are on concurrence of Senate amendments, and that is the main section that we should be concerned with tonight. The other part of the bill we passed previously. I would imagine it says just as it said before, it deals with the instruction and doctor of medicine program. I cannot explain it any further than that.

**Mr. WILLIAMS**. Mr. Speaker, I am not sure that I understand your answer. Are you saying that only part of this bill could be answered by you or are you saying that nevertheless the extent of your answer would be all you know is it is going for the doctor of medicine program?

**Mr. McCLATCHY**. Yes; the nevertheless part.

**Mr. WILLIAMS**. Okay. Mr. Speaker, with regard to section 1(b), \$177,000 for the general maintenance of the Hahnemann Medical College including allied health—

The **SPEAKER**. The question before the House is the amendments placed in the bill by the Senate. The gentleman will please confine his interrogation to the amendments placed in the bill by the Senate. The gentleman may proceed.

**Mr. WILLIAMS**. Mr. Speaker, could you enlighten me for my vote on this bill as to what part of this paper on HB 2674 is Senate amendments?

**Mr. McCLATCHY**. The Senate amendments are indicated by the arrows on the right-hand side of the page on which HB 2674 is printed. I do not think I have to reiterate each one. I think the gentleman can read. Each of those areas that are indicated by the arrows, the deleted language, and then that language was just put in capital letters.

**Mr. WILLIAMS**. Mr. Speaker, most assuredly I can read and that is why I asked the question, because my query was precisely to the language you have designated as amendments, and I state my question that the moneys appropriated in (b) for the general maintenance of the Hahnemann Medical College including— Can you tell me what the \$177,000 precisely is going to do in terms of the general maintenance of the Hahnemann Medical College?

**Mr. McCLATCHY**. Why it would be the general maintenance of the Hahnemann Medical College as it relates to the allied health.

**Mr. WILLIAMS**. Mr. Speaker, what is the allied health?

**Mr. McCLATCHY**. I am not an expert on that subject, but it is my assumption that it deals with physical therapy, occupational therapy, speech therapy, those areas of instruction and expertise.

**Mr. WILLIAMS**. Mr. Speaker, is that going to pay for instructors to do the instruction?

**Mr. Speaker**, as to the allied health subjects you designated, the money is going to pay for professors to do the instruction; going to pay for stipends, tuitions, or what?

Mr. McCLATCHY. Mr. Speaker, I can only read back to you the language that is in the bill, and I think it is self-evident as you read it. I cannot go any further than that. It is the same language that we will face in the coming bill for Jefferson Medical College in regard to the allied health professions.

Mr. WILLIAMS. Mr. Speaker, one final question. It calls for the reporting by the institution of its revenues and expenditures and present financial statement. Do you know whether or not that has been done, and, if so, whether they show a balance of moneys from last year?

Mr. McCLATCHY. Mr. Speaker, again we are dealing with concurrence in Senate amendments and that is in the body of the bill when it passed the House. I think the Speaker has already mentioned we are only to discuss the Senate amendment.

Mr. WILLIAMS. Mr. Speaker, I guess what I am asking is once we give this money to Hahnemann, in accordance with the amendment, is there any safeguard or accounting device which would allow us to know first of all what they spent the money for, and if they spent it all before next year, can we ask for another appropriation? Is there any accounting procedure or any mechanism to take care of that?

Mr. McCLATCHY. I think the bill refers to that on page 2.

Mr. WILLIAMS. Mr. Speaker, with regard to that device, is that a device which is supposed to take place every year, and, if so, do we know whether they spent all the money last year and do we know what they spent it for?

Mr. McCLATCHY. These funds are audited by the Auditor General and also looked into by the State Treasurer. I would assume, yes.

Mr. WILLIAMS. Okay. Do you know how much money was left over last year, if any at all?

The SPEAKER. Will the gentleman yield?

The interrogation is far afield of the amendments inserted in this bill by the Senate. The only amendments inserted by the Senate were changes in language. There has been no additional money put into this bill by the Senate. The gentleman may proceed on interrogation on the amendments inserted by the Senate.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to be recognized to speak on the bill.

The SPEAKER. The gentleman is in order and may proceed to speak on the amendment.

Mr. WILLIAMS. Mr. Speaker, I oppose the bill as amended. It is clear that a total of some \$3 1/2 million is being appropriated to Hahnemann Medical College and we do not know what for. I do not think that that is very intelligent.

Very briefly, without going into the particular events, just recently, a few months ago, with regard to Hahnemann, I had the occasion to investigate how certain moneys were being utilized and for certain programs. After many, many hours of trying to make heads or tails on whether or not

they pursued that policy with the funds they had, I determined that they had not. For one, I do not believe that we should appropriate \$3 1/2 million to some medical school just because.

Indeed, earlier today we have talked about approximately the same amount of money for the poor and needy. I think on the face of it, we are handed this bill and amendments to concur with and to appropriate some more money when we do not know where it is going to go and no one seems to be able to answer that, and I think that is wrong. Therefore, I would urge opposition to this appropriation for Hahnemann.

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—165

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

NAYS—16

Bowser	Dawida	Letterman	Ritter
Brown	Fischer	Livengood	Scheaffer
Chess	Fryer	Pitts	Street
Cohen	Kanuck	Reed	Williams

NOT VOTING—13

Barber	Dumas	Jones	Salvatore
Beloff	Gray	Rappaport	Shadding
Bennett	Johnson, J. J.	Richardson	Spencer
Donatucci, R.			

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

The two-thirds 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.

**AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED**

The Senate returned the following **HB 2675, PN 3720**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

An Act making appropriations to the Thomas Jefferson University of Philadelphia, 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.

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

**Mr. D. R. WRIGHT**. Would the gentleman, Mr. McClatchy, stand for interrogation?

The **SPEAKER**. The gentleman indicates that he will. Mr. Wright may proceed.

**Mr. D. R. WRIGHT**. Mr. Speaker, HB 2675 increases the appropriation by \$600,000. Is that correct?

**Mr. McCLATCHY**. That is correct.

**Mr. D. R. WRIGHT**. The total appropriations here that we are working on tonight range in the order of \$900,000 or so. That is my understanding. Is it yours?

**Mr. McCLATCHY**. Would you repeat that again?

**Mr. D. R. WRIGHT**. I guess my question then, Mr. Speaker, is: This is a sizable appropriation. It is the largest one on this list. Are there funds available?

**Mr. McCLATCHY**. Not to my knowledge.

**Mr. D. R. WRIGHT**. Not to your knowledge?

**Mr. McCLATCHY**. That is correct.

**Mr. D. R. WRIGHT**. Is there any value then in voting these appropriations and increasing this one by \$600,000?

**Mr. McCLATCHY**. The Senate seemed to think so.

**Mr. D. R. WRIGHT**. What would be your recommendation?

**Mr. McCLATCHY**. I think we are faced with a problem here of the possibility of the Governor blue-lining or having this institution wait until September to get their money, if it goes through a conference committee report.

**Mr. D. R. WRIGHT**. I think the gentleman, Mr. Rappaport, would like to be recognized, and I would yield to him. Thank you, Mr. Speaker.

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

**Mr. RAPPAPORT**. I realize the Appropriations Committee chairman is at a little bit of a disadvantage trying to have all these bills at his fingertips.

**Mr. Speaker**, I am informed that the Senate budget people felt this money was available. I realize there may be disagreements between the staffs. They are assured that it is in the budget. I might add the additional money is for the purpose of expanding the baccalaureate program in nursing education. Unfortunately, some institutions in Philadelphia have closed down their baccalaureate programs, and we need it desperately, and I speak from personal knowledge on what I am saying. I am not guessing.

Secondly, they are setting up new programs in physical therapy and occupational therapy. These are needed because the University of Pennsylvania has closed down their programs in these fields, and, these again, I believe, are one of the few programs in the Delaware Valley for this. I would like to ask for a "yes" vote. Thank you, Mr. Speaker, and I thank the Appropriations Committee chairman for his courtesy.

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

**Mr. RITTER**. Mr. Speaker, the gentleman, Mr. Rappaport, said that this was for instruction or baccalaureate courses. This \$600,000, as I read it, is for the maintenance and not for instruction. Am I correct in that?

**Mr. RAPPAPORT**. Mr. Speaker, if the gentleman will look on line 15, he will see the words "College of Allied Health Sciences and student aid." I may point out to the gentleman, with his permission, that on page 2 of the bill, section 3, speaks to that amount specifically, stating that payments provided in 1 (b) shall be made by the Secretary of Education on the basis of cost during the fiscal program. The cost, of course, is based on the cost of instruction because it also includes the medical students on the per capita formula, I know, the gentleman is familiar with. Thank you, Mr. Speaker.

**Mr. RITTER**. I thank the gentleman, 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—152

Alden	Gallen	McVerry	Rodgers
Anderson	Gamble	Mackowski	Ryan
Armstrong	Gannon	Madigan	Salvatore
Arty	Gatski	Maiale	Schweder
Austin	Geist	Manderino	Serafini
Berson	George, C.	Manmiller	Shupnik
Bittle	Giammarco	Michlovic	Sieminski
Borski	Gladeck	Micozzie	Sirianni
Brandt	Goebel	Miller	Smith, E. H.
Burd	Grabowski	Moehlmann	Smith, L. E.
Cessar	Greenfield	Mrkonic	Spencer
Civera	Gruppo	Mullen	Stairs
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	Hoeffel	O'Donnell	Taylor, F.
Coslett	Honaman	Oliver	Telek
Cunningham	Hutchinson, A.	Perzel	Thomas
DeMedio	Irvis	Peterson	Trello
DeVertter	Itkin	Petrarca	Vroon
DeWeese	Johnson, E. G.	Phillips	Wachob
DiCarlo	Klingaman	Piccola	Wargo
Davies	Knepper	Pievsky	Wass
Dietz	Knight	Pistella	Wenger
Dininni	Kolter	Polite	White
Dombrowski	Kowalyshyn	Pott	Williams
Donatucci, R.	Lashinger	Pratt	Wilson
Dorr	Laughlin	Pucciarelli	Wilt
Duffy	Lehr	Punt	Wright, Jr., J.
Durham	Lescovitz	Pyles	Yahner
Earley	Levi	Rappaport	Zeller
Fee	Levin	Rasco	Zord
Fisher	Lynch, E. R.	Reed	Zwinkl
Foster, W. W.	McCall	Rhodes	
Foster, Jr., A.	McClatchy	Rieger	Seltzer,
Freind	McIntyre	Rocks	Speaker
Gallagher	McMonagle		

NAYS—31

Belardi	Fischer	Letterman	Spitz
Bowser	Fryer	Lewis	Steighner
Brown	Geesey	Livengood	Stewart
Cappabianca	George, M. H.	Murphy	Street
Chess	Goodman	Pitts	Wright, D. R.
Cimini	Grieco	Ritter	Yohn
Cowell	Kanuck	Scheaffer	Zitterman
Dawida	Kukovich	Seventy	

NOT VOTING—11

Barber	Dumas	Johnson, J. J.	Richardson
Beloff	Gray	Jones	Shadding
Bennett	Hutchinson, W.	Mowery	

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

The two-thirds 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.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following HB 2676, PN 3649, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

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

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—166

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

NAYS—12

Dawida	Kanuck	Livengood	Ritter
Fischer	Letterman	Murphy	Street
Fryer	Lewis	Pitts	Taylor, E. Z.

NOT VOTING—16

Austin	Civera	Gray	Richardson
Barber	Dumas	Johnson, J. J.	Shadding
Beloff	Earley	Jones	Sirianni
Bennett	Freind	O'Brien, B. F.	White

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

The two-thirds 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.

**AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED**

The Senate returned the following **HB 2696, PN 3724**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

An Act making an appropriation to the Lancaster Cleft Palate.

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 Senate amendments to HB 2696.

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—163**

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

**NAYS—19**

Belardi	George, M. H.	Levi	Pratt
Bowser	Gladeck	Lewis	Scheaffer
Dawida	Kanuck	Livengood	Serafini
Fryer	Lashinger	Peterson	Sirianni
Geist	Letterman	Pitts	

**NOT VOTING—12**

Austin	Bennett	Johnson, J. J.	Shadding
Barber	Dumas	Jones	Stuban
Beloff	Gray	Richardson	White

**EXCUSED—7**

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

The two-thirds 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.

**AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED**

The Senate returned the following **HB 2697, PN 3725**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

An Act making an appropriation to the Pittsburgh Cleft Palate.

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 2697.

