

Legislative Journal

TUESDAY, OCTOBER 6, 1981

SESSION OF 1981

165TH OF THE GENERAL ASSEMBLY

No. 59

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

PRAYER

REV. DR. RAYMOND L. FETTER, chaplain of the House of Representatives and pastor of Christ Lutheran Church, Elizabethtown, Pennsylvania, offered the following prayer:

Let us pray:

God of our fathers and God of our youth, our help in ages past and our hope for years to come, we invoke Your holy presence, we pray Your divine guidance for the thinking, the speaking, and the acting that will comprise the business of this governing body today.

Accept our gratitude for all civil servants, elected or appointed, who are willing to exercise their stewardship of life in directing the affairs of government. May all that is accomplished in this legislative session be pleasing in Thy sight, O God, and contribute to the common good.

We remember gratefully before Thee those pioneer governmental leaders who helped to make this Commonwealth the Keystone State of the Nation. And in this anniversary year we thank Thee especially for this magnificent Capitol Building, erected three-quarters of a century ago, to carry on the governmental procedures of this Commonwealth. O God, make us worthy of our great heritage.

We pray that through our continued efforts, individually and collectively, there may be peace on earth among men of good will, not only for this Commonwealth and Nation, but that for all the peoples of the world there may be liberty and justice in our time and in all the years that by Thy grace still lie ahead.

These prayers of gratitude and these petitions for divine guidance we offer in the name of Him who came into this world not to be ministered unto but to minister, and who bids us to do likewise. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, October 5, 1981, will be postponed until printed. The Chair hears none.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1857 By Representatives MACKOWSKI, COSLETT, PHILLIPS, TELEK, LEHR, STEVENS, LEVI, A. C. FOSTER, JR., PETERSON, WASS, MADIGAN, BOWSER, McINTYRE, CALTAGIRONE, SNYDER and E. H. SMITH

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), further providing for certain contracts in excess of \$4,000.

Referred to Committee on STATE GOVERNMENT, October 5, 1981.

No. 1858 By Representatives MANDERINO, IRVIS, DeMEDIO, WAMBACH, PETRARCA, COLE, COWELL, LLOYD, MORRIS, BELFANTI, KOWALYSHYN, HOEFFEL, PISTELLA, CLARK, SWAIM, MURPHY, DeWEESE, DAWIDA, STUBAN, OLIVER, COLAFELLA, BLAUM, COHEN, VAN HORNE, LETTERMAN, FEE, GAMBLE, ZWIKL, PIEVSKY, RAPPAPORT, EVANS and DUFFY

An Act amending the "Commonwealth Attorneys Act," approved October 15, 1980 (P. L. 950, No. 164), requiring the Attorney General to perform all legal services required for issuance of general obligation bonds or tax anticipation notes.

Referred to Committee on JUDICIARY, October 5, 1981.

No. 1859 By Representatives LIVENGOOD, D. R. WRIGHT, BURD, NOYE, VAN HORNE, MORRIS, KLINGAMAN, PETRARCA, CLARK, RASCO, DUFFY, CAPPABIANCA, LASHINGER, BELFANTI, PISTELLA, SNYDER, HALUSKA, CAWLEY, WARGO and COLAFELLA

An Act amending the "Dam Safety and Encroachments Act," approved November 26, 1978 (P. L. 1375, No. 325), excluding certain docks from the provisions of this act.

Referred to Committee on CONSERVATION, October 5, 1981.

No. 1860 By Representatives LIVENGOOD, NOYE, IRVIS, D. R. WRIGHT, VROON, PRATT, DUFFY, JOHNSON, VAN HORNE, SWAIM, RASCO, PETRARCA, BELFANTI, PISTELLA, LUCYK, LETTERMAN and GAMBLE

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for audit expenses and for attorney's fees in certain criminal prosecutions.

Referred to Committee on STATE GOVERNMENT, October 5, 1981.

No. 1861 By Representatives MAIALE, O'DONNELL, BELOFF, McMONAGLE, BORSKI, PUCCIARELLI, SWAIM, DONATUCCI, McINTYRE, OLIVER and WESTON

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, changing the definition of "delinquent act," further providing for transfer to and from criminal proceedings and for the conduct of hearings and adding an offense.

Referred to Committee on JUDICIARY, October 5, 1981.

No. 1862 By Representatives SIEMINSKI, E. H. SMITH, DeMEDIO, FARGO, JACKSON, JOHNSON, WOGAN, GANNON, TELEK, RASCO, KOWALYSHYN, HALUSKA, GRAY, PISTELLA, MORRIS, COLAFELLA, BLAUM, COHEN, GRUPPO, PETRARCA, CAWLEY, COLE and COCHRAN

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), raising the amount of payments to institutions.

Referred to Committee on MILITARY AND VETERANS AFFAIRS, October 5, 1981.

No. 1863 By Representatives SIEMINSKI, E. H. SMITH and GRAY

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

Referred to Committee on JUDICIARY, October 5, 1981.

No. 1864 By Representatives SIEMINSKI, NAHILL, FARGO, HEISER, E. H. SMITH, VROON, KOWALYSHYN, GRAY, PISTELLA, BLAUM and GRUPPO

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

Referred to Committee on EDUCATION, October 5, 1981.

No. 1865 By Representatives SIEMINSKI, E. H. SMITH, DeMEDIO, JOHNSON, CORNELL, WOGAN, TELEK, RASCO, FLECK, KOWALYSHYN, HALUSKA, GRAY, PISTELLA, COHEN, PETRARCA, CAWLEY, COLE, GRUPPO and COCHRAN

An Act amending the act of June 21, 1963 (P. L. 174, No. 104), entitled, as amended, "An act granting and regulating exemption from payment of real estate taxes by war veterans in need thereof who are blind, ***; and prohibiting the sale of certain real estate for taxes after grant of an exemption," extending the exemption to certain widows.

Referred to Committee on JUDICIARY, October 5, 1981.

No. 1866 By Representative WILSON

An Act amending the "Municipality Authorities Act of 1945," approved May 2, 1945 (P. L. 382, No. 164), providing procedures for the acquisition of water and sewer utilities by outside authorities.

Referred to Committee on LOCAL GOVERNMENT, October 5, 1981.

No. 1867 By Representatives WAMBACH, HAYES, IRVIS, CESSAR, MANDERINO, NOYE, O'DONNELL, GALLEN, RITTER, PICCOLA, COHEN, JOHNSON, PETRARCA, GANNON, LETTERMAN, MERRY, HALUSKA, WOGAN, BELFANTI, SNYDER, KUKOVICH, HEISER, PISTELLA, DAVIES, BROWN, WENGER, COLAFELLA, SAURMAN, VAN HORNE, GRUPPO, WHITE, CIMINI, MORRIS, GRIECO, MICHLOVIC, MANMILLER, LLOYD, E. H. SMITH, DAWIDA, BURD, WOZNIAK, PUNT, ITKIN, TELEK, PRATT, MARMION, COWELL, A. C. FOSTER, JR., ZWIKL, McVERRY, PETRONE, J. D. WILLIAMS, SEVENTY, TIGUE, CAPPABIANCA, BLAUM, CAWLEY, DeWEESE, LAUGHLIN, PIEVSKY, GRAY, OLIVER, RICHARDSON, STEWART, PENDLETON, HOFFEL and ALDEN

An Act providing protection of employees who report a violation or suspected violation of State, local or Federal law; providing protection for employees who participate in hearings, investigations, legislative inquiries or court actions; prescribing remedies and penalties.

Referred to Committee on LABOR RELATIONS, October 5, 1981.

No. 1868 By Representatives KOWALYSHYN, WAMBACH and RYBAK

An Act amending the act of June 6, 1980 (P. L. 197, No. 57), known as the "Optometric Practice and Licensure Act," further providing for renewal of license.

Referred to Committee on PROFESSIONAL LICENSURE, October 5, 1981.

**HOUSE RESOLUTIONS
INTRODUCED AND REFERRED**

No. 101 By Representatives KUKOVICH, BOYES, IRVIS, WAMBACH, MERRY, STUBAN, PERZEL, DOMBROWSKI, A. K. HUTCHINSON, ITKIN, FEE, HORGOS, PRATT, COLAFELLA, BROWN, HOFFEL, HALUSKA, CAWLEY, MICHLOVIC, WACHOB and PETRARCA

House opposes decontrol of natural gas prices by United States Government.

Referred to Committee on FEDERAL-STATE RELATIONS, October 5, 1981.

No. 102
(Concurrent) By Representatives SIEMINSKI, E. H. SMITH, DeMEDIO, FARGO, FLECK, JOHNSON, JACKSON, TELEK, RASCO, CAWLEY, GRAY, COCHRAN and GRUPPO

General Assembly memorialize Congress to adopt a National Strategy of Peace Through Strength.

Referred to Committee on FEDERAL-STATE RELATIONS, October 5, 1981.

**ADMINISTRATIVE RULES
REPORT NO. 5 REFERRED**

ANNEX A

§9.92 Examination fees.

(a) Design Portion. A fee in the amount of thirty-five dollars (\$35.00) to cover the administration and costs of the Design Portion of the architect examination shall be charged in addition to the fifty dollars (\$50.00) fee for the architect examination charged pursuant to the Act of July 1, 1978, (P.L. 700, No. 124), known as the Bureau of Professional and Occupational Affairs Fee Act. Total fee for the Design Portion of the architects examination shall be eighty-five dollars (\$85.00).

(b) Qualifying Portion. A fee in the amount of forty-five dollars (\$45.00) to cover the administration and costs of the Qualifying Portion of the architect examination shall be charged in addition to the fifty dollars (\$50.00) fee for the examination charged pursuant to the Fee Act, supra. The total fee for the Qualifying Portion of the architects examination shall be ninety-five dollars (\$95.00).

(c) Section B Portion. A fee in the amount of sixty dollars (\$60.00) to cover the administration and costs of the Section B Portion of the architect examination shall be charged in addition to the fifty dollars (\$50.00) fee for the examination charged pursuant to the Fee Act, supra. The total fee for the Section B Portion of the architects examination shall be one hundred ten dollars (\$110.00).

(d) Qualifying and Design Portions. A fee in the amount of forty-five dollars (\$45.00) to cover the administration and costs of the Design and Qualifying Portions of the architects examination shall be charged in addition to the one hundred dollars (\$100.00)

fee for both sections of the examination charged pursuant to the Fee Act, supra, when an individual is sitting for both the Design Portion and Qualifying Portion at the same time. The total fee for an individual who is taking both the Design Portion and the Qualifying Portion of the architects examination at the same time shall be one hundred forty-five dollars (\$145.00).

Referred to Committee on PROFESSIONAL LICENSURE, October 5, 1981.

FILMING PERMISSION GRANTED

The SPEAKER. Permission has been granted by the Chair for the Philadelphia Inquirer photographer to take photographs on the floor for a short period of time.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip for the purpose of taking leaves of absence.

Mr. CESSAR. Thank you, Mr. Speaker.

I do have a request for a leave of absence for the day for the gentleman from Washington, Mr. FISCHER.

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

The Chair recognizes the minority whip for the purpose of taking leaves of absence.

Mr. MANDERINO. Mr. Speaker, we ask for a leave of absence for the gentleman from Philadelphia, Mr. EMERSON, for today's session.

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

MASTER ROLL CALL RECORDED

The SPEAKER. Members kindly report to the floor for the taking of the master roll call. Only those members present and in their seats will be permitted to vote on the master roll call. Members may proceed to vote.

The following roll call was recorded:

PRESENT—191

Alden	Fee	Lucy	Salvatore
Anderson	Foster, W. W.	McCall	Saurman
Armstrong	Foster, Jr., A.	McClatchy	Serafini
Arty	Frazier	McIntyre	Seventy
Barber	Freind	McMonagle	Showers
Belardi	Fryer	McVerry	Shupnik
Beloff	Gallagher	Mackowski	Sieminski
Berson	Gallen	Madigan	Sirianni
Bittle	Gamble	Maiale	Smith, B.
Blaum	Gannon	Manderino	Smith, E. H.
Borski	Geist	Manmiller	Smith, L. E.
Bowser	George	Marmion	Snyder
Boyes	Gladeck	Merry	Spencer
Brandt	Grabowski	Michlovic	Spitz
Brown	Greenfield	Micozzie	Stairs
Burd	Greenwood	Miller	Steighner
Burns	Gruitza	Miscevich	Stevens
Caltagirone	Gruppo	Moehlmann	Stewart
Cappabianca	Hagarty	Morris	Stuban
Cawley	Haluska	Mowery	Swaim
Cessar	Hasay	Mrkonic	Sweet
Cjmini	Hayes	Murphy	Swift
Civera	Heiser	Nahill	Taddonio
Clark	Hoeffel	Noye	Taylor, E. Z.

Clymer	Honaman	O'Donnell	Taylor, F. E.
Cochran	Horgos	Olasz	Telek
Colafella	Hutchinson, A.	Oliver	Tigue
Cole	Hutchinson, W.	Pendleton	Trello
Cordisco	Irvic	Perzel	Van Horne
Cornell	Itkin	Peterson	Vroon
Coslett	Jackson	Petrarca	Wachob
Cowell	Johnson	Petrone	Wambach
Cunningham	Kanuck	Phillips	Wargo
DeMedio	Kennedy	Piccola	Wass
DeVerter	Klingaman	Pievsky	Wenger
DeWeese	Kolter	Pistella	Weston
Daikeler	Kowalyszyn	Pitts	Wiggins
Davies	Kukovich	Pott	Williams, J. D.
Dawida	Lashingier	Pratt	Wilson
Deal	Laughlin	Pucciarelli	Wogan
Dietz	Lehr	Punt	Wozniak
Dininni	Lescovitz	Rappaport	Wright, D. R.
Dombrowski	Letterman	Rasco	Wright, J. L.
Donatucci	Levi	Reber	Wright, R. C.
Dorr	Levin	Rieger	Zwilk
Duffy	Lewis	Ritter	
Durham	Livengood	Rocks	Ryan,
Evans	Lloyd	Rybak	Speaker
Fargo			

ADDITIONS—6

Belfanti	Fleck	Richardson	Williams, H.
Cohen	Grieco		

NOT VOTING—4

Gray	Harper	Mullen	White
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EXCUSED—2

Emerson	Fischer
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BILL REREPORTED FROM COMMITTEE

HB 1394, PN 2234 (Amended)

By Rep. MILLER

An Act to facilitate vehicular traffic across the Commonwealth by providing for the construction, operation and maintenance of a turnpike extension in southwestern Pennsylvania, and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; ***.

URBAN AFFAIRS.

MEMBERS' PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman, Mr. Belfanti; the gentleman, Mr. Fleck; and the gentleman, Mr. Richardson, who ask that their names be added to the master roll call.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today a group of officers and members of the United Steelworkers of America, Local 1408, here today as the guests of Representative Mrkonic.

BOYS' CLUB OF EASTON PRESENTED

The SPEAKER. The Chair at this time recognizes the gentleman from Northampton, Mr. Sieminski.

Mr. SIEMINSKI. Thank you, Mr. Speaker.

If I may have the indulgence of the House for a moment, I have the honor and privilege of presenting to you today some very distinguished young ladies and young men from the city of Easton, from the Easton Boys' Club, a club that I represent.

The Boys' Club of Easton does a lot of great things for these youngsters. They provide recreational, social, cultural, and vocational opportunities. But more importantly, the Boys' Club of Easton boasts a remarkable year of progress and development. The club's outstanding accomplishments this year include being named Interstate Boys Club of the Year, being selected as a model project by the Department of Community Affairs, and receiving the Boys' Club of America Executive Cup from the Boys Club Professional Workers Association. The club also holds championship titles in basketball, wrestling, softball, swimming, and individual awards in physical fitness and various game-room programs.

We have here today with us a representative group led by their executive director, Larry Bailey, and Marvin Tyson. Mr. Speaker, it gives me a great deal of pleasure to introduce to you this morning this representative group from the Boys' Club of Easton. Thank you.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1184, PN 1692**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), implementing school real property tax relief by redefining "realty tax equivalent" to retain present method of distribution of the Public Utility Realty Tax.

On the question,

Will the House agree to the bill on second consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that **HB 1184, PN 1692**, be placed upon the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 1185, PN 1693**, entitled:

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), implementing school real property tax relief and municipal tax reform, amending the title and certain provisions eliminating authority for school districts to levy certain taxes, authorizing certain taxes to be levied by said municipal corporations in lieu of the eliminated taxes and making editorial changes and repeals.

On the question,

Will the House agree to the bill on second consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that HB 1185, PN 1693, be placed upon the table.

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

* * *

The House proceeded to second consideration of **HB 1186, PN 1694**, entitled:

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), authorizing the imposition of certain taxes in connection with a reduction in real property taxes.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that HB 1186, PN 1694, be placed upon the table.

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

* * *

The House proceeded to second consideration of **HB 1187, PN 1695**, entitled:

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), authorizing the imposition of certain taxes in connection with a reduction in real property taxes.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that HB 1187, PN 1695, be placed upon the table.

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

* * *

The House proceeded to second consideration of **HB 1188, PN 1696**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), authorizing a personal income tax, corporate net income tax, business use or occupancy tax, amusement tax, real estate transfer tax and a residential construction tax and providing for reduction of real property taxes.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that HB 1188, PN 1696, be placed upon the table.

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

* * *

The House proceeded to second consideration of **HB 1650, PN 2165**, entitled:

An Act amending "The Fiscal Code," approved April 9, 1929 (P. L. 343, No. 176), establishing a uniform interest rate for all taxes due the Commonwealth, requiring the Commonwealth to pay interest on money due taxpayers and providing for the payment of cash refunds by the Department of Revenue.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that HB 1650, PN 2165, be recommended to the Committee on Appropriations for the purpose of a fiscal note.

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

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 1159, PN 2181; SB 532, PN 1203; HB 554, PN 581; and HB 1304, PN 2182.

* * *

The House proceeded to second consideration of **HB 242, PN 2157**, entitled:

An Act for the purpose of providing a system for the collection and recycling of used oil; defining certain terms; prohibiting certain actions; giving certain authority to the Department of Environmental Resources; providing for penalties, and generally dealing with used oil collection, storage, transportation and recycling.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that HB 242, PN 2157, be recommitted to the Committee on Appropriations for the purpose of a fiscal note.

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

**BILLS AGREED TO ON
SECOND CONSIDERATION CONTINUED**

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

HB 942, PN 2198; HB 1546, PN 1808; and HB 1423, PN 1626.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 16, PN 1067**, entitled:

An Act amending the act of June 1, 1945 (P. L. 1242, No. 428), entitled "State Highway Law," further providing for traffic control devices, and for permits to open driveways and highway occupancy.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that SB 16, PN 1067, be placed upon the table.

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

* * *

The House proceeded to third consideration of **SB 114, PN 711**, entitled:

An Act amending the act of May 21, 1937 (P. L. 774, No. 211), entitled "Pennsylvania Turnpike Commission Act," providing for a panel of review, monitor and aid in improving ambulance service available to travelers of the Pennsylvania Turnpike and for access and exit by emergency vehicles.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that SB 114, PN 711, be placed upon the table.

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

* * *

The House proceeded to third consideration of **HB 192, PN 193**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), providing for an exemption from the utilities gross receipts tax.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that HB 192, PN 193, be placed upon the table.

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

* * *

The House proceeded to third consideration of **HB 198, PN 1603**, entitled:

An Act providing for the regulation of gasoline and advertising, requiring the posting of price per gallon at retail outlets and providing penalties.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Mr. Speaker, I move that HB 198, PN 1603, be placed upon the table.

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

MEMBERS' PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, and the gentleman from Lycoming, Mr. Grieco, who ask that their names be added to the master roll call.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 963, PN 1050**, entitled:

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

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

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

The question is, shall the bill pass finally?

Does the gentleman from Beaver, Mr. Kolter, desire recognition?

Mr. KOLTER. Yes, Mr. Speaker.

Mr. Speaker, I would like to interrogate the sponsor of this piece of legislation.

The SPEAKER. The gentleman, Mr. Moehlmann, consents to interrogation. The gentleman, Mr. Kolter, may begin.

Mr. KOLTER. Mr. Speaker, I do not have a copy of HB 963 in front of me. My question, sir, is, what will this cost the taxpayers?

Mr. MOEHLMANN. It will not necessarily cost the taxpayers anything. It is a "may." It provides that the county commissioners in counties in classes higher than the third class may appoint additional county solicitors.

Mr. KOLTER. How many assistants are permitted today under the law?

Mr. MOEHLMANN. In counties from the fourth to the eighth class, it is my understanding that one assistant is permitted today.

Mr. KOLTER. Mr. Speaker, can you show need for this legislation?

Mr. MOEHLMANN. I have been requested by my county commissioners and I have heard from other county commissioners that they do need this legislation for this reason, that there is a lot more litigation that the county is involved in these days than there used to be, and the problem is that they do not now have the ability to appoint an assistant solicitor on an ad hoc basis to address a certain issue. It is difficult now for them to appoint, for example, an attorney who will do only labor negotiation on a contract with county employees. There are situations in which they need a specialist; there are situations in which the single solicitor that they have plus the assistant is simply not enough manpower to address every situation. They need the flexibility to go out and get another person as the situation dictates.

Mr. KOLTER. Thank you.

Mr. Speaker, I have no further questions, but I would like permission to make a very brief statement.

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

Mr. KOLTER. Mr. Speaker, even though this is a "may" bill, it is my observation in the years I have been a State legislator that the opportunity we give local governments sometimes to perform such acts as this necessarily increases the cost of government back home. In this day and age when we are all trying to tighten the belt, when the taxpayers do not know which way to turn, I would urge a "no" vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lebanon, Mr. Moehlmann.

Mr. MOEHLMANN. Mr. Speaker, I will yield to the gentleman, Mr. Fryer, if he wishes.

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

Mr. FRYER. Mr. Speaker, would the prime sponsor stand for a brief period of interrogation?

The SPEAKER. The gentleman indicates he will consent to interrogation. The gentleman, Mr. Fryer, may begin.

Mr. FRYER. Mr. Speaker, the gentleman has stated in answer to a question that this legislation would not necessarily cost anything. Possibly it was a little noisy in the chamber, that I did not hear the gentleman properly. So would he tell me if that answer was as I heard it?

Mr. MOEHLMANN. The bill is a "may" bill. The county commissioners may elect not to hire an assistant solicitor, in which case it would not cost anything. Therefore, I cannot tell you what it would cost if the county commissioners elect to hire 1, 2, or 7 million assistant county solicitors. I cannot tell you. It is not necessarily a cost.

Mr. FRYER. What was the purpose of the introduction of the bill then, Mr. Speaker?

Mr. MOEHLMANN. What is the purpose of the introduction of the bill?

Mr. FRYER. Yes, Mr. Speaker.

Mr. MOEHLMANN. The purpose of the introduction of the bill was to permit the county commissioners to hire assistant solicitors if they are needed.

Mr. FRYER. And then if that would develop, Mr. Speaker, there would be an expenditure of public moneys, would there not?

Mr. MOEHLMANN. Clearly, if the county commissioners elected to hire an assistant county solicitor, they would have to pay him.

Mr. FRYER. Mr. Speaker, I thank the gentleman.

May I be recognized?

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

Mr. FRYER. Thank you, Mr. Speaker.

We have here, Mr. Speaker—and I do not mean to be unkind to attorneys—but we have here an employment bill. Now, if you have a scarcity of attorneys in your counties, particularly in the sparsely settled counties, and you want to help them find employment on the public tax rolls, this is the measure to do it; this is the one. You can really make points.

Now presently, Mr. Speaker, we permit counties of the third class to hire up to three assistant county solicitors and, with court approval, an unlimited amount of special counsel. What the sponsor of this bill has done, Mr. Speaker, is he has extended this to counties of all classes, which includes seventh- and eighth-class counties. Now today in fourth through sixth, they may have one assistant solicitor. This bill would permit three for the overload of work that goes on, and in seventh- and eighth-class counties, presently there are no assistant solicitors, but that is being solved by this bill, because they would have the right to add three additional assistant solicitors.

Mr. Speaker, I cannot quarrel with possibly the need for additional help, but when it arrives in battalion strength, then I think we should be truly concerned, and we should be concerned that this may be an expenditure. I think we all know what happens when we have legislation of this type. They follow this legislation, and then it becomes once again another expenditure of taxpayers' funds.

So this bill, in my mind, is a bill that should be defeated, unless, of course, unless, of course, there are obligations to the legal fraternity that each one of us may or may not have. I personally am going to cast aside that obligation to the legal fraternity and vote "no," and I would honestly beseech you to also vote "no" on this issue. Thank you, Mr. Speaker.

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

Mr. LAUGHLIN. Mr. Speaker, it is not very often that I disagree with Representative Fryer, but in this case, having the experience of living in Beaver County and seeing what has happened to our county because of a lack of legal advice to commissioners - a surcharge in excess of \$3 million that has occurred, and now those very commissioners are blaming the fact that they got into this difficulty on a lack of legal advice and a lack of clarification on their part of what was correct or what may have been incorrect - I think that to protect the interests of the people of my county, which is a fourth-class county, we should have the opportunity to have our commissioners utilize whatever legal expertise is necessary to save the taxpayers the ultimate expense. And when we talk about \$3 million being paid out as a surcharge in excess of what should have been paid for insurance policies, I see absolutely nothing wrong with supporting legislation that will guarantee the type of expertise that is necessary to protect the interests of the taxpayers.

I urge the members of the House to vote in the affirmative. Thank you, Mr. Speaker.

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

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

Somehow this bill got in the same position of the sparrow that got caught in the badminton game. It has been bandied back and forth now that it is a bill for attorneys. Actually the bill is simply a bill to permit counties of the fourth through eighth classes to avail themselves of the amount of legal advice that they feel is sufficient in their particular county. It does not mandate anything; it simply permits counties to avail themselves of what they feel they need, and they are indeed answerable to the taxpayer, and they shall be held responsible.

I ask for an affirmative vote on the bill.

The SPEAKER. The Chair recognizes the gentleman from Lebanon, Mr. Moehlmann.

Mr. MOEHLMANN. Thank you, Mr. Speaker.

I want to assure the distinguished gentleman from Berks that I feel no need to provide employment for attorneys. The attorneys whom I know really do not need my help in that respect. I do, however, want to say that I do feel a need to attempt to provide for county commissioners the kind of legal help that they themselves might decide that they need.

This is, as the gentleman stated, simply an attempt to allow fourth- through eighth-class counties to have the same kinds of options in obtaining legal help that larger counties have. We in the smaller counties have the same kinds of problems that larger counties have, perhaps not quite in as many spades as the larger counties, but we need this kind of help.

I urge your support for this bill.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Fryer, for the second or third time on the bill.

Mr. FRYER. Thank you, Mr. Speaker.

Mr. Speaker, it has been stated that in Beaver County, which is a county of the fourth class, they have a particular problem and for that reason this bill should be supported.

Actually, Mr. Speaker, under the present law a county of the fourth class is permitted a solicitor, an assistant solicitor, and with court approval, an unlimited amount of special counsel. Now, I do not know if the gentleman from Beaver was referring to the caliber and the abilities of the attorneys, but it would seem to me that with two attorneys, two attorneys who are appointed, and with access to other special legal help, that that would take care of the matter.

Mr. Speaker, it seems to me that in our political process with our county commissioners, we have elections, and there are certain obligations to be paid, and it seems to me that this would provide a vehicle for that. My point is that I think there is sufficient coverage there, that this bill goes way beyond what should be, and rightly or wrongly, it is one which benefits people of a special class; namely, attorneys.

I call for the defeat of the bill, Mr. Speaker.

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

Mr. A. K. HUTCHINSON. Thank you, Mr. Speaker.

I have looked at this bill pretty closely. It is pretty hard to understand, but one thing I think I got out of this bill, this is a welfare bill for young lawyers.

Vote "no." Thank you.

The SPEAKER. Is the gentleman, Mr. Hutchinson, prepared to say whether certain members of this body would qualify as young lawyers?

