

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, SEPTEMBER 21, 1982

SESSION OF 1982

166TH OF THE GENERAL ASSEMBLY

No. 50

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR PRAYER

REV. DARWYN J. NACE, chaplain of the House of Representatives and pastor of Felton Bethany United Methodist Church, Felton, Pennsylvania, offered the following prayer:

Let us pray:

Our kind Heavenly Father, we ask Your continued blessing on us as we are now in the fall and harvest season of the year.

Your bountiful love and understanding on us has been the strength that we have needed to carry us through each day of life. We humbly come to You this day and pray Your guidance upon our thoughts and our choices. We pray that we may never forget others and that whatever we say and do may be acceptable in Thy sight, for we pray in the Master's name. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, September 20, 1982, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2662 By Representative McCLATCHY

An Act amending the act of December 18, 1980 (P. L. 1252, No. 228), entitled "A supplemental to the act of October 6, 1980 (P. L. 784, No. 145), entitled 'An act providing for the capital budget for the improvement and furniture and equipment projects,***; providing for the adoption of capital projects to be financed from current revenues of the Boating Fund and the Fish Fund and making an appropriation,' deleting certain projects and adding a project in the Department of Education for the Pennsylvania State University.

Referred to Committee on APPROPRIATIONS, September 20, 1982.

No. 2663 By Representatives ARTY and KLINGAMAN

An Act amending the act of December 23, 1981 (P. L. 583, No. 168), entitled "An act providing for reimbursement by insurance companies and others for services performed by licensed certified nurse midwives," providing for reimbursement to midwives by hospital plan corporations.

Referred to Committee on HEALTH AND WELFARE, September 20, 1982.

No. 2664 By Representatives ARTY and KLINGAMAN

An Act amending "The Controlled Substance, Drug, Device and Cosmetic Act," approved April 14, 1972 (P. L. 233, No. 64), further providing for prohibited acts relating to certain noncontrolled substances.

Referred to Committee on HEALTH AND WELFARE, September 20, 1982.

No. 2665 By Representatives WACHOB, PRATT, DOMBROWSKI, MICHLOVIC, SHOWERS, KUKOVICH, COHEN and DEAL

An Act amending the "Gas Operations Well-Drilling Petroleum and Coal Mining Act," approved November 30, 1955 (P. L. 756, No. 225), changing definitions, requiring registration, notification of transfer of wells, responsibility of well drillers to department,*** enforcement and penalties.

Referred to Committee on MINES AND ENERGY MANAGEMENT, September 20, 1982.

No. 2666 By Representative BURNS

An Act amending the "Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), further providing for township and special tax levies.

Referred to Committee on LOCAL GOVERNMENT, September 20, 1982.

No. 2667 By Representative BURNS

An Act amending the "Pennsylvania Municipalities Planning Code," approved July 31, 1968 (P. L. 805, No. 247), further providing for remedies to effect completion of improvements.

Referred to Committee on LOCAL GOVERNMENT, September 20, 1982.

No. 2668 By Representative LASHINGER

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), providing for a hotel room rental tax in counties of the second class A.

Referred to Committee on URBAN AFFAIRS, September 20, 1982.

No. 2669 By Representatives ARTY and ZWIKL

An act providing reimbursement by insurance companies, professional health service plan corporations, fraternal benefit societies and voluntary nonprofit health service plans for services performed by a registered nurse.

Referred to Committee on INSURANCE, September 20, 1982.

No. 2670 By Representatives LEHR and COSLETT

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, requiring commissioners to be appointed from designated geographic districts.

Referred to Committee on CONSUMER AFFAIRS, September 20, 1982.

LEAVES OF ABSENCE GRANTED

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

Mr. CESSAR. Thank you, Mr. Speaker.

I do request a leave for the gentleman from Allegheny, Mr. FLECK, for the rest of the week.

I also submit for the record leaves that were inadvertently not submitted yesterday: The gentleman from Allegheny, Mr. FRAZIER, for the week; and the lady from Montgomery, Mrs. LEWIS, for the session of September 20, 1982.

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

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

Mr. IRVIS. Thank you, Mr. Speaker.

I request a leave of absence for the gentleman from Westmoreland, Mr. PETRARCA, for today's session.

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

WELCOME

The SPEAKER. The Chair welcomes to the hall of the House today a former distinguished member of this House, Mr. Dave Turner of Bradford County.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2332, PN 3599 (Amended)

By Rep. DORR

An Act amending the "Inheritance and Estate Tax Act of 1961," approved June 15, 1961 (P. L. 373, No. 207), further providing for tax for small business transfers.

BUSINESS AND COMMERCE.

HB 2333, PN 3600 (Amended)

By Rep. DORR

An Act amending "The Fiscal Code," approved April 9, 1929 (P. L. 343, No. 176), providing for interest on certain Commonwealth purchases.

BUSINESS AND COMMERCE.

STATEMENT BY MR. DeVERTER

TERCENTENARY COMMITTEE ON THIS DAY IN HISTORY

The SPEAKER. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter, for "This Day in History."

Mr. DeVERTER. Thank you, Mr. Speaker.

On this day in history 204 years ago, September 21, 1778, one of the most remarkable treaties ever made in the interest of the United States was entered into by Gen. Lachlan McIntosh, Gen. Andrew Lewis, and White Eyes, the head sachem of the Delaware Indian Tribe.

Earlier that year General McIntosh developed a plan to attack the British fort at Detroit, involving a 300-mile march through a wilderness inhabited by Indians, most of whom were hostile to the American cause. It entailed marching the army far from its base of supplies at Fort Pitt, which was never strongly secured.

The Delaware Tribe, now living on the Tuscarawas and the Muskingum, were the only Indians who had maintained neutrality between the Colonists and the British. White Eyes was devoted to the American cause, revealing a spirit of intelligent sympathy with the struggle for liberty. He even hoped that a Delaware Indian State might form a 14th star in the American Union.

Preparations were made for a formal treaty of alliance. Generals McIntosh and Lewis, Colonel Brodhead, and other officers met with White Eyes, Killbuck, Pipe, and other Indian leaders in early September at Fort Pitt.

By this treaty, the U.S. entered into an offensive and defensive alliance with a tribe of Indians, recognizing them as an independent nation, guaranteeing its integrity and territory. Each party bound itself to assist the other against enemies.

There were six articles to the treaty, as follows:

—All offenses were to be mutually forgiven;

—A perpetual peace was pledged;

—The Delaware assented to passages through their country for the American Army and agreed to sell corn, meat, and horses to the army and to furnish guides. The Americans agreed to erect a garrison within the Delaware country, a fort for the protection of the old men, women, and children;

—Punishment for offenses would be held only by trial by judges of both parties;

—The U.S. pledged the establishment of a fair trade under the control of an honest agent;

—And, possibly most significant, the integrity of the Delaware territory was guaranteed so long as the nation should keep peace with the U.S. The Delaware were promised a representative in Congress, with provision for the admission of an Indian State into the American Union.

All the articles were subject to the approval of Congress. However, the treaty was soon to fall victim to the American Revolution. Chief White Eyes was treacherously killed; the soldiers spent the winter in the wilderness, where many hardships were endured, and the expedition proved a failure.

This was that day in September 1778.

**CALENDAR
BILLS AGREED TO
ON SECOND CONSIDERATION**

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

SB 1046, PN 1791; HB 2598, PN 3530; HB 2617, PN 3531; and HB 2577, PN 3528.

* * *

The House proceeded to second consideration of **HB 2644, PN 3570**, entitled:

An Act amending the act of May 20, 1937 (P. L. 728, No. 193), entitled, as amended, "An act providing for the creation of a Board of Claims arising from contracts with the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the board; ***; and authorizing an appropriation," extending the time period for appointing hearing panels.

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

BILL RECOMMITTED

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

Mr. McClatchy. Mr. Speaker, I move that HB 2644 be recommitted to the Committee on Appropriations for a fiscal note.

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

**BILLS AGREED TO ON
SECOND CONSIDERATION CONTINUED**

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

HB 2522, PN 3381.

* * *

The House proceeded to second consideration of **HB 2603, PN 3503**, entitled:

An Act amending the act of July 3, 1947 (P. L. 1228, No. 499), entitled "An act to establish in cities of the first class a house of detention for delinquent dependent and neglected children up to eighteen years of age, ***," eliminating management and maintenance by a board of managers appointed by the judges of the Family Court Division of the Court of Common Pleas and providing for management and maintenance by the city where the house of detention is located.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

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

Mr. McClatchy. Mr. Speaker, I move that HB 2603 be recommitted to the Committee on Appropriations for a fiscal note.

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

**BILLS AGREED TO ON
SECOND CONSIDERATION CONTINUED**

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

SB 1019, PN 2134; HB 2376, PN 3524; HB 2559, PN 3457; HB 2558, PN 3456; SB 506, PN 2021; HB 1207, PN 1342; and HB 2180, PN 2786.

MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

PRESENT—190

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

Dawida	Kolter	Pott	Wiggins
Deal	Kowalyshyn	Pratt	Williams, H.
Dietz	Kukovich	Pucciarelli	Williams, J. D.
Dininni	Lashingier	Punt	Wilson
Dombrowski	Laughlin	Rappaport	Wogan
Donatucci	Lehr	Rasco	Wozniak
Dorr	Letterman	Reber	Wright, D. R.
Duffy	Levi	Richardson	Wright, J. L.
Durham	Levin	Rieger	Wright, R. C.
Emerson	Lewis	Ritter	Zwinkl
Evans	Livengood		

ADDITIONS—5

Colafella	Lescovitz	Ryan,
DeMedio	Telek	Speaker

NOT VOTING—1

Alden

EXCUSED—3

Fleck	Frazier	Petrarca
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BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2483, PN 3316**, entitled:

An Act amending the act of May 5, 1927 (P. L. 817, No. 412), entitled, as amended, "An act authorizing and regulating the growth, sale, and distribution of forest tree seedlings, transplants, shrubs and vines by the Department of Forests and Waters; regulating the use of such forest tree seedlings, transplants, shrubs and vines and imposing duties upon the Department of Agriculture with regard to the enforcement of this act," adding a provision authorizing the Department of Environmental Resources to trade surplus tree seed, tree seedlings, scionwood and grafted tree stock.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—189

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

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

NAYS—0

NOT VOTING—7

Alden	Gray	Madigan
Cochran	Lescovitz	
Colafella		Ryan,
		Speaker

EXCUSED—3

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

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

MEMBER'S PRESENCE RECORDED AND REMARKS ON VOTE

The SPEAKER. The Chair, during the taking of the master roll call, neglected to vote himself and respectfully requests the clerk to add his name to the master roll, and if I had been on my toes, I would have voted in the affirmative on HB 2483.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2378, PN 3525**, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), further providing for the operation of vehicles with flashing or rotating red lights and audible warning devices and for unlawful acts.

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.

(A roll-call vote was taken.)

MEMBERS' PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Lescovitz, the gentleman from Washington, Mr. DeMedio, the gentleman from Beaver, Mr. Colafella, and the gentleman from Cambria, Mr. Telek, who ask that their names be added to the master roll call.

VOTE RETAKEN ON HB 2378

The SPEAKER. The Chair has been advised that the roll call on HB 2378 did not properly record. Without objection, the Chair returns to HB 2378. The Chair hears none.

On the question recurring,
 Shall the bill pass finally?

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

YEAS—192

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

Durham	Lewis	Rocks	Ryan,
Emerson	Livengood	Rybak	Speaker
Evans	Lloyd		

NAYS—0

NOT VOTING—4

Alden	Cohen	Gray	Wright, R. C.
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EXCUSED—3

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

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

CITATION PRESENTED

The SPEAKER. The Chair at this time requests the gentleman from Cumberland, Mr. Mowery, to temporarily preside for the purpose of recognizing the retirement of one of our long-term employees. Mr. Mowery.

Mr. MOWERY. Thank you very much.

I would like to tell you that we have at this time a gentleman who has been helpful to all of us here in the House of Representatives over many years, and most recently as superintendent of the House. Bill Brandamore is a constituent, a good friend, and a person interested in providing good government here in Harrisburg.

I would like at this time to read a citation that we are going to present to Bill, and I would just like to further say that I do not know of anyone whom I have met here over the years that I have been in attendance who has been more interested in taking care of the little things that make life pleasant for all of us and allow us to do the job which we are sent here to do.

COMMONWEALTH OF PENNSYLVANIA

CITATION BY

THE HOUSE OF REPRESENTATIVES

WHEREAS, William S. Brandamore of Camp Hill is retiring after twenty years of distinguished service with the Commonwealth; and

WHEREAS, A United States Army veteran of World War II, Mr. Brandamore began his long and dedicated career with the Commonwealth in 1963 as Director of Management Office Services with the Department of Revenue, a position he held until 1969, when he was named Director of the Bureau of County Collections. He served as Administrative Officer with the Pennsylvania State Horse Racing Commission for one year prior to his service with the Pennsylvania House of Representatives as Chief Sergeant at Arms; Administrative Assistant to Minority Administrator, and Superintendent of the House, his present position.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania commends William S. Brandamore for his dedicated and faithful service to the Commonwealth and wishes him the best for a successful, happy and rewarding retirement; and further directs that a copy of this citation be delivered to William S. Brandamore, 101 North 30th Street, Camp Hill, Pennsylvania 17011.

This citation, Bill, gives me a great deal of pleasure to give you. I only wish that you have many, many years of happiness and thank you so much for what you have done on our behalf.

Mr. BRANDAMORE. Mr. Speaker, Representative Mowery, ladies and gentlemen of the House of Representatives, and staff: Seldom am I at a loss for words. This may be your lucky day.

I certainly thank you for this fine tribute you have shown me today. As I reflect back over my years of State service, in particular these past years with the House of Representatives, I feel it has been an honor, yes, a privilege, to have been able to serve with the leadership, the members, and their staffs on both sides of the aisle.

I have made many friends here in the Harrisburg area and throughout the Commonwealth, for which I shall always be most grateful, and I hope this will sustain me in the days ahead.

Finally, I would just like to borrow some words out of the past and leave you with this thought: Remember, old House superintendents never die; they just fade away into the chamber. Thank you.

WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House today as the guests of the Fayette and Washington County delegations to this House, Mr. Rich Kasunic and Janet Michaels. It has been brought to the attention of the Chair that Mr. Kasunic is the Democratic nominee for a House seat in Fayette County's 52d District.

The Chair is pleased to welcome to the hall of the House today Rachel Pallotta, Audrey Dawida, and Sara Dawida, here today as the guests of the gentleman, Mike Dawida, member of this House.

As the guests of Representative Thomas Murphy of Allegheny County, the Chair is pleased to welcome to the hall of the House Mr. Joseph Viehbeck and Rege Kirby.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair has granted permission to Miss Joyce Hottenstein from the Locust Grove Studios to take photographs on the floor of the House for a period of 10 minutes.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1055, PN 1169**, entitled:

An Act amending the "Volunteer Firemen's Relief Association Act," approved June 11, 1968 (P. L. 149, No. 84), providing for coverage to paid firemen when acting as volunteer firemen during off-duty hours.

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

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

NAYS—0

NOT VOTING—11

Alden	Cohen	Gray	Stairs
Bittle	Cordisco	McClatchy	Williams, J. D.
Bowser	Fischer	Miller	

EXCUSED—3

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

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

* * *

The House proceeded to third consideration of **HB 2461, PN 3269**, entitled:

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 571, No. 254), changing provisions relating to exemptions from per capita taxes, occupation taxes and occupational privilege taxes.

