

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, OCTOBER 1, 1980

Session of 1980

164th of the General Assembly

No. 65

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE RONALD GAMBLE, member of the House of Representatives and guest chaplain, offered the following prayer:

Dear Lord, just about everyone who has stood before this House in this capacity has asked Your blessing of guidance and understanding. Today, O Lord, we ask for these two great blessings again, but for those who sacrifice so that we may serve our loved ones at home - our wives, our husbands, and our children - whose lives are constantly interrupted so that we can serve our fellowman. Lord, for them we ask Your divine blessing. In Jesus' name we pray. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

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

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 443, PN 2005; SB 988, PN 1998; SB 989, PN 2032; SB 990, PN 2033; SB 991, PN 2034, and SB 992, PN 2035.**

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 340, PN 3901, and HB 962, PN 3976.

The SPEAKER. The bills will appear on the calendar.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. Mr. Speaker, I request leaves of absence for Messrs. SPITZ and McKELVEY for today's session.

The SPEAKER. The Chair recognizes the minority whip. Mr. MANDERINO. Mr. Speaker, we ask for a leave of absence for Mr. MAIALE for today's session.

Mr. Speaker, we also ask that the leave we understand recorded for Mr. McMONAGLE was for the week. He is here today and he should be taken off leave.

The SPEAKER. Without objection, leaves will be granted.

MASTER ROLL CALL RECORDED

The SPEAKER. 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:

PRESENT—167

Alden	Freind	Levi	Reed
Anderson	Fryer	Levin	Rieger
Arty	Gallagher	Lewis	Ritter
Belardi	Gallen	Livengood	Rocks
Bennett	Gamble	Lynch, E. R.	Rodgers
Berson	Gannon	McCall	Salvatore
Bittle	Gatski	McClatchy	Scheaffer
Borski	Geesey	McIntyre	Schmitt
Brandt	Geist	McMonagle	Schweder
Brown	George, C.	McVerry	Serafini
Burd	George, M. H.	Mackowski	Seventy
Burns	Gladeck	Madigan	Shupnik
Callagironne	Goebel	Manderino	Sieminski
Cessar	Goodman	Manmiller	Sirianni
Chess	Grabowski	Michlovic	Smith, E. H.
Civera	Gray	Micozzie	Smith, L. E.
Clark, B. D.	Greenfield	Milanovich	Stairs
Clark, M. R.	Gruppo	Miller	Steighner
Cochran	Hagarty	Moehlmann	Stewart
Cole	Harper	Mowery	Stuban
Cornell	Hasay	Mrkonic	Sweet
Coslett	Hayes, Jr., S.	Mullen	Taddonio
Cowell	Helfrick	Murphy	Taylor, E. Z.
Cunningham	Hoeffel	Nahill	Taylor, F.
DeMedio	Honaman	Novak	Telek
DeVerter	Hutchinson, A.	Noye	Trello
DeWeese	Hutchinson, W.	O'Brien, B. F.	Vroon
DiCarlo	Irvis	O'Donnell	Wachob
Davies	Itkin	Oliver	Wargo
Dawida	Johnson, E. G.	Perzel	Wass

Dietz	Jones	Peterson	Wenger
Dininni	Klingaman	Petrarca	Williams
Dombrowski	Knepper	Phillips	Wilson
Donatucci, R.	Knight	Piccola	Wilt
Dorr	Kolter	Pievsky	Wright, D. R.
Duffy	Kowalshyn	Pistella	Wright, Jr., J.
Durham	Kukovich	Pitts	Yahner
Earley	Lashinger	Polite	Yohn
Fee	Laughlin	Pott	Zeller
Fischer	Lehr	Punt	Zitterman
Foster, W. W.	Lescovitz	Pyles	Zwikl
Foster, Jr., A.	Letterman	Rasco	

ADDITIONS—21

Armstrong	Grieco	Rhodes	Thomas
Bowser	Halverson	Richardson	White
Cappabianca	Kanuck	Ryan	
Cimini	Pratt	Shadding	Seltzer,
Cohen	Pucciarelli	Spencer	Speaker
Fisher	Rappaport	Swift	

NOT VOTING—8

Austin	Dumas	Johnson, J. J.	Street
Beloff	Giammarco	O'Brien, D. M.	Zord

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Ryan, who asks that his name be added to the master roll.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED**SB 321, PN 2144 (Amended)**

By Rep. WILT

An Act amending the act of October 27, 1955 (P. L. 744, No. 222), entitled, as amended, "Pennsylvania Human Relations Act," further providing for the payment of reasonable expenses, hearing examiners and making editorial changes.

LABOR RELATIONS.**MEMBER'S PRESENCE RECORDED**

The SPEAKER. The Chair recognizes gentleman from Lehigh, Mr. Kanuck, who asks that his name be added to the master roll.

MR. HOWARD JARVIS PRESENTED

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

Mr. KANUCK. Mr. Speaker, I have today the very distinct pleasure of welcoming to the Pennsylvania House of Representatives a most distinguished champion in the fight for meaningful tax- and government-spending reform. I am referring to Mr. Howard Jarvis of Los Angeles, California, who is here with us today on the floor. As you know he is the author and driving force behind Proposition 13 in California and other successful tax-reform measures adopted in that state and elsewhere across this country.

Mr. Jarvis is here in Pennsylvania today to kick off a new statewide initiative to bring HB 1 to life and the law here in Pennsylvania.

MEMBERS' PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen; the gentleman from Erie, Mr. Cappabianca; the gentleman from Allegheny, Mr. D. M. Fisher; the gentleman from Lycoming, Mr. Grieco; the gentleman from Philadelphia, Mr. Rappaport; the gentleman from Crawford, Mr. Swift; the gentleman from Lawrence, Mr. Pratt; the gentleman from Lycoming, Mr. Cimini; the gentleman from Erie, Mr. Bowser, and the gentleman from Snyder, Mr. Thomas, all who ask that their names be added to the master roll.

CALENDAR**BILLS AGREED TO ON SECOND CONSIDERATION**

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 2386, PN 3977; HB 2489, PN 3941; SB 1454, PN 1876; HB 2828, PN 3765; SB 1427, PN 1830; SB 1428, PN 1831; SB 1429, PN 2110; SB 456, PN 2125; HB 2896, PN 3870; HB 2808, PN 3859; HB 2944, PN 3957; HB 2929, PN 3930; HB 2930, PN 3931; SB 1531, PN 2040; SB 1532, PN 2041; SB 1533, PN 2042; SB 1534, PN 2043; SB 1535, PN 2044; SB 1536, PN 2045; SB 1537, PN 2046; SB 1538, PN 2047; SB 1539, PN 2048; SB 1540, PN 2049; SB 1541, PN 2050; SB 1542, PN 2051; SB 1543, PN 2052; SB 1544, PN 2053; SB 1545, PN 2054; SB 1546, PN 2055; SB 1547, PN 2056; SB 1548, PN 2057; SB 1549, PN 2058; SB 1550, PN 2059; SB 1551, PN 2060; SB 1552, PN 2108; SB 1553, PN 2062; SB 1554, PN 2063; SB 1555, PN 2064; SB 1556, PN 2065; SB 1557, PN 2066; SB 1558, PN 2067; SB 1559, PN 2068; SB 1560, PN 2069; SB 1561, PN 2070; SB 1562, PN 2071; SB 1563, PN 2072; SB 1564, PN 2073; SB 1565, PN 2074; SB 1566, PN 2075; SB 1567, PN 2076; SB 1568, PN 2077; SB 1569, PN 2078; SB 1570, PN 2079; SB 1571, PN 2080; SB 1572, PN 2081; SB 1573, PN 2082; SB 1574, PN 2083; SB 1575, PN 2084; SB 1576, PN 2085; SB 1577, PN 2086; SB 1578, PN 2087; SB 1579, PN 2088; SB 1580, PN 2089; SB 1581, PN 2090, and SB 1582, PN 2091.

QUESTION OF INFORMATION

The SPEAKER. For what purpose does the gentleman from Snyder, Mr. Thomas, rise?

Mr. THOMAS. Mr. Speaker, on page 4, I liked your original version when you said that HB 2439 has been called up by the gentleman, Mr. Thomas, and then you reversed your decision. Can you tell me why that bill is not called up to third?

The SPEAKER. The Chair was in error. The Chair was following the markings of his calendar that were made by

the majority and minority leaders, and the Chair, as he was going through his calendar, missed the marking. The marking of the Chair's calendar was to go over today.

Mr. THOMAS. I will defer to my leader.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, when the calendar was being marked, Mr. Pievsky, the minority Appropriations Committee chairman, and Mr. Manderino requested that this be held over for amendments, I suppose.

Mr. THOMAS. Can we not move it to third and still have it amended?

MEMBERS' PRESENCE RECORDED

The SPEAKER. The following members ask that their names be added to the master roll:

The gentleman from Philadelphia, Mr. Richardson; the gentleman from Tioga, Mr. Spencer; the gentleman from Somerset, Mr. Halverson; and the gentleman from Westmoreland, Mr. A. K. Hutchinson.

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 1344, PN 2009**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," prohibiting fee sharing among county officers, employes and consultants or persons contracting for personal services with the county.

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?

Mr. GAMBLE offered the following amendments No. A8462:

Amend Title, page 1, line 6, by removing the period after "county" and inserting and further providing for monthly contributions, retirement allowances and interest on accumulated contributions.

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting

Section 1. Subsection (a) of section 1708, act of July 28, 1953 (P.L.723, No.230), known as the "Second Class County Code," amended December 11, 1979 (P.L.494, No.105), is amended and a subsection is added to read:

Section 1708. Compulsory Membership; Employes Payment Into Fund; Exceptions; Vested Interest.—(a) Each county employe shall be required to become a member of the county employes' retirement system within six months from the date of his or her employment. The said county employe may elect to become a member of the retirement system at any time during the aforesaid six months period of time by notifying the

head of the department, office or agency in which department, office or agency he or she is employed of the said election. A copy thereof shall be filed immediately with the board. He or she shall, each month, pay into the retirement fund a monthly contribution, being a certain percentage of the amount received by him or her as compensation during the preceding calendar month, which shall be computed on a monthly compensation of [two thousand dollars (\$2,000)] two thousand six hundred sixty-six dollars and sixty-six cents (\$2,666.66 or less. Except as provided in subsection (d), the monthly contribution shall be the percentage of his or her compensation as heretofore stated, on a graduated scale as follows:

For the year 1973 and thereafter, five per centum up to seven hundred fifty dollars (\$750) per month.

Seven and one-half per centum from seven hundred fifty dollars (\$750) to fifteen hundred dollars (\$1500) per month.

Ten per centum from fifteen hundred dollars (\$1500) to [two thousand dollars (\$2,000)] two thousand six hundred sixty-six dollars and sixty-six cents (\$2,666.66) per month.

Except as hereinafter provided, the aforesaid increase rate of monthly contributions to be paid into the retirement fund to enhance the actuarial soundness of said fund, shall be applicable to all county employes who are members of the retirement system. Such monthly contributions shall be collected by the county treasurer and by him paid into the retirement fund. The payment of the increased rate of the aforesaid monthly contributions shall not apply to such former county employes whose monthly contributions are now paid into said fund in accordance with the provisions of subsection (d) of section 1713. Any county employe receiving compensation for accidental injuries in accordance with the provisions of The Pennsylvania Workmen's Compensation Act shall during the period of time in which such county employe is receiving disability benefits, as provided in the aforesaid act, pay each month for retirement benefits a sum equal to the last monthly contribution as paid into the retirement fund when said county employe was in employment. The monthly contribution shall not be paid by any person who was receiving a retirement allowance and is subsequent to the thirty-first day of May, one thousand nine hundred fifty-three, reemployed as a county employe or any other person who is ineligible to become a member of the retirement system.

* * *

(e) The board, guided by the annual actuarial valuation of the retirement system, shall have the authority each year to increase the monthly retirement allowance which is required to be paid to all employes who have been, for at least one year, prior to the preceding annual actuarial study, eligible to receive a retirement allowance.

Section 2. Subsections (a) and (b.1) of section 1712 of the act, subsection (a) amended and subsection (b.1) added June 29, 1976 (P.L.461, No.116), are amended to read:

Section 1712. Amount of Retirement Allowances.—
(a) The retirement allowance paid under the provisions of this article shall equal fifty per centum of the amount which would constitute the average monthly compensation as received by the county employe during the highest twenty-four months of the last four (4) years of his employment or two years on a bi-weekly pay basis in which period of time the said county employe made monthly or bi-weekly contributions into the retirement fund prior to his or her retirement. Such average monthly compensation shall include the compensation which any county employe would have been entitled to and would have received except for deduction from compensation due to time spent in serving as an elected State official: Provided, That the county and the employe shall make monthly contributions based on the last compensation equal to the amount the county and he or she would have paid into the retirement fund had such compensation been paid by the county. No retirement

allowance shall be computed on a monthly compensation in excess of [two thousand dollars (\$2,000)] two thousand six hundred sixty-six dollars and sixty-six cents (\$2,666.66) nor shall a retirement allowance be paid for a fraction of a service year.

After the effective date of this amendment, certain former county employes who are now receiving a retirement allowance shall receive an increase of a certain per centum of such retirement allowance, which sum shall be computed on the average monthly retirement allowance as heretofore authorized by the board.

The per centum of increase in said monthly retirement allowance shall be a flat 10 per centum increase with the maximum amount not to exceed forty-five dollars (\$45.00) per month.

Any employe who earns in excess of ten thousand eight hundred dollars (\$10,800) per annum and shall retire during the period from January 1, 1973 to December 31, 1981 shall pay, as a condition to the payment of any benefits hereunder a lump sum contribution into the retirement fund, which contribution shall be computed as follows:

The difference between ten thousand eight hundred dollars (\$10,800) and the annual salary of the employe multiplied by the number of years during which he was not an employe of the county for the period aforesaid and upon that amount the sum of two per centum which shall be the lump sum contribution as required herein.

No person who is reemployed as a county employe shall be eligible to receive the benefit of a retirement allowance plus a service increment, if any, until he or she shall have made at least twenty-four monthly or fifty-two bi-weekly contributions into the retirement fund subsequent to his or her reemployment. The foregoing provisions shall not have a retroactive application and shall apply only to present and future county employes. The rate required to be paid in accordance with this provision shall apply to present county employes notwithstanding the rate of contribution that the present county employe has made into the retirement fund.

(b.1) In addition to the retirement allowance which is authorized by this article and notwithstanding the limitations therein placed upon retirement allowances, any present or future county employe who upon retirement shall be eligible to receive payment of a retirement allowance and who has been employed as such for twenty-one or more years during which period of time he or she shall have made monthly contributions into the retirement fund, shall also be eligible to the payment in addition to a retirement allowance a service increment of two per centum per year computed upon the annual retirement allowance to which he or she is entitled. Said service increment shall be the sum obtained by computing the number of years in excess of twenty years during which period of time he or she shall have made monthly or bi-weekly contributions into the retirement fund. No service increment shall be paid for more than [ten (10)] twenty (20) such excess service years nor shall a service increment be paid for a fraction of such service year.

* * *

Section 3. Subsection (a) of section 1714 of the act, amended December 10, 1970 (P.L.919, No.291), is amended to read:

Section 1714. Separation from Service; Refund of Contribution.—(a) Any person contributing monthly or bi-weekly into the retirement fund who shall, for any cause, cease to be a county employe before he or she shall be eligible to receive the benefits of the retirement allowances, the total amount of the contributions paid into the retirement fund by such county employe shall be refunded to him or her by the board, or, in the event of the death of any such county employe, the amount of said contributions shall be paid to such person or persons as he or she shall have designated in writing, as filed with the

board, as his or her beneficiary, or to his or her estate. If no person or persons have been designated as his or her beneficiary, or no notice has been filed with the board to pay the amount of such contributions to his or her estate, as herein provided, then the board is herewith authorized to pay such contributions to the executor, administrator, surviving spouse, or next of kin of the deceased county employe. In the event the surviving spouse or next of kin of the decedent cannot be found for the purpose of making distribution of such contributions for a period of seven years from the death of the said county employe, then the aforesaid contributions shall be escheated to the Commonwealth for the benefit of the retirement system. In addition thereto, interest shall be paid and compounded annually on the accumulated contributions of the member for the preceding calendar year at the rate of [three per centum] five per centum per annum on contributions made under subsection (a) of section 1708 upon the effective date of this amendment, provided that said county employe was employed for a period of two consecutive years or more and is not eligible to receive the benefits of a retirement allowance. Notwithstanding the provisions of this subsection, a member who has ceased to make contributions to the fund by payroll deduction shall thereafter be credited with interest only for a period of years equal to his years of current service under this amendment. Any person who has heretofore or who shall hereafter cease to be a county employe, shall thereafter cease to be a member of the retirement system, except such former county employe who may be eligible to receive the benefits of a retirement allowance plus a service increment if any in accordance with the provisions of sections 1710 and 1713.

* * *

Section 4. Section 2001 of the act is amended by adding a subsection to read:

Amend Sec. 3, page 3, line 9, by striking out "3" and inserting 5

On the question,

Will the House agree to the amendments?

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

Mr. GAMBLE. Mr. Speaker, this amendment involves only Allegheny County. Last December we passed legislation that would allow Allegheny County to increase the contribution ratio in their pension fund, and now, as a result of that, the pension fund is more solvent.

What this amendment does is simply to give the authority to the County of Allegheny based on their actuarial study any increase that they deem is justified to the pension system. This does not grant an increase; it gives the authority to Allegheny County to do so, and I would ask your support on this bill. In the past, as you know, we had to pass legislation granting an increase, and all we did was follow the lead of the county commissioners who followed the lead of the actuarial study on the pension fund. This is just to cut some red tape and put the onus back into Allegheny County where it belongs. I would appreciate your support.

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

Mr. D. M. FISHER. Mr. Speaker, has that amendment been circulated?

The SPEAKER. The gentleman, Mr. Gamble, indicates that it has.

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

Mr. D. M. FISHER. Mr. Speaker, would the gentleman from Allegheny, Mr. Gamble, consent to interrogation?

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

Mr. D. M. FISHER. Mr. Speaker, I understand what your amendment does is it authorizes the pension board in counties of the second class, Allegheny County, to increase certain pension benefits for county employes. Is that correct?

Mr. GAMBLE. That is correct.

Mr. D. M. FISHER. All right. There is nothing in this amendment per se which mandates that those increases be put in place is there?

Mr. GAMBLE. No.

Mr. D. M. FISHER. All right. Now, let us assume that the benefits are increased by the pension board and 2 or 3 years down the line their actuary determines that the fund is not actuarially sound. Would that pension board then be in a position to require an increase payment from the employes? Yes, they would. As a result of the legislation we passed last December, they would simply increase the contribution rates.

Mr. D. M. FISHER. So basically what we have done with prior legislation and this legislation then would be to put the entire discretion for managing the pension system for Allegheny County employes in the hands of the pension board. Is that correct?

Mr. GAMBLE. That is correct.

Mr. D. M. FISHER. Okay. Thank you, Mr. Speaker.

With the explanation from the gentleman, Mr. Gamble, on the intent of his amendment, I would urge support for the amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—170

Alden	Fisher	Laughlin	Richardson
Anderson	Foster, W. W.	Lehr	Ritter
Arty	Foster, Jr., A.	Lescovitz	Rocks
Belardi	Freind	Letterman	Rodgers
Bennett	Fryer	Levi	Ryan
Berson	Gallagher	Levin	Salvatore
Bittle	Gallen	Livengood	Schmitt
Borski	Gamble	Lynch, E. R.	Schweder
Bowser	Gannon	McCall	Serafini
Brandt	Geesey	McClatchy	Seventy
Brown	Geist	McMonagle	Shupnik
Burd	George, C.	McVerry	Sieminski
Burns	George, M. H.	Mackowski	Sirianni
Caltagirone	Gladeck	Madigan	Smith, E. H.
Cappabianca	Goebel	Manderino	Smith, L. E.
Cessar	Goodman	Manmiller	Spencer
Chess	Grabowski	Michlovic	Stairs
Cimini	Gray	Micozzie	Steighner
Civera	Greenfield	Milanovich	Stewart
Clark, B. D.	Grieco	Miller	Stuban
Clark, M. R.	Gruppo	Moehlmann	Sweet
Cochran	Hagarty	Mullen	Swift
Cohen	Halverson	Murphy	Taddonio
Cole	Harper	Nahill	Taylor, E. Z.
Cornell	Hasay	Novak	Taylor, F.

Coslett	Hayes, Jr., S.	Noye	Trello
Cowell	Helfrick	O'Brien, B. F.	Vroon
Cunningham	Hoeffel	O'Donnell	Wachob
DeMedio	Honaman	Oliver	Wargo
DeVerter	Hutchinson, A.	Peterson	Wass
DeWeese	Hutchinson, W.	Petrarca	Wenger
DiCarlo	Irviss	Phillips	Wilson
Davies	Itkin	Piccola	Wilt
Dawida	Johnson, E. G.	Pievsky	Wright, D. R.
Dietz	Jones	Pistella	Wright, Jr., J.
Dininni	Kanuck	Polite	Yahner
Dombrowski	Klingaman	Pott	Yohn
Dorr	Knepper	Pratt	Zeller
Duffy	Knight	Punt	Zitterman
Durham	Kolter	Pyles	Zwilk
Earley	Kowalshyn	Rappaport	
Fee	Kukovich	Rasco	Seltzer,
Fischer	Lashingier	Reed	Speaker

NAYS—4

Lewis	Mowery	Scheaffer	Telek
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NOT VOTING—23

Armstrong	Gatski	Perzel	Street
Austin	Giammarco	Pitts	Thomas
Barber	Johnson, J. J.	Pucciarelli	White
Beloff	McIntyre	Rhodes	Williams
Donatucci, R.	Mrkonic	Rieger	Zord
Dumas	O'Brien, D. M.	Shadding	

EXCUSED—3

McKelvey	Maiale	Spitz
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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—175

Alden	Foster, Jr., A.	Lescovitz	Ritter
Anderson	Freind	Letterman	Rocks
Arty	Fryer	Levi	Rodgers
Belardi	Gallagher	Levin	Ryan
Bennett	Gallen	Lewis	Salvatore
Berson	Gamble	Livengood	Scheaffer
Bittle	Gannon	Lynch, E. R.	Schmitt
Borski	Gatski	McCall	Schweder
Bowser	Geesey	McClatchy	Serafini
Brandt	Geist	McMonagle	Seventy
Brown	George, C.	McVerry	Shupnik
Burd	George, M. H.	Mackowski	Sieminski
Burns	Gladeck	Madigan	Sirianni
Caltagirone	Goebel	Manderino	Smith, E. H.
Cappabianca	Goodman	Manmiller	Smith, L. E.
Cessar	Grabowski	Michlovic	Spencer
Chess	Gray	Milanovich	Stairs
Cimini	Greenfield	Miller	Steighner
Civera	Grieco	Mowery	Stewart
Clark, B. D.	Gruppo	Mrkonic	Stuban
Clark, M. R.	Hagarty	Mullen	Sweet
Cochran	Halverson	Murphy	Swift
Cohen	Harper	Nahill	Taddonio
Cole	Hasay	Novak	Taylor, E. Z.
Cornell	Hayes, Jr., S.	Noye	Taylor, F.
Coslett	Helfrick	O'Brien, B. F.	Telek
Cowell	Hoeffel	O'Donnell	Thomas

Cunningham	Honaman	Oliver	Trello
DeMedio	Hutchinson, A.	Perzel	Vroon
DeVerter	Hutchinson, W.	Peterson	Wachob
DeWeese	Irvis	Petrarca	Wargo
DiCarlo	Itkin	Phillips	Wass
Davies	Johnson, E. G.	Piccola	Wenger
Dawida	Jones	Pievsky	Williams
Dietz	Kanuck	Pistella	Wilson
Dininni	Klingaman	Pitts	Wright, D. R.
Dombrowski	Knepper	Polite	Wright, Jr., J.
Dorr	Knight	Pott	Yohn
Duffy	Kolter	Pratt	Zeller
Durham	Kowalshyn	Punt	Zitterman
Earley	Kukovich	Rappaport	Zwilk
Fee	Lashingner	Rasco	
Fischer	Laughlin	Reed	Seltzer,
Fisher	Lehr	Richardson	Speaker
Foster, W. W.			

NAYS—0

NOT VOTING—22

Armstrong	Giammarco	Pucciarelli	Street
Austin	Johnson, J. J.	Pyles	White
Barber	McIntyre	Rhodes	Wilt
Beloff	Micozzie	Rieger	Yahner
Donatucci, R.	Moehlmann	Shadding	Zord
Dumas	O'Brien, D. M.		

EXCUSED—3

McKelvey	Maiale	Spitz
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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. D. M. O'BRIEN, the House resumed consideration on final passage of **HB 756, PN 819**, entitled:

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

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	Foster, Jr., A.	Levin	Rodgers
Anderson	Freind	Lewis	Ryan
Arty	Fryer	Livengood	Salvatore
Belardi	Gallagher	Lynch, E. R.	Scheaffer
Bennett	Gallen	McCall	Schmitt
Berson	Gamble	McClatchy	Schweder
Bittle	Gannon	McMonagle	Serafini
Borski	Gatski	McVerry	Seventy
Brandt	Geesey	Mackowski	Shupnik
Brown	Geist	Madigan	Sieminski
Burd	George, C.	Manderino	Sirianni
Burns	George, M. H.	Manmiller	Smith, E. H.
Caltagirone	Gladeck	Michlovic	Smith, L. E.
Cappabianca	Goebel	Micozzie	Spencer
Cessar	Goodman	Milanovich	Stairs
Chess	Grabowski	Miller	Steighner

Cimini	Gray	Moehlmann	Stewart
Civera	Greenfield	Mowery	Stuban
Clark, B. D.	Grieco	Mrkonic	Sweet
Clark, M. R.	Gruppo	Mullen	Swift
Cochran	Hagarty	Nahill	Taddonio
Cohen	Harper	Novak	Taylor, E. Z.
Cole	Hasay	Noye	Taylor, F.
Cornell	Hayes, Jr., S.	O'Brien, B. F.	Telek
Coslett	Helfrick	O'Donnell	Thomas
Cowell	Hoefel	Oliver	Trello
Cunningham	Honaman	Perzel	Vroon
DeMedio	Hutchinson, A.	Peterson	Wachob
DeVerter	Hutchinson, W.	Petrarca	Wargo
DeWeese	Irvis	Phillips	Wass
DiCarlo	Johnson, E. G.	Piccola	Wenger
Davies	Jones	Pistella	Wilson
Dawida	Klingaman	Pitts	Wilt
Dietz	Knepper	Polite	Wright, D. R.
Dininni	Knight	Pott	Wright, Jr., J.
Dombrowski	Kolter	Pratt	Yahner
Dorr	Kowalshyn	Punt	Yohn
Duffy	Kukovich	Pyles	Zeller
Durham	Lashingner	Rappaport	Zitterman
Earley	Laughlin	Rasco	Zwilk
Fee	Lehr	Reed	
Fischer	Lescovitz	Richardson	Seltzer,
Fisher	Letterman	Ritter	Speaker
Foster, W. W.	Levi	Rocks	

NAYS—2

Itkin	Murphy
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NOT VOTING—22

Armstrong	Dumas	O'Brien, D. M.	Shadding
Austin	Giammarco	Pievsky	Street
Barber	Halverson	Pucciarelli	White
Beloff	Johnson, J. J.	Rhodes	Williams
Bowser	Kanuck	Rieger	Zord
Donatucci, R.	McIntyre		

EXCUSED—3

McKelvey	Maiale	Spitz
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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 **SB 1262, PN 1663**, entitled:

An Act amending the act of July 19, 1965 (P. L. 216, No. 117), entitled "An act authorizing the Secretary of Mines and Mineral Industries to acquire, either amicably or by condemnation, certain lands affected by open pit or strip mines;....," further providing for the acquisition and ultimate use of certain lands.