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—123

Alden	Fargo	McClatchy	Rocks
Anderson	Fleck	McIntyre	Salvatore
Armstrong	Foster, W. W.	McVerry	Saurman
Arty	Foster, Jr., A.	Mackowski	Showers
Belfanti	Frazier	Madigan	Sieminski
Bittle	Freind	Maiale	Smith, B.
Borski	Gallen	Manderino	Smith, E. H.
Boyes	Gamble	Manmiller	Smith, L. E.
Brandt	Gannon	Marmion	Snyder
Burd	Geist	Merry	Spencer
Burns	Gladeck	Michlovic	Spitz
Caltagirone	Greenwood	Micozzie	Steighner
Cawley	Gruitza	Miller	Stuban
Cessar	Gruppo	Moehlmann	Sweet
Civera	Hagarty	Mowery	Swift
Clymer	Hayes	Nahill	Taddonio
Cochran	Heiser	Noye	Taylor, E. Z.
Cohen	Hoeffel	O'Donnell	Telek

Colafella	Honaman	Perzel	Vroon
Cornell	Horgos	Peterson	Wachob
Coslett	Hutchinson, W.	Phillips	Wass
Cunningham	Itkin	Piccola	Wenger
DeMedio	Jackson	Pistella	Weston
Daikeler	Johnson	Pitts	Williams, J. D.
Davies	Kennedy	Pott	Wilson
Dietz	Lashingner	Pucciarelli	Wogan
Dininni	Laughlin	Punt	Wright, J. L.
Dombrowski	Lehr	Rappaport	Wright, R. C.
Donatucci	Levi	Rasco	
Dorr	Levin	Reber	Ryan,
Durham	McCall	Rieger	Speaker
Evans			

NAYS—71

Barber	Gallagher	Lloyd	Seventy
Belardi	George	Lucyk	Shupnik
Blaum	Grabowski	McMonagle	Sirianni
Bowser	Greenfield	Miscevich	Stairs
Brown	Grieco	Morris	Stevens
Cappabianca	Haluska	Mrkonic	Stewart
Cimini	Hasay	Murphy	Swaim
Clark	Hutchinson, A.	Olasz	Taylor, F. E.
Cole	Irvis	Oliver	Tigue
Cordisco	Kanuck	Pendleton	Trello
Cowell	Klingaman	Petrarca	Van Horne
DeVerter	Kolter	Petrone	Wambach
DeWeese	Kowalyszyn	Pievsky	Wargo
Dawida	Kukovich	Pratt	Wiggins
Deal	Lescovitz	Richardson	Wozniak
Duffy	Letterman	Ritter	Wright, D. R.
Fee	Lewis	Rybak	Zwinkl
Fryer	Livengood	Serafini	

NOT VOTING—7

Beloff	Gray	Mullen	Williams, H.
Berson	Harper	White	

EXCUSED—2

Emerson	Fischer
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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.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House a group comprised of the Susquehanna Valley chapter of the Association of American University Women, here today as the guests of Representative John Showers of Snyder and Union Counties.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1086, PN 2132**, entitled:

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), making editorial changes and requiring a petition to request a change from a first class township to a second class township.

On the question,

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, Mr. Nahill has an amendment to this bill. The Reference Bureau inadvertently put the wrong printer's number on his amendment, and I would respectfully request that the bill be put over temporarily until the Reference Bureau gets the corrected amendment to Mr. Nahill.

The SPEAKER. The Chair thanks the gentleman.

Without objection, **HB 1086** will be passed over temporarily. The Chair hears none.

* * *

The House proceeded to third consideration of **SB 653, PN 671**, entitled:

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

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

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

The question is, shall the bill pass finally?

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

YEAS—193

Alden	Fee	Lucyk	Salvatore
Anderson	Fleck	McCall	Saurman
Armstrong	Foster, W. W.	McClatny	Serafini
Arty	Foster, Jr., A.	McIntyre	Seventy
Barber	Frazier	McMonagle	Showers
Belardi	Freind	McVerry	Shupnik
Belfanti	Fryer	Mackowski	Sieminski
Berson	Gallagher	Madigan	Sirianni
Bittle	Gallen	Maiale	Smith, B.
Blaum	Gamble	Manderino	Smith, E. H.
Borski	Gannon	Manmiller	Smith, L. E.
Bowser	Geist	Marmion	Snyder
Boyes	George	Merry	Spencer
Brandt	Gladeck	Michlovic	Spitz
Brown	Grabowski	Micozzie	Stairs
Burd	Greenfield	Miller	Steighner
Burns	Greenwood	Miscevich	Stevens
Caltagirone	Grieco	Moehlmann	Stewart
Cappabianca	Gruitza	Morris	Stuban
Cawley	Gruppo	Mowery	Swaim
Cessar	Hagarty	Mrkonic	Sweet
Cimini	Haluska	Murphy	Swift
Civera	Hasay	Nahill	Taddonio
Clymer	Hayes	Noye	Taylor, E. Z.
Cochran	Heiser	O'Donnell	Taylor, F. E.
Cohen	Hoeffel	Olasz	Telek
Colafella	Honaman	Oliver	Tigue
Cole	Horgos	Pendleton	Trello
Cordisco	Hutchinson, A.	Perzel	Van Horne
Cornell	Hutchinson, W.	Peterson	Vroon
Coslett	Irvis	Petrarca	Wachob
Cowell	Itkin	Petrone	Wambach
Cunningham	Jackson	Phillips	Wargo
DeMedio	Johnson	Piccola	Wass
DeVerter	Kanuck	Pievsky	Wenger
DeWeese	Kennedy	Pistella	Weston
Daikeler	Klingaman	Pitts	Wiggins
Davies	Kolter	Pott	Williams, J. D.

Dawida	Kowalyszyn	Pratt	Wilson
Deal	Kukovich	Pucciarelli	Wogan
Dietz	Lashinger	Punt	Wozniak
Dininni	Laughlin	Rappaport	Wright, D. R.
Dombrowski	Lehr	Rasco	Wright, J. L.
Donatucci	Lescovitz	Reber	Wright, R. C.
Dorr	Letterman	Richardson	Zwinkl
Duffy	Levi	Rieger	
Durham	Levin	Ritter	Ryan,
Evans	Lewis	Rocks	Speaker
Fargo	Livengood	Rybak	

NAYS—1

Lloyd

NOT VOTING—7

Beloff	Gray	Mullen	Williams, H.
Clark	Harper	White	

EXCUSED—2

Emerson Fischer

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

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

* * *

The House proceeded to third consideration of **SB 775, PN 1027**, entitled:

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as amended, "Pennsylvania Municipalities Planning Code," granting additional time for municipalities to determine whether to grant final approval for proposed development plans.

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—191

Alden	Fleck	Lloyd	Salvatore
Anderson	Foster, W. W.	Lucyk	Saurman
Armstrong	Foster, Jr., A.	McCall	Serafini
Arty	Frazier	McClatchy	Seventy
Barber	Freind	McIntyre	Showers
Belardi	Fryer	McMonagle	Shupnik
Belfanti	Gallagher	McVerry	Sieminski
Berson	Gallen	Mackowski	Sirianni
Bittle	Gamble	Madigan	Smith, B.
Blaum	Gannon	Maiale	Smith, E. H.
Borski	Geist	Manderino	Smith, L. E.
Bowser	George	Manmiller	Snyder
Boyes	Gladeck	Marmion	Spencer
Brandt	Grabowski	Merry	Spitz
Brown	Greenfield	Michlovic	Stairs
Burd	Greenwood	Micozzie	Steighner
Burns	Grieco	Miller	Stevens
Caltagirone	Gruitza	Miscevich	Stewart
Cappabianca	Gruppo	Morris	Stuban
Cawley	Hagarty	Mowery	Swaim
Cessar	Haluska	Mrkonic	Sweet
Cimini	Hasay	Murphy	Swift
Civera	Hayes	Nahill	Taddonio

Clymer	Heiser	Noye	Taylor, E. Z.
Cochran	Hoeffel	O'Donnell	Taylor, F. E.
Cohen	Honaman	Olasz	Telek
Colaella	Horgos	Oliver	Tigue
Cole	Hutchinson, A.	Pendleton	Trello
Cordisco	Hutchinson, W.	Perzel	Van Horne
Cornell	Irvis	Peterson	Vroon
Coslett	Itkin	Petrarca	Wachob
Cowell	Jackson	Petrone	Wambach
Cunningham	Johnson	Phillips	Wargo
DeMedio	Kanuck	Pievsky	Wass
DeVerter	Kennedy	Pistella	Wenger
DeWeese	Klingaman	Pitts	Weston
Daikeler	Kolter	Pott	Wiggins
Davies	Kowalyszyn	Pratt	Williams, J. D.
Dawida	Kukovich	Pucciarelli	Wilson
Deal	Lashinger	Punt	Wogan
Dietz	Laughlin	Rappaport	Wozniak
Dininni	Lehr	Rasco	Wright, D. R.
Dombrowski	Lescovitz	Reber	Wright, J. L.
Donatucci	Letterman	Richardson	Wright, R. C.
Duffy	Levi	Rieger	Zwinkl
Durham	Levin	Ritter	
Evans	Lewis	Rocks	Ryan,
Fargo	Livengood	Rybak	Speaker
Fee			

NAYS—3

Dorr Moehlmann Piccola

NOT VOTING—7

Beloff	Gray	Mullen	Williams, H.
Clark	Harper	White	

EXCUSED—2

Emerson Fischer

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

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

* * *

The House proceeded to third consideration of **SB 780, PN 1228**, entitled:

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

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—191

Alden	Fleck	Lloyd	Salvatore
Anderson	Foster, W. W.	Lucyk	Saurman
Armstrong	Foster, Jr., A.	McCall	Serafini
Arty	Frazier	McClatchy	Seventy
Barber	Freind	McIntyre	Showers
Belardi	Fryer	McMonagle	Shupnik
Belfanti	Gallagher	McVerry	Sieminski
Berson	Gallen	Mackowski	Sirianni
Bittle	Gamble	Madigan	Smith, B.

Blaum	Gannon	Maiale	Smith, E. H.
Borski	Geist	Manderino	Smith, L. E.
Bowser	George	Manmiller	Snyder
Boyes	Gladeck	Marmion	Spencer
Brandt	Grabowski	Merry	Spitz
Brown	Greenfield	Michlovic	Stairs
Burd	Greenwood	Micozzie	Steighner
Burns	Grieco	Miller	Stevens
Caltagirone	Gruitza	Miscevich	Stewart
Cappabianca	Gruppo	Moehlmann	Stuban
Cawley	Hagarty	Morris	Swaim
Cessar	Haluska	Mowery	Sweet
Cimini	Hasay	Mrkonic	Swift
Civera	Hayes	Murphy	Taddonio
Clymer	Heiser	Nahill	Taylor, E. Z.
Cochran	Hoeffel	Noye	Taylor, F. E.
Cohen	Honaman	O'Donnell	Telek
Colaifella	Horgos	Olasz	Tigue
Cordisco	Hutchinson, A.	Oliver	Trello
Cornell	Hutchinson, W.	Pendleton	Van Horne
Coslett	Irvis	Perzel	Vroon
Cowell	Itkin	Peterson	Wachob
Cunningham	Jackson	Petrarca	Wambach
DeMedio	Johnson	Petrone	Wargo
DeVerter	Kanuck	Phillips	Wass
DeWeese	Kennedy	Piccola	Wenger
Daikeler	Klingaman	Pievsky	Weston
Davies	Kolter	Pistella	Wiggins
Dawida	Kowalshyn	Pitts	Williams, J. D.
Deal	Kukovich	Pratt	Wilson
Dietz	Lashinger	Pucciarelli	Wogan
Dininni	Laughlin	Punt	Wozniak
Dombrowski	Lehr	Rappaport	Wright, D. R.
Donatucci	Lescovitz	Rasco	Wright, J. L.
Dorr	Letterman	Reber	Wright, R. C.
Duffy	Levi	Richardson	Zwikel
Durham	Levin	Rieger	
Evans	Lewis	Ritter	Ryan,
Fargo	Livengood	Rybak	Speaker
Fee			

NAYS—0

NOT VOTING—10

Beloff	Gray	Pott	White
Clark	Harper	Rocks	Williams, H.
Cole	Mullen		

EXCUSED—2

Emerson Fischer

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

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

* * *

The House proceeded to third consideration of **SB 781, PN 1229**, entitled:

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

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

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, would the chairman of the Local Government Committee consent to brief interrogation on this bill?

The SPEAKER. The gentleman, Mr. Foster, indicates he will consent to interrogation. The gentleman, Mr. Lloyd, may proceed.

Mr. LLOYD. Mr. Speaker, under this bill providing for a separate secretary and treasurer, would that entitle the supervisors who are filling those positions to any more compensation than they receive at the present time?

Mr. A. C. FOSTER. Would you repeat the question, Mr. Speaker?

Mr. LLOYD. The question is, if at the present time one supervisor serves as secretary-treasurer and now under this bill, if I understand it correctly, we can have one supervisor designated as the secretary and another supervisor designated as the treasurer, if that division were made, would it carry with it some increase in compensation for the gentleman who is no longer just a supervisor but now holds either the office of secretary or treasurer?

Mr. A. C. FOSTER. I would say, Mr. Speaker, that with the current setup in the second-class township, the person serving as secretary-treasurer is compensated on the basis of the percentage of the receipts and expenditures.

I do not know, frankly, Mr. Speaker, the answer to your question at this moment.

Mr. LLOYD. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

YEAS—194

Alden	Fargo	Livengood	Rybak
Anderson	Fee	Lucyk	Salvatore
Armstrong	Fleck	McCall	Saurman
Arty	Foster, W. W.	McClatchy	Serafini
Barber	Foster, Jr., A.	McIntyre	Seventy
Belardi	Frazier	McMonagle	Showers
Belfanti	Freind	McVerry	Shupnik
Berson	Fryer	Mackowski	Sieminski
Bittle	Gallagher	Madigan	Sirianni
Blaum	Gallen	Maiale	Smith, B.
Borski	Gamble	Manderino	Smith, E. H.
Bowser	Gannon	Manmiller	Smith, L. E.
Boyes	Geist	Marmion	Snyder
Brandt	George	Merry	Spencer
Brown	Gladeck	Michlovic	Spitz
Burd	Grabowski	Micozzie	Stairs
Burns	Greenfield	Miller	Steighner
Caltagirone	Greenwood	Miscevich	Stevens
Cappabianca	Grieco	Moehlmann	Stewart
Cawley	Gruitza	Morris	Stuban
Cessar	Gruppo	Mowery	Swaim
Cimini	Hagarty	Mrkonic	Sweet
Civera	Haluska	Murphy	Swift
Clark	Hasay	Nahill	Taddonio
Clymer	Hayes	Noye	Taylor, E. Z.
Cochran	Heiser	O'Donnell	Taylor, F. E.
Cohen	Hoeffel	Olasz	Telek

Colafella	Honaman	Oliver	Tigue
Cole	Horgos	Pendleton	Trello
Cordisco	Hutchinson, A.	Perzel	Van Horne
Cornell	Hutchinson, W.	Peterson	Vroon
Coslett	Irviss	Petrarca	Wachob
Cowell	Itkin	Petrone	Wambach
Cunningham	Jackson	Phillips	Wargo
DeMedio	Johnson	Piccola	Wass
DeVerter	Kanuck	Pievsky	Wenger
DeWeese	Kennedy	Pistella	Weston
Daikeler	Klingaman	Pitts	Wiggins
Davies	Kolter	Pott	Williams, J. D.
Dawida	Kowalyszyn	Pratt	Wilson
Deal	Kukovich	Pucciarelli	Wogan
Dietz	Lashinger	Punt	Wozniak
Dininni	Laughlin	Rappaport	Wright, D. R.
Dombrowski	Lehr	Rasco	Wright, J. L.
Donatucci	Lescovitz	Reber	Wright, R. C.
Dorr	Letterman	Richardson	Zwinkl
Duffy	Levi	Rieger	
Durham	Levin	Ritter	Ryan,
Evans	Lewis	Rocks	Speaker

NAYS—1

Lloyd

NOT VOTING—6

Beloff	Harper	White	Williams, H.
Gray	Mullen		

EXCUSED—2

Emerson Fischer

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.

MOTION TO SUSPEND RULES

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

I rise to make a motion to suspend the rules, specifically rule 77.

The SPEAKER. What is the purpose of the gentleman's motion?

Mr. KUKOVICH. Mr. Speaker, the purpose is to take up immediate consideration of a resolution of utmost importance concerning block grant legislation.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. I oppose the gentleman's motion, Mr. Speaker.

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

Mr. KUKOVICH. If I could speak briefly on the motion, if I could have leave to discuss the contents of the resolution and a little leeway to discuss the rationale, I think we might be able to explain better the need for this motion to suspend the rules.

Mr. Speaker, the resolution is a very simple one, actually a little less than a page, and it does a number of things. One, it

says that we will not be permitted to vote for legislation embodying the expenditure of block grant funds unless our Appropriations Committee has hearings on each of those separate blocks. It empowers the Appropriations Committee, if they so wish, to bring in service recipients and service providers, not only the administrators of those programs affected by the block grants. It also would say that we would have the opportunity to offer amendments prior to voting on that legislation.

Mr. Speaker, I think it is imperative that we suspend the rules now and act today for one major reason. After over 6 months of study and work on block grants, it has become readily apparent that very few people really understand the concept, whether they are at the Federal level or the State level. It has become apparent that those of us in the General Assembly have not even had the true chance to understand what is happening with this funding, and we are talking about at least a half billion dollars in these initial blocks. What I am calling for today, Mr. Speaker, is just a chance, I think a moderate and reasonable chance, to let us have some hearings to insure that we no longer abdicate our responsibilities as legislators as we have in the past on the general appropriations budget. But this is even more compelling because this is precedent setting; it is something that is brand new; it is something that we have never had any experience with before. I am submitting to this chamber that if we just go ahead without hearings— And I should add that other States have had public hearings. Minnesota, New York, Michigan, and many more have had hearings where the service providers and recipients have been able to come forward. That opportunity has not arisen and will not arise in this State unless we in this chamber do something about it. That is really all I am asking. Allow us to have the opportunity to make an informed vote. The hearings that went on before this did not allow that opportunity.

Mr. Speaker, I am saying that one of the reasons that we were elected to come here to Harrisburg was to make intelligent voting decisions on how our financial matters would be settled, how the money would be spent. And again, I am suggesting that if we do not have that opportunity, if we cannot have those hearings, if we cannot let our Appropriations Committee serve that function that they are supposed to serve, then again we will be voting in ignorance, and I think we will be doing a disservice to all of those individuals who normally receive those funds, be they the handicapped or the retarded, the poor, education, all of those who are affected by block grants.

I am hoping, Mr. Speaker, that this will not be a partisan vote. I did not frame this resolution in that manner. If anything, it is an executive-versus-legislative function, and I am saying we should not relieve ourselves of our responsibility. I think all of us in this chamber, whether we are Republicans or Democrats, have been contacted over the last few months by maybe parents of a retarded child or a blind constituent or somebody who is afraid of what is going to happen with this money, and we cannot even intelligently respond to them. I am asking you to give us that chance by voting to suspend the rules and discussing the merits of this resolution. Thank you, Mr. Speaker.

MEMBER'S PRESENCE RECORDED

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

**CONSIDERATION OF MOTION
TO SUSPEND RULES CONTINUED**

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman, Mr. Kukovich, was being very gentle in some of his remarks. I will be a little more blunt.

The reason that I am asking you to support suspension of the rules is not that I am suspicious of any of the members of this House and their intentions on block grants, but I am definitely suspicious of the members of the other House and what they may do to block grants. We may find them inserting block grants in Federal augmentation bills which are still in the Senate and sent over here as amendments to House bills on which you and I will have nothing to say except aye or nay. That is the reason I urge you, on both sides of the aisle, to support the suspension of the rules and then to vote for the young man's resolution. It is wrong for either party or either House— And I am not saying that the Democratic Party is as pure as angels. We may have played the trick, too, and I do not remember whether we did or did not, but if we did, we were wrong and we ought not to continue that.

This House should be able to debate any question. The members ought to have an opportunity to offer amendments to any question. By accepting this resolution, which you can only do by suspension of the rules today, we will all be given that opportunity on this most important discussion - the allocation of the money in the Federal block grants. I urge you to vote "yes" on the motion.

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

Mr. DeWEESE. Mr. Speaker, would it be in order for me to interrogate the majority leader regarding this motion?

The SPEAKER. On what question?

Mr. DeWEESE. On this motion to suspend the rules.

The SPEAKER. The Chair recognizes the gentleman, Mr. DeWeese. The majority leader consents to interrogation.

The Speaker, incidentally, has allowed far greater liberties, I believe, than the rules permit in connection with this matter. I would hope that the gentleman, Mr. DeWeese, understands that. The gentleman may proceed.

Mr. DeWEESE. Mr. Speaker, the gentleman from Westmoreland County and the gentleman from Allegheny County have made compelling arguments not only on behalf of more study and more scrutiny of block grants, but they have also made some very incisive observations about how business is done in this chamber and in both chambers.

My question to you, sir, is, do you want us to continue as we have been doing in the recent past, voting "yea" or "nay" only on budgetary matters of extreme importance over and over again when the Senate hurls and catapults bills over here and we do not have an opportunity to go in and look at the

financial implications of these things? Is this the intention of the majority leader and the party of the majority leader over and over again as manifest by your opposition today?

Mr. HAYES. I believe the gentleman is reading things into my objection to the motion to suspend rules.

Mr. DeWEESE. Thank you very much. I have no further interrogation. I would like to make one statement.

The SPEAKER. The gentleman may proceed.

Mr. DeWEESE. I think this is a very important vote. I think that what is going on in Washington is going to be reflected obviously in Pennsylvania and the other 49 States. I think that if we do not have individually and as a committee, especially the Appropriations Committee— And I think it would be important and appropriate if our Appropriations leadership in the majority party would stand up now, stand up tall, and defend the rights of us as a House and as individuals to suspend the rules right now and look into these multifaceted problems which are going to come at us in the months ahead. It is an intricate time; it is a delicate time; and if we do not suspend the rules and study this resolution and pursue an in-depth, detailed effort regarding block grants, we will be very regretful in the days ahead.

I ask that Mr. Kukovich's motion to suspend the rules be passed. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson. The question before the House is, should the House suspend the rules? The gentleman may proceed.

Mr. RICHARDSON. Mr. Speaker, I rise today to support the Kukovich amendment, and I do so for—

The SPEAKER. The Chair corrects the gentleman. There is no amendment before the House. There is a question of suspension of the rules proposed by Mr. Kukovich.

Mr. RICHARDSON. I rise to support the gentleman's motion to suspend the rules in the House of Representatives this morning, and I do so for several reasons: all those that have been mentioned, but more precisely and concisely the matter concerning block grants in this country.

Presently, people in this Commonwealth are going to embark on having to choose and make some very serious decisions on whether or not certain projects, pet projects of theirs, are going to be funded by this Commonwealth and by this House of Representatives. If we are not given that opportunity to decide which ones there are, with going over it very clearly with a kind of hearing that would give us the opportunity to deal with these particular issues, I feel that we will put ourselves in a box, and those individuals who are going to come to us concerning their particular pet projects are going to be left out in the dark. It would seem to me that the motion to suspend is no different than other motions that have been placed on this floor when it comes down to procedural questions and that the information concerning block grants is the topic of discussion.

Block grants, as many of you know, now are going to be placed in the hands of this legislative body to make some serious decisions. There are a lot of programs, particularly social service programs, that are going to be affected tremen-

dously across this Commonwealth if we do not move accurately and very quickly to make some decisions in this Commonwealth. I wanted to make sure that those members today who are listening would realize that we have to do something about the struggle that is being placed with us in Washington that has put us in this position. With the cutbacks that are coming out of Washington and those that are even being proposed here in Pennsylvania by the Governor, the block grants are going to be very significant to a number of us as legislators who have various programs that do presently exist within our own legislative districts. If the persons who have come to us and asked us to represent them do not feel that they have gotten a fair shake, I can only share with you that many of those block grants that will come before us will probably be put on the side, which means that a number of persons will not get the representation that they so readily need.

I would ask for an affirmative vote on the motion to suspend the rules so that we may consider this resolution.

The SPEAKER. On the question of suspension of the rules, the Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, we have been given no explanation as to why we ought not suspend the rules. I just would point out to the House that very often this year we have been asked shortly before the luncheon recess to suspend the rules to allow the immediate consideration of somebody's resolution, oftentimes without any idea of what that resolution was all about. Many times those resolutions have been read in the din and we could not even hear them, and we were asked to vote. So, Mr. Speaker, in the absence of some explanation as to why that courtesy ought not be extended in this case and what harm would be done to the procedural operation of this House by voting today consistent with our normal procedure, Mr. Speaker, I am at a loss to understand why we ought not vote to suspend the rules and deal with the merits, and if individuals have problems with specific parts of that resolution, they will have an opportunity to amend or to debate the merits of the resolution.

Mr. Speaker, I ask that we honor our normal procedure and vote to suspend the rules.

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

The following roll call was recorded:

YEAS—87

Barber	Fryer	Lucyk	Rybak
Belfanti	Gallagher	McCall	Seventy
Blaum	Gamble	McIntyre	Showers
Borski	George	McMonagle	Shupnik
Brown	Grabowski	Maiale	Steighner
Caltagirone	Greenfield	Manderino	Stewart
Cappabianca	Gruitza	Michlovic	Stuban
Cawley	Haluska	Miscevich	Swaim
Cohen	Hoeffel	Morris	Sweet
Colafella	Horgos	Mrkonic	Taylor, F. E.
Cole	Hutchinson, A.	Murphy	Tigue
Cordisco	Irvic	O'Donnell	Van Horne
Cowell	Itkin	Olasz	Wachob
DeMedio	Kolter	Oliver	Wambach
DeWeese	Kowalyszyn	Pendleton	Wargo
Dawida	Kukovich	Petrarca	Wiggins

Deal	Laughlin	Petrone	Williams, H.
Dombrowski	Lescovitz	Pievsy	Williams, J. D.
Donatucci	Letterman	Pistella	Wozniak
Duffy	Levin	Pratt	Wright, D. R.
Evans	Livengood	Richardson	Zwilk
Fee	Lloyd	Ritter	

NAYS—102

Alden	Fargo	Levi	Serafini
Anderson	Fleck	Lewis	Sieminski
Armstrong	Foster, W. W.	McClatchy	Sirianni
Arty	Foster, Jr., A.	McVerry	Smith, B.
Belardi	Frazier	Mackowski	Smith, E. H.
Bittle	Freind	Madigan	Smith, L. E.
Bowser	Gallen	Manmiller	Snyder
Boyes	Gannon	Marmion	Spencer
Brandt	Geist	Merry	Spitz
Burd	Gladeck	Micozzie	Stairs
Burns	Greenwood	Miller	Stevens
Cessar	Grieco	Moehlmann	Swift
Cimini	Gruppo	Nahill	Taddonio
Civera	Hagarty	Noye	Taylor, E. Z.
Clymer	Hasay	Perzel	Telek
Cochran	Hayes	Peterson	Vroon
Cornell	Heiser	Phillips	Wass
Coslett	Honaman	Piccola	Wenger
Cunningham	Hutchinson, W.	Pitts	Weston
DeVerter	Jackson	Pott	Wilson
Daikeler	Johnson	Punt	Wogan
Davies	Kanuck	Rasco	Wright, J. L.
Dietz	Kennedy	Reber	Wright, R. C.
Dininni	Klingaman	Rocks	
Dorr	Lashingier	Salvatore	Ryan,
Durham	Lehr	Saurman	Speaker

NOT VOTING—12

Beloff	Gray	Mullen	Rieger
Berson	Harper	Pucciarelli	Trello
Clark	Mowery	Rappaport	White

EXCUSED—2

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

STATEMENT BY MINORITY WHIP

The SPEAKER. The Chair recognizes at this time the minority whip for the purpose of making a statement. The gentleman may proceed.

Mr. MANDERINO. Mr. Speaker, the resolution that is now being sent to the Rules Committee, since the House has decided that it will not take it up immediately, is a resolution that I think deserves the support of every member of this House and deserves the prompt attention of the Rules Committee of this House.

