

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, APRIL 20, 1982

SESSION OF 1982

166TH OF THE GENERAL ASSEMBLY

No. 29

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

PRAYER

REV. CHARLES M. HEAPS, chaplain of the House of Representatives and pastor of First Lutheran Church of Chambersburg, Chambersburg, Pennsylvania, offered the following prayer:

Let us pray:

Holy and merciful God, of whom is all earthly rule and authority, look with favor upon the Governor and legislative body of this Commonwealth. Bless all who serve in public office, that under their direction this people may walk in the ways of Your commandments and be blessed with Your continued favor. In the name of our Lord. 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, April 19, 1982, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2414 By Representative MAIALE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, repealing provisions relating to tort claims brought against local governmental agencies and their officials.

Referred to Committee on JUDICIARY, April 19, 1982.

No. 2415 By Representatives PICCOLA, SIRIANNI, GALLEN and ZWIKL

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), empowering the Executive Board to set the salaries of the chairman and members of the Pennsylvania Board of Probation and Parole and making repeals.

Referred to Committee on JUDICIARY, April 19, 1982.

No. 2416 By Representatives WACHOB and GEORGE

An Act amending the "Highway Capital Budget Act for Fiscal Year 1981-1982," approved November 20, 1981 (P. L. 352, No. 128), adding a highway project in Elk County.

Referred to Committee on TRANSPORTATION, April 19, 1982.

SENATE BILLS FOR CONCURRENCE

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

SB 526, PN 538

Referred to Committee on LOCAL GOVERNMENT, April 19, 1982.

SB 527, PN 539

Referred to Committee on LOCAL GOVERNMENT, April 19, 1982.

SB 528, PN 540

Referred to Committee on URBAN AFFAIRS, April 19, 1982.

SB 810, PN 870

Referred to Committee on PROFESSIONAL LICENSURE, April 19, 1982.

SB 1119, PN 1326

Referred to Committee on PROFESSIONAL LICENSURE, April 19, 1982.

SB 1120, PN 1327

Referred to Committee on PROFESSIONAL LICENSURE, April 19, 1982.

SB 1315, PN 1821

Referred to Committee on INSURANCE, April 19, 1982.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 179 By Representatives KUKOVICH and A. K. HUTCHINSON

House memorialize Congress and President block proposed regulations decreasing Medicare reimbursement for Renal Disease.

Referred to Committee on FEDERAL-STATE RELATIONS, April 19, 1982.

### LEAVE 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.

There are no requests for leaves of absence for today.

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

Mr. IRVIS. Thank you, Mr. Speaker.

We request a leave for the gentleman from Philadelphia, Mr. SWAIM, for today's session.

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

### STATEMENT BY MR. GRUPPO

#### TERCENTENARY COMMITTEE ON THIS DAY IN HISTORY

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Gruppo, for the purpose of reciting today's "On This Day in History."

Mr. GRUPPO. Thank you, Mr. Speaker.

On this day in history, April 20, 1781, Col. Daniel Brodhead destroyed the Indian town of Coshocton.

Until December 1780 the Delaware Indians took no part as a nation in the warfare on the frontiers of Pennsylvania. The death of their chief, White Eyes, and promises and presents from the British persuaded the Delawares to join other hostile Indian tribes in the war against the colonists.

In February 1781 a council was held at Coshocton, and the Delawares voted to join in warfare on the borders of Pennsylvania and Virginia.

Killbuck, who became the chief of the Delawares after the death of White Eyes, soon found he was representing a small minority of his nation which did not want war.

Fearing for his life, Chief Killbuck left the tribe and informed Colonel Brodhead of the hostile action of the council at Coshocton. The colonel at once determined to attack and punish the Delawares. The Pennsylvania government gave him assistance and provisions.

His plan was to take the village of Coshocton by surprise. Although it took 10 days to reach the village, the Delawares were surprised. They had not believed that the Americans would act so promptly, and because of bad weather they had not sent out scouts. Some of the chiefs were also at Detroit at a council with the British governor.

The braves who were at Coshocton were killed, and the village was burned. As a result of the Coshocton campaign, the Delawares migrated westward.

Thank you, Mr. Speaker.

### WELCOMES

The SPEAKER. We have a number of guests in the House today. The Speaker will attempt to recognize these various guests.

The Chair is pleased to welcome to the hall of the House today a group of students from the Haverford Senior High School, accompanied by their teachers, Miss Anne Gilbert and Mr. Jack Van Roden. These guests are seated in the balcony, here today as the guests of Representative Freind of Delaware County.

Here today as the guests of Representative Taddonio of Allegheny and Westmoreland Counties, the Chair is pleased to welcome Rene Rumon, Lanie Hoover, and Stan Studinarz, students from Franklin Regional High School, and their teacher, Mr. James McLaughlin.

A group of students from the Hazleton and West Hazleton High Schools are here today with their instructors, Mr. John and Miss Drumtra, here today as the guests of Representative Corry Stevens.

The Chair takes this opportunity to apologize for any mispronunciation of the names of any of our guests, and since so many of them are the teachers' names, I would suggest that perhaps these teachers take the time to instruct our members in proper penmanship.

Here today as the guest of Representative Evans of Philadelphia is Mr. Geoffrey P. Lamdin.

From Mount Carmel, as the guest of Representative Belfanti, is Fabian Schoffler.

A group is here from the Blair County 4-H Club - Mr. Frank X. Simmons, the 4-H coordinator; Christopher Hoppel; and Dave Hileman - here today as the guests of Representative Johnson.

### FILMING PERMISSION GRANTED

The SPEAKER. The Chair has given permission to a group of photographers to take pictures of the performance which is about to be done here on the floor.

Does the gentleman from Lehigh, Mr. Ritter, desire recognition?

Mr. RITTER. Mr. Speaker, at the appropriate time I would request unanimous consent to make a brief statement.

The SPEAKER. The Chair will recognize the gentleman. Thank you.

### STUDENTS FROM THE PENNSYLVANIA SCHOOL FOR THE DEAF PRESENTED

The SPEAKER. The Chair at this time recognizes the gentleman from Philadelphia, Mr. Rocks.

Mr. ROCKS. Thank you, Mr. Speaker.

Mr. Speaker, 3 years ago in our House of Representatives it was very much our distinguished honor to begin for the first time in the Nation, in any legislature, a program that would include in our student page program deaf students.

It has been my particular pleasure to have students from the Pennsylvania School for the Deaf participate each of these 3 years, and as was announced to us yesterday, Celine and Laura and Jesse and Paul, high school students from PSD, have been with us this week as pages. With the cooperation of the entire House, we have been able to make a special presentation possible today from PSD.

I will tell you very briefly that the School for the Deaf, in addition to the Western School for the Deaf in the western part of our State and the Scranton School for the Deaf, provides us in Pennsylvania with the finest education available to hearing-impaired students. The chartered schools in particular have over a 160-year history with the Commonwealth, and as you know, we have been through some legislative fights in here to make sure that we can continue that education.

Today the Rainbow Connection, which is the choir performing at the Pennsylvania School for the Deaf, is going to perform before us, under the direction of Cathy Rhoten, Cindy Saroglia, and Peggy Cavangh. I now have the great honor to present to you for a very brief presentation, the Rainbow Connection, the deaf choir from the Pennsylvania School for the Deaf.

(A musical program was presented in American Sign Language.)

Mr. ROCKS. The very special students and extraordinary performers are sophomores, juniors, and seniors at the Pennsylvania School for the Deaf.

I do not think I have to tell you that this is a very special week for the students and families of PSD, and with the permission of the Speaker, we are now going to present two resolutions, and I would ask to come forward the headmaster of the School for the Deaf, Mr. Joe Finnegan; the assistant headmaster, Mr. Don Rhoten; and with him two students, John Oliver of Philadelphia and Sara Wummer of Sinking Springs, Pennsylvania.

Last July at the World Games for the Deaf, where the finals were in Cologne, West Germany, two students from PSD were Gold Medal Olympians. John Oliver was the Gold Medalist in the 4x100 meter relay, and Sara Wummer, whom you have already seen perform, was on the U.S. Gold Medal women's basketball team and is one heck of a basketball player. I have seen her play.

Today from the House of Representatives, from each of you recognizing them, I would like to present the following citations.

Whereas, John Oliver, a 1980 graduate of the Pennsylvania School for the Deaf, was a member of the United States men's 4x100 relay team which won the gold medal at the Fourteenth World Games for the Deaf held in Cologne, West Germany from July 23, 1981 to August 1, 1981. Approximately one hundred-fifty deaf American athletes participated in the Olympics with the United States team leading the forty-five other member nations in the total number of medals won.

Now therefore, The House of Representatives of the Commonwealth of Pennsylvania, extends hearty congratulations to John Oliver on his outstanding success at the Fourteenth World Games for the Deaf

and wishes him continued success in his future endeavors.

John, from the Speaker, myself, and the entire membership of this House, congratulations to you.

Whereas, Sara Wummer, a 1982 graduate of the Pennsylvania School for the Deaf, was a member of the United States Women's Basketball Team which won the gold medal at the Fourteenth World Games for the Deaf held in Cologne, West Germany from July 23, 1981 to August 1, 1981. Approximately one hundred-fifty deaf American athletes participated in the Olympics with the United States team leading the forty-five other member nations in the total number of medals won.

Now therefore, The House of Representatives of the Commonwealth of Pennsylvania, extends hearty congratulations to Sara Wummer on her outstanding success at the Fourteenth World Games for the Deaf and wishes her continued success in her future endeavors.

Sara, from this entire House, from its Speaker and from myself, congratulations and thank you for everything you have been at PSD.

You have met the headmaster and the assistant headmaster. I would just ask you to help me in also thanking Norman Hawkes, the athletic director of the School for the Deaf, who is in the rear, and a couple of other people - Patrick Gore, who has been our interpreter here all week who is a teacher at the School for the Deaf; Alex Johnson, who is my interpreter today; and a wonderful, wonderful group of parents from the Pennsylvania School for the Deaf. I know what this day has meant to the PSD family. I thank you, Mr. Speaker, and I thank the indulgence of the membership of the House.

I think we have seen what a great thing we are about in the State of Pennsylvania when it comes to the education of deaf students. Thank you very much.

The SPEAKER. It is not the intention of the Chair to comment on the proceedings other than to say that during my 20-year tenure this was probably the most moving experience that I have had on the floor from any of the many performers who have been here and have graced this chamber.

**MASTER ROLL CALL RECORDED**

The SPEAKER. The Chair is about to take today's master roll call. Members will proceed to vote.