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

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

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

YEAS—189

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

NAYS—0

NOT VOTING—7

Alden	Gray	Miller	Vroon
Cordisco	McMonagle	Pott	

EXCUSED—3

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

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

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The House proceeded to third consideration of **HB 2462, PN 3270**, entitled:

An Act amending "The General County Assessment Law," approved May 22, 1933 (P. L. 853, No. 155), increasing the level for exemption from the per capita tax, occupation tax and occupational privilege tax.

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

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

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

YEAS—190

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

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

NAYS—0

NOT VOTING—6

Alden	Gamble	Pistella	Vroon
Cordisco	Miller		

EXCUSED—3

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

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

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The House proceeded to third consideration of **HB 2463, PN 3271**, entitled:

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), referred to as the Second Class County Assessment Law, increasing the level for exemption from the occupation tax.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—189

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

Cornell	Honaman	Petrone	Wambach
Coslett	Horgos	Phillips	Wargo
Cowell	Irvis	Piccola	Wass
Cunningham	Itkin	Pievsy	Wenger
DeMedio	Jackson	Pistella	Weston
DeVerter	Johnson	Pitts	Wiggins
DeWeese	Kennedy	Pott	Williams, H.
Daikeler	Klingaman	Pratt	Williams, J. D.
Davies	Kolter	Pucciarelli	Wilson
Dawida	Kowalshyn	Punt	Wogan
Deal	Kukovich	Rappaport	Wozniak
Dietz	Laughlin	Rasco	Wright, D. R.
Dininni	Lehr	Reber	Wright, J. L.
Dombrowski	Lescovitz	Richardson	Wright, R. C.
Donatucci	Letterman	Rieger	Zwinkl
Dorr	Levi	Ritter	
Duffy	Levin	Rocks	Ryan,
Durham	Lewis	Rybak	Speaker
Emerson	Livengood	Salvatore	

NAYS—0

NOT VOTING—7

Alden	Hutchinson, A.	Miller	Vroon
Bittle	Lashing	Miscevich	

EXCUSED—3

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

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

REMARKS ON VOTE

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

Mr. GAMBLE. I would like to be recognized to cast my vote on HB 2462 in the affirmative.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2464, PN 3272**, entitled:

An Act amending "The Third Class City Code," approved June 23, 1931 (P. L. 932, No. 317) raising the authorized level for exemption from the per capita tax.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—190

Anderson	Evans	Lloyd	Saurman
Armstrong	Fargo	Lucy	Serafini
Arty	Fee	McClatchy	Seventy
Barber	Fischer	McIntyre	Showers

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

NAYS—0

NOT VOTING—6

Alden	Gray	McMonagle	Madigan
Beloff	Hutchinson, A.		

EXCUSED—3

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

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

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The House proceeded to third consideration of **HB 2465, PN 3273**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), raising the authorized level for exemption from the per capita tax.

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

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

NAYS—0

NOT VOTING—5

Alden	DeMedio	Gray	Peterson
Cessar			

EXCUSED—3

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

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

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The House proceeded to third consideration of **HB 2466, PN 3274**, entitled:

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), authorizing exemptions from the per capita tax.

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—192

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

NAYS—0

NOT VOTING—4

Alden Gray Miller Wright, R. C.
EXCUSED—3

Fleck Frazier Petrarca

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

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

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The House proceeded to third consideration of **HB 2467, PN 3275**, entitled:

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), raising the authorized level for exemption from the per capita tax.

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

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

The question is, shall the bill pass finally?

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

YEAS—190

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

Dietz	Laughlin	Reber	Wright, D. R.
Dininni	Lehr	Richardson	Wright, J. L.
Dombrowski	Lescovitz	Rieger	Wright, R. C.
Donatucci	Letterman	Ritter	Zwinkl
Dorr	Levi	Rocks	
Duffy	Levin	Rybak	Ryan,
Durham	Lewis	Salvatore	Speaker

NAYS—0

NOT VOTING—6

Alden	Gray	Miller	Rasco
Fischer	McVerry		

EXCUSED—3

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

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

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The House proceeded to third consideration of **HB 2487, PN 3320**, entitled:

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), authorizing appropriations for insect, pest and vector control programs.

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—192

Anderson	Fargo	Lueyk	Salvatore
Armstrong	Fee	McClatchy	Saurman
Arty	Fischer	McIntyre	Serafini
Barber	Foster, W. W.	McMonagle	Seventy
Belardi	Foster, Jr., A.	McVerry	Showers
Belfanti	Freind	Mackowski	Shupnik
Beloff	Fryer	Madigan	Sieminski
Berson	Gallagher	Maiale	Sirianni
Bittle	Gallen	Manderino	Smith, B.
Blaum	Gamble	Manmiller	Smith, F. H.
Borski	Gannon	Marmion	Smith, L. E.
Bowser	Geist	Merry	Snyder
Boyes	George	Michlovic	Spencer
Brown	Gladeck	Micozzie	Spitz
Burd	Grabowski	Miller	Stairs
Burns	Greenfield	Miscevich	Steighner
Caltagirone	Greenwood	Moehlmann	Stevens
Cappabianca	Grieco	Morris	Stewart
Cawley	Gruitza	Mowery	Stuban
Cessar	Gruppo	Mrkonjic	Swaim
Cimini	Hagarty	Mullen	Sweet
Civera	Haluska	Murphy	Swift
Clark	Harper	Nahill	Taddonio
Clymer	Hasay	Noye	Taylor, E. Z.
Cochran	Hayes	O'Donnell	Taylor, F. E.
Cohen	Heiser	Olasz	Telek
Colafella	Hoeffel	Oliver	Tigue
Cole	Honaman	Pendleton	Trello
Cordisco	Horgos	Perzel	Van Horne
Cornell	Hutchinson, A.	Peterson	Vroon
Coslett	Irvis	Petrone	Wachob

Cowell	Itkin	Phillips	Wambach
Cunningham	Jackson	Piccola	Wass
DeMedio	Johnson	Pievsky	Wenger
DeVerter	Kennedy	Pistella	Weston
DeWeese	Klingaman	Pitts	Wiggins
Daikeler	Kolter	Pott	Williams, H.
Davies	Kowalyszyn	Pratt	Williams, J. D.
Dawida	Kukovich	Pucciarelli	Wilson
Deal	Lashingner	Punt	Wogan
Dietz	Laughlin	Rappaport	Wozniak
Dininni	Lehr	Rasco	Wright, D. R.
Dombrowski	Lescovitz	Reber	Wright, J. L.
Donatucci	Letterman	Richardson	Wright, R. C.
Dorr	Levi	Rieger	Zwinkl
Duffy	Levin	Ritter	
Durham	Lewis	Rocks	Ryan,
Emerson	Livengood	Rybak	Speaker
Evans	Lloyd		

NAYS—0

NOT VOTING—4

Alden	Brandt	Gray	Wargo
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EXCUSED—3

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

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

* * *

The House proceeded to third consideration of **HB 2560, PN 3527**, entitled:

An Act amending "The General County Assessment Law," approved May 22, 1933 (P. L. 853, No. 155), providing for the use of actual values in determining the taxability of persons and property.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—193

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

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

NAYS—0

NOT VOTING—3

Alden	Gray	Petrone
EXCUSED—3		
Fleck	Frazier	Petrarca

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

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

* * *

The House proceeded to third consideration of **HB 2561, PN 3459**, entitled:

An Act amending the act of June 26, 1931 (P. L. 1379, No. 348), referred to as the Third Class County Assessment Board Law, providing for the use of actual values in determining the taxability of persons and property.

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—192

Anderson	Evans	Lucyk	Saurman
Armstrong	Fargo	McClatchy	Serafini
Arty	Fee	McIntyre	Seventy
Barber	Fischer	McMonagle	Showers
Belardi	Foster, W. W.	McVerry	Shupnik
Belfanti	Foster, Jr., A.	Mackowski	Sieminski
Beloff	Fryer	Madigan	Sirianni
Berson	Gallagher	Maiale	Smith, B.
Bittle	Gallen	Manderino	Smith, E. H.

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

NAYS—0

NOT VOTING—4

Alden	Freind	Gray	Petrone
EXCUSED—3			
Fleck	Frazier	Petrarca	

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

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

* * *

The House proceeded to third consideration of **HB 2562, PN 3460**, entitled:

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 571, No. 254), providing for the use of actual values in determining the taxability of persons and property.

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—192

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

NAYS—0

NOT VOTING—4

Alden	Gray	Oliver	Williams, H.
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EXCUSED—3

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

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

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The House proceeded to third consideration of **HB 2563, PN 3461**, entitled:

An Act amending the act of June 27, 1939 (P. L. 1199, No. 404), entitled "An act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class; ***; and repealing existing laws," providing for the use of actual values in determining the taxability of persons and property.

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—192

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

NAYS—0

NOT VOTING—4

Alden	Gray	Greenfield	Williams, H.
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EXCUSED—3

Fleck Frazier Petrarca

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

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

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The House proceeded to third consideration of **HB 2565, PN 3463**, entitled:

An Act amending "The Third Class City Code," approved June 23, 1931 (P. L. 932, No. 317), providing for the use of actual values in determining the taxability of persons and property.

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

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

The question is, shall the bill pass finally?

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

YEAS—193

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

Dombrowski	Lescovitz	Richardson	Wright, R. C.
Donatucci	Letterman	Rieger	Zwikl
Dorr	Levi	Ritter	
Duffy	Lewis	Rocks	Ryan,
Durham	Livengood	Rybak	Speaker
Emerson	Lloyd	Salvatore	

NAYS—0

NOT VOTING—3

Alden Gray Levin

EXCUSED—3

Fleck Frazier Petrarca

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

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

* * *

The House proceeded to third consideration of **SB 1323, PN 2009**, entitled:

An Act amending the act of November 26, 1978 (P. L. 1309, No. 317), entitled "Public Works Contract Regulation Law," regulating retainage and interest.

On the question,
Will the House agree to the bill on third consideration?
Mr. **KENNEDY** offered the following amendments No. A8753:

Amend Sec. 1 (Sec. 5), page 2, line 1, by removing the period after "contractor" and inserting
: Provided, That the architect or engineer approves the application for payment: And provided further, That the contractor is making satisfactory progress and there is no specific cause for greater withholding.

Amend Sec. 1 (Sec. 5), page 2, lines 4 and 5, by striking out "**MONTHLY PROGRESS PAYMENTS UP TO THE ORIGINAL CONTRACT AMOUNT**" and inserting
value of completed work based on monthly progress payment requests

Amend Sec. 2, page 2, line 29, by striking out "Section 8 of the act is" and inserting
Sections 7 and 8 of the act are

Amend Bill, page 2, by inserting between lines 29 and 30
Section 7. Final payment under contract.

A public contract containing a provision for retainage as provided in section 5 shall contain a provision [that the contractor shall be paid in full, except as provided in section 5, within 30 days following the date of substantial completion] requiring the architect or engineer to make final inspection within 30 days of receipt of the contractor's request for final inspection and application for final payment. If the work is substantially completed the architect or engineer shall issue a certificate of completion and a final certificate for payment and the contracting body shall make payment in full within 45 days thereafter, except as provided in section 5, less only 1 and 1/2 times such amount as is required to complete any then remaining, uncompleted, minor items, which amount shall be certified by the architect or engineer and upon receipt by the contracting body of any guarantee bonds which may be required, in accordance with the contract documents, to insure proper workmanship for a designated period of time. The certificate given by the architect or engineer shall list in detail each and every uncompleted item and a reasonable cost of completion. Final payment of any amount so withheld for the completion of the minor items shall be paid forthwith upon completion of the items in the certificate of the engineer or architect.

Amend Sec. 2 (Sec. 8), page 3, line 3, by striking out the bracket before "6%"

Amend Sec. 2 (Sec. 8), page 3, line 3, by striking out "[10%]"

Amend Sec. 2 (Sec. 8), page 3, line 3, by inserting after "annum"

for all contracts without provisions for retainage and at a rate of 10% per annum for all contracts with provisions for retainage, such interest to begin

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Kennedy.

Mr. KENNEDY. Thank you, Mr. Speaker.

The amendments offered here are clearly an approach to try to make it somewhat easier for contractors who have entered into work with the Commonwealth of Pennsylvania.

The first part of the amendment is more or less a common-sense approach that if the contractor is working within the scope and guidelines and specifications of the architects or engineers, then, of course, his work is being approved on a month-by-month basis.

The second part is a very important part of the amendment, and that has to do with retainage. What we are asking for here is that once a job is 50 percent completed—now bear in mind, all public projects over \$5,000 are bonded—so once a project is 50 percent completed, the normal retainage which now sits at 10 percent would be reduced to 5 percent. The reason for this is clear. Number one, public work is very competitive. It is highly advertised, and in my experience in the construction industry, if you can make a 10-percent profit off government work, sometimes that is considered okay. So at least this would relieve our overhead charges for the second portion of the job, and it is something that the construction industry is sorely in need of.

The third provision is another important aspect. It is called payment time. Upon completion of a project, we contractors in Pennsylvania will submit to the authorities a request for final inspection. In the past, final inspections have taken sometimes 60, 80 days. In this case we are going to try and limit it to 30 days that we would have our final inspection approved in the field by the architect or engineer. Subsequently, we are asking that within 45 days of that period we would receive final payment.

The last provision of the amendment addresses interest paid by government agencies to contractors. Currently, if there is a retainer clause in the contract, the governing agencies are paying a 6-percent rate of interest. We are asking that to be moved to 10 percent. In cases where there are no retainers involved, we are simply saying the 6 percent being paid now will remain the same.

I ask for your support to insert these amendments to SB 1323. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Wass, on the question of the amendments.

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

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

Mr. WASS. Mr. Speaker, in section 7, "substantially completed," can you just elaborate on that particular phase of your amendment?

Mr. KENNEDY. "Substantially completed" would mean completed, finished at this particular point in time.

Mr. WASS. It means it has been completed?

Mr. KENNEDY. Right.

If I am doing work for the State Government, it is senseless for me to ask for a final inspection and it is senseless for me to submit a final invoice unless I am finally completed. The course is, I submit my final invoice based on completion but not approval. You get my invoice, and now it is your turn to come and approve my application. We are asking for you to do that within a 30-day time frame.

Mr. WASS. Again, "substantially completed" means completed?

Mr. KENNEDY. In my estimation, it means completed. That is what this means.

Mr. WASS. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—193

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

Duffy	Levin	Ritter	
Durham	Lewis	Rocks	Ryan,
Emerson	Livengood	Rybak	Speaker
Evans	Lloyd	Salvatore	

NAYS—0

NOT VOTING—3

Alden	Cordisco	Gray
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EXCUSED—3

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—191

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

Emerson	Lloyd	Rybak	Speaker
Evans			

NAYS—0

NOT VOTING—5

Alden	Gray	Grieco	Spencer
Cimini			

EXCUSED—3

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

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

* * *

The House proceeded to third consideration of **SB 1124, PN 1834**, entitled:

An Act establishing standards for the body and frame design and construction and the installation of plumbing, heating and electrical systems for manufactured homes; defining terms; requiring manufactured homes to bear a label issued by the United States Department of Housing and Urban Development; providing for the administration of the act; providing for enforcement and penalties; and making a repeal.

