

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, APRIL 27, 1982

SESSION OF 1982

166TH OF THE GENERAL ASSEMBLY

No. 32

HOUSE OF REPRESENTATIVES

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

The Earth is the Lord's and the fullness thereof; the world and they that dwell therein. O gracious Father, we acknowledge Your sovereignty in all the Earth and praise You for Your goodness toward all people.

May these, Your servants, who deliberate the affairs of State, be guided by Your divine spirit, the spirit of righteousness, justice, and peace. 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 26, 1982, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS
INTRODUCED AND REFERRED

No. 2434 By Representatives CLARK, OLASZ, PETRARCA, LIVENGOD, A. K. HUTCHINSON, KOLTER, DOMBROWSKI, WOZNIAC and WAMBACH

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for an exclusion from taxation on certain retail sales.

Referred to Committee on FINANCE, April 26, 1982.

No. 2435 By Representatives DeWEESE, COWELL, SWEET, COCHRAN, HALUSKA, TELEK, OLASZ, LESCOVITZ, MICHLOVIC, PISTELLA, WOGAN, McINTYRE and O'DONNELL

An Act amending the act of June 28, 1935 (P. L. 477, No. 193), referred to as the Enforcement Officer Disability Benefits Law, extending benefits to mine inspectors of the Department of Environmental Resources.

Referred to Committee on MINES AND ENERGY MANAGEMENT, April 26, 1982.

No. 2436 By Representatives HEISER, MARMION, FRAZIER, MISCEVICH, PERZEL, RASCO, FLECK, VROON, POTT, HALUSKA, McVERRY, BELFANTI, BOWSER, ARTY, GREENWOOD, PRATT, WACHOB, WOGAN, FARGO, SNYDER, BURD, O'DONNELL, GRIECO, ROCKS, COCHRAN, CESSAR and ITKIN

An Act providing for grants-in-aid to senior citizen community resource programs open to senior citizen residents of a community whenever the programs are operated by volunteer residents.

Referred to Committee on HEALTH AND WELFARE, April 26, 1982.

SENATE BILLS FOR CONCURRENCE

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

SB 774, PN 1851

Referred to Committee on LOCAL GOVERNMENT, April 26, 1982.

SB 1253, PN 1852

Referred to Committee on JUDICIARY, April 26, 1982.

LEAVES OF ABSENCE GRANTED

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

Mr. CESSAR. Thank you, Mr. Speaker.

I do request a leave for the rest of the week for the lady from Montgomery, Mrs. LEWIS; and also a leave for the gentleman from Crawford, Mr. SWIFT, for today's session.

Mr. Speaker, I would like to report to the members of the General Assembly that Mr. Swift is on leave because his wife had a baby on Friday, a baby girl, 6 pounds 9 ounces.

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

The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky, for the purpose of taking leaves of absence.

Mr. PIEVSKY. Thank you, Mr. Speaker.

I ask leave for the gentleman from Philadelphia, Mr. ROCKS, for this week's session. Thank you, Mr. Speaker.

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

WELCOMES

The SPEAKER. The Chair welcomes to the hall of the House today Mr. and Mrs. Wayne Mowrey, here today with the wife of the chaplain, Mrs. Georgia Heaps, all from Chambersburg, the guests of Representative Harry Bittle.

The Chair is pleased to welcome to the hall of the House today Mr. Dean Wood, a senior at Harrisburg High School who is participating today in National Leadership Day, here today as the guest of Representative Jeffrey Piccola.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1803, PN 3195**, entitled:

An Act amending the act of August 6, 1941 (P. L. 861, No. 323), referred to as the Pennsylvania Board of Probation and Parole Law, further providing for a Pennsylvania Revocation Board and defining its powers and duties with regard to post-release supervision and making repeals.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that HB 1803 be recommitted to the Committee on Appropriations for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS AGREED TO ON SECOND CONSIDERATION

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

SB 851, PN 1855; SB 852, PN 1856; HB 2343, PN 3045; SB 1107, PN 1610; and SB 1286, PN 1593.

* * *

The House proceeded to second consideration of **HB 2008, PN 3219**, entitled:

An Act providing for energy conservation and management, providing for the powers and duties of the Governor's Energy Council and providing for the issuance of bonds and making an appropriation.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that HB 2008 be recommitted 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 **HB 2055, PN 3220**, entitled:

An Act amending Title 32 (Forests, Waters and State Parks) of the Pennsylvania Consolidated Statutes, adding provisions relating to water resources projects and making repeals.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that HB 2055 be recommitted 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 1283, PN 1870**, entitled:

An Act providing for the administration of certain Commonwealth farmland within the Department of Agriculture.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that SB 1283 be recommitted to the Committee on Appropriations for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS AGREED TO ON SECOND CONSIDERATION CONTINUED

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

HB 2176, PN 2782.

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—193

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

ADDITIONS—3

| | | |
|-------|---------|--------------|
| Cohen | Emerson | Williams, H. |
|-------|---------|--------------|

NOT VOTING—1

| |
|-------|
| Alden |
|-------|

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

FILMING PERMISSION GRANTED

The **SPEAKER**. The Chair has granted permission to channel WBRE-TV of Wilkes-Barre to do 10 minutes of silent filming.

STATEMENT BY MR. BRANDT**TERCENTENARY COMMITTEE
ON THIS DAY IN HISTORY**

The **SPEAKER**. The Chair recognizes the gentleman from Lancaster, Mr. Brandt.

Mr. **BRANDT**. Thank you, Mr. Speaker.

It is a privilege to bring to the House today the "On This Day in History" and to let you know of the actions that were taken many years ago in the attempt to make the Susquehanna River a navigable part of our communications system in Pennsylvania, and it started on this day in history when an attempt was begun to have a steamship navigate the Susquehanna River. This was viewed by Pennsylvania businessmen and those of surrounding States as a major transportation route for commerce. The steamboat trip turned out to be a short one and a fatal one for the S.S. Susquehanna and Baltimore. It was known as the S and B ship.

Before the fatal trip was made, large sums of money had been expended to remove rocky channels in the river below Columbia, in Lancaster County, to admit arks and rafts downstream. A canal had also been constructed northward from Port Deposit so that river craft could avoid shoals and dangerous reefs along the first 10 miles of the river above tidewater. Pennsylvania was also attempting to make complete surveys of the river and estimates of the cost of work required to make the river navigable.

In 1825 a small steamboat, the Susquehanna, was built in Baltimore and towed up to Port Deposit. The craft failed to arrive in Columbia on time, and 4 days after its expected arrival it was located near the head of the Maryland canal where workers had pulled it by ropes for 9 miles before giving up. As the Harrisburg Chronicle reported at that time, "She drew too much water for the purpose and started at the wrong point. Watermen say the crookedness of the channel, with the rapidity of the current, makes it utterly impossible for a steamboat to ascend the falls between the head of the canal and Columbia."

Another trial run was made shortly thereafter by a sheet-iron steamboat called the Codorous, built in York Haven, which is in York County across from the little village of Falmouth in Lancaster County, which was unsuccessful. The captain reported that navigation by the Susquehanna was impracticable. The stage was set for the fatal trip.

On April 27 the steamboat Susquehanna and Baltimore, known as the S and B, which some believe to have been the original Susquehanna renamed, left York Haven with a boatload of dignitaries, businessmen, and local politicians. It was carrying a large keelboat capable of hauling a thousand bushels of wheat and reached the Nescopeck Falls without incident on May 3. There were many individuals from the Williamsport area also interested in this affair.

At this point there were two channels to choose from - a main, deep channel and an artificial, shallower channel. It was decided to try the main channel and drop back to the other if this proved unfeasible. The experienced pilot, Captain Cornwell, took the boat into the channel. It made it two-

thirds of the way through the falls before stopping, unable to go further. The boat was allowed to drift back to the foot of the rapids, when it struck a wall dividing the channels. The boiler burst, and five people were killed and several others were seriously injured.

Although this was a fatal time in history, it was the first attempt to make the Susquehanna a part of our commerce system and eventually led to the Susquehanna channel, which reached the broad width of Pennsylvania linking Philadelphia and Pittsburgh, which was the original purpose.

And that is the way it was on this day in history, April 27, 1826.

MEMBER'S PRESENCE RECORDED

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

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2127, PN 3005**, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), increasing the maximum purchase price per acre the commission may pay for land.

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—186

| | | | |
|-------------|-----------------|-----------|---------------|
| Anderson | Emerson | Levin | Rybak |
| Armstrong | Fargo | Livengood | Salvatore |
| Arty | Fee | Lloyd | Saurman |
| Barber | Fischer | Lucyk | Serafini |
| Belardi | Fleck | McClatchy | Seventy |
| Belfanti | Foster, W. W. | McIntyre | 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 | Greenfield | Miscevich | Stewart |
| Cawley | Greenwood | Moehlmann | Stuban |
| Cessar | Grieco | Morris | Swaim |
| Cimini | Gruppo | Mowery | Sweet |
| Civera | Hagarty | Mrkonic | Taddonio |
| Clark | Haluska | Mullen | Taylor, E. Z. |
| Clymer | Harper | Murphy | Taylor, F. E. |
| Cochran | Hasay | Nahill | Telek |
| Colafrella | Hayes | Noye | Tigue |
| Cole | Heiser | O'Donnell | Trello |

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

NAYS—1

Pratt

NOT VOTING—10

| | | | |
|-------|---------|-----------|-----------------|
| Alden | Gray | Rappaport | Williams, H. |
| Cohen | Gruitza | Ritter | Williams, J. D. |
| Evans | Kanuck | | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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 1198, PN 1735**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled "The Game Law," further providing for deer-proof and elk-proof fences.

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—187

| | | | |
|-----------|-----------------|-----------|--------------|
| Anderson | Fargo | Lloyd | Rybak |
| Armstrong | Fee | Lucyk | Salvatore |
| Arty | Fischer | McClatchy | Saurman |
| Barber | Fleck | McIntyre | Serafini |
| Belardi | Foster, W. W. | McMonagle | Seventy |
| Belfanti | Foster, Jr., A. | McVerry | Showers |
| Beloff | Frazier | Mackowski | Shupnik |
| Berson | Freind | Madigan | Sieminski |
| Bittle | Fryer | Maiale | Sirianni |
| Blaum | Gallagher | Manderino | Smith, B. |
| 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 | Miscevich | Steighner |

| | | | |
|-------------|----------------|-------------|---------------|
| Caltagirone | Greenfield | Moehlmann | Stevens |
| Cappabianca | Greenwood | Morris | Stewart |
| Cawley | Grieco | Mowery | Stuban |
| Cessar | Gruppo | Mrkonjc | Swaim |
| Cimini | Hagarty | Mullen | Sweet |
| Civera | Haluska | Murphy | Taddonio |
| Clark | Hasay | Nahill | Taylor, E. Z. |
| Clymer | Hayes | Noye | Taylor, F. E. |
| Cochran | Heiser | O'Donnell | Telek |
| Colafella | Hoeffel | Olasz | Tigue |
| Cole | Honaman | Oliver | Trello |
| Cordisco | Horgos | Pendleton | Van Horne |
| Cornell | Hutchinson, A. | Perzel | Vroon |
| Coslett | Irvis | Peterson | Wachob |
| Cowell | Itkin | Petrarca | Wambach |
| Cunningham | Jackson | Petrone | Wargo |
| DeMedio | Johnson | Phillips | Wass |
| DeVerte | Kennedy | Piccola | Wenger |
| Daikeler | Klingaman | Pievsky | Weston |
| Davies | Kolter | Pistella | Wiggins |
| Dawida | Kowalyshyn | Pitts | Wilson |
| Deal | Kukovich | Pott | Wogan |
| Dietz | Lashingier | Pratt | Wozniak |
| Dininni | Laughlin | Pucciarelli | Wright, D. R. |
| Dombrowski | Lehr | Punt | Wright, J. L. |
| Donatucci | Lescovitz | Rasco | Wright, R. C. |
| Dorr | Letterman | Reber | Zwilk |
| Duffy | Levi | Richardson | |
| Durham | Levin | Rieger | Ryan, |
| Emerson | Livengood | Ritter | Speaker |
| Evans | | | |

NAYS—0

NOT VOTING—10

| | | | |
|---------|---------|-----------|-----------------|
| Alden | Gray | Kanuck | Williams, H. |
| Cohen | Gruitza | Rappaport | Williams, J. D. |
| DeWeese | Harper | | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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 Lehigh, Mr. Ritter, rise?

Mr. RITTER. Mr. Speaker, I thought I voted on HB 2127. Could the clerk inform me as to whether or not I am recorded on that bill?

The SPEAKER. The gentleman was not recorded.

Mr. RITTER. Mr. Speaker, would the record indicate then that I would have liked to have been recorded in the affirmative.

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

MEMBER'S PRESENCE RECORDED

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

REMARKS ON VOTES

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

Mr. GRAY. Mr. Speaker, I was out of my seat when HB 2127 and SB 1198 were voted on. I would like to be recorded in the affirmative.

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

MEMBER'S PRESENCE RECORDED

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

BILLS ON THIRD
CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1093, PN 1688**, entitled:

An Act amending "The Mutual Thrift Institutions Tax Act," approved June 22, 1964 (P. L. 16, No. 2), providing for the deduction and carryover of net operating losses in determining net earnings for the tax on mutual thrift institutions.

On the question,

Will the House agree to the bill on third consideration?

Mr. TAYLOR offered the following amendment No. A7541:

Amend Sec. 1 (Sec. 3), page 2, line 9, by striking out "a carry-over" and inserting
can be carried over to succeeding years

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

This is an amendment that is in the process of being circulated, but for the information of the House, it is more of a technical amendment to the bill.

There was some question as to what was meant by a carry-over. Some opinion is that the carryover could be carried back under the Federal law. This amendment would make it absolutely clear that any carryover in the taxable year would be carried to the succeeding years for a credit. It would make it absolutely clear that it would be a forward carryover instead of a carryover that could be credited to previous years. I think that will clear up some of the problems with the legislation. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman from Allegheny, Mr. Pistella, desire recognition?

Mr. PISTELLA. Mr. Speaker, I have not seen the amendment. I do not know if it has been circulated at all.

The SPEAKER. Will the gentleman, Mr. Taylor, see to it that the gentleman, Mr. Pistella, has a copy of the amendment.

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

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—5

| | | | |
|---------|--------|-----------|-----------------|
| Alden | Kanuck | Rappaport | Williams, J. D. |
| Gruitza | | | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—184

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

NAYS—7

| | | | |
|---------|---------|-----------|-------|
| Belardi | Brown | Lloyd | Tigue |
| Blaum | Hoeffel | Manderino | |

NOT VOTING—6

| | | | |
|---------|-----------|----------|--------------|
| Alden | Kanuck | Serafini | Williams, H. |
| Gruitza | Rappaport | | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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.

MR. SPENCER REQUESTED TO PRESIDE

The SPEAKER. Will the gentleman from Tioga, Mr. Spencer, come to the rostrum to preside temporarily?

WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Ms. Angela Woolfolk, a senior honor student at Harrisburg High School participating in National Student Leadership Day, here today as the guest of Representative Wambach of Dauphin County.

The Chair is pleased to welcome to the hall of the House today, as the guests of Representative Corry Stevens, the Antolick family from West Hazleton.

**THE SPEAKER PRO TEMPORE
(WARREN H. SPENCER) IN THE CHAIR
REMARKS ON VOTE**

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

Mrs. HARPER. Thank you, Mr. Speaker.

On final passage of SB 1198, I was out of my seat. Had I been in my seat, I would have voted in the positive. Thank you.

The SPEAKER pro tempore. The remarks will be spread on the record.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **SB 1300, PN 1818**, entitled:

An Act providing for adoption of capital projects to be financed from current revenues of the Boating Fund, Fish Fund, Farm Products Show Fund and the Dormitory Fee Reserve Fund.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER pro tempore. 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 | Emerson | Levin | Rybak |
| Armstrong | Evans | Livengood | Salvatore |
| Arty | Fargo | Lloyd | Saurman |
| Barber | Fee | Lucyk | Serafini |
| Belardi | Fischer | McClatchy | Seventy |
| Belfanti | Fleck | McIntyre | Showers |
| Beloff | Foster, W. W. | McMonagle | Shupnik |
| Berson | Foster, Jr., A. | McVerry | Sieminski |
| Bittle | Frazier | Mackowski | Sirianni |
| Blaum | Freind | Madigan | Smith, B. |
| Borski | Fryer | Maiale | Smith, E. H. |
| Bowser | Gallagher | Manderino | Smith, L. E. |
| Boyes | Gallen | Manmiller | Snyder |
| Brandt | Gamble | Marmion | Spencer |

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

NAYS—1

Richardson

NOT VOTING—6

| | | | |
|---------|--------|-----------|-----------------|
| Alden | Irviss | Rappaport | Williams, J. D. |
| Gruitza | Kanuck | | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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

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

* * *

The House proceeded to third consideration of **HB 979, PN 1081**, entitled:

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), authorizing credit union payroll deductions for employees of any State college or State university.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER pro tempore. 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—192

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

NAYS—0

NOT VOTING—5

| | | | |
|---------|--------|-----------|-----------------|
| Alden | Kanuck | Rappaport | Williams, J. D. |
| Gruitza | | | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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

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

* * *

The House proceeded to third consideration of **HB 1578, PN 1840**, entitled:

An Act amending the act of August 7, 1963 (P. L. 549, No. 290), referred to as the Pennsylvania Higher Education Agency Act, clarifying student loan repayment requirements of State employees.

On the question,

Will the House agree to the bill on third consideration?

Mr. MANDERINO offered the following amendments No. A6619:

Amend Sec. 1 (Sec.4.2), page 2, line 1, by inserting after "Commonwealth"

, and shall be deemed to have consented to voluntary or involuntary withholding of their wages,

Amend Sec. 1 (Sec.4.2), page 2, line 15, by inserting after "agency."

Under no circumstances may an amount in excess of 10% of the pay of such employee be required by the agency as part of a repayment schedule or plan.

Amend Sec. 1 (Sec.4.2), page 2, line 20, by inserting brackets before and after "be dismissed from Commonwealth service" and inserting immediately thereafter

be deemed to have consented to the involuntary withholding of his wages or salary for the repayment of the loan. Under no circumstances may an amount in excess of 10% of the pay of such employee be withheld.

Amend Sec. 1 (Sec.4.2), page 2, lines 20 and 21, by striking out "or the service of" in line 20 and all of line 21

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, several weeks ago when this bill first came on the calendar, the amendment that is before us now was drafted. Mr. Freind at that time reviewed the amendment and indicated that it was agreeable to him. I do not know whether Mr. Freind is here now. In any event, what the amendment does is provide that any employee of the Commonwealth in default on the PHEAA (Pennsylvania Higher Education Assistance Agency) loan by his employment and continued employment will have consented to a voluntary or involuntary withholding of wages to repay the loan.

The bill in its present form calls for a dismissal of the employee, and I am removing the dismissal language and substituting in its stead language that indicates that the Commonwealth will receive payment from the employee's wages rather than dismissing the employee and perhaps never collecting.

Mr. Speaker, the limitation placed is the same limitation placed on the percentage of one's wages that can be garnished in the amount that can be withheld for this purpose, and I urge an adoption of the amendment.

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

Mr. FREIND. Thank you, Mr. Speaker.