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—164**

Alden	Freind	McVerry	Ryan
Anderson	Gallagher	Mackowski	Salvatore
Armstrong	Gallen	Madigan	Schweder
Arty	Gamble	Maiale	Seventy
Austin	Gannon	Manderino	Shupnik
Berson	Gatski	Manmiller	Sieminski
Bittle	Geesey	Michlovic	Smith, E. H.
Borski	George, C.	Micozzie	Smith, L. E.
Brandt	Giammarco	Miller	Spencer
Brown	Goebel	Moehlmann	Spitz
Burd	Goodman	Mowery	Stairs
Cappabianca	Grabowski	Mrkonic	Steighner
Cessar	Greenfield	Mullen	Stewart
Chess	Grieco	Murphy	Stuban
Cimini	Gruppo	Nahill	Sweet
Civera	Hagarty	Novak	Swift
Clark, B. D.	Halverson	Noye	Taddonio
Clark, M. R.	Harper	O'Brien, B. F.	Taylor, E. Z.
Cochran	Hasay	O'Brien, D. M.	Taylor, F.
Cohen	Hayes, Jr., S.	O'Donnell	Telek
Cole	Hoeffel	Oliver	Thomas
Cornell	Honaman	Perzel	Trello
Coslett	Hutchinson, A.	Petrarca	Vroon
Cowell	Hutchinson, W.	Phillips	Wachob
Cunningham	Irvis	Piccola	Wargo
DeMedio	Itkin	Pievsky	Wass
DeVerter	Johnson, E. G.	Pistella	Wenger
DeWeese	Klingaman	Polite	Williams
DiCarlo	Knepper	Pott	Wilson
Davies	Knight	Pratt	Wilt

Dawida	Kolter	Pucciarelli	Wright, D. R.
Dietz	Kowalshyn	Punt	Wright, Jr., J.
Dininni	Kukovich	Pyles	Yahner
Dombrowski	Laughlin	Rappaport	Yohn
Dorr	Lehr	Rasco	Zeller
Duffy	Lescovitz	Reed	Zitterman
Durham	Levin	Rhodes	Zord
Fee	Lynch, E. R.	Rieger	Zwinkl
Fischer	McCall	Ritter	
Fisher	McClatchy	Rocks	Seltzer,
Foster, W. W.	McIntyre	Rodgers	Speaker
Foster, Jr., A.	McMonagle		

NAYS—17

Belardi	George, M. H.	Letterman	Peterson
Bowser	Gladeck	Levi	Pitts
Earley	Kanuck	Lewis	Scheaffer
Fryer	Lashinger	Livengood	Serafini
Geist			

NOT VOTING—13

Barber	Dumas	Jones	Sirianni
Beloff	Gray	Richardson	Street
Bennett	Johnson, J. J.	Shadding	White
Donatucci, R.			

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

The two-thirds 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 Delaware, Mr. Freind.

Mr. FREIND. Mr. Speaker, on concurrence in Senate amendments to HB 2676, I did not vote. I would like to be recorded in the affirmative.

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 2713, PN 3656, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

An Act making an appropriation to the Home for Crippled Children, Pittsburgh, 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 2713.

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—167

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

NAYS—14

Belardi	Gladeck	Lewis	Pitts
Fryer	Kanuck	Livengood	Scheaffer
Geist	Lashinger	Peterson	Serafini
George, M. H.	Letterman		

NOT VOTING—13

Barber	Gray	McIntyre	Shadding
Beloff	Johnson, J. J.	Richardson	Wenger
Bennett	Jones	Rieger	White
Dumas			

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

The two-thirds 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.

**AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED**

The Senate returned the following **HB 2714, PN 3657**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

An Act making an appropriation to Children's Heart Hospital, Philadelphia, 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 2714**.

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—166**

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

**NAYS—12**

Belardi	George, M. H.	Letterman	Pitts
Fryer	Gladeck	Lewis	Scheaffer
Geist	Kanuck	Livengood	Serafini

**NOT VOTING—16**

Barber	Donatucci, R.	Jones	Richardson
Beloff	Dumas	McIntyre	Rieger
Bennett	Gray	Manderino	Shadding
Coslett	Johnson, J. J.	Phillips	White

**EXCUSED—7**

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

The two-thirds 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 lady from Chester, Mrs. Taylor.

Mrs. **TAYLOR**. Mr. Speaker, had I been in my seat on the vote on concurrence in Senate amendments to **HB 2676**, I would have voted in the affirmative.

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

**BILL AGREED TO ON SECOND CONSIDERATION**

The following bill, having been called up, was considered for the second time and agreed to, and ordered transcribed for third consideration:

**SB 265, PN 1951**

**BILL ON THIRD CONSIDERATION POSTPONED**

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. **RYAN**, the House resumed third consideration of **SB 237, PN 1793**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for temporary staffing in local offices, further providing for eligibility, for subsidies for certain adoptions, for approval of county plans, for payments on a fiscal year basis, and for payments to counties for services to children.

On the question recurring,

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

**RECONSIDERATION OF VOTE ON AMENDMENT TO SB 237**

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

Mr. **DiCARLO**. Mr. Speaker, I move that the vote by which the DiCarlo amendment 7243 to **HB 237, PN 1793**, was defeated on the 17th day of June, be reconsidered.



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

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

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—172

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

NAYS—5

Hoeffel	Richardson	Stewart	Street
Letterman			

NOT VOTING—17

Barber	Gray	O'Brien, B. F.	Yahner
Beloff	Johnson, J. J.	Rhodes	
Bennett	Jones	Rieger	Seltzer,
Dumas	Kolter	Shadding	Speaker
Geesey	McIntyre	White	

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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

On the question recurring,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

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

Mr. DiCARLO. Mr. Speaker, I would like to withdraw amendment 7243.

On the question recurring,

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

Mr. DiCARLO offered the following amendments:

Amend Title, page 1, line 3, by inserting after "for" eligibility, for

Amend Bill, page 1, by inserting between lines 8 and 9 Section 1. Clause (3) of section 432 of the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," amended April 1, 1976 (P. L. 64, No. 28), is amended to read: Section 432. Eligibility.—Except as hereinafter otherwise provided, and subject to the rules, regulations, and standards established by the department, both as to eligibility for assistance and as to its nature and extent, needy persons of classes defined in clauses (1), (2), (2)(i) and (2)(ii) shall be eligible for assistance:

\*\*\*

(3) Other persons who are citizens of the United States, or, except for general assistance and non-Federally funded medical assistance, other legally admitted aliens.

\*\*\*

Amend Sec. 1, page 1, line 9, by striking out "1." and inserting 2.

Amend Sec. 1, page 1, lines 10 and 11, by striking out "act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code,"" and inserting of the act,

Amend Sec. 2, page 4, line 20, by striking out "2." and inserting 3.

Amend Sec. 3, page 5, line 11, by striking out "3." and inserting 4.

Amend Sec. 4, page 8, line 25, by striking out "4." and inserting 5.

On the question,

Will the House agree to the amendments?

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

Mr. DiCARLO. Mr. Speaker, this is the same amendment we discussed last week that dealt with the issue of Cuban refugees. What had occurred on the final marking on SB 237 is we discovered that the Legislative Reference Bureau had transposed the original amendment to the wrong line in the bill, and this is correcting a technical error made by the Legislative Reference Bureau.

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

Mr. MURPHY. I would like to speak on the amendment, please.

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

Mr. MURPHY. Mr. Speaker, the House, a couple of weeks ago, voted overwhelmingly to put this amendment into the bill. I would like to point out to the House what they did was patently unconstitutional. There are any number of Supreme Court cases indicating that immigrants

to this country have the rights of a citizen of this country. May I just read something, a synopsis of one bill that indicates—

### CONSTITUTIONAL POINT OF ORDER

The SPEAKER. Will the gentleman yield? Does the gentleman indicate that the amendment being offered now is unconstitutional?

Mr. MURPHY. Yes, it is, Mr. Speaker, and I would like to make the motion to question the constitutionality of it.

The SPEAKER. The gentleman from Allegheny, Mr. Murphy, questions the constitutionality of the amendment being offered by the gentleman from Erie, Mr. DiCarlo.

Mr. MURPHY. Mr. Speaker, may I address the question?

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

Mr. MURPHY. Very briefly, there is a Supreme Court case, *Graham*; there was another case in Pennsylvania, all indicating that resident aliens are entitled to benefits under the constitution, and that the state cannot deny those benefits even though the states are paying those benefits simply because, as the constitution protects people, not necessarily citizens, they are given equal rights and due process under the constitution, and by doing what this amendment does, what we are doing is patently unconstitutional. I know it is popular to suggest that resident aliens in this country presently, because there are Cubans here, should not receive welfare benefits, but in fact they are people, they are here, and the constitution in the Supreme Court upholds their rights to receive those benefits, and in another instance those people were Czechoslovakians in 1956 or in 1958, they were Ukrainians. For those people there was nobody to raise those issues then that they should not receive benefits, and they did receive benefits then. It just so happens that it is a minority that is not represented here and people feel free to limit their rights. Well, they have those rights under the constitution and under the Supreme Court decisions. What you will do tonight, if you vote for this amendment, is patently unconstitutional, and I urge you to vote for this motion. Thank you.

### PARLIAMENTARY INQUIRY

Mr. WILLIAMS. Mr. Speaker, a point of parliamentary inquiry before Mr. DiCarlo argues.

The SPEAKER. The gentleman from Philadelphia, Mr. Williams, will state his point of parliamentary inquiry.

Mr. WILLIAMS. Mr. Speaker, I would like to know what the amendment does so I can intelligently evaluate the arguments. If Mr. DiCarlo's amendment—

The SPEAKER. If the gentleman will yield, the Chair was attempting to recognize Mr. DiCarlo.

Mr. WILLIAMS. You may proceed to do so.

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

Mr. DiCARLO. Yes, Mr. Speaker. On the issue of constitutionality, we debated this very same issue 2 weeks ago. It is my contention that the State of Pennsylvania, the Commonwealth of Pennsylvania, indeed, does have the right to determine how to best use its resources, and with that, Mr. Speaker, I just ask the House to support the constitutionality of the amendment.

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

Mr. WILLIAMS. Mr. Speaker, if the gentleman, Mr. DiCarlo, would consent to interrogation.

The SPEAKER. The gentleman may proceed.

Mr. WILLIAMS. Mr. Speaker, you stated that your amendments were technical because the Legislative Reference Bureau made a mistake, and I am not sure precisely what that technical change does or what mistake they made so I would know exactly what you propose in your technical change.

Mr. RYAN. Mr. Speaker?

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

Mr. RYAN. May I give Mr. Williams a brief response to that question?

Mr. WILLIAMS. I would be most pleased, Mr. Speaker.

Mr. RYAN. Mr. Speaker, without going into the substance of the amendments as such, the amendment being offered now by Mr. DiCarlo corrects one phase of the amendment that was inserted in this House 2 weeks ago. If Mr. DiCarlo's original amendment stayed in, it would do away with all general assistance in Pennsylvania, and that is the technical error that they are trying to correct, Mr. Speaker.

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

Mr. DiCARLO. Thank you for that help, Mr. Speaker. Thank you, Mr. Speaker.

Mr. WILLIAMS. I cannot believe it.

Mr. RYAN. I am trying to help them, and you are trying to hurt them. Now, I suggest you sit down and let this one go in, Mr. Speaker.

Mr. WILLIAMS. Mr. Speaker, if I might. With all of the subliminal glee, I must be very honest. I do not believe, on the constitutional question, that we could do what you just said we did constitutionally anyway. As the speaker said, the amendment is constitutional. Your statements just redouble that arrogance that we have already done, admittedly, what is unconstitutional. I would suggest that we listen very closely to the Speaker, because obviously the subject that he raises confounds us all by your admission, Mr. Speaker, and very seriously so.

I would support the Speaker's argument as to our constitutional right to do what we very wise people attempted to do. I strongly disagree with a policy that seeks to protect, enhance, and put its arms around a grouping of people before we do that to our very own citizens. I strongly disagree with that policy and will fight in every way I can to prefer our citizens.

But I do not think that we can deceptively think we do something by way of an unconstitutional piece of legislation. I think the speaker is entirely right. I think the cases he cites support that, but I think we ought to be men and women enough to recognize that we pass something unconstitutional and that we accept whatever consequences are in that. I support the speaker's position that the amendment, which already has been pronounced as unconstitutional, that the change attempted is also unconstitutional.

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

Mr. DAVIES. Mr. Speaker, the circumstances which the gentleman spoke to, the former speaker, as far as the matter of constitutionality could be challenged on many grounds. The volition of the people who came here is in question. Whether those people came to that Commonwealth under their own steam is a question of constitutionality. The 30-day clause of residency is a question of constitutionality. There are many other ramifications, so I would suggest that the matter would be constitutional under the confines in which it was—

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

Mr. MURPHY. Mr. Speaker, I do not want to belabor the point, but I think this issue is important because it is an example of something that goes clearly in the face, against what is the law, what is the Supreme Court law on the Constitution. Let me just read for you just one case, and I will be brief. I would hope that everybody in this House would listen, because I think this is an example of this House of Representatives' grandstanding against a law and it belittles our reputation in the eyes of the public. If I may quote one of the cases I have here:

Although the Bill of Rights is a futile authority for an alien seeking admission to the country for the first time, nevertheless once an alien lawfully enters and resides in the country he becomes invested with the rights guaranteed by the Constitution to all people within the country's borders; such rights include those protected by the First and Fifth Amendments and by the due process clause of the Fourteenth Amendment, none of which provisions acknowledges any distinction between citizens and resident aliens, but which instead extend their inalienable privileges to all "persons" and guard against any encroachment on those rights by federal or state authority."

Now, if you tell me that this bill is constitutional in light of those Supreme Court hearings, I think you cannot read. Thank you.

The SPEAKER. Those who believe the amendment to be constitutional will vote "aye"; opposed, "no."