On the question,

Will the House agree to the bill on third consideration?

Mr. MICHLOVIC offered the following amendments No. A8270:

Amend Sec. 2 (Sec. 1), page 2, line 21, by striking out "or"

Amend Sec. 2 (Sec. 1), page 2, line 21, by removing the semicolon after "benefits" and inserting or serve other public purposes;

Amend Sec. 3 (Sec. 7), page 5, line 11, by striking out "recreation"

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

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

Mr. MICHLOVIC. Mr. Speaker, this bill, SB 1262, deals with reclaimed land from surface mining projects, and my amendment is a simple one. The bill as it now reads would require that any of that land that is reclaimed would be used for public recreational purposes, and my amendment simply strikes out the word "recreational" and allows that land to be used for any public purpose. In other words, if a community wishes to build a fire department upon that reclaimed land, they can; if they wished to build a light industrial park on that land, they can, as long as it is for public purposes.

I think it is very important at this point to recognize that the state is getting into more and more difficulty in financing recreational activities throughout this state, and we are going to be in a very short time in a bind funding these and we ought not to limit the municipality from using this land for purposes other than recreational but always public purposes. I urge your affirmative vote. Thank you, Mr. Speaker.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Pucciarelli, who asks that his name be added to the master roll.

CONSIDERATION OF SB 1262 CONTINUED

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

The following roll call was recorded:

YEAS—175

Alden	Foster, Jr., A.	Lescovitz	Richardson
Anderson	Freind	Letterman	Ritter
Arty	Fryer	Levi	Rodgers
Belardi	Gallagher	Levin	Ryan
Bennett	Gallen	Livengood	Scheaffer
Berson	Gamble	Lynch, E. R.	Schmitt
Bittle	Gannon	McCall	Schweder
Borski	Gatski	McClatchy	Serafini
Bowser	Geesey	McMonagle	Seventy
Brandt	Geist	McVerry	Shupnik
Brown	George, C.	Mackowski	Sieminski
Burd	George, M. H.	Madigan	Sirianni
Burns	Gladeck	Manderino	Smith, E. H.
Caltagirone	Goebel	Manmiller	Smith, L. E.
Cappabianca	Goodman	Michlovic	Spencer
Cessar	Grabowski	Micozzie	Stairs
Chess	Gray	Miller	Steighner
Cimini	Greenfield	Moehlmann	Stewart
Civera	Grieco	Mowery	Stuban
Clark, B. D.	Gruppo	Mrkonic	Sweet
Clark, M. R.	Hagarty	Mullen	Swift
Cochran	Halverson	Murphy	Taddonio
Cohen	Harper	Nahill	Taylor, E. Z.
Cole	Hasay	Novak	Taylor, F.
Cornell	Hayes, Jr., S.	Noye	Telek
Coslett	Helfrick	O'Brien, B. F.	Thomas
Cowell	Hoeffel	O'Donnell	Trello
Cunningham	Honaman	Oliver	Vroon
DeVerter	Hutchinson, A.	Perzel	Wachob

DeWeese	Hutchinson, W.	Peterson	Wargo
DiCarlo	Irvic	Petrarca	Wass
Davies	Itkin	Phillips	Wenger
Dawida	Johnson, E. G.	Piccola	Wilson
Dietz	Jones	Pievsky	Wilt
Dininni	Kanuck	Pistella	Wright, D. R.
Dombrowski	Klingaman	Pitts	Wright, Jr., J.
Donatucci, R.	Knepper	Polite	Yahner
Dorr	Knight	Pott	Yohn
Duffy	Kolter	Pratt	Zeller
Durham	Kowalshyn	Punt	Zitterman
Earley	Kukovich	Pyles	Zwikl
Fee	Lashingier	Rappaport	
Fischer	Laughlin	Rasco	Seltzer,
Fisher	Lehr	Reed	Speaker
Foster, W. W.			

NAYS—2

Rocks Salvatore

NOT VOTING—20

Armstrong	Dumas	Milanovich	Shadding
Austin	Giammarco	O'Brien, D. M.	Street
Barber	Johnson, J. J.	Pucciarelli	White
Beloff	Lewis	Rhodes	Williams
DeMedio	McIntyre	Rieger	Zord

EXCUSED—3

McKelvey Maiale Spitz

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—165

Alden	Freind	Lescovitz	Rocks
Anderson	Fryer	Levi	Rodgers
Arty	Gallagher	Levin	Ryan
Bennett	Gallen	Livengood	Salvatore
Berson	Gamble	Lynch, E. R.	Scheaffer
Bittle	Gannon	McCall	Schmitt
Borski	Gatski	McClatchy	Schweder
Bowser	Geesey	McMonagle	Seventy
Brandt	Geist	McVerry	Shupnik
Brown	George, C.	Mackowski	Sieminski
Burns	George, M. H.	Madigan	Sirianni
Caltagirone	Gladeck	Manderino	Smith, E. H.
Cappabianca	Goebel	Manmiller	Spencer
Cessar	Goodman	Michlovic	Stairs
Chess	Grabowski	Micozzie	Steighner
Cimini	Gray	Milanovich	Stewart
Civera	Greenfield	Miller	Stuban
Clark, B. D.	Grieco	Moehlmann	Sweet
Clark, M. R.	Gruppo	Mowery	Swift
Cochran	Hagarty	Mrkonic	Taddonio
Cohen	Halverson	Murphy	Taylor, E. Z.
Cole	Harper	Novak	Taylor, F.
Cornell	Hasay	Noye	Telek
Coslett	Hayes, Jr., S.	O'Brien, B. F.	Thomas
Cowell	Helfrick	O'Donnell	Trello
DeWeese	Hoeffel	Oliver	Vroon
DiCarlo	Honaman	Perzel	Wachob
Davies	Hutchinson, A.	Peterson	Wargo
Dawida	Hutchinson, W.	Petrarca	Wass
	Irvic	Phillips	Wenger

Dietz	Itkin	Piccola	Wilson
Dininni	Johnson, E. G.	Pievsky	Wilt
Dombrowski	Jones	Pistella	Wright, D. R.
Donatucci, R.	Klingaman	Pitts	Wright, Jr., J.
Dorr	Knepper	Polite	Yahner
Duffy	Knight	Pott	Yohn
Durham	Kolter	Pratt	Zitterman
Fee	Kowalyshyn	Punt	Zwinkl
Fischer	Kukovich	Rappaport	
Fisher	Lashingier	Rasco	Seltzer,
Foster, W. W.	Laughlin	Reed	Speaker
Foster, Jr., A.	Lehr	Richardson	

NAYS—4

Belardi	Kanuck	Lewis	Serafini
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NOT VOTING—28

Armstrong	Dumas	Nahill	Shadding
Austin	Earley	O'Brien, D. M.	Smith, L. E.
Barber	Giammarco	Pucciarelli	Street
Beloff	Johnson, J. J.	Pyles	White
Cunningham	Letterman	Rhodes	Williams
DeMedio	McIntyre	Rieger	Zeller
DeVerter	Mullen	Ritter	Zord

EXCUSED—3

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

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Mr. Speaker, on SB 1262 my light did not light on the board. I would like to be recorded in the affirmative, please.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 355, PN 1382**, 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 suspension and expulsion of pupils.

On the question,

Will the House agree to the bill on third consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 355 be laid on the table.

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

QUESTION ON CALENDAR BILL

The SPEAKER. The Chair recognizes the minority whip.
Mr. MANDERINO. Mr. Speaker, on page 17 there is a bill on the 14th day. In the event that the desk is open tomorrow, it may drop from the calendar and not be there Monday.

The SPEAKER. It is the intention of the Chair not to keep the desk open tomorrow but come back on Monday, so it would then be on the calendar on Monday for action.

Mr. MANDERINO. Thank you, Mr. Speaker.

BILL PASSED OVER TEMPORARILY

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

Mr. LETTERMAN. Mr. Speaker, I have an amendment to HB 2764. I would certainly like to see that run if possible.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, maybe we could pass that bill over temporarily. We are going to break for a caucus. There are two holds on that bill now, Mr. Speaker, and perhaps during the interval and the luncheon break we can figure out what the problem is.

The SPEAKER. The Chair withdraws his decision of the bill having been passed. HB 2764 will be passed over temporarily.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. Mr. Speaker, on the vote on SB 1344, I was not in my seat. Had I been in my seat, I would have been recorded in the affirmative. On HB 756 on final passage, I would like to be recorded in the affirmative, and on SB 1262 I would also like to be recorded in the affirmative.

HOUSE SCHEDULE AND REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, at this time I would suggest that we break for lunch and a caucus. So that the members of the House understand, it would be our intention to take up this afternoon on our return the triaxle bill which has not been caucused on and is back from the Senate for concurrence in Senate amendments. We also advise the minority leaders that we would like to review and possibly vote the attorney general bill which also passed the Senate last night and is over in the House. There are a number of other bills that are on the calendar that have already been

marked for action which may or may not be reached, but we feel that the triaxle bill and perhaps the attorney general bill should take priority.

With that, Mr. Speaker, I would ask that the House recess; that the members of the Republican caucus report to the caucus room at 1 o'clock, and that we return to the floor at 2.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, it will be necessary for the Democrats to meet in caucus especially about the triaxle bill and the AG - attorney general - bill. We will go in caucus at 1 o'clock and be prepared to return to the floor at 2.

QUESTION OF INFORMATION

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

Mr. A. C. FOSTER. Mr. Speaker, on HB 2351, did the Chair pass over that bill for today?

The SPEAKER. The gentleman is correct.

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Shadding, who asks that his name be added to the master roll.

RECESS

The SPEAKER. The Republican caucus at 1 p.m.; the Democratic caucus at 1 p.m.

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

AFTER RECESS

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

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

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

HB 1786, PN 3998.

The SPEAKER. The bill will appear on the calendar.

MEMBER'S PRESENCE RECORDED

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

Mr. ARMSTRONG. Mr. Speaker, I ask that my name be added to the master roll.

RECESS

The SPEAKER. The Chair has been advised that the Democratic caucus has asked an extension of the recess for an additional 15 minutes.

Without objection, recess is granted. This House will reconvene at 2:30 p.m.

AFTER RECESS

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 2960 By Representative KLINGAMAN

An Act making an appropriation to the Department of Environmental Resources to clean up toxic waste in Kline Township, Schuylkill County.

Referred to Committee on APPROPRIATIONS, October 1, 1980.

No. 2961 By Representatives VROON, CORNELL AND PHILLIPS

An Act relating to the ownership and control of property by churches and religious organizations.

Referred to Committee on JUDICIARY, October 1, 1980.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 253 By Representative KLINGAMAN

House memorialize Congress of the United States enact legislation remedying the toxic waste problem.

Referred to Committee on FEDERAL-STATE RELATIONS, October 1, 1980.

LEAVE OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the minority whip. Mr. MANDERINO. Mr. Speaker, would you return to leaves of absence for today?

The SPEAKER. Without objection, the Chair returns to leaves of absence. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, we would like to ask for leave for the gentleman from Philadelphia, Mr. BARBER, for the balance of the day.

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

MEMBER'S PRESENCE RECORDED

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

Mr. RHODES. Mr. Speaker, I ask that my name be added to the master roll.

**CALENDAR CONTINUED
BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2291, PN 3962**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Borough of Mahaffey 2.7956 acres of land, more or less, situate in the Borough of Mahaffey, Clearfield County, Commonwealth of 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—171

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

NAYS—0

NOT VOTING—25

Armstrong	Greenfield	Reed	Stuban
Austin	Johnson, J. J.	Richardson	White
Beloff	Klingaman	Ritter	Williams
Cole	Kowalyszyn	Schweder	Zeller
Dumas	Michlovic	Shadding	Zitterman
Giammarco	O'Brien, B. F.	Street	Zord
Goodman			

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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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.

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The House proceeded to third consideration of **HB 2907, PN 3869**, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for compensation of comptrollers, for the powers of the Governor, for rental of real estate owned by the Commonwealth, for no-bid-contracts and for certain purchases in the open market by increasing the cost of such purchases.

On the question,
Will the House agree to the bill on third consideration?
Mr. RYAN offered the following amendment No. A8389:

Amend Sec. 3 (Sec. 2402), page 4, line 19 by inserting brackets before and after "Property and Supplies" and inserting immediately thereafter General Services

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

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

Mr. RYAN. Mr. Speaker, this is a technical amendment only. One of the references to the Department of Property and Supplies was missed when the bill was originally drafted. This amendment merely corrects that reference to read "the Department of General Services."

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

The following roll call was recorded:

YEAS—171

Alden	Foster, Jr., A.	Lescovitz	Rasco
Anderson	Freind	Letterman	Reed
Armstrong	Fryer	Levi	Rieger
Arty	Gallagher	Levin	Ritter
Bennett	Gallen	Lewis	Rocks
Berson	Gamble	Livengood	Rodgers
Bittle	Gannon	Lynch, E. R.	Ryan
Borski	Gatski	McCall	Salvatore
Bowser	Geesey	McClatchy	Scheaffer
Brandt	Geist	McIntyre	Schmitt
Brown	George, C.	McMonagle	Seventy
Burd	George, M. H.	McVerry	Shupnik
Burns	Gladeck	Mackowski	Sieminski
Caltagirone	Goebel	Madigan	Sirianni
Cappabianca	Goodman	Manmiller	Smith, E. H.
Cessar	Grabowski	Micozzie	Smith, L. E.

Chess	Gray	Milanovich	Spencer
Cimini	Greenfield	Moehlmann	Steighner
Civera	Grieco	Mowery	Stewart
Clark, B. D.	Gruppo	Mrkonic	Sweet
Clark, M. R.	Hagarty	Mullen	Swift
Cochran	Halverson	Murphy	Taddonio
Cohen	Harper	Nahill	Taylor, E. Z.
Cole	Hasay	Novak	Taylor, F.
Cornell	Hayes, Jr., S.	Noye	Telek
Coslett	Helfrick	O'Brien, B. F.	Thomas
Cowell	Hoeffel	O'Donnell	Trello
Cunningham	Honaman	Oliver	Vroon
DeMedio	Hutchinson, A.	Perzel	Wachob
DeVerter	Hutchinson, W.	Peterson	Wargo
DeWeese	Irvis	Petrarca	Wass
DiCarlo	Itkin	Phillips	Wenger
Davies	Johnson, E. G.	Piccola	Wilson
Dawida	Kanuck	Pievsky	Wright, D. R.
Dietz	Klingaman	Pistella	Wright, Jr., J.
Dininni	Knepper	Pitts	Yahner
Dombrowski	Knight	Polite	Yohn
Dorr	Kolter	Pott	Zeller
Duffy	Kowalshyn	Pratt	Zitterman
Durham	Kukovich	Pucciarelli	Zwikel
Earley	Lashinger	Punt	
Fee	Laughlin	Pyles	Seltzer,
Fisher	Lehr	Rappaport	Speaker
Foster, W. W.			

NAYS—6

Belardi	Miller	Stairs	Wilt
Fischer	Serafini		

NOT VOTING—19

Austin	Johnson, J. J.	Rhodes	Stuban
Beloff	Jones	Richardson	White
Donatucci, R.	Manderino	Schweder	Williams
Dumas	Michlovic	Shadding	Zord
Giammarco	O'Brien, D. M.	Street	

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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The question was determined in the affirmative, and the amendment was agreed to.

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

Mr. IRVIS offered the following amendments No. A8565:

Amend Title, page 1, line 24, by removing the period after "purchases" and inserting and requiring copies of certain contracts to be furnished to the State Treasurer.

Amend Bill, page 4, by inserting between lines 7 and 8

Section 3. The act is amended by adding a section to read: Section 1104. Copies of Contracts to be Furnished to the State Treasurer.—(a) Whenever any department, board, commission, agency, instrumentality, authority or institution of the Commonwealth shall enter into any contract involving any property, real, personal or mixed of any kind or description or any contract for personal services where the consideration involved in said contract is five thousand dollars (\$5,000) or more, a copy of said contract shall be furnished to the Treasury Department within ten (10) days after the contract is executed on behalf of the Commonwealth or otherwise becomes an obligation of the Commonwealth.

(b) Every contract filed pursuant to subsection (a) shall remain on file with the Treasury Department for a period of one year or until all disbursements have been made on the contracts, whichever is longer and shall be made available for public inspection and copies made available at cost to any individual who requests them.

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

Amend Sec. 4, page 5, line 2, by striking out "4." and inserting 5.

Amend Sec. 5, page 13, line 24, by striking out "5." and inserting 6.

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

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. This amendment would require the Treasury Department to retain a copy of every contract signed by any department or agency or board or commission for over \$5,000. The contracts would have to be held for 1 year or until disbursements under the contract have been made, and they would have to be filed within 10 days of the execution of the contract.

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

The following roll call was recorded:

YEAS—177

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

NAYS—0

NOT VOTING—19

Austin	Giammarco	Nahill	Street
Beloff	Hutchinson, W.	O'Brien, D. M.	White
Chess	Johnson, J. J.	Rhodes	Williams
Donatucci, R.	Jones	Richardson	Zord
Dumas	Levin	Shadding	

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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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. IRVIS offered the following amendments No. A8617:

Amend Title, page 1, line 24, by removing the period after "purchases" and inserting and establishing the Office for Procurement Information.

Amend Bill, page 3, by inserting between lines 19 and 20

Section 2. The act is amended by adding a section to read: Section 478. Office for Procurement Information.—

(a) There is hereby established an administrative office under the direction of the Governor to be known as the Office for Procurement Information for the purpose of providing businesses operating in Pennsylvania with a central office where information pertaining to the Commonwealth's procurement needs may be obtained.

(b) All requests for bids or proposals which are issued by any department, council, commission, board, authority, or similar agency of the Executive Branch of State Government, and which involve the expenditure of moneys in the amount of five thousand dollars (\$5,000) or more, from the Commonwealth General Fund or Motor License Fund or the moneys appropriated under the Federal Augmentation Appropriation Act shall be transmitted to the office hereby created, prior to official publication of said information. The office shall categorize the information by department and agency, dollar amount, and other relevant factors, and make such information available for public inspection and copying during normal business hours; the office is empowered to assess a reasonable charge for photocopying such information. No moneys may be expended from either the General Fund or the Motor License Fund or the moneys appropriated under the Federal Augmentation Appropriation Act under contract or to a vender unless the information required to be transmitted to the office was available for public inspection at least fifteen days prior to official publication of said requests.

(c) Notwithstanding, the requirements of the provisions of this section may be waived upon a determination by the Governor, and issuance of an order, to the effect that an emergency situation exists or is about to exist which threatens the interests of the safety and welfare of the citizens of the Commonwealth, and that compliance with the provisions of this section must be suspended in order to protect the citizens from that emergency. Compliance with the provisions of this section shall recommence upon a determination and issuance of an order by the Governor that the emergency situation has been sufficiently ameliorated.

(d) The Governor shall select a director who shall serve at the pleasure of the Governor. The director shall be empowered to staff and direct the operations of the office. The salary of the director shall be fixed by the Executive Board in accordance with the guidelines pertaining to the salaries of other personnel in the administrative branch.

(e) The office created by this section shall expire on June 30, 1983, unless reestablished by the General Assembly.

Amend Sec. 2, page 3, line 20, by striking out "2" and inserting 3

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

Amend Sec. 4, page 5, line 3, by striking out "4" and inserting 5

Amend Sec. 5, page 13, line 24, by striking out "5" and inserting 6

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. The amendment offered just now to the Administrative Code is designed to assist minority and small businesses in improving their participation in state procurement of contracts. Currently there is no central office where minority and small businesses can discover the numerous bid solicitations which are issued by various state departments. This amendment would establish a centralized office of procurement information, and, therefore, all bid solicitations would be filed there so that small businesses and minority businesses would be able to find out what the state is interested in buying.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—175

Alden	Foster, W. W.	Letterman	Rhodes
Anderson	Foster, Jr., A.	Levi	Rieger
Armstrong	Freind	Levin	Ritter
Arty	Fryer	Lewis	Rocks
Belardi	Gallagher	Livengood	Rodgers
Bennett	Gallen	Lynch, E. R.	Ryan
Berson	Gannon	McCall	Salvatore
Bittle	Gatski	McClatchy	Schmitt
Borski	Geesey	McIntyre	Schweder
Bowser	Geist	McMonagle	Serafini
Brandt	George, C.	McVerry	Shupnik
Brown	George, M. H.	Mackowski	Sieminski
Burd	Gladeck	Madigan	Sirianni
Burns	Goebel	Manderino	Smith, E. H.
Caltagirone	Goodman	Manmiller	Smith, L. E.
Cappabianca	Grabowski	Michlovic	Spencer
Cessar	Gray	Micozzie	Stairs
Chess	Greenfield	Milanovich	Steighner
Cimini	Grieco	Miller	Stewart
Civera	Gruppo	Moehlmann	Stuban
Clark, B. D.	Hagarty	Mowery	Sweet
Clark, M. R.	Halverson	Mullen	Swift
Cochran	Harper	Murphy	Taddonio
Cohen	Hasay	Nahill	Taylor, E. Z.
Cole	Hayes, Jr., S.	Novak	Taylor, F.
Cornell	Helfrick	Noye	Telek
Coslett	Hoefel	O'Brien, B. F.	Thomas
Cowell	Honaman	O'Donnell	Vroom
Cunningham	Hutchinson, A.	Oliver	Wachob
DeMedio	Irvis	Perzel	Wargo
DeVerter	Itkin	Peterson	Wass
DeWeese	Johnson, E. G.	Petrarca	Wenger
DiCarlo	Jones	Phillips	Wilson
Davies	Kanuck	Piccola	Wilt
Dawida	Klingaman	Pievsky	Wright, D. R.
Dietz	Knepper	Pitts	Wright, Jr., J.
Dininni	Knight	Polite	Yahner
Dombrowski	Kolter	Pott	Yohn
Dorr	Kowalshyn	Pratt	Zeller

Duffy	Kukovich	Punt	Zitterman
Durham	Lashinger	Pyles	Zwikel
Earley	Laughlin	Rappaport	
Fee	Lehr	Rasco	Seltzer,
Fischer	Lescovitz	Reed	Speaker
Fisher			

NAYS—0

NOT VOTING—21

Austin	Hutchinson, W.	Pucciarelli	Street
Beloff	Johnson, J. J.	Richardson	Trello
Donatucci, R.	Mrkonic	Scheaffer	White
Dumas	O'Brien, D. M.	Seventy	Williams
Gamble	Pistella	Shadding	Zord
Giammarco			

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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The question was determined in the affirmative, and the amendments were agreed to.

REMARKS ON VOTE

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

Mr. ARMSTRONG. Mr. Speaker, I was out of my seat when HB 2351 was voted. If I had been in my seat, I would have voted in the affirmative.

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

CONSIDERATION OF HB 2907 CONTINUED

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—172

Alden	Foster, W. W.	Letterman	Rhodes
Anderson	Foster, Jr., A.	Levi	Rieger
Armstrong	Freind	Levin	Ritter
Arty	Fryer	Lewis	Rocks
Bennett	Gallagher	Livengood	Rodgers
Berson	Gallen	Lynch, E. R.	Ryan
Bittle	Gamble	McCall	Salvatore
Borski	Gannon	McClatchy	Schmitt
Bowser	Gatski	McIntyre	Schweder
Brandt	Geist	McMonagle	Serafini
Brown	George, C.	McVerry	Seventy
Burd	George, M. H.	Mackowski	Shadding
Burns	Gladeck	Madigan	Shupnik
Caltagirone	Goebel	Manmiller	Sieminski
Cappabianca	Goodman	Michlovic	Sirianni
Cessar	Grabowski	Micozzie	Smith, E. H.
Chess	Gray	Milanovich	Smith, L. E.
Cimini	Greenfield	Moehlmann	Spencer
Civera	Grieco	Mowery	Steighner
Clark, B. D.	Gruppo	Mullen	Stewart
Clark, M. R.	Hagarty	Murphy	Stuban
Cochran	Halverson	Nahill	Swift
Cohen	Harper	Novak	Taddonio
Cole	Hasay	Noye	Taylor, E. Z.

Cornell	Hayes, Jr., S.	O'Brien, B. F.	Taylor, F.
Coslett	Helfrick	O'Donnell	Telek
Cowell	Hoefel	Oliver	Thomas
Cunningham	Honaman	Perzel	Trello
DeMedio	Hutchinson, A.	Peterson	Vroon
DeVerter	Hutchinson, W.	Petrarca	Wachob
DeWeese	Irvis	Phillips	Wargo
DiCarlo	Itkin	Piccola	Wass
Davies	Johnson, E. G.	Pievsky	Wenger
Dawida	Jones	Pistella	Wilson
Dietz	Kanuck	Pitts	Wright, D. R.
Dininni	Klingaman	Polite	Wright, Jr., J.
Dombrowski	Knepper	Pott	Yahner
Donatucci, R.	Knight	Pratt	Yohn
Dorr	Kolter	Pucciarelli	Zeller
Duffy	Kowalshyn	Punt	Zwikel
Durham	Kukovich	Pyles	
Earley	Laughlin	Rasco	Seltzer,
Fee	Lehr	Reed	Speaker
Fisher	Lescovitz		

NAYS—11

Belardi	Manderino	Rappaport	Wilt
Fischer	Miller	Scheaffer	Zitterman
Geesey	Mrkonic	Stairs	

NOT VOTING—13

Austin	Johnson, J. J.	Richardson	White
Beloff	Lashinger	Street	Williams
Dumas	O'Brien, D. M.	Sweet	Zord
Giammarco			

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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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.