I support Representative Manderino's amendment. I have taken his amendment back to the board of PHEAA; it is also supported by the PHEAA board. I would urge its support.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—187

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

NAYS—0

NOT VOTING—10

| | | | |
|-----------------|--------|-----------|-----------------|
| Alden | Harper | Punt | Williams, J. D. |
| Anderson | Kanuck | Rappaport | Wright, R. C. |
| Foster, Jr., A. | Lehr | | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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

On the question,

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

Bill as amended was agreed to.

The SPEAKER pro tempore. 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—189

| | | | |
|-------------|-----------------|-------------|---------------|
| Anderson | Evans | Livengood | Salvatore |
| Armstrong | Fargo | Lloyd | Saurman |
| Arty | Fee | Lucyk | Serafini |
| Barber | Fischer | McClatchy | Seventy |
| Belardi | Foster, W. W. | McIntyre | Showers |
| Belfanti | Foster, Jr., A. | McMonagle | Shupnik |
| Beloff | 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 | Miller | Steighner |
| Burns | Grabowski | Miscevich | Stevens |
| Caltagirone | Gray | Moehlmann | Stewart |
| Cappabianca | Greenfield | Morris | Suban |
| Cawley | Greenwood | Mowery | Swaim |
| Cessar | Gruitza | Mrkonc | Sweet |
| Civera | Gruppo | Mullen | Taddonio |
| Clark | Hagarty | Murphy | Taylor, E. Z. |
| Clymer | Haluska | Nahill | Taylor, F. E. |
| Cochran | Harper | Noye | Telek |
| Cohen | Hasay | O'Donnell | Tigue |
| Colafella | Hayes | Olasz | Trello |
| Cole | Heiser | Oliver | Van Horne |
| Cordisco | Hoeffel | Pendleton | Vroon |
| Cornell | Honaman | Perzel | Wachob |
| Coslett | Horgos | Peterson | Wambach |
| Cowell | Hutchinson, A. | Petrarca | Wargo |
| Cunningham | Irvic | Petrone | Wass |
| DeMedio | Itkin | Phillips | Wenger |
| DeVerter | Jackson | Piccola | Weston |
| DeWeese | Johnson | Pievsky | Wiggins |
| Daikeler | Kennedy | Pistella | Williams, H. |
| Davies | Klingaman | Pitts | Wilson |
| Dawida | Kolter | Pott | Wogan |
| Deal | Kowalshyn | Pratt | Wozniak |
| Dietz | Kukovich | Pucciarelli | Wright, D. R. |
| Dininni | Lashinger | Punt | Wright, J. L. |
| Dombrowski | Laughlin | Rasco | Wright, R. C. |
| Donatucci | Lehr | Reber | Zwilk |
| Dorr | Lescovitz | Richardson | |
| Duffy | Letterman | Rieger | Ryan, |
| Durham | Levi | Ritter | Speaker |
| Emerson | Levin | Rybak | |

NAYS—1

Fleck

NOT VOTING—7

| | | | |
|--------|--------|-----------|-----------------|
| Alden | Grieco | Micozzie | Williams, J. D. |
| Cimini | Kanuck | Rappaport | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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

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

REMARKS ON VOTES

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

Mr. CIMINI. On the last vote, Mr. Speaker, HB 1578, I wish to be voted in the affirmative.

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

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

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

On HB 1578 on the Manderino amendment, I apparently was not recorded. I would like to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Lycoming, Mr. Grieco.

Mr. GRIECO. Mr. Speaker, on HB 1578, PN 1840, I would like to be recorded "yes."

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

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

Mr. BELARDI. Thank you, Mr. Speaker.

Mr. Speaker, on HB 1093 I would like the record to show I voted in the affirmative. Thank you.

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

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

Mr. GRUITZA. Thank you, Mr. Speaker.

On HB 2127, SB 1198, HB 1093, SB 1300, HB 979, and HB 1578, I would like to be recorded in the affirmative.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2085, PN 2599**, entitled:

An Act providing for the appointment of notaries public and the revocation or suspension of their commissions; requiring them to maintain registers; establishing their powers and duties and providing penalties.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

NAYS—0

NOT VOTING—7

| | | | |
|---------|--------|--------------|-----------------|
| Alden | Harper | Rappaport | Williams, J. D. |
| DeMedio | Kanuck | Williams, H. | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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

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

* * *

The House proceeded to third consideration of **HB 2351, PN 3068**, entitled:

An Act amending the "Pharmacy Act," approved September 27, 1961 (P. L. 1700, No. 699), providing for deletion of the one year licensure requirement prior to licensure by reciprocity.

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

The SPEAKER pro tempore. 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 | Levi | Ritter |
| Armstrong | Fargo | Levin | Rybak |
| Arty | Fee | Livengood | Salvatore |
| Barber | Fischer | Lloyd | Saurman |
| Bèlardi | Fleck | Lucyk | 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 | Miscevich | Stewart |
| Cessar | Greenwood | Moehlmann | Stuban |
| Cimini | Grieco | Morris | Swaim |
| Civera | Gruitza | Mowery | Sweet |
| Clark | Gruppo | Mrkonic | Taddonio |
| Clymer | Hagarty | Mullen | Taylor, E. Z. |
| Cochran | Haluska | Murphy | Taylor, F. E. |
| Cohen | Harper | Nahill | Telek |
| Colafella | Hasay | Noye | Tigue |
| Cole | Hayes | O'Donnell | Trello |
| Cordisco | Heiser | Olasz | Van Horne |
| Cornell | Hoeffel | Oliver | Vroon |
| Coslett | Honaman | Pendleton | Wachob |
| Cowell | Horgos | Perzel | Wambach |
| Cunningham | Hutchinson, A. | Peterson | Wargo |
| DeMedio | Irvis | Petrarca | Wass |
| DeVerter | Itkin | Petrone | Wenger |
| DeWeese | Jackson | Phillips | Weston |
| Daikeler | Johnson | Piccola | Wiggins |
| Davies | Kanuck | Pievsky | Williams, H. |
| Dawida | Kennedy | Pistella | Wilson |
| Deal | Klingaman | Pitts | Wogan |
| Dietz | Kolter | Pott | Wozniak |
| Dininni | Kowalshyn | Pratt | Wright, D. R. |
| Dombrowski | Kukovich | Pucciarelli | Wright, J. L. |
| Donatucci | Lashinger | Punt | Wright, R. C. |
| Dorr | Laughlin | Rasco | Zwikl |
| Duffy | Lehr | Reber | |
| Durham | Lescovitz | Richardson | Ryan, |
| Emerson | Letterman | Rieger | Speaker |

NAYS—0

NOT VOTING—3

Alden Rappaport Williams, J. D.

EXCUSED—3

Lewis Rocks Swift

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

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

REMARKS ON VOTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. DeMedio.

Mr. DeMEDIO. Will the record please show that on HB 2085 I inadvertently failed to vote and that if I had voted, I would have voted in the affirmative. Thank you.

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

REQUEST FOR RECESS

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

I suggest that we recess at this time for the purpose of taking lunch and return promptly at 1:30 p.m. to continue the voting session.

REMARKS ON VOTE

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

Mr. PRATT. Mr. Speaker, on HB 2127 on final passage, I was recorded in error as voting "no." I would like to have that vote changed to an affirmative vote.

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

RECESS

The SPEAKER pro tempore. There being no objection, the House stands in recess until 1:30 p.m. The Chair hears no objection.

AFTER RECESS

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

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1349, PN 1741 (Unanimous)

By Rep. GRIECO

An Act amending the act of August 8, 1961 (P. L. 975, No. 436), entitled "Milk Adulteration and Labeling Act," defining manufactured dairy products and changing penalties for violations.

AGRICULTURE AND RURAL AFFAIRS.

CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 939, PN 1817**, entitled:

An Act amending the act of July 1, 1981 (P. L. 628, No. 5A), entitled "General Appropriation Act of 1981," providing additional appropriations for arts organizations and the Departments of Education and Health.

On the question,

Will the House agree to the bill on third consideration?

Miss SIRIANNI offered the following amendments No. A7361:

Amend Title, page 1, line 20, by striking out "AND" where it appears the first time and inserting a comma

Amend Title, page 1, line 20, by inserting after "HEALTH" and the Historical and Museum Commission

Amend Sec. 1 (Sec. 201), page 3, by inserting between lines 16 and 17

* * *

To the Pennsylvania Historical and Museum Commission

* * *

For the Everhart Museum in Scranton,
Lackawanna County..... 25,000

On the question,

Will the House agree to the amendments?

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

Miss SIRIANNI. I am offering an amendment to give the Everhart Museum in Scranton \$25,000, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—186

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

| | | | |
|------------|------------|-------------|---------------|
| DeMedio | Itkin | Petrone | Wargo |
| DeVerter | Jackson | Phillips | Wass |
| Daikeler | Johnson | Piccola | Wenger |
| Davies | Kanuck | Pievsky | Weston |
| Dawida | Kennedy | Pistella | Wiggins |
| Deal | Klingaman | Pitts | Williams, H. |
| Dietz | Kolter | Pott | Wilson |
| Dininni | Kowalshyn | Pratt | Wogan |
| Dombrowski | Kukovich | Pucciarelli | Wozniak |
| Donatucci | Lashingier | Punt | Wright, D. R. |
| Dorr | Laughlin | Rappaport | Wright, J. L. |
| Duffy | Lehr | Rasco | Wright, R. C. |
| Durham | Lescovitz | Reber | Zwinkl |
| Evans | Letterman | Richardson | |
| Fargo | Levi | Rieger | Ryan, |
| Fee | Levin | Ritter | Speaker |

NAYS—0

NOT VOTING—11

| | | | |
|--------|---------|-----------|-----------------|
| Alden | Cowell | Harper | Sweet |
| Beloff | DeWeese | Miscevich | Williams, J. D. |
| Cole | Emerson | O'Donnell | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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. BELFANTI offered the following amendments No. A7580:

Amend Title, page 1, line 20, by inserting after "EDUCATION"

, Environmental Resources

Amend Sec. 1 (Sec. 201), page 3, by inserting between lines 6 and 7

To the Department of Environmental Resources

* * *

For repair or replacement of a portion of a flood wall on the bank of the Susquehanna River in the Borough of Danville, Montour County.....

50,000

* * *

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Mr. Speaker, this amendment would allocate \$50,000 for the repair of a floodwall which, due to some severe ice jamming this past winter, collapsed and fell into the Susquehanna River adjacent to a PennDOT (Pennsylvania Department of Transportation) bridge in the borough of Danville.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—186

| | | | |
|-----------|-----------------|-----------|-----------|
| Anderson | Fargo | Levi | Rybak |
| Armstrong | Fee | Levin | Salvatore |
| Arty | Fischer | Livengood | Saurman |
| Belardi | Fleck | Lloyd | Serafini |
| Belfanti | Foster, W. W. | Lucyk | Seventy |
| Beloff | Foster, Jr., A. | McClatchy | 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 | Swaim |
| Civera | Gruitza | Mrkonic | Sweet |
| Clark | Gruppo | Mullen | Taddonio |
| Clymer | Hagarty | Murphy | Taylor, E. Z. |
| Cochran | Haluska | Nahill | Taylor, F. E. |
| Cohen | Harper | Noye | Telek |
| Colafella | Hasay | O'Donnell | Tigue |
| Cole | Hayes | Olasz | Trello |
| Cordisco | Heiser | Oliver | Van Horne |
| Cornell | Hoeffel | Pendleton | Vroon |
| Coslett | Honaman | Perzel | Wachob |
| Cowell | Horgos | Peterson | Wambach |
| Cunningham | Hutchinson, A. | Petrarca | Wargo |
| DeMedio | Irvin | Petrone | Wass |
| DeVerter | Itkin | Phillips | Wenger |
| DeWeese | Jackson | Piccola | Weston |
| Daikeler | Johnson | Pievsky | Williams, H. |
| Davies | Kennedy | Pistella | Wilson |
| Dawida | Klingaman | Pitts | Wogan |
| Dietz | Kolter | Pott | Wozniak |
| Dininni | Kowalyshyn | Pratt | Wright, D. R. |
| Dombrowski | Kukovich | Pucciarelli | Wright, J. L. |
| Donatucci | Lashinger | Punt | Wright, R. C. |
| Dorr | Laughlin | Rasco | Zwilk |
| Duffy | Lehr | Reber | |
| Durham | Lescovitz | Rieger | Ryan, |
| Evans | Letterman | Ritter | Speaker |

NAYS—0

NOT VOTING—11

| | | | |
|--------|----------|------------|-----------------|
| Alden | Emerson | Miscevich | Wiggins |
| Barber | Kanuck | Rappaport | Williams, J. D. |
| Deal | McIntyre | Richardson | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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. HAYES offered the following amendment No. A7437:

Amend Sec. 1 (Sec. 201), page 3, by inserting between lines 16 and 17

Blair County Crippled Children's Society..... 25,000

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. I urge adoption of the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—187

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

NAYS—0

NOT VOTING—10

| | | | |
|---------|----------|---------|-----------------|
| Alden | Irvin | Wachob | Williams, H. |
| Barber | Kanuck | Wiggins | Williams, J. D. |
| Emerson | McIntyre | | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

The question was determined in the affirmative, and the amendment was 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—191

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

NAYS—0

NOT VOTING—6

| | | | |
|---------|-----------|--------------|-----------------|
| Alden | Kanuck | Williams, H. | Williams, J. D. |
| Emerson | Miscevich | | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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

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

* * *

The House proceeded to third consideration of **HB 311, PN 317**, entitled:

An Act amending the act of August 7, 1963 (P. L. 549, No. 290), entitled, *** imposing powers and duties upon and authorizing the agency to fund as a lender including an eligible lender under the provisions of Part C of the Health Professions Education Assistance Act of 1976.

On the question,

Will the House agree to the bill on third consideration?

Mr. PICCOLA offered the following amendments No. A7450:

Amend Title, page 1, line 12, by inserting after "agency" to fund lenders and eligible postsecondary institutions for loans to students and parents and

Amend Title page 1, line 13, by striking out "including" and inserting to provide adequate financial aid for undergraduate and graduate students including as

Amend Title, page 1, lines 14 and 15, by striking out both of said lines and inserting

applicable Federal law.

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

Amend Sec. 1 (Sec. 2), page 2, line 2, by inserting brackets before and after "guaranteeing"

Amend Sec. 1 (Sec. 2), page 2, line 2, by striking out " , servicing or otherwise providing"

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

Amend Sec. 1 (Sec. 2), page 2, line 3, by striking out the brackets before and after "made"

Amend Sec. 1 (Sec. 2), page 2, line 3, by inserting a bracket after "assist" and inserting immediately thereafter assisting

Amend Sec. 2 (Sec. 2), page 2, lines 5 through 8, by striking out " . The term "resident," as used in this act, shall include," in line 5, all of lines 6 through 8, and inserting and by enabling the agency, lenders and postsecondary institutions to make initial or supplemental loans available to students and parents for postsecondary education purposes.

Amend Sec. 2, page 2, line 12, by striking out "and" and inserting a comma

Amend Sec. 2, page 2, line 12, by inserting after "No.99)," July 12, 1981 (P.L.264, No.89) and November 25, 1981 (P.L.417, No.130),

Amend Sec. 2 (Sec. 4), page 2, line 18, by inserting after "lending"

or postsecondary

Amend Sec. 2 (Sec. 4), page 2, line 22, by inserting after "lenders

, postsecondary institutions

Amend Sec. 2 (Sec. 4), page 3, line 23, by inserting after "made"

, funded

Amend Sec. 2 (Sec. 4), page 4, lines 1 through 3, by striking out all of said lines and inserting

(iii) To enter into contracts with schools, lenders, individuals, corporations, the Student Loan Marketing Association, other agencies of the Commonwealth, other states and the Federal

Amend Sec. 2 (Sec. 4), page 4, line 4, by inserting after "in," purchase,

Amend Sec. 2 (Sec. 4), page 4, line 10, by inserting after "lenders"

or postsecondary institutions

Amend Sec. 2 (Sec. 4), page 4, line 13, by inserting after "agency."

Any such contract of the agency to service student loans shall not be subject to the provisions of the act of June 21, 1957 (P.L. 390, No. 212), referred to as the Right-to-Know Law. For purposes of this clause, contract shall include schedules or exhibits relating to pricing or schedules relating to equipment, time charges, service charges or other charges pertinent to an agency contract to service student loans. Any citizen of the Commonwealth of Pennsylvania who desires to examine, inspect or copy any such contract shall apply to the Attorney General. Upon receipt of any such application, the Attorney General shall cause a review of the contract to determine if the disclosure of the contents of the contract could cause a loss of revenue to any Commonwealth fund or to the agency. If the Attorney General determines that it is unlikely that a loss of revenue to any Commonwealth fund or the agency could occur, the Attorney General may grant the application and order the agency to permit the citizen to examine, inspect or copy the contract. Otherwise, the Attorney General shall deny the application. The Attorney General shall also have the power to determine that portions of the contract may be examined, inspected or copied and other portions may not. The agency may adopt and enforce reasonable rules, subject to the approval of the Attorney General, governing the examination, inspection or copying of any such contracts. The Attorney General shall make a determination for any application within thirty days of receipt thereof.

Amend Sec. 2 (Sec. 4), page 4, lines 20 and 21, by striking out "by the Secretary of Health, Education and Welfare"

Amend Sec. 2 (Sec. 4), page 4, lines 25 through 30; page 5, lines 1 through 6, by striking out all of said lines and inserting

(1.2) To guarantee loans to parents as authorized by Federal law Part B, Title IV, of the Federal Higher Education Act, as amended, and to other persons for purposes of attending postsecondary educational institutions from funds other than those appropriated by the Commonwealth and to pay such interest and costs or any parts thereof and for such period of time as may be authorized by the board of directors of the agency and on loans guaranteed for individual students and parents who otherwise would not qualify for Federal or other interest subsidy.

Amend Sec. 2 (Sec. 4), page 5, line 20, by striking out ", and may" and inserting

. The board may, with the approval of the Governor,

Amend Sec. 2 (Sec. 4), page 5, line 24, by removing the comma after "issue and inserting
for the purpose of purchasing, making or guaranteeing loans to students, parents, or to lending institutions or to postsecondary institutions for the purpose of student loans

Amend Sec. 2 (Sec. 4), page 6, line 12, by inserting a bracket after "act"

Amend Sec. 2 (Sec. 4), page 6, lines 12 through 14, by striking out "I," in line 12, all of line 13, and "board," in line 14

Amend Sec. 2 (Sec. 4), page 6, line 14, by striking out "earnings and"

Amend Sec. 2 (Sec. 4), page 6, line 15, by striking out "including those"

Amend Sec. 2 (Sec. 4), page 6, line 17, by striking out "earnings of the agency,"

Amend Sec. 2 (Sec. 4), page 6, line 23, by striking out "and" and inserting

or

Amend Sec. 2 (Sec. 4), page 7, line 2, by striking out "and" and inserting

or

Amend Sec. 2 (Sec. 4), page 8, line 8, by striking out "and"

Amend Sec. 2 (Sec. 4), page 8, line 12, by inserting after "statutes"

or investigations

Amend Sec. 2 (Sec. 4), page 8, line 14, by removing the period after "officers" and inserting
;

(iii) present to the board of directors of the agency, evidence of probable violations of criminal statutes related to fraud or a breach of fiduciary obligation and request the board to issue an order of subpoena duces tecum to obtain original documents submitted by individuals for the purpose of obtaining loans or loan guarantees or other moneys from the agency. The board of directors shall have the power to issue a subpoena duces tecum for such purposes under the hand of its chairman upon a majority vote of its membership of a finding that a probable violation of such criminal statutes has occurred.

