

HB 1459 By Representatives DAVIES, GRIECO, WENGER, MADIGAN, COLE, STUBAN, LUCYK, SHOWERS, W. W. FOSTER, MOWERY, GALLEN and CALTAGIRONE.

Prior Printer's Nos. 1662, 2260, 3675.  
Printer's No. 3766.

An Act relating to dogs, regulating the keeping of dogs; providing the licensing of dogs and kennels; providing for the protection of dogs and the detention and destruction of dogs in certain cases; regulating the sale and transportation of dogs; declaring dogs to be personal property and the subject of theft; providing for the assessment of damages done to livestock, poultry and domestic game birds; providing for payment of damages by the Commonwealth in certain cases and the liability of the owner or keeper of dogs for such damages; imposing powers and duties on certain State and local officers and employees; providing penalties; and creating a Dog Law Restricted Account.

Referred to JUDICIARY, May 12, 1981  
Reported as amended, Oct. 6, 1981  
First consideration, Oct. 6, 1981  
Laid on the table, Oct. 6, 1981  
Removed from table, Oct. 13, 1981  
Second consideration, Oct. 14, 1981  
Third consideration and final passage, Oct. 21, 1981 (187-3)

In the Senate  
Referred to AGRICULTURE AND RURAL AFFAIRS, Oct. 21, 1981

Reported as amended, Nov. 9, 1982  
First consideration, Nov. 9, 1982  
Second consideration, Nov. 17, 1982  
Third consideration and final passage, Nov. 22, 1982 (44-1)

In the House  
House non-concurred in Senate amendments, Nov. 23, 1982 (3-179)

In the Senate  
Senate insists on its amendments non-concurred in the House, Nov. 23, 1982

In the House  
House insists on its non-concurrence in Senate amendments, Nov. 24, 1982

House appoints Representatives DAVIES, GREENWOOD and LLOYD a committee of conference, Nov. 24, 1982

In the Senate  
Senate appoints Senators MOORE, HOWARD and STAPLETON a committee of conference, Nov. 24, 1982

In the House  
Conference committee report presented in House, Nov. 24, 1982

In the Senate  
Conference Committee report presented and laid on the table, Nov. 24, 1982

In the House  
Conference committee report adopted by House, Nov. 29, 1982 (138-51)

(Remarks see House Journal), Nov. 29, 1982  
In the Senate

Conference committee report adopted by Senate, Nov. 30, 1982 (41-6)

Signed in House, Nov. 30, 1982

Signed in Senate, Nov. 30, 1982

In hands of the Governor, Dec. 1, 1982

Last day for action, Dec. 31, 1982

Approved by the Governor, Dec. 7, 1982

Act No. 225

HB 1460 By Representative CIMINI.

Printer's No. 1663.

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for financial disclosure outside of purview of judicial administration.

Referred to JUDICIARY, May 12, 1981

HB 1461 By Representative CIMINI.

Printer's No. 1664.

An Act amending the act of October 4, 1978 (P. L. 883, No. 170), referred to as the Public Official and Employee Ethics Law, requiring candidates to agree to abide by the provisions of the act as a condition to their taking the oath of office.

Referred to STATE GOVERNMENT, May 12, 1981

HB 1462 By Representative CIMINI.

Printer's No. 1665.

An Act amending the act of October 4, 1978 (P. L. 883, No. 170), referred to as the Public Official and Employee Ethics Law, requiring attorneys to agree to abide by the provisions of the act as a condition of State employment.

Referred to STATE GOVERNMENT, May 12, 1981

HB 1463 By Representative CIMINI.

Prior Printer's No. 1666. Printer's No. 2739.

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding the imposition of sales taxes on Federal excise taxes on the sale of tires.