It has been 6 years since this assembly wrestled the power to allocate Federal funds in Pennsylvania away from the executive branch. During those 6 years we have strengthened the process of appropriating Federal funds and adhered to a commitment that the authority to allocate funds in Pennsylvania, regardless of their source, belongs right here where government is closest to the people. Our commitment to oversee the allocation and the use of Federal funds should make us better prepared to deal with the new Federal budget policy that is affecting Pennsylvania and all the other States.

As Pennsylvania moves to comply with the new Federal block grants and recent budgetary cuts, I am increasingly convinced that it is more important than ever to keep authority over Federal funds right here with us. If there is to be any public input on the matter, it will have to occur here. I believe that the Kukovich resolution now with the Rules Committee is offered in the spirit of maintaining our commitment to this process.

In recent weeks I have observed a series of events which I perceive to be a threat to this assembly and to its power over Federal funds, and I would like to relate some of them to you as reasons that the Rules Committee should promptly consider the Kukovich resolution and that this House should deal with the matter of Federal block grants according to either that resolution or a similar procedure.

As the Democratic members of the Appropriations Committee and its staff attempted to study the block grant law passed by Congress during the summer, they encountered one difficulty after another. Although Governor Thornburgh publicly and actively supported both the block grants and the cuts which are affecting Pennsylvania so deeply, we can learn very little about how the administration intends to implement these cuts or to live with them. Agency after agency apparently has been ordered not to discuss the grants with representatives of the Democratic Appropriations Committee. Some facts about how they are dealing with the matter, however, cannot be hidden.

For example, first, we know that the Governor has ordered each Cabinet officer to prepare plans on standard forms which could be used to analyze various ways of using the money that was left in each of the block grants after the Reagan cuts. Representative Max Pievsky requested copies of the agencies' plans for his staff to review after a decent time lapse for the Governor's Office to make their review. His request has still not been honored. I might be tempted to tell you that some of the agencies gave us the plans in spite of the edict of secrecy from the administration, but I will not say that; I do not want the Governor's staff looking over their shoulders any more than I perceive that they already do.

Second, we have observed that the Thornburgh administration has issued an administrative circular to all agencies authorizing them to overspend the appropriation limits which we passed in June. Based on this circular, the agencies are issuing full 12-month contracts to service providers implementing their own plans, even though we, here in the General Assembly, appropriated only 6 months of the moneys known to be coming from the Federal Government. In my opinion, this administrative circular from Secretary Wilburn, which is binding upon the agency comptrollers, is a blatant violation of *Shapp v. Sloan* and the statutes which we enacted to enforce the decision made in that case.

Third, we know that the agencies are presently implementing the block grants without any prior notice to this General Assembly. As early as September 8, Representative Pievsky asked Secretary Wilburn to tell us if Pennsylvania was going to exercise its option to enter any of the block grants by this date and, if so, which ones. As of this time, Representative

Pievsky has not received the courtesy of an answer, although we know that several agencies are preparing and implementing new policies without the participation of the General Assembly.

Fourth, the Governor set up a human services task force under the direction of Charles Lieberth to devise a plan for Pennsylvania to implement the new block grants. Just as a side-bar observation, this General Assembly has never authorized that organization to be paid for, and the Administrative Code is already being violated in that respect. But more seriously, that organization is now conducting regional meetings around the State allegedly to brief the public on the new block grant process and to allow the public's input. I am told by people who have attended these briefings that it is very difficult for the public to have any input. Indeed, when members even of this General Assembly attempted to speak at some of those hearings, they were promptly cut off and not permitted to finish. No specific spending plans for any of the nine block grants are being presented at these meetings, and no discussion is permitted about the subject matter.

Mr. Speaker, with your permission I would like to enter into the record of this House of Representatives copies of the letters Mr. Pievsky wrote to Secretary Wilburn on August 31 and on September 8 asking for information on how the administration plans to use the block grants and whether or not any agency was notifying the Federal Government that it would allocate the new block grants by October 1. I am frankly asking that these letters be entered into the record of the House in an attempt perhaps to embarrass whoever it was that did not have the courtesy to answer either one of them. At least I would be embarrassed in a similar situation.

Mr. Speaker, Governor Thornburgh not only supported the Reagan economic plan; he went to Washington to actively lobby for it. He tried to sell Pennsylvania Congressmen and the press on the idea that this Federal budget would be good for Pennsylvania. I think he jumped on the bandwagon of Reaganomics with both feet. Now the cuts are beginning to take their toll. All of us are receiving phone calls on a daily basis from the human service centers whose funding is being threatened - centers for handicapped children, hospital emergency service rooms, day-care centers, senior citizen programs; the list could go on and on. Now that the Reagan-Thornburgh budget policy, which is supposed to be so good for Pennsylvania, is having its impact, we have seen the administration clam up on all the information regarding the use of the Federal funds with a Nixon-like paranoia.

Mr. Speaker, the damage of the Reagan budget is now inevitable for Pennsylvania, and there is probably little we can do in total to turn it around. Because of our authority to appropriate Federal funds in this assembly, we are, however, I think, viewed by many of the citizens as the last chance for some kind of human attempt to work with what we have been left. I think that the hearings required and asked for by the Kukovich resolution would strengthen the belief of these citizens that their confidence is well placed. Speaking for the minority members of the Appropriations Committee, I know they would more than welcome a chance to hear clients,

service providers, local government representatives, and representatives of the administration explain their views before the assembly addresses the task of appropriating the new Federal block grants.

I again urge the Rules Committee to promptly consider the resolution offered by Mr. Kukovich and send it back to the floor of the House so this assembly may make its decision on the matter. Thank you, Mr. Speaker.

LETTERS SUBMITTED FOR THE RECORD

Mr. MANDERINO submitted the following letters for the Legislative Journal:

Committee on Appropriations
House of Representatives
Commonwealth of Pennsylvania
Harrisburg

August 31, 1981

The Honorable Robert C. Wilburn
Secretary of Budget & Administration
Room 238 Main Capitol Building
Harrisburg, PA 17120

Dear Secretary Wilburn:

When the Legislature finally passed H.B. 686, which contained the Federal Augmentation's appropriations for fiscal year 1981/82, there were many appropriations that we all knew would have to be amended this fall because we were facing block grants and budget reductions at the Federal level that had not yet materialized.

The summer recess is fast coming to a close and in order to fully prepare the Democratic Caucus to understand the changes that will have to be made to the Federal Augmentation's appropriations, I asked my staff to begin to gather from the various departments their lists of changes that will have to be made. My staff has tried to do this informally and has not been successful.

I am asking you to provide me with the changes to the Federal funds appropriations that the departments have already identified. It would be most helpful if these changes could be provided on the Request for Appropriation of Federal Funds (RAFF) forms.

It is important to note, that our interest in changes to current Federal appropriations does not diminish our desire to prepare for transition to block grants. My staff is and will be gathering information regarding the impact of Federal funding changes on both State and local programs. While we have had some success, this task would be greatly facilitated if you would provide me with copies of the lead agency recommendations provided to your office on July 17, 1981 in response to Administrative Circular 81-45.

I think it is absolutely essential that we not only get this information, but that we get it in a time frame that will allow us to appropriately analyze the information.

Sincerely,
Max Pievsky
Chairman

Committee on Appropriations
House of Representatives
Commonwealth of Pennsylvania
Harrisburg

September 8, 1981

The Honorable Robert C. Wilburn
Secretary of Budget & Administration
Room 238 Main Capitol Building
Harrisburg, PA 17120

Dear Secretary Wilburn:

It is my understanding that the state, for certain block grants, may opt to receive monies in blocks beginning October 1, 1981 or may chose to continue receiving categorical funds for up to a year, with the understanding that to exercise its option for block grants it must notify the Federal Government fifteen to thirty days in advance.

Time is fast approaching the deadline to exercise our option for block grants on October 1. Could you inform me whether the Administration will be applying for block grants effective October 1, and if so which ones.

If there is no intent to meet the first quarter (October 1) deadline, could you outline for me the Administration's schedule for exercising its block grant option.

Perhaps as well, since most of the block grant legislation requires that descriptions of the intended use of the block grant be made public during the developmental stage, you could arrange a briefing for my staff by a key individual(s) on the Block Grants Task Force.

I await your timely reply.

Sincerely,
Max Pievsky
Chairman

P/w

REQUEST FOR RECESS

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Thank you, Mr. Speaker.

The House is very, very restless. There has been a din for the last 5 or 10 minutes. I think there are probably two reasons for that. One of those reasons we can take care of immediately. I believe people are hungry. Let us recess this House until 2 p.m. for the purpose of taking lunch. Thank you, Mr. Speaker.

STATEMENT ON LEGISLATION INTRODUCED

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

Mrs. TAYLOR. Mr. Speaker, I would like to announce to the House that I am offering a package of legislation today which is designed to crack some of the legitimate difficulties which face our State colleges and university on a daily basis. I have the legislation in the front of the House. Anyone wishing to be a sponsor of that bill, please be attentive to this announcement.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House guests from District 15 of the United Steelworkers, here today as the guests of Representatives Michlovic and Olasz.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 26, PN 27 (Unanimous)

By Rep. PUNT

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for revocation of habitual offenders licenses.

TRANSPORTATION.

HB 453, PN 474 (Unanimous)

By Rep. PUNT

An Act amending the act of May 31, 1911 (P. L. 468, No. 193), referred to as the State Highway Department Law, deleting provisions authorizing payments to suppliers prior to delivery of fabricated steel and prestressed beams.

TRANSPORTATION.

HB 772, PN 2235 (Amended) (Unanimous)

By Rep. PUNT

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing the issuance of firefighter registration plates.

TRANSPORTATION.

HB 794, PN 852 (Unanimous)

By Rep. PUNT

An Act repealing the act of April 18, 1949 (P. L. 604, No. 128), known as the "State Highway and Bridge Authority Act," providing the transfer of certain functions, powers, duties and property to the Department of Transportation.

TRANSPORTATION.

HB 846, PN 2236 (Amended)

By Rep. PUNT

An Act relating to the control of vegetation within the right-of-way of highways; providing for applications, inspections and permits; and fixing penalties.

TRANSPORTATION.

HB 926, PN 997

By Rep. PUNT

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the use of helmets by operators and riders of certain motorcycles and motor-driven cycles.

TRANSPORTATION.

SB 592, PN 1026

By Rep. PUNT

An Act requiring certain passenger restraint systems and providing for a penalty.

TRANSPORTATION.

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1169, PN 1298**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

VETO OVERRIDDEN BY SENATE

The clerk of the Senate, being introduced, returned **HB 456, PN 1890**, together with the objections of the Governor, with the information that said bill had been passed by both

Houses and vetoed by His Excellency the Governor, and has since been reconsidered in the Senate and passed by the necessary two-thirds vote, the objections of the Governor to the contrary notwithstanding.

BILL SIGNED BY SPEAKER

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

HB 1169, PN 1298

An Act changing the name of the "North Street Bridge" in Luzerne County to the "Veterans' Memorial Bridge."

RECESS

The SPEAKER. Without objection, this House 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.

The SPEAKER. The Chair recognizes the majority leader.
Mr. HAYES. Thank you, Mr. Speaker.

I suggest that we return to page 12, HB 1086. The gentleman, Mr. Nahill, has informed me that his amendment is ready and he is prepared to offer the same.

CALENDAR RESUMED

**DECISION OF CHAIR WITHDRAWN
ON HB 1086**

The SPEAKER. Without objection, the Chair withdraws its decision as to HB 1086 being agreed to on third consideration. The Chair hears none.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. NAHILL offered the following amendment No. A3683:

Amend Sec. 1 (Sec. 209a), page 3, line 8 by striking out "ten" and inserting
five

On the question,

Will the House agree to the amendment?

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

Mr. NAHILL. Thank you, Mr. Speaker.

This amendment A3683 is a very straightforward amendment. It changes the requirement in HB 1086 from 10 percent of the electorate on a petition to 5 percent. It simply makes it a little bit easier for them to present a petition and to get an election on changing status of the township. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—171

Alden	Fleck	Lucyk	Seventy
Anderson	Foster, W. W.	McCall	Showers
Armstrong	Foster, Jr., A.	McClatchy	Shupnik
Arty	Frazier	McVerry	Sirianni
Barber	Gallagher	Mackowski	Smith, B.
Belardi	Gallen	Maiale	Smith, E. H.
Beloff	Gamble	Manderino	Smith, L. E.
Berson	Gannon	Manmiller	Snyder
Bittle	Geist	Marmion	Spencer
Borski	George	Merry	Spitz
Bowser	Gladeck	Michlovic	Stairs
Boyes	Grabowski	Miller	Steighner
Brandt	Greenfield	Miscevich	Stevens
Brown	Greenwood	Moehlmann	Stewart
Burd	Grieco	Morris	Stuban
Burns	Gruitza	Mowery	Swaim
Caltagirone	Hagarty	Mrkonic	Sweet
Cappabianca	Hasay	Murphy	Swift
Cawley	Hayes	Nahill	Taddonio
Cessar	Heiser	Noye	Taylor, E. Z.
Cimini	Honaman	O'Donnell	Taylor, F. E.
Clark	Horgos	Olasz	Telek
Clymer	Hutchinson, A.	Pendleton	Tigue
Cochran	Irvis	Perzel	Trello
Colafella	Itkin	Peterson	Van Horne
Cole	Jackson	Petrarca	Vroon
Cornell	Johnson	Petrone	Wachob
Coslett	Kanuck	Phillips	Wambach
Cowell	Kennedy	Piccola	Wargo
Cunningham	Klingaman	Pievsky	Wass
DeMedio	Kolter	Pitts	Wenger
DeVerter	Kowalyshyn	Pratt	Weston
Daikeler	Kukovich	Pucciarelli	Wiggins
Davies	Lashinger	Punt	Wilson
Dawida	Laughlin	Rasco	Wogan
Deal	Lehr	Reber	Wozniak
Dietz	Lescovitz	Richardson	Wright, D. R.
Dininni	Letterman	Ritter	Wright, J. L.
Dombrowski	Levi	Rocks	Wright, R. C.
Donatucci	Levin	Rybak	Zwikl
Dorr	Lewis	Salvatore	
Durham	Livengood	Saurman	Ryan,
Fargo	Lloyd	Serafini	Speaker
Fee			

NAYS—3

Blaum	Hoeffel	Rappaport
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NOT VOTING—27

Belfanti	Freind	McIntyre	Pott
Civera	Fryer	McMonagle	Rieger
Cohen	Gray	Madigan	Sieminski
Cordisco	Gruppo	Micozzie	White
DeWeese	Haluska	Mullen	Williams, H.
Duffy	Harper	Oliver	Williams, J. D.
Evans	Hutchinson, W.	Pistella	

EXCUSED—2

Emerson	Fischer
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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 on third consideration as amended?

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—186

Alden	Evans	Lewis	Saurman
Anderson	Fargo	Livengood	Serafini
Armstrong	Fee	Lloyd	Seventy
Arty	Fleck	Lucyk	Showers
Barber	Foster, W. W.	McCall	Shupnik
Belardi	Foster, Jr., A.	McClatchy	Sirianni
Belfanti	Frazier	McVerry	Smith, B.
Beloff	Fryer	Mackowski	Smith, E. H.
Berson	Gallagher	Maiale	Smith, L. E.
Bittle	Gallen	Manderino	Snyder
Blaum	Gamble	Manmiller	Spencer
Borski	Gannon	Marmion	Spitz
Bowser	Geist	Merry	Stairs
Boyes	George	Michlovic	Steighner
Brandt	Gladeck	Miller	Stevens
Brown	Grabowski	Miscevich	Stewart
Burd	Greenfield	Moehlmann	Stuban
Burns	Greenwood	Morris	Swaim
Caltagirone	Grieco	Mowery	Sweet
Cappabianca	Gruitza	Mrkonic	Swift
Cawley	Hagarty	Murphy	Taddonio
Cessar	Haluska	Nahill	Taylor, E. Z.
Cimini	Hasay	Noye	Taylor, F. E.
Civera	Hayes	O'Donnell	Telek
Clark	Heiser	Olasz	Tigue
Clymer	Hoeffel	Pendleton	Trello
Cochran	Honaman	Perzel	Van Horne
Colafella	Horgos	Peterson	Vroon
Cole	Hutchinson, A.	Petrarca	Wachob
Cordisco	Hutchinson, W.	Petrone	Wambach
Cornell	Irvis	Petrone	Wargo
Coslett	Itkin	Phillips	Wass
Cowell	Jackson	Piccola	Wenger
Cunningham	Johnson	Pievsky	Weston
DeMedio	Kanuck	Pitts	Wiggins
DeVerter	Kennedy	Pott	Wilson
Daikeler	Klingaman	Pratt	Wogan
Davies	Kolter	Pucciarelli	Wozniak
Dawida	Kowalyshyn	Punt	Wright, D. R.
Deal	Kukovich	Rappaport	Wright, J. L.
Dietz	Lashinger	Rasco	Wright, R. C.
Dininni	Laughlin	Reber	Zwikl
Dombrowski	Lehr	Richardson	
Donatucci	Lescovitz	Ritter	
Dorr	Letterman	Rocks	
Duffy	Levi	Rybak	Ryan,
Durham	Levin	Salvatore	Speaker

NAYS—1

Freind

NOT VOTING—14

Cohen	Harper	Micozzie	Rieger
DeWeese	McIntyre	Mullen	Sieminski
Gray	McMonagle	Oliver	White
Gruppo	Madigan		

EXCUSED—2

Emerson	Fischer
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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 826, PN 888**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for a retroactive application for an exclusion from tax for the sale at retail of supplies and materials to tourist promotion agencies.

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—184

Alden	Fargo	Lloyd	Saurman
Anderson	Fee	Lucyk	Seventy
Armstrong	Fleck	McCall	Showers
Arty	Foster, W. W.	McClatchy	Shupnik
Barber	Foster, Jr., A.	McMonagle	Sieminski
Belardi	Frazier	McVerry	Sirianni
Belfanti	Freind	Mackowski	Smith, B.
Beloff	Fryer	Maiale	Smith, E. H.
Berson	Gallagher	Manderino	Smith, L. E.
Bittle	Gallen	Manmiller	Snyder
Blaum	Gamble	Marmion	Spencer
Borski	Gannon	Merry	Spitz
Bowser	Geist	Michlovic	Stairs
Boyes	George	Miller	Steighner
Brandt	Gladeck	Miscevich	Stevens
Brown	Grabowski	Moehlmann	Stewart
Burd	Greenfield	Morris	Stuban
Burns	Greenwood	Mowery	Swaim
Caltagirone	Grieco	Mrkonic	Sweet
Cappabianca	Gruitza	Murphy	Swift
Cawley	Gruppo	Nahill	Taddonio
Cessar	Hagarty	Noye	Taylor, E. Z.
Cimini	Haluska	O'Donnell	Taylor, F. E.
Civera	Hasay	Olasz	Telek
Clymer	Hayes	Oliver	Tigue
Cochran	Heiser	Pendleton	Trello
Colafrella	Hoeffel	Perzel	Van Horne
Cole	Honaman	Peterson	Vroon
Cordisco	Horgos	Petrone	Wachob
Cornell	Hutchinson, A.	Phillips	Wambach
Coslett	Hutchinson, W.	Piccola	Wargo
Cowell	Irvic	Pievsky	Wass
Cunningham	Itkin	Pistella	Wenger
DeMedio	Johnson	Pitts	Weston
DeVerter	Kanuck	Pott	Wiggins
Daikeler	Kennedy	Pratt	Williams, H.
Davies	Klingaman	Pucciarelli	Wilson
Dawida	Kolter	Punt	Wogan
Deal	Kowalshyn	Rasco	Wozniak
Dietz	Kukovich	Reber	Wright, D. R.
Dininni	Lashinger	Richardson	Wright, J. L.
Dombrowski	Laughlin	Rieger	Wright, R. C.
Donatucci	Lehr	Ritter	Zwinkl
Dorr	Lescovitz	Rocks	
Duffy	Levi	Rybak	Ryan,
Durham	Lewis	Salvatore	Speaker
Evans	Livengood		

NAYS—1

Letterman

NOT VOTING—16

Clark	Harper	Madigan	Rappaport
Cohen	Jackson	Micozzie	Serafini
DeWeese	Levin	Mullen	White
Gray	McIntyre	Petrarca	Williams, J. D.

EXCUSED—2

Emerson Fischer

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 VOTES

The SPEAKER. For what purpose does the gentleman from Northampton, Mr. Gruppo, rise?

Mr. GRUPPO. Mr. Speaker, I was in my office in a meeting and failed to be on the floor when the vote was taken on HB 1086 and the Nahill amendment, and I would like to vote in the affirmative.

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

WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Janet Lochner, a representative of AFSCME (American Federation of State, County, and Municipal Employees) and a constituent and guest of Representative Lori Heiser of Allegheny County.

The Chair is pleased to welcome to the hall of the House today Mr. Donald LaBuda, chairman of Local 601 of East Pittsburgh, here today as the guest of Representative Mrkonic.

The Chair is pleased to welcome to the hall of the House today Mr. Tom Berger, Joe Orosz, Jeep Weatherly, Bill George, Rich Vallecorsa, and Joe Kaurish, here today as the guests of the delegation from Beaver County.

REMARKS ON VOTES

The SPEAKER. For what purpose does the gentleman from Northampton, Mr. Sieminski, rise?

Mr. SIEMINSKI. Mr. Speaker, I was in my office having a meeting and did not get back here quickly enough for the vote on HB 1086 and the Nahill amendment. Had I been here, I would have voted in the affirmative, and I would like the record to show it.

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 197, PN 198**, entitled:

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

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

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

The question is, shall the bill pass finally?

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

YEAS—188

Alden	Fee	Livengood	Saurman
Anderson	Fleck	Lloyd	Serafini
Armstrong	Foster, W. W.	Lucyk	Seventy
Arty	Foster, Jr., A.	McCall	Showers
Belardi	Frazier	McClatchy	Shupnik
Belfanti	Freind	McMonagle	Sieminski
Beloff	Fryer	McVerry	Sirianni
Berson	Gallagher	Mackowski	Smith, B.
Bittle	Gallen	Madigan	Smith, E. H.
Blaum	Gamble	Maiale	Smith, L. E.
Borski	Gannon	Manderino	Snyder
Bowser	Geist	Manmiller	Spencer
Boyes	George	Marmion	Spitz
Brandt	Gladeck	Merry	Stairs
Brown	Grabowski	Michlovic	Steighner
Burd	Greenfield	Miller	Stevens
Burns	Greenwood	Miscevich	Stewart
Caltagirone	Grieco	Moehlmann	Stuban
Cawley	Gruitza	Morris	Swaim
Cessar	Gruppo	Mowery	Sweet
Cimini	Hagarty	Mrkonic	Swift
Civera	Haluska	Murphy	Taddonio
Clark	Hasay	Nahill	Taylor, E. Z.
Clymer	Hayes	Noye	Taylor, F. E.
Cochran	Heiser	Olasz	Telek
Colafella	Hoeffel	Oliver	Tigue
Cole	Honaman	Pendleton	Trello
Cordisco	Horgos	Perzel	Van Horne
Cornell	Hutchinson, A.	Peterson	Vroon
Coslett	Hutchinson, W.	Petrarca	Wachob
Cowell	Irvis	Petrone	Wambach
Cunningham	Itkin	Phillips	Wargo
DeMedio	Jackson	Piccola	Wass
DeVerter	Johnson	Pievsky	Wenger
DeWeese	Kanuck	Pistella	Weston
Daikeler	Kennedy	Pitts	Williams, H.
Davies	Klingaman	Pott	Williams, J. D.
Dawida	Kolter	Pratt	Wilson
Deal	Kowalshyn	Pucciarelli	Wogan
Dietz	Kukovich	Punt	Wozniak
Dininni	Lashinger	Reber	Wright, D. R.
Dombrowski	Laughlin	Richardson	Wright, J. L.
Donatucci	Lehr	Rieger	Wright, R. C.
Dorr	Lescovitz	Ritter	Zwinkl
Duffy	Letterman	Rocks	
Durham	Levi	Rybak	Ryan,
Evans	Levin	Salvatore	Speaker
Fargo	Lewis		

NAYS—3

Cappabianca Rappaport Rasco
NOT VOTING—10

Barber Harper Mullen White
Cohen McIntyre O'Donnell Wiggins
Gray Micozzie

EXCUSED—2

Emerson Fischer

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

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

* * *

The House proceeded to third consideration of **HB 536, PN 1760**, entitled:

An Act providing for official visitations of jails and prisons by certain persons and making repeals.

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

Mr. **PICCOLA** offered the following amendments No. A2528:

Amend Sec. 1, page 1, line 13, by striking out "Members" and inserting

Names of the members

Amend Sec. 1, page 1, line 14, by striking out "shall be" and inserting

who have been

Amend Sec. 1, page 1, line 14, by inserting after "designated" as official visitors shall be given to the appropriate correctional facility

Amend Sec. 2, page 2, line 6, by inserting after "facility."

If the correctional official in charge of the facility shall be of the opinion that the visit would be dangerous to the discipline or welfare of the facility, or the safety of the visitor, the correctional official in charge of the facility may temporarily deny entry, with the approval of the General Counsel, to any official visitor for the duration of the crisis. However, in any event, this exclusion is not to exceed a period of 72 hours.

Amend Sec. 3, page 3, lines 3 through 7, by striking out all of said lines

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

3.

Amend Sec. 5, page 3, line 12, by striking out "5." and inserting

4.

Amend Sec. 5, page 3, by inserting between lines 12 and 13

The following acts are hereby repealed absolutely:

Amend Sec. 6, page 3, line 24, by striking out "6." and inserting

5.

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

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

Mr. **PICCOLA**. Thank you, Mr. Speaker.

Amendment A2528 is an amendment to the official visitation bill, and it will do four distinct things. I would like to explain briefly what each of those things is.

I believe that each of them is addressed to the security and the maintenance of security in our various correctional institutions. The first part of the amendment refers to the section of the bill that classifies members of the Pennsylvania Prison Society as official visitors. This portion of the amendment would require that the Prison Society provide the names of the members of the Prison Society who would be designated as official visitors in writing before they could be conferred with the title of official visitor.

The second part of the amendment provides that when a correctional official in charge of a correctional institution believes that there is a dangerous situation or an emergency situation in existence at a correctional facility, he can deny access to an official visitor for a period of 72 hours. That would take place in the case when a riot or a circumstance which would be dangerous to a visitor or might constitute a breach of security would be in effect, and that denial of access could take place for the brief period of 72 hours.

The third portion of the amendment strikes section 3 of the bill, which, in my opinion, opens up this official visitation bill too far and which I believe was one of the reasons that Governor Thornburgh vetoed similar legislation last session, and that was the opening of the official visitation to all of the employees or any of the employees of an official visitor. I believe that this opens it up too far, and I believe that the Governor may veto such legislation, and, therefore, we as legislators would then not be considered official visitors.

The last portion of the amendment is a technical portion; it merely inserts the language dealing with some of the repealers.

I would ask for the adoption of the amendment.

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

Mr. SWEET. Thank you, Mr. Speaker.

I rise to oppose the Piccola amendment. In essence, this amendment really guts the bill. It does not provide what is really the most important and most fundamental aspect of this legislation, and that is the very deeply seated constitutional provision of the separation of powers. What is really important here, in my mind, is that members of the General Assembly and members of the judiciary, both of which are separate branches of government from the executive, should have access to our prisons. That access should not be able to be denied by an agent of the executive branch, really in an arbitrary fashion. As I read this amendment, it seems to me that the warden of the prison, who is, of course, an employee of the executive branch, is going to be able to keep legislators and going to be able to keep members of the judiciary from visiting prisons. I think that the members of this legislature spoke very clearly last year and in prior years in favor of that right of access. That right of access was untrammled for 150 years, and I think that the Piccola amendment would deny us and deny members of the judiciary a right that they should have to make sure that our prisons are run in a fair and efficient manner.

I would ask for a "no" vote on the Piccola amendment.