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—192

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

Cordisco	Hutchinson, A.	Peterson	Vroon
Cornell	Irvis	Petrone	Wachob
Coslett	Itkin	Phillips	Wambach
Cowell	Jackson	Piccola	Wargo
Cunningham	Johnson	Pievsky	Wass
DeMedio	Kennedy	Pistella	Wenger
DeVerter	Klingaman	Pitts	Weston
DeWeese	Kolter	Pott	Wiggins
Daikeler	Kowalyszyn	Pratt	Williams, H.
Davies	Kukovich	Pucciarelli	Williams, J. D.
Dawida	Lashingner	Punt	Wilson
Deal	Laughlin	Rappaport	Wogan
Dietz	Lehr	Rasco	Wozniak
Dininni	Lescovitz	Reber	Wright, D. R.
Dombrowski	Letterman	Richardson	Wright, J. L.
Donatucci	Levi	Rieger	Zwikl
Dorr	Levin	Ritter	
Duffy	Lewis	Rocks	Ryan,
Durham	Livengood	Rybak	Speaker
Emerson	Lloyd		

NAYS—0

NOT VOTING—4

Alden	Gamble	Gray	Wright, R. C.
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EXCUSED—3

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

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

REQUEST FOR RECESS

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I suggest that we recess the House at this time for the purpose of lunch and that we return promptly at 1:30 p.m. and continue the voting calendar.

EDUCATION COMMITTEE MEETING

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

Mr. FISCHER. Mr. Speaker, I would like to call an immediate meeting of the Committee on Education in the room to the rear.

The SPEAKER. The members are requested to be silent so that they might hear announcements of committee meetings. The gentleman, Mr. Fischer, has requested an Education meeting immediately upon the declaration of the recess in the room to the rear of the chamber.

REMARKS ON VOTES

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

Mr. CIMINI. Mr. Speaker, on final passage of SB 1323, PN 2009, I would like to be recorded in the affirmative.

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

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

Mr. GRIECO. Mr. Speaker, I was out of my seat on SB 1323, PN 2009. I would like to be recorded in the affirmative.

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

The Chair recognizes the majority whip.

Mr. CESSAR. Thank you, Mr. Speaker.

I would like to be recorded in the affirmative on HB 2465, PN 3273.

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

URBAN AFFAIRS COMMITTEE MEETING

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

Mr. MILLER. Thank you, Mr. Speaker.

The conclusion of the House Urban Affairs Committee meeting will convene immediately in the rear of the chamber. Thank you, Mr. Speaker.

REMARKS ON VOTES

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

Mr. GAMBLE. Mr. Speaker, I would like to be recorded in the affirmative on SB 1124, PN 1834.

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

The Chair recognizes the gentleman from Washington, Mr. Lescovitz.

Mr. LESCOVITZ. Mr. Speaker, on HB 2483 I would like to be recorded in the affirmative.

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

BILL REMOVED FROM TABLE FOR CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that SB 1085 on today's tabled calendar be removed from the table and placed on the active calendar.

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

BILL REMOVED FROM TABLE FOR CALENDAR

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that SB 1086 be removed from the table and placed on the active calendar.

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

Motion was agreed to.

RECESS

The SPEAKER. Without objection, this House will be declared in recess until 1:30 p.m. The Chair hears none.

AFTER RECESS

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

BILLS TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that SB 1085, PN 1583, which was placed on the calendar, and SB 1086, PN 1584, which was earlier placed on the calendar, be returned to the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1119**, **PN 1326**, entitled:

An Act amending the act of May 3, 1933 (P. L. 242, No. 86), entitled, as amended, "Beauty Culture Law," providing for certain credit to registered barbers wishing to take the cosmetology examination.

On the question,

Will the House agree to the bill on third consideration?

Mr. LLOYD offered the following amendments No. A8716:

Amend Title, page 1, line 12, by removing the period after "examination" and inserting
prohibiting tanning unit regulations.

Amend Sec. 1, page 1, line 16, by striking out "a section" and inserting
sections

Amend Bill, page 2, line 8, by striking out all of said line and inserting

Section 14.1. Tanning Units.—The board shall not prescribe or enforce any rule or regulation prohibiting the use of any type of tanning unit in beauty shops unless the United States Food and Drug Administration, or another Federal or Commonwealth agency of comparable expertise on matters of public health, determines that the use of that type of tanning unit in accordance with the manufacturer's instructions presents a serious risk to public health.

Section 2. This act shall take effect in 30 days except that new section 14.1 of the Beauty Culture Law shall take effect immediately and shall render null and void the further effectiveness and applicability of any previously prescribed rule or regulation prohibiting the use of any type of tanning unit in beauty shops.

On the question,

Will the House agree to the amendments?

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

Mr. LLOYD. Thank you, Mr. Speaker.

Basically, this amendment is an attempt to rein in arbitrary regulatory action by the State Cosmetology Board. At the present time there are beauty shops across this State which have in them tanning units. Those can be tanning beds or shower stalls or whatever, and they have been operating those things in accordance with the manufacturer's instructions with no apparent problems. The State Cosmetology Board, based on a letter from one dermatologist and on a journal article which seems to be very equivocating at best, has decided that it is going to ban tanning units in beauty shops in this State because they are a health hazard. The State Cosmetology Board has done that, notwithstanding the fact that the people who have testified, presented themselves for cross-examination at the committee hearings, have testified the other way.

The obvious point, Mr. Speaker, is if there is in fact a public health problem, that public health problem exists if a tanning unit is used in a beauty shop or used in a salon down the street that has nothing to do with beauty shops. What the Cosmetology Board has done is to discriminate against beauty shop operators. They have done that on the flimsiest of possible evidence. We have attempted to try to get them to change that ruling. We have had discussions with the board. We have received some assurances that that policy will be reevaluated.

AMENDMENTS WITHDRAWN

Mr. LLOYD. Mr. Speaker, I recognize that this bill has come out of Mr. Dorr's committee without amendment. If the House passes this bill without amendment, it can become law. Therefore, Mr. Speaker, with the understanding that the Cosmetology Board will look at this issue again, and in the hope that we can have the support of some other members of the legislature to try to right this overregulation, I withdraw the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

(A roll-call vote was taken.)

* * *

The House proceeded to third consideration of **SB 1120**, **PN 1327**, entitled:

An Act amending the act of June 19, 1931 (P. L. 589, No. 202), entitled, as amended, "Barbers' License Law," providing for certain credit to registered cosmetologists wishing to take the barber examination.

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

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

NAYS—2

Lucyk Snyder

NOT VOTING—9

Alden	Harper	Rappaport	Williams, H.
Cohen	Kolter	Rasco	Wright, R. C.
Emerson			

EXCUSED—3

Fleck Frazier Petrarca

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

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

REMARKS ON VOTE

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

Mr. RAPPAPORT. I would like to be recorded in the affirmative on the last two bills, SB 1119 and SB 1120, please.

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

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Mr. and Mrs. Gerald Uglow of Erie County and Mr. and Mrs. William Hamilton of Harborcreek, Erie County, here today as the guests of Representative Harry Bowser.

VOTE RETAKEN ON SB 1119

The SPEAKER. The House will be temporarily at ease. We are having a little trouble with one of the machines.

Due to a malfunction in the machine, it will be necessary to take the vote on SB 1119 on page 12 again.

Without objection, the Chair returns to page 12 of today's calendar, SB 1119, PN 1326. The Chair hears none.

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—188

Anderson	Fee	McClatchy	Salvatore
Arty	Fischer	McIntyre	Saurman
Barber	Foster, W. W.	McMonagle	Serafini
Belardi	Foster, Jr., A.	McVerry	Seventy
Belfanti	Freind	Mackowski	Showers
Beloff	Fryer	Madigan	Shupnik
Berson	Gallagher	Maiale	Sieminski
Bittle	Gallen	Manderino	Sirianni
Blaum	Gamble	Manmiller	Smith, B.
Borski	Gannon	Marmion	Smith, E. H.
Bowser	Geist	Merry	Smith, L. E.
Boyes	George	Michlovic	Snyder
Brandt	Gladeck	Micozzie	Spencer
Brown	Grabowski	Miller	Spitz
Burd	Gray	Miscevich	Stairs
Burns	Greenfield	Moehlmann	Steighner
Caltagirone	Greenwood	Morris	Stevens
Cappabianca	Grieco	Mowery	Stewart
Cawley	Gruitza	Mrkonie	Stuban
Cessar	Gruppo	Mullen	Swaim
Cimini	Hagarty	Murphy	Sweet
Civera	Haluska	Nahill	Swift
Clark	Harper	Noye	Taddonio
Clymer	Hasay	O'Donnell	Taylor, E. Z.
Cohen	Hayes	Olasz	Taylor, F. E.
Colafrilla	Heiser	Oliver	Tigue
Cole	Hoeffel	Pendleton	Trello
Cordisico	Honaman	Perzel	Van Horne
Cornell	Horgos	Peterson	Vroom
Coslett	Hutchinson, A.	Petrone	Wachob

Cowell	Irvis	Phillips	Wambach
Cunningham	Itkin	Piccola	Wargo
DeMedio	Jackson	Pievsky	Wass
DeVerter	Johnson	Pistella	Wenger
DeWeese	Kennedy	Pitts	Weston
Daikeler	Klingaman	Pott	Wiggins
Davies	Kowalshyn	Pratt	Williams, H.
Dawida	Kukovich	Pucciarelli	Williams, J. D.
Deal	Lashinger	Punt	Wilson
Dietz	Laughlin	Rappaport	Wogan
Dininni	Lehr	Rasco	Wozniak
Dombrowski	Lescovitz	Reber	Wright, D. R.
Donatucci	Letterman	Richardson	Wright, J. L.
Dorr	Levi	Rieger	Zwikl
Duffy	Levin	Ritter	
Durham	Lewis	Rocks	Ryan,
Evans	Livengood	Rybak	Speaker
Fargo	Lloyd		

NAYS—0

NOT VOTING—8

Alden	Cochran	Kolter	Telek
Armstrong	Emerson	Lucy	Wright, R. C.

EXCUSED—3

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

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

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Lehigh, Mr. Snyder, seek recognition?

Mr. SNYDER. Mr. Speaker, on SB 1120 I would like to have the record show that I would have voted in the affirmative. I inadvertently voted in the negative.

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

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today as the guest of Representative Kevin Blaum, Mr. Phil Finn of Plains Township.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 1186, PN 1967**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for enucleation of eyes by qualified eye bank technicians and qualified medical students to effect anatomical gifts.

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

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

The question is, shall the bill pass finally?

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

YEAS—189

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

NAYS—0

NOT VOTING—7

Alden	Emerson	Kolter	Wright, R. C.
Bowser	Gray	Telek	

EXCUSED—3

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

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

RESOLUTIONS ADOPTED

Mr. J. L. WRIGHT called up **HR 206, PN 3444**, entitled:

General Assembly encourage Congressional delegation support legislation for low interest loans to assist developers of hydroelectric generating facilities.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—189

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

NAYS—0

NOT VOTING—7

Alden	Emerson	Smith, E. H.	Wright, R. C.
Cochran	Kolter	Wogan	

EXCUSED—3

Fleck	Frazier	Petrarca
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The question was determined in the affirmative, and the resolution was adopted.

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

* * *

Mr. LLOYD called up **HR 189, PN 3297**, entitled:

House requests Governor to proclaim week of November 8-14, as Pennsylvania Student Council Week.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—187

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

NAYS—1

DeWeese

NOT VOTING—8

Alden	Emerson	Kolter	Sirianni
Donatucci	Foster, Jr., A.	Punt	Wright, R. C.

EXCUSED—3

Fleck	Frazier	Petrarca
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The question was determined in the affirmative, and the resolution was adopted.

* * *

Mr. GANNON called up **HR 207, PN 3445**, entitled:

House memorialize SEPTA cease training school efforts, and rehire Conrail employees laid off in its stead.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—179

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

NAYS—4

Greenwood	Lewis	Moehlmann	Rappaport
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NOT VOTING—13

Alden	Hutchinson, A.	Mrkonic	Trello
Daikeler	Kolter	Sirianni	Wright, J. L.
Emerson	Miscevich	Spitz	Wright, R. C.
Hoeffel			

EXCUSED—3

Fleck	Frazier	Petrarca
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The question was determined in the affirmative, and the resolution was adopted.

* * *

Mr. J. L. WRIGHT called up **HR 211, PN 3532**, entitled:

House memorialize Congress increase state input to the Federal Energy Regulatory Commission (FERC) by selecting at least one member from a state which consumes large amounts of natural gas.

On the question,
Will the House adopt the resolution?

Mr. KUKOVICH offered the following amendments No. A8743:

Amend Eleventh Whereas Clause, page 2, line 20, by striking out "therefore be it" and inserting

and

Amend Resolution, page 2, by inserting between lines 20 and 21

WHEREAS, Decontrol is causing commerce and industry to pay considerably more for natural gas for heat and process uses, resulting in decreased revenues and investment in the Commonwealth; and

WHEREAS, Decontrol will cause natural gas prices to rise above that of oil, prompting natural gas users to switch to oil as an energy source and thus greatly increasing foreign oil payments; and

WHEREAS, The Federal Energy Regulatory Commission (FERC) has been granting increases in recent rate cases that serve to administratively accelerate the decontrol of natural gas; therefore be it

Amend Resolution, page 3, by inserting between lines 7 and 8

RESOLVED, That the House of Representatives hereby strongly urges the Federal Energy Regulatory Commission (FERC) to desist from granting rate increases which have the same effect as accelerating the deregulation process.

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

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

I agree with the substance of this resolution. This amendment simply adds some whereas clauses, the purpose of which is again to point out the severity with which the increasing escalation of gas prices is going to affect residential, industrial, and commercial users.

There is one resolve clause that is also added, because I am concerned about what I call the administrative decontrol of natural gas. Even though the accelerated decontrol has been fairly well stopped, there is a real problem with the way the Federal Energy Regulatory Commission has been granting huge rate increases which in effect are doing the same thing as accelerating the decontrol of natural gas. In some of our areas out in the southwest, the steel and glass industries in particular are being very hard hit. So I am glad that we are finally able to get a resolution out of committee and to this chamber, and I would hope that you would vote for this amendment and strengthen the resolution.

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

I urge all members to vote in favor of the Kukovich amendment. Thank you.

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

The following roll call was recorded:

YEAS—189

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

NAYS—0

NOT VOTING—7

Alden	Emerson	Lewis	Wright, R. C.
Cohen	Kolter	McIntyre	

EXCUSED—3

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

On the question,
Will the House adopt the resolution as amended?

REMARKS ON VOTE

The SPEAKER. Does the gentleman from Philadelphia, Mr. Cohen, desire recognition on this question?

Mr. COHEN. Mr. Speaker, I was not recorded on the Kukovich amendment, A8743. I would like to be recorded in the affirmative.

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

CONSIDERATION OF HR 211 CONTINUED

The SPEAKER. Does the gentleman from Mercer, Mr. Gruitza, desire recognition?

Mr. GRUITZA. Yes, Mr. Speaker.

The SPEAKER. On the amendment or on the resolution as amended?

Mr. GRUITZA. On the resolution itself.

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

Mr. GRUITZA. Mr. Speaker, I am rising to support this resolution, and I think it is very unfortunate that we have waited this long to pass a resolution of this nature. There have been three similar resolutions introduced by my colleagues on this side of the aisle, one of which I was happy to cosponsor over a year ago. Now it seems that we are acting when our constituents are facing unbelievably unconscionable gas rate increases. I just think it is extremely unfortunate that this legislature did not act on this issue a year ago or 2 years ago when perhaps our actions may have had some impact on what has recently happened in Washington. I think it is about time that we get around to acting on this type of legislation. Thank you.