MEMBER'S PRESENCE RECORDED

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

Mr. WHITE. Mr. Speaker, I ask that my name be added to the master roll.

REMARKS ON VOTES

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

Mr. RITTER. Mr. Speaker, when the vote was taken on HB 2291, I was out of my seat. I would like the record to show I would have voted in the affirmative.

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

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

Mr. ZELLER. Mr. Speaker, likewise, I was out of my seat. I would like to be recorded in the affirmative on HB 2291. Thank you.

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

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

Mr. ZWIKL. Mr. Speaker, likewise, I was out of my seat. We were in our offices meeting with constituents. On HB 2291 I would like to be recorded in the affirmative.

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

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

Mr. STUBAN. Mr. Speaker, I would like to be recorded in the affirmative on HB 2291.

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

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

Mr. KLINGAMAN. Mr. Speaker, I was out of my seat when the vote was taken on HB 2291. I would like to be recorded in the affirmative.

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

QUESTION OF INFORMATION

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

Mr. A. K. HUTCHINSON. Could you tell me why HB 377 is being passed over?

The SPEAKER. No, I cannot.

Mr. A. K. HUTCHINSON. Whom do I ask?

The SPEAKER. Your leader.

Mr. A. K. HUTCHINSON. My leader or Mr. Ryan? How about giving me the answer why then, Mr. Speaker?

The SPEAKER. The Chair is unable to answer the gentleman.

Mr. A. K. HUTCHINSON. Mr. Speaker, could Mr. Ryan answer it?

Mr. RYAN. Am I your leader?

Mr. A. K. HUTCHINSON. Sometimes you are, but sometimes you lead like heck—go ahead—and then you are doing a poor job.

Mr. RYAN. And into the Valley of Death. What is your question, Mr. Speaker?

Mr. A. K. HUTCHINSON. Why is it they are passing over HB 377?

Mr. RYAN. Where is that?

Mr. A. K. HUTCHINSON. It is on the calendar.

Mr. RYAN. I understand. What page?

The SPEAKER. Page 19.

Mr. A. K. HUTCHINSON. Right after the last one we passed.

Mr. RYAN. It was passed over because one of the caucuses had not caucused on it. That was the Republican caucus.

Mr. A. K. HUTCHINSON. We already caucused on it yesterday. It must be you. Thank you.

QUESTION OF INFORMATION

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

Mr. LETTERMAN. Mr. Speaker, could we go back on the calendar there to HB 2764 before we turn the page? The problems on that bill have been straightened out.

The SPEAKER. The Chair is already on page 20. What page is the gentleman referring to?

Mr. LETTERMAN. Page 18. That bill was passed over. You passed it over temporarily until we—

The SPEAKER. That bill was passed over temporarily, yes.

Mr. LETTERMAN. When will we run that?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, let us continue with the calendar and then come around in the full circle, rather than batting back and forth.

Mr. LETTERMAN. Okay. Thank you.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2510, PN 3293**, entitled:

An Act reenacting the act of July 22, 1969 (P. L. 176, No. 73), entitled "An act to validate certain proceedings for municipal improvements, municipal assessments, municipal claims, and municipal liens in the several cities of the third class, *** providing for the filing of claims and liens therefor and the proceedings for the collection of such assessments, claims and liens."

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—174

Alden	Foster, Jr., A.	Levin	Rieger
Anderson	Freind	Lewis	Ritter
Armstrong	Fryer	Livengood	Rocks
Arty	Gallagher	Lynch, E. R.	Rodgers
Belardi	Gallen	McCall	Ryan
Bennett	Gannon	McClatchy	Salvatore
Berson	Gatski	McIntyre	Schmitt
Bittle	Geesey	McMonagle	Schweder
Borski	Geist	McVerry	Shadding
Bowser	George, C.	Mackowski	Shupnik
Brandt	George, M. H.	Madigan	Sieminski
Brown	Gladeck	Manmiller	Sirianni
Burd	Goebel	Michlovic	Smith, E. H.
Burns	Goodman	Micozzie	Smith, L. E.
Caltagirone	Grabowski	Milanovich	Spencer
Cappabianca	Gray	Miller	Stairs
Cessar	Greenfield	Moehlmann	Steighner
Cimini	Grieco	Mowery	Stewart
Civera	Gruppo	Mrkonic	Stuban
Clark, B. D.	Hagarty	Mullen	Sweet
Clark, M. R.	Halverson	Murphy	Swift
Cochran	Harper	Nahill	Taddonio
Cole	Hasay	Novak	Taylor, E. Z.
Cornell	Hayes, Jr., S.	Noye	Taylor, F.
Coslett	Helfrick	O'Brien, B. F.	Telek
Cowell	Hoeffel	Oliver	Thomas

Cunningham	Honaman	Perzel	Trello
DeMedio	Hutchinson, W.	Peterson	Vroon
DeVerter	Irvis	Petrarca	Wachob
DeWeese	Itkin	Phillips	Wass
DiCarlo	Johnson, E. G.	Piccola	Wenger
Davies	Jones	Pievsky	White
Dawida	Kanuck	Pitts	Wilson
Dietz	Klingaman	Polite	Wilt
Dininni	Knepper	Pott	Wright, D. R.
Dombrowski	Knight	Pratt	Wright, Jr., J.
Dorr	Kolter	Pucciarelli	Yahner
Duffy	Kowalshyn	Punt	Yohn
Durham	Lashing	Pyles	Zeller
Earley	Laughlin	Rappaport	Zitterman
Fee	Lehr	Rasco	Zwinkl
Fischer	Lescovitz	Reed	
Fisher	Letterman	Rhodes	Seltzer,
Foster, W. W.	Levi	Richardson	Speaker

NAYS—0

NOT VOTING—22

Austin	Gamble	O'Brien, D. M.	Seventy
Beloff	Giammarco	O'Donnell	Street
Chess	Hutchinson, A.	Pistella	Wargo
Cohen	Johnson, J. J.	Scheaffer	Williams
Donatucci, R.	Kukovich	Serafini	Zord
Dumas	Manderino		

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

REMARKS ON VOTES

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

Mr. KUKOVICH. Mr. Speaker, I missed the vote on HB 2510. I would like to be marked in the affirmative.

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

The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I apologize, but apparently I was not paying attention when HB 2510 was called up for a vote. I should like to be recorded in the affirmative.

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

The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I would like to be recorded in the affirmative on HB 2510.

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

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 34, PN 3948**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding definitions, authorizing a person with a certain cardiopulmonary condition to apply for a registration plate indicating a vehicle is being used by a handicapped person; providing for the posting of certain private property, establishing a speed limit for school zones, providing for construction trucks and for identification of certain vehicles; further providing for the maximum gross weight of vehicles, maximum axle weights, permits to exceed maximum weights.

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 34.

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

(Members proceeded to vote.)

Mr. LAUGHLIN. Mr. Speaker?

The SPEAKER. There is nothing in order but the taking of the roll.

Mr. LAUGHLIN. Mr. Speaker, I believe that debate on the bill is always in order on any amendment from the Senate, Mr. Speaker.

The SPEAKER. The Chair allowed sufficient time for a member to stand and be recognized.

Mr. LAUGHLIN. Well, that is what I am standing for.

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

The Chair always pauses to give members an opportunity, but the Chair cannot take up the time of the House to unavoidably detain the House.

If the gentleman, Mr. Laughlin, wishes to debate the bill, he is in order and may proceed.

Mr. LAUGHLIN. Thank you, Mr. Speaker. I apologize for you not having seen me. Maybe I had better go on a diet.

The SPEAKER. The Chair has never had any trouble seeing or hearing the gentleman.

Mr. LAUGHLIN. Mr. Speaker, I would imagine that Mr. Ryan, as the leader of the majority, would be able to respond to a few questions, I hope.

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

Mr. RYAN. Mr. Speaker, depending on the question, it may be that I will yield to Mr. Dininni or Mr. Hayes, who may be more familiar with this bill than I.

The SPEAKER. The gentleman may proceed.

Mr. LAUGHLIN. Certainly, Mr. Speaker, I would not insist upon Mr. Ryan responding if he has not had adequate information given to him with regard to the bill.

Mr. Speaker, my first question deals with the weights of new trucks that are going to be permitted, the new axle weights that are going to be permitted. Is there anything in HB 34 that provides any kind of safety inspection of this new weight classification of allowance for axle weights?

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Dininni, to answer that question.

Mr. DININNI. No, there is not.

Mr. LAUGHLIN. Mr. Speaker, with regard to there not being any specific safety requirement or inspection, do you feel that the new 22,000-pound weight is a safety factor in this state? Do you feel that that is adequate?

Mr. DININNI. I do feel it is adequate, and we do have adequate regulations in other parts of the code.

Mr. LAUGHLIN. Mr. Speaker, would you like to point out in the code, which is Title 75, where there is any reference whatsoever to a specific inspection of this type of vehicle and the change in these axle weights and the distribution, Mr. Speaker?

Mr. DININNI. On the changes, no; there is nothing referring to that.

Mr. LAUGHLIN. In other words, Mr. Speaker, there is no specific protection or safety guaranteed with this additional weight in the State of Pennsylvania.

Now, Mr. Speaker, in line with that and in line with your response, are we then not laying open the State of Pennsylvania, for giving this additional weight and giving this additional requirement, the opportunity for a lawsuit against our people with regard to any accident that might occur with this additional weight?

Mr. DININNI. That is a matter of opinion, Mr. Speaker. As far as I am concerned, we are not giving them any more weight. You may be on the per axle basis, but your gross weight is still the same. The inspections are conducted or based on that, so I do not see anything wrong with it.

Mr. LAUGHLIN. Mr. Speaker, as you know, state inspections required on vehicles are at different periods of time of the year. We are establishing a new axle-weight requirement that does not deal with an inspection of the latest nature. Nor do we have the opportunity to have these particular vehicles inspected in that manner.

Mr. Speaker, the reference that I make to the new additional weights on the axles is not for trying to defeat this bill. Mr. Speaker, I support HB 34, but, unfortunately, the Senate, in putting in these new amendments, has not given us an opportunity to draft sufficient information for the department to deal with these new weights.

Mr. Speaker, you have a bill, HB 613, that was on the tabled calendar, that I intended to amend that would have provided this protection. This bill as it stands, Mr. Speaker, does not provide the safety margin. It does not provide the inspection margin that is necessary. It provides only additional axle weights with no consideration toward safety.

Mr. Speaker, I am asking you as the chairman of the Transportation Committee, did you agree to this legislation without benefit of having additional amendments drafted to it?

Mr. DININNI. Did I agree?

Mr. LAUGHLIN. Yes, Mr. Speaker. Were you a part of the agreement that put this particular weight classification together and the tabling of HB 613?

Mr. DININNI. No; I had no part in it, but I did have staff there represented.

I want to make one thing clear. When you keep referring to safety points, you must bear in mind the true safety factor is in the steering axle, and if you read HB 34, you will find out that the axle weight on the steering is lowered. It is common knowledge that rear is much safer, and I see no harm in increasing those axle weights, and I see nothing—

Mr. LAUGHLIN. Mr. Speaker, the steering axle weights as quoted by the State Police to myself with regard to that safety factor were indicating that anything in excess of 14,000 pounds would indeed be a safety hazard. I went beyond just examining the information that was given. The State Police have given us adequate information that deals in the area that tells me that those steering weights are not in fact safe at an extended weight time.

Mr. Speaker, the new trucks that are being built, yes, they can accommodate what you are talking about, but we are giving axle weights and opportunities for trucks that have been on the highways for many years. It is not a case of it being just a new truck.

The new trucks—and I will ask Mr. Dininni this question since he has researched it—Mr. Speaker, as far as you are concerned, the trucks that are coming off the line today, are they better equipped to handle this additional weight than the ones of past years, in your opinion?

Mr. DININNI. I am not an expert, but I certainly hope so.

Mr. LAUGHLIN. Mr. Speaker, according to the information that is given by the Federal agency, from LORL - Legislative Office for Research Liaison - dealing with the truck weights, just the opposite is true, Mr. Speaker. What is happening is that in many cases truck weights on the new variety are being cut down in structure, as far as their ability to carry weight, in order for them to get below the weight limit so that they in fact can qualify for a title and qualify to haul weights that they want to. In fact, they are not better equipped than the ones from previous years, and that goes by way of the Federal and other state requirements.

There is nothing in this bill, Mr. Speaker, that gives us that kind of safety, and I am only saying this because I feel that this bill is important. We should be voting for a bill of this nature, but we should also have the input into it to guarantee us that the department is going to be adequately protected, and, Mr. Speaker, there is nothing in this bill that tells the Department of Transportation what we expect.

I have no further questions if you do not want to respond to that, Mr. Speaker.

Mr. DININNI. Well, the only response that I have is, Mr. Speaker, you are trying to confuse the issue. It is also a known fact that what we are doing here is redistributing the weights. It is common knowledge that it is safer to have the weight on the back wheels than it is on the front wheels, and that is exactly what they did, to make it short. And as far as safety features are concerned, we did not remove any

of the safety features that we already had built in SB 10, if you recall. Some of them were pretty strict requirements. So I see absolutely no harm and I would ask all the members to vote in concurrence.

Mr. LAUGHLIN. Mr. Speaker, one last closing remark.

The SPEAKER. The gentleman may proceed.

Mr. LAUGHLIN. I do not deny what Mr. Dininni said, that is, that SB 10 placed certain restrictions. But, Mr. Speaker, SB 10 also dealt with relieving axle weights on highways and placing the axle weight on gross weight. That was Secretary Larson's statement to us, and I think you will have to agree with that. Our problem, Mr. Speaker, is not so much with increasing the axle weight as the fact that we have not provided any safety with those axle weights. I hope that the members of the House will follow up this legislation with an immediate amendment that will give the Department of Transportation the regulation and the requirement of treating each one of these individual applications and making sure they are safe for the highway. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Mr. Speaker, just a few months ago SB 10 was passed and a little later placed into law. I suspect in the coming months many of us will attempt to stand on this floor and remove language that was placed into SB 10. Today the trucks in my area that are hauling coal have not been given any extra privileges as SB 10, as it was originally proposed, insisted it would. Rather than allow them to exceed what they had already been allowed, it basically restricted them. There are things that have been put into SB 10 that I believe, Mr. Speaker, if we are going to go forth in an effort to help the economy and help the coal business and the climate of all concerned in Pennsylvania, we will have to remedy some of the things that were placed into SB 10. I urge your affirmative vote on HB 34.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I would like to ask Mr. Dininni a question, please.

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

Mr. DeWEESE. Mr. Speaker, this is for information only. The AAA - American Automobile Association - came out against this measure, and I am quite curious as to what the majority Transportation Committee staff, majority Transportation Committee chairman, majority Transportation Committee members felt about one of their salient reasons for disagreement. That reason for disagreement was that they thought an amendment could have been included whereby triaxles that would be manufactured in future years that would come into Pennsylvania would conform with the more strict regulations and that triaxles from out of state that were manufactured out of state would not be brought in after a certain point in time. Would you please illuminate for me the reasons why the majority Transportation Committee personnel and

chairman did not acquiesce to the wishes of the AAA? It did seem to me like a bona fide point, and I would like some information. Thank you.

Mr. DININNI. Are you waiting for an answer on that? As far as I am concerned, I had nothing to do with it. I said I had one of my aides who sat in on it, but we had no input. We have an immediate problem here in front of us, and you know it and I know it and so does every member of this House. There is nothing preventing us in the future from doing exactly what you are saying, and I would give it every serious consideration certainly.

Mr. DeWEESE. Mr. Speaker, if I might add one comment. I would only ask, Mr. Speaker, that you and your staff research this further and have some dialogue with the AAA and move in this direction in the near future. Thank you very much.

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

Mr. GAMBLE. Mr. Speaker, will Mr. Dininni stand for very brief interrogation?

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

Mr. GAMBLE. It is my understanding, Mr. Speaker, that loaded garbage trucks under the present law are illegal and can be fined sums up to \$1,000, \$1,500. Is that correct?

Mr. DININNI. I would say that that is possible, yes.

Mr. GAMBLE. Okay. That is the only question I have for Mr. Dininni. I would like to address the bill, Mr. Speaker.

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

Mr. GAMBLE. I would just call on my colleagues today and say to you that if you vote the popular way, according to the way some of the papers will write it, you will probably vote "no," and that is to say that you believe the present axle weights are fair and just and should be enforced and you prescribe to the hard reality that your municipal garbage trucks should be fined \$1,000 to \$1,500 every day they leave for the dump from your municipality, because that is the way the law is now. If you truly believe the law is fair and believe in its enforcement and will not change your mind, you should vote "no." If, on the other hand, you are not prone to playing ostrich and want to deal with the inequitable axle weight law, which really is unenforceable, and you want to discontinue garbage collections across the state, you should vote "yes." Today I call on leadership to draw a resolution calling upon the Federal Government to mandate to truck manufacturers to construct the axles of trucks and the construction of trucks in the future in a more equitable distribution of the weight. Let us deal with this problem today and vote "yes."

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

Mr. KOLTER. Mr. Speaker, I urge concurrence in the Senate amendments to HB 34. The question here this afternoon is, are we going to continue to destroy the trucking industry, or are we going to use a vehicle, HB 34, to help

them? There have been many hours spent trying to find a solution to the problem. Those of us who have worked along this line feel this is the best we have to offer. Mr. Speaker, we urge a "yes" vote here.

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—153

Table listing names of representatives who voted 'YEAS' (153 total). Includes Alden, Anderson, Armstrong, Arty, Belardi, Bennett, Berson, Bittle, Bowser, Brandt, Brown, Burd, Burns, Caltagirone, Cappabianca, Cimini, Civera, Clark, B. D., Cochran, Cohen, Cole, Cornell, Coslett, Cunningham, DeMedio, DeVerter, DeWeese, DiCarlo, Davies, Dietz, Dininni, Dombrowski, Donatucci, R., Dorr, Durham, Earley, Fee, Foster, W. W., Foster, Jr., A., Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Gatski, Geist, George, C., George, M. H., Gladeck, Goebel, Goodman, Grabowski, Gray, Grieco, Gruppo, Hagarty, Halverson, Hasay, Hayes, Jr., S., Helfrick, Honaman, Hutchinson, A., Hutchinson, W., Johnson, E. G., Jones, Kanuck, Knight, Kolter, Kowalyszyn, Kukovich, Lashinger, Laughlin, Lehr, Lescovitz, Letterman, Levi, Lewis, Livengood, Lynch, E. R., McCall, McClatchy, McIntyre, Mackowski, Madigan, Manderino, Manmiller, Micozzie, Milanovich, Miller, Moehlmann, Mowery, Mrkonic, Mullen, Nahill, Novak, Noye, O'Brien, B. F., Oliver, Perzel, Peterson, Petrarca, Phillips, Piccola, Pievsky, Pitts, Polite, Pratt, Pucciarelli, Punt, Pyles, Rasco, Reed, Rieger, Ritter, Rocks, Rodgers, Ryan, Salvatore, Scheaffer, Schmitt, Schweder, Serafini, Shupnik, Sieminski, Sirianni, Smith, E. H., Smith, L. E., Spencer, Stairs, Steighner, Stewart, Stuban, Sweet, Swift, Taylor, E. Z., Thomas, Trello, Vroon, Wachob, Wargo, Wass, Wenger, White, Wilson, Wright, D. R., Wright, Jr., J., Yahner, Yohn, Zeller, Zitterman, Zwilk, Seltzer, Speaker.

NAYS—30

Table listing names of representatives who voted 'NAYS' (30 total). Includes Cessar, Clark, M. R., Cowell, Dawida, Duffy, Fischer, Fisher, Geesey, Greenfield, Harper, Hoeffel, Irvis, O'Donnell, Itkin, Klingaman, Knepper, Levin, McVerry, Michlovic, Murphy, Pott, Rappaport, Rhodes, Richardson, Seventy, Taddonio, Taylor, F., Telek, Wilt.

NOT VOTING—13

Table listing names of representatives who did not vote (13 total). Includes Austin, Beloff, Borski, Chess, Dumas, Giammarco, Johnson, J. J., McMonagle, O'Brien, D. M., Shadding, Street, Williams, Zord.

EXCUSED—4

Table listing names of representatives who were excused (4 total). Includes Barber, McKelvey, Maiale, Spitz.

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 2204, PN 3907, 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 Services Malpractice Act," approved October 15, 1975 (P. L. 390, No. 111), further providing for an increase in basic coverage insurance for health care providers; for the method of determining the method of funding the Medical Professional Liability Catastrophe Loss Fund; settlements of claims; and granting authority to the commissioner to determine and levy emergency surcharges under certain conditions.

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.

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

Mr. RAPPAPORT. Mr. Speaker, I see that the majority leader is temporarily engaged and is not available for interrogation. However, it is my understanding that the Supreme Court declared this act we are trying to amend unconstitutional last week.

I am in error. I apologize.

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

Table listing names of representatives who voted 'YEAS' (184 total). Includes Alden, Anderson, Armstrong, Arty, Belardi, Bennett, Berson, Bittle, Borski, Bowser, Brandt, Brown, Burd, Burns, Caltagirone, Cessar, Cimini, Civera, Clark, B. D., Clark, M. R., Cochran, Cohen, Cole, Cornell, Coslett, Cowell, Cunningham, DeVerter, DeWeese, Gallen, Gamble, Gannon, Gatski, Geesey, Geist, George, C., George, M. H., Gladeck, Goebel, Goodman, Grabowski, Gray, Greenfield, Grieco, Gruppo, Hagarty, Halverson, Harper, Hasay, Hayes, Jr., S., Helfrick, Hoeffel, Honaman, Hutchinson, A., Hutchinson, W., Irvis, Itkin, Johnson, E. G., McCall, McClatchy, McIntyre, McMonagle, McVerry, Mackowski, Madigan, Manderino, Manmiller, Michlovic, Micozzie, Milanovich, Miller, Moehlmann, Mowery, Mrkonic, Mullen, Murphy, Nahill, Novak, Noye, O'Brien, B. F., O'Donnell, Oliver, Perzel, Peterson, Petrarca, Phillips, Piccola, Rodgers, Ryan, Salvatore, Scheaffer, Schmitt, Schweder, Serafini, Seventy, Shadding, Shupnik, Sieminski, Sirianni, Smith, E. H., Smith, L. E., Spencer, Stairs, Steighner, Stewart, Stuban, Sweet, Swift, Taddonio, Taylor, E. Z., Taylor, F., Telek, Thomas, Trello, Vroon, Wachob.

DiCarlo	Jones	Pievsy	Wargo
Dawida	Kanuck	Pistella	Wass
Dietz	Klingaman	Pitts	Wenger
Dininni	Knepper	Polite	White
Dombrowski	Knight	Pott	Williams
Donatucci, R.	Kolter	Pratt	Wilson
Dorr	Kowalshyn	Pucciarelli	Wilt
Duffy	Kukovich	Punt	Wright, D. R.
Durham	Lashingier	Pyles	Wright, Jr., J.
Earley	Laughlin	Rappaport	Yahner
Fee	Lehr	Rasco	Yohn
Fischer	Lescovitz	Reed	Zeller
Fisher	Letterman	Rhodes	Zitterman
Foster, W. W.	Levi	Richardson	Zwinkl
Foster, Jr., A.	Levin	Rieger	
Freind	Lewis	Ritter	Seltzer,
Fryer	Livengood	Rocks	Speaker
Gallagher	Lynch, E. R.		

NAYS—0

NOT VOTING—12

Austin	Chess	Dumas	O'Brien, D. M.
Beloff	DeMedio	Giammarco	Street
Cappabianca	Davies	Johnson, J. J.	Zord

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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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. For what purpose does the gentleman, Mr. Richardson, rise?

Mr. RICHARDSON. Mr. Speaker, I was out of my seat when the amendments to HB 2907, the Irvis amendments A8617 and A8565, were voted on. I would like to be recorded in the affirmative. On HB 2907, final passage, I would like to be recorded in the affirmative, and on final passage of HB 2291, I would like to be recorded in the affirmative. On the Ryan amendment No. 8389 to HB 2907, I would also like to be recorded in the affirmative.

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

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

Mr. DAVIES. Mr. Speaker, on concurrence in Senate amendments to HB 2204, I wish to be recorded in the affirmative. The switch is inoperable.

The SPEAKER. If it had been operative, would the gentleman care to record his preference?

Mr. DAVIES. To be recorded in the affirmative, sir.

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

SUPPLEMENTAL CALENDAR

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 962, PN 3976**, with the information that the Senate has passed the same

with amendments in which concurrence of the House of Representatives is requested:

A Supplement to "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), implementing the addition of section 4.1 to Article IV of the Constitution of Pennsylvania; establishing the Office of Attorney General elected by the citizens and setting forth powers and duties of the Attorney General; creating an Office of General Counsel and providing for legal services for Commonwealth agencies; transferring, reorganizing or reconstituting certain boards, commissions and agencies; placing certain duties upon the courts and district attorneys; repealing certain acts and parts of acts and making appropriations.

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 962.

On the question recurring,

Will the House concur in Senate amendments?

MOTION TO SUSPEND RULES

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

Mr. O'DONNELL. Mr. Speaker, I move the House suspend its rules to permit amendment of the bill.

Mr. RYAN. Mr. Speaker, I oppose such a motion.

The SPEAKER. The gentleman from Philadelphia, Mr. O'Donnell, moves that rule 30 be suspended temporarily in order that amendments may be offered to HB 962.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, I realize that this bill is the result of a great deal of negotiation and compromise, and there are many of us who have opinions about the net result and about whether it is a good idea or not a good idea. It is not my intention—and I intend to be offering an amendment to the bill if this motion is successful, but it is not my intention to reopen the entire debate about what the role of the attorney general should be, and it is also not my intention to prevent the public from having a clear idea of that role before the November election. However, I believe that there are certain matters which have been overlooked in this debate about the gross responsibilities of the attorney general that are amenable to amendment to some extent, even down to just minor technical matters. But for that purpose—and that is my intent—I would like to open the bill to that extent.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I support the gentleman from Philadelphia's motion to suspend the rules. There is a particular section, section 303, which if it remains in the

bill, I cannot bring myself to vote for the bill, and I would like to be able to. There will be a number of us in the same position. We ask that you suspend the rules, give us an opportunity to amend the bill, and then I think the bill can pass. Thank you, Mr. Speaker.

