

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, JUNE 3, 1986

SESSION OF 1986

170TH OF THE GENERAL ASSEMBLY

No. 40

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

#### PRAYER

REV. DR. DAVID R. HOOVER, chaplain of the House of Representatives, from McConnellsburg, Pennsylvania, offered the following prayer:

Almighty and Everlasting God, Thy watchful eye and protective care is over all mankind to prevent us from falling prey to the dangers and pitfalls which confront us on the pathway of life. We seek the assurance of Thy counsel and might so that we may resist and overcome the temptations which allure us away from Thee and Thy way. We beseech Thee to grant us strength and steadfastness so that we may work concertedly to bring about Thy truth through our deeds and actions. And we humbly pray that Thou wilt fill the lives of the members of this legislature with Thy abundant love so that they may ever show forth Thy way and rest in the confidence of Thy care, forever and ever. Amen.

#### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

#### COMMUNICATION FROM GOVERNOR

##### REORGANIZATION PLAN NO. 1

The Secretary to the Governor presented the following communications from His Excellency, the Governor:

Commonwealth of Pennsylvania  
Governor's Office  
Harrisburg

June 2, 1986

To the General Assembly  
of the Commonwealth of Pennsylvania

By the authority vested in me by the Act of April 7, 1955, P.L. 23, I transmit herewith Reorganization Plan No. 1 of 1986. The purpose of this plan is to group, coordinate and consolidate three inorganic laboratories of Commonwealth Government within the Department of General Services.

Presently, the Department of Agriculture performs the inspection of weights and measures against Commonwealth standards under the Weights and Measures Act of 1965, P.L. 988, and is responsible for the calibration of portable scales under the

Vehicle Code, 48 Pa. C.S. Section 4981(e). Pursuant to this authority, the Department of Agriculture is responsible for operating a laboratory which performs the required certification of weights, linear and liquid measures, scales and stopwatches.

The Department of Labor and Industry is charged with administration and enforcement of the Act of May 27, 1937, P.L. 926, as amended (Act 249), and the Act of July 25, 1961, P.L. 857, as amended (Act 372). Act 249 pertains to the manufacture, repair and renovation of all mattresses, pillows, bolsters, feather beds, other filled bedding, and upholstered furniture. Act 372 pertains to the manufacture, sale and distribution of stuffed toys and filled play things. Pursuant to this authority, the Department of Labor and Industry is responsible for operating a laboratory which performs tests of samples of materials as required by Act 249 and the disinfection and flammability tests required by Act 372.

The Department of General Services is responsible under Section 2409 of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, for ensuring that articles purchased by the Commonwealth meet specifications and standards. Pursuant to this responsibility, the Department of General Services laboratory tests the quality of articles purchased by the Commonwealth.

In June, 1985, the Office of Administration, Bureau of Management Services, prepared a study of Commonwealth Inorganic Laboratory services. The overall goal of the study was to identify potential management improvements and testing efficiencies. The review team which prepared the study familiarized itself with the purpose, functions, personnel and facilities of the laboratories described above. The review team also collected data on the output of these laboratories and reviewed the legislative and administrative authorizations for each of the laboratories.

Based upon its study, the review team issued several recommendations, including the recommendation that laboratories of the Department of Agriculture and the Department of Labor and Industry be consolidated within the Department of General Services. The study recommends that laboratory management, administration, personnel, and resources be centralized into one organizational entity. The review team recommended that these laboratories be consolidated within the Department of General Services laboratory because the space and facilities already housing that laboratory could best accommodate the personnel of the proposed laboratory.

Effective January, 1986, the Department of Agriculture, Department of Labor and Industry and Department of General Services devised a plan for the coordination of inorganic laboratory work on a provisional basis pursuant to Section 501 of the Administrative Code. During this period of time, the Department of General Services has conducted the laboratory certification of weights, linear and liquid measures, scales and stopwatches and the calibration of portable scales under the direction and supervision of the Department of Agriculture. Also during this period of time, the Department of General Services has conducted the laboratory testing required under Act 249 and Act 372 under the direction and supervision of the Department of Labor and Industry. This provisional plan for the coordination of work among

the departments has eliminated overlapping inorganic laboratory functions of each department and has used personnel and other resources more efficiently.

Reorganization Plan No. 1 of 1986 will transfer permanently the statutory responsibilities of these departments pertaining to inorganic laboratories, consistent with the recommendations of the Bureau of Management Services. Under the Reorganization Plan proposed, the laboratory functions of the Bureau of Standard Weights and Measures of the Department of Agriculture and the bedding and stuffed toy testing functions of the Department of Labor and Industry will be performed by the Department of General Services. No enforcement or regulatory functions of the Department of Agriculture or the Department of Labor and Industry will be abolished. Regulation and enforcement of the Weights and Measures Act will remain in the Department of Agriculture. Regulation and enforcement of Act 249 and 372 will remain with the Department of Labor and Industry. All personnel employed in the inorganic laboratories affected will now be employed by the Department of General Services.

After careful evaluation of the proposed reorganization, the Secretary of Agriculture, the Secretary of Labor and Industry, the Secretary of General Services and I have concluded that the consolidation of inorganic laboratories within the Department of General Services will promote the public health, safety and welfare by providing a realignment of laboratory responsibilities which will permit the Department of Agriculture, Department of Labor and Industry, and the Department of General Services to better utilize their available resources. I also believe that this reorganization plan will promote the better execution of the laws of this Commonwealth and the more effective management of the executive and administrative branches of the Commonwealth. Projected cost savings of the Reorganization Plan are expected to be \$235,000 annually, thereby promoting economy to the fullest extent consistent with the efficient operation of the Commonwealth government.

I therefore find that the Reorganization Plan is necessary to accomplish the purposes of the Reorganization Act of 1955. Accordingly, I transmit to you and urge your approval of Reorganization Plan No. 1 of 1986.

Dick Thornburgh  
Governor

#### REORGANIZATION PLAN NO. 1

Transferring supervision of weights and measures laboratory testing from the Department of Agriculture to the Department of General Services; and transferring supervision of bedding and upholstery materials and of testing stuffed toys from the Department of Labor and Industry to the Department of General Services.

Section 1. Transferring certain functions of the Department of Agriculture.

(a) The functions, powers and duties of the Secretary of Agriculture and the Bureau of Standard Weights and Measures concerning weights and measures laboratory testing under the act of December 1, 1965 (P.L.988, No.368), known as the Weights and Measures Act of 1965, and Reorganization Plan No. 3 of 1973 (P.L.458), are transferred to the Department of General Services.

(b) The functions, powers and duties of the Department of Agriculture concerning the calibration of portable scales for the purpose of certification and accuracy under 75 Pa.C.S. § 4981(e) (relating to weighing and measurement of vehicles) are transferred to the Department of General Services.

Section 2. Transferring certain functions of the Department of Labor and Industry.

The functions, powers and duties of the Department of Labor and Industry concerning the testing of bedding and upholstery materials under the act of May 27, 1937 (P.L.926, No.249),

referred to as the Bedding and Upholstery Law, and the testing of stuffed toys under the act of July 25, 1961 (P.L.857, No.372), referred to as the Stuffed Toy Manufacturing Act, are transferred to the Department of General Services.

Section 3. Transfer of personnel, records, property and appropriations.

There are hereby transferred to the Department of General Services, to be used, employed and expended in connection with the functions, powers and duties transferred by sections 1 and 2, personnel, contract obligations, if any, records, files, property, supplies and equipment now being used or held in connection with such functions, powers and duties, and the unexpended balances of appropriations, allocations and other funds available or to be made available for use in connection with such functions, powers and duties.

Section 4. Suspension.

The following acts or parts of acts are suspended insofar as they are inconsistent with this reorganization plan:

Act of May 27, 1937 (P.L.926, No.249), entitled, as amended, "An act relating to the manufacture, repair, renovating, cleaning, sterilizing, and disinfecting of mattresses, pillows, bolsters, feather beds, and other filled bedding, cushions, upholstered furniture and bulk materials intended for use in such products intended for sale or lease, and to the sale or lease thereof; requiring the placing of tag and adhesive stamp on such material; providing for the sale of adhesive stamps; authorizing and requiring the Department of Labor and Industry to adopt rules and regulations; providing penalties; and repealing certain acts."

Act of July 25, 1961 (P.L.857, No.372), entitled, as amended, "An act regulating the manufacture of stuffed toys intended for sale, gift, or use in Pennsylvania; providing for registration of such manufacturers, the paying of a fee for such registration, the issuance of a certificate of registration to such manufacturers; providing that material used in such toys shall be new and free from dangerous or harmful substances; providing for disinfection of such material containing products of animal origin; and prescribing penalties."

Act of December 1, 1965 (P.L.988, No.368), known as the Weights and Measures Act of 1965.

Section 4981(e) of Title 75 of the Pennsylvania Consolidated Statutes (relating to weighing and measurement of vehicles).

(Editorial Note: Final action on this plan must occur within 30 calendar days following its date of transmittal to the General Assembly excluding days on which either House is not in session because of an adjournment of more than ten days to a day certain.)

## SENATE MESSAGE

### ADJOURNMENT RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate, June 2, 1986

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 9, 1986, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, June 9, 1986, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,  
 Will the House concur in the resolution of the Senate?  
 Resolution was concurred in.  
 Ordered, That the clerk inform the Senate accordingly.

**JOURNAL APPROVAL POSTPONED**

The SPEAKER. The Chair is informed that the Journal for Monday, June 2, 1986, is not yet in print. Unless there be objection, the Chair will postpone the approval of that Journal until the Journal is in print. The Chair hears no objection.

**LEAVES OF ABSENCE**

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Fee. Mr. Fee, are there any requests for leaves of absence?

Mr. FEE. I do not see any at this time, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority whip. Mr. Hayes, do you have any requests for leaves?

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Dauphin, Mr. DININNI, for the day.

The SPEAKER. The Chair hears no objection to the granting of the leave. The leave is therefore granted.

**MASTER ROLL CALL**

The SPEAKER. The Chair is about to take the master roll call for the day. The members will proceed to vote.

The following roll call was recorded:

**PRESENT—199**

Acosta	Dietz	Lashinger	Robbins
Afflerbach	Distler	Laughlin	Roebuck
Angstadt	Dombrowski	Lescovitz	Rudy
Argall	Donatucci	Letterman	Ryan
Arty	Dorr	Levdansky	Rybak
Baldwin	Duffy	Linton	Saloom
Barber	Durham	Livengood	Saurman
Barley	Evans	Lloyd	Scheetz
Battisto	Fargo	Lucyk	Schuler
Belardi	Fattah	McCall	Semmel
Belfanti	Fee	McClatchy	Serafini
Birmelin	Fischer	McHale	Seventy
Black	Flick	McVerry	Showers
Blaum	Foster	Mackowski	Sirianni
Book	Fox	Maiale	Smith, B.
Bortner	Freeman	Manmiller	Smith, L. E.
Bowley	Freind	Markosek	Snyder, D. W.
Bowser	Fryer	Mayermik	Snyder, G.
Boyes	Gallagher	Merry	Staback
Brandt	Gallen	Michlovic	Stairs
Broujos	Gamble	Micozzie	Steighner
Bunt	Gannon	Miller	Stevens
Burd	Geist	Moehlmann	Stewart
Burns	George	Morris	Stuban
Bush	Gladeck	Mowery	Sweet
Caltagirone	Godshall	Mrkonic	Swift
Cappabianca	Greenwood	Murphy	Taylor, E. Z.
Carlson	Gruitza	Nahill	Taylor, F.
Carn	Gruppo	Noye	Taylor, J.
Cawley	Hagarty	O'Brien	Telek

Cessar	Haluska	O'Donnell	Tigue
Chadwick	Harper	Olasz	Trello
Cimini	Hasay	Oliver	Truman
Civera	Hayes	Perzel	Van Horne
Clark	Herman	Petrarca	Veon
Clymer	Hershey	Petrone	Vroon
Cohen	Honaman	Phillips	Wambach
Colafella	Howlett	Piccola	Wass
Cole	Hutchinson	Pievsky	Weston
Cordisco	Itkin	Pistella	Wiggins
Cornell	Jackson	Pitts	Wilson
Coslett	Jarolin	Pott	Wogan
Cowell	Johnson	Pressmann	Wozniak
Coy	Josephs	Preston	Wright, D. R.
Deluca	Kasunic	Punt	Wright, J. L.
DeVerter	Kennedy	Raymond	Wright, R. C.
DeWeese	Kenney	Reber	Yandrisevits
Daley	Kosinski	Reinard	
Davies	Kukovich	Richardson	Irvis,
Dawida	Langtry	Rieger	Speaker
Deal			

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Dininni Manderino

**WELCOME**

The SPEAKER. The Chair welcomes to the floor of the House Dave Hausman, who is the guest of the reporters - Ann-Marie particularly. David, welcome to the hall of the House.