On the question recurring,
Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—188

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

Cole	Honaman	Peterson	Vroon
Cordisco	Horgos	Petrone	Wachob
Cornell	Hutchinson, A.	Phillips	Wambach
Coslett	Irvis	Piccola	Wargo
Cowell	Itkin	Pievsky	Wass
Cunningham	Jackson	Pistella	Wenger
DeMedio	Johnson	Pitts	Weston
DeVerter	Kennedy	Pott	Wiggins
DeWeese	Klingaman	Pratt	Williams, H.
Daikeler	Kowalyszyn	Pucciarelli	Williams, J. D.
Davies	Kukovich	Punt	Wilson
Dawida	Lashinger	Rappaport	Wogan
Deal	Laughlin	Rasco	Wozniak
Dietz	Lehr	Reber	Wright, D. R.
Dininni	Lescovitz	Richardson	Wright, J. L.
Dombrowski	Letterman	Rieger	Zwikl
Donatucci	Levi	Ritter	
Dorr	Levin	Rocks	Ryan,
Duffy	Livengood	Rybak	Speaker
Durham	Lloyd		

NAYS—0

NOT VOTING—8

Alden	Gannon	Lewis	Spitz
Emerson	Kolter	McIntyre	Wright, R. C.

EXCUSED—3

Fleck	Frazier	Petrarca
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The question was determined in the affirmative, and the resolution as amended was adopted.

* * *

Mr. DININNI called up **HR 212, PN 3533**, entitled:

House Transportation Committee investigate Pennsylvania State Vehicle Inspection Program with particular emphasis on fees assessed.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—187

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

Cowell	Irvis	Phillips	Wambach
Cunningham	Itkin	Piccola	Wargo
DeMedio	Jackson	Pievsky	Wass
DeVerter	Johnson	Pistella	Wenger
DeWeese	Kennedy	Pitts	Weston
Daikeler	Klingaman	Pott	Wiggins
Davies	Kowalyszyn	Pratt	Williams, H.
Dawida	Kukovich	Punt	Williams, J. D.
Deal	Lashinger	Rappaport	Wilson
Dietz	Laughlin	Rasco	Wogan
Dininni	Lehr	Reber	Wozniak
Dombrowski	Lescovitz	Richardson	Wright, D. R.
Donatucci	Letterman	Rieger	Wright, J. L.
Dorr	Levi	Ritter	Zwikl
Duffy	Lewis	Rocks	
Durham	Livengood	Rybak	Ryan,
Evans	Lloyd	Salvatore	Speaker
Fargo			

NAYS—0

NOT VOTING—9

Alden	Emerson	Levin	Pucciarelli
Beloff	Kolter	McIntyre	Wright, R. C.
Borski			

EXCUSED—3

Fleck	Frazier	Petrarca
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The question was determined in the affirmative, and the resolution was adopted.

* * *

Mr. KUKOVICH called up **HR 217, PN 3589**, entitled:

House designate and proclaim Saturday, October 16, 1982, as World Food Day.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—189

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

Cunningham	Jackson	Pievsky	Wass
DeMedio	Johnson	Pistella	Wenger
DeVerter	Kennedy	Pitts	Weston
DeWeese	Klingaman	Pott	Wiggins
Daikeler	Kowalyszyn	Pratt	Williams, H.
Davies	Kukovich	Pucciarelli	Williams, J. D.
Dawida	Lashinger	Punt	Wilson
Deal	Laughlin	Rappaport	Wogan
Dietz	Lehr	Rasco	Wozniak
Dininni	Lescovitz	Reber	Wright, D. R.
Dombrowski	Letterman	Richardson	Wright, J. L.
Donatucci	Levi	Rieger	Zwinkl
Dorr	Levin	Ritter	
Duffy	Lewis	Rocks	Ryan,
Durham	Livengood	Rybak	Speaker
Evans	Lloyd	Salvatore	

NAYS—0

NOT VOTING—7

Alden	Emerson	Kolter	Wright, R. C.
Civera	Freind	McIntyre	

EXCUSED—3

Fleck	Frazier	Petrarca
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The question was determined in the affirmative, and the resolution was adopted.

BILLS ON THIRD CONSIDERATION CONTINUED

BILL PASSED OVER

The SPEAKER. The Chair returns to page 5 of today's calendar, SB 1101, PN 2121.

The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, the sponsor of the bill, the gentleman from Franklin, Mr. Punt, has asked that the bill be held today. There are some concerns expressed by various members of the House about different provisions contained in the bill plus the prospective offering of amendments next week. I have talked with Mr. Punt, Mr. Grabowski, Mr. Letterman, Mr. Foster, and there seems to be agreement the bill should be held at least until next week.

The SPEAKER. The Chair thanks the gentleman.

Without objection, SB 1101, PN 2121, will be passed over. The Chair hears no objection.

CONDOLENCE RESOLUTION ADOPTED

The SPEAKER. The Chair is about to take up at this time a privileged condolence resolution.

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

Mr. MACKOWSKI. Mr. Speaker, I offer the following privileged condolence resolution.

The following resolution was read:

HOUSE OF REPRESENTATIVES
HARRISBURG, PA.
OFFICE OF THE CHIEF CLERK
RESOLUTION

WHEREAS, Jack J. McDowell, a prominent Bradford attorney, Republican Party Leader and former member of the Pennsylvania House of Representatives, passed away at the age of seventy-five; and

WHEREAS, Mr. McDowell was first elected to the Pennsylvania House of Representatives in 1940 and was re-elected in 1942 and 1944, representing McKean County. He served his political party as chairman of the McKean County Young Republicans, head of the McKean County Republican Committee and as a delegate to the Republican National Convention; and

WHEREAS, A United States Army Air Corps veteran of World War II, Mr. McDowell was a dedicated and community-minded person as evidenced by his service as chairman of the annual fund-raising campaign of the Bradford Community Chest; first president of the Bradford Kiwanis; potentate of Zem Zem Shrine Temple, Erie; and president of the McKean County Shrine Club; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania notes with sadness the passing of a dedicated civic and fraternal leader and distinguished public servant, Jack J. McDowell; and extends its heartfelt condolences to his daughters, Margot Cutting and Lynne Heilman; and three grandchildren; and be it further

RESOLVED, That a copy of this resolution be delivered to the Family of Jack J. McDowell.

We hereby certify that the foregoing is an exact copy of a Resolution introduced in the House of Representatives by the Honorable William D. Mackowski, and adopted by the House of Representatives the 20th day of September 1982.

Matthew J. Ryan
Speaker
ATTEST:
John J. Zubeck
Chief Clerk

On the question,
Will the House adopt the resolution?

The SPEAKER. Those in favor of the adoption of the resolution will rise and remain standing as a further mark of respect to a deceased colleague.

(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House today as the guest of Representative Frank Coslett of Luzerne County, Mr. John Jevins.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of SB 171, PN 2124, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for a plea or finding of guilty but mentally ill and providing for the disposition of persons found guilty but mentally ill.

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

BILL REVERTED TO PRIOR PRINTER'S NUMBER

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

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

I move that SB 171, PN 2124, go back to the prior printer's number.

The SPEAKER. The gentleman, Mr. Hutchinson, moves that SB 171 revert to its prior printer's number, being PN 2044. Is the Chair accurate, Mr. Hutchinson?

Mr. A. K. HUTCHINSON. Yes.

The SPEAKER. The Chair thanks the gentleman.

On the question,

Will the House agree to the motion?

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

Mr. A. K. HUTCHINSON. When this Senate bill came from the Senate, it had on page 4, "The cost for treatment of offenders found guilty but mentally ill, committed to the custody of the Bureau of Correction and transferred to a mental health facility shall be borne by the Commonwealth" of Pennsylvania.

In the Appropriations Committee it was deleted, and why I am for this to go back to the prior printer's number, we are putting all the costs back to the county. I know right now the counties are picking up \$120 a day; that is the cap. The State pays the rest; it probably costs \$200 a day. But that is \$50,000 in my county a year. In my county they are paying anywhere from \$150,000 to \$250,000 a year. If this bill passes, it could escalate up to a half a million dollars. If you multiply that, Allegheny County and other counties, we are putting all this back to the property owner, not broad-based taxes. The county only has three or four taxes where they could raise their money, and my people in my county are sick and tired of paying costs that should be borne by the State. They are all paying that; it is right, but it goes under property, and a lot of senior citizens will be hurt if we start passing laws—and I think this is a good one; I am going to vote for it—but I think if we pass a bill for the Crimes Code, we should be paying the bill. Thank you very much.

The SPEAKER. The question before the House is the question of reversion to PN 2044.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I share the concerns of Representative Hutchinson; however, I would urge the House to reject this motion. I will be offering, if the motion is rejected, an amendment which will reinsert the language that Mr. Hutchinson had referred to but gradually phase out the county responsibility over a 3-year period. I believe this would be a more responsible way to proceed in this matter and lessen the impact on the county governments.

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

Mr. A. K. HUTCHINSON. I appreciate Mr. Piccola, but I do not think we should have been paying it in the first place. A lot of things that are happening, different things that regulations are putting more money back, I think the county needs the relief right now, and my property tax people also need the relief. I thank you very much.

The SPEAKER. Does the gentleman from Allegheny, Mr. McVerry, desire recognition on the motion of the gentleman, Mr. Hutchinson? The gentleman is in order and may proceed.

Mr. McVERRY. Thank you, Mr. Speaker.

I join with Representative Piccola in requesting that we not revert to a prior printer's number, although the purpose for which Representative Hutchinson rises is a laudable one. In fact, probably the counties should not have been paying any of that money, but they have been over the years, and the Commonwealth is just not in a posture right now to absorb the fiscal impact that the passage of this bill might cause. So therefore, to have a phase-in over a 3-year period where the State would ultimately pick up the cost of people who might be—

The SPEAKER. Will the gentleman yield?

For what purpose does the gentleman, Mr. Hutchinson, rise?

Mr. A. K. HUTCHINSON. Mr. Speaker, that amendment is not on the floor of the House at this time. My motion is.

The SPEAKER. The gentleman is correct. The gentleman, Mr. McVerry, should restrict his remarks to the question before the House. The gentleman may proceed.

Mr. McVERRY. Mr. Speaker, in view of the fact that Representative Piccola intends to address this issue later, I would request that we not revert to the prior printer's number, because we have attempted to accommodate all parties involved.

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

Mr. GALLEN. Mr. Speaker, I oppose the motion to revert.

Mr. Speaker, there is sometimes a mistaken feeling among members of this legislature that if we do not pay taxes locally, we are not paying them. Now, the crime rate in the city of Philadelphia is, of course, much higher than it is in most of our counties, and as a result, more people are being incarcerated, whether it be under this bill or some other bill, from the major metropolitan areas. If the motion by Mr. Hutchinson succeeds, what it will do is have all of us, via our State taxes, pay for those people who are being incarcerated out of the major metropolitan areas, and, Mr. Speaker, this is a losing proposition for those of us who live in counties which do not have a high crime rate. Thank you, Mr. Speaker.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Will the gentleman, Mr. Piccola, consent to interrogation?

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

Mr. LLOYD. Mr. Speaker, I am having a little problem following just exactly what the effect of reverting to the prior printer's number would be. Would you explain to me, is there anything in this bill, other than who bears the cost, that would be reversed or affected by reversion to the prior printer's number?

Mr. PICCOLA. As I understand it, Mr. Speaker, the bill in its current printer's number, that is PN 2124, has deleted language that says, "The cost for treatment of offenders found

guilty but mentally ill, committed to the custody of the Bureau of Correction and transferred to a mental health facility shall be borne by the Commonwealth." Under the current language, that language is stricken. To revert to the prior printer's number would reinsert that language.

My amendment that I had planned to offer will reinsert that language plus other language.

Mr. LLOYD. Okay, Mr. Speaker, I guess—

Mr. A. K. HUTCHINSON. Mr. Speaker—

Mr. LLOYD. I guess my confusion—

The SPEAKER. The gentleman, Mr. Hutchinson, will yield.

Mr. A. K. HUTCHINSON. I did not mind—

The SPEAKER. The gentleman, Mr. Hutchinson, will yield.

Mr. A. K. HUTCHINSON. Yes, sir.

The SPEAKER. For what purpose does the gentleman from Westmoreland, Mr. Hutchinson, desire the attention of the Chair?

Mr. A. K. HUTCHINSON. I think they are out of order. I did not mind Mr. Piccola telling me what his thoughts were, but Mr. Lloyd and Mr. Piccola are off base, and I wish you would rule so.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LLOYD. Mr. Speaker, I am confused with the way PN 2124 is printed with the arrows and what amendments happened when. I am simply trying to make sure that if I vote to revert to a prior printer's number, the only amendment that we will effectively be changing is to put back in who bears the cost, and that all these other amendments, despite the fact that they appear to have been made at the same time, were not made at the same time.

Mr. PICCOLA. Mr. Speaker, I am going to yield to the chairman of the Appropriations Committee, since it was that committee that inserted the amendment.

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

Mr. McCLATCHY. Mr. Speaker, if we revert to PN 2044, on page 4, lines 20 to 23 will be reinserted. That is all that will happen.

Mr. LLOYD. Thank you, Mr. Speaker.

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

Mr. McCLATCHY. Mr. Speaker, I would like to rise in opposition to the motion to revert to the prior printer's number.

I think first of all, Mr. Hutchinson claimed that his county spends a lot more money—

Mr. Speaker, I guess what I would like is a little attention on the floor. What we are talking about is a potential bill of about \$11 million. This is the concern of the Appropriations Committee; this is a concern of the legislation.

The legislation as it was originally presented to us changed the law as it presently reads. As the law presently reads, each county pays for the patients in Farview Hospital with a cap of

\$120, no more than that. Presently Farview costs \$259 a day, so you can see the State already is picking up more than half of the cost of the Farview admittance.

Under this bill we have various opinions about the fiscal note. The Pennsylvania Commission on Crime and Delinquency estimates the fiscal note much lower, \$1.7 million to \$1.9 million annually. This is based on their estimate of how many people will be committed. The Department of Welfare estimates a lot higher, and they also give us an estimate on the revamping of Farview State Hospital to receive these people.

Our concern, again, is that I think this new change in the law, titled "Guilty but mentally ill," is not only good for the State, but it is good for the counties and it is good for the local municipalities. I think everyone is for it. I think everyone would be willing to pay for it.

In addition, Mr. Speaker, I think that this is not an issue that should be looked at from one side of the aisle only versus the other side of the aisle. If you go through the list of what the counties pay, it gets back into the old traditional problem of most of us pay very little and some of us pay quite a bit, Philadelphia and Allegheny Counties. Westmoreland County, Mr. Hutchinson's county, only paid \$11,000 last year for one patient. That is all. You do not get that many in some of our smaller rural counties and some of our suburban counties. So what I would like to do is keep law as it presently is, have the State pay for half, roughly, and the counties continue to pay for half. I think that is fair.

I think everybody is pressing for this legislation. I think everybody is interested in it, and in these times in very tight fiscal problems where we do not want to vote for taxes on the floor of this House and build toward that in the future, I would suggest we not revert to the prior printer's number. Thank you, Mr. Speaker.

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

Mr. ITKIN. Mr. Speaker, I support the desire of the gentleman from Westmoreland to move back to the prior printer's number.

It seems to me that Mr. McClatchy's argument is a two-sided argument. On the one hand he pleads about the taxpayers, and then on the other hand he shafts it to the counties. In his own admission he says this is going to cost the counties \$11 million and says that Philadelphia and Allegheny Counties are going to bear the brunt of that \$11 million.