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

Mr. KUKOVICH. I am supporting the motion to suspend. I am doing so as someone who was a member of the task force back in 1978 which originally drafted the implementation language in this bill for the elected attorney general. And although I think HB 962, this compromise version, is better than was done in HB 2 which was amended previously in this chamber. There are some specific sections—Mr. Irvis mentioned one, that was section 303, which I think is a problem, and section 403 and a small part of section 301—which I think need clarified. I am currently having amendments drafted to those sections. I would like to support this bill. I cannot in good conscience support it with those sections in. I would like you to just give us an opportunity to make some of those changes, and I would appreciate your support of Mr. O'Donnell's motion.

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

Mr. GALLAGHER. Mr. Speaker, I rise to support the motion to suspend the rules, not because of the other matters that these gentleman spoke of, but as chairman of the PHEAA - Pennsylvania Higher Education Assistance Agency - board, we are an independent agency and we should be included as an independent agency unless the new attorney general or the general counsel would have to handle about 100,000 loans worth about \$4 billion of defaults. They are not defaults of \$4 billion but there is \$4 billion in loans out. There are a lot of defaults that are handled by the private agency's attorney, and I think it was the intent originally that it should be in the same category as the PUC - Public Utility Commission - the auditor general, the state treasurer, and the board of claims, and I think it is important that the attorney general not be saddled with that responsibility of collection of default in loans, so I support this motion to suspend.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—91

Bennett	Gatski	McCall	Ritter
Berson	Geesey	McIntyre	Rodgers
Borski	George, C.	McMonagle	Schmitt
Brown	George, M. H.	Manderino	Schweder
Caltagirone	Goebel	Michlovic	Seventy
Cappabianca	Goodman	Milanovich	Shadding
Chess	Grabowski	Mrkonic	Shupnik
Clark, B. D.	Gray	Mullen	Steighner
Cochran	Greenfield	Murphy	Stewart
Cohen	Hoeffel	Novak	Stuban
Cole	Hutchinson, A.	O'Brien, B. F.	Sweet
Cowell	Irvis	O'Donnell	Taylor, F.
DeMedio	Itkin	Oliver	Trello
DeWeese	Jones	Petrarca	Wachob
DiCarlo	Knight	Pievsky	Wargo

Dawida	Kolter	Pistella	White
Dombrowski	Kowalyshyn	Pratt	Williams
Donatucci, R.	Kukovich	Pucciarelli	Wright, D. R.
Duffy	Laughlin	Rappaport	Yahner
Fee	Lescovitz	Reed	Zeller
Fryer	Letterman	Rhodes	Zitterman
Gallagher	Levin	Richardson	Zwilk
Gamble	Livengood	Rieger	

NAYS—93

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

NOT VOTING—12

Austin	Dumas	Helfrick	O'Brien, D. M.
Beloff	Giammarco	Johnson, J. J.	Street
Davies	Harper	Lehr	Zord

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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The question was determined in the negative, and the motion was not agreed to.

On the question recurring,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I rise to urge nonconcurrency in HB 962.

Mr. Speaker, when HB 962 left the House of Representatives, it had nothing to do with the elected attorney general, the powers, duties and responsibilities of the elected attorney general. We are for the first time seeing the Senate version of what the attorney general of Pennsylvania ought to be, what his powers ought to be come January 1. There are many of us in the House who disagree with what the Senate did in HB 962.

We passed a constitutional amendment—when I say "we," I am talking about the people of Pennsylvania; the electorate passed a constitutional amendment—calling for an elected attorney general. Mr. Speaker, before that particular constitutional amendment passed, there was no discussion or very little discussion about the attorney general having to have different powers or different responsibilities than we have always known the attorney general to have. The Administrative Code sets the powers and duties of the

attorney general. All we did with the constitutional amendment, all the people of the Commonwealth did with the constitutional amendment, is decide that the attorney general of the Commonwealth of Pennsylvania will no longer be appointed by the Governor, so that he can appoint a crony, a friend, someone who would give an opinion that the Governor wanted, but that the people would decide who the attorney general would be and not the Governor. All we handled with the constitutional amendment was the selection process. We did not determine with the constitutional amendment that the attorney general had to be any different than what he has always been known as.

Mr. Speaker, in our rush to pass legislation, we make mistakes. We just corrected a mistake we made with SB 10 when we passed the triaxle bill today. I predict we are going to correct some other mistakes that we have made in that bill before long. In any event, Mr. Speaker, this is too important a subject matter to make the mistakes that have been made in this bill. We have not created an attorney general in this bill; we are creating two attorneys general almost with equal power. I point you to section 303, that Mr. Irvis alluded to, where the counsel general, as appointed by the Governor under the bill, and the attorney general can have equal status in a lawsuit simply by a request by the Governor or by an executive agency that they have that equal status. The counsel general is permitted to intervene.

Can you imagine, in our suit regarding Federal funds that we prosecuted as a legislature several years ago, having the attorney general in there saying, we think the legislature is right, and the counsel general in there saying, no, we think the Governor is right, because there was a dispute? On the abortion issue, can you see us in Federal court, where we have been on the abortion issue in Pennsylvania so many times, with the Governor saying, no, I think we should not fund abortions, and with the counsel general bringing forth that opinion, and the attorney general, who is elected by the people, saying, no, I have an opposite point of view. Can you imagine that case in court? We are going to be the laughingstock of the nation with this kind of an attorney general bill. There are none of us, there are none of us who believe that the Governor ought to have his agency staffed with attorneys that an independent attorney general would appoint. That point was conceded long ago in the discussions, but what we have here is abominable. If you look on page 16 of the bill in section 303, Supersession and Intervention, you will see the right of the counsel general to intervene and be on equal status as the attorney general.

What really is happening here, what really is happening here is that the people of the Commonwealth, this General Assembly authorizing them to make the decision, decided that we ought to have an independent attorney general selected by the vote of the people of the Commonwealth. And what we are doing in this bill is saying, people of this Commonwealth, we do not think you were right. We do not think we ought to have an independent attorney

general, and we are not going to have one because we are going to provide for intervention and supersession and we are going to provide a counsel general's office. What we are really going to do is create a second attorney general in this Commonwealth, one that we are going to call counsel general, and one that is going to be elected by the people called the attorney general.

On page 16 of the bill, there is language in section 6 at line 10 of the bill which, to me, is broad enough to give the counsel general, appointed by the Governor, even criminal powers to prosecute. If you read subsection 6 there, which begins on 10, which is delineating the powers of the counsel general, it talks about initiating "...appropriate proceedings...when the Attorney General...refuses or fails to initiate appropriate proceedings...." I have left out some intervening words that are disjunctive, "or."

Mr. Speaker, I can envision a situation where the attorney general of the Commonwealth does an investigation, concludes his investigation, decides prosecution is not in order, and the counsel general decides to prosecute. I think it is ridiculous. I think if everyone who voted to give the people the right to pick their attorney general voted in this Assembly and voted at the poles to do that by amending our constitution, if they were really sincere—and I have to believe that they were—they cannot vote for this piece of legislation. This piece of legislation is a joke. It is a sham.

Now I have read all the editorial comments across the Commonwealth and I have seen the articles that said to this General Assembly, you are not doing your duty. You are not living up to your responsibility. The people have asked for an independent attorney general, and you must delineate powers and duties. I think that those writers are ill-informed in their belief that we must act or there will be chaos in January. There will not be chaos in January. All the constitutional amendment did was change the selection process. Instead of the Governor appointing in January, an attorney general will take over who was elected by the people. The Administrative Code gives all the powers and responsibilities. And I do not agree that an elected attorney general ought to have exactly those powers and duties, but I would rather see him have exactly those powers and duties than to create the kind of thing that we are creating by HB 962.

I urge a negative vote, Mr. Speaker, in the strongest terms that I can. The Senate has, from time to time in this session, starting with the budget, sent to us some very important pieces of legislation and said to this House of Representatives, you will have no input. It comes over here on concurrence in Senate amendments. Well, I for one am tired of it. I think it is ridiculous to take this kind of a bill, as important as it is, to the people of the Commonwealth of Pennsylvania, to the executive branch of government, to the agencies operating out there, and to send it to representatives of the people in the House of Representatives and say to them, take it or leave it. Now we have been denied the opportunity to amend the bill. We attempted to suspend

the rules so that amendments could be offered. We have only one recourse at this time and that is to defeat the bill and send it to a conference committee where there can be input, hopefully, in the areas that I have discussed and others may discuss. Thank you, Mr. Speaker.

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

Mr. PICCOLA. I urge, in the strongest possible terms, a "yes" vote on concurrence in HB 962, PN 3976.

First, I would like to compliment the leadership in the Senate for giving us, in my opinion, an outstanding piece of legislation and, admittedly, a compromise piece of legislation on this very important issue facing this General Assembly. As a member of the legislative task force which met during the 1977-78 session, I can say that this bill almost patterns after that task force report, with some appropriate and justifiable changes. It is a compromise, as most pieces of legislation that have come out of this General Assembly are, and I think it is a good compromise. It protects the integrity of the office of the Governor. It permits the attorney general to be a strong prosecutor, which is what most of the people wanted when they elected to have the attorney general an elective post, and it permits the attorney general the strongest possible role in the civil litigation of the Commonwealth.

In responding to Mr. Manderino's argument, he says that there was never any discussion at the time we placed this question on the ballot about an elected attorney general, that we were going to change the powers of that office. Mr. Manderino is wrong. As I mentioned earlier, there was a task force set up in 1978, even before this question was voted on by the electorate. That task force came out of the Joint State Government Commission. It was ably chaired by Senator O'Pake, and it held hearings across this Commonwealth and it wrote a bill which is, for the most part, contained in HB 962. The language that Mr. Manderino quoted regarding the prosecutorial powers of the office of general counsel is contained in the task force report, and I think most people on both sides of this aisle are in agreement that the task force report was a sound piece of legislation.

The horror stories that Mr. Manderino proposes, I think, are unrealistic. As a practical matter, you are going to have two offices with very limited resources, and knowing the feeling of this General Assembly, I would say they are going to even be more limited in the future. And in a practical matter, the attorney general and the office of general counsel are not going to get into battles over each and every piece of litigation facing the Commonwealth. They are going to pick and choose very carefully, and it is quite conceivable they will come into conflict in some areas, some very limited areas, where either the law or the broad policy questions are unsettled, and I think that is entirely appropriate. The attorney general, in those cases, will be acting as an ombudsman on behalf of the people of the Commonwealth of Pennsylvania. The editorial comment is accurate.

The people of Pennsylvania want to know what our attorney general is going to do before we elect him on November 4, and I strongly urge that every member of this House vote to concur, because if we do not, we face the possibility of going home before November 4 without providing for the powers and duties of this new constitutional office. I urge a "yes" vote.

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

Mr. FREIND. Mr. Speaker, would the gentleman, Mr. Piccola, submit to brief interrogation?

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

Mr. FREIND. Mr. Speaker, like you, I was a member of that joint task force, and one of the provisions which was unanimously put into that report was the provision that bond counsel for general obligation bonds and tax anticipation notes would no longer be done by outside counsel, but in fact would be done by the attorney general. Now I have skimmed over the bill. I do not see that provision in there, and what I would like to know is, has, in fact, that provision been taken out?

Mr. PICCOLA. Yes, that provision has been removed.

Mr. FREIND. I am not trying to put you on the spot. Do you know why it was taken out? I mean was it an oversight or was it specifically taken out, if you know?

Mr. PICCOLA. I do not know specifically why the Senate did it. I know that some of the arguments on both sides of that question involved the validity for, I guess, the marketability of bonds that were not prepared by, supposedly, competent bond counsel. And the question was raised whether or not in-house counsel for the Commonwealth can properly prepare such bonds, and that was an unsettled question. The task force made its recommendation on that in the way you indicated they did; however, in the various versions of this proposal—in fact specifically HB 2 that I introduced, which was patterned after the task force report earlier in this session, the bond counsel provisions were removed because of the unsettledness of the question, and I would assume that is the reason the Senate took it out.

Mr. FREIND. Thank you, Mr. Speaker.

REMARKS ON VOTES

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

Mr. RASCO. Mr. Speaker, on HB 34, I was recorded as being in the affirmative. I would like to change that to a negative vote.

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

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

Mr. GOEBEL. On checking the printout I note also that on the concurrence on HB 34, the triaxle bill, I was registered in the affirmative. Obviously my switch malfunctioned, and I would like to be registered in a nega-

tive vote. I would hope that the press corp on reporting this issue would please note that malfunction.

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

CONSIDERATION OF HB 962 CONTINUED

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

Mr. ZELLER. Mr. Speaker, on HB 962 I wish that those of you who feel that you want to support it, I believe you should remember what the public has said. The public said in voting on the referendum that they wanted an independent, strong attorney general, someone who is not controlled by the Governor, by the administration, regardless who the Governor is.

By what you are doing here, the attorney general winds up being a robot to the Governor, and what Mr. Piccola said is true, the public will know the powers of the attorney general. That is right. They cannot lose either way because that issue is over with. They should have had this bill before they voted on the referendum or at least let the public know what they intended to do, and I think you would have seen a different answer. You will accomplish two things here either way. In other words, no matter which person they elect for attorney general, you are still going to have a robot to the Governor. You are going to have a very, very weak attorney general.

This is not a compromise that should have been with the public. This is a compromise with the political powers. That is where the compromise came in in order to still control that attorney general's office. This is what it is all about. Think that over because if you said to your people when you campaigned, I am campaigning for a strong, independent attorney general, this is not what you are giving them. Just remember that. When you go out there now and your opponent is going to start hitting you, Mr. and Mrs. So and So, what did you vote for?, you are going to have to answer whether or not you voted for a weak one or a strong one. That is what you are going to have to answer. Just think it over when you vote for HB 962.

I have got to, in all good conscience— I was on it when Bill Eckensberger headed the Law and Justice Committee years ago. We were the ones who started this initial operation, and I was on the Law and Justice Committee. I can tell you this: This is not what the intent of that committee was when we brought in the attorney general from Delaware and other areas to question them and to find out just exactly what we wanted. That is not what was brought to the public's attention.

No way, shape, or form of what Mr. Manderino said is right; the public did not vote for anything like this. They only voted for, in other words, a change in the process of electing an attorney general, and if everybody wants it the same as it is right now, without this bill, the Administrative Code would take care of it. It is true there should be some changes in that, but it is not going to create chaos as has been said by the media; no way, shape, or form.

In other words, by your voting for HB 962, you are telling the voters that they are not getting what they asked for. So I strongly urge a "no" vote on HB 962.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, the gentlemen on both sides of this question will argue the intent of this task force, or the General Assembly or their intent. I supported the elected attorney general. I was a member of the task force. I participated in the discussions on that task force. I participated in HB 2. I participated in the committee hearings on HB 2 in my subcommittee and I rise to urge this General Assembly to support HB 962.

It is not a perfect bill. It is, however, as in all major legislation that we have here, a compromise. I believe, however, it is a reasonable compromise and it is a necessary compromise, because the alternative is, I believe, contrary to the opinion of the minority whip, chaos on January 1.

The intent, as I understood it—and my understanding is, of course, not perfect—of the members of this House who pushed for an elected attorney general and of people who voted for it was to have a strong, independent attorney general, with both civil and criminal powers to act as a watchdog over the evils that we witnessed in the last 6 years where there was complete political control of the Justice Department of this Commonwealth. This bill does create a strong, independent attorney general with both civil and criminal powers.

The task force recognized that there would be problems because we had to be concerned about the possibility of political conflict between an elected attorney general and a Governor, and we had to be concerned in that situation that that political conflict would not prevent the functioning of this government under the Governor who had been elected by the people and had the responsibility to run the administration, whoever he might be. In an effort to correct that, and to do that, and to strike that balance, all we said in this bill that was different than the task force report—and I think it is better than the task force report—if there is such a political dispute, both sides of that dispute can be adequately presented and argued in court in the context of the adversary system, with both sides arguing their case as hard as they can. That is why the counsel general has the right to intervene.

Now, it is not unheard of and unknown to have the government on different sides in a law suit. It is not absurd; it is not ridiculous. The books are full of cases: U.S. vs. U.S.; ICC vs. ICC in the Federal system. There are differences of opinion within administrations. There are differences of opinion between personalities, and there are policy differences, and the important thing is that they be settled and the government functions and we provide a means to settle them.

The alternative is, I really think, chaos and further embarrassment for this General Assembly, embarrassment because we have had 2 years to act on this situation and we have failed to do so, and when the voters elect an attorney

general they will not know what his job is to be. I think this bill conforms with the intent. The supersession and the intervention are proper and appropriate in order to adjust conflict within a system of checks and balances such as we have.

This bill addresses the evil that the amendment was aimed at, and that is the evil of the coverup, the evil of the political coverup of corruption, of problems in an administration. That cannot happen under this bill because the attorney general has the power to get that matter before the public by his civil and criminal powers. It does not permit that kind of thing, and that is what we were concerned about; that is what the people were concerned about and that is what this bill addresses on both the civil and the criminal side.

I think it is a good bill. I think it is better than the task force report was because I think it addresses a problem that the task force did not know quite how to handle, and it addresses it in terms of intervention and I think it deserves your support. I urge all the members on both sides of the aisle to put aside their partisan differences and vote "yes" on this extremely important piece of legislation, perhaps one of the most important matters you will ever have to vote on. Thank you very much.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I rise to oppose concurrence in the Senate amendments. I also rise to make my position very clear. I have a great deal of respect for Mr. Piccola; a great deal of respect for Mr. Hutchinson. I believe them to be both sincere and honest in their arguments, but I believe them to be erroneous in their arguments.

I agree with Mr. Hutchinson's basic statement that this bill gives a great deal of civil and criminal responsibility in power to the elected attorney general. But what Mr. Hutchinson fails to tell you is that having given that power, it almost immediately guarantees that it may be ripped away. What it says in section 303 and section 403 is that if the attorney general takes a position with which the Governor disagrees, all the Governor has to do is to write to the attorney general and say, step aside and let my general counsel run things. And if the attorney general says, no, I do not choose to step aside, then all the Governor has to do is say, very well, general counsel, intervene in that case and disagree with the attorney general.

I think that some of you may have read, as I did, some very interesting little tidbits in the news about the discovery of two-headed snakes. There had been two different discoveries of two-headed snakes recently. This is the third one right here. This is the third two-headed snake to be recently discovered.

If we rush and pass this today under the delusion that you are saving the people of the Commonwealth, we will be making a serious error. Let me point out to you that this is not the day before election. Let me point out to you that if we fail to concur, this bill goes back to the Senate and all the Senate has to do is insist on its amendments and we

appoint a committee of conference. Let me point out to you that we are going to be back here next week. There is time to change those parts of this bill, and on this side we are not disagreeing with the entire amendment. We do not disagree with the entire insertion. We are disagreeing with certain small parts of it, but we think those parts are important. And there is time for a committee of conference to remove those sections and iron these difficulties out so that the people of the Commonwealth will have a statute before they vote.

Even though I do agree with those whose philosophy says that there will not be chaos if that does not happen. The laws are on the books. If we do nothing, the elected attorney general will have all the powers of an attorney general, all the powers we have given to the attorney general over the years, and that to me is very clear.

But I am not proposing that we do nothing. I am proposing that this afternoon we nonconcur. We say to the Senate, you have again acted without consulting us; we disagree. Now let us sit down in the committee of conference together and get rid of those disagreements. That is the only thing that I am asking. I ask that we do it by a vote of "no" on these Senate amendments.

I would submit to many of you that you have not read this bill yet. And I will submit to many of you that if we do pass this—and I agree with Mr. Hutchinson on this most important piece of legislation, if we rush it and pass it this afternoon, after we have waited 2 years for it to come here, simply because we want to get out and get back home and campaign—you and I will be doing the people of this Commonwealth a disservice for they will be bound by this statute, and you and I will be bound by this statute. If we make that mistake, you and I will have to unravel it later on. Let us not make the mistake today. Let us send a good bill to the Governor for his signature. Let us send this bad one back to the Senate. Thank you, Mr. Speaker.

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

Mr. KUKOVICH. Mr. Speaker, I rather hesitantly rise to ask for a "no" vote on concurrence. I do that because I would love to be able to vote for a compromise attorney general bill that I think would do the job. I am happy with many parts of this bill; I am happy with what has been done with the Office of Consumer Advocate, the Bureau of Consumer Protection within this. I think that many aspects of this bill are similar with what was done in the task force, what was in SB 855. I think, again, it is much better than the amendment that was put into HB 2, some time ago.

The specific sections that have already been mentioned by Mr. Manderino and Mr. Irvis, I think they are correct. I think we are going to be faced, if this bill becomes law, with years of litigation. I think there is going to be duplication of services within this bill. I think we are going to give a lot of business to attorneys working for the state, and I think it is only reasonable to ask, in light of the fact that the motion to suspend the rules failed, and to try to address this problem, to vote to nonconcur and hope that

the conferees can straighten out those problems in sections 301, 303 and 403 in particular.

Quite frankly, Mr. Speaker, this has happened to us time and time again this session where the Senate has sent over a bill; whether it has been the budget; whether it has been unemployment compensation; bills which I would have loved to have voted for—and I appear to be a reasonable person and statesmanlike—but I cannot in good conscience vote for bills that have sections in them that I strongly disagree with. I do not think it is unreasonable to say that whenever there are sections which we feel will cause a problem in the future as sections 303 and 403 will—we are not saying we are asking for perfect legislation. We are just asking for something more appropriate than what we have in front of us—I think we have got to tell the Senate and I think we have got to tell Governor Thornburgh that this just will not do.

I am not one of those individuals who has spoken about the intent. People on both sides have spoken about the intent. We are not omniscient here. I do not think we know what the voters of this state said except they wanted an elected attorney general. They were addressing the process. I do not think they were addressing the powers. I do know that in the summer of 1978 when I sat across a table from candidate Thornburgh, now Governor Thornburgh, he felt he knew the intent. He said, and I quote from the Governor, "The people of Pennsylvania have clearly indicated that they want the attorney general, that is, the chief legal officer of the commonwealth, to be independent from the governor, and that decisions with respect to the conduct of litigation must necessarily be made by the attorney general." Sections 303 and 403, which Governor Thornburgh now supports, negate the content of that statement. I am not saying there is duplicity. I am saying maybe there is a change of heart because of political, partisan reasons. I think the House can rise above partisanship by voting "no" on concurrence. Thank you, Mr. Speaker.

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

Mr. D. R. WRIGHT. Mr. Speaker, I am not at all certain that I will be able to add anything except my own views of this bill, and I do not wish to speak to the contents of it. I do wish, however, to make two points.

I have spoken frequently in this House and elsewhere about the integrity of the procedure; that the process of government is just as important as the product of government. And we have an example of how that is important to us today.

I am fearful that his House is going to continue to acquiesce to the wisdom of the Senate. Almost every major piece of legislation which we have considered has come over to us in the form of an amended House bill. The bill which we now have before us was a bill to require bid requests and specifications with regard to the Department of Corrections in the Department of Justice. It had absolutely nothing to do with the contents of the legislation which we have before us.

If we continue in this procedure, Mr. Speaker, it seems to me that we might as well disband the House and let the Senate make judgments for us. But we have not been alone in this duplicity if it is indeed that. We have had HB 2 before us since January 1979 and it has been on and off the table since February 1980. I, myself, had an amendment to this bill which got shopworn carrying it around hoping that one day this bill would come before us.

Mr. Speaker, just on the basis of the procedure that the House should indeed have an opportunity to express its will, I am going to vote for nonconcurrence. Thank you.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I will be brief.

I think the minority leader, in all sincerity, has raised his problem and I think that we might as well talk about the merits, and that is why I tried to say that the intervention section is a good section. It is not as if, Mr. Speaker, there were no means of resolving that dispute. It is not as if the attorney general was not independent. All it does is provide within the context of an adversary system, and that is what we have in the courts, that both points of view on a controversial issue will be adequately argued, briefed and presented; that both sides will be heard so that the judge who is the arbiter of that dispute can be fully informed. If you do not have that right of intervention, only one side of the story will be told, and that will lead to incorrect decisions.

The section on intervention is an ingenious, proper and intelligent way of solving the very difficult problem of checks and balances between these two bodies and keeping the government running. It is, I think as the minority leader indicated, not a partisan problem, not a partisan matter. It is a problem of how we accomplish a result. This intervention provision, in my opinion and belief, accomplishes the necessary result, and I think it deserves your support.

Finally, I think you should vote it on the merits of that provision. And I can understand the frustration at having something sent over by the Senate and having to vote "yes" or "no." But we should not permit our vote to be swayed simply because we are mad at the Senate or we are upset at our prerogatives. We should attack it on the merits. On the merits, this is a good bill. Section 303 is a good section in that bill, and it does offer exactly, I think, what the people wanted - the means of having a watchdog and having major disputes aired and having both sides well argued and well presented. I urge a "yes" vote on both sides.

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

Mr. PICCOLA. Let us examine HB 962 and see exactly what you will be voting against if you vote "no" on this concurrence resolution. We all want a strong, independent attorney general, and the independence has been assured by the electorate of this Commonwealth, but if you vote "no" on this concurrence resolution, you will be voting against an attorney general who has the strongest prosecutorial powers that this state has ever seen, the power to prosecute

corrupt state officials, the power to institute investigative grand juries across the Commonwealth, the power to collect debts due the Commonwealth, taxes due the Commonwealth. He has the power to prosecute under the Federal antitrust statutes that are now in effect. He has the power to review, perform in legality, the rules and regulations that are promulgated by the various agencies of this Commonwealth, and he has the power to review for form and legality the contracts, the leases, the deeds that are executed by the various agencies of this Commonwealth, and he is an independent officer. He has the power to issue attorney general opinions when requested that have the binding effect of law upon the agencies of government of this Commonwealth. He has the power to appoint and direct the office of the consumer advocate and the bureau of consumer protection.

Under this bill, under this bill, he will be prosecuting Medicaid fraud here in the Commonwealth of Pennsylvania, and he is independent of the Governor, and he will be involved in every single piece of civil litigation that is involving the Commonwealth of Pennsylvania unless he chooses, unless he chooses not to get involved. It is his decision, not the Governor's, as Mr. Irvis implied; it is the attorney general's decision whether he gets out of a case or stays in a case. I would be very hesitant to vote against powers like this to be given to an elected official in the Commonwealth of Pennsylvania. It will be an office almost unprecedented here in Pennsylvania, and I strongly urge that you consider very strongly a "yes" vote in concurring in these amendments that the Senate has given us in this piece of legislation.

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

Mr. RICHARDSON. Mr. Speaker, I would like to interrogate Mr. Piccola.

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

Mr. RICHARDSON. Number one, I would like to know whether or not you have any statistics available that could indicate to us in this House how many states across the United States presently have attorneys general elected?