**HOUSE BILLS INTRODUCED AND REFERRED**

**No. 2508** By Representative PIEVSKY

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1986, to June 30, 1987, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1986; to provide appropriations from the Pennsylvania Economic Revitalization Fund to the Executive Department; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 1986, to June 30, 1987, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending July 30, 1986, and providing additional appropriations to the Executive Department of the Commonwealth for the fiscal year July 1, 1985, to June 30, 1986.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2509** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2510** By Representative PIEVSKY

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriation in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2511** By Representative PIEVSKY

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2512** By Representative PIEVSKY

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2513** By Representative PIEVSKY

An Act making appropriations to the Trustees of the University of Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2514** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2515** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2516** By Representative PIEVSKY

An Act making appropriations to The Medical College of Pennsylvania, East Falls, Philadelphia, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2517** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2518** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2519** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2520** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2521** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2522** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2523** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2524** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2525** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2526** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2527** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2528** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2529** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2530** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2531** By Representative PIEVSKY

An Act making appropriations to the Wistar Institute-Research, Philadelphia.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2532** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2533** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2534** By Representative PIEVSKY

An Act making appropriations to St. Christopher's Hospital, Philadelphia, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2535** By Representative PIEVSKY

An Act making an appropriation to the Lancaster Cleft Palate.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2536** By Representative PIEVSKY

An Act making an appropriation to the Pittsburgh Cleft Palate.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2537** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2538** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2539** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2540** By Representative PIEVSKY

An Act making an appropriation to the Carnegie Museum of Natural History for maintenance and the purchase of apparatus, supplies and equipment.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2541** By Representative PIEVSKY

An Act making an appropriation to the Franklin Institute Science Museum.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2542** By Representative PIEVSKY

An Act making an appropriation to the Academy of Natural Sciences.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2543** By Representative PIEVSKY

An Act making an appropriation to the Trustees of the Buhl Science Center.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2544** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2545** By Representative PIEVSKY

An Act making an appropriation to the Afro-American Historical and Cultural Museum for operating expenses.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2546** By Representative PIEVSKY

An Act making an appropriation to the Everhart Museum in Scranton.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2547** By Representative PIEVSKY

An Act making an appropriation to the Home for Crippled Children, Pittsburgh, Pennsylvania.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2548** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2549** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2550** By Representative PIEVSKY

An Act making an appropriation to the Beacon Lodge Camp.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2551** By Representative PIEVSKY

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1986, to June 30, 1987, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1986.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2552** By Representative PIEVSKY

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1986, to June 30, 1987, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1986.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2553** By Representative PIEVSKY

An Act making an appropriation to the Department of Labor and Industry from the Workmen's Compensation Administration Fund to provide for the expenses of administering "The Pennsylvania Workmen's Compensation Act" and "The Pennsylvania Occupational Disease Act" for the fiscal year July 1, 1986, to June 30, 1987, for increasing the complement level of Workmen's Compensation Referees' and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1986.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2554** By Representative PIEVSKY

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2555** By Representative PIEVSKY

An Act making appropriations to the Department of General Services out of various funds for payment of rental charges to The General State Authority.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2556** By Representative PIEVSKY

An Act providing for the capital budget for the fiscal year 1986-1987.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2557** By Representative PIEVSKY

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

Referred to Committee on APPROPRIATIONS, June 3, 1986.

**No. 2558** By Representative PIEVSKY

An Act providing for the adoption of capital projects to be financed from current revenues of the Boat and Fish Funds.

Referred to Committee on APPROPRIATIONS, June 3, 1986.

### CALENDAR

#### BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1184, PN 1396**, entitled:

An Act amending the act of December 1, 1977 (P. L. 237, No. 76), known as the "Local Economic Revitalization Tax Assistance Act," further defining the term "improvement"; and imposing a limitation on the tax reduction.

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

#### BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority whip.  
Mr. O'DONNELL. Mr. Speaker, I move that HB 1184 be recommitted for a fiscal note to the Committee on Appropriations.

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

\* \* \*

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

**SB 1040, PN 1288; SB 1346, PN 2037; HB 2454, PN 3442; HB 1543, PN 1933; and HB 1763, PN 2262.**

\* \* \*

The House proceeded to second consideration of **HB 2210, PN 3503**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the regulation of telephone companies that provide recorded message calls.

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

#### BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority whip.  
Mr. O'DONNELL. Mr. Speaker, I move that HB 2210 be recommitted for a fiscal note to the Committee on Appropriations.

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

#### BILLS ON THIRD CONSIDERATION

The SPEAKER. Page 6, HB 1644. Without objection—  
Mr. RYAN. Mr. Speaker?  
The SPEAKER. The Chair recognizes the minority leader.  
Mr. RYAN. Mr. Speaker, would you kindly recognize the gentleman, Mr. O'Brien?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Brien. Why do you rise, sir?

Mr. O'BRIEN. Mr. Speaker, I would like to make a motion to call this bill up today.

The SPEAKER. Which bill, Mr. O'Brien?

Mr. O'BRIEN. HB 1644.

The SPEAKER. HB 1644?

Mr. O'BRIEN. HB 1644, Mr. Speaker.

The SPEAKER. All right.

#### BILL PASSED OVER TEMPORARILY

The SPEAKER. We will mark it over temporarily instead of over, Mr. O'Brien. Thank you for pointing it out to the Chair.

Over temporarily, not over, on HB 1644.  
Thank you, Mr. Ryan.

#### CONFERENCE COMMITTEE REPORT POSTPONED

The House proceeded to consideration on the postponed calendar of the Conference Committee Report on **SB 655, PN 1850**, entitled:

An Act to provide a convention center facility in cities of the first class; creating the Pennsylvania Convention Center Authority; defining its powers and duties; and authorizing a hotel room rental tax.

On the question recurring,  
Will the House adopt the report of the committee of conference?

#### BILL TABLED

The SPEAKER. The Chair recognizes the majority whip.  
Mr. O'DONNELL. Mr. Speaker, I move that SB 655 be placed upon the tabled calendar.

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

Motion was agreed to.

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, I move that SB 655, PN 1850, be lifted from the tabled calendar and returned to the active calendar.

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

**WELCOMES**

The SPEAKER. Representative Kenny Brandt is hosting guest pages from the Elizabethtown Area Middle School. They are Tim Hoover and Nikki Wivell, who served as Speaker of the House of the eighth grade class mock legislature. Welcome to the hall of the House.

Their teacher, Jim Appleby, is with them. Their classmates Marla Aungst, Stacy Cairns, Zac Clark, Michele Dixon, George Meinhardt, Kenneth Monaco, Laura Ring, Jenni Shaw, Chris Wenger, and Chad Kreider are located in the gallery. Welcome to the hall of the House. We are glad to have you here.

We also have the sixth grade class from Arthur Street Elementary School, Hazleton. They are the guests of Representative Corry Stevens. Welcome to the hall of the House. We are glad to have you children here.

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 2417, PN 3372**, entitled:

An Act amending the act of June 21, 1937 (P. L. 1969, No. 389), entitled "An act relating to nonprofit cooperative corporations organized to engage in rural electrification, providing for the organization, consolidation and dissolution of such corporations; prescribing the qualification for membership therein; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing cooperative or nonprofit corporations and associations within the provisions of this act; conferring powers, and imposing duties on certain State departments, commissions and officers; fixing fees; conferring the right of eminent domain; prohibiting the use of certain terms in the corporate names of other corporations; exempting such corporations from excise taxes; imposing on them a license fee; and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission, and from the provisions of the Securities Act," further providing for dissolution.

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

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

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

**YEAS—191**

Acosta	Dietz	Lashinger	Robbins
Afflerbach	Distler	Laughlin	Rudy
Angstadt	Dombrowski	Lescovitz	Ryan
Argall	Donatucci	Letterman	Rybak
Arty	Dorr	Levdansky	Saloom
Baldwin	Duffy	Livengood	Saurman
Barber	Durham	Lloyd	Scheetz
Barley	Evans	Lucyk	Schuler
Battisto	Fattah	McCall	Semmel
Belardi	Fee	McClatchy	Serafini
Belfanti	Fischer	McHale	Seventy
Birmelin	Flick	McVerry	Showers
Black	Foster	Mackowski	Sirianni
Blaum	Fox	Maiala	Smith, B.
Book	Freeman	Manmiller	Smith, L. E.
Bortner	Freind	Markosek	Snyder, D. W.
Bowley	Fryer	Mayernik	Staback
Bowser	Gallagher	Michlovic	Stairs
Boyes	Gallen	Micozzie	Steighner
Brandt	Gamble	Miller	Stevens
Broujos	Gannon	Moehlmann	Stewart
Bunt	Geist	Morris	Stuban
Burd	George	Mowery	Sweet
Burns	Gladeck	Mrkonic	Swift
Bush	Godshall	Murphy	Taylor, E. Z.
Caltagirone	Greenwood	Nahill	Taylor, F.
Cappabianca	Gruitza	Noye	Taylor, J.
Carlson	Gruppo	O'Brien	Telek
Carn	Hagarty	O'Donnell	Tigue
Cawley	Haluska	Olasz	Trello
Cessar	Harper	Oliver	Truman
Chadwick	Hasay	Perzel	Van Horne
Cimini	Hayes	Petrarca	Veon
Civera	Herman	Petrone	Vroon
Clark	Hershey	Phillips	Wambach
Clymer	Honaman	Piccola	Wass
Cohen	Howlett	Pievsky	Weston
Colafella	Itkin	Pistella	Wiggins
Cole	Jackson	Pitts	Wilson
Cordisco	Jarolin	Pott	Wogan
Cornell	Johnson	Pressmann	Wozniak
Coslett	Josephs	Preston	Wright, D. R.
Cowell	Kasunic	Punt	Wright, J. L.
Coy	Kennedy	Raymond	Wright, R. C.
Deluca	Kenney	Reber	Yandrisevits
DeWeese	Kosinski	Reinard	
Daley	Kukovich	Richardson	Irvis,
Davies	Langtry	Rieger	Speaker
Dawida			

**NAYS—0**

**NOT VOTING—8**

DeVerter	Fargo	Linton	Roebuck
Deal	Hutchinson	Merry	Snyder, G.

**EXCUSED—2**

Dininni	Manderino
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passes finally.

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



\* \* \*

The House proceeded to third consideration of **HB 1503, PN 3379**, entitled:

An Act amending the act of July 17, 1961 (P. L. 776, No. 341), known as the "Pennsylvania Fair Educational Opportunities Act," further providing for unfair educational practices.

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

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

The question is, shall the bill pass finally?

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

YEAS—185

Acosta	Deal	Lashinger	Rieger
Angstadt	Dietz	Laughlin	Robbins
Argall	Distler	Lescovitz	Rudy
Arty	Dombrowski	Letterman	Ryan
Baldwin	Donatucci	Levdansky	Rybak
Barber	Dorr	Linton	Saloom
Barley	Duffy	Livengood	Saurman
Battisto	Durham	Lloyd	Scheetz
Belardi	Evans	Lucyk	Schuler
Belfanti	Fargo	McCall	Semmel
Birmelin	Fattah	McClatchy	Serafini
Black	Fee	McHale	Seventy
Blaum	Fischer	McVerry	Showers
Book	Foster	Mackowski	Smith, B.
Bortner	Fox	Maiiale	Snyder, G.
Bowley	Freeman	Manmiller	Staback
Bowser	Freind	Markosek	Stairs
Boyes	Fryer	Mayermik	Steighner
Brandt	Gallagher	Merry	Stevens
Bunt	Gallen	Michlovic	Stewart
Burns	Gamble	Miller	Stuban
Bush	Geist	Moehlmann	Sweet
Caltagirone	George	Morris	Swift
Cappabianca	Gladeck	Mowery	Taylor, E. Z.
Carlson	Godshall	Mrkonic	Taylor, F.
Carn	Greenwood	Murphy	Taylor, J.
Cawley	Gruitza	Nahill	Telek
Cessar	Gruppo	Noye	Tigue
Chadwick	Hagarty	O'Brien	Trello
Cimini	Haluska	O'Donnell	Truman
Civera	Harper	Olasz	Van Horne
Clark	Hasay	Oliver	Veon
Clymer	Hayes	Perzel	Vroon
Cohen	Herman	Petrarca	Wambach
Colafella	Hershey	Petrone	Wass
Cole	Honaman	Phillips	Weston
Cordisco	Hutchinson	Piccola	Wiggins
Cornell	Itkin	Pievsky	Wilson
Coslett	Jarolin	Pistella	Wogan
Cowell	Johnson	Pitts	Wozniak
Coy	Josephs	Pott	Wright, D. R.
Deluca	Kasunic	Pressmann	Wright, J. L.
DeVerter	Kennedy	Preston	Yandrisevits
DeWeese	Kenney	Punt	
Daley	Kosinski	Raymond	Irvis,
Davies	Kukovich	Reber	Speaker
Dawida	Langtry	Reinard	

NAYS—2

Afflerbach	Broujos
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NOT VOTING—12

Burd	Howlett	Richardson	Smith, L. E.
Flick	Jackson	Roebuck	Snyder, D. W.
Gannon	Micozzie	Sirianni	Wright, R. C.

EXCUSED—2

Dininni	Manderino
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passes finally.

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

\* \* \*

The House proceeded to third consideration of **HB 1504, PN 3380**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," providing for pupils who are unable, because of observance of a religious holiday, to attend classes.

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

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

The question is, shall the bill pass finally?

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

YEAS—193

Acosta	Dietz	Lescovitz	Rudy
Angstadt	Distler	Letterman	Ryan
Argall	Dombrowski	Levdansky	Rybak
Arty	Donatucci	Linton	Saloom
Baldwin	Dorr	Livengood	Saurman
Barber	Duffy	Lloyd	Scheetz
Barley	Durham	Lucyk	Schuler
Battisto	Evans	McCall	Semmel
Belardi	Fargo	McClatchy	Serafini
Belfanti	Fee	McHale	Seventy
Birmelin	Fischer	McVerry	Showers
Black	Flick	Mackowski	Sirianni
Blaum	Foster	Maiiale	Smith, B.
Book	Fox	Manmiller	Smith, L. E.
Bortner	Freeman	Markosek	Snyder, D. W.
Bowley	Freind	Mayermik	Snyder, G.
Bowser	Fryer	Merry	Staback
Boyes	Gallagher	Michlovic	Stairs
Brandt	Gallen	Micozzie	Steighner
Bunt	Gamble	Miller	Stevens
Burd	Gannon	Moehlmann	Stewart
Burns	Geist	Morris	Stuban
Bush	George	Mowery	Sweet
Caltagirone	Gladeck	Mrkonic	Swift
Cappabianca	Godshall	Murphy	Taylor, E. Z.
Carlson	Greenwood	Nahill	Taylor, F.
Carn	Gruitza	Noye	Taylor, J.
Cawley	Gruppo	O'Brien	Telek
Cessar	Hagarty	O'Donnell	Tigue
Chadwick	Haluska	Olasz	Trello
Cimini	Harper	Oliver	Truman
Civera	Hasay	Perzel	Van Horne
Clark	Hayes	Petrarca	Veon
Clymer	Herman	Petrone	Vroon
Cohen	Hershey	Phillips	Wambach
Colafella	Honaman	Piccola	Wass
Cole	Itkin	Pievsky	Weston

Cordisco	Jackson	Pistella	Wiggins
Cornell	Jarolin	Pitts	Wilson
Coslett	Johnson	Pott	Wogan
Cowell	Josephs	Pressmann	Wozniak
Coy	Kasunic	Preston	Wright, D. R.
DeLuca	Kennedy	Punt	Wright, J. L.
DeVertter	Kenney	Raymond	Wright, R. C.
DeWeese	Kosinski	Reber	Yandrisevits
Daley	Kukovich	Reinard	
Davies	Langtry	Rieger	Irvis,
Dawida	Lashingner	Robbins	Speaker
Deal	Laughlin	Roebuck	

NAYS—2

Afflerbach Broujos

NOT VOTING—4

Fattah Howlett Hutchinson Richardson

EXCUSED—2

Dininni Manderino

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passes finally.