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

The following roll call was recorded:

YEAS—144

Alden	Foster, Jr., A.	Livengood	Rocks
Anderson	Freind	Lynch, E. R.	Rodgers
Armstrong	Fryer	McCall	Ryan
Arty	Gallagher	McClatchy	Salvatore
Austin	Gallen	McMonagle	Scheaffer
Belardi	Gamble	Mackowski	Serafini
Bittle	Gannon	Madigan	Shupnik
Borski	Gatski	Maiale	Sieminski
Bowser	Geesey	Manmiller	Sirianni
Brandt	Geist	Micozzie	Smith, E. H.
Brown	George, C.	Miller	Smith, L. E.
Burd	Giammarco	Moehlmann	Spencer
Cessar	Gladeck	Mowery	Stairs
Chess	Goebel	Mrkonic	Steighner
Cimini	Goodman	Mullen	Stuban
Civera	Grabowski	Murphy	Sweet
Clark, B. D.	Grieco	Nahill	Swift
Clark, M. R.	Gruppo	Novak	Taylor, E. Z.
Cochran	Hagarty	Noye	Taylor, F.
Cole	Halverson	O'Brien, B. F.	Telek
Cornell	Hasay	O'Brien, D. M.	Thomas
Coslett	Hayes, Jr., S.	Perzel	Vroon
DeMedio	Honaman	Peterson	Wass
DeVerter	Hutchinson, A.	Petrarca	Wenger
DiCarlo	Johnson, E. G.	Phillips	Wilson
Davies	Kanuck	Piccola	Wilt
Dietz	Klingaman	Pitts	Wright, D. R.
Dininni	Knight	Polite	Wright, Jr., J.
Dombrowski	Kolter	Pratt	Yahner
Donatucci, R.	Kowalyszyn	Pucciarelli	Zeller
Dorr	Lashingier	Durr	Zitterman
Duffy	Laughlin	Pyles	Zord
Durham	Lehr	Rappaport	Zwilk
Fee	Lescovitz	Rasco	
Fischer	Letterman	Reed	Seltzer,
Fisher	Levi	Ritter	Speaker
Foster, W. W.	Lewis		

NAYS—39

Berson	Hoefel	O'Donnell	Stewart
Cohen	Hutchinson, W.	Oliver	Street
Cowell	Irvis	Pievsky	Taddonio
Cunningham	Itkin	Pistella	Trello
DeWeese	Knepper	Pott	Wachob
Dawida	Kukovich	Rhodes	Wargo
Earley	Levin	Richardson	White
George, M. H.	McVerry	Schweder	Williams
Greenfield	Manderino	Seventy	Yohn
Harper	Michlovic	Spitz	

NOT VOTING—11

Barber	Cappabianca	Johnson, J. J.	Rieger
Beloff	Dumas	Jones	Shadding
Bennett	Gray	McIntyre	

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendments was sustained.

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

The following roll call was recorded:

YEAS—142

Alden	Freind	Levi	Rodgers
Anderson	Fryer	Lewis	Ryan
Arty	Gallagher	Livengood	Salvatore
Austin	Gallen	Lynch, E. R.	Scheaffer

Belardi	Gamble	McCall	Serafini
Bittle	Gannon	McClatchy	Sieminski
Borski	Gatski	McIntyre	Sirianni
Bowser	Geesey	McMonagle	Smith, E. H.
Brown	Geist	Mackowski	Smith, L. E.
Burd	George, C.	Madigan	Spencer
Cappabianca	George, M. H.	Manmiller	Steighner
Cessar	Giammarco	Miller	Stewart
Chess	Gladeck	Moehlmann	Stuban
Cimini	Goebel	Mowery	Sweet
Civera	Goodman	Mrkonic	Swift
Clark, B. D.	Grabowski	Mullen	Taddonio
Clark, M. R.	Grieco	Nahill	Taylor, F.
Cochran	Gruppo	Noye	Telek
Cole	Hagarty	O'Brien, B. F.	Thomas
Cornell	Halverson	O'Brien, D. M.	Trello
Coslett	Hasay	Perzel	Vroon
DeMedio	Hayes, Jr., S.	Peterson	Wargo
DeVerter	Honaman	Petrarca	Wass
DiCarlo	Hutchinson, A.	Phillips	Wenger
Davies	Hutchinson, W.	Piccola	Wilson
Dietz	Johnson, E. G.	Pitts	Wright, D. R.
Dininni	Kanuck	Polite	Wright, Jr., J.
Dombrowski	Klingaman	Pratt	Yahner
Dorr	Knepper	Pucciarelli	Yohn
Duffy	Kolter	Punt	Zeller
Durham	Kowalshyn	Pyles	Zitterman
Fee	Lashingner	Rasco	Zord
Fischer	Laughlin	Reed	Zwikl
Fisher	Lehr	Rieger	
Foster, W. W.	Lescovitz	Ritter	Seltzer,
Foster, Jr., A.	Letterman	Rocks	Speaker

NAYS—39

Armstrong	Greenfield	Manderino	Rappaport
Berson	Harper	Michlovic	Rhodes
Brandt	Hoefel	Micozzie	Schweder
Cohen	Iris	Murphy	Seventy
Cowell	Itkin	Novak	Spitz
Cunningham	Knight	O'Donnell	Street
DeWeese	Kukovich	Oliver	Wachob
Dawida	Levin	Pievsky	White
Donatucci, R.	McVerry	Pistella	Williams
Earley	Maiale	Pott	

NOT VOTING—13

Barber	Gray	Richardson	Stairs
Beloff	Johnson, J. J.	Shadding	Taylor, E. Z.
Bennett	Jones	Shupnik	Wilt
Dumas			

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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

On the question recurring,

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

Mr. PIEVSKY offered the following amendments:

Amend Title, page 1, line 5, by inserting after "PLANS," for certain data information,

Amend Sec. 2, page 4, line 29, by striking out "A SECTION" and inserting sections

Amend Bill, page 4, by inserting between lines 29 and 30

Section 704.3. Program and Fiscal Data Requirements.—

(a) Beginning with fiscal year 1980-1981 and for every fiscal year thereafter the department shall collect the following data from each county institution district or its successor in addition to any other data required by the department:

(1) Program Data Requirements.—

(i) For the immediately preceding fiscal year, current fiscal year and immediately succeeding fiscal year by county, an unduplicated count of dependent and delinquent persons to be served within each cost center and the days of service per person. This data shall be provided for services purchased by the county and for services provided directly by the county.

(ii) For the immediately preceding fiscal year and current fiscal year by county, an unduplicated count of the number of commitments to each public and private residential institution and the days of service per person.

(iii) For the immediately preceding fiscal year, current fiscal year and immediately succeeding fiscal year by county by cost center, a list of all vendors, an unduplicated count of the number of persons served or estimated to be served by each vendor, the per diem charged or to be charged and the days of service per person.

(iv) Data provided for individuals served during the current fiscal year for programs identified under subclauses (i), (ii) and (iii) of the Program Data Requirements section shall include the number of prior services provided to that individual by that program or by any program within the same cost center. The legislative purpose in requiring the collection of this data is to require the Department of Public Welfare to develop an annual report on the recidivism of persons who have been served at any facility or by any program funded by the County Child Welfare Appropriation, private institution for youth funded by the Commonwealth or State owned institution or forestry camp for youth offenders operated by the Commonwealth. This report shall be submitted to the House and Senate Welfare and Appropriations Committees by April 15 of each year.

(v) Any other program data as may be requested from time to time by the Majority or Minority Chairmen of the Appropriations Committees of the Senate or House of Representatives.

(2) Fiscal Data Requirements.—

(i) For the immediately preceding fiscal year, current fiscal year and immediately succeeding fiscal year a breakdown of children and youth expenditures for each county for each cost center by source of funds.

(ii) For the immediately preceding fiscal year and current fiscal year, the amount of money allocated to each county under subsections (b) and (h) of section 704.1 and a description of the activities and services financed with these moneys including the number and types of clients served under each of the grant programs.

(iii) For the immediately succeeding fiscal year by county by cost center, State fund costs to carry current fiscal year services through the following fiscal year and State fund costs for new or expanded services. Costs for new or expanded services shall not include funds estimated to be received and expended under subclause (ii).

(iv) Any other fiscal data as may be requested from time to time by the Majority or Minority Chairmen of the Appropriations Committees of the Senate or the House of Representatives.

(b) It is the intent of the General Assembly that this data be uniform in nature so as to allow for comparative analysis within and across fiscal years and that this data be provided by the department as part of the annual budget presentation to the Senate and House Appropriations Committees. All current fiscal year data presented as part of the annual budget presentation shall be finalized and presented to the Senate and House Appropriations Committees no later than thirty(30) calendar days after the end of the fiscal year.

On the question,

Will the House agree to the amendments?

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

Mr. PIEVSKY. I will be brief.

This amendment is an agreed-to amendment, cosponsored by my good colleague, Richard McClatchy. This amendment to SB 237 requires the Department of Public Welfare to provide the General Assembly with specific program and fiscal data related to the child welfare appropriation. Mr. Speaker, I urge support of this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—181

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

NAYS—0

NOT VOTING—13

Barber	Gray	McIntyre	Rieger
Beloff	Johnson, J. J.	Rhodes	Shadding
Bennett	Jones	Richardson	Williams
Dumas			

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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

BILL AND AMENDMENTS TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 237 together with amendments be placed upon the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS SIGNED BY SPEAKER

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

HB 2664, PN 3730

An Act making an appropriation to the Lansdowne Symphony Orchestra Association.

HB 2674, PN 3648

An Act making appropriations to the Hahnemann Medical College and Hospital of Philadelphia, Pennsylvania.

HB 2675, PN 3720

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

HB 2676, PN 3649

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

HB 2696, PN 3724

An Act making an appropriation to the Lancaster Cleft Palate.

HB 2697, PN 3725

An Act making an appropriation to the Pittsburgh Cleft Palate.

HB 2713, PN 3656

An Act making an appropriation to the Home for Crippled Children, Pittsburgh, Pennsylvania.

HB 2714, PN 3657

An Act making an appropriation to Children's Heart Hospital, Philadelphia, Pennsylvania.

CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 1299, PN 1954, entitled:

An Act providing for the comprehensive management and fixing of fees charged by administrative agencies and the judicial system.

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

Amend Sec. 102, page 2, line 12, by striking out "LAW." and inserting statute.

Amend Sec. 201, page 2, line 21, by striking out "AND SET IN LAW" and inserting exclusively by statute

Amend Sec. 201, page 2, lines 21 and 22, by striking out "BY ADMINISTRATIVE REGULATION." and inserting pursuant to this act.

Amend Sec. 201, page 3, line 12, by striking out "IN LAW" and inserting by statute

Amend Sec. 202, page 3, line 21, by inserting after "GOVERNOR'S" exclusive

Amend Sec. 202, page 3, line 21, by inserting after "ESTABLISH" certain

Amend Sec. 202, page 3, lines 23 and 24, by striking out "NOT FIXED BY LAW." and inserting which are authorized by statute and enumerated in Subchapter B.

Amend Bill, pages 4 through 17, lines 1 through 30; page 18, lines 1 through 10, by striking out all of said lines on said pages and inserting

Section 203. Governor's authority to propose fee rate changes.

(a) The Governor may propose, subject to review by the General Assembly, changes in the rates of fees collected by any agency which are authorized by statute and enumerated in Subchapter C. Such rates may be proposed so that each fee achieves its regulatory objective and produces receipts to cover the cost of the activities of the Commonwealth which are related to providing the good, service, certification, permit or license.

(b) Each proposal to change the rate of any fee or fees collected by any agency shall be submitted to the President pro tempore of the Senate and the Speaker of the House of Representatives and shall be proposed in the form of a Concurrent Resolution and placed on the calendar of each House on the next legislative day following its receipt and shall be considered by each House within 30 calendar days of continuous session of the General Assembly.

(c) Each proposal shall take effect immediately if adopted by Concurrent Resolution of the General Assembly approved by a majority vote of the duly elected membership of each House.

(d) Each proposal may be rejected either in whole or in part by Concurrent Resolution of the General Assembly approved by a majority vote of the duly elected membership of each House, prior to the expiration of the 30-day period. Upon the expiration of the 30-day period after the delivery of the proposal to the two Houses of the General Assembly and failure to act as provided in this section, each fee change proposal shall become effective.

(e) For the purposes of subsection (b):

(1) continuity of session shall be considered as broken only by an adjournment of the General Assembly sine die; but

(2) in the computation of the 30-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than ten days to a day certain.

#### SUBCHAPTER B

#### FEES ESTABLISHED BY GOVERNOR

Section 221. Department of Agriculture.

The Department of Agriculture is hereby authorized to charge the following fees:

(1) Fertilizer, soil conditioner, and plant growth substance registration, license and inspection fees. The objective of these fees is to reimburse the costs of regis-

tering, licensing and regulating the sale and distribution of mixed fertilizers and fertilizer materials.

(2) Commercial feed registration and inspection fees. The objective of these fees is to reimburse the costs of registering and regulating the distribution of commercial feeds and customer-formula feeds and pet foods.

(3) Agricultural liming materials license and inspection fees. The objective of these fees is to reimburse the costs of licensing and regulating the sale and distribution for agricultural purposes of ground limestone and of burned and hydrated lime.

(4) Fruit tree improvement program fees. The objective of these fees is to reimburse the costs of regulating the production practices used in the propagation of fruit trees.

(5) Seed certification and seed testing fees. The objective of these fees is to reimburse the total costs of providing this service to the industry.

(6) Apiary inspection fees. The objective of these fees is to reimburse the costs of controlling apiary disease within the Commonwealth.

(7) Nursery, greenhouse, and nursery dealers license fees. The objective of these fees is to reimburse the cost of controlling plant pests throughout the industry.

(8) Abattoir license fees. The objective of these fees is to reimburse the cost of providing an inspection of the slaughter facilities, the records of slaughter for disease trace back purposes, and control of blood and tissue sampling for regulatory diseases.

(9) Rendering plant license fees. The objective of these fees is to reimburse the cost of regulating the handling of diseased carcasses and maintaining the accurate record keeping necessary for disease control.

(10) Poultry technicians license fees. The objective of these fees is to reimburse the cost associated with the surveillance of laboratory work and the issuance of licenses.

(11) Livestock grading fees. The objective of these fees is to reimburse the cost of providing this service.

(12) Egg certification fees. The objective of these fees is to reimburse the costs of inspection, surveillance and administration of the program.

(13) Exhibitor fees:

- (i) competitive farm show;
- (ii) competitive farm equipment;
- (iii) commercial farm show; or
- (iv) commercial farm equipment exposition.