Mr. PICCOLA. Between 40 and 45 states have elected attorneys general.

Mr. RICHARDSON. In that regard, Mr. Speaker, I would like to know whether or not you could tell the members of this House how many of those powers are directly drawn up specifically to allow that office to be run independently of the Governor?

Mr. PICCOLA. Well, all 45 of them are independent of the governor by virtue of the fact that they are elected. Their powers and responsibilities vary from state to state as laws vary from state to state and customs vary from state to state.

Mr. RICHARDSON. Would you say that in the pretense that we have now in this particular bill that is in front of us that there is any change in those 45 or 44 states that presently have independent powers to run this office as they see

fit in the election of the people of the Commonwealth of Pennsylvania has given us at this point, whether or not the powers in the other states where the attorney general presently exists, would have the power to do what it is supposed to do, as opposed to having the Governor intercede or have a general counsel that is run by the Governor or appointed by the Governor?

Mr. PICCOLA. In almost every instance the—

Mr. RICHARDSON. I cannot hear you, Mr. Speaker, and with all deference to the Chair—

The SPEAKER. Will the gentleman turn around and ask some of his colleagues to please be seated?

Mr. RICHARDSON. No. I am not the Speaker.

The SPEAKER. The Chair has attempted to do it and the Chair would hope the gentleman would help himself. The gentleman, Mr. Richardson, may proceed.

Mr. RICHARDSON. Did Mr. Piccola understand the question?

Mr. PICCOLA. I believe your question was how does this legislation compare with the powers of what might be comparable to general counsel in other states?

Mr. RICHARDSON. Yes.

Mr. PICCOLA. Again, it varies from state to state. In almost every case the Governor would have to have some kind of legal counsel of his own, but it depends in a large amount on how the legal systems of those states developed from the early days of their statehood. Ours developed in a certain way, and this bill is patterned after the way our legal system developed here in Pennsylvania.

Mr. RICHARDSON. Well, do you agree, Mr. Speaker, that it should be that the people in this state have indicated very strongly that there should be an independent elected attorney general and that in compliance with that that it would be our responsibility to make sure that the Governor does not have his foot or hand in the process of what the duties and powers should be of that attorney general's office? Do you agree with that?

Mr. PICCOLA. I agree with that, and HB 962 does that.

Mr. RICHARDSON. No, it does not. My point is that in section 303 and section—

The SPEAKER. Will the gentleman yield? The gentleman is entitled to his response. The gentleman, Mr. Richardson, may proceed.

Mr. RICHARDSON. I disagree with your statement; that is all I said, Mr. Speaker.

I think that if we are to move to a high level in terms of what other compliances are in terms of other states, even though they may vary, you will see throughout those 44 or 45 states that at least the responsibility falls on the attorney general to decide what in fact should be those powers and duties. Basically, in this Commonwealth we already have them drawn up; those powers are already applied to and therefore could be moved on immediately without fail.

The question I have finally, Mr. Speaker, is if we are going to see about the business of changing a law, what is your understanding of the time frame that we presently have? If we were to nonconcur today, what is your under-

standing of whether or not we are going to be in session next week or not in session, so that there would be ample time before the November 4 election to in fact go over the kinds of powers and also duties and responsibilities that are supposed to be done before November 4?

Mr. PICCOLA. I am afraid I cannot answer that question, Mr. Speaker. We could sine die this afternoon and end all opportunity to amend the law. The problem is, and Mr. Irvis alluded to it, that it was crystal clear what powers the attorney general now has under present law. I disagree with Mr. Irvis that it is crystal clear. The implementing amendment to the constitution says that the attorney general shall be the chief law officer of the Commonwealth and shall exercise all powers and perform such duties as may be imposed by law, and I could argue a very strong case that unless this General Assembly acts before the expiration of this legislative session on November 30, we may have an officer, an attorney general, sworn in in January who has no powers, no powers.

Mr. RICHARDSON. But is not your understanding, though, Mr. Speaker, already that we are supposed to be back here on Monday?

Mr. PICCOLA. I could not understand the question.

Mr. RICHARDSON. Is it not already your understanding that we are going to be back in session on Monday? I mean I have heard the Speaker say that.

Mr. PICCOLA. I have no idea when we are coming back.

Mr. RICHARDSON. All right. I heard that.

Secondly, we also recognize at this point that we, if we go out, will go out sine die November 30 of this year, 1980. Is that right?

Mr. PICCOLA. We could sine die today or we would automatically sine die on November 30.

Mr. RICHARDSON. Right, but I am saying we still at least have technically up to November 30 if we do not sine die before then?

Mr. PICCOLA. That is correct. However, I think the people of Pennsylvania want to know by November 4 what this officer is going to do before they go to the polls and elect him. It might play a small measure; I think it will play a large measure on whom they will elect.

Mr. RICHARDSON. But did you not already just indicate to the members of this House that regardless of what that situation may be, at least the powers and duties already are outlined, regardless of whether we pass this piece of legislation or not, for a present attorney general?

Mr. PICCOLA. Could the gentleman repeat the question? I do not understand it.

Mr. RICHARDSON. The only thing I indicated was that did you not just indicate to us in your response that if in fact there was no particular law that was passed today, we would in fact fall under the rules and guidelines that are already set for what an attorney general's powers are supposed to be?

Mr. PICCOLA. Mr. Irvis indicated that that might be the case. I argued otherwise. However, those laws that are

now on the books governing the attorney general were specifically written for an appointed attorney general. They were not written with the idea in mind that we were going to have an elected attorney general.

The SPEAKER. Will the gentleman yield? The Chair has been very lenient and let the debate go far afield. The Chair would ask the gentleman to please confine his remarks to the merits of the bill before us. The gentleman may proceed.

Mr. MANDERINO. Well, Mr. Speaker, if I am not talking about an elected attorney general in relationship to his powers and duties, could you tell me where I am far afield?

The SPEAKER. The question before the House is the Senate amendments to HB 962. The gentleman will please confine his interrogation to the amendments.

Mr. RICHARDSON. I am specifically, because I am talking about the Governor of this Commonwealth and his ability to be able to handpick—

The SPEAKER. The gentleman is going far afield. The Chair has been lenient. The Chair is now insisting that the gentleman confine his debate to the question before the House. The gentleman may proceed.

Mr. RICHARDSON. Certainly we do not want to do anything that is going to be far afield. We will just try to stick to the points, Mr. Speaker.

What I would like to do, Mr. Speaker, is try to find out from you whether or not in fact if this bill is nonconcurrent in and whether or not presently the powers of the attorney general's office, if an elected attorney general goes into place January 1, 1981, would they in fact fall under the guidelines of the present structure that is set up with the powers and duties of the attorney general's office now?

The SPEAKER. The gentleman, Mr. Piccola, is unable to answer that question because it is argumentative. It is not before the House at this time. Now the gentleman will please confine his interrogation to concurrence in Senate amendments to HB 962.

Mr. RICHARDSON. Is Mr. Piccola unable to answer that?

The SPEAKER. The Chair has suggested to the gentleman that since it is not in order, it is an improper question. The gentleman may continue if he wishes to interrogate on the bill.

Mr. RICHARDSON. Okay. Let me ask this question then; maybe I am on the wrong bill. I thought this was concurrence in Senate amendments to HB 962 that was dealing with the powers of the attorney general that we just moved on in this Commonwealth. Is that not correct? Did the people of this Commonwealth not move that we should have an elected attorney general, Mr. Speaker?

Mr. PICCOLA. Yes.

Mr. RICHARDSON. Yes. And if that is true, is that not what we are talking about in this bill? We are talking about what the powers are going to be come January of 1981—

Mr. PICCOLA. That is what is stated—

Mr. RICHARDSON: —if this bill is adopted or not adopted?

Mr. PICCOLA. That is what is contained in HB 962.

Mr. RICHARDSON. Well, that is what I am debating. I just wanted to make sure I was on the right bill. Okay.

Now, if that is a correct assumption, then, Mr. Speaker, I would like now to get back to my point, and that is, if we do not pass this bill presently, what happens, Mr. Speaker?

Mr. PICCOLA. I have already responded to that.

Mr. RICHARDSON. I did not hear you, Mr. Speaker, there has been a problem.

Mr. PICCOLA. As I had indicated earlier, it is not as crystal clear to me as it may be to others that if we fail to act during this session that the present powers of the attorney general will automatically flow to the new elected attorney general, and I cite the implementing article of the constitution—

Mr. RICHARDSON. Okay. That is just the point—

Mr. PICCOLA. —and say that he has no powers if we do not act.

Mr. RICHARDSON. Okay. Your answer is that if we do not act and they nonconcur today, that the elected attorney general would have no power? Is that your answer?

Mr. PICCOLA. I am saying that is a possibility and I would like to avoid that possibility becoming a reality.

Mr. RICHARDSON. But that is not necessarily a fact though, is that right?

I do not have anymore questions of the gentleman.

The SPEAKER. The Chair recognizes the gentleman to debate the bill. The gentleman may proceed.

Mr. RICHARDSON. I just wanted to point out again the inconsistency in this House as it relates to powers and not powers and whether or not we have some or whether we do not. It seems to me that Mr. Piccola indicated to the members of this House that perhaps maybe there may be some doubt in his mind whether or not there will be powers or no powers if in fact this bill passes. That raises a serious question with me. Number one, if we do not act, it would seem to me that automatically what is already present law would in fact take over. It seems to me that there seems to be a move at this point by members on this side of the aisle to in fact say, what is the real question? Are we going to ramrod down the throats of the members of this House another bill that is only going to deal with getting some particular powers in it for the Governor or are we concerned with what the people of this Commonwealth said was a mandate when they voted in last year by saying they wanted an elected attorney general that that is our responsibility? Our responsibility is to now put in place that particular law so that the attorney general's powers will be concise, precise, and to the point and to the letter and not be interrupted by the Governor's political persuasion or otherwise, so that we can make sure that that office is independent. I would think that is already presented in the case by Mr. Piccola, that we do not have that understanding with what he has already answered, and, therefore, I would ask that we nonconcur, Mr. Speaker. Then if there

was an opportunity to have a conference committee—as he said, this particular session may end sine die November 30; at least we understand that is the last day—and the attorney general would not take over until January 1 of 1981, giving us ample time. I would think on those merits alone, Mr. Speaker, the members of this House should vote “no.”

The SPEAKER. Does the gentleman from Greene, Mr. DeWeese, wish to be recognized? The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. In summation, Mr. Speaker, I would like to attempt to slice through some of the fog.

I think this can be compared to something else. I think we are trying to create an attorney general in Pennsylvania that would have the same difficulties that Vinegar Joe Stilwell had in the China-Burma-India theater in the World War. I am not trying to draft anything except the very cogent analysis of what will be difficult. After American troops were successful in the shadowed uplands of north Burma and after they were heading toward Rangoon and Mandalay, it was time for Vinegar Joe Stilwell and American troops to head into China—

The SPEAKER. Will the gentleman yield? The Chair was unable to hear. General who? The Chair thanks the gentleman. The gentleman may proceed.

Mr. DeWEESE. Joe Stilwell wanted to head into China and take Japanese resistance head on. Pai Chung-hsi, one of his bright division commanders in the Chinese Army was anxious to accompany him. However, for 11 years, since 1933, Chiang Kai-shek had called the shots from Chungking and there was no flexibility on the part of the commanding general.

I contend that the attorney general of the Commonwealth of Pennsylvania will not have any flexibility if section 303 is included in the language of the bill. I believe that it is essential, Mr. Speaker, that we have a very clear line of demarcation of who is in charge and who is not in charge. In World War II Stilwell was stultified by the fact that the commands were being called from far away. The Chinese general said, “General, we will never have power of maneuver and power of flexibility until the phone line to Chungking is cut.”

I do not think the people of this Commonwealth will have the ability to recognize a total effort on the part of the attorney general until the phone line to the Governor's office is cut. Thank you.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, would you please keep the roll open so we may verify? There are a number of the members on both sides wandering all over the place.

The SPEAKER. The Chair has instructed the clerk to lock out all of the members who are known to be absent on both sides of the aisle.

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—93

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

NAYS—85

Borski	George, C.	McCall	Ritter
Brown	George, M. H.	McIntyre	Schmitt
Caltagirone	Goebel	McMonagle	Schweder
Cappabianca	Grabowski	Manderino	Seventy
Chess	Gray	Michlovic	Shadding
Clark, B. D.	Greenfield	Milanovich	Shupnik
Cochran	Harper	Mrkonic	Steighner
Cohen	Hoeffel	Mullen	Stewart
Cole	Hutchinson, A.	Murphy	Suban
Cowell	Irvis	Novak	Sweet
DeMedio	Itkin	O'Donnell	Taylor, F.
DeWeese	Jones	Oliver	Trello
Dawida	Knight	Petrarca	Wachob
Dombrowski	Kolter	Pievsky	Wargo
Donatucci, R.	Kukovich	Pistella	White
Duffy	Laughlin	Pratt	Williams
Durham	Lescovitz	Pucciarelli	Wright, D. R.
Fee	Letterman	Rappaport	Yahner
Fryer	Levin	Reed	Zeller
Gallagher	Lewis	Rhodes	Zitterman
Gamble	Livengood	Richardson	Zwikl
Gatski			

NOT VOTING—18

Austin	Dumas	Kanuck	Rieger
Beloff	Giammarco	Knepper	Rodgers
Bennett	Goodman	O'Brien, B. F.	Street
Cimini	Helfrick	O'Brien, D. M.	Zord
DiCarlo	Johnson, J. J.		

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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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.

RECONSIDERATION OF VOTE
ON HB 962

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that the vote by which concurrence in Senate amendments to HB 962 was defeated on the 1st day of October be reconsidered.

Mr. S. E. HAYES. Mr. Speaker, I second the motion.

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

The following roll call was recorded:

YEAS—115

Alden	Fischer	Lescovitz	Ritter
Anderson	Fisher	Levi	Rocks
Armstrong	Foster, W. W.	Lewis	Ryan
Arty	Foster, Jr., A.	Lynch, E. R.	Salvatore
Belardi	Freind	McCall	Scheaffer
Berson	Gallen	McClatchy	Schweder
Bittle	Gamble	McVerry	Serafini
Bowser	Gannon	Mackowski	Sieminski
Brandt	Geesey	Madigan	Sirianni
Burd	Geist	Manmiller	Smith, E. H.
Burns	George, C.	Micozzie	Smith, L. E.
Cappabianca	Gladeck	Miller	Stairs
Cessar	Grabowski	Moehlmann	Stewart
Chess	Grieco	Mowery	Swift
Civera	Gruppo	Nahill	Taddonio
Clark, M. R.	Hagarty	Noye	Taylor, E. Z.
Cornell	Halverson	Oliver	Telek
Cowell	Hasay	Perzel	Thomas
Cunningham	Hayes, Jr., S.	Peterson	Vroon
DeMedio	Hoeffel	Phillips	Wass
DeVerter	Honaman	Piccola	White
DeWeese	Hutchinson, W.	Pievsky	Wilt
Davies	Irvis	Pitts	Wright, Jr., J.
Dawida	Johnson, E. G.	Polite	Yahner
Dietz	Klingaman	Pott	Yohn
Dininni	Kowalyshyn	Punt	Zeller
Dorr	Lashinger	Pyles	
Durham	Laughlin	Rasco	Seltzer,
Earley	Lehr	Reed	Speaker
Fee			

NAYS—52

Brown	Goebel	McMonagle	Schmitt
Caltagirone	Gray	Manderino	Seventy
Clark, B. D.	Greenfield	Michlovic	Shadding
Cochran	Harper	Milanovich	Steighner
Cohen	Hutchinson, A.	Mrkonic	Suban
Cole	Itkin	Murphy	Sweet
Dombrowski	Jones	Novak	Taylor, F.
Donatucci, R.	Knight	O'Donnell	Trello
Duffy	Kolter	Petrarca	Wachob
Fryer	Kukovich	Pistella	Williams
Gallagher	Letterman	Pratt	Wright, D. R.
Gatski	Levin	Pucciarelli	Zitterman
George, M. H.	Livengood	Richardson	Zwikl

NOT VOTING—29

Austin	Giammarco	Mullen	Shupnik
Beloff	Goodman	O'Brien, B. F.	Spencer
Bennett	Helfrick	O'Brien, D. M.	Street
Borski	Johnson, J. J.	Rappaport	Wargo
Cimini	Kanuck	Rhodes	Wenger
Coslett	Knepper	Rieger	Wilson
DiCarlo	McIntyre	Rodgers	Zord
Dumas			

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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The question was determined in the affirmative, and the motion was agreed to.

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

BILL PLACED ON POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 962 be placed on the postponed calendar.

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

QUESTION OF INFORMATION

The SPEAKER. The Chair recognizes the minority whip.
Mr. MANDERINO. Mr. Speaker, is the motion debatable?

The SPEAKER. In response to the question posed by the minority whip, the question is debatable; the merits of the bill are not debatable.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, prior to being recognized on the motion to place on final passage postponed, a parliamentary inquiry.

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

Mr. MANDERINO. It is my understanding the rules of this House say that when a vote is reconsidered, the question will immediately reoccur. If that is what our rules say, will it not take 102 votes to suspend that rule and go to final passage postponed?

The SPEAKER. It is the opinion of the Chair that the answer is no.

Mr. MANDERINO. Mr. Speaker, are we not violating a rule of the House if we do not suspend it and we do something contrary to that rule?

The SPEAKER. The response is no.

It is a motion. If the Chair could paraphrase, you could send a bill to committee or you could do other things with a bill, and that does not take a constitutional vote, nor does it take a suspension of the rules.

Mr. MANDERINO. Mr. Speaker, that is in the event that you are not contravening House rules by doing what it is that the motion asks be done.

Mr. Speaker, I read to you from rule 26: "When a motion to reconsider any such vote is made within the aforesaid time limits and is decided by the affirmative vote prescribed herein, the question immediately recurs on the bill, resolution or other matter reconsidered."

The SPEAKER. Will the gentleman yield?

The Chair would repeat what he had indicated before. The question recurred, Shall the bill pass finally? At that point the Chair recognized the majority leader, Mr. Ryan, who moved that the bill be placed on the postponed calendar. That takes a simple majority. It is very similar to a motion to lay the bill on the table.

The Chair recognizes the minority leader.

Mr. IRVIS. I do not mean to interrupt the Speaker's explanation. I will await—

The SPEAKER. The gentleman may proceed.

Mr. IRVIS. Mr. Speaker, I must beg to differ with the Chair. As I read rule 26, it says that the matter must immediately be placed before the House. It seems to me—

The SPEAKER. Will the gentleman yield just one moment?

That is correct, and that question came before the House. So we are in agreement to that point.

Mr. IRVIS. But the matter that I think must have come before the House was a question of whether or not there is concurrence in Senate amendments to HB 962. The majority leader intercepted that question by a motion. I believe it is correct to say that what the Chair's position is, is that, without objection, the majority leader's motion could be placed before the House to intercept the rules. In that case the only way that the rules could be intercepted would be either without objection or by a vote of 102 to suspend the rule, which was being ignored, and we did neither, Mr. Speaker.

The SPEAKER. After the vote had been taken to reconsider the vote by which the concurrence failed, the question was, Shall the House concur in the amendments inserted by the Senate? That is a main motion. At that time the main motion is subject to subsidiary motions. The majority leader, Mr. Ryan, offered a subsidiary motion to postpone by laying the bill on the postponed calendar. It does not take a suspension of the rules. The position we are in is very similar to if it was a bill on final passage.

Mr. IRVIS. Mr. Speaker, I do not wish to delay the House unnecessarily by parliamentary wrangling. It might have been correct if the majority leader had made a motion to place upon the table rather than on final passage postponed. That motion I could have accepted as not having intercepted the rules.

The SPEAKER. In the opinion of the Chair, they are both subsidiary motions and both proper. It was the decision of the majority leader to offer the subsidiary motion which was to postpone action on the bill by placing it on the postponed calendar, which does not necessitate the suspension of the rules.

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

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I reiterate my position which I stated at a prior time. I am not opposed to a statute which delimits the powers of the elected attorney general. I am opposed to the motion to delay this going into a committee of conference, because I believe it is there that the difficulties which we have debated for now more than an hour can finally be resolved, and that is the reason that I am going to vote in the negative on the majority leader's motion. I do not wish to be dilatory; I am not trying to destroy the total amendment; I am trying to get it into posi-

tion where the difficulties may be eliminated, and they are not going to be eliminated on the floor of this House, in my opinion. I shall vote "no."

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

The following roll call was recorded:

YEAS—90

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

NAYS—84

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

NOT VOTING—22

Austin	Giammarco	Knepper	Rodgers
Beloff	Goodman	Nahill	Spencer
Bennett	Helfrick	O'Brien, B. F.	Street
Cimini	Hutchinson, W.	O'Brien, D. M.	Williams
DiCarlo	Johnson, J. J.	Rieger	Zord
Dumas	Kanuck		

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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The question was determined in the affirmative, and the motion was agreed to.

REQUEST TO VERIFY VOTE

The SPEAKER. The Chair recognizes the minority whip.
Mr. MANDERINO. Mr. Speaker, may we go through the procedure of verifying the vote?

The SPEAKER. The Chair turns to rule 67, "Verification and Challenge," and reads: "Upon completion of a roll call and before the result is announced, if there appears to be need for verification, the Speaker may direct the Clerk to verify it, or three members may demand a verification." The Chair would suggest to the gentleman that he was late in asking for a verification of the roll.

Mr. MANDERINO. When do you have to ask for a verification of the roll, Mr. Speaker?

The SPEAKER. The Chair was unable to hear the gentleman.

Mr. MANDERINO. When do you have to ask for a verification of the roll?

The SPEAKER. I am reading from rule 67 and I quote: "Upon completion of a roll call and before the result is announced, if there appears to be need for verification, the Speaker may direct the Clerk to verify it, or three members may demand a verification."

Mr. MANDERINO. Mr. Speaker, I want to be one of those members demanding a verification.

The SPEAKER. The Chair had just suggested to the gentleman he is too late, that the roll had been announced.

Mr. MANDERINO. Mr. Speaker, the rules to be meaningful have to be construed in such a manner that members who want to challenge the veracity of the vote have an opportunity to challenge the veracity of the vote.

The SPEAKER. The gentleman knows that this Speaker has been very fair in giving an opportunity for anyone to challenge the vote.

Mr. MANDERINO. No; this gentleman does not know any such thing. This gentleman knows no such thing. You have been the most unfair Speaker that this House of Representatives has seen in a long time.

The SPEAKER. I love you truly.

Mr. MANDERINO. Mr. Speaker, in Italian we say, Cante cante mo.

The SPEAKER. The Chair returns to page 13 of today's calendar, HB 2077.

Mr. MANDERINO. Mr. Speaker, I object to returning to any other pages. Let us run the calendar in order.

The SPEAKER. The Chair would suggest to the gentleman that he talk to his member, Mr. Grabowski, who was promised an opportunity to have his bill voted upon.

Mr. MANDERINO. Mr. Speaker, are we going to verify the last vote?

CALENDAR CONTINUED

**FINAL PASSAGE POSTPONED
BILL CONSIDERED**

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. GRABOWSKI, the House resumed consideration on final passage of **HB 2077, PN 3838**, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316); providing for migratory waterfowl stamps, and providing a penalty.

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?

Mr. MANDERINO. Mr. Speaker, there are gentlemen who are not present here—

The SPEAKER. The gentleman is out of order. The question before the House is HB 2077.

Mr. CLARK. Mr. Speaker, I would like to be the second member to challenge the veracity of the vote.

Mr. RICHARDSON. And, Mr. Speaker, I would like to be the third.

The SPEAKER. HB 2077. Will the House agree to the bill?

Mr. WHITE. Mr. Speaker, I will be the fourth.

The SPEAKER. Agreed to.

On the question recurring,

Shall the bill pass finally?

The SPEAKER. Does somebody wish to debate the bill?

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

Mr. GRABOWSKI. Mr. Speaker, I do not think we have resolved the matter that the minority whip had brought up. I do not want to step on—

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. Mr. Speaker, this is the bill that was before us yesterday, if I recall, in regard to migratory waterfowl, and I would encourage my colleagues to vote in opposition to this bill. My reasoning for this, Mr. Speaker, is the fact that we are going to place a \$3.35 tax or license fee—whatever you want to call it—on our sportsmen here hunting waterfowl in Pennsylvania when all up and down the eastern coast the other states are not doing the same, and there is nothing that is going to keep migratory birds coming back to the State of Pennsylvania.

Mr. Speaker, I am thinking about the poor person who has three or four sons for whom he has to buy a license, and with a \$9.50 license fee for each of those sons, tack on another \$3.35, making them put on fluorescent orange, Mr. Speaker, this is outpricing the average person in the hunting of waterfowl. I would ask everyone to vote against this particular bill.

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

Mr. GRABOWSKI. Mr. Speaker, I did not intend to speak, but since Mr. Dietz did, I feel compelled. I would like to remind the members of the House of Representatives that this legislation was introduced at the request of the waterfowl hunters themselves. They believe that the Game Commission is not pumping enough money into their sport, and this bill says that money can only be used to enhance their sport.

Mr. Speaker, they were the ones who requested it. I just followed through with their request, and I think that it has merit. Monday the opposition was basically two or three members who said they knew of people in their district who could not support it and that is why they were opposing it. So unless you have some compelling reason like your constituency opposing it, please support it. Let us give the waterfowl hunters what they want.