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

**REMARKS ON VOTE**

The SPEAKER. Why does the gentleman from York, Mr. Snyder, rise?

Mr. G. M. SNYDER. To record a vote, Mr. Speaker.

The SPEAKER. What change of a vote does the gentleman wish to record?

Mr. G. M. SNYDER. On HB 2417, which passed just moments ago, my vote, I noticed on the board, was not recorded. I had voted in the affirmative.

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

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 2164, PN 3427**, entitled:

An Act providing for the establishment and operation of a Statewide system for the prevention and control of rabies; imposing additional powers and duties on the Departments of Health and Agriculture and the Pennsylvania Game Commission; providing for emergency declarations; fixing penalties for violations; and making appropriations.

On the question,

Will the House agree to the bill on third consideration?

Mr. PUNT offered the following amendments No. A2200:

Amend Table of Contents, page 1, line 17, by striking out "of dogs" and inserting

required; certificate and tag

Amend Table of Contents, page 2, line 1, by striking out "Designated risk areas" and inserting

Antirabies clinics

Amend Bill, page 5, lines 9 through 30; page 6, lines 1 through 30; page 7, lines 1 and 2, by striking out all of said lines on said pages and inserting

Section 10. Vaccination required; certificate and tag.

(a) Requirement.—Every person living in a designated risk area, owning or keeping a dog or cat over three months of age, shall cause that dog or cat to be vaccinated against rabies. Except as provided in subsection (b), rabies vaccine shall be administered by a licensed veterinarian. The Commonwealth shall recognize the three-year rabies vaccine as the vaccine to be used. Those animals vaccinated after one year of age shall get booster vaccinations every three years thereafter. Those animals vaccinated prior to one year of age will be considered protected for only one year and shall receive a booster vaccination one year later on the anniversary date of the original vaccination, and shall be vaccinated every three years thereafter.

(b) Other persons.—Persons who have vaccinated their animals prior to the effective date of this act shall be authorized to vaccinate such animals but shall maintain records indicating purchase of vaccine and the date of administering the vaccine. Farmers and dog kennel owners shall also be permitted to vaccinate their animals but shall maintain records indicating purchase of vaccine and the date of administering the vaccine.

(c) Certificate and tag of vaccination.—Every licensed veterinarian who vaccinates a dog or cat against rabies shall issue a vaccination certificate and tag provided by the manufacturer to the owner. Information contained in rabies vaccination records shall not be used for the purpose of licensing animals or for taxation of individuals for owning animals. For the purposes of this section, each licensed veterinarian may select a vaccine of his choice and use the procedures for administering it as are consistent with the recommendations of the Federal agency which licenses the vaccine.

(d) Enforcement.—In designated risk areas, it shall be the duty of every police officer or State dog warden or animal control officer to issue a citation to every person who owns a dog or cat which is not vaccinated pursuant to subsection (a).

Section 11. Antirabies clinics.

In designated risk areas and in conjunction with the respective local health departments, local health boards or local health officers, the department shall provide for the establishment of low-cost, self-financing antirabies clinics in each county. These clinics shall be offered at locations and on dates as the department and the respective local health authorities shall determine. The department shall establish vaccination procedures for cats and dogs to be used at the clinics and shall charge such fees as may be required to cover its costs for material and service provided. In establishing antirabies clinics, the department shall cooperate with local veterinarians and other local organizations. The department shall purchase and supply, at cost, the necessary quantities of vaccine at each established antirabies clinic.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the question, the Chair recognizes the gentleman from Franklin, Mr. Punt.

Mr. PUNT. Thank you, Mr. Speaker.

Mr. Speaker, Pennsylvania, during the past 4 years, has experienced an unprecedented outbreak of rabies since the late 1940's. Two years ago we saw a 12-year-old boy die with rabies. That is the first human victim since, I believe, 1946 who died in this State with rabies. Each year the numbers have been increasing and the epidemic has spread throughout the State at an alarming rate.

HB 2164 calls for a statewide mandatory vaccination of dogs with rabies shots and it is tied into the licensing of the dogs. My amendment would remove that and would empower

the Secretary of Health to have the authority to declare an impacted area. Once that mechanism has taken place, low-cost antirabies clinics would be established in those respective areas. It would require a mandatory vaccination of all dogs and cats within areas designated by the Secretary as an impacted area. I would ask for its adoption.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I certainly agree with this amendment. Mr. Punt and I have worked very closely on this piece of legislation and I think he deserves a lot of credit for the work that he has done to put this piece of legislation in its proper perspective to be voted on today. Mr. Greenwood also has put a lot of work into this.

We agree with these amendments. We think it is very workable. We have the Department of Agriculture doing a little bit better job now in making sure that dogs are licensed, and for the first time they are admitting that they have not been doing a very good job. So we are very happy with what is happening. Wistar Institute has done a tremendous job and they have come up with a serum that we need distributed very much, so the money in this bill will do a very good job.

I agree with this amendment and ask for an affirmative vote. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

Acosta	Dietz	Langtry	Robbins
Afflerbach	Distler	Lashingier	Roebuck
Angstadt	Dombrowski	Laughlin	Rudy
Argall	Donatucci	Lescovitz	Ryan
Arty	Dorr	Letterman	Rybak
Baldwin	Duffy	Levdansky	Saloom
Barber	Durham	Linton	Saurman
Barley	Evans	Livengood	Scheetz
Battisto	Fargo	Lloyd	Schuler
Belardi	Fattah	Lucyk	Semmel
Belfanti	Fee	McCall	Serafini
Birmelin	Fischer	McClatchy	Seventy
Black	Flick	McHale	Showers
Blaum	Foster	McVerry	Sirjanni
Book	Fox	Mackowski	Smith, B.
Bortner	Freeman	Maiale	Smith, L. E.
Bowley	Freind	Manmiller	Snyder, D. W.
Bowser	Fryer	Markosek	Snyder, G.
Boyes	Gallagher	Mayernik	Staback
Brandt	Gallen	Merry	Stairs
Broujos	Gamble	Michlovic	Steighner
Bunt	Gannon	Miller	Stevens
Burd	Geist	Moehlmann	Stuban
Burns	George	Morris	Sweet
Bush	Gladeck	Mowery	Swift
Caltagirone	Godshall	Mrkonic	Taylor, E. Z.
Cappabianca	Greenwood	Murphy	Taylor, F.
Carlson	Gruitza	Nahill	Taylor, J.
Carn	Gruppo	Noye	Telek
Cawley	Hagarty	O'Brien	Tigue
Cessar	Haluska	O'Donnell	Trello
Chadwick	Harper	Olasz	Truman
Cimini	Hasay	Oliver	Van Horne
Civera	Hayes	Perzel	Veon
Clark	Herman	Petrone	Vroon
Clymer	Hershey	Phillips	Wambach

Colafella	Honaman	Piccola	Wass
Cole	Howlett	Pievsky	Weston
Cordisco	Hutchinson	Pistella	Wiggins
Cornell	Itkin	Pitts	Wilson
Coslett	Jackson	Pott	Wogan
Cowell	Jarolin	Pressmann	Wozniak
Coy	Johnson	Preston	Wright, D. R.
Deluca	Josephs	Punt	Wright, J. L.
DeVerter	Kasunic	Raymond	Wright, R. C.
DeWeese	Kennedy	Reber	Yandrisevits
Daley	Kenney	Reinard	
Davies	Kosinski	Richardson	Irvis,
Dawida	Kukovich	Rieger	Speaker
Deal			

NAYS—0

NOT VOTING—4

Cohen	Micozzie	Petrarca	Stewart
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EXCUSED—2

Dininni	Manderino
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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. LETTERMAN offered the following amendments No. A2335:

Amend Sec. 4, page 3, by inserting between lines 13 and 14 "Rabies." In man and animal, hydrophobia, an acute viral disease of the central nervous system usually transmitted to man through the injection of saliva by an animal bite.

Amend Sec. 12, page 7, lines 4 and 5, by striking out "and administrate" and inserting , administer and enter into a contract with Wistar Institute for

Amend Sec. 14, page 8, line 4, by striking out "\$250,000" and inserting \$50,000

On the question,

Will the House agree to the amendments?

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

Mr. LETTERMAN. Mr. Speaker, my amendment is purely technical. All it does is adds a definition for rabies, it specifies that the Game Commission work with the Wistar Institute, and it reduces the Health Department's appropriation because we will no longer be needing them to do all the work that they had been doing in the past. Wistar Institute will receive this money instead.

I ask for an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman from Franklin, Mr. Punt, on the amendment.

Mr. PUNT. Mr. Speaker, I agree with Representative Letterman's amendment. It is needed language, and I would ask for the members on my side of the aisle to support the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—197

Acosta	Dietz	Laughlin	Roebuck
Afflerbach	Distler	Lescovitz	Rudy
Angstadt	Dombrowski	Letterman	Ryan
Argall	Donatucci	Levdansky	Rybak
Arty	Dorr	Linton	Saloom
Baldwin	Duffy	Livengood	Saurman
Barber	Durham	Lloyd	Scheetz
Barley	Evans	Lucyk	Schuler
Battisto	Fargo	McCall	Semmel
Belardi	Fattah	McClatchy	Serafini
Belfanti	Fee	McHale	Seventy
Birmelin	Fischer	McVerry	Showers
Black	Flick	Mackowski	Sirianni
Blaum	Foster	Maiale	Smith, B.
Book	Fox	Manmiller	Smith, L. E.
Bortner	Freeman	Markosek	Snyder, D. W.
Bowley	Freind	Mayernik	Snyder, G.
Bowser	Fryer	Merry	Staback
Boyes	Gallagher	Michlovic	Stairs
Brandt	Gallen	Micozzie	Steighner
Broujos	Gamble	Miller	Stevens
Bunt	Gannon	Moehlmann	Stewart
Burd	Geist	Morris	Stuban
Burns	George	Mowery	Sweet
Bush	Gladeck	Mrkonic	Swift
Caltagirone	Godshall	Murphy	Taylor, E. Z.
Cappabianca	Greenwood	Nahill	Taylor, F.
Carlson	Gruitza	Noye	Taylor, J.
Carn	Gruppo	O'Brien	Telek
Cawley	Hagarty	O'Donnell	Tigue
Cessar	Haluska	Olasz	Trello
Chadwick	Harper	Oliver	Truman
Cimini	Hasay	Perzel	Van Horne
Civera	Hayes	Petrarca	Veon
Clark	Herman	Petrone	Vroon
Clymer	Hershey	Phillips	Wambach
Colafella	Honaman	Piccola	Wass
Cole	Hutchinson	Pievsky	Weston
Cordisco	Itkin	Pistella	Wiggins
Cornell	Jackson	Pitts	Wilson
Coslett	Jarolin	Pott	Wogan
Cowell	Johnson	Pressmann	Wozniak
Coy	Josephs	Preston	Wright, D. R.
Deluca	Kasunic	Punt	Wright, J. L.
DeVerter	Kennedy	Raymond	Wright, R. C.
DeWeese	Kenney	Reber	Yandrisevits
Daley	Kosinski	Reinard	
Davies	Kukovich	Richardson	Irvis,
Dawida	Langtry	Rieger	Speaker
Deal	Lashinger	Robbins	

NAYS—0

NOT VOTING—2

Cohen Howlett

EXCUSED—2

Dininni Manderino

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—193

Acosta	Deal	Langtry	Roebuck
Afflerbach	Dietz	Lashinger	Rudy
Angstadt	Distler	Laughlin	Ryan
Argall	Dombrowski	Lescovitz	Rybak
Arty	Donatucci	Letterman	Saloom
Baldwin	Dorr	Levdansky	Saurman
Barber	Duffy	Linton	Scheetz
Barley	Durham	Livengood	Schuler
Battisto	Evans	Lloyd	Semmel
Belardi	Fargo	Lucyk	Seventy
Belfanti	Fattah	McCall	Showers
Birmelin	Fee	McClatchy	Sirianni
Black	Fischer	McHale	Smith, B.
Blaum	Flick	McVerry	Smith, L. E.
Book	Foster	Mackowski	Snyder, D. W.
Bortner	Fox	Maiale	Snyder, G.
Bowley	Freeman	Manmiller	Staback
Bowser	Freind	Markosek	Stairs
Boyes	Fryer	Mayernik	Steighner
Brandt	Gallagher	Merry	Stevens
Broujos	Gallen	Michlovic	Stewart
Bunt	Gamble	Miller	Stuban
Burd	Gannon	Moehlmann	Sweet
Burns	Geist	Morris	Swift
Bush	George	Mowery	Taylor, E. Z.
Caltagirone	Gladeck	Mrkonic	Taylor, F.
Cappabianca	Godshall	Murphy	Taylor, J.
Carlson	Greenwood	Noye	Telek
Carn	Gruitza	O'Brien	Tigue
Cawley	Gruppo	O'Donnell	Trello
Cessar	Hagarty	Olasz	Truman
Chadwick	Haluska	Oliver	Van Horne
Cimini	Harper	Perzel	Veon
Civera	Hasay	Petrarca	Vroon
Clark	Hayes	Phillips	Wambach
Clymer	Herman	Piccola	Wass
Colafella	Hershey	Pievsky	Weston
Cole	Honaman	Pistella	Wiggins
Cordisco	Hutchinson	Pitts	Wilson
Cornell	Itkin	Pott	Wogan
Coslett	Jackson	Pressmann	Wozniak
Cowell	Jarolin	Preston	Wright, D. R.
Coy	Johnson	Punt	Wright, J. L.
Deluca	Josephs	Raymond	Wright, R. C.
DeVerter	Kasunic	Reber	Yandrisevits
DeWeese	Kennedy	Reinard	
Daley	Kenney	Richardson	Irvis,
Davies	Kosinski	Rieger	Speaker
Dawida	Kukovich	Robbins	

NAYS—0

NOT VOTING—6

Cohen Micozzie Petrone Serafini  
Howlett Nahill

EXCUSED—2

Dininni Manderino

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passes finally.