That being the case, he should recognize that the State has far more flexibility in what they can tax and raise revenue on than the counties. The counties are only basically privileged to impose a property tax. In my county, Allegheny County, we are only five-eighths of a mill away from the limit. This could conceivably drive us above our limit to collect the necessary revenue to provide for this program.

Mr. Speaker, I think that if we believe that this is a legitimate State function, then we ought to bear the burden of raising the revenues for this purpose. For far too long we have been trying to place on the burdens of the counties costs that were incurred by actions of the State legislative body.

Mr. Speaker, I think that Mr. Hutchinson's suggestion is an honorable one, and we ought to support it.

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

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

I also rise to support the motion made by Mr. Hutchinson. Prior to the ruling by the Attorney General where the State now does help pick up some of the costs of the people who are sent to Farview, the County of Erie was saddled with a severe debt by these people who were sent there, because they were paying the total cost. I am afraid that this legislation will lead to the same thing.

Therefore, I request an affirmative vote.

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

Mr. RITTER. Mr. Speaker, will the gentleman, Mr. McClatchy, consent to brief interrogation?

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

Mr. RITTER. Mr. Speaker, on page 6 of the bill, section 3, the repealer, the part that repeals the inconsistent parts of the Mental Health bprocedures Act, why was that amended out of this bill?

Mr. McCLATCHY. Mr. Speaker, that was not done in the Appropriations Committee. I think maybe Mr. Piccola could speak to it. I will look at it and read it and try to give you an opinion, but that—

Mr. RITTER. Mr. Speaker, I thank you.

PARLIAMENTARY INQUIRY

Mr. RITTER. Mr. Speaker, a point of parliamentary inquiry.

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

Mr. RITTER. Mr. Speaker, I thought, according to the procedures that we follow, that when there are amendments made, those amendments are designated by the use of an arrow in the margin, and that if you wanted to refer to a bill and see the latest amendments, you would just simply go down the margin, come to the arrows and see what was amended, and that when another amendment takes place, those arrows then are removed and new arrows are put in for the new amendments. Is that not a fact, Mr. Speaker?

The SPEAKER. That has been my understanding. I am not so sure, though, that that is other than practice. I do not believe it is a rule of the House.

Mr. RITTER. Well, Mr. Speaker, the reason for the inquiry is because this latest printer's number, 2124, contains—

The SPEAKER. Will the gentleman yield?

The Chair is advised that the arrows stay in on Senate bills.

Mr. RITTER. They do?

I thank you, Mr. Speaker.

The SPEAKER. That is what my right-hand man just told me. I do not know where he got that information.

Mr. RITTER. Well, Mr. Speaker, I do not want to argue with you or your adviser, but I do not recall that that was the practice, and that is what makes it confusing to other members. When you see all of these arrows, which indicate that the Appropriations Committee made extensive amendments, it is very difficult to find out just what was the last amendment then.

I thank you, Mr. Speaker.

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

Mr. McCLATCHY. Mr. Speaker, just to correct one thing Mr. Itkin said, I mentioned a possible cost in 5 years of about \$11 million. This is not the cost that the counties are going to pay. They will certainly pay less than half of that cost. If the State pays for the whole thing, it will be \$11 million. The county is capped at \$120 a day. Farview is \$259, so you can see perfectly well that the counties will not pay more than half but less than half of the cost. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, very briefly, I rise to support the offer to revert to a prior printer's number as made by Mr. Hutchinson.

I have been on the floor of this House on any number of occasions when I have heard members of the assembly get up and figuratively pound their breasts and admonish the rest of the members of the assembly that we ought to stop mandating things at the State level and expecting the counties back home and the municipalities back home to pay the tab.

Now, the essence of this bill is born out of something that has not occurred in great measure in this Commonwealth but out of something that happened in the assassination attempt on the President. That really is the impetus, I think, for this kind of legislation. But if we are going to vote—all of us who are ready to vote—to change the law of the Commonwealth of Pennsylvania so far as allowing a verdict of guilty but insane, if that is what we are going to do and that kind of a decision on our part here in Harrisburg is going to cost money to rehabilitate, to treat, to institutionalize, then we ought to have the courage to say, yes, we are going to pay the bill. And if we are not, then we ought to stop beating our breasts and talking about the municipalities back home and mandates at the State level that ought to be paid for, whether we are talking about hazardous routes or whether we are talking about transporting nonpublic school children. We ought to just stop talking about having to provide the moneys if we are going to mandate the situation.

I am appalled, Mr. Speaker, at the suggestion by the gentleman, Mr. Gallen, that the insane people in Allegheny County and the insane people in Westmoreland County ought to be taken care of by the people of those counties. I think it is a State responsibility, and I think we ought to live up to it.

The SPEAKER. The Chair recognizes for the second time on the question, the gentleman, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, contrary to the comments made by the minority whip, this bill does not change the current law. Currently the counties pick up up to \$120 a day. Under this bill they will continue to pick up up to \$120 a day.

The problem with the bill is if you come from a county that does not have a high crime rate, you are much better off to oppose the reversion to the prior printer's number. Thank you, Mr. Speaker.

The SPEAKER. Those in favor of the motion made by the gentleman, Mr. Hutchinson, to revert SB 171 to PN 2044 will vote in the affirmative; those opposed, in the negative.

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

The following roll call was recorded:

YEAS—99

Barber	Fryer	McMonagle	Seventy
Belfanti	Gallagher	Maiale	Showers
Beloff	Gamble	Manderino	Shupnik
Berson	George	Michlovic	Snyder
Blaum	Grabowski	Miscevich	Stairs
Borski	Gray	Morris	Steighner
Brown	Greenfield	Mrkonic	Stewart
Caltagirone	Gruitza	Mullen	Stuban
Cappabianca	Haluska	Murphy	Swaim
Cawley	Harper	O'Donnell	Sweet
Clark	Heiser	Olasz	Taylor, F. E.
Cohen	Hoefel	Oliver	Telek
Colafella	Horgos	Pendleton	Tigue
Cole	Hutchinson, A.	Petrone	Trello
Cordisco	Irvic	Pievsky	Van Horne
Cowell	Itkin	Pistella	Wachob
DeMedio	Kukovich	Pott	Wambach
DeWeese	Laughlin	Pratt	Wargo
Dawida	Lescovitz	Pucciarelli	Wiggins
Deal	Letterman	Rappaport	Williams, H.
Dombrowski	Levin	Rasco	Williams, J. D.
Donatucci	Livengood	Richardson	Wozniak
Duffy	Lloyd	Rieger	Wright, D. R.
Evans	Lucyk	Ritter	Zwikl
Fee	McIntyre	Rocks	

NAYS—92

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

NOT VOTING—5

Alden	Emerson	Kolter	Taddonio
Daikeler			

EXCUSED—3

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

On the question,

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

Mr. PICCOLA offered the following amendments No. A8560:

Amend Title, page 1, line 5, by removing the period after "ill" and inserting

and further providing for the defense of insanity.

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

sections

Amend Sec. 1, page 3, by inserting between lines 1 and 2

§ 315. Insanity.

(a) General rule.—The mental soundness of an actor engaged in conduct charged to constitute an offense shall only be a defense to the charged offense when the actor proves by a preponderance of evidence that the actor was legally insane at the time of the commission of the offense.

(b) Definition.—For purposes of this section the phrase "legally insane" means that, at the time of the commission of the offense, the actor was laboring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing or, if the actor did know the quality of the act, that he did not know that what he was doing was wrong.

Amend Sec. 3, page 6, line 27, by striking out all of said line and inserting

Section 3. The provisions of this act shall be severable. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of this act, and the application of such provision to other persons or circumstances, shall not be affected thereby, unless the court finds that the valid provisions of the act are so essentially and inseparably connected with, and so depend upon, the void provision or application, that it cannot be presumed the General Assembly would have enacted the remaining valid provisions without the void one; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 4. This act shall apply to all indictments or informations filed on or after the effective date of this act.

Section 5. This act shall take effect in 90 days.

On the question,

Will the House agree to the amendments?

QUESTION OF INFORMATION

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

Mr. PIEVSKY. Point of inquiry, Mr. Speaker.

Can you tell me what printer's number Mr. Piccola is amending?

The SPEAKER. The gentleman is amending SB 171, PN 2044. The Parliamentarian advises me that these amendments will fit.

Mr. PIEVSKY. It will fit?

The SPEAKER. Yes.

Mr. PIEVSKY. Thank you, Mr. Speaker.

The SPEAKER. It is my further understanding that these particular amendments were drawn to PN 2044.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

The verdict of acquittal in the Hinckley case over the summer raised a defect or deficiency in the law brought to our attention, that being that when the defense of insanity is raised, the burden of proof falls upon the prosecution to prove beyond a reasonable doubt that the defendant was not insane. After review of Pennsylvania law, it appears that we are in the same position as the law in the Federal jurisdiction of Washington, D.C. This amendment will establish by statute that when a criminal defendant raises the insanity defense, the burden would fall upon that defendant to prove by a preponderance of the evidence that he or she is legally insane.

About 6 years ago we did the same thing when the Supreme Court held that voluntary intoxication was a defense and placed a heavy burden upon the prosecution to prove that a defendant was not intoxicated. We reversed that faulty decision by the Supreme Court, and I believe that if we adopt this amendment, we can do the same thing with regard to the burden of proof in the insanity defense. I would urge the adoption of the amendment.

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

The following roll call was recorded:

YEAS—189

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

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

NAYS—0

NOT VOTING—7

Alden	Evans	McMonagle	Williams, J. D.
Emerson	Kolter	Rieger	

EXCUSED—3

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

On the question recurring,

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

Mr. PICCOLA offered the following amendments No. A8761:

Amend Sec. 2 (Sec. 9727), page 3, line 20, by inserting after “(+)”

(1)

Amend Sec. 2 (Sec. 9727), page 4, by inserting between lines 23 and 24

(2) The cost for treatment of offenders found guilty but mentally ill, committed to the custody of the Bureau of Correction and transferred to a mental health facility shall be borne by the Commonwealth.

Amend Bill, page 6, by inserting between lines 26 and 27

Section 3. In order to implement the provisions of 42 Pa.C.S. § 9727(b)(2) (relating to treatment), the costs shall be divided between the Commonwealth and the counties for all persons presently undergoing treatment pursuant to section 408 of the act of July 9, 1976 (P.L.817, No.143), known as the “Mental Health Procedures Act,” and for all persons committed pursuant to 42 Pa.C.S. § 9727 (relating to disposition of persons found guilty but mentally ill) according to the following schedule:

(1) For fiscal year 1982-1983 the county shall pay \$120 per day and the Commonwealth the remainder.

(2) For fiscal year 1983-1984 the county shall pay \$80 per day and the Commonwealth the remainder.

(3) For fiscal year 1984-1985, the county shall pay \$40 per day and the Commonwealth the remainder. Thereafter the Commonwealth shall pay all costs.

Section 4. The act of July 9, 1976 (P.L.817, No.143), known as the “Mental Health Procedures Act,” is repealed insofar as inconsistent with the provisions of 18 Pa.C.S. § 314 (relating to guilty but mentally ill) and 42 Pa.C.S. § 9727 (relating to disposition of persons found guilty but mentally ill).

Amend Sec. 3, page 6, line 27, by striking out “3” and inserting

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On the question,

Will the House agree to the amendments?

AMENDMENTS DIVIDED

The SPEAKER. The Chair recognizes the gentleman, Mr. Piccola, who asks that amendment A8761 be divided so that there will be two amendments, breaking off at “Amend Bill, page 6, by inserting between lines 26 and 27.”

The Chair divides the amendments and further recognizes the gentleman, Mr. Piccola, who withdraws the first half of that amendment because of the duplication in the existing bill.

On the divided question, the Chair recognizes the gentleman, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

This amendment would phase in, over a 3-year period, the Commonwealth's full support for the treatment required under this act. For the first year the counties would pick up the \$120 per day that they are currently paying; for the second year it would drop to \$80 a day; for the third year, to \$40 a day, and there would be no county responsibility thereafter. I urge the adoption of the amendment, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

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

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

Mr. MANDERINO. Mr. Speaker, do I understand that the effect of this amendment with the first part withdrawn is to affect only those people receiving treatment presently and the cost of their treatment? Let me put it another way. Will the phasing in of the cost to the Commonwealth affect those people who will hereafter be found guilty but mentally ill or insane?

Mr. PICCOLA. Yes, Mr. Speaker.

Mr. MANDERINO. What you are doing with this amendment then is to negate the effect of the Hutchinson reversion to a prior printer's number, which says that the Commonwealth will pick up all of the costs. Is that correct?

Mr. PICCOLA. No, we are not negating it, Mr. Speaker. We are—

Mr. MANDERINO. You are altering it so that the Commonwealth will pick up the cost, but it will be phased in over several years.

Mr. PICCOLA. That is correct, Mr. Speaker.

Mr. MANDERINO. Will the Commonwealth ever have the total cost?

Mr. PICCOLA. Yes, after fiscal year 1984-85.

PARLIAMENTARY INQUIRY

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

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

Mr. MANDERINO. Mr. Speaker, it is my understanding that a reversion to a prior printer's number is in the nature of an amendment. It would seem to me that what is occurring now is an amendment to an amendment, and I would like a ruling of whether or not this is out of order as an amendment to an amendment.

AMENDMENTS RULED OUT OF ORDER

The SPEAKER. It is the inclination and opinion of the Chair that the gentleman, Mr. Manderino, is correct, and accordingly, the amendment offered by the gentleman, Mr. Piccola, is ruled out of order.

That is one.

On the question recurring,

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

Mr. CUNNINGHAM offered the following amendments No. A8763:

Amend Title, page 1, line 3, by inserting after "Statutes," providing for assaults by prisoners;

Amend Bill, page 3, by inserting between lines 1 and 2 Section 2. Section 2703 of Title 18 is amended to read:

§ 2703. Assault by prisoner.

[A person who has been found guilty and is awaiting sentence to imprisonment, or a person who has been sentenced to imprisonment for a term of years in any local or county detention facility, jail or prison or any State penal or correctional institution or other State penal or correctional facility, located in this Commonwealth, is guilty of a felony of the second degree if he, while so confined or committed or while undergoing transportation to or from such an institution or facility in or to which he was confined or committed intentionally or knowingly commits an assault upon another with a deadly weapon or instrument, or by any means or force likely to produce serious bodily injury.]

(a) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

"Aggravated assault." The offense defined in section 2702(a)(1) (relating to aggravated assault).

"Assault." The offense defined in section 2701 (relating to simple assault).

"Prison." Any local or county detention facility, jail or prison or any State penal or correctional institution or other State penal or correctional facility located within this Commonwealth.

"Prisoner." A person detained at any prison or who is undergoing transportation to or from a prison or who has escaped from a prison.

(b) Offenses.—

(1) Any prisoner who commits an assault upon a non-prisoner shall be guilty of a misdemeanor of the first degree and shall be sentenced to imprisonment for a term of at least two years.

(2) Any prisoner who commits an aggravated assault upon a non-prisoner shall be guilty of a felony of the second degree and shall be sentenced to imprisonment for a term of at least four years.

(3) Any prisoner who commits an assault upon another prisoner shall be guilty of a misdemeanor of the first degree and shall be sentenced to imprisonment for a term of at least one year.

(4) Any prisoner who commits an aggravated assault upon another prisoner shall be guilty of a felony of the second degree shall be sentenced to imprisonment for a term of at least three years.