The following roll call was recorded:

**PRESENT—191**

Anderson	Fee	Lewis	Salvatore
Armstrong	Fischer	Livengood	Saurman
Arty	Fleck	Lloyd	Serafini
Barber	Foster, W. W.	Lucyk	Seventy
Belardi	Foster, Jr., A.	McClatchy	Showers
Belfanti	Frazier	McIntyre	Shupnik
Beloff	Freind	McMonagle	Sieminski
Berson	Fryer	McVerry	Sirianni
Bittle	Gallagher	Mackowski	Smith, B.
Blaum	Gamble	Madigan	Smith, E. H.
Borski	Gannon	Maiale	Smith, L. E.
Bowser	Geist	Manderino	Snyder
Boyes	George	Manmiller	Spencer
Brandt	Gladeck	Marmion	Spitz
Brown	Grabowski	Merry	Stairs

Burd	Gray	Michlovic	Steighner
Burns	Greenfield	Micozzie	Stevens
Caltagirone	Greenwood	Miller	Stewart
Cappabianca	Grieco	Moehlmann	Stuban
Cawley	Gruitzza	Morris	Sweet
Cessar	Gruppo	Mowery	Swift
Cimini	Hagarty	Mrkonie	Taddonio
Civera	Haluska	Mullen	Taylor, E. Z.
Clymer	Harper	Murphy	Taylor, F. E.
Cochran	Hasay	Nahill	Telek
Cohen	Hayes	O'Donnell	Tigue
Colafrèlla	Heiser	Oliver	Trello
Cole	Hoeffel	Pendleton	Van Horne
Cornell	Honaman	Perzel	Vroon
Coslett	Horgos	Peterson	Wachob
Cowell	Hutchinson, A.	Petrone	Wambach
Cunningham	Irvis	Phillips	Wargo
DeMedio	Itkin	Piccola	Wass
DeVerter	Jackson	Pievsky	Wenger
DeWeese	Johnson	Pistella	Weston
Daikeler	Kanuck	Pitts	Wiggins
Davies	Kennedy	Pott	Williams, H.
Dawida	Klingaman	Pratt	Williams, J. D.
Deal	Kolter	Pucciarelli	Wilson
Dietz	Kowalyszyn	Punt	Wogan
Dininni	Kukovich	Rappaport	Wozniak
Dombrowski	Lashingier	Rasco	Wright, D. R.
Donatucci	Laughlin	Reber	Wright, J. L.
Dorr	Lehr	Richardson	Wright, R. C.
Duffy	Lescovitz	Rieger	Zwilk
Durham	Letterman	Ritter	
Emerson	Levi	Rocks	Ryan,
Evans	Levin	Rybak	Speaker
Fargo			

ADDITIONS—5

Clark	Gallen	Olasz	Petrarca
Cordisco			

NOT VOTING—1

Alden

EXCUSED—3

Miscevich	Noye	Swaim
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CALENDAR

**BILLS AGREED TO ON SECOND CONSIDERATION**

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

**HB 1340, PN 3134; SB 563, PN 1810; HB 2304, PN 2995; HB 2370, PN 3139; SB 939, PN 1817; SB 1300, PN 1818; and HB 2351, PN 3068.**

\* \* \*

The House proceeded to second consideration of **SB 600, PN 1836**, entitled:

An Act regulating the practice and licensure of occupational therapy, creating the State Board of Occupational Therapy Education and Licensure with certain powers and duties and prescribing penalties.

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 SB 600 be recommended to the Committee on Appropriations for a fiscal note.

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

\* \* \*

The House proceeded to second consideration of **SB 1057, PN 1837**, entitled:

An Act amending the act of January 24, 1966 (1965 P. L. 1527, No. 535), entitled "Landscape Architects' Registration Law," further regulating the practice of landscape architecture; providing a repeal and providing penalties.

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 SB 1057 be recommended to the Committee on Appropriations for a fiscal note.

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 Bucks, Mr. Cordisco; the gentleman from Westmoreland, Mr. Petrarca; the gentlemen from Allegheny, Mr. Olasz and Mr. Clark, who ask that their names be added to the master roll call.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 846, PN 922**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for the appropriation of funds to meet the expense of publishing constitutional amendments in accordance with Article XI of the Constitution of Pennsylvania.

On the question,  
Will the House agree to the bill on third consideration?  
Mr. GLADECK offered the following amendments No. A6684:

- Amend Title, page 1, line 11, by inserting after "elections," " further providing for the qualifications of election officers and
- Amend Sec. 1, page 1, line 17, by striking out "The" and inserting  
Section 402,
- Amend Sec. 1, page 1, lines 18 and 19, by striking out "by adding a section"
- Amend Bill, page 1, by inserting between lines 19 and 20

Section 402. Qualifications of Election Officers.—Election officers shall be qualified registered electors of the district in which they are elected or appointed. No person shall be qualified to serve as an election officer who shall hold, or shall within two months have held, any office, appointment or employment in or under the Government of the United States or of this State or of any city, county, borough, township, incorporated town, school district,] or county or poor district, of any municipal board, commission or trust in any city, save only [justices of the peace and aldermen,] district justices, notaries public and persons in the militia service of the State; nor shall any election officer be eligible to any civil office to be voted for at a primary or election at which he shall serve, except that of an election officer.

Section 2. The act is amended by adding a section to read:  
Amend Sec. 2, page 2, line 5, by striking out "2" and inserting

3

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

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

Mr. GLADECK. Thank you, Mr. Speaker.

This amendment is identical to HB 1437, which passed the House several months ago and was stripped for the congressional reapportionment. What it does is it allows teachers to serve as election officers upon election, and it allows the Election Code to become identical to the Constitution in the verbiage.

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

The following roll call was recorded:

YEAS—190

Anderson	Evans	Levin	Rybak
Armstrong	Fargo	Lewis	Salvatore
Arty	Fee	Livengood	Saurman
Barber	Fischer	Lloyd	Serafini
Belardi	Fleck	Lucyk	Seventy
Belfanti	Foster, W. W.	McClatchy	Showers
Beloff	Foster, Jr., A.	McIntyre	Shupnik
Berson	Frazier	McMonagle	Sieminski
Bittle	Freind	McVerry	Sirianni
Blaum	Fryer	Madigan	Smith, B.
Borski	Gallagher	Maiale	Smith, E. H.
Bowser	Gamble	Manderino	Smith, L. E.
Boyes	Gannon	Manmiller	Spencer
Brandt	Geist	Marmion	Spitz
Brown	George	Merry	Stairs
Burd	Gladeck	Michlovic	Streighner
Burns	Grabowski	Micozzie	Stevens
Caltagirone	Gray	Miller	Stewart
Cappabianca	Greenfield	Moehlmann	Stuban
Cawley	Greenwood	Morris	Sweet
Cessar	Grieco	Mowery	Swift
Cimini	Gruitza	Mrkonic	Taddonio
Civera	Gruppo	Murphy	Taylor, E. Z.
Clark	Hagarty	Nahill	Taylor, F. E.
Clymer	Haluska	O'Donnell	Telek
Cochran	Harper	Olasz	Tigue
Cohen	Hasay	Oliver	Trello
Coiafella	Hayes	Pendleton	Van Horne
Cole	Heiser	Perzel	Vroon
Cordisco	Hoefel	Peterson	Wachob
Cornell	Honaman	Petrarca	Wambach
Coslett	Horgos	Petrone	Wargo
Cowell	Hutchinson, A.	Phillips	Wass
Cunningham	Irviss	Piccola	Wenger
DeMedio	Itkin	Pievsky	Weston
DeVerter	Jackson	Pistella	Wiggins

DeWeese	Johnson	Pitts	Williams, H.
Daikeler	Kennedy	Pott	Williams, J. D.
Davies	Klingaman	Pratt	Wilson
Dawida	Kolter	Pucciarelli	Wogan
Deal	Kowalshyn	Punt	Wozniak
Dietz	Kukovich	Rappaport	Wright, D. R.
Diminni	Lashingier	Rasco	Wright, J. L.
Dombrowski	Laughlin	Reber	Wright, R. C.
Donatucci	Lehr	Richardson	Zwikl
Dorr	Lescovitz	Rieger	
Duffy	Letterman	Ritter	Ryan,
Durham	Levi	Rocks	Speaker

NAYS—0

NOT VOTING—7

Alden	Gallen	Mackowski	Snyder
Emerson	Kanuck	Mullen	

EXCUSED—3

Miscevich	Noye	Swaim
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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?

Mr. HALUSKA offered the following amendments No. A6420:

Amend Title, page 1, line 11, by inserting after "exceptions," providing for compensation of election officers and

Amend Bill, page 1, by inserting between lines 16 and 17

Section 1. Section 412, act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code," is repealed.

Section 2. The act is amended by adding a section to read:

Section 412.1. Compensation of Election Officers.—(a) In all counties, the compensation of judges, inspectors, clerks and machine inspectors shall be fixed by the county board of elections of the county at not less than the following: judge of elections, forty-five dollars (\$45.00); inspectors and clerks, forty dollars (\$40.00); and machine operators, forty dollars (\$40.00); and not more than the following: judge of elections, seventy dollars (\$70.00); inspectors and clerks, sixty-five dollars (65.00) and machine operators sixty-five dollars (\$65.00); for each primary and election. The county board of elections may, in its discretion, establish different per diem rates within the above mentioned minima and maxima based on the number of votes cast for the following groups: 150 votes or less, 151 to 300 votes, 301 to 500 votes, 501 to 750 votes, 751 and over.

(b) For transmitting returns of primaries and elections and the ballot box or boxes, all judges of elections shall each be entitled to receive the additional sum of six dollars (\$6.00).

(c) In counties of the second through eighth classes, the county board of elections may require the minority inspector of elections to accompany the judge of elections in transmitting returns of primaries and elections, in which case the minority inspector of elections shall be entitled to receive the additional sum of six dollars (\$6.00).

(d) The person furnishing transportation to the judge of election and the minority inspector in transmitting returns and ballot boxes, shall be entitled to a minimum of twenty cents (.20¢) per mile circular from the polling place to the county courthouse. The name of such person shall appear on the voucher of the judge of election and only one person shall receive mileage compensation.

(e) When a primary and special election or a special and general or municipal election take place on the same day, they shall be construed as one election for the purpose of receiving compensation.

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

3

Amend Sec. 1, page 1, lines 17 and 18, by striking out "of June 2, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code," "

Amend Sec. 2, page 2, line 5, by striking out all of said line and inserting

Section 4. Sections 1 and 2 of this act shall take effect in 60 days and section 3 of this act shall take effect immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, this amendment sort of updates the salary scales as well as the categories for poll workers on election day. Over the past years we have had considerable complaints from poll workers that the compensation is not commensurate with the hours that they have to put in, and it has been found very difficult to induce people to take these positions in many of the rural areas. So this particular amendment increases the maximum from \$40 to \$70 in most cases that the commissioners may select to pay these particular workers. It also increases the mileage, places a 20-cent minimum on the mileage. In addition to that, it also upgrades the pay scale for transporting the ballots from \$3 to \$6.

I think this is a piece of legislation that is much overdue. To keep our system functioning at the polls, I think we should pass this amendment, and I would ask for your support.

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

Mr. WASS. Mr. Speaker, may I interrogate the sponsor of the amendment?

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

Mr. WASS. Mr. Speaker, the cost would fall on the counties, evidently. Do you have some knowledge of the cost?

Mr. HALUSKA. No. We have kept the minimum at the same level, so it is up to the counties to determine what they can afford to pay. I mean, some of them have previously, as I understand, increased this on their own, but we have no estimate because it would be determined on what maximum would be paid by each respective county.

Mr. WASS. Mr. Speaker, you mean that you have increased the maximum allowable?

Mr. HALUSKA. That is correct.

Mr. WASS. And it is a "may" provision?

Mr. HALUSKA. Yes; that is correct.