Amend Sec. 2 (Sec. 4), page 8, line 18, by inserting after "made"

, funded

Amend Sec. 4 (Sec. 5.2), page 9, line 29, by inserting after "resolution

and with the approval of the Governor

Amend Sec. 4 (Sec. 5.2), page 9, line 30, by striking out "its

Amend Sec. 4 (Sec. 5.2), page 10, line 4, by inserting after "resolution."

The proceeds realized from the sale of notes, bonds or similar indebtedness shall be used for the purpose of purchasing, making or guaranteeing loans to students or parents, or to lending institutions or postsecondary institutions for the purpose of student loans and the cost of issuance of the indebtedness, the establishment of reserve funds from the proceeds of the indebtedness, administration of the loans purchased, made or guaranteed and other costs associated with loans purchased, made or guaranteed with funds from the proceeds of the indebtedness. The aggregate principal amount of bonds, notes and similar evidences of indebtedness of the agency shall not exceed ten per cent of the total loans guaranteed by the agency.

Amend Sec. 4 (Sec. 5.2), page 12, line 4, by inserting after "the

chairman of the

Amend Sec. 4 (Sec. 5.10), page 17, line 30, by striking out "The" and inserting

(a) Except as provided in subsection (b), the

Amend Sec. 4 (Sec. 5.10), page 18, by inserting between lines 9 and 10

(b) The provisions of section 5.2 which state that the bonds, notes or evidences of indebtedness of the agency shall not be deemed to constitute a debt of the Commonwealth or a pledge of the faith and credit or the taxing power of the Commonwealth are expressly made nonseverable.

On the question,

Will the House agree to the amendments?

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

Mr. PICCOLA. Thank you, Mr. Speaker.

This is mostly a technical amendment, but there are two factors in it that are substantive, and I would like to explain those. The one is a clarification as to what the proceeds of the bond issue are to be used for, and that is they are to be used for student loans.

Secondly, it permits the board to issue the bonds only with the approval of the Governor.

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

Mr. MARMION. Thank you, Mr. Speaker.

Mr. Speaker, perhaps Mr. Piccola should put through his amendment first. I would like to ask a couple of questions on the bill itself.

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

Mrs. TAYLOR. Mr. Speaker, I would like to say that I do agree with this amendment. One of the things that it does is it puts a cap on the amount of the bond issue. That cap is 10 percent of the loans that are already guaranteed by the agency. At the present time PHEAA guarantees about \$2.7 billion in loans, which would mean that the maximum bond that could be floated under this bill would be \$270 million.

Representative Sirianni's amendment also gives the Governor purview over when and the amount into which PHEAA can go into the bond market. I believe this is a good control, and I do concur with that.

The rest of the amendment, as Representative Piccola said, is technical in nature and actually brought the legislation into conformity with two of the bills that we have passed that have been speaking to some of the issues that are in HB 311, so I would say that I do concur with this amendment.

The SPEAKER. Does the gentleman, Mr. Cowell, desire to be recognized on the amendment?

Mr. COWELL. Yes. Would Mr. Piccola submit to interrogation, please?

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I wanted to interrogate you about one particular portion of the amendment and its ramifications. On page 2, line 5, your amendment would strike out that language that begins "The term 'resident,' as used in this act,..." et cetera. Could you share with us the purpose of that portion of the amendment and its meaning?

Mr. PICCOLA. Mr. Speaker, if I might yield to Mrs. Taylor on that, she will probably be able to give you a more definitive answer.

Mrs. TAYLOR. Mr. Speaker, all that language does is to insure—I believe I am correct—that this money will be used for student loans.

Mr. COWELL. I do not think that really answers that question. I do not think that language is intended to do that. We are talking about the definition of "resident" and who is eligible for these loans.

Mrs. TAYLOR. Mr. Speaker, if you will recall, in Act 89 of 1981 we did redefine Pennsylvania residency to include all students in Pennsylvania schools regardless of the home State, and I think that language brings HB 311 into conformity with what is now Act 89 of 1981.

Mr. COWELL. Then just in the way of clarification, would a student who is not domiciled or does not have permanent residence in Pennsylvania but is accepted for enrollment at a Pennsylvania institution be eligible for a loan under this program?

Mrs. TAYLOR. Mr. Speaker, the answer to that question is yes.

Mr. COWELL. And would a student who is a permanent resident of Pennsylvania but accepted for enrollment at an out-of-State institution be eligible for a loan under this program to help fund his college expenses at that out-of-State institution?

Mrs. TAYLOR. Mr. Speaker, if the loan issue is collateralized by the General Fund, not by the specific college, then, if it is by the college itself, it could be made to Pennsylvania students going to colleges outside of the State.

Mr. COWELL. Mr. Speaker, I do not understand that collateralized point. A young man or a young woman is going to go to a lending institution in Pennsylvania, perhaps in his or her own neighborhood, and seek a loan that is funded under this program. How will that young man or young woman or their family determine whether or not they are eligible for this loan if they have intentions of attending an institution out of State?

Mrs. TAYLOR. If the bond issue is using for collateral the money in the loan reserve fund, then that student, a resident of Pennsylvania going to an out-of-State college, would be eligible for the loan. If the University of Pennsylvania, Swarthmore College, Bryn Mawr, what have you, are using their own collateral, then those loans could only be used for students coming to those colleges.

Mr. COWELL. Mr. Speaker, again I do not mean to belabor the point, but I was confused by the answer. We were talking about a student who would attend an out-of-State institution, and so that portion of the answer that spoke to the institution, like the University of Pennsylvania or Penn State or Pitt or a community college, collateralizing the loan seemed to be irrelevant, because a student going to Ohio State certainly would not seek a loan collateralized by Penn State or Pitt or any of those in-State institutions. They would come to their local lending agency, whichever one might be designated. So can we assume that under those kinds of circumstances where the Commonwealth loans money to an appropriate lending agency, which in turn would loan money to a student, that student would be able to take those dollars to an out-of-State institution? Anybody who is down there at the mike—Mr. Miller?

Mr. MILLER. Thank you, Mr. Speaker.

To answer the gentleman, Mr. Cowell, under the language of the amendment, which I incidentally rise to oppose, I believe your assumption is correct.

The language of the amendment would permit a private college that used its own assets to back a loan or a group of student loans to then turn around and offer student loans to any student, regardless of State of domicile, a loan at that particular institution. However, the same language of the amendment appears to indicate that if the Commonwealth were to be indeed the loan authority, operating directly through PHEAA, only residents of the Commonwealth would be eligible for loans, but the question remains open whether they could carry them to the institutions.

In responding to the gentleman, Mr. Cowell, I would also like to suggest that both of those major two points run contrary to current PHEAA policy with respect to out-of-State residents. It has not been the intent of the board through its policy or need analysis deliberations to restrict loans to only Commonwealth institutions. The language of the amendment appears to be a double-jeopardy situation wherein if the college collateralized the loan with their own assets, they

could be giving the loan to any student regardless of their State of domicile. However, if the Commonwealth did it, was backing the loan, it would be loans only available to Commonwealth residents, and the question of where they attended college remains open.

Now, for those two inconsistent reasons I would recommend a negative vote on the amendment and suggest that the gentleman, Mr. Cowell, is accurate in his observations. Thank you, Mr. Speaker.

Mr. COWELL. Mr. Speaker, one final question. I would like to interrogate Representative Sirianni, whose name is on the amendment as the sponsor of this amendment.

The SPEAKER. The lady has temporarily stepped off the floor.

Mr. COWELL. Since Mr. Piccola offered the amendment in her stead, I would direct the question then to Representative Piccola, if he would submit.

Mr. Speaker, there seems to be some confusion about the real intent of this particular section of the amendment. Most of the amendment is technical in nature. This particular section deals with the heart of the eligibility question though. Could you explain, perhaps on behalf of Miss Sirianni, what the intent of this section actually is that you and Representative Sirianni sought when you introduced this amendment? Do you want to narrow eligibility or broaden eligibility? What were your plans or intentions?

Mr. PICCOLA. It was my understanding, Mr. Speaker, that if an institution used its own assets as collateral, then they would have the right to use the proceeds from that bond issue to loan money to whatever students they saw fit, whether they be residents of Pennsylvania or not. If, however, assets of the Commonwealth were used, then those loans would be restricted to Pennsylvania residents.

Mr. COWELL. Could you tell us what that has to do with this definition of "resident"?

Mr. PICCOLA. The definition as contained in the bill, which is being eliminated by the amendment, does not permit that to take place, as I understand it.

Mr. COWELL. Mr. Speaker, so that this particular section of the amendment could stand on its own merit, I would ask that the Chair divide this amendment that has been introduced by Representative Piccola so that we could consider the amendment 7450 in two sections, one section being just that language that appears on page 2 of the amendment—it starts with "Amend Sec. 2" and goes for about six lines, ending with "postsecondary education purposes"—that that be one portion of the amendment we consider, and then secondly we consider the rest of the amendment.

Mr. Speaker, for the moment, perhaps to expedite things, I will withdraw that request that the amendment be divided. I think some other Representatives want to speak on the total issue, so I will withdraw that request.

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

Mr. RAPPAPORT. Mr. Speaker, in a sidebar conversation with the gentleman from Lancaster, Mr. Miller, I came to the startling realization, with which he agrees, that if my son

wants to borrow money to go to the Columbia Law School where I went, he will be unable to borrow this money because he is going to an out-of-State school, but if some kid from New York wants to come down here to the Penn Law School, whose parents never paid a dime in Pennsylvania taxes, he can get the loan to come to the Penn Law School. Frankly, I think that is against the historical policy of PHEAA, and it surely is not the kind of policy I want to vote for. Student loans are extremely important. I believe in the interchange and everything else between States, but PHEAA is a Pennsylvania program for Pennsylvania residents. Let us keep it this way and vote "no" on the amendment. Thank you, Mr. Speaker.

WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House today a group from the Bethlehem Christian Day School in Bethlehem, Pennsylvania, consisting of some 25 students together with their chaperons. The students and their chaperons are seated in the balcony. These students are here as the guests of Representatives Gruppo and Rybak.

The Chair is pleased to welcome to the hall of the House today Mr. and Mrs. Donald Taylor, here with their son Don and his friend Mark, the guests of Representative Leonard Gruppo of Northampton.

The Chair welcomes a group here as the guests of Representative Bruce Smith of York County, Farm Women Group No. 1 of York County, led by Mrs. Philip Herbst of Mount Wolf.

The Chair is also pleased to welcome to the hall of the House today Rev. Cornelius Williams, Rev. John Mobley, Sr., Pastor William T. Grier, Jr., Mrs. Etta Stroud, Mrs. Louise Williams, Mr. Kevin Norman, and Mr. Joseph Hills. These guests are seated on the floor of the House, here as the guests of Representative Earl Smith of Chester County.

CONSIDERATION OF HB 311 CONTINUED

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

Miss SIRIANNI. Mr. Speaker, I would like to make a statement.

The SPEAKER. The lady is in order to make a statement with respect to the question before the floor, which is the amendment of the gentleman, Mr. Piccola.

Miss SIRIANNI. Mr. Speaker, Mr. Piccola is handling this for me because I do not feel well, but I had to come in for 1 minute, and you had better be happy if I do not stay longer than that.

This amendment was agreed upon by the PHEAA board and by Mrs. Taylor, who are the chief sponsors of the bill. I met with Mr. Reeher and his staff, Mrs. Taylor and her staff, and Dr. Wilburn last week. Everything that is in this amendment is agreed upon.

I do have a separate amendment that has not been agreed upon, and I did not include it in this amendment, because that was the one portion that they did not agree upon. But Mrs. Taylor, Mr. Reeher, the Governor's Office, and the PHEAA members who were there with Mr. Reeher have agreed upon

this amendment. I think that Mrs. Taylor can attest to that. Thank you very much, Mr. Speaker.

The SPEAKER. For what purpose does the lady, Mrs. Taylor, rise?

Mrs. TAYLOR. To speak on the amendment.

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

Mrs. TAYLOR. Mr. Speaker, I believe that I did that earlier in the debate in which I had pointed out the cap. I pointed out the technical amendments, and I pointed out the Governor's purview.

Everything that Representative Rappaport said was correct. The difference is, as I stated before, in how the loan is collateralized. If it is collateralized with the loan reserve fund, then the example that he gave is not applicable. If it is collateralized by the college with the college pledging tangible assets, such as cash and buildings and endowments, then it is. And as I said before, you know, I ask for an affirmative vote on this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—101

| | | | |
|------------|-----------------|-----------|---------------|
| Anderson | Fischer | Lashinger | Serafini |
| Armstrong | Foster, W. W. | Lehr | Showers |
| Arty | Foster, Jr., A. | Lescovitz | Shupnik |
| Belardi | Freind | Levi | Sieminski |
| Bittle | Gallagher | McClatchy | Sirianni |
| Bowser | Gallen | Mackowski | Smith, B. |
| Boyes | Gamble | Madigan | Smith, L. E. |
| Brandt | Gannon | Merry | Snyder |
| Cawley | Geist | Miller | Spencer |
| Cessar | George | Miscevich | Spitz |
| Cimini | Gladeck | Moehlmann | Stairs |
| Civera | Greenfield | Mowery | Stevens |
| Clymer | Greenwood | Murphy | Taddonio |
| Cochran | Grieco | Nahill | Taylor, E. Z. |
| Colafella | Gruppo | Noye | Telek |
| Cornell | Hagarty | Perzel | Trello |
| Coslett | Hasay | Peterson | Vroon |
| Cowell | Hayes | Phillips | Wargo |
| Cunningham | Hoeffel | Piccola | Wenger |
| DeVerter | Honaman | Pistella | Weston |
| Daikeler | Itkin | Pitts | Wogan |
| Dawida | Jackson | Pott | Wright, J. L. |
| Dietz | Johnson | Punt | |
| Dorr | Kanuck | Reber | Ryan, |
| Durham | Kennedy | Salvatore | Speaker |
| Fargo | Klingaman | Saurman | |

NAYS—80

| | | | |
|-------------|----------------|-------------|--------------|
| Barber | Emerson | Lucyk | Rieger |
| Belfanti | Evans | Maiale | Ritter |
| Beloff | Fee | Manderino | Rybak |
| Berson | Fryer | Manmiller | Seventy |
| Blaum | Gray | Marmion | Steighner |
| Borski | Gruitza | Michlovic | Stewart |
| Brown | Haluska | Micozzie | Stuban |
| Burd | Harper | Morris | Swaim |
| Burns | Heiser | Mrkonc | Sweet |
| Cappabianca | Horgos | O'Donnell | Tigue |
| Clark | Hutchinson, A. | Olasz | Van Horne |
| Cohen | Irviss | Oliver | Wachob |
| Cole | Kolter | Petrarca | Wambach |
| Cordisco | Kowalshyn | Petrone | Wass |
| DeMedio | Kukovich | Pievsky | Wiggins |
| DeWeese | Laughlin | Pratt | Williams, H. |
| Deal | Letterman | Pucciarelli | Wilson |
| Dombrowski | Levin | Rappaport | Wozniak |

| | | | |
|-----------|-----------|------------|---------------|
| Donatucci | Livengood | Rasco | Wright, D. R. |
| Duffy | Lloyd | Richardson | Zwikl |

NOT VOTING—16

| | | | |
|-------------|-----------|-----------|-----------------|
| Alden | Fleck | McMonagle | Smith, E. H. |
| Caltagirone | Frazier | McVerry | Taylor, F. E. |
| Davies | Grabowski | Mullen | Williams, J. D. |
| Dininni | McIntyre | Pendleton | Wright, R. C. |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
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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. PICCOLA offered the following amendments No. A7159:

Amend Title, page 1, line 15, by removing the period after "1976" and inserting

and providing for salaries of employees.

Amend Bill, page 2, by inserting between lines 8 and 9

Section 2. Subsection (c) of section 3 of the act is amended to read:

Section 3. Governing Bodies.—***

(c) The board of directors shall adopt by-laws for the agency and may appoint such officers and employees as it deems advisable [and may fix their compensation] and prescribe their duties.

Section 3. The act is amended by adding a section to read:

Section 3.1. Compensation.—The compensation of all officers and employees of the agency shall be fixed by the Executive Board.

Amend Sec. 2, page 2, line 9, by striking out "2" and inserting

4

Amend Sec. 3, page 8, line 26, by striking out "3" and inserting

5

Amend Sec. 4, page 9, line 7, by striking out "4" and inserting

6

Amend Sec. 5, page 18, line 14, by striking out "5" and inserting

7

On the question,

Will the House agree to the amendments?

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

Mr. PICCOLA. Thank you, Mr. Speaker.

This is a very simple amendment. It merely states that compensation of all the officers of PHEAA as well as all the employees of the agency shall be fixed by the executive board.

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

Mr. GALLAGHER. Mr. Speaker, would the gentleman, Mr. Piccola, stand for interrogation, please?

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

Mr. GALLAGHER. Mr. Speaker, the amendment amends page 2 and adds "The compensation of all officers and employees of the agency shall be fixed by the Executive

Board." Would you be kind enough to explain to the body what the executive board is?

Mr. PICCOLA. The executive board, it is my understanding, is a group of the Cabinet who determine the salary levels.

Mr. GALLAGHER. Mr. Speaker, what Cabinet? Are you speaking of the Governor's Cabinet?

Mr. PICCOLA. Yes.

Mr. GALLAGHER. All right. Thank you, Mr. Speaker.

Mr. Speaker, the PHEAA board, by law and by its own bylaws, sets the compensation of all its officers and employees and has done so for years. This would take away from the PHEAA board the authority to do what it has been doing.

The PHEAA board, so you all understand, is made up of eight House members, eight Senators, three laypersons, and the Secretary of Education. That is the board that sets the salaries and has for years prepared the salary schedules similar to what the Governor's Office has done and the administration, the Budget Secretary or the Secretary of Administration.

There is no need for this amendment. There might have been some problems that Miss Sirianni had with the PHEAA board or did not like the way that the PHEAA board was handling its own employees. We also must understand, to the members of the House, that PHEAA employees are organized with AFSCME (American Federation of State, County, and Municipal Employees). All the negotiations for the PHEAA employees are handled by the Governor's Office in tandem with the philosophy of the Secretary of Administration and their negotiators. So there is no need for this amendment, and I urge the members to oppose the amendment.

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

Mr. MILLER. Thank you, Mr. Speaker.

So that the members clearly understand the direct intent of the amendment on the floor currently, I might advise you and remind you all that the Pennsylvania Higher Education Assistance Agency, since its inception, has yearly lowered the administrative cost-dollar that it comes to this General Assembly to receive from General Fund revenues. This year the general administration dollar is less than 10 percent of what it was 7 years ago. Now, how can one agency of State Government accomplish that form of efficiency by offering and underwriting more loans and grants than it has in any other time in its history and at the same time lowering its administrative cost? Well, the answer is simple. It has evolved in the direction of a not-for-profit agency. It indeed is out in the private sector servicing the loan-and-grant needs of other States, and it does that in a proprietary endeavor. That is to say, we make money.