(c) Sentencing.—Terms of imprisonment imposed for offenses under this section shall be served consecutively with any other term or terms imposed or to be served and not concurrent with any term.

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

3

Amend Sec. 3, page 6, line 27, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

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

Mr. CUNNINGHAM. Thank you, Mr. Speaker.

This amendment is identical to HB 2445, which has 103 cosponsors. The legislation is designed to stiffen penalties for prisoners who attack guards in county jails across Pennsylvania and in any of our State correctional facilities as well as inmates who assault other inmates.

Under current law virtually nothing of consequence happens when an inmate attacks another inmate or attacks a guard unless that assault is an aggravated assault, unless it involves the use of a deadly weapon or involves force that is so serious that it is likely to result in serious injury.

Where inmates are guilty of assault, if they are convicted at all, they are very often given very, very weak sentences and all too often the sentences they are given, weak as they are, are imposed to be served concurrently, which is to say the sentence is imposed to be served at the same time they are serving the sentence for which they are already in prison. So they end up with no additional time, and inmates of course understand this. They realize this very fully, and as a result of all of this, the number of assaults over the last 18 months in prisons across Pennsylvania is up threefold, and the number of assaults resulting in injury that requires some medical treatment is up fourfold. As a result of the fact that our prison populations are growing and double celling is occurring in a number of these institutions, this problem is going to get worse and worse unless something is done to arrest it, and this legislation is designed to do that.

Assault as a street crime is totally, totally different from assault in a prison. If two people go at one another on the street, if anybody is injured, it probably is only going to be one or both of the two people involved. When an assault occurs in a prison, what we risk is not just injury to the two people who are involved; we risk massive loss of life and widespread injury in a riot kind of a situation, and that is what we are trying to avoid. It is much, much more difficult to deter violence among convicted criminals, obviously, than it is among the population at large. Also, as I have indicated, the consequences of a prison assault can be far, far more serious than the consequences of an assault that occurs outside a prison.

Our penalties are very weak; they are very uncertain. This legislation is designed to see that justice is administered firmly, swiftly, and very, very certainly, because if you will talk to prison officials across the State of Pennsylvania, you will find that we have lost control in many prisons, and we are in the process of losing control in all of them.

Let me conclude by saying that the legislation creates four new categories of offense. It takes away from liberal judges the authority to hand out weak sentences and it prescribes tough sentences, and those sentences have got to be served consecutively. I urge an affirmative vote on the amendment.

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

Mr. H. WILLIAMS. Mr. Speaker, I would yield to Representative Sweet.

PARLIAMENTARY INQUIRY

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

Mr. SWEET. Could I first make a parliamentary inquiry?

Is this amendment being offered to the proper printer's number? The amendment I have in front of me is drawn to PN 2124.

The SPEAKER. This printer's number is adequate.

Mr. SWEET. Excuse me, Mr. Speaker. What is meant by "adequate"? Is this a correct procedure, to offer an amendment to the wrong printer's number?

The SPEAKER. Under the circumstances, it is quite all right.

Mr. SWEET. Could the Chair define for me and for the members for future reference and precedent the particular unique nature of these circumstances so that we might know when not to waste money having our amendments redrafted?

The SPEAKER. The gentleman should always feel free to inquire of the Chair when he has a problem.

Mr. SWEET. I see. So when this arises again, we should pop up with parliamentary inquiries?

The SPEAKER. That is correct.

Mr. SWEET. Thank you, Mr. Speaker.

It is a very interesting precedent.

The SPEAKER. Thank you.

Mr. SWEET. Mr. Speaker, can I make a couple of comments on the amendment, be it drafted properly or not?

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

Mr. SWEET. Thank you, Mr. Speaker.

Mr. Speaker, I think in brief this is a very bad amendment. We just considered—"we" meaning the Judiciary Committee—just considered this bill this morning. Mr. Cunningham came to the committee and made a very nice presentation about the amendment, and it was defeated. At bottom line, the sponsor of the amendment defines a problem. He says there are a lot of assaults in the prisons and we must do something about them. Then he goes on to cite what I think are a number of unsubstantiated reports of concurrent sentences, weak sentences, light sentences and the like, and adds with what may be a rather bizarre twist the notion that we will have fewer assaults in the prison if we add to the total number of days served in the prison. In other words, the problem starts out to be overcrowding, and one of the things that will result from this amendment is continued and increased overcrowding. I think we ought to think about that before we jump on the chance a month before the election to vote for one more of these "get tough" kinds of amendments.

Secondly, Mr. Speaker, I think we are doing something far more serious and something very damaging to the mandatory sentencing law that was passed by this House some months ago and which is now in effect and in law. We said if you commit a crime with a gun or if you commit a repeat violent offense, you are going to do a mandatory 5 years in the slammer. We are probably next week going to say, if you drive your vehicle while inebriated, you are going to do given time in jail. Those laws are only going to work if they are pub-

licized, if they are widely disseminated in the news media and the people know that they exist.

Every time somebody has a pet project during election year, if we keep adding to the number of offenses and to the type of offenses that are going to have mandatory sentencing, we will so confuse, so muddy the mandatory sentencing theme that it will no longer be relevant. It will no longer be out there, no one will be moved by it, and no one will be deterred by it.

Also, Mr. Speaker, I would submit that this particular amendment presumes to deter people who have already shown by the fact that they have committed a crime and are in jail that they are not deterred by additional criminal sentencing.

I have been a supporter of mandatory sentencing. I supported the previous legislation that was offered by Mr. Piccola, and I intend to support the drunken driving legislation. But I think if we continue to have election-day specials like this amendment offered on the floor of the House after the committee that has the proper expertise in the field rejects it, that we are only undercutting what we are attempting to do in the hall of this House, number one. We are only undercutting the chance of our prosecutorial authorities and our judicial authorities to deal with this problem. Finally, we are going to thrust a tremendous problem back to the counties. It was brought out today in our meeting that counties like Montgomery where Graterford Prison is located, counties like Allegheny where Western Penitentiary is located, counties like Westmoreland where the Greensburg facility is located may well end up with increased litigation, because with these mandatory minimums we are going to have all these prisoner squabbles end up in our judicial system, and we are going to end up with increased burdens there.

So in order to pass this election-day special today, we are going to talk about extra money for jail cells that we are not appropriating today; we are going to talk about extra money for judges and prosecutors that we are not appropriating today. I would suggest that if we really want to do something about these problems, we would be talking about paying jail guards more money, we would be talking about getting more jail guards in our prisons, and we would be talking about taking those kinds of responsible steps that would deal with this issue and not the easy route of jacking up the sentences so we can go home and issue a news release. Thank you very much, Mr. Speaker.

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

Mr. H. WILLIAMS. Mr. Speaker, would the gentleman, Mr. Cunningham, stand for interrogation?

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

Will the gentleman yield?

MR. ANDERSON REQUESTED TO PRESIDE

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

CONSIDERATION OF SB 171 CONTINUED

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

Mr. H. WILLIAMS. Mr. Speaker, the amendment that you offer to the bill on guilty although mentally ill, is this not the same HB 2445 which you offered in the Judiciary Committee this morning?

Mr. CUNNINGHAM. Mr. Speaker, I indicated that at the beginning of my remarks. That is correct.

Mr. H. WILLIAMS. I am sorry. I did not hear that.

Mr. Speaker, you in this bill impose certain mandated sentences for assaults within prisons. Is that correct?

Mr. CUNNINGHAM. Mr. Speaker, I impose mandated sentences, because inmates are attacking guards right now because they know nothing is going to happen to them if they do that, and they know nothing is going to happen to them because liberal judges are going to hand out weak sentences, and if they hand out a sentence at all, it is going to be handed out to be served at the same time the sentence they are currently serving is to be served. This bill is designed to see that something does happen, and that something is designed to make inmates think twice before they attack a guard or before they attack another inmate, and it does that by imposing mandatory sentences so inmates will not be able to rely on liberal judges to give them a walk.

Mr. H. WILLIAMS. The same liberal judges who put them in jail in the first place.

Mr. Speaker, you mandate a sentence for those assaults. If a person was charged with one of these assaults and they were guilty but mentally ill, would your sentence still be mandated? In other words, if the person was guilty or charged with the crime of assault in prison and was considered mentally ill, would they still have your mandated sentence?

Mr. CUNNINGHAM. Mr. Speaker, that would be a question of law and/or a question of fact to be decided by the court.

Mr. H. WILLIAMS. Well, I am asking you, if a person were adjudged guilty, which is the main bill here, guilty but adjudged mentally ill, would your amendment require nevertheless that that person have a mandated sentence of 2 years or 3 years?

Mr. CUNNINGHAM. Mr. Speaker, that issue would have to be decided on a case-by-case basis based on the facts of that individual case. It would be a question to be decided by the trier of fact.

Mr. H. WILLIAMS. Mr. Speaker, but in your amendment it does not say anything about case-by-case one way or the other. Am I correct?

Mr. CUNNINGHAM. That is because that is already the doctrine that obtains, and my bill does not change that doctrine in any way, Mr. Speaker.

Mr. H. WILLIAMS. No. I wanted to know what the intent of your amendment is, and that is, if a person were charged and found guilty of assault but mentally ill, would you nevertheless still require by your intention that that person be given a mandated sentence?

Mr. CUNNINGHAM. Mr. Speaker, my amendment will not affect this bill's change of the law in any way in that regard.

Mr. H. WILLIAMS. Well, I am trying to get your intention so whatever we do or do not do we will be clear, and as a person to vote on it, I want to know, is the intention of your amendment to say that if you are guilty of assault and battery in prison, you get a mandated sentence even though you may be mentally ill? Is that what you want, or do you want something else?

Mr. CUNNINGHAM. Mr. Speaker, I honestly have attempted to answer that question as clearly as I can.

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

**THE SPEAKER PRO TEMPORE
(JOHN HOPE ANDERSON) IN THE CHAIR
CONSIDERATION OF SB 171 CONTINUED**

Mr. H. WILLIAMS. Mr. Speaker, I would like to call into question the germaneness of the amendment, and I ask the Speaker if I could be advised of the standards of germaneness? Does the Speaker understand my request?

The SPEAKER pro tempore. Would the gentleman, Mr. Williams, please repeat his question on germaneness?

Mr. H. WILLIAMS. Yes. I want to call into question the question of germaneness on the amendment, and I asked the Speaker if the Speaker could advise this speaker as to the standards of germaneness.

The SPEAKER pro tempore. The amendment offered by the gentleman, Mr. Cunningham, amends title 18. The bill to which the amendment is being offered also amends title 18, so it is the opinion of the Chair that the amendment would be germane to the bill to which it is being offered.

Mr. H. WILLIAMS. Mr. Speaker, are there any other standards that are written down as to germaneness in our rules or by interpretation that I could comment on? I was not asking for a ruling; I was asking for the standards.

The SPEAKER pro tempore. I was not giving a ruling. I was stating that the bill and the amendment both are to title 18, which in our opinion would make it germane to the bill.

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

I will not comment further on germaneness except to say that this very amendment was put in the form of a bill and presented this morning to a Judiciary Committee that has reported out several mandated sentencing bills, so that committee has no problem in reporting out mandated sentencing bills. What is interesting is that the majority of the committee this morning felt that this bill which is contained in this amendment is so ridiculously out of step with consistency and help for the law. First of all, what a mandated sentence to an inmate has to do with a deterrent is a little bit remote as compared to someone on the street. But more than that, Mr. Speaker, the comments were by both sides of the philosophical debate that with the administrative handling of those matters and what already happens in court overloads, especially in Montgomery County, this particular proposition would create in and of itself, if it were not connected with

anything else, some havoc on the justice system just in the name of a mandated sentence.

It is my firm opinion that just to tack on something that really may be dangerous to a bill having to do with mental illness and insanity, which in and of itself is a very difficult subject, is a disservice to the continuity and effectiveness of law. It may be that the speaker does in fact have a personal or political pet in this proposition, but, Mr. Speaker, I say that that should stand the test of examination independent of a major proposition such as insanity, mental illness, and the criminal law.

The whole concept of mandated sentences wherever we apply them has been repeated and repeated and repeated and repeated and will be repeated again, but just because there is a problem does not mean a solution is a mandated sentence. You are going to mandate a sentence for people we consider criminals—if an inmate attacks another inmate—mandate a sentence to protect that criminal whom we already mandated a sentence for when we sent him to jail. I mean, how far can we carry a concept in the name of what we call deterrence?

Mr. Speaker, I suggest that the ideas contained in the amendment are totally foreign to the concept contained in the bill, which is difficult enough. I urge you, Mr. Speaker, not to further complicate an already complicated problem, the end result of which may be, yes, a case that would appear in court and say, okay, I am charged with a crime of assault and battery in prison, and Representative Cunningham mandated a sentence, and I say I am mentally ill. Mr. Speaker, I do not think it solves the question to say it goes on a case-by-case basis, to say that some discretion lies in a judge or a jury. When we are talking about a mandated sentence, we are talking about something absolute. When we are talking about mental illness, we are talking about something that is less absolute, and I would suggest at least that we ought to leave one serious debate to stand on its own merit, and I would urge that we be very cautious in voting on this amendment, as it may represent a very simple but very dangerous piece of legislation affecting a totality of concern, although urged just because of one specific problem that one specific Representative may have.

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

Mr. McVERRY. Thank you, Mr. Speaker. I will be very brief, believe it or not.

Number one, we are here for the purpose this afternoon to discuss, debate, and hopefully pass legislation that deals with a new verdict of guilty but mentally ill. We are not here really, in my estimation, to debate mandatory sentences for assaults by prisoners. Nevertheless, we have in the last year or so debated to great extent what is an appropriate sentencing procedure for persons convicted of a crime.

In June of this year the mandatory sentencing bill went into effect, and one of the provisions of that bill would specifically apply to assaults by prisoners when that assault was aggravated assault and would require a 5-year mandatory sentence. On July 26 the sentencing guidelines went into effect, which specifically apply to any crimes committed by a prisoner, not

to mention any crimes committed by anyone else. Both of those mandatory provisions apply to crimes committed after the effective date of the legislation. We have not even given enough time for that legislation to be in place and to be applied on one occasion and we are back here debating additional mandatory sentences for specific crimes that are at the whim of any particular member.

I urge you to defeat this amendment. Number one, it has nothing to do with the issue for which we are currently here; but number two, since we have in such depth dealt with the issue of sentencing in recent years, please give the mandatory sentencing law and the sentencing guidelines an opportunity to be operative to find out whether or not that is an adequate solution to the problem. We should not go out and redo the Crimes Code and make mandatory sentences for every crime that is specified in the code. I would request that you reject this amendment and get on with the business of guilty but mentally ill.

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

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

I am not sure I believe what I hear in some of the debate here. There was never any doubt in my mind that when a prisoner assaults someone within the confines of a prison, he should serve additional time for doing so. I do not seriously see how anyone can be opposed to that concept.

The comments of the opposition who want to defeat this amendment remind me of a situation where a storekeeper in a china shop had an employee who smashed a \$3,000 vase. The store owner was just furious at the employee. He shook his finger in his face and said, I am going to take this out of your pay; this is going to come out of your pay; and to make sure I get my money back quicker, I am going to triple your salary. It seems to me that is all we are doing by making sentences concurrent in a matter like this. I would strongly support the amendment.