Referred to FINANCE, May 12, 1981  
Reported as amended, Jan. 18, 1982  
First consideration, Jan. 18, 1982  
Laid on the table, Jan. 18, 1982  
Removed from table, Jan. 25, 1982  
Re-committed to APPROPRIATIONS, Jan. 26, 1982

HB 1464 By Representatives McVERRY, MARMION, CESSAR, TADDONIO, DAWIDA, MICHLOVIC, HEISER, HOFFEL, POTT, NAHILL, KOWALYSHYN, RYBAK, NOYE, PUNT, GAMBLE, BOWSER, KUKOVICH, GRUITZA, MORRIS, SIEHINSKI, HALUSKA, PRATT, ARTY, SWALM, SOGAN, BLAUM, GRABOWSKI, MILLER, BURD, PRAZIER, LETTERMAN, ALDEN, ITKIN, HAGARTY, LAUGHLIN, SAURMAN, LASHINGER, CORDISCO, PISTELLA, REBER, ROCKS, JOHNSON, DAIKELER, CORNELL, GLADECK and GREENWOOD.

Printer's No. 1667.

An Act amending "The Pennsylvania Workmen's Compensation Act," approved June 2, 1915 (P. L. 736, No. 338), authorizing political subdivisions to enter into agreements for joint self-insurance.

Referred to LABOR RELATIONS, May 12, 1981

HB 1465 By Representatives McVERRY, CESSAR, TADDONIO, FLECK, MARMION and HEISER.

Printer's No. 1668.

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for the duties of the constables in counties of the second class.

Referred to STATE GOVERNMENT, May 12, 1981

|            |            |             |                 |
|------------|------------|-------------|-----------------|
| Cornell    | Irvis      | Petrarca    | Wambach         |
| Coslett    | Itkin      | Petrone     | Wargo           |
| Cowell     | Jackson    | Phillips    | Wenger          |
| Cunningham | Johnson    | Piccola     | Weston          |
| DeVerter   | Kennedy    | Pievsky     | Wiggins         |
| DeWeese    | Klingaman  | Pitts       | Williams, H.    |
| Daikeler   | Kowalshyn  | Pott        | Williams, J. D. |
| Davies     | Kukovich   | Pratt       | Wogan           |
| Deal       | Lashingier | Pucciarelli | Wozniak         |
| Dietz      | Laughlin   | Punt        | Wright, J. L.   |
| Dininni    | Lehr       | Rasco       | Wright, R. C.   |
| Dombrowski | Lescovitz  | Reber       |                 |
| Donatucci  | Levi       | Richardson  | Ryan,           |
| Dorr       | Levin      | Rieger      | Speaker         |
| Duffy      | Lloyd      | Ritter      |                 |

NAYS—31

|          |           |           |               |
|----------|-----------|-----------|---------------|
| Belardi  | Gannon    | Moehlmann | Stevens       |
| Belfanti | George    | Murphy    | Swift         |
| Blaum    | Grabowski | Olasz     | Telek         |
| Boyes    | Hasay     | Pistella  | Tigue         |
| Cawley   | Lewis     | Rappaport | Wass          |
| Dawida   | Livengood | Seventy   | Wilson        |
| Fargo    | Manderino | Sirianni  | Wright, D. R. |
| Fischer  | Miscevich | Steighner |               |

NOT VOTING—5

|         |            |        |       |
|---------|------------|--------|-------|
| DeMedio | Greenfield | Kolter | Swaim |
| Gray    |            |        |       |

EXCUSED—6

|         |         |           |       |
|---------|---------|-----------|-------|
| Brown   | Fryer   | Letterman | Zwikl |
| Emerson | Gruitza |           |       |

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.

**REPORT OF COMMITTEE OF CONFERENCE CONSIDERED**

Mr. DAVIES called up for consideration the following Report of the Committee of Conference on **HB 1459, PN 3766**, entitled:

An Act relating to dogs, regulating the keeping of dogs; providing the licensing of dogs and kennels; providing for the protection of dogs and the detention and destruction of dogs in certain cases; regulating the sale and transportation of dogs; declaring dogs to be personal property and the subject of theft; providing for the assessment of damages done to livestock, poultry and domestic game birds; providing for payment of damages by the Commonwealth in certain cases and the liability of the owner or keeper of dogs for such damages; imposing powers and duties on certain State and local officers and employees; providing penalties; and creating a Dog Law Restricted Account.

On the question,

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

The SPEAKER. Does the gentleman from Somerset, Mr. Lloyd, desire recognition?

Mr. LLOYD. Yes, Mr. Speaker.