The objective of these fees is to reimburse as much of the cost of using the Farm Show facility for exhibition purposes as possible without creating an unreasonable financial burden upon payers of the fee.

(14) Veterinary diagnostic laboratory fees. The objective of these fees is to reimburse the cost of laboratory services performed.

Section 222. Department of Banking.

The Department of Banking is hereby authorized to charge the following fees:

(1) Examination fees paid by all financial institutions or other businesses regulated by the department. The objective of these fees is to reimburse the costs incurred in the performance of examination activities.

(2) Overhead assessment fees paid by banks, trust companies, bank and trust companies, savings banks, savings associations and credit unions. The objective of these fees is to reimburse the costs not otherwise reimbursed that are incurred in the regulation of the indicated businesses.

(3) Fees paid by banks, trust companies, bank and trust companies, savings banks, or savings associations to secure approval of the following actions:

- (i) establishment of a new bank, trust company, bank and trust company, savings bank, or savings association;
- (ii) establishment of a new branch office;
- (iii) conversion from a National charter to a State charter;
- (iv) merger or consolidation; or
- (v) dissolution.

The objective of these fees is to reimburse the fee-related costs incurred except examination costs that are incurred.

(4) Fees paid by individuals or businesses for copies of documents or department produced publications. The objective of these fees is to reimburse the fee-related costs.

#### Section 223. Department of Commerce.

The Department of Commerce is hereby authorized to charge the following fees:

*Copying fees paid by the public for copies of department documents and records.* The objective of the fee is to reimburse the costs incurred in performing the fee-related activities.

#### Section 224. Department of Community Affairs.

The Department of Community Affairs is hereby authorized to charge the following fees:

(1) Tuition fees from persons who attend training courses sponsored by the department. The objective of the fee is to reimburse training course expenses for which available funds are not sufficient and to enable the department to accurately project course interest and attendance. Tuition fees may vary among courses. The secretary may reduce or waive fees if she or he finds that the course is necessary to provide instruction on an essential priority, law, policy or mandate of State Government which the secretary believes will not be adequately attended if a fee is charged.

(2) Insignia of certification fees paid by manufacturers of industrialized housing. The objective of the fee is to reimburse the costs incurred by the department in performing the fee-related activities. The rates may vary according to type of product being manufactured.

(3) Application fees for approval to act as a Third Party Inspection and/or Evaluation Agency. The objective of the fee is to reimburse the costs incurred by the department in performing the fee-related activities. The rates may vary according to the function performed and according to whether the application is for approval or reapproval.

(4) Fees paid by manufacturers for evaluation and inspection services performed directly by the department. The objective of the fee is to reimburse the costs incurred by the department in performing the fee-related activities.

#### Section 225. Department of Education.

The Department of Education is hereby authorized to charge the following fees:

(1) Fees paid by those attending or wishing to attend any State college or university, schools of technology, schools for the deaf, and schools for veterans children:

- (i) application fee;
- (ii) correspondence courses;
- (iii) worthless checks;
- (iv) cap and gown;
- (v) noncredit course;
- (vi) student orientation;
- (vii) auxiliary enterprises (room and board);
- (viii) student community building;
- (ix) basic tuition;
- (x) diploma;
- (xi) examination for credit;
- (xii) transcript;
- (xiii) administration charge for medical technology students;

- (xiv) infirmary use;
- (xv) damage deposit;
- (xvi) key deposit;
- (xvii) late registration;
- (xviii) life experience;
- (xix) reading or study skills clinic;
- (xx) schedule change;
- (xxi) testing and counseling;
- (xxii) use of facilities;
- (xxiii) meal services;
- (xxiv) parking;
- (xxv) musical instrument rental;
- (xxvi) additional dormitory;
- (xxvii) preschool;
- (xxviii) class dues;
- (xxix) Reserve Officers Training Corps;
- (xxx) council dues;
- (xxxi) clinical or hospital; or
- (xxxii) swim suit.

The objective of these fees is to reimburse the Commonwealth for as much of the cost of conducting fee-related activities as possible without creating an unreasonable financial burden upon payers of the fee. The rate of these fees for those attending or wishing to attend any State college or university shall be established considering the recommendation of the Board of State College and University Directors.

(2) Fees paid by those attending or wishing to attend any State college or university, schools of technology, schools for the deaf, and schools for veterans children.

- (i) advanced deposit;
- (ii) late payment; or
- (iii) room deposit.

The objective of these fees is to minimize capricious use of a service, facility or product. The rate of these fees for those attending or wishing to attend any State college or university shall be established considering the recommendation of the Board of State College and University Directors.

(3) Teacher and secondary teacher certification and credentials evaluation fees. The objective of these fees is to reimburse the cost of conducting the fee-related activities.

(4) Rental fees paid for State supplied housing at institutions and field locations. The objective of these fees is to reimburse as much of the cost of providing the service as possible to obtain fair market rental for use of facilities.

#### Section 226. Department of Environmental Resources.

The Department of Environmental Resources is hereby authorized to charge the following fees:

(1) Charges for bid documents. The objective of these fees is to reimburse reproduction costs of the documents and to insure that those requesting the bid document are seriously interested in bidding.

(2) Forest camp leases. The objective of these fees is to reimburse administrative costs and obtain a fair market value return.

(3) Building leases and special building lease at Quehanna. The objective of these fees is to obtain fair market rental for occupancy of State-owned buildings.

(4) License for right-of-way and license for antenna site right-of-way. The objective of these fees is to cover administrative costs and charge for occupancy of State forest land.

(5) Road use agreement fees. The objective of these fees is to cover administrative costs of the fee-related activity.

(6) Camping permit, family camping, organized group tenting, family cabin rental, organized group camp, leased campsite and pavilion reservation rental fee. The objective of these fees is to reimburse as much of the cost of

providing the service as possible to obtain fair market rental for use of State-owned facilities.

(7) Boat launching, boat mooring permit, boat dock permit, boat mooring, boat launching and marina fees. The objective of these fees is to reimburse the cost of providing the fee-related service.

(8) Coal exploration permit, prospecting permit, and seismic survey fees. The objective of these fees is to reimburse the cost of preparing the permit and the cost of review and inspection of field operations.

(9) Compressor or pumping station pipeline right-of-way fees. The objective of these fees is to reimburse the cost of preparing the permit and the cost of review and inspection of field operations.

(10) Stone sale fees. The objective of these fees is fair market payment for stone products sold from State forest or park lands.

(11) Surface use agreement coal and stone fees. The objective of these fees is fair market payment for use of surface support rights owned by the Commonwealth.

(12) Gas storage lease fees. The objective of these fees is fair market payment for use of State forest land.

(13) Natural gas well classification application fees. The objective of these fees is to reimburse the cost of administration of the fee-related activity.

(14) Crossing of submerged land fees. The objective of these fees is for fair market payment for the use of submerged State lands.

(15) License agreements for submerged lands for commercial, municipalities and private recreational use fees. The objective of these fees is for fair market payment for the use of submerged State lands.

(16) Limited power fees. The objective of these fees is for fair market payment for use of regulated waters and cost of technical review.

(17) Water allocation fees. The objective of these fees is to reimburse the cost of review of utility surface water withdrawal.

(18) Dam and water obstruction inspection and permit fees. The objective of these fees is to reimburse the cost of initial review and annual inspection.

(19) Site location and storage of explosive fees at non-coal mines. The objective of these fees is to reimburse the cost of regulation and record keeping.

(20) Blaster certification fees for noncoal mines. The objective of these fees is to reimburse the cost of certification.

(21) Mine foreman examination and certification fees for noncoal mines. The objective of these fees is to reimburse the cost of examination and certification.

(22) Solid waste disposal land, demolition waste, industrial waste processing and disposal facility, processing facility, incinerator, and sewage sludge utilization and disposal permit fees. The objective of these fees is to reimburse the cost of review and regulation.

(23) Radioactive material license and radioactive source registration fees. The objective of these fees is to reimburse the cost of review and regulation.

(24) Mine drainage permit fees. The objective of these fees is to reimburse the cost of review.

(25) Coal refuse disposal permit fees. The objective of these fees is to reimburse the cost of review.

(26) Explosives purchase and sales permit fees. The objective of these fees is to reimburse the cost of review and regulation.

(27) Air quality plan approval and operating permit fees. The objective of these fees is to reimburse the cost of required reviews and inspection.

(28) Shellfish processing and bottled water license fees. The objective of these fees is to reimburse the cost of review and regulation.

(29) Organized camps, campground and camp registration fees. The objective of these fees is to reimburse the cost of review and regulation.

(30) Migrant labor camp permit fees. The objective of these fees is to reimburse the cost of review and regulation.

(31) Bathing place permit fees. The objective of these fees is to reimburse the cost of review and regulation.

(32) Water supply permit fees. The objective of these fees is to reimburse the cost of review and regulation.

(33) Recreational facilities fees including fees from skiing, swimming and concessionaire royalties. The objective of these fees is to reimburse as much of the cost of providing the service as possible to obtain fair market return for use of State-owned facilities.

(34) Fuel wood permit fees. The objective of these fees is to reimburse the cost of permit management.

(35) Mineral sales, royalties for recovery of materials and stumpage fees. The objective of these fees is to reimburse the cost of administration and obtain fair market return.

(36) Housing rent, ground rent and lease-hold fees. The objective is to obtain fair market rental.

(37) Recovery of damages to State property and cost of extinguishing forest fires. The objective of these fees is to reimburse the cost of damages and the cost of extinguishing forest fires.

(38) Fees for professional, consultative or other services. The objective of these fees is to reimburse the cost of the service.

#### Section 227. Pennsylvania Harness Racing Commission.

The Pennsylvania Harness Racing Commission is hereby authorized to charge the following fees:

(1) Laboratory testing fees paid by licensed racing associations. The objective of the fee is to raise revenue reasonably related to the costs incurred by the commission in conducting and analyzing the on-site, pre-race and post-race testing.

(2) License fees paid annually by associations to conduct harness race meetings with pari-mutuel wagering regulated by the commission. The objective of the fee is to raise revenue reasonably related to the costs incurred by the commission in performing the fee-related activities. The annual rate may vary equitably between associations based on the annual gross handle of each.

#### Section 228. Department of Health.

The Department of Health is hereby authorized to charge the following fees:

(1) Vital statistics fees. The objective of these fees is to reimburse the costs of issuing certified copies of birth and death records and no-record certifications.

(2) Certificate of need application fee. The objective of this fee is to reimburse the costs of reviewing certificate of need applications.

(3) Cafeteria and canteen charges. The objective of these fees is to reimburse as much of the raw food costs and labor costs associated with the preparation and distribution of food as possible without creating an unreasonable financial burden upon payers of the fee.

#### Section 229. Pennsylvania Horse Racing Commission.

The Pennsylvania Horse Racing Commission is hereby authorized to charge the following fees:

(1) Registration fees paid annually by persons applying to race horses under a stable name. The objective of the fee is to raise revenue reasonably related to the costs incurred by the commission in performing the fee-related activities and to afford distinction to those registered. The



rate is applicable to both original and renewal registrations.

(2) Registration fees paid annually by owners to establish the right to a specific combination, design or arrangement of racing colors. The objective of the fee is to raise revenue reasonably related to the costs incurred by the commission in performing the fee-related activities.

(3) License fees paid annually by corporations to conduct horse race meetings with pari-mutuel wagering regulated by the commission. The objective is to raise revenue reasonably related to the costs incurred by the commission in performing the fee-related activities. The rate is applicable to both original and renewal license applications.

(4) Registration fees paid annually by partnership owners of race horses. The objective of the fee is to raise revenue reasonably related to the costs incurred by the commission in performing fee-related activities. The rate is applicable to both original and renewal registrations.

Section 230. Department of Insurance.

The Department of Insurance is hereby authorized to charge the following fees:

Examination fees paid by all companies, associations, exchanges and fraternal benefit societies regulated by the department. The objective of these fees is to reimburse costs incurred in the performance of examination activities.

Section 231. Department of Justice.

The Department of Justice is hereby authorized to charge the following fees:

(1) Cafeteria and canteen charges. The objective of these fees is to reimburse as much of the raw food costs and labor costs associated with the preparation and distribution of food as possible without creating an unreasonable financial burden upon payers of the fee.

(2) Board of Pardons filing and form fees. The objective of these fees is to reimburse the cost of fee-related activities.

(3) Rental fees paid for State supplied housing at institutions and field locations. The objective of these fees is to reimburse as much of the cost of providing the service as possible to obtain fair market rental for use of State-owned facilities.

(4) Rental fees charged residents at community treatment centers and pre-release centers. The objective of these fees is to reimburse as much of the cost of providing the service as possible to obtain fair market rental for use of facilities.

Section 232. Department of Labor and Industry.

The Department of Labor and Industry is hereby authorized to charge the following fees:

Approval of building plans fees:

- (i) theatres and motion picture theatres;
- (ii) dry cleaning establishments;
- (iii) permanent grandstands and stadiums;
- (iv) special structures;
- (v) all other buildings;
- (vi) fire escapes and other means of egress;
- (vii) emergency lighting systems;
- (viii) fire alarm systems;
- (ix) sprinkler systems;
- (x) detector systems;
- (xi) seating plans when not part of building plans; or
- (xii) plans for alterations or revisions to buildings.

The objective of these fees is to reimburse the cost of the buildings examination process, including all costs associated with plans review and approval, field inspections and issuance of certificates of occupancy and approval letters.

Section 233. Milk Marketing Board.

The Milk Marketing Board is hereby authorized to charge the following fees:

Copying fees paid by the public for copies of any record, paper, or testimony. The objective of the fee is to raise revenue reasonably related to the costs incurred by the board in performing the fee-related activities.

Section 234. Department of Military Affairs.