The PHEAA board is able to go out in the secondary loan market and in the out-of-State grant market marketing its skills and capabilities in the private sector that generates private-sector contract dollars that offset the tax dollars this legislature is asked to appropriate. Now, to do so we need a certain bit of flexibility on that board of directors as any other not-for-profit board or private commission board needs to operate. That flexibility you have given to us and we have handled well over the years. It is directly the flexibility to hire

and to fire and to establish work descriptions and salary descriptions for our senior management employees. That is all we ask. The remainder of the State employees who work for PHEAA are under the AFSCME contract, and we are locked into the executive board decisions there.

Please continue to allow us the flexibility to go out into the private market and hire that programmer who has a new talent that may fit a need we have when we come back and bring in the private-sector dollar to supplement the program that this legislature created in 1963 and to this day remains the model loan-and-grant program in this Nation. Incidentally, we are now serving a number of our sister States, and for your information, New Jersey just came on board along with \$6 million in New Jersey tax money into our operation. I think that is significant.

I would ask your consideration for the excellent job the board has done over the past and the earnest rejection of this amendment. Thank you, Mr. Speaker.

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

Mr. COWELL. To speak on the amendment, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I want to concur with the remarks made by Representative Gallagher and Representative Miller. We ought to defeat this amendment. There is one other thing that we should also clearly recognize. If we adopt this amendment, what we would effectively do is to transfer a substantial portion of the management of the PHEAA agency from the legislative branch to the executive branch. Right now the legislators in the House and Senate have primary input to the management of PHEAA through the 16 legislators who serve on the PHEAA board. Of the 21 members of the board of directors, 16 are members of the House and Senate.

What this amendment would do is to effectively strip a major portion of management from our colleagues in the legislature and give it to the executive branch of government. If we as legislators want to exert additional or different kinds of controls over the PHEAA board and the PHEAA agency, this is not the way to do it. This effectively abdicates our responsibility and gives it to somebody else. We therefore should reject this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—11

| | | | |
|--------|-----------|-----------|----------|
| Bittle | Hayes | Letterman | Piccola |
| Cessar | Johnson | Lloyd | Sirianni |
| Geist | Lashinger | Phillips | |

NAYS—179

| | | | |
|-----------|---------------|-----------|--------------|
| Anderson | Evans | Lucyk | Saurman |
| Armstrong | Fargo | McIntyre | Serafini |
| Arty | Fee | McMonagle | Seventy |
| Barber | Fischer | McVerry | Showers |
| Belardi | Fleck | Mackowski | Shupnik |
| Belfanti | Foster, W. W. | Madigan | Sieminski |
| Beloff | Frazier | Maiale | Smith, B. |
| Berson | Freind | Manderino | Smith, L. E. |

| | | | |
|-------------|----------------|-------------|-----------------|
| Blaum | Fryer | Manmiller | Snyder |
| Borski | Gallagher | Marmion | Spencer |
| Bowser | Gallen | Merry | Spitz |
| Boyes | Gamble | Michlovic | Stairs |
| Brandt | Gannon | Micozzie | Steighner |
| Brown | George | Miller | Stevens |
| Burd | Gladeck | Miscevich | Stewart |
| Burns | Grabowski | Moehlmann | Stuban |
| Caltagirone | Gray | Morris | Swaim |
| Cappabianca | Greenfield | Mowery | Sweet |
| Cawley | Greenwood | Mrkonic | Taddonio |
| Cimini | Grieco | Mullen | Taylor, E. Z. |
| Civera | Gruitz | Murphy | Taylor, F. E. |
| Clark | Gruppo | Nahill | Telek |
| Clymer | Hagarty | Noye | Tigue |
| Cochran | Haluska | O'Donnell | Trello |
| Cohen | Harper | Olasz | Van Horne |
| Colafella | Hasay | Oliver | Vroon |
| Cole | Heiser | Pendleton | Wachob |
| Cordisco | Hoeffel | Perzel | Wambach |
| Cornell | Honaman | Peterson | Wargo |
| Coslett | Horgos | Petrarca | Wass |
| Cowell | Hutchinson, A. | Petrone | Wenger |
| Cunningham | Irviss | Pievsky | Weston |
| DeMedio | Itkin | Pistella | Wiggins |
| DeVertier | Jackson | Pitts | Williams, H. |
| DeWeese | Kennedy | Pott | Williams, J. D. |
| Daikeler | Klingaman | Pratt | Wilson |
| Davies | Kolter | Pucciarelli | Wogan |
| Dawida | Kowalshyn | Rappaport | Wozniak |
| Deal | Kukovich | Rasco | Wright, D. R. |
| Dietz | Laughlin | Reber | Wright, J. L. |
| Dininni | Lehr | Richardson | Wright, R. C. |
| Dombrowski | Lescovitz | Rieger | Zwinkl |
| Donatucci | Levi | Ritter | |
| Dorr | Levin | Rybak | Ryan, |
| Duffy | Livengood | Salvatore | Speaker |
| Durham | | | |

NOT VOTING—7

| | | | |
|---------|-----------------|-----------|--------------|
| Alden | Foster, Jr., A. | McClatchy | Smith, E. H. |
| Emerson | Kanuck | Punt | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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

ANNOUNCEMENT BY MR. FREIND

The SPEAKER. For what purpose does the gentleman from Delaware, Mr. Freind, rise?

Mr. FREIND. Mr. Speaker, there is an adage that only the good die young, and I would just like to say that the Speaker of the House is living proof of that. The Speaker today is celebrating his 50th birthday, and I on behalf of the Delaware County delegation and all the members would like to wish you a happy birthday.

The SPEAKER. The House is out of order.

Steve, what is the name of your opponent in the primary?

CONSIDERATION OF HB 311 CONTINUED

On the question recurring,

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

Mr. ARMSTRONG offered the following amendment No. A7573:

Amend Sec. 4 (Sec. 5.2), page 12, by inserting between lines 19 and 20

(g) All bond managers or bond co-managers shall employ at least one hundred persons or four percent of the total number of their personnel in the Commonwealth during the time they are managers or co-managers of the bond issue. As used in this subsection, the term "bond managers" does not include bond underwriters.

On the question,

Will the House agree to the amendment?

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

Mr. ARMSTRONG. Thank you, Mr. Speaker.

If this bill goes through, they will be floating tax-free bonds, and what I would like to see is that people who work and deal in Pennsylvania are the ones who would get the bond manager or comanager. In other words, they would have to have either 100 employees who work in the State or only 4 percent of the total employees. So if a company only had 1,000 employees total, they would have to have 40 employees in Pennsylvania, either the lesser of 4 percent or 100, whichever is least.

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

Mrs. TAYLOR. Mr. Speaker, this is an agreed-to amendment, and I believe it makes this piece of legislation a better piece.

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

Mr. O'DONNELL. I would like to interrogate Mr. Armstrong.

The SPEAKER. The gentleman, Mr. Armstrong, indicates he will stand for interrogation. The gentleman may begin.

Mr. O'DONNELL. Mr. Speaker, you may have covered this in your original remarks; I am not sure. I do not know what a bond manager is. Could you tell me?

Mr. ARMSTRONG. In a bond underwriting you have perhaps one to five managers who keep the books. They get a fee for this. There is usually one to five, and they are the ones who keep the books and are the main underwriters, so to speak. They are not referred to as underwriters, but they are the major underwriters, as another terminology, but they are referred to in the business as managers or comanagers.

Mr. O'DONNELL. So you are using bond manager the same as the lead underwriter. So if somebody puts together a syndicate of underwriters to purchase the bonds, the lead underwriter who takes the responsibility for this is the person you are referring to here as the bond manager?

Mr. ARMSTRONG. That is correct.

Mr. O'DONNELL. I guess I am not sure how this works then. The bond underwriters could come from all over the country and the overwhelming percentage of the bond work could be done outside Pennsylvania, but the person who has the lead responsibility would have to meet the criteria of this amendment. Is that correct?

Mr. ARMSTRONG. That is correct. Most of your major brokerage houses already have many employees in Pennsylvania. Almost all of them would fall under this category.

Mr. O'DONNELL. Is it your feeling that most of the underwriters, most of the investment bankers who are involved with the purchase of these bonds, would satisfy the requirements of this?

Mr. ARMSTRONG. That is correct. Go right down your major firms that are involved in underwriting, and all of them have major offices in Pennsylvania. A lot of them have big bond houses in Philadelphia, particularly.

Mr. O'DONNELL. I guess my real concern was—and maybe you are correct but perhaps maybe you are not—it is my understanding that very few—in fact, I cannot think of any, but I am not that familiar with it—it strikes me that very few people would be able to satisfy these criteria. Does anybody come to your mind offhand that has 100 employees?

Mr. ARMSTRONG. Well, I could go right down the main underwriters. Merrill Lynch has thousands of people probably in this—

Mr. O'DONNELL. In Pennsylvania?

Mr. ARMSTRONG. They have an office here in town probably with 25 employees. Probably in Philadelphia they may have 50 to 100, in just their Philadelphia office.

Mr. O'DONNELL. Okay. I understand.

Mr. ARMSTRONG. What I am trying to eliminate is people with maybe one large house in New York, having absolutely nobody employed in Pennsylvania, but yet they are coming in here and taking the gravy as being managers and taking it back to New York. I feel if they want to come in here and get major underwritings of Pennsylvania, they should at least have an office here.

Mr. O'DONNELL. I understand.

Mr. Speaker, have you considered the possibility that the only folks who are going to qualify here are people who are not primarily underwriters? For instance, Merrill Lynch. Merrill Lynch sells stock and does all sorts of financial transactions, and because they handle an enormous volume of transactions, they have the number of employees. But underwriting is only one small part of their business, and their underwriting business would not have 100 employees. It strikes me that those people who are investment bankers or who are in the underwriting business would not qualify, but only those people who are part of a large financial conglomerate, some part of their business being underwriting, would qualify. Is that an accurate view?

Mr. ARMSTRONG. I do not see it that way at all. There may be a New York firm. The only one that comes to my mind, and I may be completely wrong, that would apply to this would be a Goldman Sachs. Goldman may or may not have a firm in Philadelphia. They have a major brokerage house in New York City. If they come in here and do an underwriting, I feel they should have some people down here. I am not saying 100 people; I am saying 4 percent of the employees of that firm. If they have 1,000 people in their firm, which they have much more than that, 40 people.

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

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

The following roll call was recorded:

YEAS—189

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

NAYS—0

NOT VOTING—8

| | | | |
|--------|-----------|--------------|-----------------|
| Alden | O'Donnell | Rappaport | Williams, J. D. |
| Kanuck | Pratt | Smith, E. H. | Wright, R. C. |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

The question was determined in the affirmative, and the amendment was 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?

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

Mr. MARMION. Being over 50, Mr. Speaker, I was slowing down.

I have a couple of questions of the sponsor. First, as far as this \$270 million is concerned, what are the guidelines for that? Is that to be earmarked only for graduate students?

Mrs. TAYLOR. No, it is not.

Mr. MARMION. That would be for all students?

Mrs. TAYLOR. Yes, sir.

Mr. MARMION. All right.

What are the income limits or income guidelines?

Mrs. TAYLOR. According to the bill, those guidelines will be established by the PHEAA board, and as has been pointed out before, there are eight members of this House and eight members of the Senate who serve on that board. I guess the guidelines would probably be affected by many variables, one of which would be how much money we have been able to take in by the bond issue.

Mr. MARMION. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

YEAS—192

| | | | |
|-------------|-----------------|-------------|---------------|
| Anderson | Evans | Levin | Ritter |
| Armstrong | Fargo | Livengood | Rybak |
| Arty | Fee | Lloyd | Salvatore |
| Barber | Fischer | Lucyk | Saurman |
| Belardi | Fleck | McClatchy | Serafini |
| Belfanti | Foster, W. W. | McMonagle | Seventy |
| Beloff | Foster, Jr., A. | McVerry | Showers |
| Berson | Frazier | Mackowski | Shupnik |
| Bittle | Freind | Madigan | Sieminski |
| Blaum | Fryer | Maiale | Sirianni |
| Borski | Gallagher | Manderino | Smith, B. |
| Bowser | Gallen | Manmiller | Smith, E. H. |
| Boyes | Gamble | Marmion | Smith, L. E. |
| Brandt | Gannon | Merry | Snyder |
| Brown | Geist | Michlovic | Spencer |
| Burd | George | Micozzie | Spitz |
| Burns | Gladeck | Miller | Stairs |
| Caltagirone | Grabowski | Miscevich | Steighner |
| Cappabianca | Gray | Moehlmann | Stevens |
| Cawley | Greenfield | Morris | Stewart |
| Cessar | Greenwood | Mowery | Stuban |
| Cimini | Grieco | Mrkonic | Swain |
| Civera | Gruitza | Mullen | Sweet |
| Clark | Gruppo | Murphy | Taddonio |
| Clymer | Hagarty | Nahill | Taylor, E. Z. |
| Cochran | Haluska | Noye | 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 | Irvis | 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 | Kowalshyn | Pucciarelli | Wozniak |
| Dininni | Kukovich | Punt | Wright, D. R. |

| | | | |
|------------|-----------|------------|---------------|
| Dombrowski | Lashinger | Rappaport | Wright, J. L. |
| Donatucci | Laughlin | Rasco | Zwikel |
| Dorr | Lehr | Reber | |
| Duffy | Lescovitz | Richardson | Ryan, |
| Durham | Letterman | Rieger | Speaker |
| Emerson | Levi | | |

NAYS—0

NOT VOTING—5

| | | | |
|--------|----------|-----------------|---------------|
| Alden | McIntyre | Williams, J. D. | Wright, R. C. |
| Kanuck | | | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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

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

* * *

The House proceeded to third consideration of **HB 1340, PN 3134**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting certain paramilitary training.

On the question,

Will the House agree to the bill on third consideration?

MOTION TO RECOMMIT

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

Mr. CUNNINGHAM. Mr. Speaker, thank you.

I communicated this afternoon with a regional director of the National Rifle Association. The National Rifle Association wrote a letter as regards this bill to the Judiciary Committee, and as a result of an unfortunate breakdown in communication, either the letter was misrouted or in some way no response reached the National Rifle Association. But in the letter the NRA requested an opportunity to provide input on this legislation and asked to be notified when and if the legislation was considered by committee.

I want to emphasize very strongly that the NRA does not oppose this legislation. The NRA, in fact, has not taken a position on this legislation, because the NRA was not advised to the fact that the bill was going to move. In response to their request for an opportunity to be given a reasonable period of time to consider the legislation, analyze it, and provide input, I would like at this time to move that the bill be recommitted to the Committee on Judiciary.

The SPEAKER. The question before the House is the motion of the gentleman, Mr. Cunningham, to recommit the bill to the Committee on Judiciary.

On the question,

Will the House agree to the motion?

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

Mr. ITKIN. Mr. Speaker, I would oppose recommitment. I would oppose recommitment on the grounds that this piece of legislation has been considered extensively by the Judiciary Committee at two committee meetings and has met and been substantially amended to meet the concerns of persons who use rifles and other weapons for legitimate purposes. I would refer the membership of the House to the last page of the bill, page 5, dealing with excluded activities, which states, "Nothing contained in the act shall make unlawful any activity of the Game Commission, Fish Commission, or any law enforcement agency, or any hunting club, rifle club, rifle range, pistol range, shooting range or other program intended to teach the safe handling or use of firearms, archery equipment or other weapons or techniques employed in connection with lawful sports or other lawful activities." Mr. Speaker, we believe that this exemption goes to any concern that any legitimate lawful weapons organization, including the national rifle organization, may have. I have never been communicated with by the association, and in conversation with the chairman of the Judiciary Committee, he has no knowledge of any communication that was received by the committee.

I think it is quite unfair at the eleventh hour now, as this bill has been dealt with in committee extensively, that a motion to recommit should be entertained, especially since the bill now has the support of the Pennsylvania Game Commission, the Pennsylvania Federation of Sportsmen's Clubs, and other sporting and hunting organizations in the Commonwealth.

Mr. Speaker, this is an important piece of legislation, one that has been supported by and pushed by many civil rights organizations, including the Anti-Defamation League of B'nai B'rith, the Pennsylvania State Conference of the National Association for the Advancement of Colored People, the Urban League of Pittsburgh, and the Metropolitan Christian Council of Philadelphia.

We believe that this legislation is needed. We believe that all the concerns of legitimate sportsmen have been met. I would oppose the motion to recommit. No useful purpose would be accomplished by a recommitment motion.

WELCOME

The SPEAKER. The Chair would interrupt the proceedings for a moment to welcome to the hall of the House a very distinguished guest, longtime friend of the Speaker, a former member of this House who served in the legislature combining the House and Senate for a period of 39 years. He served in the House of Representatives from 1939 until 1950, in the Senate of Pennsylvania from 1951 to 1974, the former President pro tempore of the Senate, Senator Robert D. Fleming.

CONSIDERATION OF HB 1340 CONTINUED

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

Mr. NOYE. Mr. Speaker, I would ask the members to follow the suggestion of Mr. Cunningham and allow some time to be given to review this bill, and ask that the bill be recommitted to the Judiciary Committee.

The SPEAKER. Does the gentleman from Philadelphia, Mr. Deal, desire to be recognized on the question to recommit?

Mr. DEAL. Mr. Speaker, I would rise to speak against the recommitment of this bill.

Mr. Speaker, if there is ever a time when we ought to move very quickly on a piece of legislation, it is now. With this country in a recession, there are paramilitary groups who would play on the emotions of people clear across this Nation. We need to move quickly to serve notice on these paramilitary groups who are now publicly displaying military weapons and publicly teaching people how to destroy other human beings illegally. It is true, we may have some other areas of talk about conspiracy and what have you, but we need a clear-cut piece of legislation that will talk to those people who are not mindful of the law and those querulous questions concerning how those laws are interpreted.

Mr. Speaker, I would hope today that we would not recommit this bill, that we would pass this legislation and pass it very quickly so that we will serve notice on those groups that would attempt to terrorize and destroy the harmonious relationship of racial and ethnic groups in this Nation that we are no longer playing around; we mean business and serious business.

This bill will not affect those legitimate organizations like sportsmen's clubs, rifle clubs, and what have you, if some people are concerned about that. But, Mr. Speaker, it would serve notice, the same as we have had to serve notice on any other group that would attempt to break the law in this great Nation of ours. We hope that Pennsylvania would now set a tone that we do not play that kind of business here in Pennsylvania, and if paramilitary groups are to exist, then let them go elsewhere.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport, on the motion to recommit.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

Mr. Speaker, I must confess I was a bit taken aback by the request as articulated by Representative Cunningham. Of course, it is the courtesy of this House that if any member requests that a bill be held for a couple of days for further study, that courtesy is granted, and I would have been the first one to agree to such a request by the gentleman. But that was not the gentleman's request. He transmitted a request from an organization, not governmental, a private organization: hey, fellas in the legislature, we have not had a chance to look at this bill; you darn well better recommit it back to a committee until we deign and we find enough time to give you an opinion about what we think. I have never heard that kind of request on the floor of this House in 12 years here. Courtesy, yes. I consider that to be affrontive. If it is the gentleman's request that the bill go over for a couple of days, I will not be heard to oppose it. But to recommit a bill merely because some lobbying organization says they have not had time to look at it yet does not impress me as the way to run government, at least not in Pennsylvania. Thank you, Mr. Speaker.

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

Mr. WASS. Mr. Speaker, may I interrogate Representative Noye, please?