Mr. WASS. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—178

Anderson	Evans	Levi	Rybak
Armstrong	Fargo	Levin	Salvatore
Arty	Fee	Livengood	Serafini
Barber	Fischer	Lloyd	Seventy
Belardi	Foster, W. W.	Lucyk	Showers

Beloff	Foster, Jr., A.	McClatchy	Shupnik
Berson	Frazier	McIntyre	Sirianni
Bittle	Freind	McMonagle	Smith, B.
Blaum	Fryer	McVerry	Smith, E. H.
Borski	Gallagher	Mackowski	Smith, L. E.
Bowser	Gallen	Madigan	Snyder
Boyes	Gamble	Maiale	Spencer
Brandt	Gannon	Manmiller	Stairs
Brown	Geist	Marmion	Steighner
Burns	George	Merry	Stevens
Caltagirone	Gladeck	Michlovic	Stewart
Cappabianca	Gray	Micozzie	Stuban
Cawley	Greenfield	Miller	Sweet
Cessar	Greenwood	Moehlmann	Swift
Cimini	Grieco	Morris	Taddonio
Civera	Gruitza	Mowery	Taylor, E. Z.
Clark	Gruppo	Mrkonie	Taylor, F. E.
Clymer	Hagarty	Mullen	Telek
Cochran	Haluska	Murphy	Tigue
Cohen	Harper	O'Donnell	Trello
Colafella	Hasay	Olasz	Van Horne
Cole	Hayes	Oliver	Vroon
Cordisco	Hoeffel	Pendleton	Wachob
Coslett	Honaman	Perzel	Wambach
Cowell	Horgos	Peterson	Wargo
Cunningham	Hutchinson, A.	Petrarca	Wass
DeMedio	Irvis	Petrone	Wenger
DeVerter	Itkin	Phillips	Weston
DeWeese	Jackson	Piccola	Wiggins
Davies	Johnson	Pievskey	Williams, H.
Dawida	Kennedy	Pistella	Williams, J. D.
Deal	Klingaman	Pratt	Wilson
Dietz	Kolter	Pucciarelli	Wogan
Dininni	Kowalyszyn	Punt	Wozniak
Dombrowski	Kukovich	Rappaport	Wright, D. R.
Donatucci	Lashinger	Reber	Wright, J. L.
Dorr	Laughlin	Richardson	Zwinkl
Duffy	Lehr	Rieger	
Durham	Lescovitz	Ritter	Ryan,
Emerson	Letterman	Rocks	Speaker

NAYS—12

Cornell	Grabowski	Nahill	Saurman
Daikeler	Heiser	Pitts	Sieminski
Fleck	Lewis	Pott	Spitz

NOT VOTING—7

Alden	Burd	Manderino	Wright, R. C.
Belfanti	Kanuck	Rasco	

EXCUSED—3

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

On the question recurring,

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

Mr. GALLEN offered the following amendments No. A7058:

Amend Title, page 1, line 12, by striking out "expense" and inserting

expenses of special elections; the expense

Amend Title, page 1, line 14, by removing the period after "Pennsylvania" and inserting and making a repeal.

Amend Bill, page 1, by inserting between lines 16 and 17

Section 1. Subsection (a) of section 305, act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code," amended December 27, 1965 (P.L.1226, No.500), is amended to read:

Section 305. Expenses of County Boards and of Primaries and Elections to Be Paid by County; Expenses of Special Elections; Boards to Be Provided with Offices.—

(a) The county commissioners or other appropriating authorities of the county shall appropriate annually, and from time to time, to the county board of elections of such county, the funds that shall be necessary for the maintenance and operation of the board and for the conduct of primaries and elections in such county, including the payment of the compensation of the employes of the board, custodians, election officers, and other assistants and employes herein provided for, and the fees of witnesses as herein provided; for the purchase or printing, under contracts made by the board, of all ballots and other primary and election supplies required by this act, or which the board shall consider necessary to carry out the provisions of this act; for the purchase, under contracts made by the board, and maintenance, of voting machines, when adopted as herein provided, and of all other primary and election equipment required by this act, or which the board shall consider necessary to carry out the provisions of this act; for the publication of notices authorized by this act, under contracts made by the board, and for all other necessary expenses hereunder: Provided, however, That bonds or other evidences of indebtedness, payable not later than thirty years from their dates of issuance, may be issued by the county commissioners or other appropriating authorities of the county in accordance with the provisions of law relating to the increase of indebtedness of such county, to meet all or any part of the cost of voting machines.

1. The county shall be liable for the expenses of holding special elections for any city, borough, township, school district or other municipality or incorporated district contained therein, which is held on the day of any general, municipal or primary election, and on any special question which is required by law to be, or which is, at the discretion of the county board, as hereinafter provided, printed on the regular ballot after the list of the candidates, or on the same voting machine as the list of candidates.

2. Any city, borough, township, school district or other municipality or incorporated district contained in any county, holding a special election, as authorized by law, on the question of increase of indebtedness or any other question to be voted on by the electors of such subdivision, which special election is held on the day of any general, municipal or primary election and which is required by law to be conducted or at the discretion of the county board, as hereinafter provided, is conducted by special ballots for such question, shall be liable to the county for the expenses necessarily incurred in the printing of such special ballots.

3. If any other day than the day of any general, municipal or primary election be fixed by the corporate authorities of any municipality, school district or incorporated district for the holding of a special election on the question of increase of indebtedness or any other question, as authorized by law, such municipality, school district or incorporated district shall be liable for and pay the entire expense of holding such election, including the cost of printing ballots and supplies, pay of election officers, the rental of polling places, and the cost of canvassing and computing the votes cast.

4. The Department of State shall reimburse county boards of election for those additional costs incurred by the county for any special election held to fill a vacancy in the Pennsylvania General Assembly. Only those costs which are attributable solely to the special election shall be reimbursed. Reimbursement shall not be denied because the special election is held on the same day as a general, municipal or primary election if the county can show that additional costs were incurred attributable solely to the special election. The Governor may, from time to time, allocate to the Department of State as much money from the General Fund as he deems necessary to permit the department to reimburse the counties for costs incurred in the special elections.

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

2

Amend Sec. 1, page 1, lines 17 and 18, by striking out "of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code," "

Amend Bill, page 2, by inserting between lines 4 and 5

Section 3. Section 803.1, act of April 9, 1929 (P.L.177, No.175), Known as "The Administrative Code of 1929," is repealed.

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

4

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

**MEMBER'S PRESENCE RECORDED**

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

**CONSIDERATION OF SB 846 CONTINUED**

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

Mr. GALEN. Mr. Speaker, what this says is that the cost of special elections shall be reimbursed by the Commonwealth. Mr. Speaker, I ask for adoption of the amendment.

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

The following roll call was recorded:

**YEAS—190**

Anderson	Fargo	Levin	Rocks
Armstrong	Fee	Lewis	Rybak
Arty	Fischer	Livengood	Salvatore
Barber	Fleck	Lloyd	Saurman
Belardi	Foster, W. W.	Lucyk	Serafini
Bellant	Foster, Jr., A.	McClatchy	Seventy
Beloff	Frazier	McIntyre	Showers
Berson	Freind	McMonagle	Shupnik
Bittle	Fryer	McVerry	Sieminski
Blagum	Gallagher	Mackowski	Sirianni
Borski	Gallen	Madigan	Smith, B.
Bowser	Gamble	Maiale	Smith, E. H.
Boyes	Gannon	Manderino	Smith, L. E.
Brandt	Geist	Manmiller	Snyder
Brown	George	Marmion	Spencer
Burd	Gladeck	Merry	Spitz
Burns	Grabowski	Michlovic	Stairs
Caltagirone	Gray	Micozzie	Steighner
Cappabianca	Greenfield	Miller	Stevens
Cawley	Greenwood	Moehlmann	Stewart
Cessar	Grieco	Morris	Stuban
Cimini	Gruitza	Mowery	Sweet
Civera	Gruppo	Mrkonc	Swift
Clark	Hagarty	Mullen	Taddonio
Clymer	Haluska	Murphy	Taylor, E. Z.
Cochran	Harper	O'Donnell	Taylor, F. E.
Cohen	Hasay	Olasz	Telek
Colafella	Hayes	Oliver	Tigue
Cole	Heiser	Pendleton	Trello
Cornell	Hoeffel	Perzel	Van Horne
Coslett	Honaman	Peterson	Vroon
Cowell	Horgos	Petrarca	Wachob
Cunningham	Hutchinson, A.	Petrone	Wambach
DeMedio	Ivis	Phillips	Wargo

DeVerter	Itkin	Piccola	Wass
DeWeese	Jackson	Pievsky	Wenger
Daikeler	Johnson	Pistella	Weston
Davies	Kennedy	Pitts	Wiggins
Dawida	Klingaman	Pott	Williams, H.
Deal	Koiter	Pratt	Wilson
Dietz	Kowalyshyn	Pucciarelli	Wogan
Dininni	Kukovich	Punt	Wozniak
Dombrowski	Lashingier	Rappaport	Wright, D. R.
Donatucci	Laughlin	Rasco	Wright, J. L.
Dorr	Lehr	Reber	Zwikl
Duffy	Lescovitz	Richardson	
Durham	Letterman	Rieger	Ryan,
Evans	Levi	Ritter	Speaker

NAYS—0

NOT VOTING—7

Alden	Emerson	Nahill	Wright, R. C.
Cordisco	Kanuck	Williams, J. D.	

EXCUSED—3

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

**WELCOMES**

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Mr. Bill Frank, vice president of Crucible Steel, here today as the guest of the delegation from Beaver County.

The Chair is pleased to welcome to the hall of the House today a guest from Malmo, Sweden, Staffan Tillander, a Penn State exchange student, here as the guest of Representative Davies of Berks County.

The Chair is pleased to welcome a group from the State of California, the nieces and nephews of one of our members, the Honorable George Jackson. They are Gerald Sickafoose, Connie, Todd, and Mark.

**CONSIDERATION OF SB 846 CONTINUED**

On the question recurring,

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

Mr. PRATT offered the following amendments No. A6999:

Amend Title, page 1, line 14, by removing the period after "Pennsylvania" and inserting and extending the time for petitions to open ballot boxes or voting machines in cases of error or fraud.

Amend Bill, page 2, by inserting between lines 4 and 5

Section 2. Subsection (a) of section 1703 of the act is amended to read:

Section 1703. Correction of Returns; Decision Not to Be Final; Evidence for Prosecution.—

(a) (1) Any petition to open a ballot box or to recanvass the votes on a voting machine pursuant to sections 1701 and 1702 shall be filed no later than five (5) days after the completion of the computational canvassing of all returns of the county by the county board. If any error or fraud is found the court shall grant the interested parties an additional five (5) days to file petitions requesting additional ballot boxes to be opened or voting machines to be recanvassed. (2) If any petition to open a ballot

box or to recanvass the votes on a voting machine shall have been presented, under the provisions of sections 1701 and 1702 of this act[, before the certification of all the returns of the county, and, in no event, later than five (5) days after the completion of the computation and canvassing of all the returns of the county by the county board,] and the court shall discover therein any fraud or error, the court shall correct, compute and certify to the county board the votes justly, regardless of any fraudulent or erroneous entries made by the election officers thereof, and the county board shall correct accordingly any entries previously made in the returns of the county being prepared by it, or which have been prepared and not yet certified.

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

3.

On the question,

Will the House agree to the amendments?

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

Mr. PRATT. Thank you, Mr. Speaker.

I offer this amendment, Mr. Speaker, to correct what I consider to be a deficiency in the Election Code at the present time. Mr. Speaker, under present law, if a candidate alleges serious error or fraud in the computation of the results of an election in a particular electoral district, he obtains the signatures of three electors in that district and petitions the county board of elections to have a recount of all of the ballot boxes or machines or some of them, and he must do this within 5 days from the date that the county board of elections certifies the election count. That is the first way a candidate can have a recount of all or some of the ballot boxes or machines. The second way, Mr. Speaker, is to directly petition the court within 20 days after the election, and then there are appeal procedures.

There is a deficiency, Mr. Speaker, and I would like to explain the deficiency in the code by giving an example. You have two candidates, A and B. Candidate A loses an election by 100 votes in a particular electoral district. He petitions or she petitions the county board of elections within the 5-day limit under the code to have half the ballot boxes or machines reopened. It turns out that after the recount candidate A wins by 20 votes, and here is candidate B sitting back, and he or she did not ask for a recount because he or she won, but that candidate B who lost after the recount is without recourse. He or she cannot go back to the board of elections to open the rest of the ballot boxes or machines, nor can that candidate petition the court to have the rest of the ballot boxes or machines reopened, because the court cases in Pennsylvania have clearly stated that to do so would be within the discretion of the court, which the court does not have, because this procedure for recount is strictly statutory and the Election Code now is silent with respect to that problem.