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

The following roll call was recorded:

YEAS—95

Alden	Fargo	McClatchy	Serafini
Anderson	Fleck	McVerry	Sieminski
Armstrong	Foster, W. W.	Mackowski	Sirianni
Arty	Foster, Jr., A.	Madigan	Smith, B.
Belardi	Frazier	Manmiller	Smith, E. H.
Bittle	Freind	Marmion	Smith, L. E.
Bowser	Gallen	Merry	Snyder
Boyes	Geist	Micozzie	Spencer
Brandt	Gladeck	Miller	Stairs
Burd	Greenwood	Moehlmann	Stevens
Burns	Grieco	Mowery	Swift
Cessar	Gruppo	Nahill	Taylor, E. Z.
Cimini	Hasay	Noye	Telek
Civera	Hayes	Perzel	Vroon
Clymer	Heiser	Peterson	Wambach
Cochran	Honaman	Phillips	Wass
Cornell	Hutchinson, W.	Piccola	Wenger
Coslett	Johnson	Pitts	Weston
Cunningham	Kanuck	Pott	Wilson
DeVerter	Kennedy	Punt	Wogan
Daikeler	Klingaman	Rasco	Wright, J. L.
Davies	Lehr	Rocks	
Dietz	Levi	Salvatore	Ryan,
Dininni	Lewis	Saurman	Speaker
Dorr			

NAYS—100

Barber	Fee	Lloyd	Rieger
Belfanti	Fryer	Lucyk	Ritter
Beloff	Gallagher	McCall	Rybak
Berson	Gamble	McIntyre	Seventy
Blaum	Gannon	McMonagle	Showers
Borski	George	Maiale	Shupnik
Brown	Grabowski	Manderino	Spitz
Caltagirone	Greenfield	Michlovic	Steighner
Cappabianca	Gruitza	Miscevich	Stewart
Cawley	Hagarty	Morris	Stuban
Clark	Haluska	Mrkonic	Swaim
Cohen	Hoeffel	Murphy	Sweet
Colafella	Horgos	O'Donnell	Taddonio
Cole	Hutchinson, A.	Olasz	Taylor, F. E.
Cordisco	Irvis	Oliver	Tigue
Cowell	Itkin	Pendleton	Trello
DeMedio	Kolter	Petrarca	Van Horne
DeWeese	Kowalyshyn	Petrone	Wachob
Dawida	Kukovich	Pievsky	Wiggins
Deal	Lashinger	Pistella	Williams, H.
Dombrowski	Laughlin	Pratt	Williams, J. D.
Donatucci	Lescovitz	Pucciarelli	Wozniak
Duffy	Letterman	Rappaport	Wright, D. R.
Durham	Levin	Reber	Wright, R. C.
Evans	Livengood	Richardson	Zwinkl

NOT VOTING—6

Gray	Jackson	Wargo	White
Harper	Mullen		

EXCUSED—2

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

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

Mr. PICCOLA offered the following amendment No. A3661:

Amend Sec. 2, page 2, line 3, by striking out "9:00" and inserting
5:00

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

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

Mr. PICCOLA. Mr. Speaker, this amendment changes line 3 of page 2 and reverts it back to the original language of the bill, making the hours of official visitation from 9 a.m. until 5 p.m., which are normal working hours. It is my feeling that it would be working a hardship on the correctional system to provide the additional staff and employees required to accommodate official visitors during those additional 4 hours of each day.

I would ask for the adoption of the amendment.

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

Mr. SWEET. Mr. Speaker, I have no objection to this amendment. I think it is a wise idea.

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

The following roll call was recorded:

YEAS—186

Alden	Duffy	Livengood	Rybak
Anderson	Durham	Lloyd	Salvatore
Armstrong	Evans	Lucyk	Saurman
Arty	Fargo	McCall	Serafini
Barber	Fee	McClatchy	Seventy
Belardi	Fleck	McIntyre	Showers
Belfanti	Foster, W. W.	McMonagle	Shupnik
Beloff	Foster, Jr., A.	McVerry	Sieminski
Berson	Frazier	Mackowski	Sirianni
Bittle	Freind	Madigan	Smith, B.
Blaum	Fryer	Maiale	Smith, E. H.
Borski	Gallagher	Manderino	Smith, L. E.
Bowser	Gallen	Manmiller	Snyder
Boyes	Gamble	Marmion	Spencer
Brandt	Gannon	Merry	Spitz
Brown	Geist	Michlovic	Stairs
Burd	Gladeck	Micozzie	Steighner
Burns	Grabowski	Miller	Stevens
Caltagirone	Greenfield	Miscevich	Stuban
Cappabianca	Greenwood	Moehlmann	Swaim
Cawley	Grieco	Morris	Sweet
Cessar	Gruitza	Mowery	Swift
Cimini	Gruppo	Mrkonic	Taddonio
Civera	Hagarty	Murphy	Taylor, E. Z.
Clark	Haluska	Nahill	Taylor, F. E.
Clymer	Hasay	Noye	Telek
Cochran	Hayes	O'Donnell	Tigue
Cohen	Heiser	Olasz	Trello
Colafella	Hoeffel	Oliver	Van Horne
Cole	Honaman	Pendleton	Vroon
Cordisco	Horgos	Perzel	Wachob
Cornell	Hutchinson, W.	Peterson	Wambach
Coslett	Irvs	Petrarca	Wargo
Cowell	Itkin	Petrone	Wass
Cunningham	Jackson	Phillips	Wenger
DeMedio	Johnson	Piccola	Weston
DeVerter	Kennedy	Pievsky	Wiggins
DeWeese	Klingaman	Pistella	Williams, H.
Daikeler	Kolter	Pitts	Wilson
Davies	Kowalshyn	Pott	Wogon

Dawida	Laughlin	Pucciarelli	Wright, D. R.
Deal	Lehr	Punt	Wright, J. L.
Dietz	Lescovitz	Rasco	Wright, R. C.
Dininni	Letterman	Reber	Zwkl
Dombrowski	Levi	Richardson	
Donatucci	Levin	Rieger	Ryan,
Dorr	Lewis	Rocks	Speaker

NAYS—8

George	Lashingier	Rappaport	Stewart
Kukovich	Pratt	Ritter	Wozniak

NOT VOTING—7

Gray	Hutchinson, A.	Mullen	Williams, J. D.
Harper	Kanuck	White	

EXCUSED—2

Emerson	Fischer
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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 on third consideration as amended?

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?

Does the lady from Montgomery, Mrs. Hagarty, wish to be recognized on the bill?

Mrs. HAGARTY. Yes, Mr. Speaker.

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

Mrs. HAGARTY. Thank you, Mr. Speaker.

Since 1829, Pennsylvania has had a substantially similar law on its books allowing judges, legislators, certain members of the executive branch of government, and members of the Pennsylvania Prison Society to visit any prison in the Commonwealth. About two sessions ago, large portions of this official visitation section of the law were inadvertently repealed by this legislature. HB 536 basically restores the law to what it was back in 1829 and provides that designated official visitors may visit any local or State correctional institution for the purpose of interviewing an inmate.

I believe the bill adequately provides for a potential security breach by designating that the superintendent or other person in charge of the prison can direct a visitor not to enter the cell but to interview in any place the superintendent feels is appropriate. Further, the bill makes clear that any official visitor must comply with the law relating to prisons, and if he fails to comply with the directions of the superintendent or with any of the criminal statutes as they relate to prisons, he can be denied his status as an official visitor.

In the history of this legislation, I know of no abuses by official visitors. On the other hand, Pennsylvania has been relatively free of some of the prison riots that have occasioned other States. I believe the law should be reinstated so that legislators and other official visitors can have access to the prisons, both for the purpose of firsthand knowledge in order to write the laws and also to hear prisoners' grievances where they should be heard, providing an access to the outside in order to stop what can be the festering of problems and keep our prisons safe. Thank you.

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

Mr. SWEET. Mr. Speaker, I also rise to urge adoption of this bill. Few if any laws have ever stood as well under the test of time as the previous law did. In the 150-so years that this provision was law, it worked extremely well, and the current Commissioner of Correction could find no real reasons why this could not be reenacted when he was questioned before the Judiciary Committee.

I think the lady from Montgomery has stated the case very well, and I would urge that the members vote in favor of this bill. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS—189

Alden	Fee	Lucy	Serafini
Anderson	Fleck	McCall	Seventy
Armstrong	Foster, W. W.	McIntyre	Showers
Arty	Foster, Jr., A.	McMonagle	Shupnik
Barber	Frazier	McVerry	Sieminski
Belardi	Freind	Mackowski	Sirianni
Belfanti	Fryer	Madigan	Smith, B.
Beloff	Gallagher	Maiale	Smith, E. H.
Berson	Gallen	Manderino	Smith, L. E.
Bittle	Gamble	Manmiller	Snyder
Blaum	Gannon	Marmion	Spencer
Borski	Geist	Merry	Spitz
Bowser	George	Michlovic	Stairs
Boyes	Gladeck	Micozzie	Steighner
Brandt	Grabowski	Miller	Stevens
Brown	Greenfield	Miscevich	Stewart
Burd	Greenwood	Moehlmann	Stuban
Burns	Grieco	Morris	Swaim
Caltagirone	Gruitza	Mowery	Sweet
Cappabianca	Gruppo	Mrkonic	Swift
Cawley	Hagarty	Murphy	Taddonio
Cessar	Haluska	Nahill	Taylor, E. Z.
Cimini	Hasay	Noye	Taylor, F. E.
Civera	Hayes	O'Donnell	Telek
Clark	Heiser	Olaz	Tigue
Clymer	Hoeffel	Oliver	Trello
Cochran	Honaman	Pendleton	Van Horne
Cohen	Horgos	Perzel	Vroon
Colafella	Hutchinson, A.	Peterson	Wachob
Cole	Hutchinson, W.	Petrarca	Wambach
Cordisco	Irvic	Petrone	Wargo
Cornell	Itkin	Phillips	Wass
Coslett	Jackson	Pievsky	Wenger
Cowell	Johnson	Pitts	Weston
Cunningham	Kanuck	Pott	Wiggins
DeMedio	Kennedy	Pratt	Williams, H.
DeWeese	Kolter	Pucciarelli	Williams, J. D.
Daikeler	Kowalyszyn	Punt	Wilson
Davies	Kukovich	Rappaport	Wogan
Dawida	Lashinger	Rasco	Wozniak
Deal	Laughlin	Reber	Wright, D. R.
Dietz	Lehr	Richardson	Wright, J. L.
Dininni	Lescovitz	Rieger	Wright, R. C.
Dombrowski	Letterman	Ritter	Zwinkl
Donatucci	Levin	Rocks	
Duffy	Lewis	Rybak	Ryan,
Durham	Livengood	Salvatore	Speaker
Fargo	Lloyd	Saurman	

NAYS—6

DeVerter	Klingaman	McClatchy	Piccola
Dorr	Levi		

NOT VOTING—6

Evans	Harper	Pistella	White
Gray	Mullen		

EXCUSED—2

Emerson	Fischer
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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 VOTE

The SPEAKER. Does the gentleman from Delaware, Mr. Freind, desire recognition?

Mr. FREIND. Yes. Mr. Speaker, on HB 1086 I inadvertently voted in the negative. I would like to be recorded in the affirmative.

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

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House members of the United Steelworkers of America, AFL-CIO, District 9. Those present in the chamber now include Mr. George Schrader, David Gowlick, John Posivak, and John Nemeth, here today as the guests of Representatives Rybak and Kowalyszyn of Northampton County.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of HB 567, PN 1781, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the collection of fines and court costs in certain circumstances.

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

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

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—193

Alden	Fargo	Livengood	Salvatore
Anderson	Fee	Lloyd	Saurman
Armstrong	Fleck	Lucy	Serafini
Arty	Foster, W. W.	McCall	Seventy
Barber	Foster, Jr., A.	McClatchy	Showers
Belardi	Frazier	McIntyre	Shupnik
Belfanti	Freind	McMonagle	Sieminski
Beloff	Fryer	Mackowski	Smith, B.
Bittle	Gallagher	Madigan	Smith, E. H.
Blaum	Gallen	Maiale	Smith, L. E.
Borski	Gamble	Manderino	Snyder
Bowser	Gannon	Manmiller	Spencer
Boyes	Geist	Marmion	Spitz

Brandt	George	Merry	Stairs
Brown	Gladeck	Michlovic	Steighner
Burd	Grabowski	Micozzie	Stevens
Burns	Greenfield	Miller	Stewart
Caltagirone	Greenwood	Miscevich	Stuban
Cappabianca	Grieco	Moehlmann	Swaim
Cawley	Gruitza	Morris	Sweet
Cessar	Gruppo	Mowery	Swift
Cimini	Hagarty	Mrkonic	Taddonio
Civera	Haluska	Murphy	Taylor, E. Z.
Clark	Hasay	Nahill	Taylor, F. E.
Clymer	Hayes	Noye	Telek
Cochran	Heiser	O'Donnell	Tigue
Cohen	Hoeffel	Olasz	Trello
Colafella	Honaman	Oliver	Van Horne
Cole	Horgos	Pendleton	Vroon
Cordisco	Hutchinson, A.	Perzel	Wachob
Cornell	Hutchinson, W.	Peterson	Wambach
Coslett	Irvs	Petrarca	Wargo
Cowell	Itkin	Petrone	Wass
Cunningham	Jackson	Phillips	Wenger
DeMedio	Johnson	Piccola	Weston
DeVerter	Kanuck	Pistella	Wiggins
DeWeese	Kennedy	Pitts	Williams, H.
Daikeler	Klingaman	Pott	Williams, J. D.
Davies	Kolter	Pratt	Wilson
Dawida	Kowalshyn	Pucciarelli	Wogan
Deal	Kukovich	Punt	Wozniak
Dietz	Lashingner	Rappaport	Wright, D. R.
Dininni	Laughlin	Rasco	Wright, J. L.
Dombrowski	Lehr	Reber	Wright, R. C.
Donatucci	Lescovitz	Richardson	Zwinkl
Dorr	Letterman	Rieger	
Duffy	Levi	Ritter	Ryan,
Durham	Levin	Rocks	Speaker
Evans	Lewis	Rybak	

NAYS—0

NOT VOTING—8

Berson	Harper	Mullen	Sirianni
Gray	McVerry	Pievsky	White

EXCUSED—2

Emerson Fischer

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

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

* * *

The House proceeded to third consideration of **HB 687, PN 1689**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the time in which certain prosecutions must be commenced.

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

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

The question is, shall the bill pass finally?

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

YEAS—193

Alden	Evans	Lewis	Salvatore
Anderson	Fargo	Livngood	Saurman
Armstrong	Fee	Lloyd	Serafini
Arty	Fleck	Lucyk	Seventy
Barber	Foster, W. W.	McCall	Showers
Belardi	Foster, Jr., A.	McClatchy	Shupnik
Belfanti	Frazier	McIntyre	Sieminski
Beloff	Freind	McMonagle	Smith, B.
Berson	Fryer	Mackowski	Smith, E. H.
Bittle	Gallagher	Madigan	Smith, L. E.
Blaum	Gallen	Maiale	Snyder
Borski	Gamble	Manderino	Spencer
Bowser	Gannon	Manmiller	Spitz
Boyes	Geist	Marmion	Stairs
Brandt	George	Merry	Steighner
Brown	Gladeck	Michlovic	Stevens
Burd	Grabowski	Micozzie	Stewart
Burns	Greenfield	Miscevich	Stuban
Caltagirone	Greenwood	Moehlmann	Swaim
Cappabianca	Grieco	Morris	Sweet
Cawley	Gruitza	Mowery	Swift
Cessar	Gruppo	Mrkonic	Taddonio
Cimini	Hagarty	Murphy	Taylor, E. Z.
Civera	Haluska	Nahill	Taylor, F. E.
Clark	Hasay	Noye	Telek
Clymer	Hayes	O'Donnell	Tigue
Cochran	Heiser	Olasz	Trello
Cohen	Hoeffel	Oliver	Van Horne
Colafella	Honaman	Pendleton	Vroon
Cole	Horgos	Perzel	Wachob
Cordisco	Hutchinson, A.	Peterson	Wambach
Cornell	Hutchinson, W.	Petrarca	Wargo
Coslett	Irvs	Petrone	Wass
Cowell	Itkin	Phillips	Wenger
Cunningham	Jackson	Piccola	Weston
DeMedio	Johnson	Pievsky	Wiggins
DeVerter	Kanuck	Pistella	Williams, H.
DeWeese	Kennedy	Pitts	Williams, J. D.
Daikeler	Klingaman	Pott	Wilson
Davies	Kolter	Pratt	Wogan
Dawida	Kowalshyn	Pucciarelli	Wozniak
Deal	Kukovich	Punt	Wright, D. R.
Dietz	Lashingner	Rasco	Wright, J. L.
Dininni	Laughlin	Reber	Wright, R. C.
Dombrowski	Lehr	Richardson	Zwinkl
Donatucci	Lescovitz	Rieger	
Dorr	Letterman	Ritter	Ryan,
Duffy	Levi	Rocks	Speaker
Durham	Levin	Rybak	

NAYS—1

Rappaport

NOT VOTING—7

Gray	McVerry	Mullen	White
Harper	Miller	Sirianni	

EXCUSED—2

Emerson Fischer

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

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

* * *

The House proceeded to third consideration of **HB 773, PN 831**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the carrying or issuing of replica firearms by or to security officers.

On the question,

Will the House agree to the bill on third consideration?

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

Mr. LEVIN. Mr. Speaker, I would hope the House would pay attention to this bill. It is a very small bill, but I think it is a step in the wrong direction. It was an attempt to cure a problem that Mr. Nahill saw where security guards were being required to carry a replica firearm, and in some cases they did not want to do that, because they felt that it endangered themselves. I recognize that that is a problem. However, what the bill has done is it has gone far beyond that and made it a crime. It has amended the Crime Code, and it has made it a crime for any security officer while he is performing his duty to carry a replica. Now, I think that is a far step away from saying that a man should not carry one if he does not wish to. Suppose a group of security officers in a particular location, such as Penn State, dealing with teenagers, decided that they wanted a replica firearm issued but they did not wish to carry as a group a proper firearm. This bill says that they are committing a crime if they have made that decision.

I believe that the bill does not accomplish what it set out to do, and it is far too broad in its language, because it just simply makes it impossible for a group of police officers to decide what they would like to do, and I hope the House would not pass this bill.

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

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, I believe that the statement which was just made is coming off this analysis here that we have, and I think if we read the bill carefully it really says that the owner of a security company cannot force or require a security officer to carry one, but I do not see any language in there which says that the security officer himself cannot do it.

Let me outline the problem, and I think the last speaker did kind of allude to it. There are an awful lot of unscrupulous owners of security companies around the State, and rather than take the time to train their employees, they are grabbing people off the street, throwing a uniform on them, handing them a replica firearm, and saying go out and protect this construction site or go out and protect this mall. And these gentlemen are not equipped mentally, physically; they do not have the ability; they do not have the training to be able to handle a problem. Carrying a replica firearm can provoke attack. If somebody is bent on doing something wrong and they see somebody there carrying what appears to them to be a firearm, it could provoke a very serious attack on them, and basically this is what the bill is trying to address. We are trying to say if you want your people out there and you want them doing a good job and you want them to carry arms, then train them. And there are methods to train them. The Pennsylvania State Police will train them and certify them in the use of firearms, but do not send them out there totally unprepared and

let them take their own life in their hands without realizing that they are doing it to start with. Thank you, Mr. Speaker.

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

Mr. LEVIN. Mr. Speaker, as I said at the beginning, I certainly agree with Mr. Nahill's attempt, and I agree that the problem he saw is a problem that should be addressed. But the bill—and I am reading specifically from the language of the bill, not from any analysis—says, "While in the performance of his duties no security officer shall carry and no person employing a security officer shall issue...." Now, it does not say that he has a choice, that they can decide to do it. It says he cannot do it and it is a crime if he does it.

BILL RECOMMITTED

Mr. LEVIN. I would say that it appears to me that the sponsor is correct; there is a problem that should be addressed. This bill does not address it, and I would therefore move, Mr. Speaker, that this bill be recommitted to the Committee on Judiciary so it can meet the sponsor's objections.

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

Mr. NAHILL. Thank you, Mr. Speaker.

The SPEAKER. There is a motion before the floor that the gentleman should address.

Mr. NAHILL. Thank you, sir.

I would disagree with this motion. I think the Judiciary Committee has taken a good hard look at this bill. I think there were some concerns. This bill was introduced last session. It has been looked at, reworked, worked over, and I think that what we are trying to accomplish is indeed what we are accomplishing, and I would therefore ask for a negative vote on the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—101

Alden	Fee	McCall	Ritter
Barber	Fryer	McIntyre	Rybak
Belardi	Gallagher	McMonagle	Serafini
Belfanti	Gamble	Maiale	Seventy
Beloff	George	Manderino	Showers
Berson	Grabowski	Michlovic	Shupnik
Blaum	Greenfield	Miscevich	Spitz
Borski	Haluska	Moehlmann	Steighner
Caltagirone	Hasay	Morris	Stewart
Cappabianca	Hoefel	Mrkonic	Stuban
Cawley	Horgos	Murphy	Swaim
Clark	Hutchinson, A.	O'Donnell	Sweet
Cohen	Hutchinson, W.	Olasz	Taylor, F. E.
Colafella	Irviss	Oliver	Tigue
Cole	Itkin	Pendleton	Trello
Cordisco	Kolter	Petrarca	Van Horne
Cowell	Kowalshyn	Petrone	Wachob
DeMedio	Kukovich	Pievsky	Wambach
DeWeese	Laughlin	Pistella	Wargo
Dawida	Lescovitz	Pott	Wiggins
Deal	Letterman	Pratt	Williams, H.
Dombrowski	Levin	Pucciarelli	Williams, J. D.
Donatucci	Livengood	Rappaport	Wozniak
Duffy	Lloyd	Richardson	Wright, D. R.
Durham	Lucyk	Rieger	Zwick

Evans

NAYS—93

Anderson	Fleck	Lewis	Sieminski
Armstrong	Foster, W. W.	McClatchy	Sirianni
Arty	Foster, Jr., A.	McVerry	Smith, B.
Bittle	Frazier	Mackowski	Smith, E. H.
Bowser	Freind	Madigan	Smith, L. E.
Boyes	Gallen	Manmiller	Snyder
Brandt	Gannon	Marmion	Spencer
Brown	Geist	Merry	Stairs
Burd	Gladeck	Micozzie	Stevens
Burns	Greenwood	Miller	Swift
Cessar	Grieco	Mowery	Taddonio
Cimini	Gruppo	Nahill	Taylor, E. Z.
Civera	Hagarty	Noye	Telek
Clymer	Hayes	Perzel	Vroon
Cochran	Heiser	Peterson	Wass
Cornell	Honaman	Phillips	Wenger
Coslett	Jackson	Piccola	Weston
Cunningham	Johnson	Pitts	Wilson
DeVerter	Kanuck	Punt	Wogan
Daikeler	Kennedy	Rasco	Wright, R. C.
Davies	Klingaman	Reber	
Dietz	Lashinger	Rocks	Ryan,
Dorr	Lehr	Salvatore	Speaker
Fargo	Levi	Saurman	

NOT VOTING—7

Dininni	Gruitza	Mullen	Wright, J. L.
Gray	Harper	White	

EXCUSED—2

Emerson Fischer

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

* * *

The House proceeded to third consideration of **HB 1175, PN 1304**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for permissible interceptions and disclosures of certain communications.

On the question,

Will the House agree to the bill on third consideration?

Mr. SPENCER offered the following amendments No. A2039:

Amend Sec. 1 (Sec. 5702), page 1, line 17, by inserting after "in"

demolition or

Amend Sec. 2 (Sec. 5704), page 2, line 11, by striking out "work," and inserting

or demolition work or other related matters,

Amend Sec. 2 (Sec. 5704), page 2, line 13, by inserting after "contractor,"

"demolition work,"

On the question,

Will the House agree to the amendments?

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

Mr. SPENCER. Thank you, Mr. Speaker.

This amendment simply conforms this bill to be in tandem with existing law whereby demolition contractors as well as excavation contractors are required to give notice. Thank you.

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

The following roll call was recorded:

YEAS—190

Alden	Evans	Livengood	Rocks
Anderson	Fee	Lloyd	Rybak
Armstrong	Fleck	Lucyk	Salvatore
Arty	Foster, W. W.	McCall	Saurman
Barber	Foster, Jr., A.	McClatchy	Serafini
Belardi	Frazier	McIntyre	Seventy
Belfanti	Freind	McMonagle	Showers
Beloff	Fryer	McVerry	Shupnik
Berson	Gallagher	Madigan	Sieminski
Bittle	Gallen	Maiale	Sirianni
Blaum	Gamble	Manderino	Smith, B.
Borski	Gannon	Manmiller	Smith, L. E.
Bowser	Geist	Marmion	Snyder
Boyes	George	Merry	Spencer
Brandt	Gladeck	Michlovic	Spitz
Brown	Grabowski	Micozzie	Stairs
Burd	Greenwood	Miller	Steighner
Burns	Grieco	Miscevich	Stewart
Caltagirone	Gruitza	Moehlmann	Stuban
Cappabianca	Gruppo	Morris	Swaim
Cawley	Hagarty	Mowery	Sweet
Cessar	Haluska	Mrkonic	Swift
Cimini	Hasay	Murphy	Taddonio
Civera	Hayes	Nahill	Taylor, E. Z.
Clark	Heiser	Noye	Taylor, F. E.
Clymer	Hoeffel	O'Donnell	Telek
Cochran	Honaman	Olasz	Tigue
Cohen	Horgos	Oliver	Trello
Colafella	Hutchinson, A.	Pendleton	Van Horne
Cole	Hutchinson, W.	Perzel	Vroon
Cordisco	Iris	Peterson	Wachob
Cornell	Itkin	Petrarca	Wambach
Coslett	Jackson	Petrone	Wargo
Cowell	Johnson	Phillips	Wass
Cunningham	Kanuck	Piccola	Wenger
DeMedio	Kennedy	Pievsky	Weston
DeVerter	Klingaman	Pistella	Wiggins
DeWeese	Kolter	Pitts	Williams, H.
Daikeler	Kowalyshyn	Pott	Wilson
Davies	Kukovich	Pratt	Wogan
Dawida	Lashinger	Pucciarelli	Wozniak
Deal	Laughlin	Punt	Wright, D. R.
Dietz	Lehr	Rappaport	Wright, J. L.
Dininni	Lescovitz	Rasco	Wright, R. C.
Dombrowski	Letterman	Reber	Zwilk
Dorr	Levi	Richardson	
Duffy	Levin	Rieger	Ryan,
Durham	Lewis	Ritter	Speaker

NAYS—0

NOT VOTING—11

Donatucci	Greenfield	Mullen	White
Fargo	Harper	Smith, E. H.	Williams, J. D.
Gray	Mackowski	Stevens	

EXCUSED—2

Emerson Fischer

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

On the question,

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

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—180

Alden	Fargo	Lewis	Rieger
Anderson	Fee	Livengood	Ritter
Armstrong	Fleck	Lloyd	Rocks
Arty	Foster, W. W.	Lucyk	Rybak
Barber	Foster, Jr., A.	McCall	Salvatore
Belardi	Frazier	McClatchy	Saurman
Belfanti	Freind	McMonagle	Serafini
Berson	Fryer	McVerry	Seventy
Bittle	Gallagher	Mackowski	Showers
Blaum	Gallen	Madigan	Shupnik
Borski	Gamble	Maiale	Sieminski
Bowser	Geist	Manderino	Sirianni
Boyes	George	Manmiller	Smith, E. H.
Brandt	Gladeck	Marmion	Smith, L. E.
Brown	Grabowski	Merry	Snyder
Burd	Greenwood	Micozzie	Spencer
Burns	Grieco	Miller	Spitz
Caltagirone	Gruitza	Miscevich	Stairs
Cappabianca	Gruppo	Moehlmann	Steighner
Cawley	Hagarty	Morris	Stewart
Cessar	Haluska	Mowery	Stuban
Cimini	Hasay	Mrkonic	Sweet
Civera	Hayes	Murphy	Swift
Clymer	Heiser	Nahill	Taddonio
Cochran	Hoeffel	Noye	Taylor, E. Z.
Cohen	Honaman	O'Donnell	Taylor, F. E.
Colafella	Horgos	Olasz	Telek
Cole	Hutchinson, A.	Oliver	Tigue
Cordisco	Hutchinson, W.	Pendleton	Trello
Cornell	Irvis	Perzel	Vroon
Coslett	Itkin	Peterson	Wachob
Cowell	Jackson	Petrarca	Wargo
Cunningham	Johnson	Petrone	Wass
DeMedio	Kanuck	Phillips	Wenger
DeVerter	Kennedy	Piccola	Weston
DeWeese	Klingaman	Pievsky	Wilson
Daikeler	Kolter	Pistella	Wogan
Davies	Kowalshyn	Pitts	Wozniak
Dawida	Kukovich	Pott	Wright, D. R.
Dietz	Lashingner	Pratt	Wright, J. L.
Dininni	Laughlin	Pucciarelli	Wright, R. C.
Dombrowski	Lehr	Punt	Zwikl
Donatucci	Lescovitz	Rappaport	
Dorr	Letterman	Rasco	Ryan,
Duffy	Levi	Reber	Speaker
Durham	Levin		

NAYS—7

Clark	Michlovic	Swaim	Wambach
Greenfield	Smith, B.	Van Horne	

NOT VOTING—14

Beloff	Gray	Richardson	Wiggins
Deal	Harper	Stevens	Williams, H.
Evans	McIntyre	White	Williams, J. D.
Gannon	Mullen		

EXCUSED—2

Emerson	Fischer
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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.