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—103

Berson	Gallen	Lynch, E. R.	Rasco
Borski	Gamble	McClatchy	Reed
Bowser	Gannon	McIntyre	Rhodes
Brown	George, M. H.	McMonagle	Richardson
Burd	Gladeck	McVerry	Rocks
Caltagirone	Goebel	Mackowski	Schmitt
Cappabianca	Grabowski	Manderino	Schweder
Cessar	Gray	Manmiller	Seventy
Chess	Greenfield	Michlovic	Shadding
Clark, B. D.	Hagarty	Milanovich	Smith, E. H.
Clark, M. R.	Halverson	Moehlmann	Stairs
Cochran	Harper	Mrkonic	Steighner
Cohen	Hoefel	Mullen	Stewart
Cole	Honaman	Murphy	Suban
Cowell	Hutchinson, A.	Nahill	Sweet
Cunningham	Irvis	Novak	Taddonio
DeMedio	Itkin	O'Donnell	Taylor, E. Z.
DeWeese	Jones	Oliver	Taylor, F.
Dawida	Knight	Peterson	Telek
Dombrowski	Kolter	Petrarca	Thomas
Duffy	Kukovich	Phillips	Trello
Earley	Lashinger	Pievsky	Wachob
Fee	Laughlin	Pistella	Wenger
Fisher	Lescovitz	Pratt	White
Freind	Levin	Pyles	Wright, D. R.
Gallagher	Livengood	Rappaport	

NAYS—70

Alden	Foster, Jr., A.	McCall	Sieminski
Anderson	Fryer	Madigan	Sirianni
Armstrong	Gatski	Micozzie	Smith, L. E.
Arty	Geesey	Miller	Swift
Belardi	Geist	Mowery	Vroon
Bittle	George, C.	Noye	Wargo
Brandt	Grieco	Perzel	Wass
Burns	Gruppo	Piccola	Wilson
Civera	Hasay	Pitts	Wilt
Cornell	Hayes, Jr., S.	Polite	Wright, Jr., J.
DeVertter	Hutchinson, W.	Pott	Yahner
Davies	Johnson, E. G.	Punt	Yohn
Dietz	Klingaman	Ritter	Zeller
Dininni	Kowalyszyn	Ryan	Zitterman
Dorr	Lehr	Salvatore	Zwinkl
Durham	Letterman	Scheaffer	
Fischer	Levi	Serafini	Seltzer,
Foster, W. W.	Lewis	Shupnik	Speaker

NOT VOTING—23

Austin	Donatucci, R.	Kanuck	Rodgers
Beloff	Dumas	Knepper	Spencer
Bennett	Giammarco	O'Brien, B. F.	Street
Cimini	Goodman	O'Brien, D. M.	Williams
Coslett	Helfrick	Pucciarelli	Zord
DiCarlo	Johnson, J. J.	Rieger	

EXCUSED—4

Barber McKelvey Maiale Spitz

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.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the minority whip rise?

Mr. MANDERINO. Mr. Speaker, I began talking while you were announcing the vote. Had I wanted to challenge the veracity of the vote, how could I have done it? It has already been announced.

Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANDERINO. If, when you begin the taking of the vote, you announce to the House that nothing is in order but the taking of the vote, and if you will not recognize members until after you have announced the vote, how in the world can anybody challenge the veracity of the vote?

The SPEAKER. The gentleman well knows that the leadership is always recognized at their open microphones to verify or challenge a vote before the vote is closed.

Mr. MANDERINO. Mr. Speaker, I asked for—

The SPEAKER. And the Chair may further advise the gentleman, he would suggest a little kindness might help.

Mr. MANDERINO. Mr. Speaker, I asked for recognition while you were taking the vote, and you would not recognize me. And after you stopped, I said, "Mr. Speaker," and you would not recognize me.

Mr. Speaker, let me just say that on the vote that I wanted to challenge the veracity on, the Speaker first announced 98 in favor of; then he put into the record 92 in favor of, and the vote sheet shows 90 in favor of. Now, I do not know why I cannot verify that vote.

REMARKS ON VOTES

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

Mr. WHITE. On HB 2907, amendment A8617 and amendment A8565 and amendment A8389, I would like to be recorded in the affirmative. On HB 2907 on final passage, I would also like to be recorded in the affirmative, and on HB 2291 I would like to be recorded in the affirmative. Thank you, Mr. Speaker.

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

For what purpose does the gentleman from Berks, Mr. Davies, rise?

Mr. DAVIES. On HB 2204 on concurrence in the Senate amendments, I want to be recorded in the affirmative. My switch was inoperable. And on HB 962, the suspension of the rules, I would ask to be recorded in the negative. My switch was inoperable.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 1373, PN 1741, entitled:

An Act amending the act of March 18, 1875 (P. L. 32, No. 36), entitled "An act requiring recorders of deeds to prepare and keep in their respective offices general, direct and ad sectum indexes of deeds and mortgages recorded therein, prescribing the duty of said recorders and declaring that the entries in said general indexes shall be notice to all persons," authorizing the combining of indexes for deed with indexes for mortgages.

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

NAYS—0

NOT VOTING—23

Austin	Giammarco	Knepper	Rodgers
Beloff	Goodman	O'Brien, B. F.	Spencer
Bennett	Helfrick	O'Brien, D. M.	Street
Cimini	Hutchinson, W.	O'Donnell	Williams
DiCarlo	Johnson, J. J.	Pucciarelli	Zord
Dumas	Kanuck	Rieger	

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

The SPEAKER. Does the gentleman, Mr. Manderino, wish to verify the vote? This is the opportune time.

Mr. MANDERINO. I thank you for the opportunity, Mr. Speaker, but you are being very facetious. I just ask you to be fair.

REMARKS ON VOTE

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

Mr. COSLETT. Mr. Speaker, on HB 2077 my switch was inoperative, and I would like to be voted in the negative.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of HB 2537, PN 3840, entitled:

An Act amending the "Real Estate Licensing Act," approved February 19, 1980 (No. 9), requiring a license for persons selling cemetery lots, conferring authority upon the commission relating to cemeteries, and providing penalties and clarifying the exclusion of fraternal and religious organizations.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 2537 be recommitted to the Committee on Professional Licensure.

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

* * *

The House proceeded to third consideration of SB 467, PN 483, entitled:

An Act amending the act of August 21, 1953 (P. L. 1323, No. 373), entitled "The Notary Public Law," further providing for the manner of payment of application fees.

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	Foster, Jr., A.	Lewis	Ryan
Anderson	Fryer	Livengood	Salvatore
Armstrong	Gallagher	Lynch, E. R.	Scheaffer
Arty	Gallen	McCall	Schmitt
Belardi	Gamble	McClatchy	Schweder
Berson	Gannon	McIntyre	Serafini
Bittle	Gatski	McMonagle	Seventy
Borski	Geesey	McVerry	Shadding
Bowser	Geist	Mackowski	Shupnik
Brandt	George, C.	Madigan	Sieminski
Brown	George, M. H.	Manderino	Sirianni
Burd	Gladeck	Manmiller	Smith, E. H.
Burns	Goebel	Michlovic	Smith, L. E.
Caltagirone	Grabowski	Micozzie	Stairs
Cappabianca	Gray	Milanovich	Steighner
Cessar	Greenfield	Miller	Stewart
Chess	Grieco	Moehlmann	Stuban
Civera	Gruppo	Mowery	Sweet
Clark, B. D.	Hagarty	Mrkonic	Swift
Clark, M. R.	Halverson	Mullen	Taddonio
Cochran	Harper	Murphy	Taylor, E. Z.
Cohen	Hasay	Nahill	Taylor, F.
Cole	Hayes, Jr., S.	Novak	Telek
Cornell	Hoefel	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
Davies	Jones	Pistella	Wilson
Dawida	Klingaman	Pitts	Wilt
Dietz	Knight	Polite	Wright, D. R.
Dininni	Kolter	Pott	Wright, Jr., J.
Dombrowski	Kowalshyn	Pratt	Yahner
Dorr	Kukovich	Punt	Yohn
Duffy	Lashinger	Pyles	Zeller
Durham	Laughlin	Rasco	Zitterman
Earley	Lehr	Reed	Zwikl
Fee	Lescovitz	Rhodes	
Fischer	Letterman	Richardson	Seltzer,
Fisher	Levi	Ritter	Speaker
Foster, W. W.	Levin	Rocks	

NAYS—0

NOT VOTING—27

Austin	Freind	Noye	Rodgers
Beloff	Giammarco	O'Brien, B. F.	Spencer
Bennett	Goodman	O'Brien, D. M.	Street
Cimini	Helfrick	Peterson	White
DiCarlo	Johnson, J. J.	Pucciarelli	Williams
Donatucci, R.	Kanuck	Rappaport	Zord
Dumas	Knepper	Rieger	

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

REMARKS ON VOTE

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

Mr. NOYE. My switch did not work on that last vote, SB 467. I would like to be recorded in the affirmative.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of SB 1063, PN 1594, entitled:

An Act amending the act of June 19, 1931 (P. L. 589, No. 202), entitled, as amended, "Barbers' License Law," providing for licensing of barbers from other states and other countries, limiting the powers of the board and reducing the required months of study in barbers' school to obtain a registration certificate.

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

Table listing names of members who voted 'YEAS' for SB 1063, including Alden, Anderson, Armstrong, Arty, Belardi, Berson, Bittle, Borski, Bowser, Brandt, Brown, Burd, Burns, Caltagirone, Cappabianca, Cessar, Chess, Civera, Clark, B. D., Clark, M. R., Cochran, Cohen, Cole, Cornell, Coslett, Cowell, Cunningham, DeMedio, DeVerter, and DeWeese.

Table listing names of members who voted 'NAYS' for SB 1063, including Davies, Dawida, Dietz, Dininni, Dombrowski, Dorr, Duffy, Durham, Earley, Fee, Fischer, Fisher, Foster, W. W., Foster, Jr., A., Klingaman, Knight, Kolter, Kowalshyn, Kukovich, Lashinger, Laughlin, Lehr, Lescovitz, Letterman, Levi, Levin, Lewis, Pievsky, Pistella, Pitts, Polite, Pott, Pratt, Punt, Pyles, Rasco, Reed, Rhodes, Richardson, Ritter, Wenger, Wilson, Wilt, Wright, D. R., Wright, Jr., J., Yahner, Yohn, Zeller, Zitterman, and Zwilk.

NAYS—0

NOT VOTING—25

Table listing names of members who did not vote on SB 1063, including Austin, Beloff, Bennett, Cimini, DiCarlo, Donatucci, R., Dumas, Freind, Giammarco, Goodman, Helfrick, Johnson, J. J., Kanuck, Knepper, O'Brien, B. F., O'Brien, D. M., Pucciarelli, Rappaport, Rieger, Rodgers, Spencer, Street, White, Williams, and Zord.

EXCUSED—4

Table listing names of members who were excused from voting on SB 1063, including Barber, McKelvey, Maiale, and Spitz.

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

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

* * *

The House proceeded to third consideration of HB 2798, PN 3712, entitled:

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

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

Table listing names of members who voted 'YEAS' for HB 2798, including Alden, Anderson, Armstrong, Arty, Belardi, Berson, Bittle, Borski, Bowser, Brandt, Brown, Burd, Burns, Caltagirone, Cappabianca, Cessar, Civera, Gallagher, Gallen, Gamble, Gannon, Gatski, Geesey, Geist, George, C., George, M. H., Gladeck, Goebel, Grabowski, Gray, Greenfield, Grieco, Gruppo, Hagarty, Lynch, E. R., McCall, McClatchy, McIntyre, McMonagle, McVerry, Mackowski, Madigan, Manderino, Manmiller, Michlovic, Micozzie, Milanovich, Miller, Moehlmann, Mowery, Mrkonic, Ryan, Salvatore, Scheaffer, Schmitt, Schweder, Serafini, Seventy, Shadding, Shupnik, Sieminski, Sirianni, Smith, E. H., Smith, L. E., Stairs, Steighner, Stewart, Taddonio, Taylor, E. Z., Taylor, F., Tekek, Thomas, Trello, Vroon, Wachob, Wargo, and Wass.

Clark, B. D.	Halverson	Mullen	Sweet
Clark, M. R.	Harper	Murphy	Swift
Cochran	Hasay	Nahill	Taddonio
Cohen	Hayes, Jr., S.	Novak	Taylor, E. Z.
Cole	Hoeffel	Noye	Taylor, F.
Cornell	Honaman	Oliver	Telek
Coslett	Hutchinson, A.	Perzel	Thomas
Cowell	Hutchinson, W.	Peterson	Trello
DeMedio	Irvis	Petrarca	Vroon
DeVerter	Itkin	Phillips	Wachob
DeWeese	Jones	Piccola	Wargo
Davies	Klingaman	Pievsky	Wass
Dawida	Knight	Pistella	Wenger
Dietz	Kolter	Pitts	Wilson
Dininni	Kowalyszyn	Polite	Wilt
Dorr	Kukovich	Pott	Wright, D. R.
Duffy	Lashingner	Pratt	Wright, Jr., J.
Durham	Laughlin	Punt	Yahner
Earley	Lehr	Pyles	Yohn
Fee	Lescovitz	Rasco	Zeller
Fischer	Letterman	Reed	Zitterman
Fisher	Levi	Rhodes	Zwilk
Foster, W. W.	Levin	Richardson	
Foster, Jr., A.	Lewis	Ritter	Seltzer,
Fryer	Livengood	Rocks	Speaker

NAYS—4

Cunningham	Dombrowski	Johnson, E. G.	O'Donnell
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NOT VOTING—26

Austin	Dumas	Knepper	Rodgers
Beloff	Freind	O'Brien, B. F.	Spencer
Bennett	Giammarco	O'Brien, D. M.	Street
Chess	Goodman	Pucciarelli	White
Cimini	Helfrick	Rappaport	Williams
DiCarlo	Johnson, J. J.	Rieger	Zord
Donatucci, R.	Kanuck		

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

* * *

The House proceeded to third consideration of **SB 1253, PN 1558**, entitled:

An Act amending the act of June 22, 1937 (P. L. 1987, No. 394), entitled, as amended, "The Clean Streams Law," prohibiting any administrative agency from requiring fencing along streams to restrain livestock.

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—154

Alden	Fischer	Lewis	Salvatore
Anderson	Fisher	Livengood	Scheaffer
Armstrong	Foster, W. W.	Lynch, E. R.	Schmitt
Arty	Foster, Jr., A.	McCall	Schweder
Belardi	Fryer	McClatchy	Serafini
Berson	Gallagher	McIntyre	Seventy

Bittle	Gamble	McVerry	Shupnik
Borski	Gannon	Mackowski	Sieminski
Bowser	Gatski	Madigan	Smith, E. H.
Brandt	Geist	Manmiller	Smith, L. E.
Brown	George, C.	Micozzie	Stairs
Burd	George, M. H.	Milanovich	Steighner
Burns	Gladeck	Moehlmann	Stewart
Caltagirone	Goebel	Mowery	Stuban
Cappabianca	Grabowski	Mrkonic	Sweet
Cessar	Greenfield	Mullen	Swift
Chess	Grieco	Murphy	Taddonio
Civera	Gruppo	Nahill	Taylor, E. Z.
Clark, B. D.	Hagarty	Novak	Taylor, F.
Clark, M. R.	Halverson	Noye	Telek
Cochran	Harper	Oliver	Thomas
Cole	Hasay	Perzel	Trello
Cornell	Hayes, Jr., S.	Petrarca	Vroon
Coslett	Hoeffel	Phillips	Wachob
Cowell	Honaman	Piccola	Wargo
Cunningham	Hutchinson, W.	Pievsky	Wass
DeMedio	Itkin	Pistella	Wenger
DeVerter	Johnson, E. G.	Pitts	Wilson
DeWeese	Jones	Polite	Wilt
Davies	Klingaman	Pott	Wright, D. R.
Dawida	Knight	Pratt	Wright, Jr., J.
Dietz	Kolter	Punt	Yahner
Dininni	Kowalyszyn	Pyles	Yohn
Dombrowski	Kukovich	Rasco	Zeller
Dorr	Lashingner	Reed	Zitterman
Duffy	Laughlin	Richardson	Zwilk
Durham	Lescovitz	Ritter	
Earley	Letterman	Rocks	Seltzer,
Fee	Levi	Ryan	Speaker

NAYS—3

Levin	Michlovic	O'Donnell
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NOT VOTING—39

Austin	Geesey	Lehr	Rieger
Beloff	Giammarco	McMonagle	Rodgers
Bennett	Goodman	Manderino	Shadding
Cimini	Gray	Miller	Sirianni
Cohen	Helfrick	O'Brien, B. F.	Spencer
DiCarlo	Hutchinson, A.	O'Brien, D. M.	Street
Donatucci, R.	Irvis	Peterson	White
Dumas	Johnson, J. J.	Pucciarelli	Williams
Freind	Kanuck	Rappaport	Zord
Gallen	Knepper	Rhodes	

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

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The House proceeded to third consideration of **SB 776, PN 2031**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction of courts and the application of the statute of limitations to actions on certain instruments.

On the question,

Will the House agree to the bill on third consideration?

Mr. W. D. HUTCHINSON offered the following amendments No. A8770:

Amend Title, page 1, line 5, by removing the period after "INSTRUMENTS" and inserting , and for State reimbursement of certain juror compensation.

Amend Sec. 2, page 4, line 2, by striking out "SECTIONS" and inserting Section

Amend Sec. 2, page 4, line 2, by striking out "AND 5527(2)"

Amend Sec. 2, page 4, line 2, by striking out "ARE" and inserting is

Amend Bill, page 4, by inserting between lines 20 and 21

Section 3. Section 4561(b) of Title 42, added June 26, 1980 (No.78), is amended to read:

§ 4561. Compensation of jurors.

(b) State reimbursement.—The Commonwealth shall reimburse each county 80% of the amount expended by the county for such compensation and mileage beyond the first three days of service if the juror is participating in a trial or in grand jury proceedings. Application for reimbursement shall be made by the county to the State Treasurer through the Administrative Office on forms and pursuant to uniform procedures prescribed by said office. As used in this section, trial participation shall include voir dire examination only if such examination shall have commenced prior to the juror's fourth day of service.

Section 4. Section 5527(2) of Title 42 is amended to read:

Amend Sec. 3, page 5, line 3, by striking out "3." and inserting 5.

Amend Sec. 4, page 5, line 11, by striking out "4." and inserting 6.

On the question,

Will the House agree to the amendments?

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

Mr. W. D. HUTCHINSON. This amendment is a technical amendment designed to correct an ambiguity that the administrative office of the Supreme Court was concerned with in connection with the jury selection act which was passed in June, and it is designed to insure that the counties will receive the reimbursement we provided in that act for the pay increase of the juror—the 80-percent reimbursement—where the jurors are serving in grand jury proceedings. Also, it clears up the question of when they start to participate in a trial. The court had a question as to whether participation in a trial only began when they were sworn or it began when they were called in to be questioned about their qualifications to serve. This says the reimbursement and the extra pay would begin on the fourth day, counting from the time they were called in to be questioned on their qualifications. It is a technical amendment and not controversial, and it does make clear that the counties will get the reimbursement that I think we intended to give them. I urge an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—171

Alden	Fryer	Livengood	Rocks
Anderson	Gallagher	Lynch, E. R.	Ryan
Armstrong	Gallen	McCall	Salvatore
Arty	Gamble	McClatchy	Scheaffer
Belardi	Gannon	McIntyre	Schmitt
Berson	Gatski	McMonagle	Schweder

Bittle	Geesey	McVerry	Serafini
Borski	Geist	Mackowski	Seventy
Bowser	George, C.	Madigan	Shadding
Brandt	George, M. H.	Manderino	Shupnik
Brown	Gladeck	Manmiller	Sieminski
Burd	Goebel	Michlovic	Sirianni
Burns	Grabowski	Micozzie	Smith, E. H.
Caltagirone	Gray	Milanovich	Smith, L. E.
Cappabianca	Greenfield	Miller	Stairs
Cessar	Grieco	Moehlmann	Steighner
Chess	Gruppo	Mowery	Stewart
Civera	Hagarty	Mrkonic	Stuban
Clark, B. D.	Halverson	Mullen	Sweet
Clark, M. R.	Harper	Murphy	Swift
Cochran	Hasay	Nahill	Taddonio
Cohen	Hayes, Jr., S.	Novak	Taylor, E. Z.
Cole	Hoefel	Noye	Taylor, F.
Cornell	Honaman	O'Donnell	Telek
Coslett	Hutchinson, A.	Oliver	Thomas
Cowell	Hutchinson, W.	Perzel	Trello
Cunningham	Irvis	Peterson	Vroon
DeMedio	Itkin	Petrarca	Wachob
DeVerter	Johnson, E. G.	Phillips	Wargo
DeWeese	Jones	Piccola	Wass
Davies	Klingaman	Pievsky	Wenger
Dawida	Knight	Pistella	Wilson
Dietz	Kolter	Pitts	Wilt
Dininni	Kowalyszyn	Polite	Wright, D. R.
Dombrowski	Kukovich	Pott	Wright, Jr., J.
Dorr	Lashinger	Pratt	Yahner
Duffy	Laughlin	Punt	Yohn
Durham	Lehr	Pyles	Zeller
Earley	Lescovitz	Rasco	Zitterman
Fee	Letterman	Reed	Zwinkl
Fischer	Levi	Rhodes	
Fisher	Levin	Richardson	Seltzer,
Foster, W. W.	Lewis	Ritter	Speaker
Foster, Jr., A.			

NAYS—0

NOT VOTING—25

Austin	Freind	Knepper	Rodgers
Beloff	Giammarco	O'Brien, B. F.	Spencer
Bennett	Goodman	O'Brien, D. M.	Street
Cimini	Helfrick	Pucciarelli	White
DiCarlo	Johnson, J. J.	Rappaport	Williams
Donatucci, R.	Kanuck	Rieger	Zord
Dumas			

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

Mr. BERSON offered the following amendments No. A8386:

Amend Title, page 1, line 4, by striking out "APPLICATION OF THE"

Amend Title, page 1, line 5, by striking out "TO" and inserting for

Amend Sec. 2, page 4, line 2, by striking out "AND" and inserting a comma

Amend Sec. 2, page 4, line 2, by inserting after "5527(2)" and 5529

Amend Bill, page 5, by inserting between lines 2 and 3 § 5529. Twenty year limitation.

(a) Execution against personal property.—An execution against personal property must be issued within 20 years after

the entry of the judgment upon which the execution is to be issued.

(b) Instruments under seal.—

(1) Notwithstanding section 5527 (relating to six year limitation), an action or proceeding upon an instrument in writing under seal must be commenced within 20 years.

(2) This subsection shall expire June 27, 1998.

Amend Sec. 4, page 5, line 12, by striking out "AND"

Amend Sec. 4, page 5, line 13, by inserting after "SEAL)" and 5529

On the question,

Will the House agree to the amendments?

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

Mr. BERSON. Mr. Speaker, this amendment supplies an omission in the Judicial Code in the statute of limitations section. It had formerly been the law in Pennsylvania that an instrument under seal had a 20-year statute of limitations. In other words, if you possessed an instrument and it was a sealed instrument, you had 20 years to bring suit on it. When we passed the Judicial Code, for some reason we omitted a provision covering that sort of instrument. So this amendment simply provides that if the instrument is under seal, there are 20 years to bring suit on it. However, in our efforts to finally phase out the concept of instruments under seal, this provision will expire in 1998.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—172

Alden	Gallagher	McCall	Ryan
Anderson	Gallen	McClatchy	Salvatore
Armstrong	Gamble	McIntyre	Scheaffer
Arty	Gannon	McMonagle	Schmitt
Belardi	Gatski	McVerry	Schweder
Berson	Geesey	Mackowski	Serafini
Bittle	Geist	Madigan	Seventy
Borski	George, C.	Manderino	Shadding
Bowser	George, M. H.	Manmiller	Shupnik
Brandt	Gladeck	Michlovic	Sieminski
Brown	Goebel	Micozzie	Sirianni
Burd	Grabowski	Milanovich	Smith, E. H.
Burns	Gray	Miller	Smith, L. E.
Caltagirone	Greenfield	Moehlmann	Stairs
Cappabianca	Grieco	Mowery	Steighner
Cessar	Gruppo	Mrkoncic	Stewart
Chess	Hagarty	Mullen	Stuban
Civera	Halverson	Murphy	Sweet
Clark, B. D.	Harper	Nahill	Swift
Clark, M. R.	Hasay	Novak	Taddonio
Cohen	Hayes, Jr., S.	O'Donnell	Taylor, E. Z.
Cole	Hoeffel	O'Donnell	Taylor, F.
Cornell	Honaman	Oliver	Telek
Coslett	Hutchinson, A.	Perzel	Thomas
Cowell	Hutchinson, W.	Peterson	Trello
Cunningham	Irvic	Petrarca	Vroon
DeMedio	Itkin	Phillips	Wachob
DeVerter	Johnson, E. G.	Piccola	Wargo
DeWeese	Jones	Pievsky	Wass
Dawida	Klingaman	Pistella	Wenger
Dietz	Knight	Pitts	White
Dininni	Koiter	Polite	Wilson
Dombrowski	Kowalshyn	Pott	Wilt
Donatucci, R.	Kukovich	Pratt	Wright, D. R.
Dorr	Lashinger	Punt	Wright, Jr., J.
Duffy	Laughlin	Pyles	Yahner
Durham	Lehr	Rappaport	Yohn

Earley	Lescovitz	Rasco	Zeller
Fee	Letterman	Reed	Zitterman
Fischer	Levi	Rhodes	Zwinkl
Fisher	Levin	Richardson	
Foster, W. W.	Lewis	Ritter	Seltzer,
Foster, Jr., A.	Livengood	Rocks	Speaker
Fryer	Lynch, E. R.		

NAYS—0

NOT VOTING—24

Austin	Davies	Johnson, J. J.	Rieger
Beloff	Dumas	Kanuck	Rodgers
Bennett	Freind	Knepper	Spencer
Cimini	Giammarco	O'Brien, B. F.	Street
Cochran	Goodman	O'Brien, D. M.	Williams
DiCarlo	Helfrick	Pucciarelli	Zord

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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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. MANDERINO offered the following amendments No. A8661:

Amend Title, page 1, line 5, by removing the period after "INSTRUMENTS" and inserting and for the compensation of district justices.

Amend Sec. 2, page 4, line 2, by striking out "SECTIONS" and inserting Section

Amend Sec. 2, page 4, line 2, by striking out "AND 5527(2)"

Amend Sec. 2, page 4, line 2, by striking out "ARE" and inserting is

Amend Bill, page 4, by inserting between lines 20 and 21

Section 3. Sections 1503 and 3154 of Title 42 are amended by adding subsections to read:

§ 1503. Reestablishment of districts.

(d) Compensation of district justice.—When a magisterial district is reestablished the compensation of a district justice serving therein shall not be diminished for any reason during his term or during any term to which he is reelected while serving in such reestablished district.

§ 3154. Compensation of judicial officers.

(d) Compensation of district justice.—The compensation of a district justice shall not be diminished for any reason during his term or during any term to which he is reelected in the same magisterial district in which he was serving at the time of reelection.

Section 4. Section 5527(2) of Title 42 is amended to read:

Amend Sec. 3, page 5, line 3, by striking out "3" and inserting 5

Amend Sec. 4, page 5, line 11, by striking out "4" and inserting 6

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, we recently passed legislation in the General Assembly that would improve the compensation paid to magistrates. The 1980 decennial census will be reported—and none of us are sure just when

—which may or may not, according to several interpretations, diminish compensation for magistrates who might have lowered population in their districts. Although there is some question about whether or not that would be possible, the amendment which I offer, Mr. Speaker, makes it clear that compensation cannot be diminished because of the realignment and the decennial census.

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

Mr. LEVI. I wonder if Mr. Manderino would stand for brief interrogation, please.