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

Mr. WASS. Mr. Speaker, in your request for a delay here, what type of a time element are you talking about - months or weeks? How long are you expecting the delay to last to get your information?

Mr. NOYE. I do not foresee the delay being that long. I think the request is reasonable. With Mr. Spencer as chairman of the committee, I am sure that the matter can be brought back before the House when a satisfactory solution or compromise can be reached, if that is what is needed.

Mr. WASS. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Mr. Speaker, I also rise to oppose the recommittal motion.

What we are talking about in this legislation is the prohibition on the use of explosives, incendiary devices such as grenades, weapons of that nature which sportsmen's clubs do not use. It exempts any sportsmen's club. I am an active member of the NRA and the Pennsylvania Rifle and Pistol Association, and both of those groups are exempt. The final paragraph of this legislation makes it very clear, Mr. Speaker, that under excluded activities, "Nothing contained in the act shall make unlawful any activity of the Game Commission, Fish Commission, or any law enforcement agency, or any hunting club, rifle club, rifle range, pistol range, shooting range or other program intended to teach the safe handling or use of firearms, archery equipment or other weapons or techniques employed in connection with lawful sports or other lawful activities." That is very clear. I believe that the National Rifle Association and the Pennsylvania Rifle and Pistol Association have no problem whatsoever with the language of this bill. But when you look at the rest of this language, we are talking about handgrenades, we are talking about incendiary devices, devices used by terroristic organizations, and as Mr. Deal stated earlier, Pennsylvania is no place to be teaching paramilitary training. If we are going to have these organizations, let them go elsewhere.

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

Mr. LETTERMAN. May I interrogate Mr. Cunningham, please?

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

Mr. LETTERMAN. Mr. Speaker, would you withdraw your motion to recommit in favor of holding the bill over?

Mr. CUNNINGHAM. Mr. Speaker, not only would I be willing to do that; that was in fact my original request. The gentleman, Mr. Rappaport, was incorrect when he suggested that that request was not transmitted. What I requested was that the bill be held over until the second week we are in session, which is the week of the 24th, because the NRA did not take a position on this bill, did not analyze this bill, with the understanding that they would be told if the bill was going

to move. They in fact were not told that. They do not oppose the bill. I, in fact, support the bill. This motion is not an effort to kill the bill; it is not an effort to delay its passage; it is simply an effort to give the NRA an opportunity to analyze the bill, and if they wish to suggest some changes, it would be an opportunity to do that.

I would be more than willing to withdraw my motion if the prime sponsors of the bill would agree to hold the bill until the week of the 24th. They declined to do that, saying they would only hold it until next week.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I can sympathize with the gentleman, Mr. Cunningham's predicament when he is asked by the very powerful NRA to get a bill recommitted or get it held. But there are groups we must consider in this Commonwealth which are equally as important as the NRA, and those are the people of this Commonwealth who may indeed, in the balance, be a little more important than the NRA. But because I understand the position that the young man is in, I have urged Mr. Itkin, and he has agreed, that we will hold the bill over until next week's session. The NRA is a large, powerful, and well-organized group. It can, within 24 hours, analyze a couple of pages of this bill and advise its members as to what its stand is. I think it not unreasonable for us to hold the bill until next week's session, but I do think it is unreasonable to ask us to hold it longer than that. If Mr. Cunningham is willing to agree to that proposal, we will agree to hold the bill.

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

Mr. LETTERMAN. Well, Mr. Speaker, I guess I have to interrogate some sponsors of the bill. Are they going to agree and is Mr. Cunningham going to agree, because I will not agree to recommitment of the bill. Unless they want to agree, I am going to ask everybody on this side to defeat the recommitment motion.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, the gravamen of my argument is that unless Mr. Cunningham agrees, I will ask all the members who agree with my attitude to vote negative on his motion. If his motion fails, I will ask that the bill be called up. I would expect that the bill will pass. But if Mr. Cunningham will agree with what I have suggested, we will delay that vote until next week.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

I believe that there is a contemporary program known as "One Day at a Time." I suggest that we hold this bill this week. Those persons who have supposed problems with certain provisions contained in the bill work in earnest yet today, tomorrow, Thursday, Friday, and come back here next week and advise us whether or not their concerns are well founded and serious. If they are, I believe that the gentleman, Mr. Irvis, and others are reasonable people. If there are problems, why, we can consider next week whether there is ample reason for holding it yet another week or two. But before we cross all those troubled waters, let us just agree to hold the bill

this week but also agree to rally next week and see whether it must be held for a longer period of time. Surely to goodness, those persons who have stated objections or supposed concerns have time between now and next week, and we do not have to get into all of this unnecessary oratory. Thank you, Mr. Speaker.

MOTION WITHDRAWN

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

Mr. CUNNINGHAM. Mr. Speaker, I am certainly willing to withdraw my motion. I hereby withdraw it. I will encourage the National Rifle Association to take a position on this bill as expeditiously as they possibly can. If they find themselves unable to do that by next week, we will deal with that problem at that time, but I appreciate the courtesy of the House, and I will urge the NRA to move quickly. Thank you very much.

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

Mr. ITKIN. Mr. Speaker, I certainly have no objections to holding over the bill. In fact, I suggested to Mr. Cunningham that certainly every member is entitled to have some time, some consideration. But what I specifically objected to was holding the bill for almost another month. That is what concerned me.

I just want to point out, with all this discussion, that the membership not be misled. This bill was worked on with the Game Commission and the Pennsylvania Federation of Sportsmen's Clubs. Both the Game Commission and the federation worked together on this bill with my office, and they contributed to my office amendments that they felt were necessary to have included in the bill. Everything requested by the Game Commission or the federation was incorporated into the bill, and we now have the support of these two organizations.

I just want to make it clear that there is no problem with the bill.

The SPEAKER. The Chair recognizes the gentleman, Mr. Cunningham, who withdraws his motion to recommit HB 1340.

BILL PLACED ON THIRD CONSIDERATION POSTPONED CALENDAR

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

Mr. CUNNINGHAM. Mr. Speaker, I move that HB 1340 be placed on the third consideration postponed calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to third consideration of **HB 2178, PN 3135**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for costs in certain civil and criminal matters.

On the question,

Will the House agree to the bill on third consideration?

Mr. LLOYD offered the following amendments No. A7378:

Amend Title, page 1, line 2, by inserting after "for" the jurisdiction of district justices and for

Amend Bill, page 1, by inserting between lines 5 and 6

Section 1. Section 1515(a)(3) of Title 42, act of November 25, 1970 (P.L. 707, No. 230), known as the Pennsylvania Consolidated Statutes, is amended to read:

§ 1515. Jurisdiction and venue.

(a) Jurisdiction.—Except as otherwise prescribed by general rule adopted pursuant to section 503 (relating to reassignment of matters), district justices shall, under procedures prescribed by general rule, have jurisdiction of all of the following matters:

* * *

(3) Civil claims wherein the sum demanded does not exceed [\$2,000] \$3,000, exclusive of interest and costs, in the following classes of actions:

(i) In assumpsit, except cases of real contract where the title to real estate may be in question.

(ii) In trespass, including all forms of trespass and trespass on the case.

(iii) For fines and penalties by any government agency.

A plaintiff may waive a portion of his claim of more than [\$2,000] \$3,000 so as to bring the matter within the jurisdiction of a district justice. Such waiver shall remain effective except upon appeal by either party or when the judgment is set aside upon certiorari.

* * *

Amend Sec. 1, page 1, line 6, by striking out "I" and inserting

2

Amend Sec. 1, page 1, lines 7 and 8, by striking out "act of November 25, 1970 (P.L. 707, No. 230), known as the Pennsylvania Consolidated Statutes,"

Amend Sec. 2, page 3, line 13, 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 Somerset, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, at the present time the jurisdictional limit on civil cases which can be brought before a district justice is \$2,000. My amendment would raise that to \$3,000 and is simply an attempt to take account of the inflation since the \$2,000 ceiling was set. I ask for support of the amendment.

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

Mr. LEVI. I would ask the members on this side of the aisle to support the amendment. I think it helps the bill. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—190

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

NAYS—0

NOT VOTING—7

| | | | |
|---------|--------|-----------------|---------------|
| Alden | Freind | McIntyre | Wright, R. C. |
| Emerson | Kanuck | Williams, J. D. | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the minority whip.

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

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

Mr. MANDERINO. Mr. Speaker, my understanding of what this bill does is that it raises additional revenues by raising the fees charged at the magistrate's office and then distributes those revenues to the county wherein the additional revenues are collected. Is that correct?

Mr. LEVI. That is right, Mr. Speaker.

Mr. MANDERINO. Mr. Speaker, I understand that the purpose of raising the fees that are charged at the magistrate's office is to allow counties that are now running deficits in the expenses that the counties pay—and that would be for the secretarial staff and for the office rental of the district magistrate—counties are running deficits so that they would make up that deficit. Is that correct?

Mr. LEVI. Yes, sir.

Mr. MANDERINO. Mr. Speaker, my information also is that the total deficit being carried by the counties amounts to about \$4 million, \$4,200,000. Is that a correct figure?

Mr. LEVI. That is the correct number.

Mr. MANDERINO. And it is also my understanding that these fee raises will bring in \$11,600,000. Is that correct?

Mr. LEVI. That is accurate, Mr. Speaker.

Mr. MANDERINO. Mr. Speaker, the State of Pennsylvania also receives a certain amount of money from the collection of these fees at the county level. Is that correct?

Mr. LEVI. Not for this particular fee.

Mr. MANDERINO. But presently they do.

Mr. LEVI. They get some of these fees into the Commonwealth; that is right.

Mr. MANDERINO. They get about \$7 million, my understanding is, to help them pay the magistrates' salaries, which are the responsibility of the Commonwealth.

Mr. LEVI. This bill does not amend that section of the law, Mr. Speaker.

Mr. MANDERINO. Thank you, Mr. Speaker. I have no further questions.

This bill has not been on the calendar that long, and I first began looking at it today to see what it did, and I frankly have some problems with it. I wish it provided differently, and I just want to explain to the members what problems I have with it and maybe ask that we temporarily go over the bill, perhaps at the end of my remarks, to see whether or not there is any reason to look at the bill further.

The counties are in deficit \$4,200,000, and I do not think that they ought to be paying for the costs of the magisterial system. I have difficulty, though, knowing that the fees will generate \$11.6 million, so there is some \$7,400,000 of excess moneys that will be raised that will go to the counties, and some of them still will not be in a black situation; some of them will still be in deficit; and some of them will be making money because of the fee raise. And while we are doing all of this, the Commonwealth of Pennsylvania is putting out some \$16.2 million to pay the magistrates' salaries, and from the

fees we get a set amount, \$7 million. My understanding is that the fee raise that we are getting in this bill at the magisterial level, none of it will come back to the State to help pay the \$16 million, so we will continue to be \$9 million at the State level in deficit, and we will be putting \$7 million more than needed in the counties' hands to pay the expenses.

Mr. Speaker, that being the case, unless there is some real justification for that kind of a result, I would ask that this bill be passed over until next week so that amendments could be prepared, and I can only apologize to the sponsors of the bill for not having amendments ready. I do think, though, it is a serious matter and ought to take further consideration by this House, perhaps in the form of an amendment, and I would like to hear if there is an expression on the chief sponsor's part of why that should not be.

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

Mr. LEVI. Thank you, Mr. Speaker.

The minority whip pretty well articulated as he perceived the problem, but when this thing was set up, the pie was cut in two different parts. The Commonwealth got one section of the fines and the counties got the other section. Over the years, inflation has devastated what the counties have been doing, and they have been paying a large deficit every year.

This bill was amended in committee. This \$11.6 million that was in my worksheet is not accurate now, because we have reduced the funds considerably. What this does is try to help the counties out of this deficit. Instead of assessing the taxpayers, the people who have to avail themselves of using the district magistrate's office will be paying an additional \$7.50 for their services, and this money will be returned to the counties to help the county commissioners and the local taxpayers defer this cost for the next few years. With inflation as it is—and my figures and the figures that Mr. Manderino was using for his remarks are as of 1980, not 1982, and already these figures are not accurate—and with the surplus that we have been talking about and what we have taken out of the bill in the first part of it, we are down probably in the neighborhood of \$9 million right now. So I would say let us help our 67 counties out and move the bill this afternoon.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, the gentleman is probably correct that the figures that I am using are 1980 figures. I, frankly, saw the figures for the first time on the floor, and all of what I am saying today emanated from the information that I have been able to get by phone and from the 1980 figures.

Mr. Speaker, what I am going to ask is that the bill be held over until next week so that amendments can be prepared, the essence of which would be to allow the counties to keep whatever moneys would make them whole, and maybe even a percentage above that, with the balance coming back to the Commonwealth to help defray the expenses of the magistrates' salaries.

I have a problem with counties making more money from the fee intake than their expenses presently are, especially if that percentage is large over and above their present expenses,

because my experience in government has been that it will not be very long that the expenses of the magisterial offices will expand to fill out the revenues coming in. That is my motion, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

The gentleman's request is in order, and I believe we should honor it and pass the bill over.

DECISION OF CHAIR REVERSED

The SPEAKER. Without objection, the Chair reconsiders and withdraws its decision as to the bill having been agreed to on third consideration as amended.

BILL PLACED ON THIRD CONSIDERATION POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that HB 2178, together with the Lloyd amendment, be placed on the third reading postponed calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to third consideration of **SB 563, PN 1810**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, increasing the period of time within which prosecutions may be brought for certain offenses and providing for post conviction hearings.

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—189

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

| | | | |
|------------|----------------|-------------|-----------------|
| Civera | Haluska | Noye | Taylor, F. E. |
| Clark | Harper | O'Donnell | Telek |
| Clymer | Hasay | Olasz | Tigue |
| Cochran | Hayes | Oliver | Trello |
| Colafrella | Heiser | Pendleton | Van Horne |
| Cole | Hoeffel | Perzel | Vroon |
| Cordisco | Honaman | Peterson | Wachob |
| Cornell | Horgos | Petrarca | Wambach |
| Coslett | Hutchinson, A. | Petrone | Wargo |
| Cowell | Irvis | Phillips | Wass |
| Cunningham | Itkin | Piccola | Wenger |
| DeMedio | Jackson | Pievsky | Weston |
| DeVerter | Johnson | Pistella | Wiggins |
| DeWeese | Kennedy | Pitts | Williams, H. |
| Daikeler | Klingaman | Pott | Williams, J. D. |
| Davies | Kolter | Pratt | Wilson |
| Dawida | Kowalshyn | Pucciarelli | Wogan |
| Deal | Kukovich | Punt | Wozniak |
| Dietz | Lashingier | Rappaport | Wright, D. R. |
| Dininni | Laughlin | Rasco | Wright, J. L. |
| Donatucci | Lehr | Reber | Wright, R. C. |
| Dorr | Lescovitz | Richardson | Zwinkl |
| Duffy | Letterman | Rieger | |
| Durham | Levi | Ritter | Ryan, |
| Evans | Levin | Rybak | Speaker |
| Fargo | Livengood | Salvatore | |

NAYS—0

NOT VOTING—8

| | | | |
|-------|------------|-----------|----------|
| Alden | Dombrowski | Gallagher | McIntyre |
| Cohen | Emerson | Kanuck | Mullen |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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.

MR. ANDERSON REQUESTED TO PRESIDE

The SPEAKER. Will the gentleman from York, Mr. Anderson, come to the rostrum to preside temporarily?

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 942, PN 1700**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for limited Statewide police powers for municipal police officers and retaining certain immunities and benefits.

On the question,

Will the House agree to the bill on third consideration?

Mr. CIMINI offered the following amendments No. A7388:

Amend Title, page 1, line 4, by striking out "and" where it appears the first time and inserting a comma

Amend Title, page 1, line 4, by removing the period after "benefits" and inserting

and abolishing the doctrine of judicial immunity in certain cases.

Amend Sec. 2 (Subchapter Analysis), page 2, by inserting between lines 1 and 2

8955. Judicial immunity abolished in certain cases.

Amend Bill, page 5, by inserting between lines 17 and 18

§ 8955. Judicial immunity abolished in certain cases.

The doctrine of judicial immunity is hereby abolished insofar as it confers immunity for the remarks of a judge given in a written opinion.

On the question,

Will the House agree to the amendments?

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

Mr. CIMINI. Mr. Speaker, I am sure by now most everyone in the House has received either a letter or a phone call on this particular amendment. I am therefore offering this amendment strictly on its merits and on my part without debate or interrogation. It is a simple need of justice for all and for everyone, all of our citizens.

THE SPEAKER PRO TEMPORE (JOHN HOPE ANDERSON) IN THE CHAIR CONSIDERATION OF SB 942 CONTINUED

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

Mr. SPENCER. I urge a "no" vote on this amendment. To be very brief, this is a very, very far-reaching amendment that will completely affect the administration of justice in this Commonwealth. I have had a law student assigned to research this bill. He has almost completed his research and should have it done in about 2 weeks, and then the matter will be presented to the committee with both the pros and the cons.

There is no question that there might be some possibilities that immunity should be restricted in some ways, but to give carte blanche like this amendment will do will only encourage a plethora of lawsuits against the judiciary which will again throw more sand in the wheels of the judicial machinery. I urge a "no" vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. Mr. Speaker, I rise to concur with Mr. Cimini's amendment. I introduced an identical bill and it was not coming out of Mr. Spencer's committee. That is why Mr. Cimini is introducing it. The judges back in our area, as far as they are concerned, feel they do not need this kind of power where in appellate court in a written opinion you could write a lie about somebody. So its time has come. I concur with the amendment.

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

Mr. LEVIN. Mr. Speaker, I rise to oppose the amendment. It is an ill-thought-out attack by one man, Mr. Dragonetti, who is continuing to legislate and lobby for single crusades. If the bill has merit, let it go through the Judiciary Committee; let the Judiciary Committee have a chance to put it on the floor. To have it put out by two nonlawyers who tell us the judges in their community do not care about it is simply not

true. This has been a historic protection; it only applies to a written opinion. It is not something the judge says; it is something he puts into a lawbook. We do not need more litigation. Please oppose this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. Thank you, Mr. Speaker.

Again I say, the bill will not come out of committee. There are too many lawyers on that committee. They are going to keep it bottled up. This is for justice for everybody in Pennsylvania. And since he mentioned Joe Dragonetti, yes, Joe Dragonetti is watching this amendment, and when we vote, Mr. Cimini and I are going to get a printout and let him write and call you people who voted in the negative.