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

\* \* \*

The House proceeded to third consideration of **HB 1644, PN 3302**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing procedures for murder of the first degree.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, I think this House has historically taken a stand in favor of capital punishment with very little dissent in the chamber. The reason why that position has survived over time is because the capital punishment statute has been very, very carefully drafted. The purpose of the two amendments to the Sentencing Code that are in this bill is to remedy problems that were raised in two cases in Pennsylvania - Goins, and another case, I believe the name of the case was Frederick.

Now, those of us who have historically supported capital punishment are very concerned, or some of us, myself included, are very concerned that the prospect of lengthening the list of aggravating circumstances for capital punishment may run us afoul of the constitutional test. The current Pennsylvania statute has endured every test of its constitutionality precisely because it has been very limited in its scope. The constitutional test, briefly, is that you must set out both quantitatively and qualitatively a basis other than committing a murder to be able to fall into the aggravating circumstances that will generate a death penalty. Also in Pennsylvania we have said to the courts that if they find one aggravating circumstance and no mitigating circumstances, you have got to go to death.

The point I am making is that I believe that the addition of these two aggravating circumstances may well carry the statute beyond its constitutional limitation, and I think despite those two cases that I mentioned, we ought not tamper with the statute and we ought to vote "no" against the bill.

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

Mr. KUKOVICH. Mr. Speaker, I share in the remarks made by Representative O'Donnell. This bill was sort of brought up in the Judiciary Committee. There was extensive debate and there were some negative votes, and some of the reasons had to do with the nature of extending the death penalty statute.

The current death penalty statute has stood the Supreme Court test of constitutional muster, but some justices have said that the Pennsylvania statute is beginning to take on a mandatory look, and by that I refer to the fact that the more items that we add to that list for which someone can receive the death penalty, the more we stretch the constitutional

statute of permissibility. It might be too overlapping. Some of the various sections that would be added overlap with others. And secondly, it begins to look mandatory, and the court has held that a mandatory death penalty statute is clearly unconstitutional.

I think I understand the intent of the primary sponsor and I think the intention is good, but it could have the backlash of eventually defeating and causing a challenge to our death penalty statute. I do not think anybody wants to do that here in the House.

I would also point out that crimes such as voluntary manslaughter are now included, something where the intention to commit a homicide is quite different than the typical murder or homicide case of a higher felony. So this makes an appreciable difference, and secondly, I think it does create a question of constitutionality that threatens the death penalty statute.

### MOTION TO RECOMMIT

Mr. KUKOVICH. For that reason, Mr. Speaker, I would like to make a motion to recommit to have the Judiciary Committee take a look at the constitutionality of this statute and the degree to which it threatens the existence of our death penalty statute currently in place.

The **SPEAKER**. There is now a motion on the floor of the House.

It has been moved by the gentleman, Mr. Kukovich, that HB 1644 be recommitted to the Committee on Judiciary for further study.

On the question,

Will the House agree to the motion?

The **SPEAKER**. The question now is on that motion.

The Chair recognizes the gentleman from Philadelphia, Mr. O'Brien, on that motion.

Mr. O'BRIEN. Mr. Speaker, this bill has already been considered by the Judiciary Committee, and by a vote of 15 to 4 it was reported out.

If I could just explain a little bit about this bill. This legislation is in response to a July 11 State Supreme Court opinion reversing a lower court death penalty sentence on an individual convicted of killing his wife in 1982.

The **SPEAKER**. Mr. O'Brien, desist.

You are limited to arguments either for or against recommitment. You may not go further than that. If the bill is not recommitment, then the Chair will recognize you to debate the merits of the bill.

Mr. O'BRIEN. Mr. Speaker, I believe that the committee has studied this bill, they have voted it out by a vote of 15 to 4, and I believe that the House is entitled to decide this bill on its merits today. I would ask for a negative vote on this motion for recommitment.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I also oppose the motion for recommittal. As the gentleman, Mr. O'Brien, indicated, the Judiciary Committee overwhelmingly reported this bill to the floor. Contrary to what you might have heard from Mr. O'Donnell and Mr. Kukovich, this is a very narrow issue, very limited. The Judiciary Committee spent a great deal of time, at least a half hour to 45 minutes, discussing this issue and came up with this bill in response to this very narrow issue. It is not the type of issue that requires "further study," and for that reason I would oppose the motion for recommittal.

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

Mr. KUKOVICH. Mr. Speaker, the reason I made the motion was not necessarily to kill the bill. The House Judiciary Committee has been holding meetings almost weekly. It would be very easy for them to hold a meeting again next week.

Too often in this chamber we make decisions based on emotion. We try to rush bills through to solve a particular problem in a particular district, which Mr. O'Brien has, without thinking of the ramifications.

I am suggesting that a number of Supreme Court cases were cited in that Judiciary Committee meeting and were not adequately addressed. Let us give the committee a chance to do that. It would not take longer than a week or two. We could still get this bill out before we break this summer and can still take action in the Senate in the fall. We have time. Let us make sure we do this in an intelligent fashion without jeopardizing our existing statute regarding the death penalty, and I just think that we should recommit in order to take a wise action rather than just rushing something through.

The SPEAKER. On the motion, the Chair recognizes the gentleman from Montgomery, Mr. Fox.

Mr. FOX. Mr. Speaker, thank you.

Just briefly, I would ask for a negative vote on the motion to recommit. The crime victims of Pennsylvania and the prosecutors who protect the people need this kind of bill to be passed. We will have enough delays in getting it approved by the Senate and signed by the Governor. Let us not have any further delays to protect our people. Thank you.

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

The following roll call was recorded:

YEAS—40

Barber	Duffy	McHale	Roebuck
Battisto	Evans	Michlovic	Stewart
Belardi	Fattah	Mrkonic	Truman
Bortner	Freeman	Murphy	Van Horne
Broujos	Gruitza	O'Donnell	Veon
Cappabianca	Hutchinson	Petrarca	Wiggins
Carn	Itkin	Pievsky	Wozniak
Cawley	Josephs	Pistella	
Dawida	Kukovich	Preston	Irvis,
Deal	Levdansky	Richardson	Speaker
Dombrowski	Linton		

NAYS—155

Afflerbach	Davies	Lashinger	Ryan
Angstadt	Dietz	Laughlin	Rybak
Argall	Distler	Lescovitz	Saloom
Arty	Donatucci	Letterman	Saurman
Baldwin	Dorr	Livengood	Scheetz
Barley	Durham	Lloyd	Schuler
Belfanti	Fargo	Lucyk	Semmel
Birmelin	Fee	McCall	Serafini
Black	Fischer	McClatchy	Seventy
Blaum	Flick	McVerry	Showers
Book	Foster	Mackowski	Sirianni
Bowley	Fox	Manmiller	Smith, B.
Bowser	Freind	Markosek	Smith, L. E.
Boyes	Fryer	Mayernik	Snyder, D. W.
Brandt	Gallagher	Merry	Snyder, G.
Bunt	Gallen	Micozzie	Staback
Burd	Gamble	Miller	Stairs
Burns	Gannon	Moehlmann	Steighner
Bush	Geist	Morris	Stevens
Caltagirone	George	Mowery	Stuban
Carlson	Gladeck	Nahill	Sweet
Cessar	Godshall	Noye	Swift
Chadwick	Greenwood	O'Brien	Taylor, E. Z.
Cimini	Gruppo	Olasz	Taylor, F.
Civera	Hagarty	Oliver	Taylor, J.
Clark	Haluska	Perzel	Telek
Clymer	Hasay	Petrone	Tigue
Cohen	Hayes	Phillips	Trello
Colafella	Herman	Piccola	Vroon
Cole	Hershey	Pitts	Wambach
Cordisco	Honaman	Pott	Wass
Cornell	Jackson	Pressmann	Weston
Coslett	Jarolin	Punt	Wilson
Cowell	Johnson	Raymond	Wogan
Coy	Kasunic	Reber	Wright, D. R.
Deluca	Kennedy	Reinard	Wright, J. L.
DeVerter	Kenney	Rieger	Wright, R. C.
DeWeese	Kosinski	Robbins	Yandrisevits
Daley	Langtry	Rudy	

NOT VOTING—4

Acosta	Harper	Howlett	Maiale
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EXCUSED—2

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

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. On final passage, the Chair recognizes the gentleman from Philadelphia, Mr. O'Brien.

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

Mr. Speaker, this legislation is in response to a July 11 State Supreme Court opinion reversing a lower court death penalty sentence of an individual convicted of killing his wife in 1982. Justice Papadakos said, "I would call upon the legislature to re-examine the issue and make the necessary amendments if it is found that the majority has misinterpreted the legislative intent."

The prosecution in this case argued that the death penalty should be imposed because the defendant had demonstrated a significant history of felony convictions by virtue of the 1967 murder of another woman. The Supreme Court reversed the death penalty seemingly on the grounds of what justices of the majority opinion interpreted as a grammar flaw in State law.

Under current law, individuals convicted of first-degree murder can receive the death penalty if they have a significant history of felony convictions involving the use or threat of violence. Justices in the majority opinion interpreted current law to mean quantity rather than seriousness of felony convictions.

In the majority opinion, Justice Stephen Zappala wrote: "The pertinent rule of grammar to be followed is that that modifier" - significant - "should be placed, if possible, next to the word to be modified."

In short, the justices said if current law read "a history of significant felony convictions" instead of "a significant history of felony convictions," the death penalty would have been justified in this case. Following this line of thought, Justice William Hutchinson wrote: "In short, this appellant has shown that he is prone to kill under certain particular circumstances, but has not done so often enough to meet the legislative definition of 'significant history.'" If this would not be such a serious issue, the court's reasoning would be funny.

Accordingly, this legislation would amend the death penalty statute for first-degree murder to clarify the legislature's stand on the issue. This measure would amend current law to allow a death penalty sentence if the defendant has been convicted of another murder, committed either before or at the time of the offense at issue.

Justice Rolf Larsen, in a dissenting opinion, said, "...the majority today has ignored and frustrated these important objectives and purposes of the Pennsylvania death penalty statute by establishing that a murderer such as appellant must be convicted of murder three times before he will be eligible to receive the death penalty. Surely the Legislature did not intend this result."

Mr. Speaker, I would just like to review with you what I would consider Mr. Goins' significant history to be. On October 17, 1967, George Goins was arrested for murder and held without bail. There was a young lady; her name was Sereta Gail Bryson. She was to be in her girl friend's wedding approximately a week later. Mr. Goins happened to see her walking down the street buying some articles for that wedding. He abducted Miss Bryson, and with his knife, he slashed her to death. George Goins was convicted of first-degree murder. He was sentenced to life imprisonment, and he was subsequently granted a new trial.

On October 30, 1974, George Goins was again convicted of murder, but this time murder of the second degree, which is equivalent to our today's third-degree murder. On January 7, 1975, George Goins was sentenced to 10 to 20 years of imprisonment at Rockview by Judge Armand DellaPorta.

On June 24, 1981, George Goins committed another atrocity. After he had served his 10 to 20 years at Rockview, he got out, and on this day he had an argument with his wife and decided to settle that argument with a hammer. He bashed his wife in the head 25 times with the hammer, leaving the claw end of the hammer embedded in her skull.

Goins, on June 25, 1981, was arrested for murder while in the coronary care unit at Misericordia Hospital for a drug

overdose. On April 13, 1982, Goins was convicted of murder in the first degree. He was sentenced to the death penalty by Judge Edwin Malmed.

Because the Pennsylvania Supreme Court established the three-murder rule, Judge Edwin Malmed had to vacate the death penalty sentence and impose life imprisonment on September 4, 1985.

I would like to read from Justice McDermott's opinion on the Frederick case involving a significant history of violence.

Section 9 makes a "significant history of felony convictions" an aggravating circumstance. It does not specify when that history begins nor does it exclude the conviction the jury has rendered in the case before them.

Prescinding from an obvious rationale for the inclusion of the immediate conviction as an aggravating circumstance, the majority again retreats into the daedal grammar of Goins. Stuck on the plural use of "convictions" in section 9, the majority closes their eyes to what becomes the absurd consequences of refusing to count the immediate conviction.

There is no reason why the immediate conviction, as the second in the defendant's career ought not be counted. The legislature did not say that a significant history of prior convictions was required. They said that a "significant history of felony convictions" was the aggravation. They significantly did not exclude the immediate conviction as a counter in that history; nor, indeed, should it be discounted. The consequences of disregarding the immediate conviction are literally astounding.

Mr. Speaker, I would also like to read a July 15 editorial in 1985. The title is "Standards," and it reads as follows:

The Pennsylvania Supreme Court, the most distinguished deliberative body since the Ritz Brothers, has once again proven that it is unsafe to let people reason once they have proven their inability to do so.

The court ruled last week that it was distinctly uncool for a prosecutor to tell a jury pondering a sentence that the man it has just convicted of murder had previously murdered somebody else. The court found that having bumped somebody else off in the past does not constitute the "significant history of felony convictions" the law requires for the death penalty in first-degree murder cases.