The Department of Military Affairs is hereby authorized to charge the following fees:

(1) Maintenance fees paid by each resident of any Pennsylvania operated veterans home, the estate of a deceased resident, or the estate of a resident under guardianship. The objective of these fees is to reimburse as much as possible without creating an unreasonable financial burden of the costs of maintenance in an amount up to the total of said resident's daily per capita cost less Federal per diem payments for personal services and a pro-rata share of all other operating expenses for the preceding year, excluding the cost of new construction and equipment.

(2) Armory rental fees. The objective of these fees is to reimburse that portion of an armory's operating costs incurred by each renting agency.

(3) State-owned family housing rental fees. The objective of these fees is to reimburse all fixed and operating costs associated with the State-owned family housing units at Fort Indiantown Gap.

Section 235. Department of Public Welfare.

The Department of Public Welfare is hereby authorized to charge the following fees:

(1) Nursing school tuition fees. The objective of these fees is to reimburse the costs of the fee-related activities.

(2) Cafeteria and canteen charges. The objective of these fees is to reimburse as much of the raw food costs and labor costs associated with the preparation and distribution of food at the State general hospitals and other State institutions as possible without creating an unreasonable financial burden upon payers of the fee.

(3) Rental fees paid for State supplied housing at institutions and field locations. The objective of these fees is to reimburse as much of the cost of providing the service as possible to obtain fair market rental for use of the facilities.

Section 236. Pennsylvania Securities Commission.

The Pennsylvania Securities Commission is hereby authorized to charge the fees set forth in this section. The total amount of money received from the fees imposed under this section shall be sufficient, but not excessive, to cover the entire annual cost of the commission's operation:

(1) Filing fee paid by a person who makes application to the commission to extend an offering period for securities registered by coordination pursuant to section 205 of that act. The objective of this fee is to reimburse the commission for:

- (i) all costs incurred in providing services with respect to the processing of such application; and
- (ii) an appropriate share of other commission costs.

(2) Filing fee paid by a person who makes application to the commission for modification or waiver of conditions in either section 202 or 203 of the Pennsylvania Securities Act of 1972 as provided by section 204(a) of that act. The objective of this fee is to reimburse the commission for all costs incurred in providing services with respect to the processing of such application. The commission may waive payment of this fee where the total dollar amount of securities involved is small.

(3) Filing fees paid by issuers who delinquenty file post-effective reports as required by sections 207(k) and 209 of the Pennsylvania Securities Act of 1972. The objective of this fee is to reimburse the commission for:

(i) all costs incurred in providing services with respect to the processing of reports untimely filed under sections 207(k) and 209 of that act; and

(ii) the actual costs of enforcement activities against issuers who have violated the filing requirements of sections 207(k) and 209 of that act.

(4) Document fees paid by persons who request copies of documents on file with the commission or certifications by the secretary with respect to documents on file with the commission. The objective of these fees is to reimburse the commission for all costs incurred in providing such copies or certifications.

(5) Audit, examination, investigation, or prosecution fee paid by persons who have been found to have violated the provisions of the Pennsylvania Securities Act of 1972. The objective of this fee is to reimburse the commission for all costs incurred in conducting such examination, audit, investigation or prosecution.

(6) Publication fee paid by persons who request a publication issued under the authority of the commission. The objective of this fee is to reimburse the commission for all costs incurred in printing and distributing such publication.

(7) Examination fee paid by persons required to register under section 301 of the Pennsylvania Securities Act of 1972. The objective of this fee is to reimburse the commission for all costs incurred in the administration of an examination.

(8) Filing fee paid by broker-dealers, agents, and investment advisers registered under section 301 of the Pennsylvania Securities Act of 1972 who file a post-effective amendment pursuant to section 304(c) of that act. The objective of this fee is to reimburse the commission for all costs incurred in providing services with respect to the processing of such amendment. The commission shall not charge or collect this fee for any filing which relates solely to an amendment that would otherwise require the payment of a fee.

(9) Examination, audit, investigation, or prosecution fee paid by persons who have been found to have violated the provisions of the Takeover Disclosure Law. The objective of this fee is to reimburse the commission for all costs incurred in conducting such examination, audit, investigation or prosecution.

(10) Filing fee paid by persons who make application for discretionary exemption under section 8(b) of the Takeover Disclosure Law, or for a request for an order by the commission under section 3(vii) of the Takeover Disclosure Law. The objective of this fee is to reimburse the commission for all costs incurred in providing services with respect to the processing of such an exemption application or such a request. The commission may waive payment of this fee where the total dollar amount of the securities transaction is small.

#### Section 237. Pennsylvania State Police.

The Pennsylvania State Police is hereby authorized to charge the following fees:

(1) Fees for request for criminal history information. The objective of these fees is to reimburse the cost of providing the service.

(2) Fees for furnishing photographs for civil court proceedings or for criminal prosecution. The objective of these fees is to reimburse the cost of providing the service.

(3) Police Academy training fees. The objective of these fees is to reimburse the cost of providing the service.

(4) Fees for application, certification and renewal fees. The objective of these fees is to reimburse the cost of providing the service and to regulate private security agencies.

(5) Fees for policing of turnpike by the Pennsylvania State Police. The objective of these fees is to reimburse the cost of providing the service.

#### Section 238. Department of Transportation.

The Department of Transportation is hereby authorized to charge the following fees:

(1) Fees paid to obtain data and compiled statistical information. The objective of these fees is to reimburse the costs of fee-related activities.

(2) Fees paid to obtain permits to display outdoor advertising along public rights-of-way. The objective of these fees is to reimburse the cost of fee-related activities.

(3) Fees paid to obtain junkyard licenses. The objective of these fees is to reimburse the costs of fee-related activities.

(4) Fees paid to obtain traffic directional guidance signs and accessories. The objective of these fees is to reimburse the costs of fee-related activities.

(5) Fees paid to obtain certified copies of records of traffic studies, restrictions and traffic-control device installation. The objective of these fees is to reimburse the cost of fee-related activities.

(6) Fees paid to obtain all plans, manuals, microfilms and other publications published or reproduced by the department. The objective of these fees is to reimburse the cost of fee-related activities.

#### SUBCHAPTER C

#### FEEES PROPOSED BY GOVERNOR

#### Section 251. Department of Agriculture.

The Department of Agriculture is hereby authorized to charge the following fees:

(1) Pesticide fees:

- (i) pesticide dealers license;
- (ii) pesticide commercial license;
- (iii) pesticide product registration; or
- (iv) pest management consultant license.

The objective of these fees is to reimburse the costs of the licensing and registration process and the costs associated with regulating the sale and use of restricted pesticides by individuals, commercial dealers and users, and pest management consultants.

(2) Horse slaughtering license fees. The objective of these fees is to reimburse the cost of supervising the disposition of meat from horse slaughtering establishments.

(3) Garbage feeders license fees. The objective of these fees is to reimburse the cost of supervising the cooking of garbage fed to swine.

(4) Livestock branding fees. The objective of these fees is to reimburse the cost of registering nonduplicative brands for use by farmers in identification of livestock.

(5) Livestock agents and dealers license fees. The objective of these fees is to reimburse the costs associated with regulating livestock market agents and dealers.

(6) Public weighmasters and solid fuel weighmasters license fees. The objective of these fees is to reimburse the costs of administering the licensing and inspection programs.

(7) Food handling license fees:

- (i) bakery license;
- (ii) frozen dessert license;
- (iii) nonalcoholic drink license; or
- (iv) cold storage license.

The objective of these fees is to reimburse the costs of inspection, assurance of sanitary conditions, issuance of licenses and registration of establishment location.

(8) Milk sanitation license fees:

- (i) approved inspector certification; or
- (ii) interstate milk shippers survey and rating.

The objective of these fees is to reimburse the cost of issuing certificates and administering the program.

(9) Farm produce dealers license fees. The objective of these fees is to reimburse the cost of licensing and regulating certain dealers in farm produce.

(10) Egg opening plant license fees. The objective of these fees is to reimburse the cost of identifying organizations engaged in the business of breaking eggs and selling all or part of the contents thereof for any purpose.

Section 252. Department of Banking.

The Department of Banking is hereby authorized to charge the following fees:

Licensing fees paid by consumer discount companies, foreign bank branch offices, money transmitters, pawnbrokers, collector-repossessors, installment sellers of motor vehicles and sales finance companies. The objective of these fees is to reimburse the costs other than examination costs incurred in the regulation and licensing of the indicated businesses.

Section 253. Department of Commerce.

The Department of Commerce is hereby authorized to charge the following fees:

License fees paid annually by individuals to function as pilots on the Delaware River. The objective of the fee is to reimburse the costs incurred in performing the fee-related activities. The rate is applicable to both original and renewal license applications.

Section 254. Department of Community Affairs.

The Department of Community Affairs is hereby authorized to charge the following fees:

(1) Copying fees paid by the public for copies of department documents, publications, records, and maps. The objective of the fee is to reimburse the costs incurred by the department in performing the fee-related activities.

(2) Fee paid by persons requesting the issuance of a warrant. The objective of the fee is to reimburse the costs incurred by the department in performing fee-related activities.

(3) Fees paid by persons requesting the issuance of a patent. The objective of the fee is to reimburse the costs incurred by the department in performing the fee-related activities.

(4) Board of Appraiser's fees paid by persons applying to purchase vacant or unappropriated public land. The objective of the fee is to reimburse the costs incurred by the department in performing fee-related activities. The rate shall be set so that the members of the board are reimbursed at a level commensurate with their hourly professional charges and functions performed for the board.

(5) Fees paid by persons to cancel liens. The objective of the fee is to reimburse the costs incurred by the department in performing the fee-related activities.

(6) Fees paid by persons for search of a record by the department. An hourly charge shall be established to reimburse the costs incurred in performing the fee-related activities. The fee rate shall vary according to the time involved in the search.

(7) Fees paid by governing bodies of each local government unit for filing with the department as specified in the act of July 12, 1972 (P.L.781, No.185), known as the "Local Government Unit Debt Act." The objective of the fee is to reimburse the costs incurred by the department in performing fee-related activities. The rates charged shall vary in proportion to the dollar aggregate of the filing in addition to a standard base rate.

Section 255. Department of Education.

The Department of Education is hereby authorized to charge the following fees:

- (1) Private academic schools fees including;
  - (i) initial license;
  - (ii) license renewals;
  - (iii) certification of private academic school teachers and assistant teachers;
  - (iv) approval of educational directors; or
  - (v) supplemental or new program submissions.

The objective of these fees is to reimburse the cost of conducting the fee-related activities.

- (2) Private business schools fees including;
  - (i) initial operating license;
  - (ii) initial approval of an out-of-state school soliciting in Pennsylvania;
  - (iii) annual license renewal;
  - (iv) annual renewal of out-of-state approval;
  - (v) initial and annual license of agents in State and out-of-state;
  - (vi) supplemental or new program submissions;
 or
  - (vii) approval for instructors, directors and acting directors.

The objective of these fees is to reimburse the cost of conducting the fee-related activities.

- (3) Private correspondence schools fees including;
  - (i) initial license for the operation of a school in Pennsylvania;
  - (ii) initial approval for an out-of-state school soliciting in Pennsylvania;
  - (iii) annual renewal of license of school operating in Pennsylvania;
  - (iv) annual renewal of approval for out-of-state school to solicit in Pennsylvania;
  - (v) initial and annual fee for all agents employed by schools in State or out-of-state; or
  - (vi) supplemental or new program submissions.

The objective of these fees is to reimburse the costs of conducting the fee-related activities.

(4) Private driver training school instructor and agent licensing. The objective of these fees is to reimburse the cost of conducting the fee-related activities.

- (5) Private trade school fees including;
  - (i) initial operating license;
  - (ii) initial approval of an out-of-state school soliciting in Pennsylvania;
  - (iii) annual license renewal;
  - (iv) annual renewal of out-of-state approval;
  - (v) initial and annual license of agents in-state and out-of-state;
  - (vi) supplemental and new program submissions;
 or
  - (vii) approval for instructors, directors and acting directors.

The objective of these fees is to reimburse the cost of conducting the fee-related activities.

Section 256. Department of Environmental Resources.

The Department of Environmental Resources is hereby authorized to charge the following fees:

(1) Snowmobile dealer registration and individual snowmobile registration fees. The objective of these fees is to pay the full cost of the snowmobile program.

(2) Water well driller's license and drilling rig permit fees. The objective of these fees is to reimburse the cost of administration of the fee-related activity.

(3) Oil and gas conservation well permit fees. The objective of these fees is to reimburse the costs of fee-related services.

(4) Examination and certification fees for various jobs in the coal mining industry including mine foreman, assistant mine foreman, mine examiner, anthracite miner,

bituminous miner, shotfirer, machine runner and mine electrician. The objective of these fees is to reimburse the cost of examining and certifying applicants.

(5) Surface mining license fees. The objective of these fees is to reimburse the cost of administration of the fee-related activity.

(6) Surface mining permit fees. The objective of these fees is to reimburse the cost of reviewing applications and bonds.

(7) Blasters examination and certification fees. The objective of these fees is to reimburse the cost of training, examination and certification.

(8) Blasters license fees. The objective of these fees is to reimburse the cost of licensing and regulation.

(9) Magazine site location approval fees. The objective of these fees is to reimburse the cost of reviewing plans and site inspection.

(10) Eating and drinking place. The objective of these fees is to reimburse the cost of review and regulation.

(11) Operators of sewerage treatment plants and waterworks and sewerage enforcement officer certification fees. The objective of these fees is to reimburse the cost of reviewing applications and administering examination.