The reason I offer this amendment, Mr. Speaker, is to correct a problem which occurred in Lawrence County in the November election in a magisterial district race. The amendment states that if such a hypothetical would occur, any candidate after the initial recount will have 5 days from that date to petition to have the remainder, if any, of the ballot boxes or machines recounted.



I hope I have clearly stated the amendment, and I ask for the support of the House.

The SPEAKER. The Chair recognizes the gentleman from Crawford, Mr. Swift.

Mr. SWIFT. Mr. Speaker, the amendment is not clear, and I would like the maker of the amendment to justify it once again, please.

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

Mr. PRATT. Thank you, Mr. Speaker.

For my good friend from Crawford, what the amendment says is that if you have a recount in a particular election—and in this case it would only apply to where less than all of the ballot boxes or machines were recounted—5 days from the certification of that recount, any candidate in that election may petition to recount or recanvass the remainder of the ballot boxes or machines. Under current law that cannot happen. If you are a candidate in an election and you do not petition to have all or some of the ballot boxes or machines recounted within 5 days from the date that the county election board certifies the results, you are forever barred. I hope I have adequately explained that.

The SPEAKER. Does the gentleman, Mr. Swift, desire further recognition on the question?

Mr. SWIFT. Nothing further, Mr. Speaker. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—189

Anderson	Fargo	Levin	Rieger
Armstrong	Fec	Lewis	Ritter
Arty	Fischer	Livengood	Rocks
Barber	Foster, W. W.	Lloyd	Rybak
Belardi	Foster, Jr., A.	Lucy	Salvatore
Belfanti	Frazier	McClatchy	Saurman
Beloff	Freind	McIntyre	Serafini
Berson	Fryer	McMonagle	Seventy
Bittle	Gallagher	McVerry	Showers
Blaum	Gallen	Mackowski	Shupnik
Borski	Gamble	Madigan	Sieminski
Bowser	Gannon	Maiale	Sirianni
Boyes	Geist	Manderino	Smith, B.
Brandt	George	Manmiller	Smith, E. H.
Brown	Gladeck	Marmion	Smith, L. E.
Burd	Grabowski	Merry	Snyder
Burns	Gray	Michlovic	Spencer
Caltagirone	Greenfield	Micozzie	Spitz
Cappabianca	Greenwood	Miller	Stairs
Cawley	Grieco	Moehlmann	Steighner
Cessar	Gruitza	Morris	Stevens
Cimini	Gruppo	Mowery	Stewart
Civera	Hagarty	Mrkonic	Stuban
Clark	Haluska	Mullen	Sweet
Clymer	Harper	Murphy	Swift
Cochran	Hasay	Nahill	Taddonio
Cohen	Hayes	O'Donnell	Taylor, E. Z.
Colafella	Heiser	Olasz	Taylor, F. E.
Cole	Hoeffel	Oliver	Telek
Cornell	Honaman	Pendleton	Figue
Coslett	Horgos	Perzel	Trello
Cowell	Hutchinson, A.	Peterson	Van Horne
Cunningham	Irvs	Petrarca	Vroon
DeMedio	Itkin	Petrone	Wachob
DeVerter	Jackson	Phillips	Wambach
DeWeese	Johnson	Piccola	Wargo
Daikeler	Kennedy	Pievsky	Wass

Davies	Klingaman	Pistella	Wenger
Dawida	Kolter	Pitts	Weston
Deal	Kowalshyn	Pott	Wiggins
Dietz	Kukovich	Pratt	Williams, H.
Dininni	Lashingier	Pucciarelli	Wilson
Dombrowski	Laughlin	Punt	Wogan
Donatucci	Lehr	Rappaport	Wozniak
Dorr	Lescovitz	Rasco	Wright, D. R.
Duffy	Letterman	Reber	Wright, R. C.
Durham	Levi	Richardson	Zwikl
Evans			

NAYS—2

Fleck	Ryan, Speaker
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NOT VOTING—6

Alden	Emerson	Williams, J. D.	Wright, J. L.
Cordisco	Kanuck		

EXCUSED—3

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

On the question recurring,

Will the House agree to the bill 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

Anderson	Evans	Levin	Rocks
Armstrong	Fargo	Lewis	Rybak
Arty	Fec	Livengood	Salvatore
Barber	Fischer	Lloyd	Saurman
Belardi	Fleck	Lucy	Serafini
Belfanti	Foster, W. W.	McClatchy	Seventy
Beloff	Foster, Jr., A.	McIntyre	Showers
Berson	Frazier	McMonagle	Shupnik
Bittle	Freind	McVerry	Sieminski
Blaum	Fryer	Mackowski	Sirianni
Borski	Gallagher	Madigan	Smith, B.
Bowser	Gallen	Maiale	Smith, E. H.
Boyes	Gamble	Manderino	Smith, L. E.
Brandt	Gannon	Manmiller	Snyder
Brown	Geist	Marmion	Spencer
Burd	George	Merry	Spitz
Burns	Gladeck	Michlovic	Stairs
Caltagirone	Grabowski	Micozzie	Steighner
Cappabianca	Gray	Miller	Stevens
Cawley	Greenfield	Moehlmann	Stewart
Cessar	Greenwood	Morris	Stuban
Cimini	Grieco	Mowery	Sweet
Civera	Gruitza	Mrkonic	Swift
Clark	Gruppo	Mullen	Taddonio
Clymer	Hagarty	Murphy	Taylor, E. Z.
Cochran	Haluska	Nahill	Taylor, F. E.
Cohen	Harper	O'Donnell	Telek
Colafella	Hasay	Olasz	Tigue
Cole	Hayes	Oliver	Trello
Cordisco	Heiser	Pendleton	Van Horne
Cornell	Hoeffel	Perzel	Vroon
Coslett	Honaman	Peterson	Wachob
Cowell	Horgos	Petrarca	Wambach
Cunningham	Hutchinson, A.	Petrone	Wargo
DeMedio	Irvs	Phillips	Wass
DeVerter	Itkin	Piccola	Wenger

DeWeese	Jackson	Pievsky	Weston
Daikeler	Johnson	Pistella	Wiggins
Davies	Kennedy	Pitts	Williams, H.
Dawida	Klingaman	Pott	Wilson
Deal	Kolter	Pratt	Wogan
Dietz	Kowalyszyn	Pucciarelli	Wozniak
Dininni	Kukovich	Punt	Wright, D. R.
Dombrowski	Lashingier	Rappaport	Wright, J. L.
Donatucci	Laughlin	Rasco	Wright, R. C.
Dorr	Lehr	Reber	Zwinkl
Duffy	Lescovitz	Richardson	
Durham	Letterman	Rieger	Ryan,
Emerson	Levi	Ritter	Speaker

NAYS—0

NOT VOTING—3

Alden Kanuck Williams, J. D.

EXCUSED—3

Miscevich Noye Swaim

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.

**REQUEST FOR RECESS**

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

It will be necessary at this time for both caucuses to meet on bills which are going to be voted later today, and for that purpose and for the purpose of taking lunch, I suggest that we recess the House until 2:30 p.m.

**REPUBLICAN CAUCUS**

The SPEAKER. The Chair recognizes the majority whip. Mr. CESSAR. Thank you, Mr. Speaker.

This is to announce to all of the Republican House members that we will caucus immediately on the declaration of the recess.

**DEMOCRATIC CAUCUS**

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

Mr. O'DONNELL. Mr. Speaker, we will have a Democratic caucus immediately on the call of the recess, and we will begin immediately. Thank you.

**REPORT OF COMMITTEE OF CONFERENCE PRESENTED**

Mr. L. E. SMITH presented the Report of the Committee of Conference on SB 1010, PN 1833.

**RESOLUTIONS REPORTED FROM COMMITTEE**

**HR 152, PN 2832 (Concurrent)**

By Rep. HASAY

General Assembly memorialize the President and Congress establish a National Veterans Cemetery in the City of Philadelphia.

FEDERAL-STATE RELATIONS.

**HR 173, PN 3189 (Amended)**

By Rep. HASAY

House memorialize Congress and President seek alternatives to keep Weirton Steel Company from closing.

FEDERAL-STATE RELATIONS.

**SR 229, PN 3187 (Concurrent)**

By Rep. HASAY

Memorializing President and Congress keep the present railroad retirement and unemployment insurance programs intact.

FEDERAL-STATE RELATIONS.

**RESOLUTION REPORTED AND RECOMMITTED TO COMMITTEE ON MINES AND ENERGY MANAGEMENT**

**HR 172, PN 3188 (Amended)**

By Rep. HASAY

Governor declare a moratorium on drilling for natural gas in Lake Erie.

FEDERAL-STATE RELATIONS.

**SENATE MESSAGE**

**HOUSE AMENDMENTS NONCONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to SB 1224, PN 1778, and has appointed Senators MOORE, JUBELIRER and STOUT a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

**MOTION INSISTING UPON AMENDMENTS**

Mr. A. C. FOSTER moved that the House insist upon its amendments nonconcurred in by the Senate to SB 1224, PN 1778, and that a committee of conference on the part of the House be appointed.

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

**APPOINTMENT OF COMMITTEE OF CONFERENCE**

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on SB 1224, PN 1778:

Messrs. A. C. FOSTER, FARGO and FRYER.  
 Ordered, That the clerk inform the Senate accordingly.

**RECESS**

The SPEAKER. Without objection, this House will stand in recess until 2:30 p.m. The Chair hears no objection.

**AFTER RECESS**

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

**STATEMENT ON LEGISLATION  
 TO BE INTRODUCED**

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Gruppo, who asks unanimous consent to make a statement in connection with the introduction of a bill. The Chair hears no objection.

Mr. GRUPPO. Thank you, Mr. Speaker.

I would just like to announce to the members of the House that I have with me today Mrs. Herr and three of her eighth grade students from the Bangor Area Junior High School, who have asked me to introduce legislation which would require the posting of instructions similar to these, I would hope, in public eating places. In the event of a choking emergency, the employees and proprietor would be at least familiar with the procedure to try and assist anyone who would have food lodged in their throat or some other complication similar to that.

I have already received well over 60 cosponsors to the bill, and it is my intent to introduce the bill very soon this afternoon. Any members, especially those on the Health and Welfare Committee whom I may have neglected to ask personally, please come to the front of the House to cosponsor it if you wish.

I want to thank you, Mr. Speaker, and the members of the House for allowing me to make this comment, and also Mrs. Herr and her students who suggested this bill, who have spent the afternoon observing the legislature. Thank you.

**WELCOME**

The SPEAKER. The Chair is pleased to welcome to the hall of the House today the Kingston Girl Scout Troop 910, here as the guests of Representative Coslett. They are here today with their leaders and chaperones, who include Mr. and Mrs. Norm Fulkerson, Theresa Homza, Louise McCabe, Gail Richards, and Linda Kester.

**CALENDAR RESUMED  
 RESOLUTION ADOPTED**

Mr. BELFANTI called up **HR 171, PN 3064**, entitled:

General Assembly urges Department of Interior work on options to extinguish or control Centralia mine fire.