The court has thus established the important new legal principle of the insignificant homicide. It does not matter that the homicide in question was significant to the friends and family or that it was eminently significant to the victim herself, it is not significant to the state.

The murderer in question had slashed a woman to death in 1967; in 1982 he bashed his wife to death with a hammer. To most of us, this would amount to a pattern.

Not to the court.

The court counted offenses and decided that two wasn't enough. Apparently, it would have thought differently if the killer had had a long record of minor felonies. A couple burglaries and then a murder and you fry; two murders and you're safe, at least until you kill a third victim.

It's an elegant line of reasoning, at least for people willing to follow it beyond the point at which it stops

making sense. The Legislature is now obliged to rewrite the law for the poor dopes and make it clear that it believes murder to be "significant."

It is encouraging to note that Justice Larsen recognizes the will of the legislature and the majority of Pennsylvanians concerning this issue. He said that, unfortunately, the majority seems to be out of step with the wishes of the General Assembly and the people and appear to have resorted to grasping at straws to impede the intent of the law.

Mr. Speaker, I think it is important today that we correct the misinterpretation of the Pennsylvania Supreme Court as to our legislative intent in reference to the death penalty, and I ask that you join me today in casting an affirmative vote so that this matter can be laid to rest once and for all. Thank you.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I urge the passage of HB 1644, and as I said in my earlier remarks, this is a very simple and narrow issue. In a capital case, Mr. Speaker, when the defendant has already been convicted of the crime of murder, the jury then returns to deliberations to determine whether that individual receives a life sentence or the death penalty. During those deliberations the jury may consider a list of mitigating circumstances and a list of aggravating circumstances.

All this bill does, Mr. Speaker, is add two items to the list of aggravating circumstances to be considered by the jury in determining whether a convicted defendant receives the death penalty, and those two aggravating circumstances are, number one, whether that defendant committed another murder or whether that defendant was convicted of voluntary manslaughter. That is it, pure and simple. It is a very straightforward bill, and I urge its adoption.

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

Mr. PRESTON. Thank you, Mr. Speaker.

Will Mr. O'Brien stand for a couple of questions, please?

The SPEAKER. Mr. O'Brien indicates he will stand for such interrogation. You are in order, and you may proceed.

Mr. PRESTON. Thank you, Mr. Speaker.

For my own personal information, in layman's terms can you give me the definition of "voluntary manslaughter"?

Mr. O'BRIEN. Mr. Speaker, "voluntary manslaughter" is defined as an unlawful killing by a person who is acting under a sudden and intense passion which results from a serious provocation by the victim or which involves the accidental or negligent killing of another in an attempt to kill that person causing the serious provocation. In addition, persons commit voluntary manslaughter if they kill another in the unreasonable belief that the killing was a justifiable one. Voluntary manslaughter is a second-degree felony.

Mr. PRESTON. So in other words, what you are saying then under the bill here is if a person is convicted of an accidental death, that they may go to the chair. Is that what you are saying, sir?

Mr. O'BRIEN. No, not at all, Mr. Speaker. That is involuntary manslaughter. Voluntary manslaughter is a premeditated act, and just because they are convicted of voluntary manslaughter does not mean that they are going to receive the death penalty. They have to be subsequently convicted of first-degree murder.

Mr. PRESTON. I am reading here in your bill and it says, "The defendant has been convicted of voluntary manslaughter...." Go back over the definition again then and tell me, did you or did you not read the words about "accidental"?

Mr. O'BRIEN. That specific portion, I believe, refers to accidentally killing someone else while your intention is to kill this person.

Mr. PRESTON. In other words, the words "accidentally killing someone" are part of the "voluntary manslaughter" definition that you just read?

Mr. O'BRIEN. Only if it is part of an intentional— It is only if you accidentally kill A in an attempt to kill B.

Mr. PRESTON. For the record and for everyone else then, just so I can be perfectly clear, very slowly would you read that definition again of "voluntary manslaughter"?

Mr. O'BRIEN. Yes. I am just having trouble hearing you and your questions.

"Voluntary manslaughter" is defined—

The SPEAKER. Just a moment, Mr. O'Brien. There is no question about it; there is too much noise.

Quiet down, please. You are holding yourselves here longer than necessary.

Repeat the question.

Mr. PRESTON. Thank you.

Just so that I can be perfectly clear in what you are telling me, would you please read the definition of "voluntary manslaughter" again, wholly, just as you read it before?

Mr. O'BRIEN. "Voluntary manslaughter" is defined as an unlawful killing by a person who is acting under a sudden and intense passion which results from a serious provocation by the victim or which involves the accidental or negligent killing of another in an attempt to kill the person causing the serious provocation.

Mr. PRESTON. Thank you, Mr. Speaker.

So in other words, what you are saying in this section, as far as section 12, is it is possible for a person to accidentally kill someone and be subject to capital punishment. Am I correct under the circumstances?

Mr. O'BRIEN. Not necessarily, Mr. Speaker.

This is a premeditated act where the defendant was trying to kill person A and accidentally killed person B, but it was a premeditated act.

Mr. PRESTON. In your definition of "voluntary manslaughter," does it mention anything about premeditation?

Mr. O'BRIEN. Okay. Mr. Speaker, I believe that you are misinterpreting the language in the bill as to read that if you are convicted of voluntary manslaughter, you are eligible for the death penalty under this law, under this proposed change, and that is not the case. The State cannot impose the death penalty for a voluntary manslaughter charge. That only



counts as an aggravating circumstance. You have to be subsequently convicted of a first-degree murder, and then, if the jury so decides, the death penalty can be imposed. Does that clarify your question?

Mr. PRESTON. Can you show me where that clarifies that in the bill? On which line?

Mr. O'BRIEN. Would you have a sidebar and I will show you; I will explain it to you.

The SPEAKER. The House will stand at ease.

### WELCOME

The SPEAKER. The Chair welcomes to the hall of the House teachers and students from the Lincoln School of the East Penn School District. They are here as the guests of Representative Donald Snyder and the rest of the Lehigh County delegation. Welcome to the hall of the House.

The House will stand at ease.

### CONSIDERATION OF HB 1644 CONTINUED

The SPEAKER. The House will return to order.

Mr. O'BRIEN. Mr. Speaker, does that answer your question?

Mr. PRESTON. Mr. Speaker, my questions have been answered. I wish they had been explained a little bit more simply in the beginning when the person was responding to the bill. Other than that, I have no further questions.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, will the prime sponsor stand for brief interrogation?

Mr. O'BRIEN. Yes, Mr. Speaker.

The SPEAKER. The gentleman indicates he will so stand. You are in order, and you may proceed, sir.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, during your comments earlier you made frequent reference to a prior murder being allowed under the terms of your bill as an aggravating circumstance in determining whether for a subsequent murder the actor would in fact be sentenced to death. Is that correct?

Mr. O'BRIEN. Yes.

Mr. McHALE. Under the terms of your bill as originally introduced, was it your intent to also include voluntary manslaughter?

Mr. O'BRIEN. The original drafting of my bill included third-degree murder, but when the Frederick case was brought to my attention, Mr. Wogan offered the amendment for voluntary manslaughter and I support that amendment.

Mr. McHALE. Thank you, Mr. Speaker.

May I make some comments on final passage?

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

Mr. McHALE. Mr. Speaker, I support the death penalty in the case of premeditated murder, and I believe that a single conviction for premeditated murder can under a given set of

circumstances justify the death penalty as an appropriate punishment for that single offense. For that reason, I supported the language that was in the O'Brien bill as originally drafted by Mr. O'Brien. However, I vigorously oppose the language of the bill as it emerged from the Judiciary Committee. Mr. Preston touched on this to some degree during his interrogation and comments on the bill.

My view is that if an individual takes another human being's life with premeditation, that can justify the death penalty. So I agree with the intent originally embodied in the O'Brien legislation. However, it is very important for the members of the House to understand—

Mr. LETTERMAN. Mr. Speaker?

The SPEAKER. Why does the gentleman, Mr. Letterman, rise?

Mr. LETTERMAN. Mr. Speaker, I am very interested in this, and I cannot hear the questioning and I would certainly like to.

The SPEAKER. The gentleman, Mr. Letterman's point is well taken. The members who are not interested in the debate would do us a kindness if they would absent themselves temporarily from the floor or if remaining on the floor will keep silent. Now, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, as I was indicating earlier, I support the death penalty, and I believe that if an individual takes another human being's life and he is convicted of murder and then subsequently commits a second premeditated murder, the jury ought to be informed of the prior murder conviction. That was the original intent of the O'Brien bill, and if that is what the bill still said, it would have my vote. However, when the bill was coming before the Judiciary Committee, an amendment was introduced and adopted which extends the provision of this legislation not only to a prior murder conviction, which was the language used by the gentleman, Mr. O'Brien, and the gentleman, Mr. Piccola, but also to a prior voluntary manslaughter conviction.

It is my belief, Mr. Speaker, as a supporter of the death penalty, if we pass this bill, including the amendment which attached to voluntary manslaughter, we will in fact make our death penalty statute unconstitutional.

It is important for the members of the House to understand what voluntary manslaughter is. Obviously, it is a terrible crime. It can be committed under the following circumstances: If an individual intentionally takes another human being's life under the unreasonable but perhaps good-faith belief that his own life is being threatened, that is voluntary manslaughter.

Let me give you one quick hypothetical example. It is 6 o'clock in the morning. You hear someone trying to break into your house on your front porch. You have a pistol in your home. You go out the side door, you go around the side of the house, and in the shadows you see that burglar trying to break into your home. You shoot him and you kill him, only to discover that it was the paperboy.

Now, if that sounds farfetched, let me assure you it is not. About 5 years ago when I was a criminal defense lawyer, I represented a man who had no prior criminal conviction who did almost what I have just described. Fortunately, the paperboy lived; he did not die. But under those kinds of circumstances where you sincerely but unreasonably believe that someone is trying to break into your home and you take his life, you have, in my opinion, committed a serious crime. You have committed voluntary manslaughter. I do not believe, however, that if the actor under that circumstance subsequently commits a premeditated murder, the difference between life and death ought to be determined by that prior voluntary manslaughter conviction. It may well be that the subsequent premeditated murder on its own facts would justify the death penalty, but the prior voluntary manslaughter conviction, which took place under circumstances where you unreasonably but sincerely believed that your own life was in danger, should not tip the balance. I believe that if we make that part of our death penalty statute, that will be unconstitutional.

I support the current language of our death penalty statute. I support the language that was originally included in Mr. O'Brien's bill. And if we had not in committee adopted an amendment also to include voluntary manslaughter, I would be voting for the bill today.

Mr. Speaker, I would ask if the gentleman, Mr. O'Brien, would consider holding the bill over so that I could have an amendment prepared restoring the original language of his bill. If that amendment is presented and if it passes, deleting voluntary manslaughter as an aggravating circumstance, I, for one, will vote for the O'Brien bill. But under its current terms, I think all that will be happening if we adopt the bill is that those of us who do support the death penalty for premeditated murder will be causing the statute to become unconstitutional. Therefore, Mr. Speaker, I ask the gentleman, Mr. O'Brien, if he will allow such an amendment, to restore the identical language of the bill as he originally introduced it.

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

Mr. O'BRIEN. Mr. Speaker, rather than have a delay on this particular issue today, and I know that time is of the interest to the members, perhaps to resolve your issue, if you wanted to make a motion to revert to the prior printer's number, that would have the same effect, and then we would not have to wait for an amendment to be drafted.

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

Mr. McHALE. Mr. Speaker, as you were mentioning that to me via debate, the distinguished gentleman, Mr. Lloyd, brought the same issue to my attention. That is fine. Therefore, Mr. Speaker, I would move that we return—

The SPEAKER. The gentleman will hold a moment. We want to check the prior printer's number to make sure that motion is correct at this time.

Has the gentleman looked at the prior printer's number to know that the prior printer's number satisfies his request?

Mr. McHALE. I have, Mr. Speaker. I have reviewed it during committee and I understand that the provisions remain the same as they originally appeared before the committee.

The SPEAKER. Very well.

Moved by the gentleman, Mr. McHale, that HB 1644 return to prior printer's number 2096.

On the question,

Will the House agree to the motion?

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

Mr. O'BRIEN. Mr. Speaker, for the reasons that I identified earlier, I would oppose this motion. I believe that what we are talking about here is including only premeditated murder as the 11th and 12th aggravating circumstances. Half of the justices of the Pennsylvania Supreme Court, in their decision, feel that the legislation - the death penalty statute in place right now - would satisfy voluntary manslaughter and third-degree murder as an aggravating circumstance. None of the justices, in their opinion, believe that what we are doing here today would be unconstitutional.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I also oppose the motion to revert to a prior printer's number.

First of all, it has been alluded to by Mr. McHale and I think by Mr. Kukovich that the inclusion of this language will somehow make our death penalty statute a mandatory death penalty statute, and nothing can be further from the truth. All of these aggravating circumstances, 1 through 10 which exist now as well as 11 and 12 which we are proposing to add, are only items that would be considered by the jury in determining whether a death penalty is imposed. The jury can choose to ignore all of those if it wishes.

Secondly, Mr. Speaker, specifically what this motion is trying to do is eliminate item number 12 on page 3 of the bill. There is already under consideration by jurors in death penalty cases the commission of less serious crimes than voluntary manslaughter. If you will look in item number 7, which is existing law on page 2, the jury may consider the commission of an offense which created grave risk of death to another person. Number 6 provides that the defendant committed a killing while in the perpetration of a felony. That could be a kidnapping; that could be a rape; that could be a number of lesser offenses than voluntary manslaughter. It also provides for the consideration of other lesser offenses, such as I indicated kidnapping. It is a serious item that we are adding to the list, but it is not a significant difference from what the existing law is.

All we are telling the courts is that the commission of one, one murder or one voluntary manslaughter is significant enough for the jury to consider the death penalty if that person has no other record of felonies. That is what we are doing with this legislation, Mr. Speaker, and that is why I would oppose this motion to revert. Thank you.