#### Section 257. Pennsylvania Harness Racing Commission.

The Pennsylvania Harness Racing Commission is hereby authorized to charge the following fees:

License fees paid annually by persons whose occupation and/or participation in harness race meetings is regulated by the commission. The objective of the fee is to raise revenue reasonably related to the costs incurred by the commission in performing the fee-related activities. The rates may vary equitably between license groups based on the relative value of the benefit derived from the privilege afforded by license. The rate is applicable to original and renewal license applications as well as to reclassification or replacement licenses.

#### Section 258. Department of Health.

The Department of Health is hereby authorized to charge the following fees:

(1) Health care institutions and/or providers license fees. The objective of these fees is to reimburse the costs incurred through the annual survey of those health care institutions and/or providers which are supervised, approved and/or licensed by the department.

(2) Drug and device registration fees. The objective of these fees is to reimburse the cost of annually registering the individuals and establishments engaged in the manufacture, distribution and sale of controlled substances, drugs, devices and cosmetics.

(3) Hearing aid sales registration and renewal fees. The objective of these fees is to reimburse the cost of examining, regulating and registering all dispensers and fitters of hearing aids.

(4) Registration fees for clinical laboratories. The objective of these fees is to reimburse the costs of regulating and inspecting all clinical laboratories to assure that they meet performance and safety standards and the costs of verifying the professional qualifications of the scientists and technicians who work in the laboratories.

(5) Blood bank registration fees. The objective of these fees is to reimburse the costs of annually registering and inspecting blood banks.

#### Section 259. Pennsylvania Horse Racing Commission.

The Pennsylvania Horse Racing Commission is hereby authorized to charge the following fees:

License fees paid annually by persons whose occupation and/or participation in thoroughbred horse racing is regulated by the commission. The objective of the fee is to raise revenue reasonably related to the costs incurred by the commission in performing the fee-related activities. The rates may vary equi-

tably between license groups based on the relative value of the benefit derived from the privilege afforded by the license. The rate is applicable to both original and renewal license applications.

#### Section 260. Department of Insurance.

The Department of Insurance is hereby authorized to charge the following fees:

(1) Application, license and certification fees for agents, brokers, variable annuity agents, public adjusters, public adjusters solicitors, qualified agents, surplus line agents, professional bondsmen, physical damage appraisers, Federal crime insurance agents, qualification to issue variable annuity, companies, associations, exchanges, fraternal benefit societies, rating organizations, managers and exclusive general agents. These fees are paid by individuals, partnerships, corporations, companies, associations, exchanges or fraternal benefit societies regulated by the department. The objective of these fees is to reimburse the costs of related processing and program activities.

(2) Fees paid by companies, associations, exchanges and fraternal benefit societies for the following actions: charter filing, charter amendment, annual statement filing, merger, valuation of life policies, stock exchange, stock acquisition, holding company registration, registration statement amendment, certification or verification of a document filed with the department, conversion from a fraternal benefit society to a mutual company, conversion from a stock company to a mutual company and conversion from a mutual company to a stock company. The objective of these fees is to reimburse the costs of related processing and program activities.

(3) Fees for compliance, deposit, surety, valuation and other certificates that a company, association, exchange or fraternal benefit society has fulfilled a statutory requirement. The objective of these fees is to reimburse fee-related costs.

(4) Fees for copies of documents or department produced publications. The objective of these fees is to reimburse fee-related costs.

#### Section 261. Department of Justice.

The Department of Justice is hereby authorized to charge the following fees:

(1) The annual fees under the act of October 15, 1975 (P.L.390, No.111), known as the "Health Care Services Malpractice Act." The objective of these fees is to reimburse the cost of administration of the Office of the Administration for Arbitration Panels for Health Care.

(2) The filing fees under the "Health Care Services Malpractice Act." The objective of these fees is to reimburse the costs related to the filing of an appeal, complaint, joinder of additional defendants and the issuance of subpoenas.

#### Section 262. Department of Labor and Industry.

The Department of Labor and Industry is hereby authorized to charge the following fees:

(1) Elevator fees:

(i) inspector's examination;

(ii) commission and initial credential card;

(iii) renewal credential card;

(iv) elevator plans approval;

(v) buildings hoists plans approval;

(vi) elevator and other hoist devices certificate renewals;

(vii) elevator and other hoist devices inspections;

or

(viii) elevator and other hoist devices check inspections.

The objective of these fees is to reimburse the cost of elevator and hoist device plans approvals and inspections.

the licensing of inspectors and the issuance of certificates and credential cards.

- (2) Boiler fees:
  - (i) inspector's examination;
  - (ii) original and renewal inspector's license;
  - (iii) certificates of operation for all boilers and unfired pressure vessels;
  - (iv) all internal and external boiler inspections by State inspectors;
  - (v) inspections of all unfired pressure vessels by State inspectors; or
  - (vi) hydrostatic test.

The objective of these fees is to reimburse the cost of boiler and unfired pressure vessels inspections, the licensing of inspectors and the issuance of certificates and licenses.

- (3) Bedding and upholstery fees:
  - (i) registration;
  - (ii) license;
  - (iii) initial and renewal disinfecting permit;
  - (iv) initial and renewal auctioneers certificate;
  - (v) initial and renewal stuffed toys license;
  - (vi) quarterly report fee; or
  - (vii) stamps in quantities of 1,000.

The objective of these fees is to reimburse the cost of registration, testing and issuance of permits, certificates and licenses.

(4) Liquefied petroleum gas fees for the registration of bulk plants, industrial/utility users, and dealers. The objective of these fees is to reimburse the cost of the registration process.

(5) Employment agency fees for employment agents class 1 and 2 licenses and employment agents registration. The objective of these fees is to reimburse the cost of the registration and licensing process.

- (6) Motion picture projectionist fees:
  - (i) projectionist's examination;
  - (ii) initial and renewal apprentice projectionist license; or
  - (iii) initial or renewal theatrical or motion picture projectionist license.

The objective of these fees is to reimburse the cost of licensing and examinations.

(7) Employer or representative contractor initial and renewal permit fees. The objective of these fees is to reimburse the cost of issuing permits.

(8) Farm labor contractor initial and renewal certificates of registration fees. The objective of these fees is to reimburse the cost of issuing certificates.

(9) Workmen's compensation insurance exemption fees. The objective of this fee is to reimburse the cost of processing employers' applications.

#### Section 263. Milk Marketing Board.

The Milk Marketing Board is hereby authorized to charge the following fees:

(1) License fees paid annually by milk dealers. The objective of the fee is to reimburse at least half of the costs incurred by the board in performing the fee-related activities. The rates charged shall vary in proportion to the volume of milk received, produced or brought within the Commonwealth by each dealer in addition to a standard base rate. The rate is applicable to both original and renewal license applications.

(2) License fees paid annually by milk sub-dealers. The objective of the fee is to reimburse at least half of the costs incurred by the board in performing the fee-related activities. The rates charged shall vary according to the number of milk routes owned and/or operated by each sub-dealer. The rate is applicable to both original and renewal license applications.

(3) Fees paid to transfer a milk dealer's license from one organization to another. The objective of the fee is to raise revenue reasonably related to the costs incurred by the board in performing the fee-related activities.

(4) License fee paid annually by milk haulers. The objective of the fee is to reimburse at least half of the costs incurred by the board in performing the fee-related activities. The rate is applicable to both original and renewal license applications.

(5) Application and examination fees paid by individuals for certificates of proficiency in milk testing. The objective of the fee is to raise revenue reasonably related to the costs incurred by the board in performing the fee-related activities, but not causing an unreasonable financial hardship on applicants.

(6) License fees paid annually by persons holding certificates of proficiency for milk testing. The objective of the fee is to raise revenue reasonably related to the costs incurred by the board in performing the fee-related activities, but not causing an unreasonable financial hardship on applicants. The rate is applicable to both original and renewal applications.

(7) Application and examination fees paid by individuals for certificates of proficiency in milk weighing and sampling. The objective of the fee is to raise revenue reasonably related to the costs incurred by the board in performing the fee-related activities, but not causing an unreasonable financial hardship on applicants.

(8) License fees paid annually by persons holding certificates of proficiency for milk weighing and sampling. The objective of the fee is to raise revenue reasonably related to the costs incurred by the board in performing the fee-related activities, but not causing an unreasonable financial hardship on applicants. The rate is applicable to both original and renewal applications.

#### Section 264. Department of Public Welfare.

The Department of Public Welfare is hereby authorized to charge the following fees:

Private mental hospital license fees. The objective of these fees is to reimburse the costs of the licensing activities.

#### Section 265. Department of Revenue.

The Department of Revenue is hereby authorized to charge the following fees:

(1) Fees for a certified copy or certified photostat copy of any department record. These fees shall not be charged to any Federal, State, county or municipal government authority. The objective of these fees is to reimburse the cost of providing a certified copy or certified photostat copy.

(2) Fees for lists of dealer-users and carriers of fuel. These fees are to be charged when the list is provided for other than governmental use. The objective of these fees is to reimburse the cost of providing the list.

- (3) Cigarette license fees:
  - (i) wholesale dealer;
  - (ii) retail dealer;
  - (iii) vending machine; or
  - (iv) stamping agent.

The objective of these fees is to reimburse the cost of providing the license and the cost of regulation.

(4) Certificate of lien fees. The objective of these fees is to reimburse the cost of providing a certificate of lien.

(5) Dog license or kennel license fees. The objective of these fees is to reimburse the cost of fee-related activities and to provide an incentive for the spaying of female dogs.

#### Section 266. Pennsylvania Securities Commission.

(a) The Pennsylvania Securities Commission is hereby authorized to charge the fees set forth in this section. The total amount of money received from the fees imposed under this section shall be sufficient, but not excessive, to cover the entire annual cost of the commission's operation:

(1) Filing fees paid by persons, except as provided in paragraph (2) below, who register an offer or sale of securities in this State by coordination under section 205 or by qualification under section 206 of the act of December 5, 1972 (P.L.1280, No.284), known as the "Pennsylvania Securities Act of 1972," pursuant to the section 201 registration provision of that act. The objective of these fees is to reimburse the commission for:

(i) all costs incurred in providing services with respect to the processing of a securities registration statement filed under section 205 or 206 of the Pennsylvania Securities Act of 1972; and

(ii) an appropriate share of other commission costs.

(2) Filing fees paid by an open-end or closed-end investment company, face amount certificate company or unit investment trust, as such terms are defined in the Investment Company Act of 1940, 15 U.S.C.A. §80a-2, which registers an offer or sale of securities in this State by coordination under section 205 or by qualification under section 206 or makes application for the exemption of securities transactions under section 203(i) of the Pennsylvania Securities Act of 1972 pursuant to the section 201 registration provision of that act. The objective of these fees is to reimburse the commission for:

(i) all costs incurred in providing services with respect to the processing of such securities registration statements or exemption application; and

(ii) an appropriate share of other commission costs.

(3) Filing fees paid by persons, except as provided in paragraph (2) above, who make application for the exemption of securities transactions from the section 201 registration provision of the Pennsylvania Securities Act of 1972 pursuant to section 203(d), (i), or (n) of that act. The objective of these fees is to reimburse the commission for:

(i) all costs incurred in providing services with respect to the processing of such exemption application; and

(ii) an appropriate share of other commission costs.

(4) Filing fees paid by persons who make application for the exemption of securities or securities transactions from the section 201 registration provision of the Pennsylvania Securities Act of 1972 pursuant to sections 202(g) or (i), 203(o)(i) or (ii), (p), (q), or (r) of that act. The objective of these fees is to reimburse the commission for all costs incurred in providing services with respect to the processing of such exemption application. The commission may waive payment of the fee for exemption applications made pursuant to section 202(i), or 203(r) of that act where the total dollar amount of the securities or securities transactions to be exempted is small.

(5) Filing fees paid by persons who make application for an initial or renewal broker-dealer, agent, or investment adviser license pursuant to the registration provisions of section 301 of the Pennsylvania Securities Act of 1972. The objective of these fees is to reimburse the commission for:

(i) all costs incurred in providing services with respect to the processing of an initial or renewal license application; and

(ii) an appropriate share of other commission costs.

(6) Filing fee paid by a broker-dealer registered in Pennsylvania who makes application to register each office which he maintains within the State. The objective of this fee is to reimburse the commission for:

(i) all costs incurred in providing services with respect to the processing of the registration of offices; and

(ii) an appropriate share of other commission costs.

(7) Transfer of agent fee paid by agents registered pursuant to section 301 of the Pennsylvania Securities Act of 1972 who make application to change employers. The objective of this fee is to reimburse the commission for all costs incurred in providing services with respect to the processing of such application.

(8) Escrow depository fee paid by a person who makes application for the commission to act as an escrow holder for securities pursuant to section 207(g) of the Pennsylvania Securities Act of 1972. The objective of this fee is to reimburse the commission for all costs incurred in the commission's acting as an escrow holder.

(9) Filing fee paid by persons who register a takeover offer pursuant to section 4 of the act of March 3, 1976 (P.L.42, No.19), known as the "Takeover Disclosure Law." The objective of this fee is to reimburse the commission for:

(i) all costs incurred in providing services with respect to the processing of the registration statement; and

(ii) an appropriate share of other commission costs.

(10) Filing fee paid by persons who make application for an exemption from registration of a takeover offer pursuant to section 8(a) of the Takeover Disclosure Law. The objective of this fee is to reimburse the commission for all costs incurred in providing services with respect to the processing of such exemption application.

(11) Filing fee paid by persons who initially file solicitation materials of target companies under section 6 of the Takeover Disclosure Law, except where the transactions or securities are exempted under section 8 of the Takeover Disclosure Law. The objective of this fee is to reimburse the commission for all costs incurred in providing services with respect to the processing of takeover offer solicitation materials of target companies.