GERMANENESS QUESTIONED

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

Mr. SWEET. Mr. Speaker, despite the wisdom of your advice about the amendment and also the bill amending title 18 of the Crimes Code, I would respectfully move that the question of germaneness is not one to be decided by the Chair but I believe under rule 27 is to be decided by the House. I would move that this amendment is not germane to this particular piece of legislation. They are two entirely different topics, Mr. Speaker.

The SPEAKER pro tempore. For the gentleman's information, the Chair was not ruling on germaneness. He was asking for standards, which we gave him.

Mr. SWEET. I realize that, Mr. Speaker. You were very careful in your use of the language. I am merely moving now that this is not germane to this particular bill.

The SPEAKER pro tempore. The gentleman has raised the question of germaneness, which must be decided by the House.

On the question,

Will the House sustain the germaneness of the amendments?

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

Mr. CUNNINGHAM. Mr. Speaker, I would like to debate the issue of germaneness.

The SPEAKER pro tempore. The gentleman, Mr. Cunningham, is in order and may proceed.

Mr. CUNNINGHAM. Mr. Speaker, I will say only that we have an extremely explosive situation in not only the State penitentiaries but in every county in this Commonwealth. There are county jails that are overcrowded and assaults are on the increase. We cannot afford to delay in our dealing with this problem, and I would urge every member to vote in favor of germaneness. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The question before the House is whether or not the amendment offered by the gentleman from Centre, Mr. Cunningham, is germane to the bill.

The Chair recognizes the gentleman, Mr. Sweet.

Mr. SWEET. Mr. Speaker, I would ask that the members vote that this is not germane to the bill. The bill deals with an equally if not more significant problem. It is a problem that has come to the public mind because of the assassination attempt on President Reagan.

I think the business that we are about this afternoon is deciding about guilty but mentally ill as an alternative disposition. This is clearly an attempt to make an end run around the business of the day and get into an entirely new and controversial area. It is clearly a different topic, and I would urge that the members vote that this is not germane.

The SPEAKER pro tempore. The question recurs, will the House decide whether or not the amendments are germane? Those who vote "yes" say the amendments are germane; those who vote "no" say the amendments are not germane.

On the question recurring,

Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

YEAS—87

Anderson	Fischer	Livengood	Smith, L. E.
Armstrong	Foster, W. W.	Lloyd	Spencer
Arty	Foster, Jr., A.	McClatchy	Spitz
Belardi	Freind	Micozzie	Stairs
Bittle	Gallen	Miller	Stevens
Brandt	Gannon	Moehlmann	Stewart
Brown	Geist	Mowery	Swift
Burns	Greenwood	Mrkonic	Taylor, E. Z.
Cessar	Grieco	Mullen	Telek
Cimini	Gruppo	Noye	Tigue
Civera	Haluska	Perzel	Vroon
Clymer	Hasay	Phillips	Wass
Cochran	Hayes	Pitts	Wenger
Cohen	Honaman	Punt	Weston
Coslett	Jackson	Ritter	Wilson
Cunningham	Johnson	Rybak	Wogan
DeVerter	Kennedy	Salvatore	Wright, J. L.
Daikeler	Klingaman	Saurman	Wright, R. C.
Davies	Kowalyszyn	Serafini	Zwilk
Dietz	Lehr	Sieminski	
Dorr	Letterman	Smith, B.	Ryan,
Durham	Lewis	Smith, E. H.	Speaker

Fargo

NAYS—106

Barber	Fee	McVerry	Rasco
Belfanti	Fryer	Mackowski	Reber
Beloff	Gallagher	Madigan	Richardson
Berson	Gamble	Maiale	Rieger
Blaum	George	Manderino	Rocks
Borski	Gladeck	Manmiller	Seventy
Bowser	Grabowski	Marmion	Showers
Boyes	Gray	Merry	Shupnik
Burd	Greenfield	Michlovic	Sirianni
Caltagirone	Gruitza	Miscevich	Snyder
Cappabianca	Hagarty	Morris	Steighner
Cawley	Harper	Murphy	Suban
Clark	Heiser	Nahill	Swaim
Colafella	Hoeffel	O'Donnell	Sweet
Cole	Horgos	Olasz	Taddonio
Cordisco	Hutchinson, A.	Oliver	Taylor, F. E.
Cornell	Irvis	Pendleton	Trello
Cowell	Itkin	Peterson	Van Horne
DeMedio	Kukovich	Petrone	Wachob
DeWeese	Lashinger	Piccola	Wambach
Dawida	Laughlin	Pievsky	Wargo
Deal	Lescovitz	Pistella	Wiggins
Dininni	Levi	Pott	Williams, H.
Dombrowski	Levin	Pratt	Williams, J. D.
Donatucci	Lucyk	Pucciarelli	Wozniak
Duffy	McIntyre	Rappaport	Wright, D. R.
Evans	McMonagle		

NOT VOTING—3

Alden	Emerson	Kolter
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EXCUSED—3

Fleck	Frazier	Petrarca
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Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were declared not germane.

On the question recurring,

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

RULES SUSPENDED

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

Mr. PICCOLA. Mr. Speaker, I would like to move to suspend rule 27 to permit the consideration of the amendment that the Speaker had previously ruled out of order.

The SPEAKER pro tempore. The motion before the House is to suspend the rules to permit consideration of the second part of the amendment offered by Mr. Piccola, which is amendment A8761; that part of the amendment which starts with section 3. This was previously ruled out of order. The gentleman is asking that the rules be suspended so that we may consider this part of the amendment.

On the question,

Will the House agree to the motion?

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

Mr. IRVIS. Mr. Speaker, for the purposes of the record, I understand the motion of the gentleman, Mr. Piccola, is limited strictly to consideration of his amendment.

The SPEAKER pro tempore. That is the understanding of the Chair.

Mr. IRVIS. And for no other purpose is rule 27 being suspended. That is correct, is it not, Mr. Speaker?

The SPEAKER pro tempore. That is correct.

Mr. IRVIS. Thank you.

The SPEAKER pro tempore. Those in favor of suspending rule 27 in order that this amendment may be considered will vote "yes"; those opposed will vote "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—184

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

NAYS—6

Belfanti	Kukovich	Richardson	Williams, H.
Evans	Letterman		

NOT VOTING—6

Alden	Gray	O'Donnell	Williams, J. D.
Emerson	Kolter		

EXCUSED—3

Fleck Frazier Petrarca

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

On the question recurring,

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

Mr. PICCOLA offered the following amendments No. A8761:

Amend Bill, page 6, by inserting between lines 26 and 27

Section 3. In order to implement the provisions of 42 Pa.C.S. § 9727(b)(2) (relating to treatment), the costs shall be divided between the Commonwealth and the counties for all persons presently undergoing treatment pursuant to section 408 of the act of July 9, 1976 (P.L.817, No.143), known as the "Mental Health Procedures Act," and for all persons committed pursuant to 42 Pa.C.S. § 9727 (relating to disposition of persons found guilty but mentally ill) according to the following schedule:

- (1) For fiscal year 1982-1983 the county shall pay \$120 per day and the Commonwealth the remainder.
- (2) For fiscal year 1983-1984 the county shall pay \$80 per day and the Commonwealth the remainder.
- (3) For fiscal year 1984-1985, the county shall pay \$40 per day and the Commonwealth the remainder. Thereafter the Commonwealth shall pay all costs.

Section 4. The act of July 9, 1976 (P.L.817, No.143), known as the "Mental Health Procedures Act," is repealed insofar as inconsistent with the provisions of 18 Pa.C.S. § 314 (relating to guilty but mentally ill) and 42 Pa.C.S. § 9727 (relating to disposition of persons found guilty but mentally ill).

Amend Sec. 3, page 6, line 27, by striking out "3" and inserting

5

On the question recurring,

Will the House agree to the amendments?

AMENDMENTS DIVIDED

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I would like to ask the Chair further that section 4 of that amendment not be considered and that we only consider section 3. I believe section 4 was added to the amendment incorrectly.

The SPEAKER pro tempore. The gentleman, as understood by the Chair, wishes to withdraw from the amendment section 4 of the amendment, which starts, "The act of July 9, 1976,..." and goes on. Is that correct?

Mr. PICCOLA. Yes, Mr. Speaker. It would only deal with the funding provisions then in section 3.

The SPEAKER pro tempore. The gentleman may continue.

Mr. PICCOLA. Thank you, Mr. Speaker.

This amendment, section 3 of amendment 8761, would gradually phase out the county's responsibilities for the payment of costs for the treatment of the individuals committed under this bill as well as those committed to Farview. The provisions of the amendment would provide that the counties would pay \$120 per day during the current fiscal year. That would drop to \$80 a day in the next fiscal year, down to \$40 a day in the next fiscal year, and the county support would be completely eliminated thereafter.

The SPEAKER pro tempore. The question recurs, will the House agree to the amendment offered by the gentleman, Mr. Piccola, that part of the amendment known as section 3?

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

Mr. A. K. HUTCHINSON. May I interrogate Mr. Piccola?

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

Mr. A. K. HUTCHINSON. Mr. Speaker, in your amendment do you also take the costs that the counties are now paying—and they go aboveboard—away? Do you mean you take all of the costs of going to a mental institution, the ones they are paying now and the ones they are going to pay afterward?

Mr. PICCOLA. Yes, Mr. Speaker.

Mr. A. K. HUTCHINSON. How about the ones who are found innocent but mentally ill?

Mr. PICCOLA. Will the gentleman repeat his question, please?

Mr. A. K. HUTCHINSON. What about the ones who are innocent but are mentally ill and are put into Farview or some other hospital? Who pays that cost?

We had a case in Westmoreland County. A person was found innocent in burning a trailer down, but they sent him to an institution because of insanity. Now, who pays that cost? It happened last week.

Mr. PICCOLA. The Commonwealth pays that cost.

Mr. A. K. HUTCHINSON. I beg your pardon?

Mr. PICCOLA. The Commonwealth.

Mr. A. K. HUTCHINSON. In this bill?

Mr. PICCOLA. This bill does not address that situation, Mr. Speaker.

Mr. A. K. HUTCHINSON. Thank you.

On the question,

Will the House agree to the amendments as divided?

The following roll call was recorded:

YEAS—192

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

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

NAYS—0

NOT VOTING—4

Alden	Emerson	Gray	Kolter
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EXCUSED—3

Fleck	Frazier	Petrarca
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The question was determined in the affirmative, and the amendments as divided 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 pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

Mr. LEVIN. Mr. Speaker, we have had a great deal of conversation about this bill for the last couple of hours, and we have not touched on the bill at all. I find myself in the very difficult position of thinking that insanity applies to my rising to try and stop this bill since, as I look around the floor, I do not think there are four people listening, but being a glutton for punishment, I will rise to tell you that you are voting for a bad bill.

It is very difficult to argue with the sponsor of the bill, because he is not here on the floor, but for those of you who would care to look in your sections and look at the bill for a second, you will find on page 2 of the bill, line 19, a definition of "mentally ill," and on line 23 you will find a definition of "legal insanity." Now, I defy anyone on this floor to stand and tell me the difference between the definition of "mentally ill" and the definition of "legal insanity." I will wait for someone, anyone on this floor. This, Mr. Speaker, is an interrogation to the entire 203 members standing here. I ask someone on the floor to stand and tell me the difference in the language that this bill imposes on a jury to decide the difference between someone they are going to find guilty but men-

tally ill and someone they are going to find legally insane. I will wait for a response.

The SPEAKER pro tempore. Does the gentleman from Centre, Mr. Cunningham, wish to respond?

Mr. CUNNINGHAM. Mr. Speaker, do I understand correctly that it is the Chair's intention to vote the bill right now?

The SPEAKER pro tempore. That is correct.

Mr. CUNNINGHAM. Mr. Speaker, this is a very complicated bill that has been amended, and it would be my hope that it would be reprinted to be voted finally tomorrow.

The SPEAKER pro tempore. It is my understanding the bill will be voted today.

Mr. CUNNINGHAM. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman, Mr. Levin, have further remarks?

Mr. LEVIN. Mr. Speaker, I just asked whether there is a single member in this House who has read the bill and is willing to stand and tell me what this bill is about. You are all going to vote for a bill. Is there anyone here who understands it? Well, it is silly; no one cares. Just no one cares; no one cares.

I will tell you that the statement of legal insanity in this bill is the statement of the M'Naughten Rule, which has been the law of Pennsylvania since its formation. I will tell you further that that test is the test that people around the country are now reverting to, because they now understand that we stayed in the proper section of the law. I will further tell you that this bill is a rotten subterfuge. It is an attempt to get around the existing law by deceiving the jury. It will create enormous problems for a jury. It will remove a legitimate test.

There is a basic rule that this House should follow, which is, "when it ain't broken, don't fix it," and I will tell you that the law in Pennsylvania is not broken. The Hinckley matter would not have occurred in Pennsylvania because we have the M'Naughten test. The only thing we have done today with which I agree is check Mr. Piccola's changing of the burden of proof. That was proper, and as I told Mr. Piccola, it was the right action, but the rest of this bill is leading us into uncharted waters.

I predict that those of you who are here for a long time will come back to rue the day you passed this, because the costs in this bill are impossible to determine. There will be all kinds of suits for people who will be found guilty but mentally ill who will demand treatment under this bill. I do not think that is a bad result, and if the intent of the author of this bill was to provide treatment for people who are incarcerated in Pennsylvania, I would support that attempt. We have many people in our jails who belong in a facility where they will receive help. This bill is not designed to help those people. This bill is designed to trick the jury, and there is not a single person on this floor who has had the courage to look it straight in the eye.

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

Mr. H. WILLIAMS. Mr. Speaker, I request to interrogate the prime sponsor of the bill or Mr. Piccola, the prime proponent, authoritative speaker.

The SPEAKER pro tempore. The gentleman, Mr. Piccola, indicates that he will stand for interrogation. The gentleman, Mr. Williams, may proceed.

Mr. H. WILLIAMS. Mr. Speaker, in that you are probably the most knowledgeable, I would like to ask first, does this bill eliminate—

POINT OF ORDER

Mr. RICHARDSON. A point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Philadelphia, Mr. Richardson, will state his point of order.

Mr. RICHARDSON. Mr. Speaker, I would like to state a point of order.

Because of the fact that this bill probably is a very serious bill dealing with the mentally ill in this Commonwealth and basing it on some facts that are going to result in either incarcerating someone or putting them in a mental institution, I would like the House to be in order.

The SPEAKER pro tempore. The gentleman is entirely correct.

The gentleman, Mr. Williams, may proceed.

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

Mr. Speaker, in your judgment, does this bill eliminate the defense of insanity in Pennsylvania?

Mr. PICCOLA. No, it does not, Mr. Speaker, in my opinion.

Mr. H. WILLIAMS. Does this bill, in addition to having the defense of insanity, in your judgment, add another defense or mitigating factor of mentally ill? In other words, would it be your judgment that this bill provides for defendants an additional factor of defense or mitigation that they do not presently have?

Mr. PICCOLA. Yes. It provides for the possible finding of guilty but mentally ill.

Mr. H. WILLIAMS. I am sorry, Mr. Speaker. I cannot hear you.

Mr. PICCOLA. It provides, Mr. Speaker, for another finding by the trier of fact or for a plea of guilty but mentally ill.

Mr. H. WILLIAMS. In which case the defendant would have a better situation than if he were just found guilty. Would you agree with that?

Mr. PICCOLA. I do not think I would care to render an opinion on that.

Mr. H. WILLIAMS. Well, I mean to say the bill says one is mentally ill if they lack substantial capacity to appreciate the wrongfulness of their conduct or conform to law. Is it not a recognition that that particular defendant is not as responsible as a defendant who is not mentally ill—would you agree with that—and therefore would be treated differently than one who did not have a mental illness?