The SPEAKER. On the motion, the Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, I believe that the O'Brien bill, both in its original form and in its amended form as it emerged from the Judiciary Committee, constitutes very important changes in the law. If an individual with premeditation takes another human being's life, my view is that under those circumstances the death penalty may well be appropriate. If an individual with premeditation takes another human being's life and that individual has previously been convicted of murder, surely the jury should be told of that. That was the original O'Brien bill.

But if an individual commits voluntary manslaughter meeting the definition that I gave earlier that no one has questioned, where he has taken another human being's life intentionally but under the mistaken belief that his own life is in danger, I do not believe that a voluntary manslaughter conviction under those circumstances should make the difference between life and death in a subsequent murder conviction. It may well be that that subsequent murder conviction on its own facts will justify the death penalty, but a prior conviction of voluntary manslaughter, under the circumstances I previously described, should not make the difference.

Mr. O'Brien had a good idea when the bill was originally introduced. I support that concept. If we revert to the prior printer's number, we will in effect, I think, A, guarantee the constitutionality of our statute, and B, bring to the attention of the jury, under facts similar to those described by Mr. O'Brien earlier, a prior murder conviction. We will, however, exclude the voluntary manslaughter amendment that was added to the bill in committee.

I support the death penalty. When a human being intentionally and with malice aforethought takes another human being's life, the death penalty is appropriate. But the decision by the jury whether or not to impose the death penalty should be based on those facts and not a prior conviction for voluntary manslaughter where the actor may well have sincerely though foolishly believed that his own life was in danger. Therefore, Mr. Speaker, I urge that we revert to the prior printer's number and then promptly pass the language as originally drafted by Mr. O'Brien.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Wogan, on the motion.

Mr. WOGAN. Thank you, Mr. Speaker.

Mr. Speaker, just a couple of points. Number one, I think we are, as we are prone to do, forgetting our role here in the lawmaking process in Pennsylvania. There have been some qualms expressed about the constitutionality of HB 1644 because of the voluntary manslaughter provision that was added as an amendment in committee.

I think we should have no qualms in that regard, because as with all title 42 constitutional challenges, the sections are themselves severable. If the Pennsylvania Supreme Court were to find that the voluntary manslaughter provision added by amendment were unconstitutional, that would not affect the rest of the Pennsylvania death penalty statute. We can

deal with that issue if and when it arises, and I doubt sincerely that it will ever arise.

But more importantly here we are concerned about the actual death occurring after a voluntary manslaughter when the Pennsylvania death penalty statute already by its terms in item 7 has an aggravating circumstance listing just the possibility of death. It states as an aggravating circumstance, "In the commission of the offense the defendant knowingly created a grave risk of death to another person...." This, Mr. Speaker, does not even rise to that level. If a mere risk of death is already part of this statute, what is wrong with actually adding the death itself?

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Saurman, on the motion.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I would urge a "no" vote on this motion for prior printer's number. It seems to me in listening to the debate, and not being an attorney and trying to sort out what is happening, the focus has somehow shifted from the actual deliberations as to whether or not a convicted murderer is going to die in the chair and we are back now to what it somehow has done before that, something that because of the severity of the punishment needs to be considered. The previous speakers who have raised the point of this accidental death seem to indicate to all of us that just because this is included as an aggravating circumstance, that automatically it is going to result in the death penalty.

What aggravating circumstances appear to me to do is to give additional information so that that jury can make a wise decision. Now, if we exclude because of this very narrow focus of this accidental portion which is attempted again to offset all the rest, then the greatest number of these voluntary manslaughters which have nothing to do with the very narrow focus would also be excluded. So in order to protect that very narrow area, we would be taking away a lot of very vital information which I think is necessary and helpful in making that very serious and life-threatening situation or verdict or decision.

So I would urge that we defeat this and go on with HB 1644 as it has been presented under its present printer's number and bring about this really remedial action that this bill would do. Thank you.

The SPEAKER. On the question, those in favor of reversion will vote "aye"; those opposed, "no." If you favor the reversion to a prior printer's number, vote "aye." If you do not, vote "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—49

Acosta	Evans	Michlovic	Steighner
Barber	Fattah	Murphy	Stevens
Battisto	Freeman	O'Donnell	Stewart
Belardi	George	Oliver	Truman
Bortner	Haluska	Petrarca	Van Horne
Caltagirone	Hutchinson	Pievsy	Veon
Cappabianca	Itkin	Pistella	Wiggins
Carn	Jarolin	Pressmann	Wozniak

Colafella	Josephs	Preston	Wright, R. C.
Cowell	Kukovich	Richardson	
Dawida	Levdansky	Roebuck	Irvis,
Deal	Linton	Rybak	Speaker
Dombrowski	McHale	Serafini	

NAYS—144

Afflerbach	Daley	Kenney	Reinard
Angstadt	Davies	Kosinski	Rieger
Argall	Dietz	Langtry	Robbins
Arty	Distler	Lashinger	Rudy
Baldwin	Donatucci	Laughlin	Ryan
Barley	Dorr	Lescovitz	Saloom
Belfanti	Duffy	Letterman	Saurman
Birmelin	Durham	Livengood	Scheetz
Black	Fargo	Lloyd	Schuler
Blaum	Fee	Lucyk	Semmel
Book	Fischer	McClatchy	Seventy
Bowley	Flick	McVerry	Showers
Bowser	Foster	Mackowski	Sirianni
Boyes	Fox	Manmiller	Smith, B.
Brandt	Freind	Markosek	Smith, L. E.
Broujos	Fryer	Mayernik	Snyder, D. W.
Bunt	Gallagher	Merry	Snyder, G.
Burd	Gallen	Micozzie	Staback
Burns	Gamble	Miller	Stairs
Bush	Gannon	Moehlmann	Stuban
Carlson	Geist	Morris	Swift
Cawley	Gladeck	Mowery	Taylor, E. Z.
Cessar	Godshall	Mrkonc	Taylor, F.
Chadwick	Greenwood	Nahill	Taylor, J.
Cimini	Gruitza	Noye	Telek
Civera	Gruppo	O'Brien	Tigue
Clark	Hagarty	Olasz	Trello
Clymer	Hasay	Perzel	Vroon
Cohen	Hayes	Petrone	Wambach
Cole	Herman	Phillips	Wass
Cordisco	Hershey	Piccola	Weston
Cornell	Honaman	Pitts	Wilson
Coslett	Jackson	Pott	Wogan
Coy	Johnson	Punt	Wright, D. R.
Deluca	Kasunic	Raymond	Wright, J. L.
DeVerter	Kennedy	Reber	Yandrisevits

NOT VOTING—6

DeWeese	Howlett	Maiale	Sweet
Harper	McCall		

EXCUSED—2

Dininni Manderino

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

On the question recurring,  
Shall the bill pass finally?

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

YEAS—170

Afflerbach	Davies	Laughlin	Robbins
Angstadt	Dietz	Lescovitz	Rudy
Argall	Distler	Letterman	Ryan
Arty	Dombrowski	Livengood	Rybak
Baldwin	Donatucci	Lloyd	Saurman
Barley	Dorr	Lucyk	Scheetz
Battisto	Duffy	McCall	Schuler
Belardi	Durham	McClatchy	Semmel
Belfanti	Fargo	McVerry	Serafini
Birmelin	Fee	Mackowski	Seventy
Black	Fischer	Manmiller	Showers
Blaum	Flick	Markosek	Sirianni
Book	Foster	Mayernik	Smith, B.
Bortner	Fox	Merry	Smith, L. E.

Bowley	Freind	Michlovic	Snyder, D. W.
Bowser	Fryer	Micozzie	Snyder, G.
Boyes	Gallagher	Miller	Staback
Brandt	Gallen	Moehlmann	Stairs
Broujos	Gamble	Morris	Steighner
Bunt	Gannon	Mowery	Stevens
Burd	Geist	Mrkonc	Stewart
Burns	George	Murphy	Stuban
Bush	Gladeck	Nahill	Sweet
Caltagirone	Godshall	Noye	Swift
Cappabianca	Greenwood	O'Brien	Taylor, E. Z.
Carlson	Gruitza	Olasz	Taylor, F.
Cawley	Gruppo	Oliver	Taylor, J.
Cessar	Hagarty	Perzel	Telek
Chadwick	Haluska	Petrarca	Tigue
Cimini	Hasay	Petrone	Trello
Civera	Hayes	Phillips	Van Horne
Clark	Herman	Piccola	Vroon
Clymer	Hershey	Pievsky	Wambach
Cohen	Honaman	Pistella	Wass
Cole	Jackson	Pitts	Weston
Cordisco	Jarolin	Pott	Wilson
Cornell	Johnson	Pressmann	Wogan
Coslett	Kasunic	Punt	Wozniak
Cowell	Kennedy	Raymond	Wright, D. R.
Coy	Kenney	Reber	Wright, J. L.
Deluca	Kosinski	Reinard	Wright, R. C.
DeVerter	Langtry	Rieger	Yandrisevits
Daley	Lashinger		

NAYS—24

Barber	Fattah	McHale	Truman
Carn	Freeman	O'Donnell	Veon
Colafella	Harper	Preston	Wiggins
DeWeese	Josephs	Richardson	
Dawida	Kukovich	Roebuck	Irvis,
Deal	Levdansky	Saloom	Speaker
Evans	Linton		

NOT VOTING—5

Acosta	Hutchinson	Itkin	Maiale
Howlett			

EXCUSED—2

Dininni Manderino

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passes finally.

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

\* \* \*

The House proceeded to third consideration of **SB 408, PN 2138**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for damages in civil actions involving bad checks.

On the question,

Will the House agree to the bill on third consideration?

Mr. RYAN offered the following amendments No. A2386:

Amend Title, page 1, line 3, by removing the period after "checks" and inserting  
further providing for exceptions to sovereign immunity.

Amend Bill, page 2, lines 14 and 15 by striking out all of said lines and inserting

Section 2. Section 8522(b) of Title 42 is amended to read:  
 § 8522. Exceptions to sovereign immunity.

\*\*\*

(b) Acts which may impose liability.—The following acts by a Commonwealth party may result in the imposition of liability on the Commonwealth and the defense of sovereign immunity shall not be raised to claims for damages caused by:

(1) Vehicle liability.—The operation of any motor vehicle in the possession or control of a Commonwealth party. As used in this paragraph, "motor vehicle" means any vehicle which is self-propelled and any attachment thereto, including vehicles operated by rail, through water or in the air.

(2) Medical-professional liability.—Acts of health care employees of Commonwealth agency medical facilities or institutions or by a Commonwealth party who is a doctor, dentist, nurse or related health care personnel.

(3) Care, custody or control of personal property.—The care, custody or control of personal property in the possession or control of Commonwealth parties, including Commonwealth-owned personal property and property of persons held by a Commonwealth agency, except that the sovereign immunity of the Commonwealth is retained as a bar to actions on claims arising out of Commonwealth agency activities involving the use of nuclear and other radioactive equipment, devices and materials.

(4) Commonwealth real estate, highways and sidewalks.—A dangerous condition of Commonwealth agency real estate and sidewalks, including Commonwealth-owned real property, leaseholds in the possession of a Commonwealth agency and Commonwealth-owned real property leased by a Commonwealth agency to private persons, and highways under the jurisdiction of a Commonwealth agency, except conditions described in paragraph (5).

(5) Potholes and other dangerous conditions.—A dangerous condition of highways under the jurisdiction of a Commonwealth agency created by potholes or sinkholes or other similar conditions created by natural elements, except that the claimant to recover must establish that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred and that the Commonwealth agency had actual written notice of the dangerous condition of the highway a sufficient time prior to the event to have taken measures to protect against the dangerous condition. Property damages shall not be recoverable under this paragraph.

(6) Care, custody or control of animals.—The care, custody or control of animals in the possession or control of a Commonwealth party, including but not limited to police dogs and horses and animals incarcerated in Commonwealth agency laboratories. Damages shall not be recoverable under this paragraph on account of any injury caused by wild animals, including but not limited to bears and deer, except as otherwise provided by statute.

(7) Liquor store sales.—The sale of liquor at Pennsylvania liquor stores by employees of the Pennsylvania Liquor Control Board created by and operating under the act of April 12, 1951 (P.L.90, No.21), known as the "Liquor Code," if such sale is made to any minor, or to any person visibly intoxicated, or to any insane person, or to any person known as an habitual drunkard, or of known intemperate habit.

(8) National Guard activities.—Acts of a member of the Pennsylvania military forces.

(9) Toxoids and vaccines.—The administration, manufacture and use of a toxoid or vaccine not manufactured in this Commonwealth under the following conditions:

(i) The toxoid or vaccine is manufactured in, and available only from, an agency of another state.

(ii) The agency of the other state will not make the toxoid or vaccine available to private persons or corporations, but will only permit its sale to another state or state agency.

(iii) The agency of the other state will make the toxoid or vaccine available to the Commonwealth only if the Commonwealth agrees to indemnify, defend and save harmless that agency from any and all claims and losses which may arise against it from the administration, manufacture or use of the toxoid or vaccine.

(iv) A determination has been made by the appropriate Commonwealth agency, approved by the Governor and published in the Pennsylvania Bulletin, that the toxoid or vaccine is necessary to safeguard and protect the health of the citizens or animals of this Commonwealth.

(v) The toxoid or vaccine is distributed by a Commonwealth agency to qualified persons for ultimate use.

Nothing in this paragraph shall be deemed to impose liability on the Commonwealth for any of its acts performed in connection with the distribution or ultimate use by a qualified person of such toxoid or vaccine.

Section 3. (a) Section 1 of this act shall take effect in 90 days.

(b) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, in the course of all of our legislative experience, from time to time something comes up that is truly unusual. I think a situation that exists in Pennsylvania and really throughout the United States today fits that category, which I am attempting to address and correct with the amendment that I am now offering.