(12) Filing fee paid by persons who make application for an initial or renewal license under section 5 of the act of May 5, 1921 (P.L.374, No.176). The objective of this fee shall be to reimburse the commission for all costs incurred in providing services with respect to the processing of an initial or renewal license application.

(b) All filing fees charged and collected by the Pennsylvania Securities Commission shall be retained in full by the commission irrespective of the ultimate disposition of such filing, except as provided for in subsection (c).

(c) Where an exemption application filed by an open-end or closed-end investment company, face amount certificate company or unit investment trust, as such terms are defined in the Investment Company Act of 1940, 15 U.S.C.A. § 80a-2, pursuant to section 203(i) of the Pennsylvania Securities Act of 1972 or a registration statement filed pursuant to section 205 or 206 of the same act is withdrawn prior to its becoming effective, the commission shall refund the filing fee paid less the actual cost to the commission for processing the exemption application or registration statement. However, the Commonwealth may retain the entire filing fee paid where the applicant or registrant applies to withdraw after a pre-effective stop order has been entered under section 208 of the Pennsylvania Securities Act of 1972 or where the registration statement or exemption application has become effective.

Section 267. Department of State.

The Department of State is hereby authorized to charge the following fees:

(1) Registration fees paid by charitable organizations which spend less than 7% of contributions received for administrative expenses, which receive gross contribution of

\$25,000 or less during the immediate preceding fiscal year, and those which receive gross contributions in excess of \$25,000 during the immediate preceding fiscal year. The objective of these fees is to reimburse the cost of conducting fee-related activities.

(2) Filing fees charged to interested candidates to file nominating petitions and papers for:

- (i) President;
- (ii) United States Senator;
- (iii) United States Congressman;
- (iv) Auditor General;
- (v) State Treasurer;
- (vi) Attorney General;
- (vii) State Senator;
- (viii) Representative in General Assembly;
- (ix) Delegate to Republican Convention;
- (x) Alternate Delegate to Republican Convention;
- (xi) Delegate to Democratic Convention;
- (xii) Alternate Delegate to Democratic Convention;
- (xiii) Republican State Committee; or
- (xiv) Democratic State Committee.

The objective of these fees is to reimburse the cost of conducting fee-related activities.

(3) Recording fees charged to recorders of deeds for filing:

- (i) notary public bonds;
- (ii) county officer bonds recognizances;
- (iii) unit of assistance (sheriff);
- (iv) justice of the peace commissions (district justice);
- (v) magistrate commissions;
- (vi) associate judges commissions;
- (vii) county treasurer commissions;
- (viii) county controller commissions;
- (ix) register of wills bonds;
- (x) recorder of deeds bonds;
- (xi) railroad police commission;
- (xii) commissioner of deeds;
- (xiii) great seal certificates:
  - (A) prothonotary - county;
  - (B) clerk of courts - county;
  - (C) register of wills - county;
  - (D) recorder of deeds - county;
  - (E) notary public - county; or
- (xiv) filing bond for any public office.

The objective of these fees is to reimburse the cost of conducting fee-related activities.

(4) Fees charged for certification requiring the Secretary's Seal and for writs which must be certified by affixing the Great Seal. The objective of these fees is to reimburse the cost of conducting fee-related activities.

(5) Fees charged for commissioning notary public. The objective of these fees is to reimburse the cost of conducting fee-related activities.

(6) Fees paid by corporations for the following transactions:

- (i) reservation of corporate name;
- (ii) articles of incorporation, letters patent, articles of conversion or domestication;
- (iii) articles of merger or consolidation;
- (iv) certificate of authority and amended certification of authority;
- (v) statement of merger or consolidation by a foreign corporation;
- (vi) ancillary transactions:
  - (A) preclearance of document;
  - (B) amendment of articles or charter;

- (C) restatement of articles or charter;
- (D) change in registered or principal office;
- (E) change in share structure;
- (F) increase or decrease in capital stock;
- (G) election to dissolve;
- (H) dissolution;
- (I) reorganization;
- (J) withdrawal of foreign corporations; or
- (K) registration of corporate fictitious name;
- (vii) individual fictitious name registration and ancillary transaction:
  - (A) preclearance of document;
  - (B) supplemental statement of changes of address;
  - (C) amendment of applications;
  - (D) statement of cancellation.
- (viii) service of process;
- (ix) trademarks, emblems, labels;
- (x) copy fees;
- (xi) certified copies;
- (xii) all certificates;
- (xiii) report of record search; or
- (xiv) uniform commercial code financing statements.

The objective of these fees is to reimburse the cost of fee-related costs.

(7) Fees paid for examinations, professional licensing and licensing of business places for the following professional occupations:

- (i) architects;
- (ii) auctioneers;
- (iii) barbers;
- (iv) chiropractic;
- (v) cosmetology;
- (vi) certified public accountants;
- (vii) dental;
- (viii) engineers;
- (ix) funeral director;
- (x) landscape architects;
- (xi) medical;
- (xii) motor vehicle sales and manufacturers;
- (xiii) nurse;
- (xiv) nursing home administrator;
- (xv) optometry;
- (xvi) osteopath;
- (xvii) pharmacy;
- (xviii) physical therapy;
- (xix) podiatry;
- (xx) psychology;
- (xxi) real estate; or
- (xxii) veterinary.

The objective of these fees is to reimburse the cost of fee-related activities.

(8) Fees paid by professional licensees for:

- (i) late penalty fee;
- (ii) duplicate license;
- (iii) duplicate certificate;
- (iv) copies of transcripts and other official documents; or
- (v) charge for listings of licensees.

The objective of these fees is to reimburse the cost of fee-related activities.

(9) Fees paid for the licensing of those engaged in boxing and wrestling events, bond filing, the issuance of seating capacity permits and additional licensing. The objective of these fees is to reimburse the cost of fee-related activities.

Section 268. Pennsylvania State Police.

The Pennsylvania State Police is hereby authorized to charge the following fees:

Fees for certified Pennsylvania State Police record of investigation of a vehicle accident. The objective of these fees is to reimburse the cost of providing service.

Section 269. Department of Transportation.

The Department of Transportation is hereby authorized to charge the following fees:

- (1) Registration related fees paid by vehicle users:
  - (i) transfer of registration;
  - (ii) temporary registration plates;
  - (iii) replacement registration plates;
  - (iv) legislative registration plates;
  - (v) duplicate registration cards (ordered at time of registration, transfer or renewal); or
  - (vi) duplicate registration cards (ordered other than at time of registration, transfer or renewal).

The objective of these fees is to reimburse the costs of fee-related activities.

(2) Fees paid to secure proof of vehicle ownership and registration of messenger services. In addition, fees are collected for the following transactions:

- (i) manufacturers or dealers notification;
- (ii) security interest recording or change;
- (iii) copies of traffic accident reports;
- (iv) uncollectible check penalty; or
- (v) certified copies of driving, title or registration records.

The objective of these fees is to reimburse the costs of fee-related activities.

(3) Fees paid by salvors for the reclamation of abandoned vehicles. The objective of these fees is to reimburse the costs of fee-related activities.

(4) Fees paid by those requesting certified copies of driving records. The objective of these fees is to reimburse the costs of fee-related activities.

(5) Fees paid to obtain police accident reports that are unavailable from reporting police departments. The objective of these fees is to reimburse the costs of fee-related activities.

(6) Fees paid to obtain the following types of hauling permits:

- (i) special hauling permit (oversize vehicle);
- (ii) special hauling permit (overweight vehicles for number of tons exceeding registered gross weight);
- (iii) annual hauling permit (oversize or overweight quarry equipment);
- (iv) annual hauling permit (oversize equipment being manufactured);
- (v) annual permit (multiple highway crossings);
- (vi) permit for vehicles with oversize wheels and tires;
- (vii) special hauling permit (mobile home or similar oversize trailer);
- (viii) special escort fee;
- (ix) refund of unused portion of overweight permit fee;
- (x) chemical and fertilizer vehicle permits;
- (xi) supplement permit;
- (xii) uncollectible check penalty fee; or
- (xiii) utility construction equipment permit.

The objective of these fees is to reimburse the costs of administering the special hauling permit system.

(7) Fees paid to obtain highway occupancy permits and inspections to insure compliance with permit:

- (i) issuance fees;
- (ii) supplement fee for changes and time extensions;

- (iii) emergency permit card;
- (iv) driveway inspection;
- (v) underground facilities inspection;
- (vi) surface openings inspection;
- (vii) above ground facilities inspection;
- (viii) crossings inspection; or
- (ix) seismographic explorations inspections.

The objective of these fees is to reimburse the costs of fee-related activities.

(8) Fees paid to obtain bridge occupancy licenses and various charges to prepare bridges for use:

- (i) license issuance;
- (ii) inspection of work;
- (iii) restoration charges;
- (iv) additional charges to accommodate facilities for public utilities;
- (v) accommodation charges for pipelines and cables;
- (vi) annual rental charge; or
- (vii) car trucks.

The objective of these fees is to reimburse the costs of fee-related activities.

Amend Sec. 301, page 18, lines 17 and 18, by striking out "ALL POWER AND" and inserting the

Amend Sec. 301, page 18, line 20, by striking out "ESTABLISH THE" and inserting propose, subject to review by the General Assembly, changes in the rates of

Amend Sec. 402, page 19, line 26, by removing the comma after "IMMEDIATELY" and inserting a period

Amend Sec. 402, page 19, lines 26 through 29, by striking out "EXCEPT THAT THE" in line 26, and all of lines 27 through 29

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, SB 1299 as it stands before us has a number of fees enumerated in it, and fee increases. The amendment that I am proposing is somewhat of a compromise between what we originally proposed and defeated here some week or 10 days ago and what is before us on the calendar right now in its unamended form.

What we are proposing happen by these amendments gives the Governor, the executive branch, the power to set fees and, at such time as they have been determined, to notify the President pro tempore of the Senate and the Speaker of the House to place the fee schedule on our respective calendars for our review. The House and the Senate at that time by concurrent motion can reject in part or in whole all of the recommendations of the Governor, which will be on the calendar at that time. If it would be the desire of the legislature to increase fees over and above those recommended by the Governor, that would require separate legislation. It could not be done by resolution.

I would ask, Mr. Speaker, that the House adopt these amendments and, after adoption of the amendments, pass the bill so that the budget of Pennsylvania can be put in order and not require any diminution in the appropriations given to the various nonpreferred organizations. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.



Mr. MANDERINO. Mr. Speaker, will the majority leader consent to interrogation?

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

Mr. MANDERINO. Mr. Speaker, the House defeated a fee bill several days ago, and I spoke against that fee bill because it did not allow this General Assembly to know what fees were being raised by how much. This bill does not allow the General Assembly to know at this time what fees are being raised by how much, does it?

Mr. RYAN. No, it does not, not at this time.

Mr. MANDERINO. And, Mr. Speaker, when the Governor would raise those fees and send back to the General Assembly a schedule of some kind showing the fees that are raised, what is the procedure for approval or disapproval by the General Assembly, by this amendment?

Mr. RYAN. By this amendment the respective Houses of the General Assembly are notified. The suggested schedule fees are placed on our calendars. If we wish to reject any part or all of the suggested fees, it is done by concurrent resolution.

Mr. MANDERINO. Does that mean that the concurrent resolution must pass both the House and the Senate in order to reject in whole or in part?

Mr. RYAN. That is accurate, the same as a bill.

Mr. MANDERINO. So it may well be that I, as a member of the General Assembly, would not like to see a particular fee rise from, I am just going to say, \$5 to \$50 for a certain license. I would not like to see that, and perhaps 102 other members of the House of Representatives would not like to see that fee rise, but so long as 26 Senators did want that fee to rise, we could do nothing about it. Is that correct?

Mr. RYAN. That is correct.

Mr. MANDERINO. Thank you, Mr. Speaker. I have no further questions.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I think that the objection that we raised and many of us embodied in our vote against the fee bill presented the other day, wherein it was felt we were abdicating our authority to set fees, is not met, in my opinion, by the amendment that is before us. We still will not know how much a fee is going to be raised, from whom the \$15 million that will be raised by this fee bill will come. And even though a majority of this House of Representatives or, in the alternative, a majority of the Senate of Pennsylvania or the unanimous body of the House of Representatives or the unanimous Senate may disagree with the figures that the Governor uses, so long as the other body would approve such, we would be powerless to change it, which means that we have still abdicated the authority that we presently have to participate in the process and actually raise the fees in conjunction with the Senate and a signature by the Governor.

Mr. Speaker, I maintain that this amendment is no better than the amendment that we defeated several days ago, and I urge a negative vote on this amendment.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, briefly, God knows that this is not perfect legislation, and I just do not know what we will ever do here to create perfect legislation. There are provisions in this bill, assuming the amendments go in for a moment, that provide that the fees cannot be raised to an amount greater than that which is reasonably necessary to accomplish the purpose for which the fee is charged. It is not a revenue raiser as such, for the sole purpose of revenue raising, but rather to pay the cost of administering the department where the fee is to be charged.

I talked to any number of our members. I talked to the leadership on the other side, the leadership here, the executive, and felt that this was the best possible compromise that could be reached that would be acceptable or most acceptable to the members of the General Assembly - the setting of the fees by the executive, the review by the General Assembly, albeit that it would require both the House and the Senate to reject any of this - but it nevertheless was the method that made the most sense to a number of the people whom I talked to.

I recognize it is not perfect, but I also recognize something must be done to raise the revenues that are necessary to pay the bills on the appropriations that we have passed. Without this and the other portion of the revenue-raising package, without the action of the Governor, the nonpreferred appropriations we have passed will be reduced proportionately. I do not think any one of us here wants this to happen. This is one of the solutions to that problem. I am asking that this amendment be adopted and that the bill as amended then be passed. Thank you, Mr. Speaker.