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

Mr. LEVI. Mr. Speaker, I understand what you are doing. Now, if the courts realigned the district magistrates' lineup—say in my small county we have four and our population goes down and the court decreases it to only three or they would in their wisdom increase it to five—how does this relate to their salaries, Mr. Speaker?

Mr. MANDERINO. This amendment will simply say that if the districts are realigned in such a manner, a magistrate receiving a certain level of pay at this time would not be able to be lowered in the rate of pay that he receives. There is no question that if more population ends up in the district so that his pay could go up, it will.

Mr. LEVI. All right, sir. Thank you.

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

(A rollcall vote was taken.)

VOTE RETAKEN

The SPEAKER. The Chair was just informed that the vote on the last amendment, the Manderino amendment, did not print.

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

The following roll call was recorded:

YEAS—169

Alden	Fryer	McCall	Ryan
Anderson	Gallagher	McClatchy	Salvatore
Armstrong	Gallen	McIntyre	Schmitt
Arty	Gamble	McMonagle	Schweder
Belardi	Gannon	McVerry	Serafini
Berson	Gatski	Mackowski	Seventy
Bittle	Geesey	Madigan	Shadding
Borski	Geist	Manderino	Shupnik
Bowser	George, C.	Manmiller	Sirianni
Brandt	George, M. H.	Michlovic	Smith, E. H.
Brown	Gladeck	Micozzie	Smith, L. E.
Burd	Goebel	Milanovich	Stairs
Burns	Grabowski	Miller	Steighner
Caltagirone	Gray	Moehlmann	Stewart
Cappabianca	Greenfield	Mowery	Stuban
Cessar	Grieco	Mrkonic	Sweet
Chess	Gruppo	Mullen	Swift
Civera	Hagarty	Murphy	Taddonio
Clark, B. D.	Halverson	Nahill	Taylor, E. Z.
Clark, M. R.	Harper	Novak	Taylor, F.
Cochran	Hasay	Noye	Telek
Cohen	Hayes, Jr., S.	O'Donnell	Thomas
Cole	Hoeffel	Oliver	Trello
Cornell	Honaman	Perzel	Vroon
Coslett	Hutchinson, A.	Peterson	Wachob

Cowell	Hutchinson, W.	Petrarca	Wargo
Cunningham	Irvis	Phillips	Wass
DeMedio	Itkin	Piccola	Wenger
DeVerter	Johnson, E. G.	Pievsky	White
DeWeese	Jones	Pistella	Williams
Dietz	Klingaman	Pitts	Wilson
Dininni	Knight	Polite	Wilt
Dombrowski	Kolter	Pott	Wright, D. R.
Donatucci, R.	Kowalshyn	Pratt	Wright, Jr., J.
Dorr	Kukovich	Pucciarelli	Yahner
Duffy	Lashinger	Punt	Yohn
Durham	Laughlin	Pyles	Zeller
Earley	Lehr	Rappaport	Zitterman
Fee	Lescovitz	Rasco	Zwicl
Fischer	Levi	Reed	
Fisher	Levin	Richardson	Seltzer,
Foster, W. W.	Lewis	Ritter	Speaker
Foster, Jr., A.	Lynch, E. R.	Rocks	

NAYS—3

Dawida	Scheaffer	Sieminski
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NOT VOTING—24

Austin	Dumas	Kanuck	Rhodes
Beloff	Freind	Knepper	Rieger
Bennett	Giammarco	Letterman	Rodgers
Cimini	Goodman	Livengood	Spencer
DiCarlo	Helfrick	O'Brien, B. F.	Street
Davies	Johnson, J. J.	O'Brien, D. M.	Zord

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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The question was determined in the affirmative, and the amendments were agreed to.

REMARKS ON VOTES

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

Mr. DAVIES. Again the switch was inoperative on the Manderino amendment to SB 776; I wish to be recorded in the affirmative. And on the Berson amendment, in the affirmative, Mr. Speaker.

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

CONSIDERATION OF SB 776 CONTINUED

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—172

Alden	Fryer	Livengood	Ritter
Anderson	Gallagher	Lynch, E. R.	Rocks
Armstrong	Gallen	McCall	Ryan
Arty	Gamble	McClatchy	Salvatore
Belardi	Gannon	McIntyre	Scheaffer
Berson	Gatski	McMonagle	Schmitt
Bittle	Geesey	McVerry	Schweder
Borski	Geist	Mackowski	Serafini
Brandt	George, C.	Madigan	Seventy

Brown	George, M. H.	Manderino	Shadding
Burd	Gladeck	Manmiller	Shupnik
Burns	Goebel	Michlovic	Sieminski
Caltagirone	Grabowski	Micozzie	Sirianni
Cappabianca	Gray	Milanovich	Smith, E. H.
Cessar	Greenfield	Miller	Smith, L. E.
Chess	Grieco	Moehlmann	Stairs
Civera	Gruppo	Mowery	Steighner
Clark, B. D.	Hagarty	Mrkonic	Stewart
Clark, M. R.	Halverson	Mullen	Stuban
Cochran	Harper	Murphy	Sweet
Cohen	Hasay	Nahill	Swift
Cole	Hayes, Jr., S.	Novak	Taddonio
Cornell	Hoeffel	Noye	Taylor, E. Z.
Coslett	Honaman	O'Donnell	Taylor, F.
Cowell	Hutchinson, A.	Oliver	Telek
Cunningham	Hutchinson, W.	Perzel	Thomas
DeMedio	Irvis	Peterson	Trello
DeVerter	Itkin	Petrarca	Vroon
DeWeese	Johnson, E. G.	Phillips	Wachob
Davies	Jones	Piccola	Wargo
Dawida	Klingaman	Pievsky	Wass
Dietz	Knight	Pistella	Wenger
Dininni	Kolter	Pitts	White
Dombrowski	Kowalyshyn	Polite	Williams
Dorr	Kukovich	Pott	Wilson
Duffy	Lashingier	Pratt	Wilt
Durham	Laughlin	Punt	Wright, D. R.
Earley	Lehr	Pyles	Wright, Jr., J.
Fee	Lescovitz	Rappaport	Yahner
Fischer	Letterman	Rasco	Yohn
Fisher	Levi	Reed	Zeller
Foster, W. W.	Levin	Rhodes	Zitterman
Foster, Jr., A.	Lewis	Richardson	Zwikel

NAYS—0

NOT VOTING—24

Austin	Dumas	Knepper	Spencer
Beloff	Freind	O'Brien, B. F.	Street
Bennett	Giammarco	O'Brien, D. M.	Zord
Bowser	Goodman	Pucciarelli	
Cimini	Helfrick	Rieger	Seltzer,
DiCarlo	Johnson, J. J.	Rodgers	Speaker
Donatucci, R.	Kanuck		

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

* * *

The House proceeded to third consideration of **HB 2764, PN 3673**, entitled:

An Act making an appropriation to the County Commissioners of Clinton and Lycoming Counties.

On the question,

Will the House agree to the bill on third consideration?

Mr. LETTERMAN offered the following amendments A8684:

Amend Title, page 1, lines 1 and 2, by striking out "County Commissioners of Clinton and Lycoming Counties." and inserting Department of Environmental Resources for certain flood warning systems.

Amend Sec. 1, page 1, lines 6 and 7, by striking out "County Commissioners of Clinton and Lycoming Counties" and inserting Department of Environmental Resources for allocation to qualified counties

Amend Sec. 2, page 1, lines 11 through 16, by striking out all of said lines

Amend Sec. 3, page 1, line 17, by striking out "3" and inserting 2

Amend Sec. 3, page 1, line 17, by striking out "on July 1, 1980." and inserting immediately.

On the question,

Will the House agree to the amendments?

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

Mr. LETTERMAN. Mr. Speaker, the reason for my amendment is that since this is a special appropriation, I felt that giving the money directly to the counties could have been construed as special legislation just to satisfy me, so I have given the money in my amendment to the Department of Environmental Resources to hand out. Also, in the future this will relieve us from having to change each bill as we pass it and each county as we add them.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—170

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

NAYS—1

Lewis

NOT VOTING—25

Austin	Dumas	Kanuck	Rieger
Beloff	Freind	Knepper	Rodgers
Bennett	Giammarco	Mullen	Spencer
Cimini	Goodman	O'Brien, B. F.	Street
DiCarlo	Helfrick	O'Brien, D. M.	Williams
Dietz	Johnson, J. J.	Rappaport	Zord
Donatucci, R.			

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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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—170

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

NAYS—1

Lewis

NOT VOTING—25

Austin	Freind	Knepper	Serafini
Beloff	Giammarco	O'Brien, B. F.	Shadding
Bennett	Goodman	O'Brien, D. M.	Spencer
Cimini	Helfrick	Rappaport	Street
DiCarlo	Johnson, J. J.	Rieger	Williams
Donatucci, R.	Kanuck	Rodgers	Zord
Dumas			

EXCUSED—4

Barber	McKelvey	Majale	Spitz
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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.

RECONSIDERATION OF VOTE ON SB 1063

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

Mr. BOWSER. Mr. Speaker, I move that the vote by which SB 1063 was passed on the 1st day of October be reconsidered.

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. I second the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—170

Alden	Foster, Jr., A.	Livengood	Rocks
Anderson	Fryer	Lynch, E. R.	Ryan
Armstrong	Gallagher	McCall	Salvatore
Arty	Gallen	McClatchy	Scheaffer
Belardi	Gamble	McIntyre	Schmitt
Berson	Gannon	McMonagle	Schweder
Bittle	Gatski	McVerry	Serafini
Borski	Geesey	Mackowski	Seventy
Bowser	Geist	Madigan	Shupnik
Brandt	George, C.	Manderino	Sieminski
Brown	George, M. H.	Manmiller	Sirianni
Burd	Gladeck	Michlovic	Smith, E. H.
Burns	Goebel	Milanovich	Smith, L. E.
Caltagirone	Grabowski	Miller	Stairs
Cappabianca	Gray	Moehlmann	Steighner
Cessar	Grieco	Mowery	Stewart
Chess	Gruppo	Mrkonic	Suban
Civera	Hagarty	Mullen	Sweet
Clark, B. D.	Halverson	Murphy	Swift
Clark, M. R.	Harper	Nahill	Taddonio
Cochran	Hasay	Novak	Taylor, E. Z.
Cohen	Hayes, Jr., S.	Noye	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	Jones	Pievsky	Wenger
Davies	Klingaman	Pistella	White
Dawida	Knight	Pitts	Wilson
Dietz	Kolter	Polite	Wilt
Dininni	Kowalshyn	Pott	Wright, D. R.

Dombrowski	Kukovich	Pratt	Wright, Jr., J.
Dorr	Lashingner	Pucciarelli	Yahner
Duffy	Laughlin	Punt	Yohn
Durham	Lehr	Pyles	Zeller
Earley	Lescovitz	Rasco	Zitterman
Fee	Letterman	Reed	Zwilk
Fischer	Levi	Rhodes	
Fisher	Levin	Richardson	Seltzer,
Foster, W. W.	Lewis	Ritter	Speaker

NAYS—0

NOT VOTING—26

Austin	Freind	Knepper	Rodgers
Beloff	Giammarco	Micozzie	Shadding
Bennett	Goodman	O'Brien, B. F.	Spencer
Cimini	Greenfield	O'Brien, D. M.	Street
DiCarlo	Helfrick	Rappaport	Williams
Donatucci, R.	Johnson, J. J.	Rieger	Zord
Dumas	Kanuck		

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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The question was determined in the affirmative, and the motion was agreed to.

DECISION OF CHAIR REVERSED

The SPEAKER. The Chair withdraws its decision as to the bill having been agreed to on third reading.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. BOWSER offered the following amendments No. A8775:

Amend Sec. 1 (Sec. 9), page 3, line 18, by inserting a bracket after "Sundays;"

Amend Sec. 1 (Sec. 9), page 3, line 21, by striking out the bracket after "shop";

On the question,

Will the House agree to the amendments?

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

Mr. BOWSER. I apologize to the House because I had this amendment and forgot about it.

What this amendment does precisely is take out the part that the Senate put in that would allow barbers to display prices visible from the outside of their shop. I have checked with the barbers back in Erie County, and they do not want this. They say it will mean people will take a piece of soap and advertise prices on their front windows like they advertise potatoes and a pound of hamburger. They feel that they are still a profession and they do not believe their services should be offered like this.

I would appreciate support on this. I believe that if all the members would check with their barbers at home, they would be in agreement with this. Thank you.

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

Mr. LETTERMAN. Mr. Speaker, I have to rise in opposition to this amendment. For many years barbers have been curtailed from advertising the price of their haircuts on the outside of the premises. There is no other occupation that I know of in this kind of profession that is held

down this way, and all the barbers in my area certainly want that.

I think it is only fair that they have the opportunity to know before they go into a building what they are going to pay for a haircut, especially if you have several young children and you walk into a barbershop, you are walking in to get your hair cut, and when you get finished your bill is \$25 and you did not even understand that that was the price; maybe it was only \$3. I suppose maybe most people would say, well, why do you not ask what the price is? Well, why do we not just let them advertise? It would be much more simple. I would certainly disagree with this amendment and hope that you will go along.

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

Mr. ZELLER. Mr. Speaker, with all respect to my good friend, Mr. Bowser, I do not know whether it is necessary to interrogate the gentleman, but a comment in regard to this. I see billboard after billboard in my district advertising, get a haircut, \$5 or \$8. And I do not know— They are advertising outside now and they are not prohibited, so I do not know what the problem is, because they are doing it now; in my area they are.

Mr. BOWSER. It is against the law right now.

Mr. ZELLER. Oh, it is against the law. Big, large billboards; my goodness, they are 30, 40 feet long with a great big sign on it, name of the barbershop and \$5 or \$8 for a haircut.

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

Mr. BOWSER. All the more I will say about this is that I know it is being advertised now. It is illegal to do so. That is what the Senate is doing, making it legal. Most all shops, and I would daresay 99 percent of them, have prices posted inside. I am just doing this for my constituency. They say they still are a profession and they do not like to have prices advertised through the windows, and I would ask for an affirmative vote on this.

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

Mr. KUKOVICH. Mr. Speaker, would Mr. Bowser answer a couple questions, please?

The SPEAKER. The gentleman indicates he will. Mr. Kukovich may proceed.

Mr. KUKOVICH. Mr. Speaker, to clear this up, what the bill does is simply do away with the illegality of listing prices. Is that not right?

Mr. BOWSER. It has been illegal, and what the Senate did was make it legal in this bill.

Mr. KUKOVICH. So it does not mandate that they have to list those prices. Is that not right?

Mr. BOWSER. No; it does not.

Mr. KUKOVICH. So what your amendment would do would be to leave it illegal?

Mr. BOWSER. My amendment would take it out and make it illegal again to do that, right.

Mr. KUKOVICH. All right. Thank you.

Mr. Speaker, I would just simply ask that you vote against this amendment. This is not mandating any action. It is just simply allowing barbers, if they wish, to list their prices outside and does away with the outmoded concept of making it illegal for them to do so, and I would ask a negative vote.

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

(A rollcall vote was taken.)

VOTE RETAKEN

The SPEAKER. The Chair has been informed that the last vote on the amendment offered by Mr. Bowser did not print, and the question before the House is again the amendment offered by Mr. Bowser.

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

The following roll call was recorded:

YEAS—77

Anderson	Foster, W. W.	Livengood	Rocks
Armstrong	Fryer	Lynch, E. R.	Salvatore
Belardi	Gallen	McClatchy	Scheaffer
Bittle	Gatski	Mackowski	Serafini
Bowser	Geist	Madigan	Sieminski
Brandt	George, C.	Manmiller	Sirianni
Cappabianca	Goebel	Micozzie	Smith, E. H.
Cessar	Grabowski	Milanovich	Smith, L. E.
Chess	Gruppo	Moehlmann	Swift
Civera	Hagarty	Mowery	Taylor, E. Z.
Clark, B. D.	Halverson	Noye	Telek
Clark, M. R.	Hayes, Jr., S.	Perzel	Thomas
Coslett	Honaman	Peterson	Vroon
DeVerter	Hutchinson, A.	Petrarca	Wargo
Dininni	Hutchinson, W.	Piccola	Wass
Dombrowski	Johnson, E. G.	Pitts	Wenger
Dorr	Klingaman	Polite	Wilt
Earley	Lehr	Punt	Wright, D. R.
Fee	Levi	Rasco	Yohn
Fisher			

NAYS—98

Alden	Gamble	McMonagle	Schmitt
Arty	Gannon	McVerry	Schweder
Berson	Geesey	Manderino	Seventy
Borski	George, M. H.	Michlovic	Shadding
Brown	Gladeck	Miller	Shupnik
Burd	Gray	Mrkonic	Stairs
Burns	Greenfield	Mullen	Steighner
Caltagirone	Grieco	Murphy	Stewart
Cochran	Harper	Nahill	Suban
Cohen	Hasay	Novak	Sweet
Cole	Hoeffel	O'Donnell	Taddonio
Cornell	Irvis	Oliver	Taylor, F.
Cowell	Jones	Phillips	Trello
Cunningham	Knight	Pievsky	Wachob
DeMedio	Kolter	Pistella	White
DeWeese	Kowalyszyn	Pott	Williams
Davies	Kukovich	Pratt	Wilson
Dawida	Lashingner	Pucciarelli	Wright, Jr., J.
Dietz	Laughlin	Pyles	Yahner
Donatucci, R.	Lescovitz	Rappaport	Zeller
Duffy	Letterman	Reed	Zitterman
Durham	Levin	Rhodes	Zwilk
Fischer	Lewis	Richardson	
Foster, Jr., A.	McCall	Ritter	Seltzer,
Gallagher	McIntyre	Ryan	Speaker

NOT VOTING—21

Austin	Freind	Johnson, J. J.	Rieger
Beloff	Giammarco	Kanuck	Rodgers
Bennett	Goodman	Knepper	Spencer
Cimini	Helfrick	O'Brien, B. F.	Street
DiCarlo	Itkin	O'Brien, D. M.	Zord
Dumas			

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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The question was determined in the negative, and the amendments were not agreed to.

REMARKS ON VOTE

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

Mr. LETTERMAN. Mr. Speaker, on that last amendment, I am not absolutely sure how my vote registered. I do want to be registered in the negative.

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

CONSIDERATION OF SB 1063 CONTINUED

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—175

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

Donatucci, R.	Lashinger	Pucciarelli	Wright, D. R.
Dorr	Laughlin	Punt	Wright, Jr., J.
Duffy	Lehr	Pyles	Yahner
Durham	Lescovitz	Rappaport	Yohn
Earley	Letterman	Rasco	Zeller
Fee	Levi	Reed	Zitterman
Fischer	Levin	Rhodes	Zwikl
Fisher	Lewis	Richardson	
Foster, W. W.	Livengood	Ritter	Seltzer,
Foster, Jr., A.	Lynch, E. R.	Rocks	Speaker
Fryer			

NAYS—1

Bowser

NOT VOTING—20

Austin	Dumas	Johnson, J. J.	Rieger
Beloff	Freind	Kanuck	Rodgers
Bennett	Giammarco	Knepper	Spencer
Cimini	Goodman	O'Brien, B. F.	Street
DiCarlo	Helfrick	O'Brien, D. M.	Zord

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

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 544, PN 2107**.

REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. RYAN called up for consideration the following Report of the Committee of Conference on **SB 544, PN 2107**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing criminal penalties for carrying weapons on school property and defining aggravated assault and increasing the grading for certain types of aggravated assault on a second and subsequent conviction and authorizing prosecution for obscenity violations whether or not the activity is enjoined.

On the question,

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

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

Mr. RICHARDSON. I would like to know what the conference committee did, Mr. Speaker, and I would like to know whether or not we can get an explanation.

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

Mr. D. M. FISHER. The conference committee made a couple of changes strictly related to the sections dealing with obscene materials. The first change that was made was a change which made it a criminal offense to display what is defined as sexually explicit material. That is material that is defined as being harmful to minors, in a public place or in a business or commercial establishment.

The second change that was made was to increase the penalties for all of the obscenity offenses up one grade, some of them to a misdemeanor of the first degree, and for second and subsequent convictions, felonies of the third degree.

The third change that was made was a change that allows the district attorneys to have the option of proceeding either in equity to enjoin the exhibition or sale of the various obscene material, or to go immediately into criminal court with a criminal prosecution.

The fourth change was a provision which clarified existing law to clarify that local government could adopt an ordinance or resolution so long as it was not in conflict or it did not invalidate the state criminal statute.

Those are the four changes that were made. The bill, when it passed the House, merely had the provision in it which allowed the two-pronged, both civil and criminal, penalties. The other three changes were added in the conference committee.

Mr. RICHARDSON. I have one question, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. RICHARDSON. The question I have, Mr. Speaker, is whether or not the language that dealt with certain types of offenses—Is this the same bill dealing with the teachers and youth? Okay. Whether or not the language—is the same for the teachers against students as well as the students against teachers? Is that language still in the bill? I do not have a copy of the bill; that is why I am asking.

Mr. D. M. FISHER. Mr. Speaker, that was not changed at all. The language has remained the same in that bill from the time it left the Senate, through the House, and through the conference committee.

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

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

Mr. HOEFFEL. I would like to interrogate Mr. Fisher.

The SPEAKER. The gentleman may proceed.

Mr. HOEFFEL. Mr. Speaker, I do not have any problems with the language in the bill dealing with school violence; I think that is fine. I have some questions about the language dealing with the obscenity statute.

As I understand the changes that the conference committee made in the current law, you have changed the definition of materials banned for display from what was previously defined as obscene to what is defined elsewhere in the obscenity statute as explicit sexual material. Is that correct?

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

Mr. HOFFEL. Mr. Speaker, the existing statute section 5903 defines explicit sexual materials as in connection with minors. It seems to me to include any picture or any photograph, any drawing of a naked body, essentially, which is harmful to minors. And the definition of "harmful to minors" would include "something that appeals to the prurient interest of minors and is patently offensive to the prevailing standards in the adult community as a whole with respect to what is suitable for minors and is utterly without redeeming social importance for minors." How are we going to establish all of that?

Mr. D. M. FISHER. Mr. Speaker, that would have to be established, of course, very carefully in any proceeding that was brought. There are certain standards that have been set down, not only in case law in Pennsylvania but case law that has come out of the United States Supreme Court. It obviously would be up to the prosecutor to meet those standards in proving that the material involved fell within that definition. There would be no prior censorship here. Let us make that clear. Any action, whether it be a criminal or civil action, which would be brought to either prosecute or enjoin that activity would have to go to a court of law. There would have to be a full-scale trial and there would have to be findings before the penalties would come into play.

Mr. HOFFEL. Mr. Speaker, did you talk about injunctions? Did you just say "enjoined," or did I not understand you? I thought this bill did away with the injunctions.

Mr. D. M. FISHER. No. It retains the injunctive process as an alternative remedy which could be chosen by the attorney for the Commonwealth.

Mr. HOFFEL. The prosecutor can go either way then?

Mr. D. M. FISHER. The prosecutor could go either way. That is correct.

Mr. HOFFEL. Mr. Speaker, you talk about court cases that have addressed this problem. Have they dealt with the terminology that is in the law dealing with explicit sexual material as it applies to minors or have those court cases dealt with the definition of obscene material?

Mr. D. M. FISHER. Mr. Speaker, there is a court case—I do not have the exact citation to it, but it is a case of Commonwealth v. McDonald in the Pennsylvania Superior Court, I believe in 1976. It said that the legislature could establish two separate standards for adults and minors, and it is the latest case that I know covering the issue of sexually explicit materials.

Mr. HOFFEL. Well, Mr. Speaker, I was under the impression that this statute was passed in 1977.

Mr. D. M. FISHER. There was a prior statute that had similar definitions on the books before that.

Mr. HOFFEL. And the court decision was that the legislature has the right to set up two different standards. Has there been any court decision on whether this language that I read referring to the definition of explicit sexual materials, whether that is definable or whether that can be determined? Has that ever come to a head in court?

Mr. D. M. FISHER. Not only in that case, Mr. Speaker, but there have been cases in other jurisdictions which had similar statutes that said, yes, it could, if proven. It is a difficult standard. Any court case in the area of obscenity is difficult, but there have been cases in other jurisdictions that I know of that have said that if the burden of proof is met, if the standard is sufficiently defined, the prosecution can be obtained.

Mr. HOFFEL. Well, my fear, Mr. Speaker, is that the definition is in some ways terribly broad when you talk about any picture, any photograph, and so on, and then it becomes terribly narrowed when you have to prove that it appeals to the prurient interest of the minor and is patently offensive according to adults for what they think ought to be good for minors. And then, thirdly, it is utterly without redeeming social importance for minors. It just does not seem to be a very workable standard at all. I have some problems with the existing standard for obscene materials which applies other tests, but the standard for the explicit sexual materials seems to be even vaguer, and you seem to have confidence that it is a standard that will work. I am not sure I agree with you.

Mr. D. M. FISHER. Mr. Speaker, I am not sure whether that is a statement or a question. But if it is a question, it is my opinion that basically the definition is current law and the last couple of years it has been untested because current law is totally unworkable. But I believe that the standard can work that a prosecution could be successfully brought. I think what we are doing here is we are attempting to say that as far as public display is concerned, where both adults and minors could be walking in plain view, that we should make the standard tougher and we should try to take that stuff off the open shelf and out of the windows so that if the young kids in our neighborhoods are walking by, even though they cannot purchase it, that they cannot walk by and they are not exposed to this type of material. I think it is what the people want, and that is why we are attempting to amend and make tougher section 5903 with the amendments adopted in the conference committee.

Mr. HOFFEL. Mr. Speaker, I agree with your concern about public display, but it seems that the language here is not just talking about the display to passersby on the street but someone who may walk into the neighborhood convenience store and see a Penthouse or a Playboy magazine on a display rack. The covers of those magazines are suggestive, and I am concerned that the very broad language here that you are inserting into the law through the conference report would really jeopardize the owner of most of the convenience stores in Montgomery County that I have seen to a prosecution initiated by the local district attorney who would no longer have to seek an injunction—

The SPEAKER. Would the gentleman yield?

The Chair has been very lenient. The Chair feels as though the gentleman's remarks are more of a debatable nature rather than interrogation. If the gentleman wishes to be recognized to debate the report, the gentleman is in order.

Mr. HOEFFEL. Thank you, Mr. Speaker. I have no further questions.