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

Mr. LEVIN. Mr. Speaker, I volunteer. You tell Mr. Dragonetti to call me anytime you want, Mr. Petrarca.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—92

| | | | |
|-------------|-----------------|-----------|-----------------|
| Armstrong | Dininni | Livengood | Ritter |
| Belardi | Duffy | Mackowski | Rybak |
| Belfanti | Evans | Madigan | Salvatore |
| Blaum | Foster, W. W. | Manmiller | Seventy |
| Bowser | Foster, Jr., A. | Micozzie | Showers |
| Brown | Fryer | Miscevich | Sieminski |
| Burd | Gallen | Morris | Sirianni |
| Burns | Gamble | Mrkonc | Smith, E. H. |
| Caltagirone | Geist | Murphy | Steighner |
| Cessar | George | Noye | Stevens |
| Cimini | Grabowski | Olasz | Taylor, F. E. |
| Civera | Grieco | Pendleton | Telek |
| Clark | Gruppo | Perzel | Tigue |
| Clymer | Hasay | Peterson | Trelfo |
| Cochran | Hayes | Petrarca | Van Horne |
| Colafella | Itkin | Phillips | Wambach |
| Cordisco | Johnson | Piccola | Wass |
| Coslett | Klingaman | Pievsky | Weston |
| Cowell | Kolter | Pistella | Williams, H. |
| DeVerter | Kowalshyn | Pitts | Williams, J. D. |
| DeWeese | Lescovitz | Pott | Wogan |
| Davies | Letterman | Punt | Wright, D. R. |
| Dietz | Levi | Rasco | Zwikl |

NAYS—101

| | | | |
|-------------|----------------|-------------|---------------|
| Anderson | Frazier | Lucyk | Shupnik |
| Arty | Freind | McClatchy | Smith, B. |
| Barber | Gallagher | McIntyre | Smith, L. E. |
| Beloff | Gannon | McMonagle | Snyder |
| Berson | Gladeck | McVerry | Spencer |
| Bittle | Gray | Maiale | Spitz |
| Borski | Greenfield | Manderino | Stairs |
| Boyes | Greenwood | Marmion | Stewart |
| Brandt | Gruitza | Merry | Stuban |
| Cappabianca | Hagarty | Michlovic | Swaim |
| Cawley | Haluska | Miller | Sweet |
| Cole | Harper | Moehlmann | Taddonio |
| Cornell | Heiser | Mowery | Taylor, E. Z. |
| Cunningham | Hoeffel | Mullen | Vroon |
| DeMedio | Honaman | Nahill | Wachob |
| Daikeler | Horgos | O'Donnell | Wargo |
| Dawida | Hutchinson, A. | Oliver | Wenger |
| Deaf | Irvic | Petrone | Wiggins |
| Dombrowski | Jackson | Pratt | Wilson |
| Donatucci | Kennedy | Pucciarelli | Wozniak |
| Dorr | Kukovich | Rappaport | Wright, J. L. |

| | | | |
|---------|-----------|------------|---------------|
| Durham | Lashinger | Reber | Wright, R. C. |
| Fargo | Laughlin | Richardson | |
| Fee | Lehr | Rieger | Ryan, |
| Fischer | Levin | Saurman | Speaker |
| Fleck | Lloyd | Serafini | |

NOT VOTING—4

| | | | |
|-------|-------|---------|--------|
| Alden | Cohen | Emerson | Kanuck |
|-------|-------|---------|--------|

EXCUSED—3

| | | |
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| Lewis | Rocks | Swift |
|-------|-------|-------|

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

WELCOME

The SPEAKER pro tempore. The Chair at this time would like to welcome as a guest of the House the daughter of the minority leader, Mr. Irvis. Will Sherri please stand? Sherri started here as a page a number of years ago and is now in graduate school and I understand doing quite well. Sherri, it is nice to have you with us.

REMARKS ON VOTES

The SPEAKER pro tempore. Does the gentleman from Erie, Mr. Dombrowski, wish to be recognized?

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

On SB 563 I was not recorded. I would like to be recorded in the affirmative, please.

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

The Chair recognizes the gentleman from Cambria, Mr. Wozniak.

Mr. WOZNIAK. Mr. Speaker, on that last vote on A7388 to SB 942, I would like to switch over from the negative to the affirmative. Mr. Dragonetti wrote to me.

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

For what reason does the lady from Philadelphia, Mrs. Harper, wish to be recognized?

Mrs. HARPER. Mr. Speaker, I would like to change my vote on the amendment 7388 to SB 942. I would like to vote in the negative.

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

CONSIDERATION OF SB 942 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. MICOZZIE offered the following amendment No. A7133:

Amend Sec. 2 (Sec. 8953), page 4, by inserting between lines 15 and 16

(6) Where the officer views an offense which is a felony, or has probable cause to believe that an offense which is a felony has been committed, and makes a reasonable effort to identify himself as a police officer.

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

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

Mr. MICOZZIE. Mr. Speaker, the amendment I offer today has to do with an off-duty police officer in another jurisdiction who witnesses a felony and makes a reasonable effort to identify himself. I think it is a very important amendment, and I ask for the support of the body.

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

The following roll call was recorded:

YEAS—184

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

NAYS—6

| | | | |
|--------|----------|------------|-----------|
| Deal | Hoeffel | Richardson | Van Horne |
| Harper | Kukovich | | |

NOT VOTING—7

| | | | |
|-------|---------|----------|-------|
| Alden | DeWeese | McIntyre | Sweet |
| Cohen | Emerson | Sirianni | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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

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

Mr. MICOZZIE offered the following amendments No. A7054:

Amend Sec. 2 (Sec. 8953), page 3, line 19, by inserting after
“in”

hot
Amend Sec. 2 (Sec. 8953), page 3, line 22, by inserting after
“in”

fresh

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

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

Mr. MICOZZIE. Mr. Speaker, the amendment I offer has to do with just clearing up some of the language to make it more definitive. I ask your support.

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

The following roll call was recorded:

YEAS—188

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

NAYS—0

NOT VOTING—9

| | | | |
|--------|---------|---------|---------------|
| Alden | Cornell | Emerson | McIntyre |
| Beloff | DeWeese | Levin | Wright, R. C. |
| Cohen | | | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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

REMARKS ON VOTE

The SPEAKER pro tempore. For what purpose does the gentleman from Lawrence, Mr. Pratt, rise?

Mr. PRATT. On amendment A7388, the Cimini-Petrarca amendment, I would like to change my vote from the negative to the affirmative.

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

CONSIDERATION OF SB 942 CONTINUED

On the question recurring,

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

Mr. PICCOLA offered the following amendments No. A7581:

Amend Title, page 1, line 4, by striking out "and" where it appears the first time and inserting a comma

Amend Title, page 1, line 4, by removing the period after "benefits" and inserting
and further providing for sentencing for certain offenders.

Amend Bill, page 5, by inserting between lines 17 and 18

Section 3. Subsections (b) and (c) of section 9714 and subsection (b) of section 9715 of Title 42, added March 8, 1982 (P.L.169, No.54), are amended to read:

§ 9714. Sentences for second and subsequent offenses.

(b) Prior convictions for crimes of violence.—For the purposes of subsection (a), an offender shall be deemed to have prior convictions for crimes of violence if both of the following conditions hold:

(1) The offender was previously convicted in this Commonwealth or any other state or the District of Columbia or in any Federal court of murder, voluntary manslaughter, rape, involuntary deviate sexual intercourse, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii), arson as defined in 18 Pa.C.S. § 3301(a), kidnapping or aggravated assault in which the offender intentionally, knowingly or recklessly causes serious bodily injury to another under circumstances manifesting extreme indifference to the value of human life, an equivalent crime under the laws of the Commonwealth in effect prior to the effective date of Title 18 (relating to crimes and offenses) or an equivalent crime in [other jurisdictions]

another jurisdiction. The previous conviction need not be for the same crime as the instant offense for this section to be applicable.

(2) The previous conviction occurred within seven years of the date of the commission of the instant offense, except that any time during which the offender was incarcerated in any penitentiary, prison or other place of detention shall not be considered in computing the relevant seven-year period. Convictions for other offenses arising from the same criminal episode as the instant offense shall not be considered previous convictions for the purpose of this section. A previous conviction shall include any conviction, whether or not litigation is pending concerning that conviction.

(c) Proof at sentencing.—Provisions of this section shall not be an element of the crime and notice thereof to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The sentencing court, prior to imposing sentence on an offender under subsection (a), shall have a complete record of the previous convictions of the offender, copies of which shall be furnished to the offender. If the offender or the attorney for the Commonwealth contests the accuracy of the record, the court shall schedule a hearing and direct the offender and the attorney for the Commonwealth to submit evidence regarding the previous convictions of the offender. The court shall then determine, by a preponderance of the evidence, the previous convictions of the offender and, if this section is applicable, shall impose sentence in accordance with this section. Should a previous conviction be vacated and an acquittal or final discharge entered subsequent to imposition of sentence under this section, the offender shall have the right to petition the sentencing court for reconsideration of sentence if this section would not have been applicable except for the conviction which was vacated.

§ 9715. Life imprisonment for homicide.

(b) Proof at sentencing.—Provisions of this section shall not be an element of the crime and notice thereof to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The sentencing court, prior to imposing sentence on an offender under subsection (a), shall have a complete record of the previous convictions of the offender, copies of which shall be furnished to the offender. If the offender or the attorney for the Commonwealth contests the accuracy of the record, the court shall schedule a hearing and direct the offender and the attorney for the Commonwealth to submit evidence regarding the previous convictions of the offender. The court shall then determine, by a preponderance of the evidence, the previous convictions of the offender and, if this section is applicable, shall impose sentence in accordance with this section. Should a previous conviction be vacated and an acquittal or final discharge entered subsequent to imposition of sentence under this section, the offender shall have the right to petition the sentencing court for reconsideration of sentence if this section would not have been applicable except for the conviction which was vacated.

Amend Sec. 3, page 5, line 18, by striking out "3" and inserting

4

Amend Sec. 4, page 5, line 20, by striking out all of said line and inserting

Section 5. Except for section 3 which shall take effect immediately or on the date of the act of March 8, 1982 (P.L.169, No.54), entitled "An act amending Title 42 (Judiciary and Judi-

cial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the imposition of certain mandatory sentences," takes effect, whichever is later, this act shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

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

Mr. PICCOLA. Thank you, Mr. Speaker.

This amendment constitutes a technical amendment to the mandatory sentencing law, which was recently signed by the Governor. It does two things. It places the language "by a preponderance of the evidence" in two sections of the law so that it is consistent with two other sections of the law that were enacted into law.

It also clarifies our intent by making the repeat violent offenses subject to the mandatory sentencing to include those crimes that were committed prior to the enactment of title 18 in 1972. It makes certain that we mean the equivalent crimes under the law that was in effect prior to the adoption of title 18.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—187

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

| | | | |
|------------|-----------|------------|---------------|
| Dininni | Laughlin | Punt | Wright, J. L. |
| Dombrowski | Lehr | Rappaport | Zwilk |
| Donatucci | Lescovitz | Reber | |
| Dorr | Letterman | Richardson | Ryan, |
| Duffy | Levi | Rieger | Speaker |
| Durham | | | |

NAYS—1

Williams, J. D.

NOT VOTING—9

| | | | |
|---------|------------|----------|---------------|
| Alden | Freind | McIntyre | Van Horne |
| Emerson | Greenfield | Rasco | Wright, R. C. |
| Evans | | | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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. STEVENS offered the following amendments No. A7445:

Amend Title, page 1, line 4, by striking out "and" where it appears the first time and inserting a comma

Amend Title, page 1, line 4, by removing the period after "benefits" and inserting

and requiring hiring and promotion to be on merit basis only.

Amend Sec. 2 (subchapter analyses), page 2, by inserting between lines 1 and 2

8955. Hirings and promotions to be on merit basis only.

Amend Bill, page 5, by inserting between lines 17 and 18

§ 8955. Hirings and promotions to be on merit basis only.

Notwithstanding any provision of law to the contrary, a municipality and its police department shall not hire or promote any person to any position based directly or indirectly on a "quota system" which relates to race, religion, ethnic background, sex or any other nonmerit factor. All hirings and promotions made by said municipality and its police force shall be based solely on merit and qualification of the individual.

Amend Sec. 4, page 5, line 20, by removing the period after "days" and inserting

except that section 8955 of section 2 shall take effect immediately.

On the question,

Will the House agree to the amendments?

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

Mr. STEVENS. Mr. Speaker, thank you.

This amendment would just insure that municipal police officers are hired on the basis of merit and qualification. This does not involve the State Police; it does not involve any Federal consent decree. All it says is that municipal police departments must hire on the basis of merit and qualification and not have any type of quota system.

It is my understanding, for example, that some cities, such as the city of Philadelphia, are at least toying with the idea of a quota system giving certain groups a preference, a guaranteed position. The veterans' preference that this legislature gave is being taken away by the quota system. So this just says, as we give these police officers more power, which I

believe they should have, that hirings must be on merit and qualification. The veterans' preference would then be safe from assault by the quota system.

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

Mr. DEAL. Mr. Speaker, I will yield to the Honorable Mr. Irvis.

GERMANENESS QUESTIONED

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I have been caught off guard by the gentleman's amendment, but it occurs to me in a cursory examination of the bill that there would be a question of germaneness to be raised as to whether or not the gentleman's amendment should be added to the Criminal Code. I personally do not think it should be, and I would move the question of germaneness and submit it to the vote of the House, Mr. Speaker.

The SPEAKER pro tempore. According to rule 27 of the House rules, it will be the duty of the House to determine whether or not an amendment is germane to the bill. The Chair puts that question before the House.

On the question,

Will the House sustain the germaneness of the amendments?

The SPEAKER pro tempore. At this time the Chair recognizes the gentleman, Mr. Stevens.

Mr. STEVENS. It is ironic that the question of germaneness did not even come up for judicial immunity.

Mr. Speaker, I submit this is very germane. You are increasing the powers of municipal police departments by this bill, and what could be more germane than to say that they have to be hired on a merit and qualification system so you have an effective police force and to protect veterans to make sure they get their preference? This is just as germane as any other amendment and even more so germane than some of the ones that have been offered today.

I ask this House not to vote this on a partisan issue, because if you want to go back to your constituents and say, well, you know, I want to give the police more power but I do not want to make sure that they are qualified by merit and qualification, then you could say that it is not germane. I submit that this is more germane than the judicial immunity that we just voted on, and it is exactly germane on the issue of expanding police powers to make sure that police officers on the local level are hired on qualification.

I want to emphasize that this does not involve any court order. This does not involve the State Police, and I submit this is another attempt to have a gag order on the issue of quotas.

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

Mr. BERSON. Mr. Speaker, I rise to speak on the issue of germaneness of amendment A7445. This amendment purports to amend a title 42 bill. Title 42 is the Judicial Code, and that code has to do with the organization and jurisdiction of

courts and people serving court functions. This amendment has to do with the hiring of police officers and the method by which they will be hired. That is exclusively an executive branch function. This bill and title 42 have exclusively to do with the courts and the organization of courts and people serving court functions. This amendment has nothing in the world to do with that. If you want to deal with the issue of hiring policemen, you have got to do it in the Administrative Code or some code that has to do with executive branch functions, not the functions of courts, which do not hire policemen. And I simply suggest to this body that this amendment is not germane to the Judicial Code or to SB 942.

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

CONSIDERATION OF SB 942 CONTINUED

The SPEAKER. The question recurs, is the amendment germane? On that question of whether or not the amendment is germane, those voting in the affirmative vote that the amendment is germane; those voting in the negative vote that it is not germane.

On the question recurring,

Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

YEAS—92

| | | | |
|------------|-----------------|-----------|---------------|
| Anderson | Durham | Lashinger | Serafini |
| Armstrong | Fargo | Lehr | Sieminski |
| Arty | Fleck | Levi | Sirianni |
| Belardi | Foster, W. W. | McClatchy | Smith, B. |
| Bittle | Foster, Jr., A. | Madigan | Smith, E. H. |
| Bowser | Frazier | Manmiller | Smith, L. E. |
| Brandt | Freind | Marmion | Spencer |
| Burd | Gallen | Merry | Spitz |
| Cawley | Gamble | Micozzie | Stairs |
| Cessar | Gannon | Moehlmann | Stevens |
| Cimini | George | Mowery | Swaim |
| Civera | Gladeck | Murphy | Taylor, E. Z. |
| Clymer | Greenwood | Noye | Telek |
| Cochran | Grieco | Perzel | Tigue |
| Cordisco | Gruppo | Peterson | Vroon |
| Coslett | Hasay | Phillips | Wass |
| Cunningham | Hayes | Piccola | Wenger |
| DeVerter | Heiser | Pitts | Weston |
| Daikeler | Honaman | Pott | Wogan |
| Davies | Jackson | Punt | Wright, J. L. |
| Dawida | Johnson | Rasco | |
| Dietz | Kanuck | Salvatore | Ryan, |
| Dininni | Kennedy | Saurman | Speaker |
| Dorr | Klingaman | | |

NAYS—100

| | | | |
|-------------|----------------|-----------|------------|
| Barber | Fee | McIntyre | Richardson |
| Belfanti | Fischer | McMonagle | Rieger |
| Beloff | Gallagher | McVerry | Ritter |
| Berson | Grabowski | Mackowski | Rybak |
| Blaum | Gray | Maiale | Seventy |
| Borski | Greenfield | Manderino | Showers |
| Boyes | Gruitza | Michlovic | Shupnik |
| Brown | Hagarty | Miller | Snyder |
| Burns | Haluska | Miscevich | Steighner |
| Caltagirone | Harper | Morris | Stewart |
| Cappabianca | Hoeffel | Mrkonjic | Stuban |
| Clark | Horgos | Mullen | Sweet |
| Cohen | Hutchinson, A. | Nahill | Taddonio |

| | | | |
|------------|------------|-------------|-----------------|
| Colafella | Irvis | O'Donnell | Taylor, F. E. |
| Cole | Itkin | Olasz | Trello |
| Cornell | Kolter | Oliver | Van Horne |
| Cowell | Kowalyszyn | Pendleton | Wachob |
| DeMedio | Kukovich | Petrarca | Wambach |
| DeWeese | Laughlin | Petrone | Wargo |
| Deal | Lescovitz | Pievsky | Wiggins |
| Dombrowski | Letterman | Pistella | Williams, H. |
| Donatucci | Levin | Pratt | Williams, J. D. |
| Duffy | Livengood | Pucciarelli | Wozniak |
| Emerson | Lloyd | Rappaport | Wright, D. R. |
| Evans | Lucyk | Reber | Zwikl |

NOT VOTING—5

| | | | |
|-------|-------|--------|---------------|
| Alden | Geist | Wilson | Wright, R. C. |
| Fryer | | | |

EXCUSED—3

| | | |
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| Lewis | Rocks | Swift |
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendments were declared not germane.

On the question recurring,

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

Mr. CLARK offered the following amendments No. A6706:

Amend Title, page 1, line 2, by inserting after "for" the district justice continuing education program and for

Amend Bill, page 1, lines 7 through 9, by striking out all of said lines and inserting

Section 1. Section 3118 of Title 42, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, is amended to read:

§ 3118. Continuing education requirement.

Every district justice shall complete a continuing education program each year equivalent to not less than 32 hours per year in such courses or programs as are approved by the board. If a district justice fails to meet these continuing education requirements, such justice shall be subject to suspension by the Supreme Court until such time as evidence of compliance with such requirements is submitted by the board, but in no event longer than six months at which time the failure to meet the continuing education requirements shall be grounds for the Supreme Court, after a hearing, to declare a vacancy in that district. Each district justice attending a continuing education program required by this section shall be entitled to a per diem allowance at the rate of \$60 and mileage of 22¢ per mile. Funding shall come from the annual appropriation made to the Supreme Court administrator.

Section 2. Section 8901 of Title 42 is repealed.

Amend Sec. 2, page 1, line 10, by striking out "2" and inserting

3

Amend Sec. 3, page 5, line 18, by striking out "3" and inserting

4

Amend Sec. 4, page 5, line 20, by striking out "4" and inserting

5

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Clark.*

Mr. CLARK. Mr. Speaker, this is the same amendment that I offered in March to another bill, and it was requested that I withdraw it and offer it to this piece of legislation.