Mr. PICCOLA. The provisions for an individual found guilty but mentally ill are different than those for defendants found guilty; yes, Mr. Speaker.

Mr. H. WILLIAMS. Now, if a defendant is found guilty of a crime for which we have in the legislature mandated a sen-

tence, if a defendant committed a crime for which we have mandated a sentence of 5 years, he would go to jail for 5 years. Correct?

Mr. PICCOLA. Yes, Mr. Speaker.

Mr. H. WILLIAMS. And a person who might have committed the same offense but who is found mentally ill would not be subject to going to jail for 5 years. Am I correct in that?

Mr. PICCOLA. That is not clear under the bill. There would be a mandated minimum sentence of 5 years or more if the sentencing judge so decided.

Mr. H. WILLIAMS. In other words, a person found guilty but mentally ill of one of those crimes that we mandate a sentence for, the judge, liberal or conservative, would have discretion. Is that correct? You said according to the discretion of the judge.

Mr. PICCOLA. Mr. Speaker, an individual defendant found guilty but mentally ill would still be subject to the same sentencing procedures as a defendant found guilty, and if the offense required a mandatory minimum of 5 years, then he would receive that mandatory minimum, at least that mandatory minimum.

Mr. H. WILLIAMS. Mr. Speaker, you are saying that a person found guilty but mentally ill would receive the same 5-year mandated sentence as someone who was guilty of the crime but who had no mental illness? Is that what you are saying?

Mr. PICCOLA. That is true. The only difference is the treatment available to the individual found guilty but mentally ill.

Mr. H. WILLIAMS. Mr. Speaker, are you positive of what you just said? That concerns me. Are you positive of that? I am not trying to get you in a corner, but it surprises me. Is that so?

Mr. PICCOLA. The individual found guilty but mentally ill is subject to the same sentencing procedures as any individual found guilty. The difference between the two is the treatment that is available to that individual who is found to be guilty but mentally ill.

Mr. H. WILLIAMS. Mr. Speaker, then the difference is that a mentally ill person who is convicted gets treatment, and a person who is not gets no treatment. Is that the difference?

Mr. PICCOLA. I think that is one of the differences, yes, Mr. Speaker.

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

The SPEAKER pro tempore. Has the gentleman concluded his interrogation?

Mr. H. WILLIAMS. Yes. Yes, I have, Mr. Speaker.

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

Mr. H. WILLIAMS. Mr. Speaker, I am more concerned than I was before the interrogation about just where this bill goes. I think that those of us who criticize liberal judges and those of us who criticize conservative judges ought to pay very close attention to what this bill does.

It clearly changes the law, and I suggest that if the Senators who sent this bill over to us say we are going to retain the

defense, the basic defense of insanity, I say to everybody here that that will stay in our law, and whatever a defendant's attorney does or whatever the prosecution does will happen. But what is very interesting here is that somebody in the Senate has told us that they are going to add something new and different, that they are going to give some defendants a status of mentally ill; something additional.

I tried to demonstrate with Mr. Piccola that in this procedure, defendants who are considered mentally ill get something more than those other fellows who do not have that. Mr. Piccola says, no, we treat them equally; they get the same penalty. If that is so, how radical a thought for us very fair legislators to treat someone whose mental capacity does not allow them to be like the hardened criminal. I just know that in our hearts of hearts we are not like that. We do not treat mentally ill people the same way we do some hardened, callous thug, who is so callous that we are forced to say we mandate a sentence and we do not trust the judge. If in fact we are saying that we want these Senators to force us to treat sick people the same as callous criminals, I think there is something radically wrong in our thoughts and reflections.

On the other hand, I suspect that Mr. Piccola is wrong. I suspect that there is a recognition that we ought to treat these people just a little bit different, a little bit more sensitively, a little bit more compassionately, and a little bit more in comportment with common sense and morality. So if this legislature is in tune with the times and if we are concerned about cutting off opportunities for crime, then we ought to recognize that this bill, sent here by the Senate, gives people an additional out, an additional process to be treated a little bit different. Indeed it is a more liberal bill. This is not a law-and-order bill. It may be confused, but it is not a law-and-order bill, and anybody who thinks we have to get tough on criminals had better understand this does not address Hinckley; this does not address any of that. This gives an additional way for lawyers to get someone to avoid a mandated sentence, get him off the hook, or whatever. And it is fundamentally complicated by what Mr. Levin pointed out. There is absolutely no difference in here between mentally ill and the test of insanity, and so if someone is found mentally ill, they are going to come to an appeals court and say, I was found by a jury insane by the same standards of insanity, and I must go free. They are going to do that.

So I say in summary that we in the House should not take an idle, surface look at a very basic proposition sent by the Senate, when common sense looking at this bill shows that it adds something, legal terms, that we do not know much about. Frankly, my opposition comes from the confusion it would create. I do not want anybody to get on or off; I think the standard should be clear. The one thing that this bill promotes for us is confusion. Our citizens do not deserve it; the defendants do not deserve it; the judges do not deserve it; and we do not deserve it.

There is always a reference to a liberal judge. I guess this means someone who causes a problem, and I have heard judges repeatedly talk about gaps and omissions left by a legislative body. And maybe we are torn between liberal judges

and a dumb legislature, and I say "dumb," Mr. Speaker, not with castigation, but I say "dumb" with the dictionary meaning, which says "lacking sometimes in the capacity for the use of intelligence." And so, should we send a law to the liberal judges who will look at it and say, how dumb the legislature, and we have to send the criminal home. I ask you not to do that in the name of our responsibility, not to do that in the name of what Mr. Levin tried to point out in terms of the constitutional law, and last of all, in the name of our citizens, it just is not right. It just is not right for us to send an important piece of legislation, a law which puts them in a worse condition than we found them. Thank you.

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

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

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

Mr. RICHARDSON. Mr. Speaker, are there presently any statistics that you have that could bear witness to the number of persons presently falling in the category of guilty but mentally ill in this Commonwealth?

Mr. PICCOLA. Mr. Speaker, it would be impossible to estimate the number of individuals who might be found guilty but mentally ill in this Commonwealth in any one year. Now, we could give you some statistics on the use of the insanity defense and the successful use of the insanity defense.

Mr. RICHARDSON. I am sorry. I hate to act like I am not hearing, but I am not hearing, and I did not hear your response to my question.

Mr. PICCOLA. I said it would be impossible to give you any statistics on how many individuals are guilty but mentally ill within the Commonwealth, because that is a nonexistent category as of now. We do have some statistics on the individuals who have successfully used the insanity defense in Pennsylvania.

Mr. RICHARDSON. Okay. Could I get that figure then if that would be applicable to this bill if in fact this were to pass? Can I get that statistic if it is possible on the insanity, the number of those who are insane, if that is going to be applicable to SB 171?

Mr. PICCOLA. Mr. Speaker, during the last 3 years—that is, 1979, 1980, and 1981—in Pennsylvania we have had 16 individuals found not guilty by reason of insanity in 1979, 17 in 1980, and 20 in 1981.

Mr. RICHARDSON. Okay. Thank you, Mr. Speaker, on that point.

I am concerned now, Mr. Speaker, with those who are presently incarcerated who for some reason because of the Mental Health Act and the problems that have centered around such a piece of legislation being brought to bear in front of us, how we are going to resolve the question of those who need to be treated in this Commonwealth who are in fact then found guilty but mentally ill, because it is my understanding presently that while we have many persons who are found guilty in the Commonwealth who need mental attention, somehow

they are not being treated. I wanted to know whether or not you felt, based on the information that has been applied in this proposal, whether or not that would cover those individual persons. That is a major problem at the present time in the Commonwealth in our State prisons, and I would like to know whether or not you feel at this time that based on the information that has now been incorporated in this bill, whether or not it will cover those persons.

Mr. PICCOLA. Mr. Speaker, there is nothing in SB 171 that will address the situation of those currently in the correction system who may need mental health services. There is nothing in SB 171 that will address that issue. The individuals in that situation have to proceed under the Mental Health Procedures Act and the law already on the books in that regard. There have been efforts underway to increase the services to those individuals during the last few years.

Mr. RICHARDSON. Okay.

One final question, Mr. Speaker, and I will be finished. On page 4, line 24, where it says, "Discharge report.—When a treating facility designated by either the Bureau of Correction or the Department of Public Welfare discharges such a defendant from treatment prior to the expiration of his maximum sentence, that treating facility shall transmit to the Pennsylvania Board of Probation and Parole, the correctional facility or county jail to which the offender is being returned, and the sentencing judge,..." et cetera, I want to know how the determination or what will be the determining factor inside one of these treating facilities. Will it be a report from the doctor or doctors that will determine what the Department of Public Welfare and also the Bureau of Correction will get based on the treatment that was given to the individual? It does not say, Mr. Speaker.

Mr. PICCOLA. Mr. Speaker, I believe, in response to your question, the answer is that the physician and psychologist who would be administering the treatment plan for the individual, based upon his response to treatment, would be making this particular report.

Mr. RICHARDSON. But would you agree with me, Mr. Speaker, that it is not here where it says "Discharge report"? Would you agree with me that it is not written in this bill to say that specifically?

Mr. PICCOLA. I would disagree, Mr. Speaker. It says that the "...treating facility shall transmit to the Pennsylvania Board of Probation and Parole,..." and I believe, by implication, the treating facility includes those doctors and psychologists who are implementing the treatment plan.

Mr. RICHARDSON. I just said specifically, Mr. Speaker, it does not say that though, does it, Mr. Speaker?

Mr. PICCOLA. Mr. Speaker, under the Mental Health Procedures Act, all of what I have said is implicit in the definition of a treatment facility, so it does not have to say it in those specific words. It is, by cross-referencing, implied.

Mr. RICHARDSON. Well, sometimes implications can be left up to the beholder based on who that individual person is. The only thing that I am trying to determine at this point, if it is not in fact written, then the lawyer may have another reason to escape, for while they feel that the treating facility, based

on the statement, may not be precise— But we do not have to go into that, Mr. Speaker. I just wanted to point out that it is an omission that is not there, and I in fact feel that it is necessary to be there.

I have no further questions. I would like to ask, Mr. Speaker, if I can address myself to SB 171.

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

Mr. RICHARDSON. Mr. Speaker, I am very concerned with SB 171 in the fact that we have brought another piece of legislation hurriedly before the members of this House of Representatives—just amended on September 13, 1982—brought before this body to make a very hasty decision on something that I feel needs a lot of study. If there are 16, 20, or 25 cases in the Commonwealth that fall in this category, it seems to me that we should be taking careful scrutiny in terms of making decisions and determining how we proceed on such a matter. If it is possible, I would hope that in the wisdom of those members who are on the Judiciary Committee, perhaps this bill needs to receive further study and also documentation dealing with this piece of legislation.

It seems to me that when we talk about mentally ill persons in this Commonwealth and the problems centered around those in fact who are insane, I am not trying to find an escape route for those persons who may be able to be taken into a court of law and, just because they plead guilty but because they are mentally ill, should be allowed to get away with the problems that we have within our community. It seems to me that we are going to have a number of persons now who will be pleading guilty but mentally ill in hopes of receiving some treatment, but there is no guarantee that in fact the facility will be available for them to go to.

It is quite obvious that a number of persons inside the institutions who presently are incarcerated under the Bureau of Correction already have some problems, and it was already noted by Mr. Piccola that this does not even cover those persons incarcerated. I think that we have a responsibility to the citizens of this Commonwealth to make sure that we cover that. Not just because this is an election year and because we are going to the polls on November 2 do we want to rush and act like we want to respond to a call of the country because of what happened to President Ronald Reagan and not deal with the problems that face people on a daily basis within and without the community.

I think the whole Mental Health and Mental Retardation Act needs to be revised, because there are many persons who are walking the streets today who are not only a danger to themselves but also a danger to this society. Unless we address this in a comprehensive manner, piecemealing it step by step in a fashion like we are doing now only puts a Band-Aid on cancer, and I do not believe that we are getting at the root cause of the problem of the mentally ill persons in the Commonwealth of Pennsylvania.

For those reasons, Mr. Speaker, I would ask for a negative vote on this bill and ask that we seriously look at how we begin to get at crime and the auspices of what creates crime or spawns crime within our community as opposed to just

passing a piece of legislation for the expediency. Thank you very much.

On the question recurring,
Shall the bill pass finally?

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

YEAS—182

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

NAYS—10

Barber	Harper	Richardson	Williams, H.
Deal	Levin	Wiggins	Williams, J. D.
Evans	Oliver		

NOT VOTING—4

Alden	Emerson	Hoeffel	Kolter
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EXCUSED—3

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with

amendment in which the concurrence of the Senate is requested.

REMARKS ON VOTES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Franklin, Mr. Bittle.

Mr. BITTLE. Mr. Speaker, in the morning part of today's session, I was temporarily out of my seat and missed the roll calls on HB 1055 and HB 2463. I would like the record to show that had I been in my seat, I would have voted in the affirmative.

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

SB 1119 RECONSIDERED

The SPEAKER pro tempore. It has been moved by Mr. Laughlin, seconded by Mr. Stewart, for the reconsideration of the vote by which SB 1119, PN 1326, was passed on September 21, 1982.

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

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

Mr. LAUGHLIN. Mr. Speaker, I would ask for the reconsideration of the vote. It is not my intent in any way to hold up passage of the bill. I merely wish to offer the amendment that I have drafted to it, and I would ask that tomorrow we take it up and vote on it. Since the Senate is not in session, it in no way will hold up the legislation. I ask the consideration of the House for the reconsideration motion. Thank you.

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

The following roll call was recorded:

YEAS—189

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

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

NAYS—1

Hoeffel

NOT VOTING—6

Alden	Emerson	Levin	Salvatore
Daikeler	Koiter		

EXCUSED—3

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

On the question recurring,
Shall the bill pass finally?

DECISION OF CHAIR REVERSED

The SPEAKER pro tempore. Without objection, the Chair withdraws its decision as to the bill having been agreed to on third consideration. The Chair hears none.

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

BILL PLACED ON THIRD CONSIDERATION POSTPONED CALENDAR

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

Mr. LAUGHLIN. Mr. Speaker, I move that SB 1119 be placed upon the third consideration postponed calendar.

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED**SB 1206, PN 2137 (Amended)**

By Rep. PICCOLA

A Supplement to the act of July 9, 1976 (P. L. 586, No. 142), entitled "Judiciary Act of 1976," adding certain provisions of existing law to and making conforming, redesignation and editorial changes in certain provisions of the Pennsylvania Consolidated Statutes, making revisions, corrections and additions relating to judiciary and judicial procedure, including certain judi-

cially enforceable rights, duties, immunities and liabilities and repealing certain acts and parts of acts supplied by the act as heretofore supplemented and as supplemented hereby.

JUDICIARY.**SB 1253, PN 1852**

By Rep. PICCOLA

An Act amending Titles 2 (Administrative Law and Procedure) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for preenforcement appeal of regulations.

JUDICIARY.**ANNOUNCEMENT BY MAJORITY LEADER**

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

Mr. HAYES. Mr. Speaker, the members are asking what time we will convene tomorrow morning. We will convene at 11 a.m.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears none.

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lackawanna, Mr. Cawley.

Mr. CAWLEY. Mr. Speaker, I move that this House do now adjourn until Wednesday, September 22, 1982, at 11 a.m., e.d.t.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 4:16 p.m., e.d.t., the House adjourned.