WELCOME

The SPEAKER. The Chair at this time is pleased to welcome to the hall of the House Robin Jones, Jim Vallas, Anthony Lisowski, and John Yorio, here today as the guests of Representative Frank Pistella and the Allegheny County delegation.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 154, PN 155**, entitled:

An Act designating French Creek in Berks and Chester Counties, as a component of the Pennsylvania Scenic Rivers System, requiring cooperation by State agencies in implementing the purposes of the Pennsylvania Scenic Rivers Act, and authorizing the expenditures of moneys to further the purposes of the act.

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—196

Alden	Fargo	Lloyd	Salvatore
Anderson	Fee	Lucyk	Saurman
Armstrong	Fleck	McCall	Serafini
Arty	Foster, W. W.	McClatchy	Seventy
Barber	Foster, Jr., A.	McMonagle	Showers
Belardi	Frazier	McVerry	Shupnik
Belfanti	Freind	Mackowski	Sieminski
Beloff	Fryer	Madigan	Sirianni
Berson	Gallagher	Maiale	Smith, B.
Bittle	Gallen	Manderino	Smith, E. H.
Blaum	Gamble	Manmiller	Smith, L. E.
Borski	Gannon	Marmion	Snyder
Bowser	Geist	Merry	Spencer
Boyes	George	Michlovic	Spitz
Brandt	Gladeck	Micozzie	Stairs
Brown	Grabowski	Miller	Steighner
Burd	Greenfield	Miscevich	Stevens
Burns	Greenwood	Moehlmann	Stewart
Caltagirone	Grieco	Morris	Stuban
Cappabianca	Gruitza	Mowery	Swaim
Cawley	Gruppo	Mrkonic	Sweet
Cessar	Hagarty	Murphy	Swift
Cimini	Haluska	Nahill	Taddonio
Civera	Hasay	Noye	Taylor, E. Z.
Clark	Hayes	O'Donnell	Taylor, F. E.
Clymer	Heiser	Olasz	Telek
Cochran	Hoeffel	Oliver	Tigue
Cohen	Honaman	Pendleton	Trello
Colafella	Horgos	Perzel	Van Horne
Cole	Hutchinson, A.	Peterson	Vroon
Cordisco	Hutchinson, W.	Petrarca	Wachob
Cornell	Irvis	Petrone	Wambach
Coslett	Itkin	Phillips	Wargo
Cowell	Jackson	Piccola	Wass
Cunningham	Johnson	Pievsky	Wenger
DeMedio	Kanuck	Pistella	Weston
DeVerter	Kennedy	Pitts	Wiggins
DeWeese	Klingaman	Pott	Williams, H.
Daikeler	Kolter	Pratt	Williams, J. D.
Davies	Kowalshyn	Pucciarelli	Wilson
Dawida	Kukovich	Punt	Wogan

Deal	Lashinger	Rappaport	Wozniak
Dietz	Laughlin	Rasco	Wright, D. R.
Dininni	Lehr	Reber	Wright, J. L.
Dombrowski	Lescovitz	Richardson	Wright, R. C.
Donatucci	Letterman	Rieger	Zwinkl
Dorr	Levi	Ritter	
Duffy	Levin	Rocks	Ryan,
Durham	Lewis	Rybak	Speaker
Evans	Livengood		

NAYS—0

NOT VOTING—5

Gray	McIntyre	Mullen	White
Harper			

EXCUSED—2

Emerson	Fischer
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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 **HB 1215, PN 2136**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Department of Agriculture and the Governor, to convey two tracts of land to Elmer C. and Doris S. Allen and Dorothy E. Kriebel consisting of 1.60 acres, more or less, situate in South Heidelberg Township, Berks County, Pennsylvania.

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

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

The question is, shall the bill pass finally?

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

Mr. ITKIN. Mr. Speaker, would Mr. Davies consent to brief interrogation?

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

Mr. ITKIN. Would Mr. Davies consent to brief interrogation?

The SPEAKER. The gentleman indicates he will consent to interrogation. The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, it is quite unusual in a land sales bill to actually have the actual dollar amount specified in the legislation. This is one particular instance where there are monetary values established in the bill for the purchasing of several parcels of Commonwealth land.

Could you please explain to the House why these dollar values are placed in the bill and how they were arrived at?

Mr. DAVIES. Yes, Mr. Speaker, I will endeavor to answer those questions. In answer to the gentleman's question, both the Departments of Agriculture and General Services in their adoption of policy had established that there should be an independent appraisal of that property agreeable to their con-

siderations as far as the value of the property. That was done, and then the dollar amount determined to be fair by those departments in their reviewing that particular appraisal as well as the lay of the land and the condition of the land and so forth and so on. They then accepted that particular price as the fair market price, and it is established then in the bill so that the bill, in going through its various rolls and going to the department, would have that fixation to it, that the determination would be made in the piece of legislation rather than in an executive manner since we have changed the law since we handled this type of bill.

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—190

Alden	Evans	Levin	Rocks
Anderson	Fargo	Lewis	Rybak
Armstrong	Fee	Livengood	Salvatore
Arty	Fleck	Lloyd	Saurman
Barber	Foster, W. W.	Lucyk	Serafini
Belardi	Foster, Jr., A.	McCall	Seventy
Belfanti	Frazier	McClatchy	Showers
Beloff	Freind	McIntyre	Shupnik
Berson	Fryer	McMonagle	Sieminski
Bittle	Gallagher	McVerry	Sirianni
Blaum	Gallen	Mackowski	Smith, B.
Borski	Gamble	Madigan	Smith, E. H.
Bowser	Gannon	Manderino	Smith, L. E.
Brandt	Geist	Manmiller	Snyder
Brown	George	Marmion	Spencer
Burd	Gladeck	Merry	Spitz
Burns	Grabowski	Michlovic	Stairs
Caltagirone	Greenfield	Micozzie	Steighner
Cappabianca	Greenwood	Miller	Stevens
Cawley	Grieco	Miscevich	Stewart
Cessar	Gruitza	Moehlmann	Stuban
Cimini	Gruppo	Morris	Swaim
Civera	Hagarty	Mowery	Sweet
Clark	Haluska	Mrkonic	Swift
Clymer	Hasay	Murphy	Taddonio
Cochran	Hayes	Noye	Taylor, E. Z.
Cohen	Heiser	O'Donnell	Taylor, F. E.
Colafella	Hoeffel	Olasz	Telek
Cole	Honaman	Oliver	Tigue
Cordisco	Horgos	Pendleton	Trello
Cornell	Hutchinson, A.	Perzel	Van Horne
Coslett	Hutchinson, W.	Peterson	Vroon
Cowell	Irvic	Petrarca	Wachob
Cunningham	Itkin	Petrone	Wambach
DeMedio	Jackson	Phillips	Wargo
DeVerter	Johnson	Piccola	Wass
DeWeese	Kanuck	Pievsky	Wenger
Daikeler	Kennedy	Pistella	Weston
Davies	Klingaman	Pitts	Wiggins
Dawida	Kolter	Pott	Wogan
Deal	Kowalyshyn	Pucciarelli	Wozniak
Dietz	Kukovich	Punt	Wright, D. R.
Dininni	Lashinger	Rappaport	Wright, J. L.
Dombrowski	Laughlin	Rasco	Wright, R. C.
Donatucci	Lehr	Reber	Zwinkl
Dorr	Lescovitz	Richardson	
Duffy	Letterman	Rieger	Ryan,
Durham	Levi	Ritter	Speaker

NAYS—0

NOT VOTING—11

Boyes	Maiale	Pratt	Williams, J. D.
Gray	Mullen	White	Wilson
Harper	Nahill	Williams, H.	

EXCUSED—2

Emerson Fischer

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

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

* * *

The House proceeded to third consideration of **HB 1333, PN 1483**, entitled:

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), further regulating contracts and purchases.

On the question,

Will the House agree to the bill on third consideration?

Mr. MACKOWSKI offered the following amendments No. A3543:

Amend Sec. 1, page 1, line 8, by inserting after "(a)" and the introductory paragraph of subsection (d)

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

are

Amend Sec. 1 (Sec. 2001), page 1, line 17, by striking out "five thousand dollars (\$5,000)" and inserting four thousand dollars (\$4,000)

Amend Sec. 1 (Sec. 2001), page 2, by inserting between lines 10 and 11

(d) The contracts or purchases made by the commissioners involving an expenditure of over [two thousand five hundred dollars (\$2,500)] four thousand dollars (\$4,000) which shall not require advertising or bidding as hereinbefore provided are as follows:

* * *

Section 2. Section 2517 of the act is amended to read:

Section 2517. Separate Specifications and Contracts for Certain Items.—In the preparation of specifications for the erection, construction and alteration of any public building, when the entire cost of such work shall exceed [one thousand dollars (\$1000)] four thousand dollars (\$4,000), the architect, engineer or other person preparing such specifications shall prepare separate specifications for the plumbing, heating, ventilating and electrical work. The board of commissioners shall receive separate bids upon each of the said branches of work and award the contract for the same to the lowest responsible bidder for each of said branches.

Amend Sec. 2, page 2, line 11, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

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

Mr. MACKOWSKI. Mr. Speaker, I believe this is an agreed-to amendment. There is a package of bills which will be coming up in the very near future which do basically the

same thing except there is a \$4,000 limit, and it is my thinking and others believe that we should be consistent in the amounts of money that these people would not have to put up for public bid, and it would be consistent with the whole group of bills.

I think, as I say, it is an agreed-to amendment, and I would appreciate your support.

The SPEAKER. Does the gentleman from Allegheny, Mr. Pott, desire recognition on this amendment?

Mr. POTT. Yes, Mr. Speaker.

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

Mr. POTT. The gentleman, Mr. Mackowski, is absolutely correct, Mr. Speaker. The commissioners in Allegheny County have no objection to this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

Alden	Fargo	Livengood	Rybak
Anderson	Fee	Lloyd	Salvatore
Armstrong	Fleck	Lucyk	Saurman
Arty	Foster, W. W.	McCall	Serafini
Barber	Foster, Jr., A.	McClatchy	Seventy
Belardi	Frazier	McIntyre	Showers
Belfanti	Freind	McMonagle	Shupnik
Beloff	Fryer	McVerry	Sieminski
Berson	Gallagher	Mackowski	Sirianni
Bittie	Gallen	Madigan	Smith, B.
Blaum	Gamble	Maiale	Smith, E. H.
Borski	Gannon	Manderino	Smith, L. E.
Bowser	Geist	Manmiller	Snyder
Boyes	George	Marmion	Spencer
Brandt	Gladeck	Merry	Spitz
Brown	Grabowski	Michlovic	Stairs
Burd	Greenfield	Micozzie	Steighner
Burns	Greenwood	Miller	Stevens
Caltagirone	Grieco	Miscevich	Stewart
Cappabianca	Gruitza	Moehlmann	Suban
Cawley	Gruppo	Morris	Swaim
Cessar	Hagarty	Mowery	Swift
Cimini	Haluska	Mrkonic	Taddonio
Civera	Hasay	Murphy	Taylor, E. Z.
Clark	Hayes	Nahill	Taylor, F. E.
Clymer	Heiser	Noye	Telek
Cochran	Hoeffel	O'Donnell	Tigue
Colafella	Honaman	Olasz	Trello
Cole	Horgos	Oliver	Van Horne
Cordisco	Hutchinson, A.	Pendleton	Vroon
Cornell	Hutchinson, W.	Perzel	Wachob
Coslett	Irvis	Peterson	Wambach
Cowell	Itkin	Petrarca	Wargo
Cunningham	Jackson	Petrone	Wass
DeMedio	Johnson	Phillips	Wenger
DeVerter	Kanuck	Piccola	Weston
DeWeese	Kennedy	Pievsky	Wiggins
Daikeler	Klingaman	Pistella	Williams, H.
Davies	Kolter	Pitts	Williams, J. D.
Dawida	Kowalyszyn	Pott	Wilson
Deal	Kukovich	Pucciarelli	Wogan
Dietz	Lashinger	Punt	Wozniak
Dininni	Laughlin	Rappaport	Wright, D. R.
Dombrowski	Lehr	Rasco	Wright, J. L.
Donatucci	Lescovitz	Reber	Wright, R. C.
Dorr	Letterman	Richardson	Zwikel
Duffy	Levi	Rieger	
Durham	Levin	Ritter	
Evans	Lewis	Rocks	Ryan, Speaker

NAYS—0

NOT VOTING—7

Cohen	Harper	Pratt	White
Gray	Mullen	Sweet	

EXCUSED—2

Emerson Fischer

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—181

Alden	Fargo	Livengood	Salvatore
Anderson	Fee	Lucyk	Saurman
Armstrong	Fleck	McCall	Seventy
Arty	Foster, W. W.	McClatchy	Showers
Barber	Foster, Jr., A.	McIntyre	Shupnik
Beloff	Frazier	McMonagle	Sieminski
Berson	Freind	McVerry	Sirianni
Bittle	Gallagher	Mackowski	Smith, B.
Blaum	Gallen	Madigan	Smith, E. H.
Borski	Gamble	Maiale	Smith, L. E.
Bowser	Gannon	Manderino	Snyder
Boyes	Geist	Manmiller	Spencer
Brandt	Gladeck	Marmion	Stairs
Brown	Grabowski	Merry	Steighner
Burd	Greenfield	Michlovic	Stevens
Burns	Greenwood	Micozzie	Stewart
Caltagirone	Grieco	Miller	Stuban
Cappabianca	Gruitza	Miscevich	Swaim
Cessar	Gruppo	Moehlmann	Sweet
Cimini	Hagarty	Morris	Swift
Civera	Haluska	Mowery	Taddonio
Clark	Hasay	Mrkonic	Taylor, E. Z.
Clymer	Hayes	Murphy	Taylor, F. E.
Cochran	Heiser	Nahill	Telek
Colafella	Hoeffel	Noye	Trello
Cole	Honaman	O'Donnell	Van Horne
Cordisco	Horgos	Olasz	Vroon
Cornell	Hutchinson, A.	Pendleton	Wachob
Coslett	Hutchinson, W.	Perzel	Wambach
Cowell	Irvis	Peterson	Wargo
Cunningham	Itkin	Petrarca	Wass
DeMedio	Jackson	Petrone	Wenger
DeVerter	Johnson	Phillips	Weston
DeWeese	Kanuck	Piccola	Wiggins
Daikeler	Kennedy	Pievsky	Williams, H.
Davies	Kolter	Pistella	Williams, J. D.
Dawida	Kowalyshyn	Pitts	Wilson
Deal	Kukovich	Pott	Wogan
Dietz	Lashingier	Pucciarelli	Wozniak
Dininni	Laughlin	Punt	Wright, D. R.
Dombrowski	Lehr	Rasco	Wright, J. L.
Donatucci	Lescovitz	Reber	Zwikl
Dorr	Letterman	Richardson	
Duffy	Levi	Rieger	Ryan,
Durham	Levin	Rocks	Speaker
Evans	Lewis	Rybak	

NAYS—12

Belardi	Fryer	Lloyd	Serafini
Belfanti	George	Rappaport	Spitz
Cawley	Klingaman	Ritter	Tigue

NOT VOTING—8

Cohen	Harper	Oliver	White
Gray	Mullen	Pratt	Wright, R. C.

EXCUSED—2

Emerson Fischer

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

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

* * *

The House proceeded to third consideration of **HB 1334, PN 1484**, entitled:

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), further providing for the membership of boards of managers of houses for detention of juveniles.

On the question,

Will the House agree to the bill on third consideration?

Mr. COWELL offered the following amendments No. A3628:

Amend Sec. 1 (Sec. 2538), page 2, lines 2 and 3, by striking out "two judges of the court of common pleas and two" and inserting

and six

Amend Sec. 1 (Sec. 2538), page 2, line 4, by striking out "one" and inserting

three

Amend Sec. 1 (Sec. 2538), page 2, line 5, by inserting after "other"

three

Amend Sec. 1 (Sec. 2538), page 2, line 6, by inserting after "commissioners."

The commissioners and the controller may appoint persons to act as their designees for the purpose of attending meetings of the board and the designees shall have the right to vote at such meetings. The private citizen members of the board shall not be officers or employes of the county.

On the question,

Will the House agree to the amendments?

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, this legislation deals with the composition of the board of managers of our juvenile detention facility in second-class counties, which is Allegheny County alone.

This is basically a technical amendment that changes the composition as proposed in the legislation so that we would insure that civilians would remain in majority control of that board. It applies only to Allegheny County. It has been agreed to by the primary sponsors of the bill, and it has been agreed to by the commissioners in Allegheny County. We would ask for your support.

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

The following roll call was recorded:

YEAS—188

Alden	Evans	Livengood	Rybak
Anderson	Fargo	Lloyd	Salvatore
Armstrong	Fee	Lucyk	Saurman
Arty	Fleck	McCall	Serafini
Barber	Foster, W. W.	McClatchy	Seventy
Belardi	Foster, Jr., A.	McIntyre	Showers
Belfanti	Frazier	McMonagle	Shupnik
Beloff	Freind	McVerry	Sieminski
Berson	Gallagher	Mackowski	Smith, B.
Bittle	Gallen	Madigan	Smith, E. H.
Blaum	Gamble	Maiale	Smith, L. E.
Borski	Gannon	Manderino	Snyder
Bowser	Geist	Manmiller	Spencer
Boyes	George	Marmion	Spitz
Brandt	Gladeck	Merry	Stairs
Brown	Grabowski	Michlovic	Steighner
Burd	Greenfield	Micozzie	Stevens
Burns	Greenwood	Miller	Stewart
Caltagirone	Grieco	Miscevich	Stuban
Cappabianca	Gruitza	Moehlmann	Swaim
Cawley	Gruppo	Morris	Sweet
Cessar	Hagarty	Mowery	Swift
Cimini	Haluska	Mrkonic	Taddonio
Civera	Hasay	Murphy	Taylor, E. Z.
Clark	Hayes	Nahill	Taylor, F. E.
Clymer	Heiser	Noye	Telek
Cochran	Hoeffel	O'Donnell	Tigue
Colafella	Honaman	Olasz	Trello
Cole	Horgos	Oliver	Van Horne
Cordisco	Hutchinson, A.	Pendleton	Vroon
Cornell	Hutchinson, W.	Perzel	Wachob
Coslett	Irvis	Peterson	Wambach
Cowell	Itkin	Petrarca	Wargo
Cunningham	Jackson	Petrone	Wass
DeMedio	Johnson	Phillips	Wenger
DeVerter	Kanuck	Pievsky	Weston
DeWeese	Kennedy	Pistella	Wiggins
Daikeler	Klingaman	Pitts	Williams, J. D.
Davies	Kowalyszyn	Pott	Wilson
Dawida	Kukovich	Pratt	Wogan
Deal	Lashingner	Pucciarelli	Wozniak
Dietz	Laughlin	Punt	Wright, D. R.
Dininni	Lehr	Rasco	Wright, J. L.
Dombrowski	Lescovitz	Reber	Zwinkl
Donatucci	Letterman	Richardson	
Dorr	Levi	Rieger	Ryan,
Duffy	Levin	Rocks	Speaker
Durham	Lewis		

NAYS—3

Fryer	Piccola	Sirianni
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NOT VOTING—10

Cohen	Kolter	Ritter	Williams, H.
Gray	Mullen	White	Wright, R. C.
Harper	Rappaport		

EXCUSED—2

Emerson	Fischer
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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 on third consideration as amended?

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—188

Alden	Fargo	Livengood	Salvatore
Anderson	Fee	Lloyd	Saurman
Armstrong	Fleck	Lucyk	Serafini
Arty	Foster, W. W.	McCall	Seventy
Barber	Foster, Jr., A.	McClatchy	Showers
Belardi	Frazier	McIntyre	Shupnik
Belfanti	Freind	McMonagle	Sieminski
Beloff	Fryer	McVerry	Sirianni
Berson	Gallagher	Mackowski	Smith, B.
Bittle	Gallen	Madigan	Smith, E. H.
Blaum	Gamble	Maiale	Smith, L. E.
Borski	Gannon	Manmiller	Snyder
Bowser	Geist	Marmion	Spencer
Boyes	George	Merry	Spitz
Brandt	Gladeck	Michlovic	Stairs
Brown	Grabowski	Micozzie	Steighner
Burd	Greenfield	Miller	Stevens
Burns	Greenwood	Miscevich	Stewart
Caltagirone	Grieco	Moehlmann	Stuban
Cappabianca	Gruitza	Morris	Swaim
Cawley	Gruppo	Mowery	Swift
Cessar	Hagarty	Mrkonic	Taddonio
Cimini	Haluska	Murphy	Taylor, E. Z.
Civera	Hasay	Nahill	Taylor, F. E.
Clark	Hayes	Noye	Telek
Clymer	Heiser	O'Donnell	Tigue
Cochran	Hoeffel	Olasz	Trello
Colafella	Honaman	Oliver	Van Horne
Cole	Horgos	Pendleton	Vroon
Cordisco	Hutchinson, A.	Perzel	Wachob
Cornell	Hutchinson, W.	Peterson	Wambach
Coslett	Itkin	Petrarca	Wargo
Cowell	Jackson	Petrone	Wass
Cunningham	Johnson	Phillips	Wenger
DeMedio	Kanuck	Piccola	Weston
DeVerter	Kennedy	Pievsky	Wiggins
DeWeese	Klingaman	Pistella	Williams, J. D.
Daikeler	Kolter	Pitts	Wilson
Davies	Kowalyszyn	Pott	Wogan
Dawida	Kukovich	Pratt	Wozniak
Dietz	Lashingner	Pucciarelli	Wright, D. R.
Dininni	Laughlin	Punt	Wright, J. L.
Dombrowski	Lehr	Reber	Wright, R. C.
Donatucci	Lescovitz	Rieger	Zwinkl
Dorr	Letterman	Ritter	
Duffy	Levi	Rocks	Ryan,
Durham	Levin	Rybak	Speaker
Evans	Lewis		

NAYS—0

NOT VOTING—13

Cohen	Irvis	Rappaport	Sweet
Deal	Manderino	Rasco	White
Gray	Mullen	Richardson	Williams, H.
Harper			

EXCUSED—2

Emerson	Fischer
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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.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Miss Brenda Barrios from Richmond, England, here today as the guest of Representative Harry Bittle.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of HB 1335, PN 1485, entitled:

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), waiving the furnishing of performance bonds in connection with certain contracts.

On the question,

Will the House agree to the bill on third consideration?

Mr. POTT offered the following amendment No. A3665:

Amend Sec. 1 (Sec. 2518.1), page 1, lines 15 and 16, by striking out "agreeing to maintain that equipment." and inserting and enter into a separate agreement with another party to maintain such equipment.

On the question,

Will the House agree to the amendment?

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

Mr. POTT. Mr. Speaker, this is a technical agreed-to amendment designed to specify that there must be a separate agreement with another party prior to waivers of performance bonds.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

Table listing names of representatives who voted YEAS, including Alden, Anderson, Armstrong, Arty, Barber, Belardi, Belfanti, Beloff, Berson, Bittle, Blaum, Borski, Bowser, Boyes, Brandt, Brown, Burd, Burns, Caltagirone, Cappabianca, Cawley, Cessar, Cimini, Civera, Clark, Clymer, Fargo, Fee, Fleck, Foster, W. W., Foster, Jr., A., Frazier, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Grabowski, Greenfield, Greenwood, Grieco, Gruitza, Gruppo, Hagarty, Haluska, Hasay, Hayes, Heiser, Lloyd, Lucyk, McCall, McClatchy, McIntyre, McMonagle, McVerry, Mackowski, Madigan, Maiale, Manderino, Manmiller, Marmion, Merry, Michlovic, Micozzie, Miller, Misceovich, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Noye, Olasz, Salvatore, Saurman, Serafini, Seventy, Showers, Shupnik, Sieminski, Sirianni, Smith, B., Smith, E. H., Smith, L. E., Snyder, Spencer, Spitz, Stairs, Steighner, Stevens, Stewart, Stuban, Swaim, Sweet, Swift, Taddonio, Taylor, E. Z., Taylor, F. E., and Telek.

Table listing names of representatives who voted NAYS, including Cochran, Cohen, Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, Cunningham, DeMedio, DeVerter, DeWeese, Daikeler, Davies, Dawida, Deal, Dietz, Dininni, Dombrowski, Donatucci, Dorr, Duffy, Durham, Evans, Hoeffel, Honaman, Horgos, Hutchinson, A., Irvis, Itkin, Jackson, Johnson, Kanuck, Kennedy, Klingaman, Kolter, Kowalyshyn, Kukovich, Lashinger, Laughlin, Lehr, Lescovitz, Letterman, Levi, Levin, Lewis, Livengood, Oliver, Pendleton, Perzel, Peterson, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pott, Pratt, Pucciarelli, Punt, Rappaport, Rasco, Reber, Richardson, Rieger, Ritter, Rocks, Rybak, Tigue, Trello, Van Horne, Vroon, Wachob, Wambach, Wargo, Wass, Wenger, Weston, Wiggins, Williams, H., Williams, J. D., Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., and Zwick.

NAYS—0

NOT VOTING—6

Table listing names of representatives who did not vote, including Gray, Harper, Hutchinson, W., O'Donnell, Mullen, and White.

EXCUSED—2

Table listing names of representatives who were excused, including Emerson and Fischer.

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

On the question,

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

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—194

Table listing names of representatives who voted YEAS, including Alden, Anderson, Armstrong, Arty, Barber, Belardi, Belfanti, Beloff, Berson, Bittle, Blaum, Borski, Bowser, Boyes, Brandt, Brown, Burd, Burns, Caltagirone, Cappabianca, Cawley, Cessar, Cimini, Civera, Clark, Clymer, Evans, Fargo, Fee, Fleck, Foster, W. W., Foster, Jr., A., Frazier, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Grabowski, Greenfield, Greenwood, Grieco, Gruitza, Gruppo, Hagarty, Haluska, Hasay, Hayes, Lewis, Livengood, Lloyd, Lucyk, McCall, McClatchy, McIntyre, McMonagle, McVerry, Mackowski, Madigan, Maiale, Manderino, Manmiller, Marmion, Merry, Michlovic, Micozzie, Miller, Misceovich, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Ritter, Rocks, Rybak, Salvatore, Saurman, Serafini, Seventy, Showers, Shupnik, Sieminski, Smith, B., Smith, E. H., Smith, L. E., Snyder, Spencer, Spitz, Stairs, Steighner, Stewart, Stuban, Swaim, Sweet, Swift, Taddonio, Taylor, E. Z., and Taylor, F. E.