It provides for the payment of per diem allowances to district justices and the mileage payment while they are attending the compulsory education that we have required in legislation here. I believe that since the legislature has mandated it, the least we can do is pay for it. I would appreciate an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—189

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

NAYS—1

Perzel

NOT VOTING—7

| | | | |
|------------|----------|-------|---------------|
| Alden | Geist | Pott | Wright, R. C. |
| Cunningham | McIntyre | Wogan | |

EXCUSED—3

Lewis Rocks Swift

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. KUKOVICH offered the following amendment No. A7215:

Amend Sec. 2 (Sec. 8953), page 5, by inserting between lines 9 and 10

(e) Existing and future municipal police service agreements preserved.—Nothing in this section shall be construed to restrict the authority of any municipality to maintain current or to enter into new cooperative police service agreements with another municipality or municipalities for purposes including, but not limited to, describing conditions of mutual aid, assigning liability and or determining appropriate costs of such cooperative efforts.

On the question,

Will the House agree to the amendment?

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

This bill came out of the Judiciary Committee, and during the debate a few problems arose relating to local governments and how they would be affected by this change in the law. We were able to make some changes in committee but did not have time to make enough corrections.

This amendment, 7215, is basically a “hold harmless” clause. Currently there are different municipalities that have agreements with adjoining municipalities regarding conditions of mutual aid, assigning liability, determining appropriate costs, if there are cooperative efforts among the various municipalities. The bill is currently silent as to how they would be dealt with. This amendment would insure that those agreements currently in operation would be upheld.

I would appreciate a “yes” vote, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

| | | | |
|-------------|-----------------|-----------|--------------|
| Anderson | Fargo | Livengood | Salvatore |
| Armstrong | Fee | Lloyd | Saurman |
| Arty | Fischer | Lucyk | Serafini |
| Barber | Fleck | McClatchy | Seventy |
| Belardi | Foster, W. W. | McMonagle | Showers |
| Belfanti | Foster, Jr., A. | McVerry | Shupnik |
| Berson | Frazier | Mackowski | Sieminski |
| Bittle | Freind | Madigan | Sirianni |
| Blaum | Fryer | Maiale | Smith, B. |
| Borski | Gallagher | Manderino | Smith, E. H. |
| Bowser | Gallen | Manmiller | Smith, L. E. |
| Boyes | Gamble | Marmion | Snyder |
| Brandt | Gannon | Merry | Spencer |
| Brown | Geist | Michlovic | Spitz |
| Burd | George | Micozzie | Stairs |
| Burns | Gladeck | Miller | Steighner |
| Caltagirone | Grabowski | Miscevich | Stevens |
| Cappabianca | Gray | Moehlmann | Stewart |
| Cawley | Greenfield | Morris | Stüban |
| Cessar | Greenwood | Mowery | Swaim |

| | | | |
|------------|----------------|-------------|-----------------|
| Cimini | Grieco | Mrkonic | Sweet |
| Civera | Gruitza | Mullen | Taddonio |
| Clark | Gruppo | Murphy | Taylor, E. Z. |
| Clymer | Hagarty | Nahill | Taylor, F. E. |
| Cochran | Haluska | Noye | Telek |
| Cohen | Harper | O'Donnell | Tigue |
| Colafella | Hasay | Olasz | Trello |
| Cole | Hayes | Oliver. | Van Horne |
| Cordisco | Heiser | Pendleton | Vroon |
| Cornell | Hoeffel | Perzel | Wachob |
| Coslett | Honaman | Peterson | Wambach |
| Cowell | Horgos | Petrarca | Wargo |
| Cunningham | Hutchinson, A. | Petrone | Wass |
| DeMedio | Irvis | Phillips | Wenger |
| DeVerter | Itkin | Piccola | Weston |
| DeWeese | Jackson | Pievsky | Wiggins |
| Daikeler | Johnson | Pistella | Williams, H. |
| Davies | Kennedy | Pitts | Williams, J. D. |
| Dawida | Klingaman | Pott | Wilson |
| Deal | Kolter | Pratt | Wogan |
| Dietz | Kowalshyn | Pucciarelli | Wozniak |
| Dininni | Kukovich | Punt | Wright, D. R. |
| Dombrowski | Lashinger | Rappaport | Wright, J. L. |
| Donatucci | Laughlin | Rasco | Wright, R. C. |
| Dorr | Lehr | Reber | Zwikl |
| Duffy | Lescovitz | Richardson | |
| Durham | Letterman | Rieger | Ryan, |
| Emerson | Levi | Ritter | Speaker |
| Evans | Levin | Rybak | |

NAYS—0

NOT VOTING—4

Alden Beloff Kanuck McIntyre

EXCUSED—3

Lewis Rocks Swift

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

On the question recurring,

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

Mr. KUKOVICH offered the following amendment No. A7216:

Amend Sec. 2 (Sec.8953), page 3, line 13, by inserting after “officer”

with the approval of the host municipality

On the question,

Will the House agree to the amendment?

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

Mr. KUKOVICH. Mr. Speaker, this amendment is needed, because without it, we could end up with a situation where a host municipality would have little or no jurisdiction over the police matters taking place within its borders if that originated from another municipality. This would simply give the municipality in which outside police come in a chance to give approval to that activity.

Again, I think it is needed to maintain the autonomy of local governments. I would appreciate an affirmative vote, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—182

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

NAYS—6

| | | | |
|--------|---------|----------|--------|
| Boyes | McVerry | Micozzie | Perzel |
| Cessar | Marmion | | |

NOT VOTING—9

| | | | |
|--------|---------|-----------|---------------|
| Alden | Cornell | McIntyre | Merry |
| Arty | Geist | Manderino | Wright, R. C. |
| Beloff | | | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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

On the question recurring,

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

Mr. DOMBROWSKI offered the following amendments No. A7114:

Amend Title, page 1, line 2, by inserting after "Statutes," further providing for summary offense involving vehicles, and

Amend Bill, page 1, by inserting between lines 6 and 7

Section 1. Subsections (b) and (c) of section 5553 of Title 42, act of November 25, 1970 (P.L. 707, No. 230), known as the Pennsylvania Consolidated Statutes, are amended to read:

§ 5553. Summary offenses involving vehicles.

(b) Minor offenses.—Except as provided in subsection (c), proceedings for summary offenses under the following provisions of Title 75 must be commenced within [15] 30 days after the commission of the alleged offense or within [15] 30 days after the discovery of the commission of the offense or the identity of the offender, whichever is later, and not thereafter:

Chapter 31 (relating to general provisions).

Chapter 33 (relating to rules of the road in general).

Chapter 35 (relating to special vehicles and pedestrians).

Subchapters A (relating to offenses in general) and C (relating to accidents and accident reports) of Chapter 37.

(c) Exception.—Where proceedings are timely commenced against a person reasonably believed to have committed the offense charged and it subsequently appears that a person other than the person charged is the offender, proceedings may be commenced against the other person within 30 [or 15] days [which-ever is applicable,] after the identity of the person is discovered and not thereafter.

Amend Sec. 1, page 1, line 7, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 7 through 9, by striking out " , act of November 25," in line 7, all of line 8, and "Statutes," in line 9

Amend Sec. 2, page 1, line 10, by striking out "2" and inserting

3

Amend Sec. 3, page 5, line 18, by striking out "3" and inserting

4

Amend Sec. 4, page 5, line 20, by striking out "4" and inserting

5

On the question,

Will the House agree to the amendments?

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

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

This amendment would extend from 15 to 30 days the time allowed to institute proceedings against parking violators.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—180

| | | | |
|-------------|-----------------|-----------|--------------|
| Armstrong | Fargo | Levi | Salvatore |
| Arty | Fee | Levin | Saurman |
| Barber | Fischer | Livengood | Serafini |
| Belardi | Fleck | Lloyd | Seventy |
| Belfanti | Foster, W. W. | Lucyk | Showers |
| Beloff | Foster, Jr., A. | McClatchy | Shupnik |
| Berson | Frazier | Mackowski | Sieminski |
| Bittle | Freind | Maiale | Sirianni |
| Blaum | Fryer | Manderino | Smith, B. |
| Bowser | Gallagher | Manmiller | Smith, E. H. |
| Boyes | Gamble | Marmion | Smith, L. E. |
| Brandt | Gannon | Merry | Snyder |
| Brown | Geist | Michlovic | Spencer |
| Burd | George | Micozzie | Spitz |
| Burns | Gladeck | Miller | Stairs |
| Caltagirone | Grabowski | Miscevich | Steighner |
| Cappabianca | Greenfield | Morris | Stevens |

| | | | |
|------------|----------------|------------|-----------------|
| Cawley | Greenwood | Mowery | Stewart |
| Cessar | Grieco | Mrkonjc | Stuban |
| Cimini | Gruitza | Mullen | Swaim |
| Civera | Gruppo | Murphy | Sweet |
| Clark | Hagarty | Nahill | Taylor, E. Z. |
| Clymer | Haluska | Noye | Taylor, F. E. |
| Cochran | Harper | O'Donnell | Telek |
| Cohen | Hasay | Olasz | Tigue |
| Colafella | Hayes | Oliver | Trello |
| Cole | Heiser | Pendleton | Van Horne |
| Cordisco | Hoeffel | Perzel | Vroon |
| Cornell | Honaman | Peterson | Wachob |
| Coslett | Horgos | Petrarca | Wambach |
| Cowell | Hutchinson, A. | Petrone | Wargo |
| Cunningham | Irviss | Phillips | Wass |
| DeMedio | Itkin | Piccola | Wenger |
| DeVerter | Jackson | Pievsky | Weston |
| DeWeese | Johnson | Pistella | Wiggins |
| Daikeler | Kanuck | Pitts | Williams, H. |
| Davies | Kennedy | Pott | Williams, J. D. |
| Dawida | Klingaman | Pratt | Wogan |
| Deal | Kolter | Punt | Wozniak |
| Dietz | Kowalyszyn | Rappaport | Wright, D. R. |
| Dininni | Kukovich | Rasco | Wright, J. L. |
| Dombrowski | Lashinger | Reber | Zwinkl |
| Donatucci | Laughlin | Richardson | |
| Duffy | Lehr | Ritter | Ryan, |
| Durham | Lescovitz | Rybak | Speaker |
| Evans | Letterman | | |

NAYS—5

| | | | |
|---------|---------|-----------|----------|
| Dorr | Madigan | Moehlmann | Taddonio |
| McVerry | | | |

NOT VOTING—12

| | | | |
|----------|---------|-------------|---------------|
| Alden | Emerson | McIntyre | Rieger |
| Anderson | Gallen | McMonagle | Wilson |
| Borski | Gray | Pucciarelli | Wright, R. C. |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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.

Ordered, That the bill as amended be prepared for final passage.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Patricia Sacks, Linda Bowers, Dianne Melnychuk, and Attorney and Mrs. William Wickkiser of the Lehigh County Historical Society, here today as the guests of Representative Kurt Zwinkl of Lehigh County.

SENATE MESSAGE

AMENDED HOUSE BILL
RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 562, PN 3222**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

The SPEAKER. The bill will appear on the calendar.

SENATE MESSAGE

HOUSE-AMENDED SENATE
BILL CONCURRED IN

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 710, PN 1822**.

BILL SIGNED BY SPEAKER

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

SB 710, PN 1822

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," changing the loan-to-value ratio on real estate and leasehold loans, and the admitted assets limitation on real estate investments, allowing Pennsylvania life insurance companies to invest in additional types of interest-bearing deposits or certificates of deposit and imposing limitations.

REMARKS ON VOTES

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

Mr. TRELLO. Mr. Speaker, yesterday, because of car trouble, I was unable to get here in time for the master roll call and also HB 1885 and HB 1886. If I was here in my seat, I would have voted in the affirmative.

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

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

Mr. DAVIES. Mr. Speaker, I was out of my seat when the Piccola amendment A7450 to HB 311 was voted on, and I would like to be recorded in the negative. Thank you.

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

SENATE MESSAGE

SENATE ADOPTS REPORT OF
COMMITTEE OF CONFERENCE

The clerk of the Senate, being introduced, informed that the Senate has adopted the Report of the Committee of Conference on the subject of the differences existing between the two Houses on **SB 1010, PN 1833**.

REPORT OF COMMITTEE
OF CONFERENCE CONSIDERED

Mr. HAYES called up for consideration the following Report of the Committee of Conference on **SB 1010, PN 1833**, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled "The Fiscal Code," further providing for investment of funds by the Treasury Department.

On the question,

Will the House adopt the report of the committee of conference?

The SPEAKER. For what purpose does the gentleman from Cambria, Mr. Wozniak, rise?

Mr. WOZNIAK. Mr. Speaker, may I interrogate Representative Smith, please?

The SPEAKER. The gentleman from Jefferson, Mr. Smith, indicates he will stand for interrogation on the subject of the Conference Committee Report on SB 1010. The gentleman may proceed.

Mr. WOZNIAK. Mr. Speaker, on the last page of this bill, I am a little confused. What is the possibility of this 10 percent of the book value of assets going into foreign investments, because it does not have any jurisdiction here as to where this might go, and I was wondering if it could go out of the country and be invested in foreign businesses.

Mr. L. E. SMITH. Mr. Speaker, I now have the conference report. Would the gentleman please restate his question?

Mr. WOZNIAK. Yes. Mr. Speaker, on the last page, lines 1 through 5, I see "...ten per centum of the book value of the assets of the fund in any investments except common stock...." I was wondering what the possibilities would be of our State moneys going into foreign investments.

Mr. L. E. SMITH. Mr. Speaker, I believe the investments referred to by the gentleman are limited to those that are permitted in the bill.

Mr. WOZNIAK. But, Mr. Speaker, it does not say here where; it says, "...in any investments except common stock...."

I also have another question to go along with that. Will this include retirement funds?

Mr. L. E. SMITH. No. The State Treasurer does not have investment powers over the retirement funds.

Mr. Speaker, I will get my file. If you will pass this over just temporarily, I will get an answer to the gentleman's question regarding foreign investments.

Mr. WOZNIAK. Thank you, Mr. Speaker.

BILL PASSED OVER TEMPORARILY

The SPEAKER. Without objection, SB 1010, PN 1833, will be temporarily passed over. The Chair hears no objection.

RESOLUTION ADOPTED

Mr. RAPPAPORT called up **HR 180, PN 3198**, entitled:

General Assembly urges recognition of Carpenters' Hall in Philadelphia as the birthplace of the Commonwealth of Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

| | | | |
|-------------|-----------------|-------------|---------------|
| Anderson | Evans | Letterman | Rieger |
| Armstrong | Fargo | Levi | Ritter |
| Arty | Fee | Levin | Rybak |
| Barber | Fischer | Livengood | Salvatore |
| Belardi | Fleck | Lloyd | Saurman |
| Belfanti | Foster, W. W. | Lucyk | Serafini |
| Beloff | Foster, Jr., A. | McClatchy | Seventy |
| Berson | Frazier | McMonagle | Showers |
| Bittle | Freind | McVerry | Shupnik |
| Blaum | Fryer | Mackowski | Sieminski |
| Borski | Gallagher | Madigan | Sirianni |
| Bowser | Gallen | Maiale | Smith, B. |
| 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 | Miscevich | Stewart |
| Cessar | Greenwood | Moehlmann | Stuban |
| Cimini | Grieco | Morris | Swaim |
| Civera | Gruitza | Mowery | Sweet |
| Clark | Gruppo | Mrkoncic | Taddonio |
| Clymer | Hagarty | Mullen | Taylor, E. Z. |
| Cochran | Haluska | Murphy | Taylor, F. E. |
| Cohen | Harper | Nahill | Telek |
| Colafella | Hasay | Noye | Tigue |
| Cole | Hayes | O'Donnell | Trello |
| Cordisco | Heiser | Olasz | Van Horne |
| Cornell | Hoefel | Oliver | Vroon |
| Coslett | Honaman | Pendleton | Wachob |
| Cowell | Horgos | Perzel | Wambach |
| Cunningham | Hutchinson, A. | Peterson | Wargo |
| DeMedio | Irvic | Petrarca | Wass |
| DeVerter | Itkin | Petrone | Wenger |
| DeWeese | Jackson | Phillips | Weston |
| Daikeler | Johnson | Piccola | Wiggins |
| Davies | Kanuck | Pievsky | Wilson |
| Dawida | Kennedy | Pistella | Wogan |
| Deal | Klingaman | Pott | Wozniak |
| Dietz | Kolter | Pratt | Wright, D. R. |
| Dininni | Kowalshyn | Pucciarelli | Wright, J. L. |
| Dombrowski | Kukovich | Punt | Wright, R. C. |
| Donatucci | Lashinger | Rappaport | Zwikl |
| Dorr | Laughlin | Rasco | |
| Duffy | Lehr | Reber | Ryan, |
| Durham | Lescovitz | Richardson | Speaker |
| Emerson | | | |

NAYS—0

NOT VOTING—6

| | | | |
|----------|--------------|--------------|-----------------|
| Alden | Pitts | Williams, H. | Williams, J. D. |
| McIntyre | Smith, E. H. | | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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 936, PN 3104**, 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 "Pennsylvania Scenic Rivers Act," approved December 5, 1972 (P. L. 1277, No. 283), removing provisions relating to eminent domain and adding an additional classification known as pastoral rivers.

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

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

Mr. DeVERTER. Mr. Speaker, insofar as I can determine, the only thing that the Senate did was take out certified mail and make it first-class mail to the owners of the land involved who are shown on the county tax records.

Mr. Speaker, I suggest that the House do concur in the amendments inserted by the Senate to HB 936.

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—190

| | | | |
|-------------|-----------------|-------------|---------------|
| Anderson | Evans | Letterman | Rieger |
| Armstrong | Fargo | Levi | Ritter |
| Arty | Fee | Levin | Rybak |
| Barber | Fischer | Livengood | Salvatore |
| Belardi | Fleck | Lloyd | Saurman |
| Belfanti | Foster, W. W. | Lucyk | Serafini |
| Beloff | Foster, Jr., A. | McClatchy | Seventy |
| Berson | Frazier | McMonagle | Showers |
| Bittle | Freind | McVerry | Shupnik |
| Blaum | Fryer | Mackowski | Sieminski |
| Borski | Gallagher | Madigan | Sirianni |
| Bowser | Gallen | Maiale | Smith, B. |
| 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 | Miscevich | Stewart |
| Cessar | Greenwood | Moehlmann | Suban |
| Cimini | Grieco | Morris | Swaim |
| Civera | Gruitza | Mowery | Sweet |
| Clark | Gruppo | Mrkonc | Taddonio |
| Clymer | Hagarty | Mullen | Taylor, E. Z. |
| Cochran | Haluska | Murphy | Taylor, F. E. |
| Cohen | Harper | Nahill | Telek |
| Colafella | Hasay | Noye | Tigue |
| Cole | Hayes | O'Donnell | Trello |
| Cordisco | Heiser | Olasz | Van Horne |
| Cornell | Hoeffel | Oliver | Vroon |
| Coslett | Honaman | Pendleton | Wachob |
| Cowell | Horgos | Perzel | Wambach |
| Cunningham | Hutchinson, A. | Peterson | Wargo |
| DeMedio | Irvig | Petrarca | Wass |
| DeVerter | Itkin | Petrone | Wenger |
| DeWeese | Jackson | Phillips | Weston |
| Daikeler | Johnson | Piccola | Wiggins |
| Davies | Kanuck | Pievsky | Wilson |
| Dawida | Kennedy | Pistella | Wogan |
| Dietz | Klingaman | Pitts | Wozniak |
| Dininni | Kolter | Pott | Wright, D. R. |
| Dombrowski | Kowalshyn | Pratt | Wright, J. L. |
| Donatucci | Kukovich | Pucciarelli | Wright, R. C. |
| Dorr | Lashinger | Punt | Zwikl |
| Duffy | Laughlin | Rappaport | |
| Durham | Lehr | Reber | Ryan, |
| Emerson | Lescovitz | Richardson | Speaker |

NAYS—0

NOT VOTING—7

| | | | |
|-------|----------|--------------|-----------------|
| Alden | McIntyre | Smith, E. H. | Williams, J. D. |
| Deal | Rasco | Williams, H. | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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 1943, PN 3182**, 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 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 Environmental Hearing Board, prohibiting conflicts of interest by certain employees of the Department of Environmental Resources, imposing a penalty and making a repeal.