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

Mr. FRYER. Mr. Speaker, would the majority leader stand for interrogation?

The SPEAKER. He will. The gentleman may proceed.

Mr. FRYER. Mr. Speaker, could the gentleman explain to the members of the House why we are making this radical change in procedure in fee setting?

Mr. RYAN. I do not believe that this should necessarily be deemed a radical change. Today, Mr. Speaker, the executive department has the right and in fact does set the fees for many of the items that are charged. By way of example, the fee bill that is before us now, SB 1299, unamended, with the provisions in it, raises approximately \$8 million of the \$15 million that we talk about. The other \$7 million is to be raised by the executive departments themselves, without legislation. Essentially, I guess what I am saying is if we adopted what is before us, unamended, that would be halfway there, halfway home on the \$15 million. The other half comes from the executive department itself. What I am suggesting we do is simply put that all together and handle it in this different fashion. I do not consider it a radical change.

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

To repeat, Mr. Speaker, this is a radical change. The majority leader has stated that we do have agencies which are permitted to set fees. Quite frankly, I regard that a mistake on the part of past legislatures.

It seems to me, Mr. Speaker, that we are obsessed with a shortage that is here and this is the vehicle to do it. It seems to me that the Governor could have the various agencies come before this legislature and state, I propose that we increase the fees for filing of candidates, for the dog license fees. These proposed changes will touch practically every constituent in this Commonwealth, and, Mr. Speaker, it seems to me that the Commonwealth, the Pennsylvania electorate, elected a Governor and they elected a legislature and they defined those duties. I think under the guise of a shortage to meet the budget, that if we use this method, you are giving up for all times a right that belongs to this legislature.

For instance, there are many problems that are connected with the various agencies. I read here a common phrase that runs throughout: The objective of these fees is to reimburse the cost of conducting fee-related activities. Mr. Speaker, what do we do on the filing of petitions for candidates? As you are aware, this legislature passed legislation which calls for a 10-percent audit of the returns of candidates. This is a very costly procedure. If they define these costs in this particular area, the cost could be that great—

#### POINT OF ORDER

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

Mr. STEWART. To raise a point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. STEWART. Mr. Speaker, rule 15 dictates that this House had adjourned approximately a half hour ago. Since there was no roll call of the members, I raise the point of order.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that the rule be suspended in order that the House may continue with its business of the evening.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Time out, Mr. Speaker.

#### POINT OF ORDER WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Stewart.

Mr. STEWART. At this time, upon consultation with higher-ups, I will withdraw my point of order upon the condition that the Speaker recognize me at a later date for the same point of order.

The SPEAKER. The gentleman will be recognized.

#### CONSIDERATION OF SB 1299 CONTINUED

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

Mr. FRYER. To complete my remarks, Mr. Speaker.

The SPEAKER. Does the gentleman wish to debate the amendments?

Mr. FRYER. Yes.

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

Mr. FRYER. Mr. Speaker, it seems to me that every member of this House should be concerned about the transfer of power to one man, to the Governor. Furthermore, we have as House members a 2-year term. One of the reasons for that 2-year term is that we should be more responsive to the people. Now, if this is passed and you have the changes in the fees that your constituents disagree with and you explain to them the process of how you go about to effect this change, I think they would be rather interesting letters, and they might be interested in why that power was transferred.

Mr. Speaker, I cannot approach this except from a transfer, that it seems to me it is more like a power grab than anything, and I can see down the road if this passes that there are going to be some serious problems with the constituents whom we seek to represent. I urge that we reject the amendment proposed.

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

Mr. ZELLER. Mr. Speaker, what Mr. Fryer is saying is so true, and my problem is that today, with the power that we have with the public employes' unions today, their right to strike, their right to actually in effect hold the State of Pennsylvania in hostage, you are asking for a problem here that this legislature should never lose, to constantly have a hold on it so that no organization could say that we are going to file for this, we are going to file for that, we are going to get more employes in here, more employes in here for services, and we are going to have to pay by letting the Governor and the powerful public employe unions that he has to deal with run this state. That is what you are going to allow. I said this in 1977, and you know what happened to me in 1978. They went all out after me, and I am going to keep saying it, and an organization over in the corner of this House supported that same group.

I am saying right now to any of you in here, if you are going to allow us to lose this, you are going to see one awful mess in this state, because they are going to come in here and they are going to run this state, and that is exactly what you are losing. So you better think twice before you turn this over to the administration, whom I respect, and I respect public employes' unions, but I do not respect the power they are trying to wield. Along with the strike clause and everything else, they are going to hold you in hostage.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—73

Anderson	Foster, Jr., A.	Madigan	Salvatore
Armstrong	Freind	Manmiller	Scheaffer
Arty	Gallen	Micozzie	Smith, L. E.
Bittle	Gannon	Miller	Spencer
Brandt	Geist	Moehlmann	Taddonio
Burd	Hagarty	Mowery	Telek
Cessar	Halverson	Nahill	Thomas
Civera	Hasay	Noye	Vroon
Clark, M. R.	Hayes, Jr., S.	O'Brien, D. M.	Wass
Cornell	Honaman	Perzel	Wenger
Coslett	Hutchinson, W.	Peterson	Wilson
Cunningham	Johnson, E. G.	Phillips	Wilt
DeVerter	Klingaman	Piccola	Wright, Jr., J.
Davies	Knepper	Pitts	Yohn
Dietz	Lashingner	Polite	Zord
Dininni	Lehr	Pyles	
Dorr	McClatchy	Rasco	Seltzer,
Earley	McVerry	Rocks	Speaker
Foster, W. W.	Mackowski	Ryan	

NAYS—111

Alden	Gamble	Livengood	Rodgers
Austin	Gatski	Lynch, E. R.	Schweder
Barber	Geesey	McCall	Serafini
Belardi	George, C.	McIntyre	Seventy
Berson	George, M. H.	McMonagle	Shupnik
Borski	Giammarco	Maiale	Sieminski
Bowser	Gladeck	Manderino	Sirianni
Brown	Goebel	Michlovic	Smith, E. H.
Cappabianca	Goodman	Mrkonic	Spitz
Chess	Grabowski	Mullen	Stairs
Cimini	Greenfield	Murphy	Steighner
Clark, B. D.	Grieco	Novak	Stewart
Cochran	Gruppo	O'Brien, B. F.	Street
Cohen	Harper	O'Donnell	Sweet
Cole	Hoeffel	Oliver	Swift
Cowell	Hutchinson, A.	Petrarca	Taylor, E. Z.
DeMedio	Irvis	Pievsky	Taylor, F.
DeWeese	Itkin	Pistella	Trello
DiCarlo	Kanuck	Pott	Wachob
Dawida	Knight	Pratt	Wargo
Dombrowski	Kolter	Pucciarelli	White
Donatucci, R.	Kowalyszyn	Punt	Williams
Duffy	Kukovich	Rappaport	Wright, D. R.
Durham	Laughlin	Reed	Yahner
Fee	Lescovitz	Rhodes	Zeller
Fischer	Letterman	Richardson	Zitterman
Fryer	Levi	Rieger	Zwinkl
Gallagher	Lewis	Ritter	

NOT VOTING—10

Beloff	Fisher	Jones	Shadding
Bennett	Gray	Levin	Stuban
Dumas	Johnson, J. J.		

EXCUSED—7

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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

BILL PLACED ON THIRD CONSIDERATION POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 1299 be placed on the third consideration postponed calendar.

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

RECONSIDERATION OF VOTE ON HB 756

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

Mr. D. M. O'BRIEN. Mr. Speaker, I move that the vote by which HB 756, PN 819, was defeated on the 30th day of June be reconsidered.

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

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

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

The following roll call was recorded:

YEAS—147

Alden	Foster, Jr., A.	Lewis	Ritter
Anderson	Freind	Livengood	Rodgers
Armstrong	Fryer	Lynch, E. R.	Ryan
Arty	Gallen	McCall	Salvatore
Belardi	Gamble	McClatchy	Scheaffer
Bittle	Gannon	McMonagle	Schweder
Bowser	Gatski	McVerry	Serafini
Brandt	Geesey	Mackowski	Seventy
Brown	Geist	Madigan	Shupnik
Burd	George, M. H.	Maiale	Sieminski
Cappabianca	Gladeck	Manmiller	Sirianni
Cessar	Goebel	Michlovic	Smith, E. H.
Chess	Goodman	Micozzie	Smith, L. E.
Cimini	Grabowski	Miller	Spencer
Civera	Grieco	Moehlmann	Spitz
Clark, B. D.	Gruppo	Mowery	Stairs
Clark, M. R.	Hagarty	Murphy	Steighner
Cochran	Halverson	Nahill	Stewart
Cohen	Harper	Noye	Stuban
Cole	Hasay	O'Brien, B. F.	Swift
Cornell	Hayes, Jr., S.	O'Brien, D. M.	Taddonio
Coslett	Hoeffel	O'Donnell	Taylor, F.
Cowell	Honaman	Oliver	Telek
Cunningham	Hutchinson, A.	Peterson	Thomas
DeVerter	Hutchinson, W.	Petrarca	Vroon
DeWeese	Johnson, E. G.	Phillips	Wargo
DiCarlo	Knepper	Piccola	Wass
Davies	Knight	Pistella	Wenger
Dawida	Kolter	Pitts	Wright, D. R.
Dietz	Kowalyszyn	Polite	Wright, Jr., J.
Dininni	Kukovich	Pott	Yohn
Dorr	Lashingner	Pratt	Zeller
Duffy	Lehr	Punt	Zitterman
Durham	Lescovitz	Pyles	Zwinkl
Earley	Letterman	Rappaport	
Fischer	Levi	Rasco	Seltzer,
Fisher	Levin	Reed	Speaker
Foster, W. W.			

NAYS—4

Austin	Dombrowski	Manderino	Mrkonic
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NOT VOTING—43

Barber	Giammarco	Mullen	Sweet
Beloff	Gray	Novak	Taylor, E. Z.
Bennett	Greenfield	Perzel	Trello
Berson	Irvis	Pievsky	Wachob
Borski	Itkin	Pucciarelli	White

DeMedio	Johnson, J. J.	Rhodes	Williams
Donatucci, R.	Jones	Richardson	Wilson
Dumas	Kanuck	Rieger	Witt
Fee	Klingaman	Rocks	Yahner
Gallagher	Laughlin	Shadding	Zord
George, C.	McIntyre	Street	

**EXCUSED—7**

Burns	Helfrick	Milanovich	Weidner
Caltagirone	McKelvey	Schmitt	

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

On the question recurring,  
Shall the bill pass finally?

**BILL PLACED ON FINAL PASSAGE  
POSTPONED CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 756 be placed on the final passage postponed calendar.

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

**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.

**HOUSE SCHEDULE**

The SPEAKER. Does the majority leader have any further business?

Mr. RYAN. Simply to say that we will have a long day tomorrow, I suspect. You may or may not know the Senate passed the unemployment compensation bill 31 to 17 or something. I would suggest you start going over to the Senate, picking up some old legal analysis of it, and start to read it up to go to sleep tonight.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. No further business, Mr. Speaker.

**COMMUNICATION FROM PENNSYLVANIA  
LEGISLATIVE BLACK CAUCUS**

PENNSYLVANIA LEGISLATIVE BLACK CAUCUS  
TO: MEMBERS OF THE GENERAL ASSEMBLY  
FROM: REPRESENTATIVE DAVID P. RICHARDSON,  
JR. CHAIRMAN,  
PENNSYLVANIA LEGISLATIVE BLACK  
CAUCUS

RE: MEETING WITH MEMBERS OF THE  
CONGRESSIONAL BLACK CAUCUS

This is to inform you of the meeting that took place on Thursday (June 26, 1980) with the members of the Congressional Black Caucus and the members of the Pennsylvania Legislative Black Caucus. The objective of our trip was to establish better lines of communication with our Congress-

persons with regard to the plight of Black and poor minorities in Pennsylvania and across the country. Our host for the day was The Honorable William H. Gray, III, of the Second Congressional District of Philadelphia, who arranged presentations to be made to the members of the Pennsylvania Legislative Black Caucus with regard to various areas of concern which included: The Honorable Cardiss Collins, The Honorable Ronald Dellums, The Honorable Julian Dixon, The Honorable William H. Gray, The Honorable Shirley Chisholm, The Honorable William Clay, The Honorable John Conyers, The Honorable Charles Diggs, The Honorable Melvin Evans, The Honorable Harold Ford, The Honorable Walter Fauntroy, The Honorable Augustus Hawkins, The Honorable Mickey Leland, The Honorable Parren Mitchell, The Honorable Charles Rangel, The Honorable Bennett Stewart, The Honorable Louis Stokes.

Some of the areas discussed were: housing, education, health, military spending, and the political atmosphere of this country. The presentations were enlightening and it should be noted that the Pennsylvania Legislative Black Caucus has a better understanding of the consequences and implications of Federal Legislation. We would like to take this opportunity to thank the members of the Congressional Black Caucus for the first-class treatment provided us, and we would hope that this is the first in a series of meetings to be conducted with our Congressional counterparts. Mr. Speaker, I would like at this time, to thank you for the opportunity to place this very important trip into the record of the Pennsylvania General Assembly.

David P. Richardson, Jr.  
(7-1-80)

**WELCOME**

The SPEAKER. The Chair welcomes to the front of the House Miss Celia Hildebrand of Pittsburgh, who is here today as the guest of Mr. Chess.

**ADJOURNMENT**

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

Mr. CIVERA. Mr. Speaker, I move that this House of Representatives do now adjourn until Wednesday, July 2, 1980, at 11 a.m., e.d.t.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 11:52 p.m., e.d.t., the House adjourned.