Cochran	Heiser	Noye	Taylor, F. E.
Cohen	Hoeffel	O'Donnell	Telek
Colafella	Honaman	Olasz	Tigue
Cole	Horgos	Oliver	Trello
Cordisco	Hutchinson, A.	Pendleton	Van Horne
Cornell	Hutchinson, W.	Perzel	Vroon
Coslett	Irvis	Peterson	Wachob
Cowell	Itkin	Petrarca	Wambach
Cunningham	Jackson	Petrone	Wargo
DeMedio	Johnson	Phillips	Wass
DeVerter	Kanuck	Piccola	Wenger
DeWeese	Kennedy	Pievsky	Weston
Daikeler	Klingaman	Pistella	Wiggins
Davies	Kolter	Pitts	Wilson
Dawida	Kowalshyn	Pott	Wogan
Deal	Kukovich	Pratt	Wozniak
Dietz	Lashingier	Pucciarelli	Wright, D. R.
Dininni	Laughlin	Punt	Wright, J. L.
Dombrowski	Lehr	Rappaport	Wright, R. C.
Donatucci	Lescovitz	Rasco	Zwikl
Dorr	Letterman	Reber	
Duffy	Levi	Richardson	Ryan,
Durham	Levin	Rieger	Speaker

NAYS—0

NOT VOTING—7

Gray	Mullen	White	Williams, J. D.
Harper	Sirianni	Williams, H.	

EXCUSED—2

Emerson Fischer

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 197, PN 1055**, entitled:

An Act amending the act of July 19, 1974 (P. L. 489, No. 176), entitled "Pennsylvania No-fault Motor Vehicle Insurance Act," authorizing chiropractic care as an allowable expense and further providing for an assigned claims plan.

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

**MOTION TO REVERT
TO PRIOR PRINTER'S NUMBER**

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

Mr. RASCO. Mr. Speaker, on SB 197 I move that we revert back to the prior printer's number, 198.

For an explanation for this motion—

The SPEAKER. Will the gentleman yield?

The motion made by the gentleman, Mr. Rasco, the question pending before the House, is a motion that SB 197, PN 1055, revert to a prior printer's number, being SB 197, PN 198. That is the question before the House.

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

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

Mr. RASCO. Mr. Speaker, the reason to make this motion to revert back to the prior printer's number is, the original intent of the no-fault insurance was that chiropractors would also be covered, and for any insured who wanted that service, it was available to them. In the original bill this really was not spelled out as far as chiropractic care. All this bill does is to spell out in the bill itself that they can also have chiropractic care.

The reason for this to revert back to the number and adding this into the bill is that some of the insurance companies are confused as to whether chiropractors should be paid or not, and there have been cases so far where some of the insurance companies have not paid the chiropractors, and that is one of the reasons for this reverting back to the prior printer's number.

I would request that the members of the House vote for this motion and vote "yes" to go back to the prior printer's number. Thank you.

MOTION TO TABLE

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

Mr. VROON. There is a lot of misunderstanding about this bill. The chiropractors are being paid right now; it is recognized. The Insurance Commissioner mandates that it be paid. There is not any question whatsoever as to whether or not they are being paid, and hence there is no good reason to treat this bill at this particular moment.

This bill also contains another element which has to do with assigned claims, which is very important, but because all of the contents of this bill are properly addressed in the no-fault bill coming up, I move that this bill be tabled until we have had a chance to treat the other bill on the calendar; namely, HB 1285.

The SPEAKER. The gentleman, Mr. Vroon, moves that SB 197 be placed upon the table.

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

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

Mr. RAPPAPORT. Mr. Speaker, I would join with the gentleman from Chester in asking that the bill be tabled for the same reasons.

I assure you that we are going to be here for a long time on HB 1285, the no-fault bill, and let us do it then instead of now. Thank you, Mr. Speaker.

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

Mr. WAMBACH. Thank you, Mr. Speaker.

I rise against the motion to recommit this bill, Mr. Speaker. Mr. Vroon indicated that the chiropractors currently—

The SPEAKER. Will the gentleman yield?

The question before the House is to table, not recommit, Mr. Wambach.

Mr. WAMBACH. Okay. Well, I am speaking on the immediacy and the need of this legislation, and I thank you, Mr. Speaker, for that correction.

Mr. Vroon indicated that currently chiropractors are being paid. I have a letter here from the Harleysville Insurance Company to a subscriber based on chiropractic services. In the fourth paragraph of the letter it says: "I must inform you that the Pennsylvania Superior Court has determined that chiropractic services are no longer allowable medical expense under the Pennsylvania No-Fault Law." That letter was dated June 4.

I have a letter dated June 25 from the Ohio Casualty Insurance Company. It says: "We base our refusal to pay chiropractic bills on the decision handed down in the Superior Court of Pennsylvania...."

I feel, Mr. Speaker, that the chiropractors are in a situation where they must clarify in black and white, and that is the purpose of this bill, Mr. Speaker.

The SPEAKER. Will the gentleman yield?

The question before the House is the motion by Mr. Vroon to table the bill. I would suggest that the gentleman not go into the merits of the bill.

Mr. WAMBACH. Thank you, Mr. Speaker.

What I am intending to say and to point out to the membership of this House is the immediate need to pass this legislation for the chiropractors for the inclusion and to be crystal clear without a doubt that they in fact should be included under the medical provision of no-fault. Thank you.

The SPEAKER. The question before the House is the motion by Mr. Vroon to table SB 197.

On that question, the Chair recognizes the gentleman from Washington, Mr. Sweet.

Mr. SWEET. Thank you, Mr. Speaker.

I oppose the motion to table. It is my feeling that there are two very good provisions in this bill and that there is a very real and immediate need to do something about those problems. One of the two problems, substance of which I will not go into, Mr. Speaker, has been pointed out by Pennsylvania's own Insurance Commissioner as needing immediate attention. In addition, I think that the case law is very clear regarding the chiropractic problem, and that, too, needs to be addressed by this legislature today. If you vote to table, you are turning your back on both of those problems, and I would suggest that that is something that no member here wants to do.

I oppose the motion to table.

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

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. D. R. WRIGHT. Mr. Speaker?

Mr. DeVERTER. Go ahead, Mr. Speaker.

POINT OF ORDER

The SPEAKER. Does the gentleman, Mr. Wright, desire recognition?

Mr. D. R. WRIGHT. I wish to raise a point of order.

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

Mr. D. R. WRIGHT. The motion before us is to table. Is that correct?

The SPEAKER. That is correct.

Mr. D. R. WRIGHT. Is the motion to table debatable?

The SPEAKER. No, it is not.

Mr. D. R. WRIGHT. Thank you.

Mr. DeVERTER. I thank you, Mr. Speaker, for arriving at the very appropriate time to bring that point of order as I tried to get the Speaker's attention earlier prior to Mr. Wambach's comments. I appreciate that, Mr. Speaker, but I would like to have just a moment to indicate that tabling of the bill I think is appropriate. We do address these issues in HB 1285.

There are Supreme Court cases now pending relative to whether or not chiropractic care is or is not to be covered under the current No-fault Act, and I would just ask the members that we be given the opportunity to address all these issues in HB 1285. Thank you, Mr. Speaker.

The SPEAKER. On the question before the House, which is the motion of Mr. Vroon to table SB 197, the Chair recognizes the gentleman from Allegheny, Mr. Rasco.

Mr. RASCO. Mr. Speaker, this is a very immediate concern with the chiropractors. I think if they were intended to be paid, then we should spell it out in the bill. It is something that should be faced today, and I am against the tabling motion by Representative Vroon.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Vroon, for the second time on his motion.

Mr. VROON. Mr. Speaker, I want to make one point very, very clear to the members. The chiropractic associations, both of them, had worked with me all summer long with the idea of demonstrating to me that they were not being paid. I went to great pains to take these people to the Insurance Commissioner's office to prove to them most conclusively that they are being paid. Although there may be a few companies that argue about it, they have recourse to the Commissioner's office if they are not being paid.

The practice is there. The Commissioner recognizes the practice. There is no need to do anything at all at this time, and I still think it is a good idea to table it and handle it at a later time and do it right.

The SPEAKER. The Chair has been lenient in the enforcement of the rules as pointed out by the gentleman, Mr. Wright. The Chair would ask that any remarks be directed exclusively to the question of tabling, which essentially is not a debatable motion.

The Chair recognizes the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. It is real apropos, Mr. Speaker. Thank you.

I rise to oppose the tabling motion. I met with Mr. Vroon before we adjourned last summer, and he also told me that Blue Cross, Blue Shield, the insurance companies, were paying. I have three letters here from insurance companies returning the moneys, returning the checks, saying they will

not pay this. So he had all summer to work on this; he has not done it.

The Senate passed this 47 to zip, and I think the chiropractors waited long enough. This is a consumer bill. I oppose tabling.

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

The following roll call was recorded:

YEAS—24

Blaum	Foster, Jr., A.	Moehlmann	Reber
Cunningham	Hagarty	Nahill	Salvatore
DeVertter	Heiser	Noye	Sirianni
Dininni	Lewis	Perzel	Van Horne
Dorr	Madigan	Piccola	Vroon
Fargo	Miller	Rappaport	Wogan

NAYS—172

Alden	Evans	Livengood	Serafini
Anderson	Fee	Lloyd	Seventy
Armstrong	Fleck	Lucyk	Showers
Arty	Foster, W. W.	McCall	Shupnik
Barber	Frazier	McClatchy	Sieminski
Belardi	Freind	McIntyre	Smith, B.
Belfanti	Fryer	McMonagle	Smith, E. H.
Beloff	Gallagher	McVerry	Smith, L. E.
Berson	Gallen	Mackowski	Snyder
Bittle	Gamble	Maiale	Spencer
Borski	Gannon	Manderino	Spitz
Bowser	Geist	Manmiller	Stairs
Boyes	George	Marmion	Steighner
Brandt	Gladeck	Merry	Stevens
Brown	Grabowski	Michlovic	Stewart
Burd	Greenfield	Micozzie	Stuban
Burns	Greenwood	Miscevich	Swain
Caltagirone	Grieco	Morris	Sweet
Cappabianca	Gruitza	Mowery	Swift
Cawley	Gruppo	Mrkonic	Taddonio
Cessar	Haluska	Murphy	Taylor, E. Z.
Cimini	Hasay	O'Donnell	Taylor, F. E.
Civera	Hayes	Olasz	Telek
Clark	Hoeffel	Oliver	Tigue
Clymer	Honaman	Pendleton	Trello
Cochran	Horgos	Peterson	Wachob
Cohen	Hutchinson, W.	Petrarca	Wambach
Colafella	Irvis	Petrone	Wargo
Cole	Itkin	Phillips	Wass
Cordisco	Jackson	Pievsky	Wenger
Cornell	Johnson	Pistella	Weston
Coslett	Kanuck	Pitts	Wiggins
Cowell	Kennedy	Pott	Williams, H.
DeMedio	Klingaman	Pratt	Williams, J. D.
DeWeese	Kolter	Pucciarelli	Wilson
Daikeler	Kowalshyn	Punt	Wozniak
Davies	Kukovich	Rasco	Wright, D. R.
Dawida	Lashingier	Richardson	Wright, J. L.
Deal	Laughlin	Rieger	Wright, R. C.
Dietz	Lehr	Ritter	Zwinkl
Dombrowski	Lescovitz	Rocks	
Donatucci	Letterman	Rybak	Ryan,
Duffy	Levi	Saurman	Speaker
Durham	Levin		

NOT VOTING—5

Gray	Hutchinson, A.	Mullen	White
Harper			

EXCUSED—2

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

The SPEAKER. The question recurs, will the House agree to revert to PN 198 to SB 197? Does anyone desire recognition on that question?

The Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, I want to make it clear to the membership of this House, I am not averse at all to making sure that the chiropractors get paid. Now we are coming into another area. Along with the chiropractor issue in this bill is a very important section which makes it impossible for uninsured motorists to collect claims for injuries when they refuse to be covered by insurance. This has been a bad abuse all through the years, and I think it is an urgent thing that we also include this in this bill. If we are going to address this bill and vote on it—and I surely do recommend a “yes” vote—I do feel it is very urgent to handle this other very important matter.

When people neglect to insure themselves and in fact violate the law by not getting insurance for their automobiles, I do not see any good reason in the world why they should be permitted to collect on the assigned claims pool, which is paid for by you and me, Mr. Speaker, in our insurance premiums. I do not think we should protect these people who are either negligent or malicious about their insurance coverage, and, therefore, I would very strongly oppose this motion to revert to a prior printer's number, which would eliminate that very good section of this bill. I would strongly urge a “no” vote on this motion.

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Sweet, on the question.

Mr. SWEET. Mr. Speaker, I agree with the gentleman, Mr. Vroon, as I did in the Insurance Committee meeting. I think this is a very important provision, and I think we ought to address this problem immediately.

In a statement by Insurance Commissioner Michael Browne on September 28 of 1981, he suggested that one of the major weaknesses in the no-fault auto insurance law is what we call the assigned claims loophole. This is what Mr. Vroon was just talking about, the fact that people cannot have insurance and yet collect benefits. Commissioner Browne says that as many as 600,000 uninsured motorists can receive unlimited medical payments in the event of an accident under our current no-fault law. The Vroon amendment, as it was called in committee, would plug that loophole.

If we revert to the prior printer's number, you are going to take that provision out of this bill. I think both provisions are good - the provision on chiropractic care and the Vroon amendment - and I think both provisions ought to stay in and ought to be voted today and sent back to the Senate.

If you vote to revert to the prior printer's number, you are saying that you want to continue to allow uninsured motorists, people who have scoffed at the law and ignored the law and not paid their premiums, you are going to say you want them to collect unlimited benefits. Pete Vroon does not want to do that and neither do I. I would suggest that you vote

against reverting to the prior printer's number, Mr. Speaker. Thank you.

The SPEAKER. On the question of reversion, the Chair recognizes the gentleman from Allegheny, Mr. Dawida.

Mr. DAWIDA. Mr. Speaker, it was a rare day this summer, when the Insurance Committee met, that this increasingly partisan House got together, Democrats and Republicans, and agreed on an amendment that Peter Vroon quite rightly inserted into this bill, eliminating those who would scoff at the law and avoid getting insurance and yet still be covered better than maybe you and I are in this House who pay our insurance premiums.

Anybody who believes that people who pay their insurance premiums should be getting as much if not more value than the people who do not pay will have to vote "no." We should not revert to the prior printer's number. We should leave in the Vroon amendment.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I, too, would urge that we defeat the motion to revert to a prior printer's number.

Representative Petrarca described this as a good bill earlier. There are two good portions to this bill: One deals with the chiropractic issue; the other deals with the reform measure that became known as the Vroon amendment as a result of the committee's work this summer. It is important that we keep both provisions in this legislation. We should pass it by a large figure, and I am sure the Senate will concur in that amendment when they have the bill a little bit later on next week. Thank you.

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I just want to talk about one section of the bill that has already become known as the Vroon amendment. It has been estimated that 20 to 25 percent of the motorists in the Commonwealth of Pennsylvania do not carry auto insurance as they are required by law. Yet if those people go against the assigned claims plan, they can have their insurance coverage just like you and I who do pay and the millions of other Pennsylvanians who are picking up the bill. So I ask you to oppose this motion to revert to a prior printer's number because it would eliminate that very, very important provision in the bill as it is currently written. Thank you, Mr. Speaker.

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

Mr. H. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask if the gentleman, Mr. Sweet, would consent to brief interrogation.

The SPEAKER. The gentleman indicates he will. The gentleman, Mr. Hardy Williams, may proceed.

Mr. H. WILLIAMS. Mr. Speaker, since you articulated the rationale of Mr. Vroon's position, what is the rationale for saying that an uninsured motorist should not collect the no-fault benefits over and above the fact that he scoffed at the law and did not pay his premiums? What is the real bite ratio-

nale, the bottom line to that? What is the public policy? What is the main point behind that over and above the emotional statement of a scofflaw?

The SPEAKER. The gentleman, Mr. Sweet, may proceed.

Mr. SWEET. Thank you, Mr. Speaker.

I think the very clear public policy rationale is that if there are going to be millions of people who participate in an insurance scheme and pay premiums, others who do not choose to be part of that system should not benefit from it. I think it is a very clear public policy that people are deterred from breaking the law if in fact they do not receive benefits because they have broken the law. I do not think you can really get any more bottom line or fundamental than that. But if you do not participate in a system, you ought not derive the benefits of it.

Mr. H. WILLIAMS. Mr. Speaker, very briefly, I would just like to get to maybe a little bit more of a bottom line in view of Mr. Sweet's argument.

Mr. Speaker, it seems to me that so often when we can just take one aspect that "incenses us all," we radically approach that procedure as though we have solved the problem. It is clear that there are some provisions to take care of those non-paying people and maybe there should be some more, and that is why those procedures are there, and we did that. You cry about the millions of people who pay, but take those people one by one, take me. Let us say that I paid my premium and you did not—you forgot; you gave it to your wife; you did not—and I run into you, but I am loaded that night and I really seriously injure you and your wife and your children, and you forgot to pay. I am concerned as one person who paid his premium about you, whatever claim you have against me that you are going to collect sometime later anyway.

I do not consider that for the convenience of a business called an insurance company. We are not here to protect them. Those people who pay have a right to get something—coverage, protection, ease of conscience. Every one of those millions of people pay. They have a right to expect from that business that is making a lot of profit that they take care of that, and so they pay you something so I can feel more relieved. I am a nonexpert, nonlawyer, just an average "Joe" who does not know what he is exposed to, and I want John Hancock, Allstate, whomever, to do what they say on TV where they spend a lot of premium money. So the issue is not that business; the issue is not the fact that we are incensed by a bunch of scofflaws, because there are scofflaws in every area of life in different ways. And we must be clear that those payments are a public policy to protect every one of those me's, those millions of payers, not to protect the insurance company. So the fact that some of us piously can get incensed—and we do not pay sometimes, too—I suggest to you is erroneous and does damage to all those millions of payers that the no-fault was designed to relieve from exposure, because sooner or later if that noninsured person has an adequate claim, they are going to collect it anyway, and it may just be they collect over and above what you have in insurance.

So as a payer, there is a right of immediate expectation from those who might sue you. I just want to suggest that if

you return, if you go along with the Vroon philosophy, Mr. Speaker, then what you are doing is just an act of self-indignation and not serving a consumer public who pays but just serving the coffers of the insurance company. I oppose the Vroon amendment on the basis of the fact that those provisions are not designed to protect anyone other than those millions who pay and that there are in-place procedures that can be improved upon for those who do not pay. Thank you, Mr. Speaker.

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

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, the prior speaker, I feel, may misunderstand what takes place in the assigned claims section of the bill. What we are attempting to do in that portion of the legislation is remove the so-called freeloaders. The people, you and I here today and millions of our citizens, do in fact pay our premiums. What we are saying is, those who do not pay their premiums are not going to be the beneficiaries of our good will any longer because they wish to break the law, and I think that is as it should be.

I would like to clarify one other point, Mr. Speaker, and that is with regard to chiropractic care as is contained in SB 197. This particular section does in fact bring chiropractic care under the No-fault Act, but in so doing it will not do as we have proposed in HB 1285 whereby you will be providing the medical expenses of medical coverage but will in fact, as written in SB 197, count towards the \$750 threshold that is currently contained in the No-fault Act. I am not sure that we ought to be doing that, and that is the reason we have made the change.

There are a number of cases, as I indicated to you before, in which it was felt that we ought to hold this until we discuss the full ramifications. Let me give you a for-instance. In the Strunack v. Ecker case, in which the Superior Court upheld two lower court decisions, in Miller v. Johnson and Babcock v. Tippit, they would in fact not allow chiropractic care, and the basis upon which the court found that was that in the original no-fault debate back in 1974, there was an amendment offered by Senator Zemprelli which would have included chiropractic care but was in fact defeated by the Senate. I say to you, until the upper courts decide this issue, we ought to be very careful, and one of the reasons we ought to be very careful is because you are adding another cost factor to your consumers' premiums, and I cannot stress that too strongly. You are going to be adding additional cost factors to the rating mechanism that reflects in your constituencies' premiums. Thank you, Mr. Speaker.

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

Mr. RASCO. Mr. Speaker, in going back to the prior printer's number, the amendment that was submitted by Representative Vroon, I have no problem with what he is putting into this particular bill. The reason I wanted to revert back is because this assigned claims is already being addressed in HB 1285, the no-fault reform. For that reason I wanted to go back to the prior printer's number to assure that chiropractic

care would be spelled out in this bill and the insureds could go to have the medical care that they want and the chiropractors would be paid as was the original intention of the no-fault insurance. Thank you.

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

Mr. SWEET. Mr. Speaker, I think Mr. Rasco just pointed out something that is significant and that everybody ought to really understand. He is right. The Vroon language is also included in HB 1285. To my mind, it is one of the only decent provisions in HB 1285. I think this needs to be done. I think we ought to do it now. If we wait for HB 1285, we may wait forever, because that bill has a number of very, very controversial, very upsetting provisions that I know many members of this House cannot and will not vote for. If you want to do this, if you want to say to people that in order to get no-fault benefits you belly up to the bar and pay your no-fault premiums, then vote against the motion to revert, because if you vote for the motion to revert, you may not again this session ever get a chance to plug this loophole. So once again I would ask for a vote of "no" on the motion to revert to the prior printer's number.

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

Mr. GANNON. Mr. Speaker, I would like to reiterate what Representative Rasco stated earlier, and that is that the problem of the assigned claims plan and in fact the whole spectrum of the enforcement of the insurance law, the no-fault insurance law in Pennsylvania, is addressed in HB 1285, which at some point in time is going to be discussed in great depth before this House. I think that a tremendous amount of information has to be presented to this House in order to intelligently vote on provisions of this nature, particularly dealing with the assigned claims plan and the whole enforcement issue. I think it is premature to bring this up in another bill as is done here, and I would support the motion to revert to the prior printer's number for the simple fact that we have not had an opportunity to discuss this issue in depth as should be done and to reach a reasoned decision as to exactly how we are going to go as far as the assigned claims plan and the overall enforcement provisions of the insurance No-fault Act.

Therefore, I would urge the members to revert to the prior printer's number with the full knowledge that these provisions are going to be fully discussed later on and are set forth in HB 1285, which is presently on our calendar. I therefore would urge a vote to revert to the prior printer's number. That is an affirmative vote, Mr. Speaker. Thank you.

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

Mr. GRUITZA. Mr. Speaker, would Mr. Sweet submit to brief interrogation?

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

Mr. GRUITZA. Mr. Speaker, this provision that we are dealing with, I have a little question. I will give you a hypothetical situation. Suppose I am driving—

The SPEAKER. The gentleman will yield.

The question before the House is the question of reverting to a prior printers's number. The gentleman may proceed.

Mr. GRUITZA. I need a clarification on what the effect of this motion would be here, as to what the law would be.

The SPEAKER. The gentleman may proceed.

Mr. GRUITZA. Suppose I am hit, I am seriously injured, and I want to sue the party that is at fault. He is uninsured. Would this deny me from going into the uninsured motorists pool, because he was in violation of the law?

Mr. SWEET. Mr. Speaker, under your hypothetical, you are carrying insurance and the other person is not. Is that correct?

Mr. GRUITZA. That is correct.

Mr. SWEET. I do not think so. I think you are dealing with a different provision in the no-fault law.

Mr. GRUITZA. This would not have any impact then on my rights to go into the assigned claims plan or the uninsured motorists pool?

Mr. SWEET. I do not believe so, Mr. Speaker.

Mr. GRUITZA. Okay. That is all. Thank you.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—40

Burd	Gruppo	Manderino	Salvatore
Clark	Hutchinson, A.	Miscevich	Seventy
Cole	Kolter	Olasz	Sieminski
Dombrowski	Kowalshyn	Pendleton	Smith, E. H.
Duffy	Laughlin	Perzel	Spitz
Fleck	Levi	Peterson	Trello
Gamble	Lloyd	Petrarca	Williams, H.
Gannon	McCall	Petrone	Wogan
Grabowski	Mackowski	Rasco	Wright, J. L.
Gruitza	Madigan	Rybak	Wright, R. C.

NAYS—156

Alden	Dininni	Levin	Saurman
Anderson	Donatucci	Lewis	Serafini
Armstrong	Dorr	Livengood	Showers
Arty	Durham	Lucyk	Shupnik
Barber	Evans	McClatchy	Sirianni
Belardi	Fargo	McIntyre	Smith, B.
Belfanti	Fee	McMonagle	Smith, L. E.
Beloff	Foster, W. W.	McVerry	Snyder
Berson	Foster, Jr., A.	Maiale	Spencer
Bittle	Frazier	Manmiller	Stairs
Blaum	Freind	Marmion	Steighner
Borski	Fryer	Merry	Stevens
Bowser	Gallagher	Michlovic	Stewart
Boyes	Gallen	Micozzie	Stuban
Brandt	George	Miller	Swaim
Brown	Gladeck	Moehlmann	Sweet
Burns	Greenfield	Morris	Swift
Caltagirone	Greenwood	Mowery	Taddonio
Cappabianca	Grieco	Mrkonic	Taylor, E. Z.
Cawley	Hagarty	Murphy	Taylor, F. E.
Cessar	Haluska	Nahill	Telek
Cimini	Hasay	Noye	Tigue
Civera	Hayes	O'Donnell	Van Horne
Clymer	Heiser	Oliver	Vroon
Cochran	Hoeffel	Phillips	Wachob
Cohen	Honaman	Piccola	Wambach
Colafella	Horgos	Pievsky	Wargo
Cordisico	Hutchinson, W.	Pistella	Wass
Cornell	Irvis	Pitts	Wenger
Coslett	Itkin	Pott	Weston

Cowell	Jackson	Pratt	Wiggins
Cunningham	Johnson	Pucciarelli	Williams, J. D.
DeMedio	Kanuck	Punt	Wilson
DeVerter	Kennedy	Rappaport	Wozniak
DeWeese	Klingaman	Reber	Wright, D. R.
Daikeler	Kukovich	Richardson	Zwinkl
Davies	Lashinger	Rieger	
Dawida	Lehr	Ritter	Ryan,
Deal	Lescovitz	Rocks	Speaker
Dietz	Letterman		

NOT VOTING—5

Geist	Harper	Mullen	White
Gray			

EXCUSED—2

Emerson	Fischer
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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 agree to the bill on third consideration?

Mr. VROON offered the following amendment No. A3684:

Amend Sec. 1 (Sec. 103), page 2, line 11, by removing the period after "services" and inserting

: Provided, That claims paid for chiropractic services will not be recognized in the computation of the monetary threshold.

On the question,

Will the House agree to the amendment?

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

Mr. VROON. Mr. Speaker, we just had a very important vote, and I appreciate the outcome of that vote very much. I appreciate the fact, as I am sure you do, that two very important items have been addressed in this bill, and they are still two very important items. Now that we have ascertained that we are going to cover chiropractors without any doubt, all we want to do at this point in this amendment is to treat those payments in a proper manner so that you and I are not going to pay a whole lot of higher premiums because of it. That is the reason for this amendment.

This amendment says that those payments to chiropractors will not be included in the computation of the monetary threshold of \$750 which would then permit a person to go to court and sue. I think this is a very important element here. The chiropractors and the people who use chiropractors are not concerned about how we treat the computation. So this would not hurt the chiropractors, this would not hurt the people who use the chiropractors, but it would help the millions of people who pay auto insurance premiums in this State. Mr. DeVerter touched on this previously, and I think he is absolutely right. I think this is a very important amendment. It is a consumer amendment, believe me. It is going to save you and me money on our insurance premiums, and I ask for your affirmative vote on this amendment.

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

Mr. DAWIDA. After having enjoyed a brief bit of bipartisanship, I will have to oppose Mr. Vroon on this particular amendment. It comes down to a very simple thing, and each

one of you make your decision based on whether or not you believe that chiropractors can provide legitimate care for victims of car accidents. If you believe they do, then you want to vote against this amendment. If you believe they do not, then you want to support this amendment.

Simply put, I get hurt in a car accident and I go to another attorney. He says to me, Mike, go to a regular doctor because the chiropractic care will not be allowed to be considered towards your threshold, and if you do not cross the threshold, then you cannot sue. So I go to the regular doctor instead of the chiropractor. That is what it comes down to, a simple philosophical argument. I am not going to try to tell you whether or not you should believe that chiropractors deliver decent care for people in that kind of situation, but if you do believe that chiropractors can provide that kind of care, then vote "no."