On the question,  
 Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—185**

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

**NAYS—0**

**NOT VOTING—12**

Alden	Foster, W. W.	Kanuck	Pucciarelli
Borski	Fryer	McIntyre	Taylor, F. E.
Donatucci	Hutchinson, A.	Madigan	Vroon

**EXCUSED—3**

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

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

**AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED**

The clerk of the Senate, being introduced, returned the following **HB 223, PN 3133**, 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 County Code," approved August 9, 1955 (P. L. 323, No. 130), eliminating the requirement of court approval for commissioners to perform certain actions relating to institutions and to acquire, sell or lease certain lands and buildings and requiring a determination of fair market value.

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

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

Mr: A. K. **HUTCHINSON**. Mr. Speaker, I suggest that the House do concur in the amendments inserted by the Senate to **HB 223**.

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—181**

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

Fee	Levin	Rybak	Speaker
Fischer	Lewis	Salvatore	
		<b>NAYS—1</b>	
Lloyd			
		<b>NOT VOTING—15</b>	
Alden	Cohen	Haluska	Madigan
Beloff	Colafella	Harper	Smith, B.
Berson	DeWeese	McClatchy	Williams, J. D.
Blaum	Davies	McIntyre	
		<b>EXCUSED—3</b>	
Miscevich	Noye	Swain	

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

Ordered, That the clerk inform the Senate accordingly.

**REMARKS ON VOTES**

The **SPEAKER**. Does the gentleman from Berks, Mr. Davies, desire recognition?

Mr. **DAVIES**. Yes, Mr. Speaker. I was out of my seat on the last vote. I would like to be recorded in the affirmative on **HB 223** on concurrence.

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

For what purpose does the lady from Philadelphia, Mrs. Harper, rise?

Mrs. **HARPER**. Mr. Speaker, on **HB 223** on concurrence I was out of my seat. Had I been in my seat, I would have voted in the affirmative.

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

**AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED**

The clerk of the Senate, being introduced, returned the following **HB 536, PN 2826**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

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

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

The **SPEAKER**. The Chair recognizes the minority leader.  
Mr. **IRVIS**. Mr. Speaker, on **HB 536, PN 2826**, I ask that the House nonconcur, that the vote be in the negative.

The **SPEAKER**. The Chair recognizes the lady from Montgomery, Mrs. Hagarty.

Mrs. **HAGARTY**. Thank you, Mr. Speaker.

I would join with the minority leader and ask that the House nonconcur in Senate amendments on **HB 536**. I believe that the amendments which were inserted by the Senate strip away the power of the General Assembly to supervise our prison system adequately. Thank you.

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

Mr. PICCOLA. Mr. Speaker, I would urge that the House do concur in the amendments inserted by the Senate. The major amendment inserted by the Senate with which there is any great deal of controversy is the ability of the correctional officer in charge of a correction facility to bar an official visitor on a temporary basis because the visit would be dangerous to the welfare or the discipline of the facility or the safety of the visitor.

There are safeguards to those who would be official visitors in that, first of all, the General Counsel must approve the barring of that particular official visitor. Secondly, in the event that such a bar would take place, that an official visitor would be refused entry, that individual could have a rule served upon the General Counsel to show cause why he should be permitted to pay that particular visit. That is appealable directly to the Commonwealth Court, and I believe that the Commonwealth Court would handle these cases expeditiously.

I do not think we can have unlimited access to correctional facilities for security reasons. I think that is obvious. I believe that the solution arrived at in the Senate by way of this amendment is a good one. It permits us the access that we need to these facilities, and it permits the correctional officers to maintain the necessary discipline. So I would urge that we do concur in these amendments.

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

Mr. KUKOVICH. Mr. Speaker, I would join with Representatives Irvis and Hagarty in asking for nonconcurrency. The major reason is that this bill itself is doing nothing new. It is just replacing a power that we have had in this chamber for over 150 years, which was inadvertently removed back in 1978.

Now, the problem with this extra language is that it really does not define how long a correctional official could keep a legitimate observer or visitor out of the institution. I would suggest that in the 150 years in which this law existed, never once was there a disturbance due to an official visitor.

There are also two sections in the bill which I think provide safeguards that would meet the problems that Representative Piccola would have. If you check section 2(b), it shows that the correctional official can designate where the visit can take place. If there is a dangerous area or place where they would not want them, the correctional official has that authority to restrict where the visitor can go. If you would check section 2(d) on the next page, it also gives the power to a prison official to have an official visitor removed.

So I think there are no problems that need to be answered as they are addressed with that Senate language. I think it is important that we nonconcur, have that language stripped out, and have the law returned to what it once was. I would ask you for a vote of nonconcurrency.

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—30

Armstrong	Fargo	McClatchy	Sirianni
Bittle	Foster, Jr., A.	Manmiller	Smith, B.
Cessar	Geist	Moehlmann	Smith, L. E.
Cochran	Hayes	Peterson	Spencer
Coslett	Johnson	Phillips	Stevens
Dietz	Klingaman	Piccola	Wass
Dininni	Levi	Pott	Wenger
Dorr	Lewis		

NAYS—161

Anderson	Fec	Levin	Rybak
Arty	Fischer	Livengood	Salvatore
Barber	Fleck	Lloyd	Saurman
Belardi	Foster, W. W.	Lucyk	Serafini
Belfanti	Frazier	McMonagle	Seventy
Berson	Freind	McVerry	Showers
Blaum	Fryer	Mackowski	Shupnik
Borski	Gallagher	Madigan	Sieminski
Bowser	Gallen	Maiale	Smith, E. H.
Boyes	Gamble	Manderino	Snyder
Brandt	Gannon	Marmion	Spitz
Brown	George	Merry	Stairs
Burd	Gladeck	Michlovic	Steighner
Burns	Grabowski	Micozzie	Stewart
Callagirono	Gray	Miller	Stuban
Cappabianca	Greenfield	Morris	Sweet
Cawley	Greenwood	Mowery	Swift
Cimini	Grieco	Mrkonic	Taylor, E. Z.
Civera	Gruitza	Mullen	Taylor, F. E.
Clark	Gruppo	Murphy	Telek
Clymer	Hagarty	Nahill	Tigue
Cohen	Haluska	O'Donnell	Trello
Colafella	Harper	Olasz	Van Horne
Cole	Hasay	Oliver	Vroon
Cordisco	Heiser	Pendleton	Wachob
Cornell	Hoeffel	Perzel	Wambach
Cowell	Honaman	Petrarca	Wargo
Cunningham	Horgos	Petrone	Weston
DeMedio	Hutchinson, A.	Pievsky	Wiggins
DeVerter	Irvis	Pistella	Williams, H.
DeWeese	Irkin	Pitts	Williams, J. D.
Daikeler	Jackson	Pratt	Wogan
Davies	Kennedy	Pucciarelli	Wozniak
Dawida	Kolter	Punt	Wright, D. R.
Deal	Kowalshyn	Rappaport	Wright, J. L.
Dombrowski	Kukovich	Rasco	Wright, R. C.
Donatucci	Lashinger	Reber	Zwinkl
Duffy	Laughlin	Richardson	
Durham	Lehr	Rieger	Ryan,
Emerson	Lescovitz	Ritter	Speaker
Evans	Letterman	Rocks	

NOT VOTING—6

Alden	Kanuck	Taddonio	Wilson
Beloff	McIntyre		

EXCUSED—3

Miscevich	Noye	Swaim
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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 758, PN 3160**, 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 Title 18 (Crimes and Offenses), of the Pennsylvania Consolidated Statutes, making it illegal to destroy a vehicle by fire or explosion; defining "another person" and providing a defense.

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

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

Mr. **CIMINI**. Mr. Speaker, I suggest that the House do concur in the amendments inserted by the Senate to HB 758.

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—189**

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

Fargo	Lewis	Salvatore	
		<b>NAYS—1</b>	
Cordisco		<b>NOT VOTING—7</b>	
Alden	Cohen	Kolter	Oliver
Beloff	Kanuck	McIntyre	
		<b>EXCUSED—3</b>	
Miscevich	Noye	Swaim	

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

Ordered, That the clerk inform the Senate accordingly.

**AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED**

The clerk of the Senate, being introduced, returned the following **HB 1284, PN 3113**, 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 "Eminent Domain Code," approved June 22, 1964 (1st Sp. Sess., P. L. 84, No. 6), further providing for the payment of compensation and expenses and making a repeal.

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

The **SPEAKER**. The Chair recognizes the majority leader. Mr. **HAYES**. Mr. Speaker, I suggest that the House do concur in the amendments inserted by the Senate to HB 1284.

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—186**

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

Coslett	Hoeffel	Perzel	Van Horne
Cowell	Honaman	Peterson	Vroon
Cunningham	Horgos	Petrarca	Wachob
DeMedio	Hutchinson, A.	Petrone	Wambach
DeVerter	Irvis	Phillips	Wargo
DeWeese	Itkin	Piccola	Wass
Daikeler	Jackson	Pistella	Wenger
Davies	Johnson	Pitts	Wiggins
Dawida	Kennedy	Pott	Williams, H.
Deal	Klingaman	Pratt	Williams, J. D.
Dietz	Kolter	Pucciarelli	Wilson
Dininni	Kowalyszyn	Punt	Wogan
Dombrowski	Kukovich	Rappaport	Wozniak
Donatucci	Lashingier	Rasco	Wright, D. R.
Dorr	Laughlin	Reber	Wright, J. L.
Duffy	Lehr	Richardson	Wright, R. C.
Durham	Lescovitz	Ritter	Zwilk
Emerson	Letterman		

NAYS—3

George	Lloyd	Pievsky
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NOT VOTING—8

Alden	Kanuck	Weston
Beloff	McIntyre	
Cohen	Rieger	Ryan, Speaker

EXCUSED—3

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTES

The SPEAKER. For what purpose does the gentleman from Bucks, Mr. Cordisco, rise?

Mr. CORDISCO. Mr. Speaker, on concurrence in HB 758 I was recorded in the negative. I would like to be recorded in the affirmative, please.

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

The Chair recognizes the gentleman from Centre, Mr. Cunningham. For what purpose does he rise?

Mr. CUNNINGHAM. Mr. Speaker, on concurrence in HB 536 I was recorded in the negative. I would like to be recorded in the affirmative. Thank you.

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 1575, PN 3179**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act establishing a Vietnam Herbicides Information Commission; imposing powers and duties on the commission; granting additional powers and duties to the Department of Health and making an appropriation.

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

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

Mr. CORDISCO. Mr. Speaker, I suggest that the House do concur in the amendments inserted by the Senate to HB 1575.

I would like to take this opportunity today to thank all of the people who are participating and helping this bill go through the House very quickly and through the Senate. I believe that I am speaking for all of the Vietnam veterans in Pennsylvania when I do say thank you to the members of both Houses. I believe this bill and this legislation will go a long way in helping those individuals who had to deal with the problems caused by the dioxin Agent Orange, and I would personally like to thank both leaders of the House and the Speaker and Representative Hasay for their help. Thank you.

The SPEAKER. How can any of you vote "no" on this after that speech?

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—192

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

Durham	Leiterman	Ritter
Emerson	Levin	Rybak
Evans	Ryan, Speaker	
Fargo		

**NAYS—0**

Alden	Cohen	Kanuck	McIntyre
Beloff			

**EXCUSED—3**

Miscevich	Noye	Swaim
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**REMARKS ON VOTE**

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

Ordered, That the clerk inform the Senate accordingly.

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

Mrs. WESTON. Thank you, Mr. Speaker.

I wish to be recorded in the affirmative on concurrence in HB 1284.

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

**WELCOME**

The SPEAKER. The Chair is pleased to welcome to the hall of the House today a group of residents of the North Side of Pittsburgh, here today as the guests of Representative Thomas Murphy.

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of HB 2293, PN 2970, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for retention of records as photographed, microphotographed or microfilmed copies.