I would just repeat then as a statement, it seems to me that the language which the conference committee has sent to us broadens this area to such a wide extent that the display of any material that is the least bit suggestive sexually in an area where a minor might see it—and these are the words that are used in this statute, if a minor might have an opportunity to see it—then it would fall under the purview of this material. We have taken away the necessity for an injunction. There would be no court review as to the appropriateness of these legal actions. I just think that we are permitting a crusading district attorney in any of our counties to take it upon himself to close down, not just the adult bookstores that most of us find objectionable, but the average drugstore that might have magazines that most of us buy on display, and I think we are making a mistake. I think the language is too broad. Thank you.

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

Mr. O'DONNELL. Mr. Speaker, I would like to interrogate Mr. Fisher.

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

Mr. O'DONNELL. Mr. Speaker, I think we are all concerned about the increasing level of violence in the schools, especially directed at teachers, but I have one question.

This amends Title 18. Will the language here that creates an aggravated assault apply to juveniles?

Mr. D. M. FISHER. Mr. Speaker, I believe the language would apply to juveniles. The Juvenile Code, as far as offenses are concerned, applies to juveniles as well as adults. The manner in which the case would be disposed of would be governed by the Juvenile Act as opposed to the Rules of Criminal Procedure, and I think consequently, if it was an offense under Title 18, it would then constitute a delinquent act and therefore it would be governed by the Juvenile Act. That is how the case would be disposed of.

Mr. O'DONNELL. Wait a minute. Let me try to sort that out.

If under present law, without this bill, a student attacked a teacher, would that not constitute a delinquent act under the Juvenile Code?

Mr. D. M. FISHER. It would constitute a delinquent act in that it would be an assault.

Mr. O'DONNELL. Right.

What we are doing in this bill is changing the level of the crime and making it a more serious crime, but the effect as to a juvenile would be that it would be a delinquent act under the Juvenile Code. Is that correct?

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

Mr. O'DONNELL. Then, in other words, with or without this law, the effect on a juvenile is exactly the same. The only people who would be affected by this act would be adults. My question is: Who do you figure is committing this violence on teachers?

Mr. D. M. FISHER. Mr. Speaker, the language which you are referring to was the original version of the bill. That was never considered by the conference committee at all. Senator O'Pake was the one who introduced this bill, and I agree with you that perhaps as far as juveniles that the change might be a bit meaningless. However, I believe that by the General Assembly increasing the penalty, perhaps the severity of the offense will be brought closer to the attention of the juvenile court judges and accordingly they may impose stiffer penalties against juveniles for those types of delinquent acts.

Mr. O'DONNELL. Mr. Speaker, on the bill.

The SPEAKER. The gentleman, Mr. O'Donnell, is in order and may proceed.

Mr. O'DONNELL. Mr. Speaker, I think this whole thing is really a little silly. The problem that we really are trying or should be addressing is violence in the schools; primarily that violence which is directed at the teachers. There is, of course, another concern, which is a violence among the students. But the violence we are trying to contain is not outside adults coming into the school. That is a relatively rare phenomenon. The people who are outsiders who come into the school and disrupt are themselves, nine times out of ten, juveniles. The real problem is not at all being addressed by the bill. The Juvenile Code makes it a delinquent act to assault a teacher. This bill does not change that whatsoever. I think the net result of this thing is that in public view we may be addressing the problem, but in fact we are not. What we really ought to be doing is taking a look at the Juvenile Code and doing something to restrain those juveniles who have a tendency to a kind of violence. I think the same theme carries through the other sections of the bill.

I think what we are doing with notions that are as volatile as attacks on teachers and obscenity and what not is trying to deal with these things in a more or less haphazard way and at the last minute before an election. I do not think any of us really need that kind of a basis to run on. I think that kind of measure is really a little silly and I think we just ought to get rid of it.

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

Mr. BERSON. I am somewhat torn about this thing. I think what you have achieved is an unconstitutional bill, at least from the pornography sections. When you take the definition of explicit sexual material and move it over into the adult section of this bill, you have gone way too far, and there is a line of Supreme Court decisions which hold, as I understand it, that the test of what is acceptable for a minor or for an adult cannot be imposed when using minors' standards. It just, I think, has made the bill unconstitutional. I have never been a great fan of pornography law, so I am a little torn about what you have done.

I noticed that the gentleman from Philadelphia, Mr. Mullen, did not sign the conference report, and my suspicion is the reason he did not sign it was because he suspects that you also achieved an unconstitutional bill.

I would remind the House that when we did pass this section of the Criminal Code in 1977, it was a very delicate balancing act that we tried to achieve. We did aim for a constitutional bill. The district attorneys now come along and say you gave us a constitutional bill but it is unworkable. I am not sure that is correct. I do not know how hard they are trying to enforce it. But I suggest to you that in our attempts to try to satisfy the district attorneys, which probably could have been done simply by taking out the injunction procedures, I think, what you have come up with is a bill that will not pass constitutionally, and I am going to vote in the negative.

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

Mr. KUKOVICH. Mr. Speaker, I would just like to ask two brief questions of Mr. Mullen, as one of the conferees.

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

Mr. KUKOVICH. I would first like to know if it is true, Mr. Speaker, that you did not sign the conference report?

Mr. MULLEN. It is true. I did not sign the conference report, but I am going to vote for it.

Mr. KUKOVICH. That being the case, I would like to know why you did not sign the conference report.

Mr. MULLEN. I did not sign it for the very reason Mr. Berson stated a minute ago. In my opinion, when they inserted that provision taking the definition of "obscenities" out of section (C), which deals with the minors, and inserted it in section (A), which deals with everyone else, I think they made a constitutional boo-boo. I think they made a very serious mistake there. I argued in conference committee that I thought they were making a mistake, but the conferees did not agree with me. But I did not sign it only for that reason. The rest of the bill is all right, and what I am relying upon is section (3), which is a provision that says if any part of it is unconstitutional, the rest of it will not be found unconstitutional. So I am relying upon that. Basically I think the concept is good. I will refer to that after I am through with my interrogation.

Do you have any other questions on that?

Mr. KUKOVICH. That is all, Mr. Speaker.

CONSTITUTIONAL POINT OF ORDER

Mr. KUKOVICH. Mr. Speaker, I would like to, if it is proper, make a motion questioning the constitutionality of this bill.

The SPEAKER. The gentleman is in order.

The gentleman from Westmoreland, Mr. Kukovich, questions the constitutionality of the conference committee report on SB 544. Those who believe that the report is constitutional will vote "aye" and those who believe it to be unconstitutional will vote "no."

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

Mr. D. M. FISHER. Mr. Speaker, just briefly. I think on the question of constitutionality, there is no area of the law that is more difficult to determine what is constitutional

and what is not. Whatever is constitutional today could be unconstitutional tomorrow, depending upon the makeup of our Supreme Court. And the section in question, I personally have no problem with the section. I think all it is doing is saying, get the objectionable material off the shelf. If you want to sell it, put it behind the shelf; advertise that you have Playboy here; advertise that you have Penthouse, but do not put it on the shelf so the kids can see it. I do not think there is any constitutional problem with it. I do not believe that the members of this House, even if it was just attorney members, could sit down and come up with a decision as to whether this section was constitutional. I think it is way beyond the scope of the House to determine. I argue it is and let us go on. It is declared constitutional, and let us go on with it.

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

Mr. MULLEN. I agree with Mr. Fisher. Although I think it creates a constitutional problem, I say let the courts make the decision. I think we ought to find that it is constitutional because it is a good bill, and we should be for it. So, I would say, let us find it to be constitutional and vote the bill.

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

Mr. KUKOVICH. Just briefly, I think Mr. Berson— and Mr. Mullen himself has admitted he would not sign the report because it was unconstitutional. I think this section is unconstitutional. I think the argument that we should let the courts decide because this is severable is a specious argument. We should not be passing legislation from this chamber which is unconstitutional, which I think this is. I think we should vote accordingly.

On the question,

Will the House sustain the constitutionality of the Report of the Committee of Conference?

The following roll call was recorded:

YEAS—146

Alden	Fisher	Letterman	Reed
Anderson	Foster, W. W.	Levi	Ritter
Armstrong	Foster, Jr., A.	Lewis	Rocks
Arty	Fryer	Livengood	Ryan
Belardi	Gallagher	Lynch, E. R.	Salvatore
Bittle	Gallen	McCall	Scheaffer
Borski	Gamble	McClatchy	Schmitt
Bowser	Gannon	McIntyre	Serafini
Brandt	Gatski	McMonagle	Shupnik
Brown	Geesey	McVerry	Sieminski
Burd	Geist	Mackowski	Sirianni
Burns	George, C.	Madigan	Smith, E. H.
Caltagirone	George, M. H.	Manderino	Smith, L. E.
Cappabianca	Gladeck	Manmiller	Stairs
Cessar	Goebel	Micozzie	Steighner
Chess	Grabowski	Milanovich	Swift
Civera	Gray	Miller	Taddonio
Clark, B. D.	Greenfield	Moehlmann	Taylor, F.
Clark, M. R.	Grieco	Mowery	Telek
Cochran	Gruppo	Mrkonic	Thomas
Cornell	Hagarty	Mullen	Trello
Coslett	Halverson	Nahill	Vroon
Cowell	Hasay	Novak	Wargo
Cunningham	Hayes, Jr., S.	Noye	Wass
DeMedio	Honaman	Perzel	Wenger

DeVerter	Hutchinson, A.	Peterson	Wilson
Davies	Hutchinson, W.	Petrarca	Wilt
Dietz	Johnson, E. G.	Phillips	Wright, D. R.
Dininni	Jones	Piccola	Wright, Jr., J.
Dombrowski	Klingaman	Pievsky	Yahner
Donatucci, R.	Knight	Pitts	Yohn
Dorr	Kolter	Polite	Zeller
Duffy	Kowalshyn	Pott	Zitterman
Durham	Lashingner	Pratt	Zwilk
Earley	Laughlin	Pucciarelli	
Fee	Lehr	Punt	Seltzer,
Fischer	Lescovitz	Rasco	Speaker

NAYS—25

Berson	Itkin	Oliver	Stewart
Cohen	Kukovich	Pistella	Stuban
DeWeese	Levin	Rhodes	Sweet
Dawida	Michlovic	Richardson	Wachob
Harper	Murphy	Schweder	White
Hoeffel	O'Donnell	Seventy	Williams
Irvic			

NOT VOTING—25

Austin	Freind	Knepper	Rodgers
Beloff	Giammarco	O'Brien, B. F.	Shadding
Bennett	Goodman	O'Brien, D. M.	Spencer
Cimini	Helfrick	Pyles	Street
Cole	Johnson, J. J.	Rappaport	Taylor, E. Z.
DiCarlo	Kanuck	Rieger	Zord
Dumas			

EXCUSED—4

Barber	McKelvey	Maiale	Spitz
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The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the Report of the Committee of Conference was sustained.

On the question recurring,

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

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

Mr. GOEBEL. Mr. Speaker, would the gentleman, Mr. Fisher, consent to interrogation?

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

Mr. GOEBEL. Mr. Speaker, I was just wondering how far-reaching this was going to be, and maybe you could help explain it to me.

For instance, if you walk out those doors and look down the stairwells at a painting on the wall, there is a lady down there who is exposed to the waist. And I just wondered, would we have to paint over that painting?

Mr. D. M. FISHER. The answer to that question, Mr. Speaker, in my opinion, would be "no."

Mr. GOEBEL. We would not. What about the statues outside, Mr. Speaker, at the front entrance?

Mr. D. M. FISHER. My answer would be "no."

Mr. GOEBEL. And what about the painting right above us here? I see one lady there does not appear to have anything on.

Mr. D. M. FISHER. My answer would be "no," Mr. Speaker.

Mr. GOEBEL. I think that clarifies it. Thank you very much.

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

Mr. MULLEN. Very briefly, the district attorneys of Allegheny County and Philadelphia and the District Attorneys' Association told us that if we pass this bill, they will effectively enforce the existing law. That is reason enough to vote for it, so let us vote for it.

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—157

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

NAYS—12

Berson	Itkin	O'Donnell	Richardson
Harper	Levin	Oliver	Wachob
Hoeffel	Michlovic	Rhodes	White

NOT VOTING—27

Austin	Freind	Knepper	Rodgers
Beloff	Giammarco	Manderino	Shadding
Bennett	Goodman	O'Brien, B. F.	Spencer
Cimini	Helfrick	O'Brien, D. M.	Street
Cohen	Irvic	Pyles	Williams
DiCarlo	Johnson, J. J.	Rappaport	Zord
Dumas	Kanuck	Rieger	

EXCUSED—4

Barber McKelvey Maiiale Spitz

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.

CONDOLENCE RESOLUTION ADOPTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. I offer the following condolence resolution. The following resolution was read:

HOUSE OF REPRESENTATIVES
HARRISBURG, PA.
OFFICE OF THE CHIEF CLERK
RESOLUTION

WHEREAS, Mae W. Kernaghan, member of the Pennsylvania House of Representatives from 1957 until 1970, passed away on September 29, 1980; and

WHEREAS, Mrs. Kernaghan served her constituents and the Commonwealth with distinction during her thirteen years of membership in the House of Representatives; and

WHEREAS, Mrs. Kernaghan made significant contributions to her community of Yeadon and Delaware County through her leadership in numerous civic, charitable and religious activities. She served as President of Yeadon Public Library; as President of the Delaware County Park and Recreation Board; as a Member of the Camp Sunshine Board of Directors for Underprivileged Children; as President of Yeadon Women's Club; as President of the Women's Federated Club of Yeadon; as Republican State Committee-woman for Delaware County; and as Vice-Chairman of the Republican Executive Committee. In addition, she was a member of the Yeadon Presbyterian Church; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania pauses in its deliberations to mourn a former member and dedicated public servant, Mae W. Kernaghan, and to extend heartfelt condolences to her husband, Frank; son, Frank, Jr.; and her five grandchildren; and be it further

RESOLVED, That a copy of this resolution be transmitted to Frank J. Kernaghan, Sr., 912 Myra Avenue, Yeadon, Pennsylvania 19050.

We hereby certify that this is an exact copy of a resolution introduced in the House of Representatives by the Honorable Matthew J. Ryan, and adopted by the House of Representatives on the 1st day of October 1980.

H. Jack Seltzer,
Speaker
ATTEST:
Charles F. Mebus,
Chief Clerk

On the question,
Will the House adopt the resolution?

The SPEAKER. Those in favor of the resolution will rise and remain standing as a mark of respect.

(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, some of the members have asked, and it is not our intention to have any further roll calls other than the adjournment resolution.

STATEMENT BY MR. RICHARDSON

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

Mr. RICHARDSON. Mr. Speaker, that may not be correct, and I would just indicate that if that is the move, I am going to make a motion after I finish.

The SPEAKER. The Chair understood the gentleman to say that he is going to make a motion at the end of his remarks?

Mr. RICHARDSON. That is correct, Mr. Speaker.

The SPEAKER. Does the gentleman wish to debate his motion at that point?

Mr. RICHARDSON. No, I am just going to raise the question now, Mr. Speaker, as I speak. I ask for unanimous consent to address the House and then I am going to make a motion. It is on a resolution, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. RICHARDSON. I rise this afternoon, Mr. Speaker, to bring to the members of this House who are assembled here a very important resolution. I think most of us realize the history of the Ku Klux Klan and the terror that their group has inflicted on neighborhoods and communities throughout this country.

Mr. Speaker, I rise today because we are faced with a resurgence of that Ku Klux Klan here in the city of Harrisburg and throughout this country. Today I met with gentlemen from the Harrisburg Police Department who are serious about a problem that affects them here in the city of Harrisburg. I would like to submit for the record supporting documents—I do not have to read them all here on the floor of this House—that not only shows that a resurgence of this Ku Klux Klan was here in Dauphin County, but that the Klan in fact has infiltrated the Harrisburg police force.

It is in this regard that I ask each of you to vote "yes" on the resolution. I am going to ask that the rules be suspended in order for there to be immediate consideration of this resolution today. It is in this regard that I ask each of you to vote "yes." We are asking that the Justice Department begin to take steps to look into the circumstances surrounding the policemen who are wearing the Ku Klux Klan medallions while in uniform.

It seems that black and poor people in America have been subject to victimization of the sense that a system of social relationship operates in such a way as to deprive them of a chance to share in the more desirable material and nonmaterial products of a society which is dependent on loyalty. They are victims also because they do not have the same degree of access which others have to the attributes needed for the rising in the general class system.

I feel that this resolution is a very important resolution and I would ask that the members stand against the Ku Klux Klan and other such groups like them that they represent.

MOTION TO SUSPEND RULES

Mr. RICHARDSON. I ask at this time, Mr. Speaker, that the rules be suspended, rule 36, so that we may consider immediately the adoption of this resolution that I have to offer, and I so offer it now, Mr. Speaker.

The SPEAKER. The Chair would suggest that the gentleman's motion be to suspend rule 35 rather than 36.

It has been moved by the gentleman from Philadelphia, Mr. Richardson, that rule 35 be suspended in order that a resolution he would like to offer can be considered immediately. The question is on the suspension of the rules.

The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, will the gentleman consent to brief interrogation?

Mr. RICHARDSON. Yes, Mr. Speaker.

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

Mr. RYAN. Mr. Speaker, as the gentleman knows, I was just handed a copy of this resolution and had no forewarning of its introduction. I am personally not opposed to what you are suggesting be done. I raise several questions, however, as to whether or not this is an area the Justice Department should get involved in.

Just several questions occur to me, and I wonder if the gentleman, because I do not see any need for urgency, would postpone this until Monday so that we have a chance to look it over. I am not even suggesting that you put it into the Rules Committee, because I know you would think that was intended to bury it. I am asking that, you have introduced it, give us an opportunity until Monday to look it over to determine whether it is properly drafted in the sense that it is the type of thing that the Justice Department should get involved in. I do not know the answer to that.

Mr. RICHARDSON. Mr. Speaker, may I ask a question?

The SPEAKER. The gentleman may proceed.

Mr. RICHARDSON. Mr. Speaker, I would like to know whether or not, if we move to withdraw this resolution at the present time, that priority be given on Monday to this resolution specifically to deal with the issues concerning this, because it is an urgent matter, and I do not think it is something that needs to be put aside on the table. I feel compelled to want to lean your way, but I do not want to be put in a situation where we wind up not dealing with it at all.

We met with some policemen here today in our office for 2 1/2 hours. I think the problem is very serious. I have some documents supporting that and I think that there needs to be some action taken on it, but I will, of course, because of what you asked, withdraw it. But I would like to know whether or not I am going to be given time to deal with it on Monday and not be skirted over.

Mr. RYAN. I have no problem with you being given time to do this on Monday.

Mr. RICHARDSON. If that can be a part of this, I would withdraw, Mr. Speaker, the resolution, but I would like to know at what point in time I would be recognized to deal with that so I do not wind up in a situation of not having an opportunity to discuss this.

Mr. RYAN. Mr. Speaker, I would think that would properly be addressed at the time that resolutions are taken up. You, of course, would have the right, I suppose, under parliamentary procedure, to request unanimous consent or suspension of the rules to take it up at any time.

MOTION WITHDRAWN

Mr. RICHARDSON. I would do that, Mr. Speaker. I withdraw the resolution at this time and ask that on Monday I be given consideration by this House to then proceed with this resolution. Thank you.

SENATE MESSAGE

SENATE CONCURRENCE IN HOUSE RESOLUTION

The Senate informed that the Senate has concurred in **HR 235, PN 3455**.

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 902, PN 2131; SB 1263, PN 2100; SB 1341, PN 2106; SB 1342, PN 2008, and SB 1508, PN 2111**.

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 1048, PN 3990; HB 1176, PN 2831; HB 1702, PN 3945, and HB 2241, PN 3960.

The SPEAKER. The bills will appear on the calendar.

BILLS SIGNED BY SPEAKER

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

HB 34, PN 3948

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding definitions, authorizing a person with a certain cardiopulmonary condition to apply for a registration plate indicating a vehicle is being used by a handicapped person; providing for the posting of certain private property, establishing a speed limit for school zones, providing for construction trucks and for identification of certain

vehicles; further providing for the maximum gross weight of vehicles, maximum axle weights, permits to exceed maximum weights.

HB 2204, PN 3907

An Act amending the "Health Care Services Malpractice Act," approved October 15, 1975 (P. L. 390, No. 111), further providing for an increase in basic coverage insurance for health care providers; for the method of determining the method of funding the Medical Professional Liability Catastrophe Loss Fund; settlements of claims; and granting authority to the commissioner to determine and levy emergency surcharges under certain conditions.

SB 443, PN 2005

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, further providing for chiropractic services.

SB 902, PN 2131

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for tuition credit at certain institutions of higher learning for members of the National Guard and for an increase in the amount of pension for blind veterans.

SB 988, PN 1998

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the Environmental Quality Board; prohibiting certain financial interests by employes of the Department of Environmental Resources and imposing a penalty.

SB 989, PN 2032

An Act amending the act of September 24, 1968 (P. L. 1040, No. 318), entitled "Coal Refuse Disposal Control Act," adding definitions, granting additional powers to the Department of Environmental Resources, providing for the powers and duties of the Environmental Quality Board and the Environmental Hearing Board, requiring permits for the operation of coal refuse disposal areas, prescribing procedures for permit applications, prohibiting coal refuse disposal areas in certain locations, increasing penalties, providing for cessation and enforcement orders, authorizing citizens' suits, establishing the Coal Refuse Disposal Control Fund, exempting the surface mining of anthracite.

SB 990, PN 2033

An Act amending the act of May 31, 1945 (P. L. 1198, No. 418), entitled, as amended, "Surface Mining Conservation and Reclamation Act," adding definitions, providing for permits to conduct certain mining operations, establishing procedures for making application for permits, providing for the deposit of collateral, further providing for the rule making powers of the Department of Environmental Resources, designating areas unsuitable for surface mining, further providing for mine conservation inspectors superseding certain ordinances, further providing for deposits into the Surface Mining Conservation and Reclamation Fund, changing remedies, imposing additional penalties, creating the Small Operators' Assistance Fund, making an editorial change, exempting the surface mining of anthracite.

SB 991, PN 2034

An Act amending the act of April 27, 1966 (1st Sp. Sess., P. L. 31, No. 1), entitled "The Bituminous Mine Subsidence and Land Conservation Act of 1966," further providing for permits and collateral deposits, expanding the rulemaking powers of

the Department of Environmental Resources, granting a private right to enforce the provisions of the act, increasing and adding penalties, defining certain forms, making noncompliance with a rule or regulation of the department unlawful, creating The Bituminous Mine Subsidence and Land Conservation Fund and making editorial changes.

SB 992, PN 2035

An Act amending the act of June 22, 1937 (P. L. 1987, No. 394), entitled, as amended, "The Clean Streams Law," deleting provisions relating to the Sanitary Water Board, redefining certain terms, eliminating certain powers and duties of the Department of Health, further providing for a right to appeal from actions of the Department of Environmental Resources, providing for the powers of the Environmental Hearing Board, increasing the powers of the Department of Environmental Resources, further providing for permits, further providing for bonds and forfeitures, further providing for enforcement, increasing penalties, making certain acts unlawful, exempting the surface mining of anthracite, making a repeal and making an editorial change.

SB 1263, PN 2100

An Act amending the act of January 19, 1968 (1967 P. L. 996, No. 443), entitled "The Land and Water Conservation and Reclamation Act," granting the Secretary of Environmental Resources the right to enter certain premises for the purpose of conserving and reclaiming land and water resources; providing for the liens upon such land; providing for the promulgation of rules and regulations and providing for rights of recovery for abatement of emergency conditions; establishing an account to receive and disburse Federal funds; and reappropriating lapsed funds.

SB 1341, PN 2106

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," prohibiting fee sharing among school district officers, employes and consultants or persons contracting for personal services with the school district and providing for certain visual services.

SB 1342, PN 2008

An Act amending the act of March 7, 1901 (P. L. 20, No. 14), entitled "Second Class City Law," prohibiting fee sharing among city officers, employes and consultants or persons contracting for personal services with the city.

SB 1508, PN 2111

An Act amending the act of July 3, 1980 (No. 23A), entitled "Federal Augmentation Appropriation Act of 1980," changing certain appropriations and adding new appropriations.

DELETION OF SPONSORSHIP

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, in accordance with the rules, I submit for the record a deletion of sponsorship.

DELETION:

HB 2439, Salvatore 165.

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

SB 604, PN 1318 By Rep. A. C. FOSTER

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," adding to authorized community development programs and providing for their adoption.

LOCAL GOVERNMENT.

SB 605, PN 1338 By Rep. A. C. FOSTER

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," adding to authorized community development programs and providing for their adoption.

LOCAL GOVERNMENT.

SB 606, PN 1339 By Rep. A. C. FOSTER

An Act authorizing incorporated towns to undertake certain community development programs, granting the right of eminent domain in connection therewith and providing for the adoption of such programs.

LOCAL GOVERNMENT.

SB 607, PN 1340 By Rep. A. C. FOSTER

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," providing for the city council to undertake community development programs and providing for their adoption.

LOCAL GOVERNMENT.

SB 608, PN 1341 By Rep. A. C. FOSTER

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," adding to authorized community development programs and providing for the method of adoption.

LOCAL GOVERNMENT.

SB 1251, PN 2147 (Amended)

By Rep. A. C. FOSTER

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), entitled "Municipality Authorities Act of 1945," further providing for financial security for certain improvements.

LOCAL GOVERNMENT.

SB 1252, PN 2148 (Amended)

By Rep. A. C. FOSTER

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as amended, "Pennsylvania Municipalities Planning Code," further providing for financial security for the completion of certain improvements.

LOCAL GOVERNMENT.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over.

The Chair hears no objection.

WELCOMES

The SPEAKER. The Chair welcomes to the balcony the 9th and 10th grade government class of the Bible Baptist

School of Shiremanstown and their teachers, Mr. Humbert and Mrs. Sale, who are here today as the guests of the Cumberland County delegation.

The Chair welcomes to the front of the House Mr. and Mrs. Fred Wible of Huntingdon County, who are here today as the guests of Mr. Sam Hayes and Mr. Clarence Dietz.

The Chair also welcomes Mr. Charles L. Feather, Mr. Wallace Kephart, Mr. Robert Fulton and Mr. Rodger Pesco, Sr., who are here today as the guests of Messrs. Geist and Eugene Smith.

The Chair would like to welcome to the front of the House Miss Sandy Gallagher and Rick Cessar, Jr., who are here today as the guests of Mr. Rick Cessar.

The Chair welcomes to the front of the House Joseph Baksis, a resident of New Kingston, who is a representative of the Senior Citizens' Center of Allegheny Kiski Valley. He is here today as the guest of Mr. Schmitt.

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Ryan.

Mr. RYAN. Mr. Speaker, I move that this House do now adjourn until Monday, October 6, 1980, at 1 p.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:04 p.m., e.d.t., the House adjourned.