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

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

Mr. GALLEN. Mr. Speaker, I ask that the House do concur in the amendments inserted by the Senate to HB 1943. Thank you, Mr. Speaker.

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

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

YEAS—180

| | | | |
|-------------|-----------------|-----------|---------------|
| Anderson | Evans | Livengood | Rieger |
| Armstrong | Fargo | Lucyk | Rybak |
| Arty | Fee | McClatchy | Salvatore |
| Barber | Fischer | McMonagle | Saurman |
| Belardi | Fleck | McVerry | Serafini |
| Belfanti | Foster, W. W. | Mackowski | Seventy |
| Beloff | Foster, Jr., A. | Madigan | Showers |
| Berson | Frazier | Maiale | Shupnik |
| Bittle | Freind | Manderino | Sieminski |
| Blaum | Gallagher | Manmiller | Sirianni |
| Borski | Gallen | Marmion | Smith, B. |
| Bowser | Gannon | Merry | Smith, E. H. |
| Boyes | Geist | Michlovic | Smith, L. E. |
| Brandt | George | Micozzie | Snyder |
| Burd | Gladeck | Miller | Spencer |
| Burns | Grabowski | Miscevich | Spitz |
| Caltagirone | Gray | Moehlmann | Stairs |
| Cappabianca | Greenfield | Morris | Steighner |
| Cessar | Greenwood | Mowery | Stevens |
| Cimini | Grieco | Mrkonc | Stewart |
| Civera | Gruppo | Mullen | Suban |
| Clark | Hagarty | Murphy | Swaim |
| Clymer | Harper | Nahill | Taddonio |
| Cochran | Hasay | Noye | Taylor, E. Z. |
| Cohen | Hayes | O'Donnell | Taylor, F. E. |
| Colafella | Heiser | Olasz | Telek |
| Cole | Hoeffel | Oliver | Trello |

| | | | |
|------------|----------------|-------------|-----------------|
| Cordisco | Honaman | Pendleton | Van Horne |
| Cornell | Horgos | Perzel | Vroon |
| Coslett | Hutchinson, A. | Peterson | Wargo |
| Cowell | Irvis | Petrarca | Wass |
| Cunningham | Itkin | Petrone | Wenger |
| DeMedio | Jackson | Phillips | Weston |
| DeVerter | Johnson | Piccola | Wiggins |
| Daikeler | Kanuck | Pievsky | Williams, H. |
| Davies | Kennedy | Pistella | Williams, J. D. |
| Dawida | Klingaman | Pitts | Wilson |
| Deal | Kolter | Pott | Wogan |
| Dietz | Kowalyszyn | Pratt | Wozniak |
| Dininni | Lashinger | Pucciarelli | Wright, D. R. |
| Dombrowski | Laughlin | Punt | Wright, J. L. |
| Donatucci | Lehr | Rappaport | Wright, R. C. |
| Dorr | Lescovitz | Rasco | |
| Duffy | Letterman | Reber | Ryan, |
| Durham | Levi | Richardson | Speaker |
| Emerson | Levin | | |

NAYS—14

| | | | |
|---------|----------|--------|---------|
| Brown | Gamble | Lloyd | Wachob |
| Cawley | Gruitza | Ritter | Wambach |
| DeWeese | Haluska | Tigue | Zwikel |
| Fryer | Kukovich | | |

NOT VOTING—3

| | | |
|-------|----------|-------|
| Alden | McIntyre | Sweet |
|-------|----------|-------|

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTES

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

Mr. PETRONE. Thank you, Mr. Speaker.

Yesterday, due to unforeseen traveling circumstances, I did not make the master roll. Had I been here, Mr. Speaker, I would have liked to have voted affirmatively for HB 1885 and HB 1886. Thank you.

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

ADMINISTRATIVE RULES REPORT
NO. 2, RESOLUTION A

Mr. HAYES called up for consideration Administrative Rules Report No. 2, Resolution A, entitled:

In the House, March 22, 1982.

Resolved That Administrative Rules Report No. 2 of 1982 transmitted by the State Board of Physical Therapy Examiners under The Administrative Code of 1929 to the General Assembly under date of March 22, 1982 which is incorporated herein by reference be approved.

On the question,

Will the House adopt Administrative Rules Report No. 2, Resolution A?

The following roll call was recorded:

YEAS—192

| | | | |
|-------------|-----------------|-------------|-----------------|
| Anderson | Fargo | Levin | Ritter |
| Armstrong | Fee | Livengood | Rybak |
| Arty | Fischer | Lloyd | Salvatore |
| Barber | Fleck | Lucyk | Saurman |
| Belardi | Foster, W. W. | McClatchy | Seventy |
| Belfanti | Foster, Jr., A. | McMonagle | Showers |
| Belson | Frazier | McVerry | Shupnik |
| Beloff | Freind | Mackowski | Sieminski |
| Bittle | Fryer | Madigan | Sirianni |
| Blaum | Gallagher | Maiale | Smith, B. |
| Borski | Gallen | Manderino | Smith, L. E. |
| Bowser | Gamble | Manmiller | Snyder |
| Boyes | Gannon | Marmion | Spencer |
| Brandt | Geist | Merry | Spitz |
| Brown | George | Michlovic | Stairs |
| Burns | Gladeck | Micozzie | Steighner |
| Caltagirone | Grabowski | Miller | Stevens |
| Cappabianca | Gray | Miscevich | Stewart |
| Cawley | Greenfield | Moehlmann | Stuban |
| Cessar | Greenwood | Morris | Swaim |
| Cimini | Grieco | Mowery | Sweet |
| Civera | Gruitza | Mrkoncic | Taddonio |
| Clark | Gruppo | Mullen | Taylor, E. Z. |
| Clymer | Hagarty | Murphy | Taylor, F. E. |
| Cochran | Haluska | Nahill | Telek |
| Cohen | Harper | Noye | Tigue |
| Colafella | Hasay | O'Donnell | Trello |
| Cole | Hayes | Olasz | Van Horne |
| Cordisco | Heiser | Oliver | Vroon |
| Cornell | 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 |
| Daikeler | Johnson | Pievsky | Williams, H. |
| Davies | Kanuck | Pistella | Williams, J. D. |
| Dawida | Kennedy | Pitts | Wilson |
| Deal | Klingaman | Pott | Wogan |
| Dietz | Kolter | Pratt | Wozniak |
| Dininni | Kowalyszyn | Pucciarelli | Wright, D. R. |
| Dombrowski | Kukovich | Punt | Wright, J. L. |
| Donatucci | Lashinger | Rappaport | Wright, R. C. |
| Dorr | Laughlin | Rasco | Zwikel |
| Duffy | Lehr | Reber | |
| Durham | Lescovitz | Richardson | Ryan, |
| Emerson | Letterman | Rieger | Speaker |
| Evans | Levi | | |

NAYS—0

NOT VOTING—5

| | | | |
|-------|----------|----------|--------------|
| Alden | McIntyre | Serafini | Smith, E. H. |
|-------|----------|----------|--------------|

Burd

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

The majority required by the Constitution having voted in the affirmative on Administrative Rules Report No. 2, Resolution A, the question was determined in the affirmative and the resolution was adopted.

Ordered, That the clerk inform the Senate and His Excellency, the Governor, accordingly.

CONSIDERATION OF SB 1010 RESUMED

On the question recurring,

Will the House adopt the report of the committee of conference?

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

Mr. WOZNIAK. Mr. Speaker, I would respectfully request the answer to my question that we started out with before we held this bill over.

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

Mr. L. E. SMITH. Mr. Speaker, the Fiscal Code, section 301.1, prohibits foreign investments by the Treasury Department.

Mr. WOZNIAK. Is that written in this bill somewhere, Mr. Speaker?

Mr. L. E. SMITH. This conference report on SB 1010 is not an amendment to the Fiscal Code.

Mr. WOZNIAK. Mr. Speaker, does this bill take precedence since it is a later passage if it passes now?

Mr. L. E. SMITH. No.

Mr. WOZNIAK. No, it does not?

Mr. Speaker, I am going to yield to Representative Lloyd.

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

Mr. LLOYD. Mr. Speaker, will the gentleman, Mr. Smith, consent to interrogation?

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

Mr. LLOYD. Mr. Speaker, beginning on page 4 with line 28 and ending on page 5 with line 5 is the section which has raised the curiosity. If I understood your answer to Mr. Wozniak's question, you say that the Fiscal Code prohibits foreign investments in section 301.1. I think that we have the entirety of section 301.1 printed in this conference report, but whether we do or whether we do not, the language in subsection (g) says notwithstanding any limitations in any section of this act, presumably meaning the Fiscal Code, other than subsection (h), and subsection (h) is restricted solely to the prudent-man rule. Then over on page 5 it says that the Treasury Department may in its discretion make investments notwithstanding any limitations, conditions, or restrictions imposed by any other law. So, Mr. Speaker, can you point to the precise language which says that the Treasury Department may not use any of this money to invest it in any foreign corporation?

Mr. L. E. SMITH. No, I cannot, Mr. Speaker.

Mr. LLOYD. Mr. Speaker, may I be recognized on the bill?

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

Mr. LLOYD. Mr. Speaker, there appears to be no such language. I see the gentleman, Mr. Rappaport, at the microphone. Unless someone can clarify that, I do not believe that we ought to be giving the Treasury Department the opportunity to invest State funds in the obligations or debt of potentially foreign corporations. I think that the proper thing to do would be to either hold this bill until Mr. Rappaport or Mr. Smith can find some legal opinion saying that the Treasury Department would not be given that power, or we should send this back to the conference committee and allow them to put some language in there making sure, at a time when we are all

concerned with trying to stimulate the economy in Pennsylvania, that we are not opening the door to a substantial investment overseas just because we can get a better rate of return. So I would ask for a "no" vote on the conference report.

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

Mr. RAPPAPORT. Thank you, Mr. Speaker, and I apologize to the House for getting up on so many bills today.

Mr. Speaker, this is a bill that gives the State Treasurer the authority to invest our money so as to get the maximum return. It is for short-term investments. You will note that when they get as long as 2 years in the first part of the bill, it is restricted to United States Government obligations. However, on short-term investments it is anything which is well rated by their rating services. Much of this is in repurchase agreements, which are really overnights, where they lend the money out overnight so that we can get the maximum return on our money that is in the treasury. This is done by most governments of any size, the United States and corporations as well.

These obligations are traded in split seconds. Very few foreign corporations are involved in this market, because they are not rated on the American markets. Therefore, the chance of this money being invested in a foreign corporation is very narrow. I will not say that it could not happen. However, we as the representatives of the people should make sure that our taxpayers are getting the maximum return on their money, particularly on short-term investments. If it were long-term investments, it would be an entirely different discussion. Thank you, Mr. Speaker.

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

Mr. WOZNIAK. Thank you, Mr. Speaker.

It seems to me that all our moneys go into Philadelphia large banks where they, at their discretion, are able to invest our moneys anyplace throughout the world. In a time in our society when the economy is in such a critical situation and the taxpayers' money, for that matter, is going to high-yield, short-term investments, wherever they might be, I think it is in the best interests of our country and of our State if we would keep our taxpayers' money working within the Nation itself. I would like a "no" vote on this conference report so that we can put appropriate language in the bill.

The SPEAKER. Does the gentleman, Mr. Lloyd, desire recognition for the second time on the question?

Mr. LLOYD. Yes, Mr. Speaker, very briefly.

I accept the explanation of the gentleman, Mr. Rappaport, that in most cases this might not happen. Therefore, I see no problem with sending this back to the conference committee and putting the appropriate guarantees in, because really then we are not really giving up all that much, and we can protect ourselves in this creative money market environment when all kinds of new debt obligations are being created every day so that we do not run the risk that at some point in the future we are going to be siphoning off needed investment dollars that we need here in Pennsylvania. Two years may appear to be a long time in the opinion of bankers, but 2 years to a lot of people in Somerset County who would like to borrow some

money is a pretty short time. I would suggest that the gentleman, Mr. Wozniak's original point was well taken and that we ought to clarify this situation by sending this back to conference.

On the question recurring,

Will the House adopt the report of the committee of conference?

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

YEAS—105

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

NAYS—87

| | | | |
|-------------|----------------|-------------|-----------------|
| Barber | Evans | Maiale | Showers |
| Belfanti | Fee | Manderino | Shupnik |
| Blaum | Fischer | Michlovic | Stairs |
| Borski | Fryer | Miscevich | Steighner |
| Bowser | Gallagher | Morris | Stewart |
| Brown | Gamble | Mullen | Stuban |
| Caltagirone | Grabowski | Murphy | Swaim |
| Cappabianca | Gruitza | O'Donnell | Sweet |
| Cawley | Haluska | Olasz | Taylor, F. E. |
| Clark | Harper | Oliver | Tigue |
| Cohen | Hutchinson, A. | Pendleton | Trello |
| Colafella | Irvis | Petrarca | Van Horne |
| Cole | Itkin | Petrone | Wachob |
| Cordisco | Kolter | Pievsky | Wargo |
| Cowell | Kowalshyn | Pistella | Wass |
| DeMedio | Kukovich | Pratt | Wiggins |
| DeWeese | Lescovitz | Pucciarelli | Williams, H. |
| Dawida | Letterman | Richardson | Williams, J. D. |
| Deal | Livengood | Rieger | Wozniak |
| Dombrowski | Lloyd | Ritter | Wright, D. R. |
| Donatucci | Lucyk | Rybak | Zwikel |
| Duffy | McMonagle | Seventy | |

NOT VOTING—5

| | | | |
|--------|------|----------|--------------|
| Alden | Gray | McIntyre | Smith, E. H. |
| Berson | | | |

EXCUSED—3

| | | |
|-------|-------|-------|
| Lewis | Rocks | Swift |
|-------|-------|-------|

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

tive and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

BILLS SIGNED BY SPEAKER

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

HB 936, PN 3104

An Act amending the "Pennsylvania Scenic Rivers Act," approved December 5, 1972 (P. L. 1277, No. 283), removing provisions relating to eminent domain and adding an additional classification known as pastoral rivers.

HB 1943, PN 3182

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 Environmental Hearing Board, prohibiting conflicts of interest by certain employees of the Department of Environmental Resources, imposing a penalty and making a repeal.

STATEMENT BY MR. CUNNINGHAM

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

Mr. CUNNINGHAM. Mr. Speaker, I would like to request unanimous consent to make a brief statement.

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

Mr. CUNNINGHAM. Mr. Speaker, my office has gotten a large number of inquiries today about the religious schools bill that we have prepared and had intended to run as an amendment to HB 1635. The Pennsylvania Catholic Conference circulated a memorandum earlier today, which I believe most members have received, expressing some concerns about the bill. We recognize the legitimacy of their concerns and have begun a process whereby we are going to redraft the legislation to accommodate those concerns and run the bill in a few weeks as an amendment rather than running it now. So in response to those inquiries, we are working with the conference, and I am very confident that we can come up with language that will accommodate the interests of the parochial schools and the Protestant-Christian schools as well. Thank you, Mr. Speaker.

STATEMENT ON LEGISLATION TO BE INTRODUCED

The SPEAKER. Does the gentleman from Philadelphia, Mr. Deal, desire to be recognized under unanimous consent? The gentleman is in order and may proceed.

Mr. DEAL. Mr. Speaker, I will be introducing a bill tomorrow that deals with the courts' powers of sentencing when an automobile accident results in either involuntary manslaughter or aggravated assault and battery.

Two court cases which have set precedent are Commonwealth v. McCord and Commonwealth v. Speelman. Commonwealth v. McCord held that a court has no power to

impose sentence upon the charges of involuntary manslaughter and aggravated assault and battery for one accident. Commonwealth v. Speelman held that a court has no power to impose sentence on more than one charge of involuntary manslaughter arising from one accident.

The incorrectness of these decisions and the inadequacy of the remedy which they dictate were brought home when I heard of the case of Commonwealth v. Sockel, March sessions in 1976. In that case, Dr. Sockel, a dentist, while driving under the influence of narcotic drugs, killed three people - Edwin Albright, Mrs. Mary Albright, and Mrs. Ruth King. For these deaths, he was charged with one count of aggravated assault and battery for the serious injury of Zung Pah Woo, an M.D., whose injury occurred in the same accident. Dr. Sockel was convicted on all four counts and was sentenced by the courts under Pennsylvania law, which said that he could be sentenced for only one of the offenses.

It is my opinion that the law as declared by the Supreme Court is wrong and that legislation should be introduced to remedy it.

Some States - Iowa, New Jersey, New York, and Tennessee, for example - have held that where a motorist strikes two or more persons, his act constitutes only one offense for which he can be given only one sentence. Other States, such as Minnesota, California, Louisiana, Mississippi, Kentucky, Virginia, Arizona, and Illinois, for example, have held that the commission of a single act by a defendant constitutes different offenses. The court said in State v. Miranda:

There is no constitutional prohibition against legislation which provides for multiple crimes arising from single acts against multiple victims...respect for human dignity is of the essence of our way of life. Certainly it is in keeping with this spirit that the wrongful killing of each human being should be treated as a separate offense.

Mr. Speaker, Pennsylvania, and I quote, "straddles the fence." While one may be convicted here of multiple crimes of involuntary manslaughter where a single act injures multiple victims, he may not be sentenced but for one conviction. This law appears even more absurd when one realizes that it does not have to apply to other offenses. If one robber robs or kills four people, he may be convicted and sentenced, even in Pennsylvania, on four counts of robbery or on four counts of murder.

Mr. Speaker, I have made this announcement to extend an invitation to those others in this legislature who would like to be a part of this bill. It will be available for them to enter their names. I will be submitting this legislation tomorrow. Thank you, Mr. Speaker.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, the balance of today's calendar will be passed over. The Chair hears none.

URBAN AFFAIRS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Miller, for the purpose of making a committee announcement.

Mr. MILLER. Thank you, Mr. Speaker.

I rise to announce a meeting of the House Urban Affairs Committee tomorrow at 10 a.m., room 401, Main Capitol Building. Thank you, Mr. Speaker.

ADJOURNMENT

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

Mr. WAMBACH. Mr. Speaker, I move that this House do now adjourn until Wednesday, April 28, 1982, my wife's birth date, at 11 a.m., e.d.t.

The SPEAKER. For the information of the gentleman, it is also the birthday of the President pro tempore of the Senate, Senator Hager.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:17 p.m., e.d.t., the House adjourned.