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—190**

Anderson	Fee	Lewis
Armstrong	Fischer	Livengood
Arty	Fick	Lloyd
Barber	Foster, W. W.	Lucyk
Belardi	Foster, Jr., A.	McClatchy
Bellant	Frazier	McMonagle
Berson	Fremd	McVerry
Bitke	Fryer	Mackowski
		Steminski
		Shupnik
		Showers
		Seventy
		Serafini
		Saureman
		Salvatore
		Rybak

**REMARKS ON VOTE**

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.

**NOT VOTING—7**

Alden	Beloff	Miscevich	Noye	Swaim
Bowser	Cohen			
Kanuck	McIntyre			
Williams, H.				

**NAYS—0**

Baum	Gallagher	Madigan
Brown	Gannan	Mann
Brandt	Gamble	Manderino
Boys	Gallen	Smith, B.
Rybak		Smith, E. H.
Levin		Smith, L. E.
Evans		Spitzer
Ritter		Spencer
Fargo		Snyder
		Stewart
		Stevens
		Stewart
		Stueban
		Sweet
		Swift
		Mullen
		Murphy
		Taddonio
		Taylor, E. Z.
		Taylor, F. E.
		Telek
		Tigue
		Trello
		Van Horne
		Vron
		Wachob
		Wambach
		Wargo
		Wass
		Wenger
		Weston
		Wiggins
		Williams, J. D.
		Wilson
		Wogan
		Wozniak
		Wright, D. R.
		Wright, J. L.
		Wright, R. C.
		Zwikel
		Speaker

**BILLS ON THIRD CONSIDERATION CONTINUED**

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

Mr. COHEN. I would like to be recorded in the affirmative on HB 2293, the last vote.

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

The House proceeded to third consideration of HB 2372, PN 3109, entitled:



An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the powers and duties of executive directors of intermediate units.

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

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

NAYS—0

NOT VOTING—4

Alden	Kanuck	McIntyre	Williams, H.
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EXCUSED—3

Miscevich Noye Swaim

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 1094, PN 1542**, entitled:

An Act amending the act of August 7, 1963 (P. L. 549, No. 290), entitled, as amended, "Pennsylvania Higher Education Assistance Agency Act," providing an administrative loan collection process.

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

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

Dorr	Laughlin	Rasco	Wright, D. R.
Duffy	Lehr	Reber	Wright, J. L.
Durham	Lescovitz	Richardson	Wright, R. C.
Emerson	Letterman	Rieger	Zwikel

NAYS—2

Evans Pott

NOT VOTING—7

Alden	Kanuck	Williams, H.
Beloff	McIntyre	
Cordisco		Ryan, Speaker

EXCUSED—3

Miscevich Noye Swaim

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

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

**REMARKS ON VOTE**

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

Mr. EVANS. On SB 1094, PN 1542, my vote was in the negative. It should have been in the affirmative.

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

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 1822, PN 2513**, entitled:

An Act requiring the Commissioner of the Pennsylvania State Police to hire and promote persons without regard to race, religion, sex or imposed "quota systems."

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

**BILL RECOMMENDED**

Mr. IRVIS. Mr. Speaker, I have a motion to place before the House before you offer amendments. I am sorry; I thought you had been informed.

The SPEAKER. The Chair recognizes the minority leader.  
Mr. IRVIS. Thank you, Mr. Speaker.

Mr. Speaker, I move that HB 1822, PN 2513, be returned to the Committee on State Government.

The SPEAKER. The question before the House is the motion of the minority leader, Mr. Irvis, that HB 1822 be recommitted to the Committee on State Government.

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

I oppose the gentleman's motion to recommit HB 1822 to the House Committee on State Government. I believe this bill has been on the calendar a sufficient amount of time for this House to forthrightly consider the legislation. I oppose the gentleman's motion. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I beg the pardon of the Chair. In my haste to get up here and make a motion which I had not intended to make—another member was to make it—I said to recommit the bill to State Government. The motion should have read to recommit the bill to the Judiciary Committee, and I apologize to the Chair. I do not know how we will correct it, but I would rather have the motion read, recommit to the Committee on Judiciary.

The SPEAKER. The Chair recognizes the minority leader, Mr. Irvis, who withdraws his motion to recommit the bill to the State Government Committee and moves that HB 1822 be recommitted to the Committee on Judiciary.

The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

I oppose the gentleman's motion.

The SPEAKER. The question before the House is, will the House agree to the motion by the gentleman, Mr. Irvis, that the bill be recommitted to the Committee on Judiciary?

On that question, the Chair recognizes from the county of Philadelphia, the gentleman, Mr. Deal.

Mr. DEAL. Mr. Speaker, I rise to support the motion to recommit HB 1822 to the Judiciary Committee. Mr. Speaker, I believe a bill that has this kind of impact on our society certainly ought to have more input from the people in Pennsylvania. I believe that we should have had public hearings on this bill, and I believe that if the bill is recommitted, it would give an opportunity for the general populace of Pennsylvania to make their wishes known. We are dealing with a bill that is in conflict with a court's decision. You have a court decision, a consent decree order that has been in effect for about 8 years, and now we would be attempting to pass a bill that would be in conflict or would undermine that court's decision. We believe that the general populace ought to have some input, and we would hope that this body would agree with us in recommitting this bill so that there can be public input as to the feelings of the general populace of Pennsylvania.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich, on the question of recommitment.

Mr. KUKOVICH. Thank you, Mr. Speaker.

Two points have not been raised yet in favor of recommitment. First of all, I think it is important that the committee take a look at how close we are to arriving at the 9.2-percent figure that the Federal consent decree is addressing. In December I had a discussion with Commissioner Dunn of the State Police, who is in favor of letting the consent decree run its course. He has said that probably by the end of this year or early 1983, the State Police will have come into compliance—

The SPEAKER. Will the gentleman yield.

The question before the House is on the motion of the gentleman to recommit or not to recommit. Please do not debate the merits of the bill.

Mr. KUKOVICH. Mr. Speaker, the point I am trying to make is that the committee needs to look at how close we are to complying with the consent decree. If we are, there is no need for this bill. I am not sure that this has been adequately looked at in committee, and now we have a chance to do it.

Secondly, it is important that it go to the Judiciary Committee, because the key issue that arises with this bill has really very little to do with minority hiring. What it has to do with is whether a State law can overcome a Federal consent decree. I submit to you it cannot, but that is something at least the Judiciary Committee should look at, and then if we can do it, if we are within our legal bounds, report it out, and we can vote on it on the merits.

For those two reasons I think it would be reasonable to vote to recommit, Mr. Speaker.

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

Mr. STEVENS. Thank you, Mr. Speaker.

I oppose the motion to recommit for the following reasons. First of all, I think this is an attempt to delay the bill. There was no public input or public hearings when this consent decree was entered in 1974. It was a back-door attempt that has succeeded in disenfranchising thousands of today's youth who want a fair chance to compete in the Pennsylvania State Police, and there was no public hearing in 1974. This legislature was not even involved. It was a back-door attempt.

Also, all members of the Judiciary Committee—

### POINT OF ORDER

Mr. RICHARDSON. Excuse me, Mr. Speaker. Point of order.

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

Mr. RICHARDSON. Mr. Speaker, I want to know if, within the confines of the bill, remarks are supposed to be geared to the motion to recommit, and whether or not the gentleman has gone far afield.

The SPEAKER. The gentleman, Mr. Richardson, is absolutely correct. The remarks must be confined to the motion. However, the remarks of Mr. Kukovich dealt with the committee having public hearings, and Mr. Stevens appears to the Speaker to be addressing that question raised by Mr. Kukovich, and accordingly, the Speaker is of the opinion that he is within the guidelines set for debate.

Mr. STEVENS. Thank you, Mr. Speaker.

I would just like to point out that members of the Judiciary Committee are present on this House floor. This bill has been on the calendar for several months, and there is really no reason to recommit this. Every day that we lose this bill, thousands of Pennsylvanians are being denied the right to fairly compete in the Pennsylvania State Police, and I urge that you do not recommit this bill. Let us meet it on the merits today.

The SPEAKER. On the question of recommitment, does the gentleman, Mr. Richardson, desire recognition?

Mr. RICHARDSON. Yes, Mr. Speaker. I would just like to ask the members of this House to realize the seriousness of such a piece of legislation, and I ask that they concur with Representative Irvis in his motion to recommit the bill to the committee.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Rocks, on the question of recommitment.

Mr. ROCKS. Mr. Speaker, would it be in order to interrogate the sponsor of the bill on the question of recommitment as it has been proposed on this floor?

The SPEAKER. The gentleman, Mr. Stevens, indicates he will stand for interrogation on the question of recommitment. The gentleman, Mr. Rocks, may proceed.

Mr. ROCKS. On the question of the court's consent decree which has arisen on the vote that we are going to face on recommitment, Mr. Speaker, could you tell this House what would be the status of that consent decree if in fact we were to pass into law the bill that you have proposed?

Mr. STEVENS. It is my understanding and opinion that if this bill passes, the consent decree will not be operative.

Mr. ROCKS. Would the sponsor of the bill be able to tell those of us who have not had the benefit of any discussion in the Judiciary Committee on what legal grounds an act of this legislature might override a court's consent decree?

The SPEAKER. Will the gentleman yield.

It is the opinion of the Chair that the subject as it is being developed has nothing to do with the question of recommitment. The Chair would urge the gentlemen to confine their remarks to that area that is before us.

Mr. ROCKS. I thank the Speaker.

Mr. Speaker, it was that question alone that I was trying to get an answer to.

The SPEAKER. The gentleman answered the question.

Does the gentleman, Mr. Kukovich, desire recognition on the question of recommitment for the second time?

Mr. KUKOVICH. Yes, Mr. Speaker. I want to ask a question.

Mr. Speaker, in response to Representative Rocks' interrogatory, I think the response was erroneous. Is it appropriate for me to give a response to that question?

The SPEAKER. Go ahead.

Mr. KUKOVICH. Mr. Speaker, according to the case law in this State—and I will cite to you *Creamer v. Rozman*, 309 A.2d 197—the courts of this State have held that a consent decree entered by understanding consent of the parties is so conclusive that it will be vacated only on a showing that an objecting party's consent was obtained by fraud, whether it was based on an accident or a mutual mistake. That has not been the case here, so I would suggest to you that a State law cannot supersede a Federal consent decree.