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

In addition to discriminating over the kind of treatment, chiropractic or medical care, in this amendment, you must remember that in many cases we are discriminating against a certain class of injuries. Generally, chiropractors treat back injuries. They treat strained muscles and ligaments, and many of those kinds of injuries do occur in car accidents. So if I have a back injury and choose to go to a chiropractor rather than a medical doctor—in many cases I may feel that they treat that injury better—I am discriminated against because it cannot be applied to the monetary threshold under the No-fault Act. So in a sense this amendment discriminates against a certain kind of injury, a kind of injury that very often occurs in automobile accidents. For that reason I ask you to vote against the amendment. Thank you, Mr. Speaker.

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

Mr. RASCO. Mr. Speaker, would Representative Vroon stand for interrogation?

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

Mr. RASCO. Mr. Speaker, from the testimony that I have just heard in regard to your amendment as far as the monetary threshold, is it correct that by your amendment the chiropractors would not apply under the monetary threshold but they would still be paid. Is that correct?

Mr. VROON. Yes, Mr. Speaker, it is absolutely correct. This will have nothing to do with whether or not a chiropractor is paid?

Mr. RASCO. Thank you.

I think with this testimony so far on this new amendment, I feel that the chiropractors themselves should be treated as any other physician. If the insureds feel that they want to go to the chiropractor for their injuries, then I think it is their right. And with this, I would disagree with this amendment and I would ask for a "no" vote on the Vroon amendment.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Vroon, for the second time on the question.

Mr. VROON. Mr. Speaker, there has been quite a bit said about protecting people's rights to go out and sue. But by the very nature of chiropractic treatment, it is highly unlikely that anybody who is seriously injured would go to a chiropractor anyway. The chances are that if you are that seriously injured, you would go to maybe a medical doctor and a chiropractor, if you like the chiropractic treatment.

But the important thing we are addressing here is that we do not want to encourage frivolous suits, and I am afraid if we included this in the threshold computation, it would encourage frivolous suits which are costing you and me something like \$167 million a year. I am trying hard to oppose that particular approach of doing everything you possibly can to build up a monetary threshold, and because these people are not really going to be affected by this, I think this is a good amendment.

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

Mr. SWEET. Thank you, Mr. Speaker. I will only speak once on this question.

I oppose the Vroon amendment. What the Vroon amendment will do to some people is the following: Let us say you get injured in an automobile accident and you generate \$2,000 in bills that all happen to be chiropractic bills. You now have gone to the chiropractor because that is recognized, and you are treated by the chiropractor, and let us say it is not \$2,000; let us say it is \$10,000. Let us say you have an awful injury. None of that will go towards the computation of the monetary threshold which allows one to sue for pain and suffering. So even though the monetary threshold is now \$750, none of your \$10,000 in chiropractic bills would count towards the computation of the \$750. I think there are some cases where that would result in a very, very cruel outcome and one that the members of this House would not want to be involved in. So I oppose the Vroon amendment.

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

Mr. McVERRY. Mr. Speaker, I rise in opposition to the Vroon amendment. I see no logical, rational, or reasonable basis for chiropractic care services to be discriminated against. Why do we not say, if you have physical therapy, a physical therapist bill does not count? It counts. If you go to an optometrist, it counts; if you go to a dentist, it counts; if you have nursing services, it counts; and all of a sudden chiropractic care does not count. It does not make any logical sense whatsoever, and it is not an appropriate or logical way to approach the problem of lawsuits and thresholds. If we are going to pay for chiropractic services through the insurance coverage, which is logical and reasonable, then they should be afforded the same recognition as any other medical services as far as the threshold.

Mr. VROON. Mr. Speaker.

The SPEAKER. The gentleman from Chester, Mr. Vroon, has spoken twice on the subject.

Mr. VROON. I am going to interrogate this time, Mr. Speaker.

The SPEAKER. Who is it that the gentleman seeks to interrogate?

Mr. VROON. The prior speaker, Mr. Speaker.

The SPEAKER. Mr. McVerry indicates he is willing to be interrogated. The gentleman may proceed.

Mr. VROON. Mr. Speaker, are you aware of the fact, and because you are an attorney yourself, I feel sure you are, that the courts have found that chiropractic care is not properly included in the computation of the threshold? This is not my idea; the courts. Are you aware of that?

Mr. McVERRY. The court very well may have found such, but the word "chiropractic care" was never in the statute, so they simply read the statute in a strict sense of the word and said, you did not say chiropractic care is covered, but you said nurses are covered; optometric care is covered and everything else. So the courts very well may have found that chiropractic services were not covered, and that is exactly why we should address it in the statute and clarify and tell the courts they are covered.

Mr. VROON. Yes, Mr. Speaker, but did the courts say that chiropractors are not covered?

Mr. McVERRY. You told me that. I do not know.

Mr. VROON. No, they did not say that, and I did not tell you that either.

Did they say that chiropractic services are not paid for by the insurance companies?

Mr. McVERRY. I do not know.

Mr. VROON. Obviously they did not, and that is the purpose of asking the question. They did say that it is payable, but they say it is not includable in the threshold. That was the court ruling. That is all I wanted to bring out, Mr. Speaker. Thank you.

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

The following roll call was recorded:

YEAS—18

Clymer	Fargo	Mowery	Reber
Cornell	Hagarty	Nahill	Sirianni
Cunningham	Lewis	Piccola	Snyder
DeVerter	Miller	Pitts	Vroon
Dorr	Moehlmann		

NAYS—176

Alden	Fee	Lucyk	Serafini
Anderson	Fleck	McCall	Seventy
Armstrong	Foster, W. W.	McClatchy	Showers
Arty	Foster, Jr., A.	McIntyre	Shupnik
Barber	Freind	McMonagle	Sieminski
Belardi	Fryer	McVerry	Smith, B.
Belfanti	Gallagher	Mackowski	Smith, E. H.
Beloff	Gallen	Madigan	Smith, L. E.
Berson	Gamble	Maiale	Spencer
Bittle	Gannon	Manderino	Spitz
Blaum	Geist	Manmiller	Stairs
Borski	George	Marmion	Steighner
Bowser	Gladeck	Merry	Stevens
Boyes	Grabowski	Michlovic	Stewart
Brandt	Greenfield	Micozzie	Stuban
Brown	Greenwood	Miscevich	Swaim
Burd	Grieco	Morris	Sweet
Burns	Gruitza	Mrkonc	Swift
Caltagirone	Gruppo	Murphy	Taddonio
Cappabianca	Haluska	Noye	Taylor, E. Z.
Cawley	Hasay	O'Donnell	Taylor, F. E.

Cessar	Hayes	Olasz	Telek
Cimini	Heiser	Oliver	Tigue
Civera	Hoeffel	Pendleton	Trello
Clark	Honaman	Perzel	Van Horne
Cochran	Horgos	Peterson	Wachob
Cohen	Hutchinson, A.	Petrarca	Wambach
Colafella	Irvis	Petrone	Wargo
Cole	Itkin	Phillips	Wass
Cordisco	Jackson	Pievsky	Wenger
Coslett	Johnson	Pistella	Weston
Cowell	Kennedy	Pott	Wiggins
DeMedio	Klingaman	Pratt	Williams, H.
DeWeese	Kolter	Pucciarelli	Williams, J. D.
Daikeler	Kowalyszyn	Punt	Wilson
Davies	Kukovich	Rappaport	Wogan
Dawida	Lashingier	Rasco	Wozniak
Deal	Laughlin	Richardson	Wright, D. R.
Dietz	Lehr	Rieger	Wright, J. L.
Diminni	Lescovitz	Ritter	Wright, R. C.
Dombrowski	Letterman	Rocks	Zwinkl
Donatucci	Levi	Rybak	
Duffy	Levin	Salvatore	Ryan,
Durham	Livengood	Saurman	Speaker
Evans	Lloyd		

NOT VOTING—7

Frazier	Harper	Kanuck	White
Gray	Hutchinson, W.	Mullen	

EXCUSED—2

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

WELCOMES

The SPEAKER. The Chair at this time is pleased to welcome to the hall of the House Miss Joan Webb of North East, Pennsylvania, here today as the guest of Representative Bowser.

The Chair is pleased to welcome to the hall of the House today a former distinguished member of this House, Mr. Guy Kistler, who is here visiting us, showing his grandson, I understand, around the Capitol that Mr. Kistler once frequented on a daily basis as a distinguished member of this body.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Frazier, rise?

Mr. FRAZIER. Mr. Speaker, thank you for your indulgence.

I was out in the hall, and I was not voted on the Vroon amendment. I would like to have my vote recorded in the negative against the amendment. Thank you, Mr. Speaker.

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

CONSIDERATION OF SB 197 CONTINUED

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

The SPEAKER. The Chair recognizes the gentleman, Mr. DeVerter, who offers the following amendments which the clerk will read.

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, prior to the introduction of this amendment, it was not my real desire to offer this amendment today, and I would ask the Chair's indulgence as the amendment is rather lengthy. It is a 23-page amendment, which I understand would have to be caucused on and would require some time in the printing room to be reproduced. Many of you have been here an awfully, awfully long time, and I think that I have, in the 9 years that I have been in this body, never stepped to this microphone and impinged or infringed on others. I am asking for that same courtesy today. I do not do this with a great deal of enthusiasm on a bill that I thought would originally only address one issue, and that was chiropractic care. Unfortunately, the committee saw fit to place in the bill—and this body today, as a committee of the whole, sustained the vote of the committee in inserting—the assigned claims plan amendment. What you have effectively done is taken one of the most prominent and "pretty" little amendments out of HB 1285 and placed it in SB 197. You therefore, I think, leave me no alternative but to offer the remainder of HB 1285 so that we can discuss the full no-fault issue.

As I say, I do not do this with a great deal of enthusiasm, because I was hopeful that we could in fact at some point discuss no-fault in a very timely way. However, the House felt compelled today to treat two areas of no-fault reform, two very important areas, and I would ask the Chair's indulgence. Perhaps the majority leader and minority leader will request a caucus to go over the amendment, Mr. Speaker.

REMARKS ON VOTE

The SPEAKER. Does the lady from Montgomery, Mrs. Lewis, desire recognition?

Mrs. LEWIS. I happen to be recorded in the affirmative on the Vroon amendment. I would like to be recorded in the negative. Thank you.

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

CONSIDERATION OF SB 197 CONTINUED

BILL AND AMENDMENTS TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that SB 197, together with amendments, be placed on the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to third consideration of **HB 1824, PN 2194**, entitled:

An Act amending the "Mental Health and Mental Retardation Act of 1966," approved October 20, 1966 (3rd Sp. Sess., P. L. 96, No. 6), further providing for services, treatment or rehabilitation of certain persons.

On the question,

Will the House agree to the bill on third consideration?

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Thank you, Mr. Speaker.

Mr. Speaker, on **HB 1824**, we have had a request for an immediate Democratic caucus. If the majority leader accedes to that request, we ask for one-half hour for a caucus on this particular bill. Mr. Speaker, I urge the Democratic members to attend the caucus promptly so that we can get on with the business of the voting of the day in one-half hour. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

Since we have caucused on this bill, there will be no need for a Republican caucus.

RECESS

The SPEAKER. Without objection, this House will stand in recess until 4:50. The Chair hears none.

AFTER RECESS

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

CONSIDERATION OF HB 1824 RESUMED

BILL TABLED TEMPORARILY

The SPEAKER. Without objection, **HB 1824** will be temporarily tabled. The Chair hears none.

SENATE MESSAGE

HOUSE BILL

CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1034, PN 1136**, with information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

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

HB 1034, PN 1136

An Act amending the act of May 18, 1945 (P. L. 809, No. 323), entitled "An act removing certain roads or sections of road from the State highway system; and providing for their future maintenance and construction," removing a route in Perry County.

SB 653, PN 671

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

SB 775, PN 1027

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as amended, "Pennsylvania Municipalities Planning Code," granting additional time for municipalities to determine whether to grant final approval for proposed development plans.

ADDITION AND DELETION OF SPONSORS

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I submit for the record, in accordance with the House rules, the addition and deletion of sponsors.

ADDITION:
HB 1394, Sweet.

DELETION:
HB 1120, Klingaman.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED**HB 50, PN 2259 (Amended)**

By Rep. SPENCER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for nonmedical good Samaritan civil immunity.

JUDICIARY.

HB 1458, PN 1661

By Rep. SPENCER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for veterinary good Samaritan civil immunity.

JUDICIARY.

HB 1459, PN 2260 (Amended)

By Rep. SPENCER

An Act amending the act of December 27, 1974 (P. L. 995, No. 326), entitled "An act regulating the practice of veterinary medicine and imposing penalties," further providing for abandonment of animals.

JUDICIARY.

HB 1812, PN 2179

By Rep. SPENCER

An Act amending Title 42 (Judiciary and Judicial Procedure) dividing the forty-third judicial district into two separate judicial districts.

JUDICIARY.

SB 814, PN 1312 (Amended)

By Rep. SPENCER

An Act amending the act of August 7, 1963 (P. L. 549, No. 290), entitled, as amended, "Pennsylvania Higher Education Assistance Agency Act," further providing for loan servicing and adding limited subpoena powers in the investigation of fraud or breach of fiduciary obligation.

JUDICIARY.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 1869 By Representatives NAHILL, CORNELL, E. Z. TAYLOR, MANMILLER, BELFANTI, WARGO, COCHRAN, PISTELLA, LASHINGER, DeMEDIO, LEVIN, B. SMITH, HORGOS, DORR, BROWN, WASS, BOWSER, JOHNSON, E. H. SMITH, STEWART, GANNON, RYBAK, DAIKELER, REBER, ARTY, PERZEL, PRATT, PHILLIPS, MORRIS, LUCYK, SIEMINSKI, CAWLEY, WACHOB, SALVATORE, SHOWERS, SNYDER, KUKOVICH, PETRARCA, ZWIKL, CIVERA, FREIND, SIRIANNI, HAGARTY, BLAUM, TELEK and ALDEN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring issuance of a permit for installation of traffic control signals under certain circumstances.

Referred to Committee on TRANSPORTATION, October 6, 1981.

No. 1870 By Representatives CORNELL, WILSON, NAHILL and DAIKELER

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), providing for an exclusion from taxation relating to printing of certain materials.

Referred to Committee on FINANCE, October 6, 1981.

No. 1871 By Representatives CORNELL, KUKOVICH, J. L. WRIGHT, FISCHER, NAHILL and DAWIDA

An Act providing for the clear disclosure of prices for grocery items, imposing duties on the Bureau of Consumer Protection and providing for civil penalties.

Referred to Committee on BUSINESS AND COMMERCE, October 6, 1981.

No. 1872 By Representatives CORNELL, J. L. WRIGHT, NOYE, ITKIN, VROON and POTT

An Act amending the "Real Estate Tax Sale Law," approved July 7, 1947 (P. L. 1368, No. 542), increasing the rate of interest on delinquent taxes.

Referred to Committee on LOCAL GOVERNMENT, October 6, 1981.

No. 1873 By Representatives CORNELL, J. L. WRIGHT and NAHILL

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), exempting gains from the sale of certain real estate from taxation.

Referred to Committee on FINANCE, October 6, 1981.

No. 1874 By Representatives CORNELL, J. L. WRIGHT, DAIKELER, WACHOB, NOYE, POTT and COLAFELLA

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), increasing the per diem allowance for attending conventions.

Referred to Committee on LOCAL GOVERNMENT, October 6, 1981.

No. 1875 By Representatives NOYE and LETTERMAN

An Act providing for the adoption of additional capital projects to be financed from current revenues of the Game Fund.

Referred to Committee on GAME AND FISHERIES, October 6, 1981.

No. 1876 By Representatives SALVATORE and PERZEL

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for termination of parental rights.

Referred to Committee on JUDICIARY, October 6, 1981.

No. 1877 By Representatives PETRARCA, DININNI, KOLTER, TIGUE, OLASZ, TADDONIO, RASCO, DUFFY and CLARK

An Act amending the act of November 26, 1975 (P. L. 454, No. 126), entitled "An act regulating the practices of suppliers, distributors and dealers of gasoline, petroleum products and accessories for motor vehicles and providing remedies for violations," prohibiting the sale of certain gasoline and providing a penalty.

Referred to Committee on JUDICIARY, October 6, 1981.

No. 1878 By Representatives FREIND, ITKIN, COWELL, DAWIDA, GRABOWSKI, HORGOS, MURPHY, PISTELLA, SEVENTY, MICHLOVIC and PETRONE

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), extending the reporting period to the Secretary of Revenue for personal income information.

Referred to Committee on EDUCATION, October 6, 1981.

No. 1879 By Representative COLE

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," extending the time for the State Board of Examiners of Public Accountants to issue and accept certain applications.

Referred to Committee on PROFESSIONAL LICENSURE, October 6, 1981.

No. 1880 By Representatives SPENCER, L. E. SMITH, E. Z. TAYLOR, DeVERTER and LETTERMAN

An Act amending the "Motor Vehicle Manufacturer's, Dealer's and Salesmen's License Act," approved September 9, 1965 (P. L. 499, No. 254), further providing for certain definitions, licensing, the duties of the board, establishing or relocating dealerships, fees, penalties, further defining unlawful activities and providing the department with the authority to issue certain rules and regulations.

Referred to Committee on PROFESSIONAL LICENSURE, October 6, 1981.

No. 1881 By Representatives PICCOLA, WAMBACH and MANMILLER

An Act amending "The Library Code," approved June 14, 1961 (P. L. 324, No. 188), requiring a county wishing to levy a tax to support a public library to exempt residents of a municipality appropriating funds or levying a tax for the support of a library within that municipality.

Referred to Committee on LOCAL GOVERNMENT, October 6, 1981.

No. 1882 By Representatives E. Z. TAYLOR, COWELL, SIEMINSKI, FREIND, BURD, POTT, GRIECO, MADIGAN, BURNS, SPENCER, CIMINI, PICCOLA, CUNNINGHAM, RASCO, WASS, D. R. WRIGHT, DAVIES, MERRY, W. W. FOSTER, MILLER, BOWSER, BOYES, SIRIANNI, STUBAN, PITTS, MACKOWSKI, BITTLE, RYAN, DeMEDIO, SNYDER, COCHRAN, STEIGHNER, MARMION, HEISER, L. E. SMITH, LESCOVITZ and GALLAGHER

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for bidding for certain supplies and materials and making an editorial correction.

Referred to Committee on EDUCATION, October 6, 1981.

No. 1883 By Representatives E. Z. TAYLOR, COWELL, SIEMINSKI, FREIND, BURD, POTT, GRIECO, MADIGAN, BURNS, SPENCER, CIMINI, PICCOLA, CUNNINGHAM, RASCO, WASS, D. R. WRIGHT, DAVIES, MERRY, W. W. FOSTER, MILLER, BOWSER, BOYES, SIRIANNI, STUBAN, PITTS, MACKOWSKI, BITTLE, RYAN, DeMEDIO, SNYDER, COCHRAN, STEIGHNER, MARMION, HEISER, L. E. SMITH, LESCOVITZ, HASAY and GALLAGHER

An Act amending "The Pennsylvania Workmen's Compensation Act," approved June 2, 1915 (P. L. 736, No. 338), further providing for insurance coverage for certain State colleges and universities.

Referred to Committee on EDUCATION, October 6, 1981.

No. 1884 By Representatives E. Z. TAYLOR, COWELL, SIEMINSKI, FREIND, BURD, POTT, GRIECO, MADIGAN, BURNS, SPENCER, CIMINI, PICCOLA, CUNNINGHAM, RASCO, WASS, D. R. WRIGHT, DAVIES, MERRY,

W. W. FOSTER, MILLER, BOWSER, BOYES, SIRIANNI, STUBAN, PITTS, MACKOWSKI, BITTLE, RYAN, DeMEDIO, SNYDER, COCHRAN, STEIGHNER, MARMION, HEISER, L. E. SMITH, LESCOVITZ, HASAY and GALLAGHER

An Act providing for group self-insurance funds for State colleges for workers' compensation liabilities.

Referred to Committee on EDUCATION, October 6, 1981.

No. 1885 By Representatives E. Z. TAYLOR, COWELL, SIEMINSKI, FREIND, BURD, POTT, GRIECO, MADIGAN, BURNS, SPENCER, CIMINI, PICCOLA, CUNNINGHAM, RASCO, WASS, D. R. WRIGHT, DAVIES, MERRY, W. W. FOSTER, MILLER, BOWSER, BOYES, SIRIANNI, STUBAN, PITTS, MACKOWSKI, BITTLE, RYAN, DeMEDIO, SNYDER, COCHRAN, STEIGHNER, MARMION, HEISER, L. E. SMITH, LESCOVITZ, HASAY and GALLAGHER

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), excluding State colleges and universities from certain requirements relating to purchases of printing supplies and imposing additional limitations relating to publications.

Referred to Committee on EDUCATION, October 6, 1981.

No. 1886 By Representatives E. Z. TAYLOR, COWELL, SIEMINSKI, FREIND, BURD, POTT, GRIECO, MADIGAN, BURNS, SPENCER, CIMINI, CUNNINGHAM, RASCO, WASS, D. R. WRIGHT, DAVIES, MERRY, W. W. FOSTER, MILLER, BOWSER, BOYES, SIRIANNI, STUBAN, PITTS, MACKOWSKI, BITTLE, RYAN, DeMEDIO, SNYDER, COCHRAN, STEIGHNER, MARMION, HEISER, L. E. SMITH, LESCOVITZ, HASAY and GALLAGHER

An Act amending the act of May 8, 1923 (P. L. 161, No. 120), entitled, "An act providing for and regulating the public printing and all documents, reports, bulletins, and other publications for the use of the Commonwealth, ***; and repealing inconsistent and conflicting legislation," excluding State colleges and universities from the powers and duties imposed on the Director of Publications.

Referred to Committee on EDUCATION, October 6, 1981.

No. 1887 By Representatives E. Z. TAYLOR, COWELL, SIEMINSKI, FREIND, BURD, POTT, GRIECO, MADIGAN, BURNS, SPENCER, CIMINI, PICCOLA, RASCO,

WASS, D. R. WRIGHT, DAVIES, MERRY, W. W. FOSTER, MILLER, BOWSER, BOYES, SIRIANNI, STUBAN, PITTS, MACKOWSKI, BITTLE, RYAN, DeMEDIO, SNYDER, COCHRAN, STEIGHNER, MARMION, HEISER, L. E. SMITH, LESCOVITZ, HASAY and GALLAGHER

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for the lapsing of funds.

Referred to Committee on EDUCATION, October 6, 1981.

No. 1888 By Representatives HASAY, SHUPNIK, COSLETT, STEVENS, F. E. TAYLOR and STUBAN

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), authorizing special occasion permits for certain service organizations.

Referred to Committee on LIQUOR CONTROL, October 6, 1981.

No. 1889 By Representatives L. E. SMITH, F. E. TAYLOR, SPENCER, RAPPAPORT, DOMBROWSKI, McVERRY, CESSAR, BRANDT, E. Z. TAYLOR, CAPPABIANCA, SNYDER, FLECK, LEVIN, O'DONNELL, BURD, MAIALE, RIEGER, OLIVER, BOYES, ITKIN, SALVATORE, SIEMINSKI, GRUPPO, ANDERSON, SPITZ, SERAFINI, GRABOWSKI, GALLEN, COWELL, SWEET, McCLATCHY and VAN HORNE

An Act amending the "Banking Code of 1965," approved November 30, 1965 (P. L. 847, No. 356), relating to and regulating bank holding companies; ***; conferring additional powers on the Department of Banking, and making repeals.

Referred to Committee on BUSINESS AND COMMERCE, October 6, 1981.

No. 1890 By Representatives ARTY, J. L. WRIGHT, SWAIM, WOGAN, LASHINGER, COLAFELLA, GRUPPO, KOWALYSHYN, VAN HORNE, SALVATORE, RYBAK, MAIALE, MICOZZIE, GALLAGHER, GREENWOOD, PRATT, MARMION and CIVERA

An Act requiring certain mandatory policy provisions in accident and sickness insurance policies to provide benefits for alcohol abuse treatment and making repeals.

Referred to Committee on INSURANCE, October 6, 1981.

No. 1891 By Representatives CIVERA, ARTY, SPITZ, MICOZZIE, GANNON, BELARDI and CAWLEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for taking licensee photographs at State Police barracks.

Referred to Committee on TRANSPORTATION, October 6, 1981.

No. 1892 By Representatives CIVERA, ARTY, SPITZ, MICOZZIE, ALDEN and BELARDI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring a duplicate photograph of the licensee to be retained by the department.

Referred to Committee on TRANSPORTATION, October 6, 1981.

No. 1893 By Representatives CIVERA, ARTY, SPITZ and MICOZZIE

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

Referred to Committee on TRANSPORTATION, October 6, 1981.

No. 1894 By Representatives CIVERA, ARTY, SPITZ, MICOZZIE, GANNON and ALDEN

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

Referred to Committee on TRANSPORTATION, October 6, 1981.

No. 1895 By Representatives CIVERA, ARTY, SPITZ, MICOZZIE and BELARDI

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

Referred to Committee on TRANSPORTATION, October 6, 1981.

No. 1896 By Representatives GLADECK, COWELL, NAHILL, HASAY, VROON, DAIKELER, GANNON, MACKOWSKI, BOYES, BURD, FLECK, HEISER, GANNON, FREIND, DORR, LASHINGER, STAIRS, J. L. WRIGHT, CLYMER and A. C. FOSTER, JR.

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," providing for a township's power as to cable television systems.

Referred to Committee on LOCAL GOVERNMENT, October 6, 1981.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 103 By Representatives KUKOVICH, ITKIN, O'DONNELL, CIVERA, COLAFELLA, RICHARDSON, BROWN, PISTELLA, HALUSKA, DeWEESE, HOFFEL,

COWELL, WHITE, WACHOB, PETRARCA, BERSON, BELFANTI, LLOYD, COLE, MORRIS, MICHLOVIC, ZWIKL, DAWIDA, VAN HORNE, W. D. HUTCHINSON, RITTER, McMONAGLE, EVANS, STEWART, WAMBACH and WOZNIAK

Amend House Rules to add temporary rule, Rule 30 (A), Block Grant Legislation.

Referred to Committee on RULES, October 6, 1981.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

SB 585, PN 1279

Referred to Committee on JUDICIARY, October 6, 1981.

SB 838, PN 1275

Referred to Committee on HEALTH AND WELFARE, October 6, 1981.

STATEMENT BY MAJORITY LEADER

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Thank you, Mr. Speaker.

Now, we are about to get this train back on the track. There was a recess for the purpose of conversations concerning HB 1824. Those meetings have occurred. There are some questions as to some of the language in the bill.

I personally believe that this General Assembly, this House of Representatives, tonight should take the time to send a message to the Federal judiciary. I do not care who that judge is in the Federal judiciary. He has no business telling this Commonwealth of Pennsylvania, specifically those elected to appropriate funds, how they are to spend their money. The taxpayers of this Commonwealth are sovereign through this General Assembly, and the Federal judiciary has no business tinkering in that constitutional right and separation of powers.

Now, for the last hour we have been fine-pointing the language of the legislation which has been brought before this body by Representatives McClatchy and O'Donnell, and because of all of that, we will lose some measure of time in sending our message finally, as far as this House of Representatives is concerned. I am not very tolerant of that kind of dilly-dallying, but I realize people do have a right to express themselves as to the last word and punctuation mark in a piece of legislation. So we will wait until this House reconvenes next Tuesday. But make no mistake about it, we will be voting on Tuesday and we will be voting on HB 1824 and we will send a message to the judiciary. At least there is going to be an opportunity for everyone to express himself or herself in this chamber as to whether or not they want the Federal judges of this Nation to run this Commonwealth or whether we want to run it.

Now, as to the specific issue at hand as it affects the Department of Welfare and the Secretary of that department, let those in the Federal judiciary know that we tarry today not because we have some question as to the rightness of the intervention which is taking place and the penalty which is being placed upon the taxpayers of this Commonwealth at the rate of \$10,000 a day. Let there be no doubt in the minds of those jurists who are adjudicating this matter at the present time, because I do not believe there is any division of thought in this body as to whether we believe there is a constitutional infringement taking place.