Apparently, Mr. Speaker, over a period of many years, the State of Michigan has manufactured and produced and sold to ultimate users certain vaccines and serums, toxins, whatever the medical terminology might be for it. These drugs have been used to vaccinate humans, to vaccinate animals, to prevent the exposure of our people and of our livestock to anthrax diseases and some other one that I cannot even pronounce called a botulism of Shakers disease - equine botulism. Now, we have been—when I say "we," a number of us in the legislature—have been contacted by constituents who have pointed out that they are unable now to obtain this medicine.

Our staff people have been in contact with the Department of Health and with the Attorney General's Office, and the facts that develop go something like this: The State of Michigan some years ago sold an unrelated medicine that they had developed, or vaccine that they had developed, and they were sued for it, and because of that suit, they then made a decision - they, the Michigan legislature - that the State of Michigan laboratories could no longer sell any of their products to any individuals or any States unless the States agreed to hold Michigan harmless and indemnify them against any claims brought about by reason of the production, manufacture, and subsequent use of these vaccines and serums.

Now, here in Pennsylvania, according to correspondence that we have—and Mr. Morris, the chairman of the Ag Committee in the House has copies of all this correspondence—but

what has happened in Pennsylvania is, according to the correspondence we have, second only to the State of Kentucky with a disease that, although not widespread, is found in the equine industry, in the horse-breeding industry. Pennsylvania also has at least one manufacturing company where up until very recently, an anthrax vaccine was available for its employees to vaccinate them against anthrax due to the materials they were handling.

Now, the bill that we now have before us in the form of an amendment, rather, provides that the Commonwealth of Pennsylvania can waive its immunity and enter into contracts with Michigan, as it turns out, although the amendment does not spell it out as Michigan but another State, and purchase this vaccine or these drugs and serums. They, in turn, under a format which was developed by the State of Alabama, by way of example, could then in turn sell to a veterinarian or a group of veterinarians or a doctor these serums that they obtained from Michigan and have an indemnification going over to Pennsylvania from the veterinarian or the doctor.

Now, I have tried to simplify this. I do not know that anyone can simplify what I have just said without reading at length some of the materials that I have available and Mr. Morris has available, but I think I have fairly presented the situation. I know some of our people, such as Representative Barley is very interested in this as it affects the horse industry in his area; Mr. Dorr, as it affects the breeding industry in his area; and I am sure I have at least a copy of a letter addressed to Mr. Morris from people in his area who have also called to his attention this problem and the fact that this would be the only solution to it.

I would be happy, Mr. Speaker—I would not be happy but I would be willing—to answer any questions or attempt to answer any questions that might be raised on the amendment. Otherwise, I would ask for an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Thank you, Mr. Speaker.

Mr. Ryan has outlined, I think with great clarity as a matter of fact, if people listened carefully, a certain problem in which the horse-breeding industry is rather vitally concerned. The amendment that he is offering could go further and offer protection in other instances than that of this particular disease.

I think that those of us who are interested in animal health, by reason of the importance of animal health to our agricultural industry in Pennsylvania, should support this amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—195

Afflerbach	Dietz	Lashinger	Roebuck
Angstadt	Distler	Laughlin	Rudy
Argall	Dombrowski	Lescovitz	Ryan
Arty	Donatucci	Letterman	Rybak
Baldwin	Dorr	Levdansky	Saloom
Barber	Duffy	Linton	Saurman
Barley	Durham	Livengood	Scheetz

Battisto	Evans	Lloyd	Schuler
Belardi	Fargo	Lucyk	Semmel
Belfanti	Fattah	McCall	Serafini
Birmelin	Fee	McClatchy	Seventy
Black	Fischer	McHale	Showers
Blaum	Flick	McVerry	Sirianni
Book	Foster	Mackowski	Smith, B.
Bortner	Fox	Manmiller	Smith, L. E.
Bowley	Freeman	Markosek	Snyder, D. W.
Bowser	Freind	Mayernik	Snyder, G.
Boyes	Fryer	Merry	Staback
Brandt	Gallagher	Michlovic	Stairs
Broujos	Gallen	Micozzie	Steighner
Bunt	Gamble	Miller	Stevens
Burd	Gannon	Moehlmann	Stewart
Burns	Geist	Morris	Stuban
Bush	George	Mowery	Sweet
Caltagirone	Gladeck	Mrkonik	Swift
Cappabianca	Godshall	Murphy	Taylor, E. Z.
Carlson	Greenwood	Nahill	Taylor, F.
Carn	Gruitza	Noye	Taylor, J.
Cawley	Gruppo	O'Brien	Telek
Cessar	Hagarty	Olasz	Tigue
Chadwick	Haluska	Oliver	Trello
Cimini	Harper	Perzel	Truman
Civera	Hasay	Petrarca	Van Horne
Clark	Hayes	Petrone	Veon
Clymer	Herman	Phillips	Vroon
Cohen	Hershey	Piccola	Wambach
Colafella	Honaman	Pievsky	Wass
Cole	Hutchinson	Pistella	Weston
Cordisco	Itkin	Pitts	Wiggins
Cornell	Jackson	Pott	Wilson
Coslett	Jarolin	Pressmann	Wogan
Cowell	Johnson	Preston	Wozniak
Coy	Josephs	Punt	Wright, D. R.
Deluca	Kasunic	Raymond	Wright, J. L.
DeVerter	Kennedy	Reber	Wright, R. C.
DeWeese	Kenney	Reinard	Yandrisevits
Daley	Kosinski	Richardson	
Davies	Kukovich	Rieger	Irvis,
Dawida	Langtry	Robbins	Speaker
Deal			

NAYS—1

O'Donnell

NOT VOTING—3

Acosta                      Howlett                      Maiale  
EXCUSED—2

Dininni                      Manderino

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—195

Afflerbach	Dietz	Laughlin	Roebuck
Angstadt	Distler	Lescovitz	Rudy
Argall	Dombrowski	Letterman	Ryan
Arty	Donatucci	Levdansky	Rybak
Baldwin	Dorr	Linton	Saloom

Barber	Duffy	Livengood	Saurman
Barley	Durham	Lloyd	Scheetz
Battisto	Evans	Lucyk	Schuler
Belardi	Fargo	McCall	Semmel
Belfanti	Fee	McClatchy	Serafini
Birmelin	Fischer	McHale	Seventy
Black	Flick	McVerry	Showers
Blaum	Foster	Mackowski	Sirianni
Book	Fox	Manmiller	Smith, B.
Bortner	Freeman	Markosek	Smith, L. E.
Bowley	Freind	Mayernik	Snyder, D. W.
Bowser	Fryer	Merry	Snyder, G.
Boyes	Gallagher	Michlovic	Staback
Brandt	Gallen	Micozzie	Stairs
Broujos	Gamble	Miller	Steighner
Bunt	Gannon	Moehlmann	Stevens
Burd	Geist	Morris	Stewart
Burns	George	Mowery	Stuban
Bush	Gladeck	Mrkonic	Sweet
Caltagirone	Godshall	Murphy	Swift
Cappabianca	Greenwood	Nahill	Taylor, E. Z.
Carlson	Gruitza	Noye	Taylor, F.
Carn	Gruppo	O'Brien	Taylor, J.
Cawley	Hagarty	O'Donnell	Telek
Cessar	Haluska	Olasz	Tigue
Chadwick	Harper	Oliver	Trello
Cimini	Hasay	Perzel	Truman
Civera	Hayes	Petrarca	Van Horne
Clark	Herman	Petrone	Veon
Clymer	Hershey	Phillips	Vroon
Cohen	Honaman	Piccola	Wambach
Colafella	Hutchinson	Pievsky	Wass
Cole	Itkin	Pistella	Weston
Cordisco	Jackson	Pitts	Wiggins
Cornell	Jarolin	Pott	Wilson
Coslett	Johnson	Pressmann	Wogan
Cowell	Josephs	Preston	Wozniak
Coy	Kasunic	Punt	Wright, D. R.
Deluca	Kennedy	Raymond	Wright, J. L.
DeVerter	Kenney	Reber	Wright, R. C.
DeWeese	Kosinski	Reinard	Yandrisevits
Daley	Kukovich	Richardson	
Davies	Langtry	Rieger	Irvis,
Dawida	Lashinger	Robbins	Speaker
Deal			

NAYS—0

NOT VOTING—4

Acosta	Fattah	Howlett	Maiale
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EXCUSED—2

Dininni	Manderino
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passes finally.

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

**REMARKS ON VOTES**

The SPEAKER. Why does the gentleman from Luzerne, Mr. Stevens, rise in place?

Mr. STEVENS. Thank you, Mr. Speaker.

On HB 1644 on the motion to revert to a prior printer's number, I was incorrectly recorded in the affirmative. I wanted to be recorded in the negative.

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

Why does the gentleman from Mifflin, Mr. DeVerter, rise in place?

Mr. DeVERTER. Mr. Speaker, on HB 2417, PN 3372, my vote was not recorded on the roll, and I would like to be voted in the affirmative, please.

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

The Chair recognizes the gentleman from Allegheny, Mr. Petrone. Why do you rise in place?

Mr. PETRONE. Thank you, Mr. Speaker.

On HB 2164 I was not recorded. I would like to be recorded in the affirmative.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Fargo. Why do you rise in place?

Mr. FARGO. Mr. Speaker, on HB 2417, PN 3372, although I voted in the affirmative, it was not recorded. I would like to be recorded in the affirmative on that bill.

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

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 401, PN 3440**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for special plates for recipients of the Purple Heart; and imposing limitations on certain reduced registration recipients.

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

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Hasay, on the question.

Mr. HASAY. Thank you, Mr. Speaker.

I ask the House that we do concur in the Senate amendments to HB 401.

The SPEAKER. Will the gentleman please explain briefly the Senate amendments?

Mr. HASAY. Briefly, what the Senate did, Mr. Speaker, was it allowed individuals who already have a disabled veteran's license plate to be able, if they wish, to obtain a special Purple Heart license plate. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Those in favor of concurring in the Senate amendments will vote "aye," as suggested by Mr. Hasay; those opposed, "no."

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—196

Afflerbach	Dietz	Laughlin	Roebuck
Angstadt	Distler	Lescovitz	Rudy
Argall	Dombrowski	Letterman	Ryan
Arty	Donatucci	Levdansky	Rybak
Baldwin	Dorr	Linton	Saloom
Barber	Duffy	Livengood	Saurman
Barley	Durham	Lloyd	Scheetz
Battisto	Evans	Lucyk	Schuler
Belardi	Fargo	McCall	Semmel
Belfanti	Fattah	McClatchy	Serafini
Birmelin	Fee	McHale	Seventy
Black	Fischer	McVerry	Showers
Blaum	Flick	Mackowski	Sirianni
Book	Foster	Manmiller	Smith, B.
Bortner	Fox	Markosek	Smith, L. E.
Bowley	Freeman	Mayernik	Snyder, D. W.
Bowser	Freind	Merry	Snyder, G.
Boyes	Fryer	Michlovic	Staback
Brandt	Gallagher	Micozzie	Stairs
Broujos	Gallen	Miller	Steighner
Bunt	Gamble	Moehlmann	Stevens
Burd	Gannon	Morris	Stewart
Burns	Geist	Mowery	Suban
Bush	George	Mrkonic	Sweet
Caltagirone	Gladeck	Murphy	Swift
Cappabianca	Godshall	Nahill	Taylor, E. Z.
Carlson	Greenwood	Noye	Taylor, F.
Carn	Gruitza	O'Brien	Taylor, J.
Cawley	Gruppo	O'Donnell	Telek
Cessar	Hagarty	Olasz	Tigue
Chadwick	Haluska	Oliver	Trello
Cimini	Harper	Perzel	Truman
Civera	Hasay	Petrarca	Van Horne
Clark	Hayes	Petrone	Veon
Clymer	Herman	Phillips	Vroon
Cohen	Hershey	Piccola	Wambach
Colafella	Honaman	Pievsky	Wass
Cole	Hutchinson	Pistella	Weston
Cordisco	Itkin	Pitts	Wiggins
Cornell	Jackson	Pott	Wilson
Coslett	Jarolin	Pressmann	Wogan
Cowell	Johnson	Preston	Wozniak
Coy	Josephs	Punt	Wright, D. R.
Deluca	Kasunic	Raymond	Wright, J. L.
DeVerter	Kennedy	Reber	Wright, R. C.
DeWeese	Kenney	Reinard	Yandrisevits
Daley	Kosinski	Richardson	
Davies	Kukovich	Rieger	Irvis,
Dawida	Langtry	Robbins	Speaker
Deal	Lashingier		

NAYS—0

NOT VOTING—3

Acosta	Howlett	Maiale
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EXCUSED—2

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTES

The SPEAKER. Now we will take further corrections of the record.

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

Mr. SERAFINI. Mr. Speaker, on HB 1644, the motion to revert to the prior printer's number, I was incorrectly recorded in the affirmative. I would like to be recorded in the negative. And on HB 2164 I would like to be recorded in the affirmative. Thank you.

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

The Chair recognizes the gentleman from Crawford, Mr. Merry.

Mr. MERRY. On HB 2417 on final passage, I was in my seat and was voting but it failed to record. I would like to have it show on the record that I voted in the affirmative.

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

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

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

On HB 1503, PN 3379, my vote failed to be recorded. I would like to be recorded in the affirmative.

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

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

Mr. FLICK. Thank you, Mr. Speaker.

On HB 1503 my vote was not recorded. I would like to be recorded in the affirmative.

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

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

Mr. NAHILL. Thank you, Mr. Speaker.

On HB 2164 I voted in the affirmative; it did not record, and I would like my vote to be recorded that way.

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

Unless you have bills to report, there is no further business on the floor of the House except the calling of committee meetings and the reporting of bills.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, if the members would listen for a moment.

I know that Mr. Pievsky and I both have an announcement to make with respect to the budget bill. I will yield to the gentleman, Mr. Pievsky, but I suggest that all of the members listen to his remarks carefully.