The SPEAKER. The question is on the motion of the minority leader to recommit to the Judiciary Committee.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—99

Barber	Gamble	Lucyk	Rieger
Belfanti	George	McIntyre	Ritter
Beloff	Grabowski	McMonagle	Rocks
Berson	Gray	Maiiale	Rybak
Borski	Greenfield	Manderino	Seventy
Brown	Greenwood	Michlovic	Shupnik
Burns	Gruitza	Miller	Spitz
Caltagirone	Hagarty	Mrkonic	Steighner
Clark	Haiuska	Mullen	Stewart
Cohen	Harper	Murphy	Stuban
Colafrilla	Hoeffel	Nahill	Sweet
Cole	Horgos	O'Donnell	Taylor, F. E.
Cornell	Hutchinson, A.	Olasz	Trello
Cowell	Irviss	Oliver	Van Horne
DeMedio	Itkin	Pendleton	Wachob
DeWeese	Kolter	Petrarca	Wambach
Dawida	Kowalyszyn	Petrone	Wargo
Deal	Kukovich	Piccola	Wiggins
Dombrowski	Lashingner	Pievsky	Williams, H.
Donatucci	Laughlin	Pistella	Williams, J. D.
Duffy	Lescovitz	Pratt	Wozniak
Emerson	Letterman	Pucciarelli	Wright, D. R.
Evans	Levin	Rappaport	Wright, R. C.
Fee	Livengood	Reber	Zwinkl
Gallagher	Lloyd	Richardson	

NAYS—95

Anderson	Dorr	Lehr	Sieminski
Armstrong	Durham	Levi	Sirianni
Arty	Fargo	Lewis	Smith, B.
Belardi	Fischer	McClatchy	Smith, E. H.
Bittle	Fleck	McVerry	Smith, L. E.
Blaum	Foster, W. W.	Mackowski	Snyder
Bowser	Foster, Jr., A.	Madigan	Spencer
Boyes	Frazier	Manmiller	Stairs
Brandt	Freind	Marmion	Stevens
Burd	Fryer	Merry	Swift
Cappabianca	Gallen	Micozzie	Taddonio
Cawley	Gannon	Moehlmann	Taylor, E. Z.
Cessar	Geist	Mowery	Telek
Cimini	Gladeck	Perzel	Tigue
Civera	Grieco	Peterson	Vroon
Clymer	Gruppo	Phillips	Wass
Cochran	Hasay	Pitts	Wenger
Cordisco	Hayes	Pott	Weston
Coslett	Heiser	Punt	Wilson
Cunningham	Honaman	Rasco	Wogan
DeVerter	Jackson	Salvatore	Wright, J. L.
Daikeler	Johnson	Saurman	
Davies	Kennedy	Serafini	Ryan,
Dietz	Klingaman	Showers	Speaker
Dininni			

NOT VOTING—3

Alden	Kanuck	Morris
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EXCUSED—3

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

**AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED**

The clerk of the Senate, being introduced, returned the following **HB 50, PN 3112**, 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 Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for nonmedical good Samaritan civil immunity.

On the question,

Will the House concur in Senate amendments?

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

Mr. J. L. WRIGHT. Mr. Speaker, I suggest that the House do concur in the amendments inserted by the Senate.

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Would Mr. Wright stand for brief interrogation?

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, on page 4 of the bill, under the exclusions, the civil immunity exclusions, subsection (3), it says that the civil immunity would not apply to those persons who do not require a requisite amount of skill or knowledge. Does that mean that the average individual who just happens upon an accident scene and discovers a spill or some other toxic substance that might need to be removed and attempts to remove it would be exempt under this provision?

Mr. J. L. WRIGHT. No, he will not be exempt.

Mr. LASHINGER. So he will be liable for his activity.

Mr. J. L. WRIGHT. Yes.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, permission to speak on the bill?

The SPEAKER. The Chair recognizes the gentleman, Mr. Lashingner, on the question.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, HB 50 moved rapidly through this chamber and through the Senate. I am not sure why it moved so rapidly or what the need is for this legislation. However, I could guess at what the intention is of the sponsors of this legislation.

Let me outline for the members what we are doing in offering this novel form of civil immunity to those people who engage in self-help activity as regards hazardous wastes or toxic substances. We are saying to people who have—and you have to read the legislation carefully—we are saying to individuals who have the requisite skill, training, or knowledge that if you are involved in one of these situations, in an activity where there might have been a hazardous substance spilled or there might be some flammable substance where there is a need for removal, that if you are involved in that activity and someone is injured, you are immune from any liability for your activity that might have resulted in an injury.

I can understand why we offer that type of immunity in the case of policemen and firemen and rescue squads and river rescue squads, because they are providing a municipal service. Most of the instances that we are talking about that involve these hazardous substances are in the transport stage, and most of them involve private sector transportation, private industry. We are saying to those people involved in the transportation that should you bring someone on the scene who has the requisite knowledge and training, they are immune

from any liability, unless you can prove—and the standards are pretty high—gross negligence or willful misconduct. So not only are we offering them civil immunity; we are raising the standards above what they are now, the simple negligence standards now, to a new standard of gross negligence or willful misconduct.

I think we are moving in the opposite direction of that which we should be moving, Mr. Speaker, and that is where we are trying to prevent self-help activity in these areas. Anyone who is familiar with the hazardous waste, toxic waste transportation industry today knows that it is expanding; it is expanding rapidly. It is becoming more and more professionalized on a day-to-day basis. These people are insured for their activities, and most of those people who participate in it on a day-to-day basis are not looking for this type of civil immunity. I think we are inviting a tragedy in the Commonwealth if we offer this type of civil immunity.

Mr. Speaker, this really is critical. We are cutting some new ground here, and my fear is that this is just the beginning in this private civil immunity field. A good hypothetical might be where a tractor-trailer overturns and there is a hazardous substance being transported. It spills on the highway. Someone, hypothetically, who works as a lab technician at Dow Chemical happens along and, characterizing him as a self-help individual, attempts to help with the removal of the substance. A fire results, and there is an injury. Well, that person, under the legislation, would have had the requisite technical skill and knowledge and therefore would not be liable for his activity unless someone could prove intentional misconduct or gross negligence. Well, those are high standards for someone to prove liability in this area to demonstrate.

So we are cutting new ground, and it is very serious. I do not think it is something that we want to be promoting in the Commonwealth. I think instead we want to be moving in the opposite direction, professionalizing these types of cleanup activities and not having anyone who happens along after a spill becoming involved in the cleanup.

Therefore, Mr. Speaker, I would ask that the members of the House nonconcur in HB 50 and send this to a conference committee. Thank you, Mr. Speaker.

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

Mr. J. L. WRIGHT. Mr. Speaker, I disagree with Mr. Lashinger and suggest that we concur with the Senate amendments.

I would point out that the main consideration here is in granting civil immunity to the skilled volunteer. We are not addressing the paid individual with the requisite skills. We are talking about those few individuals who may be called in from a neighboring chemical plant, or an expert of some nature, to help with a local spill. We are talking about an unpaid, skilled volunteer. I urge concurrence.

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

Mr. LLOYD. Mr. Speaker, would the gentleman, Mr. Wright, consent to brief interrogation?

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

Mr. LLOYD. Mr. Speaker, I followed with interest the last comment that this bill is limited to volunteers, and I have not had a chance to look as closely at the bill as I would like. I wonder if you could direct my attention to the section of the bill which says that anybody who gets paid cannot get immunity.

Mr. J. L. WRIGHT. Page 4, lines 10, 11, and 13.

Mr. LLOYD. Thank you, Mr. Speaker.

And then it would be your view that the people who would be covered by the immunity under this bill would be people like volunteer firemen and people in the community who would be called in in an isolated area to have to help to clean up or control a situation until the experts could get there.

Mr. J. L. WRIGHT. Assuming they have the required skills. All volunteer firemen may not have the skills to clean up the kind of chemical spill that this bill addresses itself to.

Mr. LLOYD. Well, Mr. Speaker, suppose we have a train accident out in a rural area and there is a hazardous spill, and the volunteer firemen and the sheriff's office and the kinds of people whom we can get there first do something wrong, and they do not have the right training. Are they liable or not liable?

Mr. J. L. WRIGHT. They are addressed in other parts of the Good Samaritan law but not in this part. Here we are talking about that local fire department that ropes off the area, knows they do not have the skill, and calls an industrial plant 50 miles away and says, will you volunteer and send in some skilled people to tell us what to do?

Mr. LLOYD. And, Mr. Speaker, there is no possibility under this bill then that that industrial plant 50 miles away would be anybody that would have a financial interest. If they had a financial interest, then they would not be immune. Is that correct?

Mr. J. L. WRIGHT. That is correct.

Mr. LLOYD. Thank you, Mr. Speaker.

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

Mr. DAVIES. Mr. Speaker, would the drafter of the bill stand for one question of interrogation relative to an incident yesterday in Philadelphia?

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

Mr. DAVIES. Yesterday in the city of Philadelphia, I think it was—and I stand corrected if somebody from Philadelphia, whoever's legislative district this occurred in, could correct me—they found some picric acid which had crystallized in a beauty shop which had formerly been, I believe, a drug distribution center. The acid had crystallized, and upon notification, I imagine, of the owner to the police or the fire department, they indicated that this had a potential of blowing up the entire block. I imagine upon that expert advice of those paid departments, they brought in an outfit from Newark, New Jersey, I believe it was, to handle that particular situation. Can you briefly describe the parameters of the bill as to who would be and who would not be under the protection of

your provisions in this legislation relative to a volatile situation such as that?

Mr. J. L. WRIGHT. You are asking me to take the position of judge and jury, and I am not sure I am 100-percent qualified to do that, but in my opinion, this bill in this case does not address itself to the Philadelphia Fire Department or the Philadelphia Police Department but addresses itself to that outfit that came in from New Jersey if they were not paid. If they were paid, then they would not be immune.

Mr. DAVIES. Thank you, Mr. Speaker.

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, for the information of the members, I am even more surprised—I know Mr. Wright has worked long and hard on this legislation—by some of the answers. In answering Mr. Lloyd's question, he said that on line 12 of the bill, that person who has a legal responsibility to respond to the incident would be exempt from this civil immunity section.

Mr. J. L. WRIGHT. No.

Mr. LASHINGER. May I complete my statement, Mr. Speaker?

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, if that is correct, use a hypothetical. Say, for instance, Representative DeWeese's firemen are responding to an overturned tractor-trailer, and there is a spill on the highway. They have that legal duty. They no longer are immune under the Good Samaritan statute as this is currently drafted, and instead, what we are saying is, those people in the private sector, industry which is involved in the transportation of hazardous substances, toxic substances, if they engage in self-help activity, they would be immune under this statute if adopted.

So again, the language is confusing. Some of the members are having problems because of the double negative that is drafted in that section. That is one of the reasons it should be committed to a committee of conference, but I think we are doing just the opposite of what the members, if they fully comprehended what we are attempting to do here, would want to do. I would therefore ask that we nonconcur in the Senate amendments. Thank you, Mr. Speaker.

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

Mr. J. L. WRIGHT. I would point out to the members of the House that again the bill pertains only to those skilled volunteers who are called in to help in an emergency situation, and I recommend a concurrence in the Senate amendments.

#### PARLIAMENTARY INQUIRY

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

Mr. LLOYD. Mr. Speaker, parliamentary inquiry.

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

Mr. LLOYD. Mr. Speaker, this bill has been on the calendar for only 2 days. The staff on this side of the aisle has not yet had an opportunity to prepare a written analysis for the members. I do not know whether Mr. Wright or Mr. Lashinger is correct, but I for one am concerned about the immunity of the firemen as well as what we are going to do to clean up these spills, because I have had these kinds of accidents in my county.

I am wondering what the proper parliamentary motion would be in order to have this bill put over until next week when our staff will have a chance to analyze it and we can make a more intelligent decision.

The SPEAKER. The proper motion would be to place the bill on the postponed calendar.

#### BILL PLACED ON POSTPONED CALENDAR

Mr. LLOYD. Mr. Speaker, I move that HB 50 be placed upon the postponed calendar.

The SPEAKER. The question before the House is the motion of the gentleman from Somerset County that HB 50 be placed upon the postponed calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

#### PARLIAMENTARY INQUIRY

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

Mr. STEVENS. Mr. Speaker, point of parliamentary inquiry.

Pursuant to rule 26—on HB 1822—it says, "A motion to reconsider the vote by which a bill, resolution or other matter was passed or defeated shall be made in writing by two members." I would like to know if a motion which I have filed for reconsideration is in order.

The SPEAKER. The Chair reluctantly advises the gentleman that the rules of the House will not permit such a motion. The Chair reads from Mason's Manual at page 309, section 456: "Under the rules of parliamentary law, the procedural motions such as: to recess, to lay on the table, and to refer to committee are not subject to reconsideration."

Mr. STEVENS. Thank you, Mr. Speaker.

I reluctantly ask a parliamentary inquiry as to how to appeal the ruling of the Chair, reluctantly.