For those persons who have an interest in this bill as to the specific language, as to the specific message that we intend to send, I ask you to begin in earnest—and I do not mean wait until Tuesday morning when it is time to come to Harrisburg, but I mean begin tomorrow—and coordinate to whatever extent you have to coordinate to get the language straight, because on Tuesday when this body comes into session, we will take up the issue of HB 1824, and a message we will send.

Mr. Speaker, I ask that this bill be held over until we return on Tuesday. Thank you.

STATEMENT BY MINORITY LEADER

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Thank you, Mr. Speaker.

Mr. Speaker, on behalf of the Democratic caucus, I thank the majority leader. We do have a complete amount of confusion as to the reach of the bill. Basically, I think we agree that something has to be done, but we disagree as to what.

I would suggest to the Democratic caucus members, those of you who have language which you think ought to be in the bill or stricken from the bill, that you suggest those changes to Jane Mendlow on our staff so that she can put the various amendments together, together with the Republican staff members, so that when we do come back here on Tuesday, as the majority leader has said, we will be ready to send the message to the Federal court. Thank you, Mr. Speaker.

CONSIDERATION OF HB 1824 RESUMED

BILL REMOVED FROM TABLE

The SPEAKER. Without objection, HB 1824 will be removed from the table. The Chair hears no objection.

BILL PLACED ON THIRD CONSIDERATION POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that HB 1824 be placed upon the third consideration postponed calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to third consideration of **HB 216, PN 1683**, entitled:

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), providing for payment of the cost of burial of indigent persons in State institutions.

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—185

Alden	Fee	Lloyd	Salvatore
Anderson	Fleck	Lucyk	Saurman
Armstrong	Foster, W. W.	McClatchy	Serafini
Arty	Foster, Jr., A.	McIntyre	Seventy
Barber	Frazier	McMonagle	Showers
Belardi	Freind	McVerry	Shupnik
Belfanti	Fryer	Madigan	Sieminski
Beloff	Gallagher	Maiale	Smith, B.
Berson	Gallen	Manderino	Smith, E. H.
Bittle	Gamble	Manmiller	Smith, L. E.
Blaum	Gannon	Marmion	Snyder
Borski	Geist	Merry	Spencer
Bowser	George	Michlovic	Spitz
Boyes	Gladeck	Micozzie	Stairs
Brandt	Grabowski	Miller	Steighner
Brown	Greenfield	Miscevich	Stevens
Burd	Grieco	Moehlmann	Stewart
Burns	Gruitza	Morris	Stuban
Caltagirone	Gruppo	Mowery	Swaim
Cawley	Hagarty	Mrkonic	Sweet
Cessar	Haluska	Murphy	Swift
Cimini	Hasay	Nahill	Taddonio
Civera	Hayes	Noye	Taylor, E. Z.
Clark	Heiser	O'Donnell	Taylor, F. E.
Clymer	Hoefel	Olasz	Telek
Cochran	Honaman	Oliver	Tigue
Cole	Horgos	Pendleton	Trelio
Cornell	Hutchinson, A.	Perzel	Van Horne
Coslett	Hutchinson, W.	Peterson	Vroon
Cowell	Irvis	Petrarca	Wachob
Cunningham	Itkin	Petrone	Wambach
DeMedio	Jackson	Phillips	Wargo
DeVerter	Johnson	Piccola	Wass
DeWeese	Kanuck	Pistella	Wenger
Daikeler	Kennedy	Pitts	Weston
Davies	Klingaman	Pott	Wiggins
Dawida	Kowalyshyn	Pratt	Williams, H.
Deal	Kukovich	Pucciarelli	Wogan
Dietz	Lashinger	Punt	Wozniak
Dininni	Laughlin	Rappaport	Wright, D. R.
Dombrowski	Lehr	Rasco	Wright, J. L.
Donatucci	Lescovitz	Reber	Wright, R. C.
Dorr	Letterman	Richardson	Zwilk
Duffy	Levi	Rieger	
Durham	Levin	Ritter	Ryan,
Evans	Lewis	Rocks	Speaker
Fargo	Livengood	Rybak	

NAYS—0

NOT VOTING—16

Cappabianca	Gray	McCall	Sirianni
Cohen	Greenwood	Mackowski	White
Colafrilla	Harper	Mullen	Williams, J. D.
Cordisco	Kolter	Pievsky	Wilson

EXCUSED—2

Emerson Fischer

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

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

REMARKS ON VOTES

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

Mr. RASCO. Mr. Speaker, on HB 197 my switch malfunctioned. I should have been recorded as a "yes" vote. Thank you.

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

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

Mr. ROCKS. Mr. Speaker, earlier today I was called out of the chamber. I missed the vote on SB 780. Had I been in the chamber, I would have voted in the affirmative.

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

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The clerk of the Senate, being introduced, returned the following **HB 22, PN 2169**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), further providing for filling of vacancies in certain borough offices.

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

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

Mr. FRYER. Mr. Speaker, I would urge that the members of the House vote to nonconcur on this measure for several reasons, Mr. Speaker. One, this is part of a package of bills which we have passed for the townships of the first and second class and also incorporated towns, and they have been enacted into law. This remaining bill of the boroughs has been substantially changed by the Senate, and it would destroy the uniformity that we seek.

The Boroughs Association is opposing the amendments that were inserted by the Senate. On one of the changes, they are moving to have seven nonelected persons to act as a vacancy board. We feel that is incorrect, that that should be performed by the elected officials rather than the nonelected officials.

So, Mr. Speaker, in conclusion, I would again urge the members of the House to nonconcur.

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

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

I agree with my colleague, Mr. Fryer, and ask for nonconcurrency in the bill.

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

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

YEAS—1

Berson

NAYS—193

Alden	Fee	Lloyd	Salvatore
Anderson	Fleck	Lucyk	Saurman
Armstrong	Foster, W. W.	McCall	Serafini
Arty	Foster, Jr., A.	McClatchy	Seventy
Barber	Frazier	McIntyre	Showers
Belardi	Freind	McMonagle	Shupnik
Belfanti	Fryer	McVerry	Sieminski
Beloff	Gallagher	Mackowski	Sirianni
Bittle	Gallen	Madigan	Smith, B.
Blaum	Gamble	Maiale	Smith, E. H.
Borski	Gannon	Manderino	Smith, L. E.
Bowser	Geist	Manmiller	Snyder
Boyes	George	Marmion	Spencer
Brandt	Gladeck	Merry	Spitz
Brown	Grabowski	Michlovic	Stairs
Burd	Greenfield	Micozzie	Steighner
Burns	Greenwood	Miller	Stevens
Caltagirone	Grieco	Miscevich	Stewart
Cappabianca	Gruitza	Moehlmann	Stuban
Cawley	Gruppo	Morris	Swaim
Cessar	Hagarty	Mrkonic	Sweet
Cimini	Haluska	Murphy	Taddonio
Civera	Hasay	Nahill	Taylor, E. Z.
Clark	Hayes	Noye	Taylor, F. E.
Clymer	Heiser	O'Donnell	Telek
Cochran	Hoeffel	Olasz	Tigue
Colafella	Honaman	Oliver	Trello
Cole	Horgos	Pendleton	Van Horne
Cordisco	Hutchinson, A.	Perzel	Vroon
Cornell	Hutchinson, W.	Peterson	Wachob
Coslett	Irvic	Petrarca	Wambach
Cowell	Itkin	Petrone	Wargo
Cunningham	Jackson	Phillips	Wass
DeMedio	Johnson	Piccola	Wenger
DeVerter	Kanuck	Pievsky	Weston
DeWeese	Kennedy	Pistella	Wiggins
Daikeler	Klingaman	Pitts	Williams, H.
Davies	Kolter	Pott	Williams, J. D.
Dawida	Kowalshyn	Pratt	Wilson
Deal	Kukovich	Pucciarelli	Wogan
Dietz	Lashinger	Punt	Wozniak
Diminni	Laughlin	Rappaport	Wright, D. R.
Dombrowski	Lehr	Rasco	Wright, J. L.
Donatucci	Lescovitz	Reber	Wright, R. C.
Dorr	Letterman	Richardson	Zwilk
Duffy	Levi	Rieger	
Durham	Levin	Ritter	Ryan,
Evans	Lewis	Rocks	Speaker
Fargo	Livengood	Rybak	

NOT VOTING—7

Cohen	Harper	Mullen	White
Gray	Mowery	Swift	

EXCUSED—2

Emerson Fischer

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.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The clerk of the Senate, being introduced, returned the following **HB 33, PN 2046**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), authorizing taxation for the purpose of paying interest and principal on certain indebtedness; further providing for reopening of district budgets and providing for professional employes when programs or classes are transferred.

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

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

Mr. LEVI. Thank you, Mr. Speaker.

I ask all the members of the House to nonconcur in this bill. The Senate added two amendments that I think detract from the bill. The worst one is the one that this House soundly defeated earlier in the year, which would say that teachers in the intermediate units, when they shut down their department, would be compelled to be employed by the school district. We soundly defeated this in the House.

The other amendment the Senate put in would be a parochial-type amendment just for one school district in Allegheny County. They could open up their budget for a 9-month period, and I do not think this is in the best interest of the school district. I think it can be handled and pay the taxpayers back through normal fiscal responsibilities, so I ask for non-concurrence.

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

Mr. FRYER. Mr. Speaker, I agree with the gentleman, Representative Levi, and urge that the members vote to non-concur.

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—4

Borski Livengood Pucciarelli Rasco

NAYS—191

Alden	Fee	Lucyk	Saurman
Anderson	Fleck	McCall	Serafini
Armstrong	Foster, W. W.	McClatchy	Seventy
Arty	Foster, Jr., A.	McIntyre	Showers
Barber	Frazier	McMonagle	Shupnik
Belardi	Freind	McVerry	Sieminski
Belfanti	Fryer	Mackowski	Sirianni
Beloff	Gallagher	Madigan	Smith, B.
Berson	Gallen	Maiale	Smith, E. H.
Bittle	Gamble	Manderino	Smith, L. E.

Blaum	Gannon	Manmiller	Snyder
Bowser	Geist	Marmion	Spencer
Boyes	George	Merry	Spitz
Brandt	Gladeck	Michlovic	Stairs
Brown	Grabowski	Micozzie	Steighner
Burns	Greenfield	Miller	Stevens
Caltagirone	Greenwood	Miscevich	Stewart
Cappabianca	Grieco	Moehlmann	Stuban
Cawley	Gruitza	Morris	Swaim
Cessar	Gruppo	Mowery	Sweet
Cimini	Hagarty	Mrkonic	Swift
Civera	Haluska	Murphy	Taddonio
Clark	Hasay	Nahill	Taylor, E. Z.
Clymer	Hayes	Noye	Taylor, F. E.
Cochran	Heiser	O'Donnell	Telek
Cohen	Hoefel	Olasz	Tigue
Colafella	Honaman	Oliver	Trello
Cole	Horgos	Pendleton	Van Horne
Cordisco	Hutchinson, W.	Perzel	Vroon
Cornell	Irvic	Peterson	Wachob
Coslett	Itkin	Petrarca	Wambach
Cowell	Jackson	Petrone	Wargo
Cunningham	Johnson	Phillips	Wass
DeMedio	Kanuck	Piccola	Wenger
DeVertter	Kennedy	Pievsky	Weston
DeWeese	Klingaman	Pistella	Wiggins
Daikeler	Kolter	Pitts	Williams, H.
Davies	Kowalshyn	Pott	Williams, J. D.
Dawida	Kukovich	Pratt	Wilson
Deal	Lashinger	Punt	Wogan
Dietz	Laughlin	Rappaport	Wozniak
Dininni	Lehr	Reber	Wright, D. R.
Dombrowski	Lescovitz	Richardson	Wright, J. L.
Donatucci	Letterman	Rieger	Wright, R. C.
Dorr	Levi	Ritter	Zwinkl
Duffy	Levin	Rocks	
Durham	Lewis	Rybak	Ryan,
Evans	Lloyd	Salvatore	Speaker
Fargo			

NOT VOTING—6

Burd Harper Mullen White
Gray Hutchinson, A.

EXCUSED—2

Emerson Fischer

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.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The clerk of the Senate, being introduced, returned the following **HB 103, PN 2048**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the "Banking Code of 1965," approved November 30, 1965 (P. L. 847, No. 356), further providing for renegotiable mortgages; and providing for the elimination of the Banking Board.

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

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

Mr. L. E. SMITH. Mr. Speaker, I would ask the House to concur in the action taken by the Senate on HB 103. I presume most of you would remember that we spent about 3 days on this bill considering and reconsidering several amendments that the Senate has now removed from the bill. The bill now does what we originally intended it to do, and I would ask for concurrence in the Senate action.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. I rise to ask for a nonconcurrence in the Senate-inserted amendments. The Senate did violence to HB 103 as it left this House. The first thing they did is they took out the amendment that we put in here in the House after the 3-day debate of oversight legislation, which the majority of the House members here agreed is needed.

Secondly, they took out the amendment that we put in that would have forbade demand and balloon mortgages on one- and two-family residential dwellings. This does violence also to HB 103.

The amendments also that they inserted took out, again, the disclosure to the borrower of the highest possible monthly payments during the mortgage term. Under the provisions of the mortgage being offered, the Senate changed this to between the date of the loan and the date of maturity. This could be significant since the maturity of a loan could be entirely different than the maturity of a mortgage.

Fourth, of the House amendments that we had inserted, they took out the fourth one, and this would have given the senior citizens of our State the right of free checking for their Federal Government checks. There would have been no charge to them. They took that amendment out.

Fifth, they took out the amendment that would have required that the banks credit your cash deposits each day.

I think, Mr. Speaker, that once again we see the upper chamber short-circuiting the wishes of this House. Today already we have nonconcurred in two of the previous ones. I think we ought to keep our record straight, and we ought to nonconcur in these amendments inserted by the Senate and send it back. I wholeheartedly agree with that. I would like to have your support in this.

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

Mr. A. K. HUTCHINSON. Thank you, Mr. Speaker.

I would also like a nonconcurrence. I put an amendment in HB 103 that gave what Mr. Taylor talked about, which was the whole life of the mortgage rate. They put down the maturity. If you borrowed the money for 2 or 3 or 4 or 5 years and that is when it ended and you had to refinance, they did not tell you the cost of the whole life of the mortgage. If you borrowed \$20,000 at 12 percent and they went up to 18 percent or 19 percent over the life, they did not tell you.

I think this amendment ought to be back in, and I ask for nonconcurrence. Thank you very much.

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

Mr. LAUGHLIN. Mr. Speaker, since Mr. Smith has recommended concurrence, would he be good enough to stand for brief interrogation?

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

Mr. LAUGHLIN. Mr. Speaker, you had indicated earlier that the portion of the bill that you favor now, which the Senate has amended after long and deliberate attention paid over here, is now acceptable to you. Mr. Speaker, I can recall a meeting with you at the Speaker's desk when we were voting on that bill when those amendments were put in and you agreed to them. Are you saying now that you disagree with those amendments that were put in? Would you kindly clarify that for me?

Mr. L. E. SMITH. Mr. Speaker, I do not recall the conversation you are referring to, but I think my record on the votes that were cast on those various amendments are sufficient for where I stand.

Mr. LAUGHLIN. Well, Mr. Speaker, you voted for the final passage of the bill and those amendments were in the bill at that time. Is that correct?

Mr. L. E. SMITH. I have often voted for legislation that had amendments in it that I did not like.

Mr. LAUGHLIN. All right, Mr. Speaker. The particular amendment I want to draw your attention to is the provision for balloon mortgages. As you know—I do not have to explain it to you—it is a process by which the bank can call in the full principal of a note based on a 3- to 5-year mortgage contract that they have drawn with an individual. You are now telling me that you favor that particular amendment. Is that correct? You favor that being taken out of the bill and they now have the opportunity to call such notes in. Is that correct?

Mr. L. E. SMITH. Mr. Speaker, those provisions that Representative Laughlin refers to have been permitted in the Banking Code since 1933. They are done within the parameters of section 310 of the Banking Code of 1965.

Mr. LAUGHLIN. Mr. Speaker, when you say they are permitted, you are well aware that the only time that those types of mortgages commenced were when this Federal Government of ours, through the Federal Mortgage Loan Board, decided that such particular instruments were going to be allowed to be used by Federal banks. They were not at that time used in any way by State banks here in Pennsylvania.

Now, the question I had asked you, are you aware, Mr. Speaker, of some of the problems that have developed with people losing their homes in the State of New York, where these balloon mortgages have been utilized and have now been called in at double the face rate that they were originally given at, from 8 and 9 percent up to 17 percent today? Is that what you are suggesting that the people of Pennsylvania be forced to accept?

Mr. L. E. SMITH. Mr. Speaker, the gentleman is referring to savings and loan associations in New York State.

Mr. LAUGHLIN. No, Mr. Speaker. I am talking about banks in Buffalo, not savings and loans. They are banks, sir; they are not savings and loans. They are commercial banks.

Now you are offering the same type of consideration here today, and you are supporting it when you offer to concur in the Senate amendments that have now restored that provision

by taking away that section that we adopted previously to protect the people in the purchase of a home.

Mr. L. E. SMITH. Mr. Speaker, I would rather not argue about the State of New York. What we are dealing with here are State-chartered banks, and we have nothing to do with the national banks in the amendment. Now, are there any cases where national banks have done that in Pennsylvania? I do not know of any.

Mr. LAUGHLIN. Mr. Speaker, all I can say then is it seems rather strange to those of us who worked so hard to get that protection offered in that legislation that you would now turn around and turn your back on the protections that were offered for the people in this State and that you would now support such a move by the Senate. Mr. Speaker, I do not believe that that is in good faith either. I thank you very much.

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

Mr. LEVIN. I am sorry that we have to continue to talk on this subject so late when obviously everybody is tired and would like to go home, but we fought—and many of you supported us because it made good sense for the citizens of Pennsylvania—to include in this bill a number of provisions, all of which have been taken out. I will not go over all of them again, but I want you to understand that if you vote for concurrence, you are voting to allow the State banks to include a provision in a residential mortgage—regular home now; we are not talking about commercial mortgages; we are not talking about apartment houses; we are talking about the kinds of mortgages that your citizens and mine go out and get—they are permitted to have a clause that says this loan may be accelerated at the lender's option. That means that they can give you a mortgage, put that clause in the fine print, and one day when interest rates go up, simply blow a whistle and tell you, come on in here, fella, your mortgage is due, and if you do not want to do it, go to another bank and pay points, pay a lender's fee, pay service charges, pay all the things that make settlement expensive all over again. You know and I know what will happen. Your constituent and mine will have no choice; he will not be able to renegotiate at that point, and he will be obligated to take whatever they offer him.

Now, we fought a battle here and we were successful, not because the Democrats did this but because the members of this legislature, on a bipartisan basis, understood that this was bad for Pennsylvania. The Senate for some reason decided that they could get through this House and took this out. I would hope that you would look at the bill and vote as you did the first time, and the only way to do that is to nonconcur, send it to a conference committee, and you can be sure that the bill will come back with that demand clause out of it.

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

I rise to ask for nonconcurrence in the Senate amendments. Mr. Speaker, during the long debate, as the chairman of the Business and Commerce Committee has correctly pointed

out, we considered this bill at great length. However, the decision of the overwhelming majority of this body was that there should be some cap on the amount by which the interest rate could vary over the life of the mortgage, and the amendment which started us moving in that direction came from the Republican side of the aisle, and my recollection is it came from the gentleman, Mr. Alden. That amendment was subsequently extended throughout the bill by amendments from other members, and there was some question about the ambiguity and whether it really was a restriction to 5 percent over the life of the mortgage or whether it was over the life of the loan, and there was some legislative intent discussed on this floor.

The Senate has taken that Alden language out, and it has said that if you have a 30-year mortgage with 5-year payments, 5-year loans, the maximum by which your interest rate can increase over the life of the mortgage is not 5 percent but 25 percent, Mr. Speaker. I urge the members to take that into consideration and remember their overwhelming support for these minimum protections which we put into this bill many months ago. Thank you.

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, Mr. Smith reminded us a moment ago that we worked for 3 long days on this piece of legislation. I myself am reminded of one important matter here, and that is that it seems that the Senate and the banking industry exert such an influence and handle such a power of persuasion that they care very little over the actions that you and I take here on certain matters. Each and every speaker before me presented to you sufficient reason of why we should not allow this bill to become law. The reason that I give you might seem somewhat unimportant, somewhat small, but it was the will of the majority of the people when this bill went over to the Senate that we should not allow these banking institutions to charge our senior citizens for cashing their checks. I insist that the banking industry not only wants it their way, they want it all. I ask you to nonconcur.

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

Mr. L. E. SMITH. Mr. Speaker, just a couple of quick points.

As for the point that Representative Hutchinson raised, that safeguard is already taken into consideration in the truth-in-lending statement that is negotiated at the same time the mortgage is taken out.

Now, I want to remind the members once more that what we are dealing with here are only State-chartered banks. I think there are about 160 of those in the Commonwealth. You are not dealing with the national banks. What we have attempted to do is give the State-chartered banks the same competitive advantages that national banks have, and I want you to bear in mind that the consumer still makes the choice where he wants to do his business and how he wants to do it. There is nobody locked into doing business with a State-chartered bank. I would again urge your concurrence in the Senate action.

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—88

Alden	Foster, W. W.	Mackowski	Saurman
Anderson	Foster, Jr., A.	Madigan	Showers
Armstrong	Frazier	Maiale	Sieminski
Arty	Freind	Manmiller	Sirianni
Beloff	Gallen	Merry	Smith, B.
Bittle	Gannon	Micozzie	Smith, L. E.
Bowser	Geist	Miller	Snyder
Brandt	Gladeck	Moehlmann	Spencer
Burd	Grieco	Nahill	Spitz
Cessar	Gruppo	Noye	Stairs
Civera	Hagarty	Perzel	Sweet
Clymer	Hayes	Peterson	Swift
Cochran	Honaman	Phillips	Taylor, E. Z.
Cornell	Hutchinson, W.	Piccola	Vroon
Coslett	Jackson	Pitts	Wenger
DeVerter	Johnson	Pott	Weston
Daikeler	Kennedy	Rappaport	Wilson
Davies	Klingaman	Rasco	Wright, D. R.
Dietz	Kowalshyn	Reber	Wright, J. L.
Dininni	Lashinger	Rocks	
Donatucci	Levi	Rybak	Ryan,
Dorr	Lewis	Salvatore	Speaker
Durham	McClatchy		

NAYS—107

Barber	Fargo	Livengood	Ritter
Belardi	Fee	Lloyd	Serafini
Belfanti	Fleck	Lucyk	Seventy
Berson	Fryer	McCall	Shupnik
Blaum	Gallagher	McIntyre	Smith, E. H.
Borski	Gamble	McMonagle	Steighner
Boyes	George	McVerry	Stevens
Brown	Grabowski	Manderino	Stewart
Burns	Greenfield	Marmion	Stuban
Caltagirone	Greenwood	Michlovic	Swaim
Cappabianca	Gruitza	Miscevich	Taddonio
Cawley	Haluska	Morris	Taylor, F. E.
Cimini	Hasay	Mrkonic	Telek
Clark	Heiser	Murphy	Tigue
Cohen	Hoeffel	O'Donnell	Trello
Colafrella	Horgos	Olasz	Van Horne
Cole	Hutchinson, A.	Oliver	Wachob
Cordisco	Irvis	Pendleton	Wambach
Cowell	Itkin	Petrarca	Wargo
Cunningham	Kanuck	Petrone	Wass
DeMedio	Kolter	Pievsky	Wiggins
DeWeese	Kukovich	Pistella	Williams, H.
Dawida	Laughlin	Pratt	Williams, J. D.
Deal	Lehr	Pucciarelli	Wozniak
Dombrowski	Lescovitz	Punt	Wright, R. C.
Duffy	Letterman	Richardson	Zwikl
Evans	Levin	Rieger	

NOT VOTING—6

Gray	Mowery	White	Wogan
Harper	Mullen		

EXCUSED—2

Emerson	Fischer
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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.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The clerk of the Senate, being introduced, returned the following **HB 428, PN 2170**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the act of June 1, 1956 (1955 P. L. 1944, No. 655), referred to as the Liquid Fuels Tax Municipal Allocation Law, further providing for the use of the tax proceeds.

On the question,

Will the House concur in Senate amendments?

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

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for a nonconcurrence in the Senate amendments on HB 428. The Senate did change the bill significantly, but they omitted a portion of language that needs to be corrected and will have to be done in a conference committee. Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the minority leader.

Mr. IRVIS. Thank you, Mr. Speaker.

I, too, urge a vote of nonconcurrence.

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—0

NAYS—193

Alden	Fargo	Livengood	Saurman
Anderson	Fee	Lloyd	Serafini
Armstrong	Fleck	Lucyk	Seventy
Arty	Foster, W. W.	McCall	Showers
Barber	Foster, Jr., A.	McClatchy	Shupnik
Belardi	Frazier	McMonagle	Sieminski
Belfanti	Freind	McVerry	Sirianni
Beloff	Fryer	Mackowski	Smith, B.
Berson	Gallagher	Madigan	Smith, E. H.
Bittle	Gallen	Maiale	Smith, L. E.
Blaum	Gamble	Manderino	Snyder
Borski	Gannon	Manmiller	Spencer
Bowser	Geist	Marmion	Spitz
Boyes	George	Merry	Stairs
Brandt	Gladeck	Michlovic	Steighner
Brown	Grabowski	Micozzie	Stevens
Burd	Greenfield	Miller	Stewart
Burns	Greenwood	Miscevich	Stuban
Caltagirone	Grieco	Moehlmann	Swaim
Cappabianca	Gruitza	Morris	Sweet
Cawley	Gruppo	Mrkonic	Swift
Cessar	Hagarty	Murphy	Taddonio
Cimini	Haluska	Nahill	Taylor, E. Z.
Civera	Hasay	Noye	Taylor, F. E.
Clark	Hayes	O'Donnell	Telek
Clymer	Heiser	Olasz	Tigue
Cochran	Hoeffel	Oliver	Trello
Cohen	Honaman	Pendleton	Van Horne
Colafrella	Horgos	Perzel	Vroon
Coie	Hutchinson, A.	Peterson	Wachob
Cordisco	Hutchinson, W.	Petrarca	Wambach
Cornell	Irvis	Petrone	Wargo
Coslett	Itkin	Phillips	Wass
Cowell	Jackson	Piccola	Wenger
Cunningham	Johnson	Pievsky	Weston

DeMedio	Kanuck	Pistella	Wiggins
DeVerter	Kennedy	Pitts	Williams, H.
Daikeler	Klingaman	Pott	Williams, J. D.
Davies	Kolter	Pratt	Wilson
Dawida	Kowalshyn	Pucciarelli	Wogan
Deal	Kukovich	Punt	Wozniak
Dietz	Lashingier	Rappaport	Wright, D. R.
Dininni	Laughlin	Rasco	Wright, J. L.
Dombrowski	Lehr	Reber	Wright, R. C.
Donatucci	Lescovitz	Richardson	Zwikel
Dorr	Letterman	Ritter	
Duffy	Levi	Rocks	Ryan,
Durham	Levin	Rybak	Speaker
Evans	Lewis	Salvatore	

Will the House agree to the motion?
 Motion was agreed to, and at 6:12 p.m., e.d.t., the House adjourned.

NOT VOTING—8

DeWeese	Harper	Mowery	Rieger
Gray	McIntyre	Mullen	White

EXCUSED—2

Emerson Fischer

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.

SENATE MESSAGE

HOUSE BILL
 CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 395, PN 1572**, with information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

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

HB 395, PN 1572

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), entitled "An act providing for the payment of death benefits to the surviving spouse or children of firemen or law enforcement officers killed in the performance of their duties," extending the act to include volunteer firefighters, ambulance service or rescue squad members, changing the method of payment, making editorial changes and clarifying the effective date of the act.

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 none.

ADJOURNMENT

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

Mr. R. C. WRIGHT. Mr. Speaker, I move that this House do now adjourn until Tuesday, October 13, 1981, at 1 p.m., e.d.t.

On the question,