APPROPRIATIONS COMMITTEE MEETING

ANNOUNCEMENT BY MR. PIEVSKY

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

Mr. PIEVSKY. Thank you, Mr. Speaker.

First, I want to announce that the Appropriations Committee will meet in the majority caucus room immediately upon the recess, and the desk will be open for reports of committees. Is that right, Mr. Speaker?



The SPEAKER. The desk will remain open.

Mr. PIEVSKY. Also, I would like to mention that we plan to put the budget out this afternoon and also the entire package of nonpreferreds and housekeeping bills also. I would like to also mention that if you are planning to amend the budget—and I am sure some of you will—it will be ready for amendments probably next Tuesday. The House bill is 2508, if you want to make a note of that, if you want to prepare amendments—HB 2508. I do not have the printer's number available at this time, but it is the only printer's number there.

The SPEAKER. Mr. Pievsky, it is the intention of the Chair that the bill be ready for amendment by Monday. The bill will be moved to second consideration on Thursday and, therefore, on Monday would be available for any amendments.

Any further announcements concerning Appropriations or the budget? Mr. Ryan, does that satisfy the announcement that you wished to be made? Fine.

### HOUSE SCHEDULE

The SPEAKER. Although there will be a session to move up the budget bill and, the Chair is informed, to report certain bills out of committee on Thursday, there will be no voting session, and the Chair has instructed the majority to inform Mr. Ryan of any changes in plans so there will be no surprises on that.

There is no further need for the members to remain on the floor of the House. There will be no further voting this week.

### BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

**HB 510, PN 3568 (Amended)**

By Rep. HUTCHINSON

An Act providing for the operation of ultralight air vehicles within this Commonwealth.

#### TRANSPORTATION.

**HB 1469, PN 1809**

By Rep. HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing school bus drivers to operate church buses.

#### TRANSPORTATION.

**HB 2309, PN 3186**

By Rep. HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for a processing fee in lieu of a registration fee for certain vehicles.

#### TRANSPORTATION.

**HB 2319, PN 3200**

By Rep. HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for restrictions on the use of highways and bridges.

#### TRANSPORTATION.

**HB 2330, PN 3569 (Amended)**

By Rep. F. TAYLOR

An Act amending the act of April 28, 1961 (P. L. 111, No. 50), known as the "Tourist Promotion Law," adding definitions; and further providing for grants to tourist promotion agencies.

#### BUSINESS AND COMMERCE.

**HB 2341, PN 3570 (Amended)**

By Rep. FRYER

An Act amending the act of April 13, 1972 (P. L. 184, No. 62), known as the "Home Rule Charter and Optional Plans Law," prohibiting municipalities from retroactively increasing fees for municipal services.

#### LOCAL GOVERNMENT.

**HB 2346, PN 3241**

By Rep. FRYER

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), known as "The County Code," further providing for tax levies.

#### LOCAL GOVERNMENT.

**HB 2347, PN 3242**

By Rep. FRYER

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," further providing for tax levies.

#### LOCAL GOVERNMENT.

### BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

**SB 1421, PN 2041**

By Rep. FRYER

An Act amending the act of July 12, 1972 (P. L. 762, No. 180), entitled "Intergovernmental Cooperation Law," further providing for direct purchases from certain vendors or suppliers of goods.

#### LOCAL GOVERNMENT.

### ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt of additions and deletions for sponsorships of bills, which the clerk will file.

The following list was submitted:

#### ADDITIONS:

HB 1979, Perzel; HB 2189, Belfanti; HB 2190, Belfanti; HB 2191, Belfanti; HB 2192, Belfanti; HB 2193, Belfanti; HB 2194, Belfanti; HB 2195, Belfanti; HB 2196, Belfanti; HB 2197, Belfanti; HB 2447, Richardson; HB 2477, Trello, Burd; HB 2503, Trello.

### BILL SIGNED BY SPEAKER

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

**HB 401, PN 3440**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for special plates for recipients of

the Purple Heart; and imposing limitations on certain reduced registration recipients.

### RECESS

The SPEAKER. The House will stand in recess subject to the call of the Speaker.

### AFTER RECESS

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

### RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, under rule 22, the bills about to be reported from the Appropriations Committee would go to the Rules Committee or on the table. Therefore, I move that the House suspend the rules temporarily so that these bills may appear immediately on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

### BILLS REPORTED FROM COMMITTEE AND CONSIDERED FIRST TIME

**HB 2508, PN 3515** By Rep. PIEVSKY

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1986, to June 30, 1987, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1986; to provide appropriations from the Pennsylvania Economic Revitalization Fund to the Executive Department; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 1986, to June 30, 1987, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending July 30, 1986, and providing additional appropriations to the Executive Department of the Commonwealth for the fiscal year July 1, 1985, to June 30, 1986.

#### APPROPRIATIONS.

**HB 2509, PN 3516** By Rep. PIEVSKY

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

#### APPROPRIATIONS.

**HB 2510, PN 3517** By Rep. PIEVSKY

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the

higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriation in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

#### APPROPRIATIONS.

**HB 2511, PN 3518** By Rep. PIEVSKY

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

#### APPROPRIATIONS.

**HB 2512, PN 3519** By Rep. PIEVSKY

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

#### APPROPRIATIONS.

**HB 2513, PN 3520** By Rep. PIEVSKY

An Act making appropriations to the Trustees of the University of Pennsylvania.

#### APPROPRIATIONS.

**HB 2514, PN 3521** By Rep. PIEVSKY

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

## APPROPRIATIONS.

**HB 2515, PN 3522** By Rep. PIEVSKY  
An Act making appropriations to the Thomas Jefferson University, Philadelphia, Pennsylvania.

## APPROPRIATIONS.

**HB 2516, PN 3523** By Rep. PIEVSKY  
An Act making appropriations to The Medical College of Pennsylvania, East Falls, Philadelphia, Pennsylvania.

## APPROPRIATIONS.

**HB 2517, PN 3524** By Rep. PIEVSKY  
An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia, Pennsylvania.

## APPROPRIATIONS.

**HB 2518, PN 3525** By Rep. PIEVSKY  
An Act making an appropriation to the Trustees of Drexel University, Philadelphia, Pennsylvania.

## APPROPRIATIONS.

**HB 2519, PN 3526** By Rep. PIEVSKY  
An Act making an appropriation to the Delaware Valley College of Science and Agriculture at Doylestown, Pennsylvania.

## APPROPRIATIONS.

**HB 2520, PN 3527** By Rep. PIEVSKY  
An Act making an appropriation to the Philadelphia College of Art, Philadelphia, Pennsylvania.

## APPROPRIATIONS.

**HB 2521, PN 3528** By Rep. PIEVSKY  
An Act making an appropriation to the Philadelphia College of Textiles and Science.

## APPROPRIATIONS.

**HB 2522, PN 3529** By Rep. PIEVSKY  
An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia, Pennsylvania.

## APPROPRIATIONS.

**HB 2523, PN 3530** By Rep. PIEVSKY  
An Act making appropriations to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

## APPROPRIATIONS.

**HB 2524, PN 3531** By Rep. PIEVSKY  
An Act making an appropriation to the Johnson School of Technology of Scranton, Pennsylvania.

## APPROPRIATIONS.

**HB 2525, PN 3532** By Rep. PIEVSKY  
An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County, Pennsylvania.

## APPROPRIATIONS.

**HB 2526, PN 3533** By Rep. PIEVSKY  
An Act making an appropriation to the Philadelphia College of Performing Arts, Philadelphia, Pennsylvania.

## APPROPRIATIONS.

**HB 2527, PN 3534** By Rep. PIEVSKY  
An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia, Pennsylvania.

## APPROPRIATIONS.

**HB 2528, PN 3535** By Rep. PIEVSKY  
An Act making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia, Pennsylvania.

## APPROPRIATIONS.

**HB 2529, PN 3536** By Rep. PIEVSKY  
An Act making an appropriation to the Central Penn Oncology Group.

## APPROPRIATIONS.

**HB 2530, PN 3537** By Rep. PIEVSKY  
An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

## APPROPRIATIONS.

**HB 2531, PN 3538** By Rep. PIEVSKY  
An Act making appropriations to the Wistar Institute-Research, Philadelphia.

## APPROPRIATIONS.

**HB 2532, PN 3539** By Rep. PIEVSKY  
An Act making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies.

## APPROPRIATIONS.

**HB 2533, PN 3540** By Rep. PIEVSKY  
An Act making an appropriation to St. Francis Hospital Pittsburgh.

## APPROPRIATIONS.

**HB 2534, PN 3541** By Rep. PIEVSKY  
An Act making appropriations to St. Christopher's Hospital, Philadelphia, Pennsylvania.

## APPROPRIATIONS.

**HB 2535, PN 3542** By Rep. PIEVSKY  
An Act making an appropriation to the Lancaster Cleft Palate.

## APPROPRIATIONS.

**HB 2536, PN 3543** By Rep. PIEVSKY  
An Act making an appropriation to the Pittsburgh Cleft Palate.

## APPROPRIATIONS.

**HB 2537, PN 3544** By Rep. PIEVSKY  
An Act making an appropriation to the Trustees of Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease.

## APPROPRIATIONS.

**HB 2538, PN 3545** By Rep. PIEVSKY  
An Act making an appropriation to the Burn Foundation of Greater Delaware Valley.

## APPROPRIATIONS.

**HB 2539, PN 3546** By Rep. PIEVSKY

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

## APPROPRIATIONS.

**HB 2540, PN 3547** By Rep. PIEVSKY

An Act making an appropriation to the Carnegie Museum of Natural History for maintenance and the purchase of apparatus, supplies and equipment.

## APPROPRIATIONS.

**HB 2541, PN 3548** By Rep. PIEVSKY

An Act making an appropriation to the Franklin Institute Science Museum.

## APPROPRIATIONS.

**HB 2542, PN 3549** By Rep. PIEVSKY

An Act making an appropriation to the Academy of Natural Sciences.

## APPROPRIATIONS.

**HB 2543, PN 3550** By Rep. PIEVSKY

An Act making an appropriation to the Trustees of the Buhl Science Center.

## APPROPRIATIONS.

**HB 2544, PN 3551** By Rep. PIEVSKY

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

## APPROPRIATIONS.

**HB 2545, PN 3552** By Rep. PIEVSKY

An Act making an appropriation to the Afro-American Historical and Cultural Museum for operating expenses.

## APPROPRIATIONS.

**HB 2546, PN 3553** By Rep. PIEVSKY

An Act making an appropriation to the Everhart Museum in Scranton.

## APPROPRIATIONS.

**HB 2547, PN 3554** By Rep. PIEVSKY

An Act making an appropriation to the Home for Crippled Children, Pittsburgh, Pennsylvania.

## APPROPRIATIONS.

**HB 2548, PN 3555** By Rep. PIEVSKY

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

## APPROPRIATIONS.

**HB 2549, PN 3556** By Rep. PIEVSKY

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

## APPROPRIATIONS.

**HB 2550, PN 3557** By Rep. PIEVSKY

An Act making an appropriation to the Beacon Lodge Camp.

## APPROPRIATIONS.

**HB 2551, PN 3558** By Rep. PIEVSKY

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1986, to June 30, 1987, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1986.

## APPROPRIATIONS.

**HB 2552, PN 3559** By Rep. PIEVSKY

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1986, to June 30, 1987, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1986.

## APPROPRIATIONS.

**HB 2554, PN 3561** By Rep. PIEVSKY

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

## APPROPRIATIONS.

**HB 2556, PN 3563** By Rep. PIEVSKY

An Act providing for the capital budget for the fiscal year 1986-1987.

## APPROPRIATIONS.

**HB 2557, PN 3564** By Rep. PIEVSKY

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

## APPROPRIATIONS.

**HB 2558, PN 3565** By Rep. PIEVSKY

An Act providing for the adoption of capital projects to be financed from current revenues of the Boat and Fish Funds.

## APPROPRIATIONS.

**SB 1415, PN 1926** By Rep. PIEVSKY

An Act making appropriations to the Department of General Services out of various funds for payment of rental charges to The General State Authority.

## APPROPRIATIONS.

**SB 1416, PN 2189 (Amended)** By Rep. PIEVSKY

An Act making an appropriation to the Department of Labor and Industry from the Workmen's Compensation Administration Fund to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1986, to June 30, 1987, for increasing the complement level of Workmen's Compensation Referees, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1986.

## APPROPRIATIONS.

**BILLS REREPORTED FROM COMMITTEE****HB 1728, PN 3572** (Amended)

By Rep. PIEVSKY

An Act amending the act of May 24, 1945 (P. L. 991, No. 385), known as the "Urban Redevelopment Law," further providing for the acquisition of blighted property by redevelopment authorities for certain uses and the means of financing the purchase of property; further providing for economic development programs; and further providing for the adoption of redevelopment proposals.

**APPROPRIATIONS.****HB 2325, PN 3206**

By Rep. PIEVSKY

An Act amending the act of May 23, 1945 (P. L. 903, No. 362), entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employes independently of any pension system or systems existing in such cities," further providing for membership on certain retirement boards.

**APPROPRIATIONS.****SB 1075, PN 2188** (Amended)

By Rep. PIEVSKY

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," authorizing acquisitions of bank holding companies and banks in Pennsylvania by bank holding companies located in other states on a regional, reciprocal basis for a certain period of time and on a reciprocal basis without a regional requirement thereafter.

**APPROPRIATIONS.****SB 1391, PN 2058**

By Rep. PIEVSKY

An Act requiring notice of rate increases, policy cancellations and nonrenewals by property and casualty insurers.

**APPROPRIATIONS.****BILLS AND RESOLUTIONS PASSED OVER**

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

**ADJOURNMENT**

The SPEAKER. There being no further business to be brought before this day's session, the Chair recognizes the gentleman from Philadelphia, Mr. Taylor.

Mr. J. J. TAYLOR. Mr. Speaker, I move that this House do now adjourn until Thursday, June 5, 1986, at 10 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 1:28 p.m., e.d.t., the House adjourned.