The SPEAKER. I am sorry. I was unable to hear the gentleman.

Mr. STEVENS. I reluctantly ask the parliamentary inquiry as to how to appeal the ruling of the Chair, reluctantly.

The SPEAKER. Very carefully.

Mr. STEVENS. Mr. Speaker, I withdraw my request.

**MOTION TO SUSPEND RULES**

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

Mr. STEVENS. Mr. Speaker, I would withdraw my request for an appeal from the Chair, and I would move that we suspend rule 26 for the purpose of allowing me to file a reconsideration motion on that particular vote.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Stevens, to suspend rule 26 to permit the reconsideration of the motion of Mr. Irvis to recommit HB 1822 to the Committee on Judiciary.

Will the gentleman, Mr. Stevens, come to the rostrum? Will the gentleman, Mr. Irvis, come to the rostrum?

(Conference held at Speaker's podium.)

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

Mr. STEVENS. I move that House rules 26, 53, and 78 be suspended in order to reconsider the motion that carried of the gentleman, Mr. Irvis, with respect to the recommittal of HB 1822 to Judiciary.

On the question,

Will the House agree to the motion?

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

Mr. STEVENS. Mr. Speaker, I ask to suspend the rules so that there is an opportunity for a full and fair debate of this very important issue. I really urge and ask that the cosponsors of this bill stand by their decision to be on this bill and to bring it up for a vote and to move forward and make a final decision on the floor of this House, rather than to delay or attempt to kill this bill. Thank you.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Thank you, Mr. Speaker.

Mr. Speaker, I strongly oppose the gentleman's motion to suspend the rules. I insist that only those members present and in their seats be counted, and I ask that the Chair delay the count long enough so that we may check and see if there are any absentees voting. I am asking that the vote on this motion be in the negative.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. I support the gentleman, Mr. Stevens, in his motion.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—91**

Anderson	Fargo	Levi	Serafini
Armstrong	Fischer	Lewis	Sieminski
Arty	Foster, W. W.	McClatchy	Sirianni
Belardi	Frazier	McVerry	Smith, B.
Bittle	Freind	Mackowski	Smith, E. H.
Bowser	Gallen	Madigan	Smith, L. E.
Boyes	Gamble	Manmiller	Snyder
Brandt	Geist	Marmion	Spitz
Burd	Gladeck	Merry	Stevens
Cawley	Greenwood	Micozzie	Swift
Cessar	Grieco	Moehlmann	Taddonio
Cimini	Gruppo	Mowery	Taylor, E. Z.

Civera	Hagarty	Nahill	Telek
Clymer	Hasay	Perzel	Vroon
Cornell	Hayes	Phillips	Wass
Coslett	Heiser	Piccola	Wenger
Cunningham	Honaman	Pitts	Weston
DeVerter	Jackson	Pott	Wilson
Daikeler	Johnson	Punt	Wogan
Davies	Kennedy	Rasco	Wright, J. L.
Dierz	Klingaman	Reber	
Dininni	Lashingier	Salvatore	Ryan,
Dorr	Lehr	Saurman	Speaker
Durham			

**NAYS—91**

Barber	Fee	Lucyk	Rocks
Belfanti	Fryer	McMonagle	Rybak
Berson	Gallagher	Maiale	Seventy
Blaum	George	Manderino	Showers
Brown	Grabowski	Michlovic	Shupnik
Burns	Gray	Miller	Steighner
Caltagirone	Greenfield	Mrkonic	Stewart
Cappabianca	Gruitza	Mullen	Stuban
Clark	Haluska	Murphy	Sweet
Cohen	Harper	O'Donnell	Taylor, F. E.
Colafella	Hoeffel	Olasz	Tigue
Cole	Horgos	Oliver	Trello
Cordisco	Hutchinson, A.	Pendleton	Van Horne
Cowell	Irvis	Petrarca	Wachob
DeMedio	Itkin	Petrone	Wambach
DeWeese	Kowalyszyn	Pievsky	Wargo
Dawida	Kukovich	Pistella	Wiggins
Deal	Laughlin	Pratt	Williams, J. D.
Dombrowski	Lescovitz	Pucciarelli	Wozniak
Donatucci	Letterman	Rappaport	Wright, D. R.
Duffy	Levin	Richardson	Wright, R. C.
Emerson	Livengood	Rieger	Zwilk
Evans	Lloyd	Ritter	

**NOT VOTING—15**

Alden	Fleck	Kolter	Spencer
Beloff	Foster, Jr., A.	McIntyre	Stairs
Borski	Gannon	Morris	Williams, H.
Cochran	Kanuck	Peterson	

**EXCUSED—3**

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

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

There will be no more votes this afternoon. The House will reconvene at 11 a.m. tomorrow.

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the majority Appropriations Committee chairman, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, I would like to call a meeting of the Appropriations Committee off the floor of the House for 10:30 tomorrow morning in the Appropriations hearing room, 10:30 tomorrow morning. Thank you, Mr. Speaker.

**STATE GOVERNMENT COMMITTEE MEETING**

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

Mr. GALLEN. Mr. Speaker, I would like to call a meeting of the State Government Committee off the floor right now in room 401.

The SPEAKER. There will be an immediate meeting of the State Government Committee in room 401.

### STATEMENT ON RESOLUTION TO BE INTRODUCED

The SPEAKER. Does the gentleman from Lehigh, Mr. Ritter, desire recognition?

Mr. RITTER. Yes, Mr. Speaker. I would have liked to have addressed the full House, but I will make my remarks anyway.

Mr. Speaker, the Freedoms Foundation of Valley Forge periodically presents the George Washington Honor Medal to persons, and I quote, "For words or deeds exemplifying the American way of life." Mr. Speaker, those medals used to mean something. They used to represent what was right about America. Mr. Speaker, I said "used to" because what happened this week makes a mockery of the award itself.

Mr. Speaker, one of the persons who will be presented tomorrow the Freedoms Foundation's Honor Medal is a convicted murderer currently serving in the Colorado State Penitentiary. Mr. Speaker, he is serving a 25- to 40-year jail term for shooting two policemen in a 1973 burglary attempt and for stealing a car at gunpoint. When he finishes that term, Mr. Speaker, he is facing life imprisonment for killing a man during a house robbery 9 months prior to the time he shot the police officers.

The Freedoms Foundation is honoring this person, Mr. Speaker, because he wrote a letter to a Denver newspaper shortly after Iran released the United States hostages. In his letter he pointed out, in part, how angry he was with Iran. Mr. Speaker, I am angry, too. I am darn angry and disgusted that the Freedoms Foundation would award an honor medal to a convicted murderer and burglar. If this criminal's words and deeds exemplify the American way of life, then God help us all.

Mr. Speaker, the Freedoms Foundation should revoke this award. They should get back that medal, and they should wipe that murderer's name from their books. They should then issue a public apology, Mr. Speaker, to the victims of this criminal's activities. They also ought to apologize publicly, Mr. Speaker, to previous award winners because of the tarnish they have allowed to go on the medals that these people have been awarded.

Mr. Speaker, I am preparing a resolution to publicly chastise the Freedoms Foundation for their utterly ridiculous and thoroughly disgusting actions in this matter. I will have it hopefully ready for introduction next week. I would ask anyone else who shares my contempt for this kind of nonsense to join with me in the sponsorship of this resolution. Thank you, Mr. Speaker.

### SENATE MESSAGE

#### HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 154, PN 155**, 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 154, PN 155**

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.

##### **HB 223, PN 3133**

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), eliminating the requirement of court approval for commissioners to perform certain actions relating to institutions and to acquire, sell or lease certain lands and buildings and requiring a determination of fair market value.

##### **HB 758, PN 3160**

An Act amending Title 18 (Crimes and Offenses), of the Pennsylvania Consolidated Statutes, making it illegal to destroy a vehicle by fire or explosion; defining "another person" and providing a defense.

##### **HB 1284, PN 3113**

An Act amending the "Eminent Domain Code," approved June 22, 1964 (1st Sp. Sess., P. L. 84, No. 6), further providing for the payment of compensation and expenses and making a repeal.

##### **HB 1575, PN 3179**

An Act establishing a Vietnam Herbicides Information Commission; imposing powers and duties on the commission; granting additional powers and duties to the Department of Health and making an appropriation.

##### **SB 1122, PN 1739**

An Act amending the act of June 14, 1961 (P. L. 324, No. 188), entitled "The Library Code," redefining municipal officers and further providing for taxation and appropriations by municipalities for local libraries.

#### ADDITIONS OF SPONSORS

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I submit for the record a list of additions of sponsors of bills.

HR 175, McIntyre, Mrkonic, Kowalshyn, Borski, Salvatore; HB 2349, Wozniak; HB 2381, Wozniak; HB 2382, Wozniak.



**SENATE MESSAGE****HOUSE AMENDMENTS  
NONCONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has nonconcurrred in the amendments made by the House of Representatives to **SB 685, PN 1769**.

**MOTION INSISTING UPON AMENDMENTS**

Mr. **KLINGAMAN** moved that the House insist upon its amendments nonconcurrred in by the Senate to **SB 685, PN 1769**, and that a committee of conference on the part of the House be appointed.

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

**APPOINTMENT OF  
COMMITTEE OF CONFERENCE**

The **SPEAKER**. The Chair appoints as a committee of conference on the part of the House on **SB 685, PN 1769**:

Messrs. **KLINGAMAN, W. W. FOSTER** and **PIEVSKY**.  
Ordered, That the clerk inform the Senate accordingly.

**COMMUNICATION**

Commonwealth of Pennsylvania  
Department of Commerce  
Harrisburg

March 26, 1982

To the Governor, Auditor General,  
and General Assembly:

I respectfully submit the following report of the loan activity of the Nursing Home Loan Agency (NHLA) from July 22, 1974 to the present and the financial statement of the NHLA for the period commencing July 1, 1981 through and including March 15, 1982. This report is submitted as required by Section 206(b) of Act 207, the Nursing Home Loan Agency Law.

Since July 22, 1974, the NHLA has made loan commitments to 70 nursing homes throughout Pennsylvania for a total of \$50,347,283. Authorized by the May 21, 1974 referendum to sell \$100 million in bonds, the State has sold \$53 million in bonds to assist nursing homes in meeting the Life Safety Code. The interest rates on loans granted by the NHLA are based on bond market rates. Loans have been made by the NHLA at 6.5 percent interest, 5.4 percent interest and 6.9 percent interest.

NHLA loans have helped to preserve 4,639 existing beds and have leveraged private financing for the creation of 2,029 new beds. The loans were also instrumental in the preservation of approximately 3,711 jobs and the creation of approximately 1,623 new jobs.

Act 243 was signed into law in December 1980, amending the Act of July 22, 1974 (P.L. 610, No. 207). The new law expands the scope of the program to allow the use of the NHLA funds for loans to convert unneeded hospital beds into needed nursing home beds.

On February 18, 1981, the House of Representatives passed legislation (HB 121) to place a referendum question on the ballot, authorizing the NHLA to make loans to rehabilitate boarding homes needing required safety improvements. If the referendum question is approved by the voters of Pennsylvania, enabling legislation will be required.

Sincerely,  
Geoffrey Stengel, Jr.,  
Chairman  
Nursing Home Loan  
Agency Board

(Copy of report is on file with the Journal clerk.)

**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 from the county of Cambria, the gentleman, Mr. Wozniak.

Mr. **WOZNIAK**. Thank you, Mr. Speaker.

Mr. Speaker, I move that this House do now adjourn until Wednesday, April 21, 1982, at 11 a.m., e.s.t.

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

Motion was agreed to, and at 4:05 p.m., e.s.t., the House adjourned.