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

Mr. LLOYD. Mr. Speaker, I rise to oppose this conference report.

Mr. Speaker, so the members are aware, when this bill was last before us, it was about a 2-page piece of legislation. It went to conference and came back as a 40-page piece of legislation which includes a complete recodification of the State's Dog Law. Now, according to information distributed on the floor of the House, it has been 61 years since this legislature last rewrote the Dog Law, and I would suggest, Mr. Speaker, that a bill as controversial as this one has been, if we could wait 61 years, we can wait another couple of months to give the members of this House of Representatives and the members of the Senate the right and the opportunity to offer amendments, to clarify certain provisions of this bill, and to also call into question some policies which have been contained in the existing Dog Law and carried over into this bill as well as some new policies being enunciated in this bill.

Now, Mr. Speaker, let me try to be as precise and to the point as I can be. First, the members should be aware that what this bill does is raise the fee for dog licenses. What this bill also does is raise the kennel license fee for virtually every kennel in the State. For example, if you have a male dog, you are now paying \$1 for a license. Under this bill you will be paying \$4.50 plus another 50 cents to the county treasurer. If you are a kennel licensee, a kennel owner, who owns a small kennel, your fees are being increased in a disproportionate amount compared to the larger kennels. Furthermore, Mr. Speaker, some kennel owners seem to be hit with fee increases in the order of 50 percent or more, whereas the boarding kennels can have an unlimited number of dogs and pay only \$35 a year for their license.

There is no obvious rationale to the way these various fees are laid out, Mr. Speaker. The bottom line justification for these increases is that we need the money to improve Dog Law enforcement. But, Mr. Speaker, we are going to raise about 2.75 additional millions of dollars for Dog Law enforcement under this bill, but this bill is silent as to how that money is to be allocated. There is nothing in this bill that guarantees that those counties, a dozen or more right now, which do not have Dog Law officers are going to get one. There is nothing in this bill that guarantees how much money is going to go to each county. There is nothing in this bill that tells the Secretary of Agriculture what standards he is to follow in deciding to whom to award money.

Mr. Speaker, I guess the final thought, because it seems that not too many people really want to get into this, the final thing that I would like the members to be aware of, before they hear from Mr. Greenwood, is that this legislation is opposed by the Pennsylvania Federation of Sportsmen. It is also opposed by the Pennsylvania Dog Owners' Protective Association.

So, Mr. Speaker, at this point I would urge the members to vote against the bill, because I think we need more time to consider something which has roused the opposition of those groups which have in the past been groups whose concerns we have been very much concerned with in this body. Thank you, Mr. Speaker.

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

I would like to make some comments on the bill, if I may. I rise to urge adoption of the Conference Committee Report on HB 1459. This bill has been amended to include the so-called "puppy mill" bill. For the benefit of the members, a puppy mill is a place where dogs are bred on a mass scale, often under miserably cruel conditions. Puppy mills are a relatively recent phenomenon in Pennsylvania. The rising cost of shipping dogs to east coast pet stores from the midwest has created a demand for local mass breeding operations. Consequently, it is now imperative that the Department of Agriculture be able to locate, inspect, and regulate breeding facilities to insure that dogs receive adequate food, water, shelter, sanitation, and veterinary care.

The problem that we have is twofold. First, current law does not require that these kennels be licensed. Secondly, the Bureau of Dog Law Enforcement is so inadequately funded that at least seven counties do not even have a dog warden to carry out Dog Law enforcement.

This conference committee report solves these problems. It requires that every kennel that houses more than 25 dogs in a year be licensed. By means of a modest increase of \$1.50 in the dog license fee and the establishment of a Dog Law restricted account, this legislation enables the Department of Agriculture to do its job.

Additionally, this bill provides the dog owner an opportunity to save money by purchasing for his or her dog a lifetime license that need never be renewed. Licenses for senior citizens are reduced by half. Free licenses are provided for Seeing Eye and other guide dogs for the handicapped as well as for local and State police dogs. For the first time, all surplus funds will be made available to counties and humane organizations that provide dog control services. Also for the first time, all fine money paid as the result of enforcement by a municipal police officer will revert to the township or borough treasury.

The bill requires that a \$100,000 indemnity fund be maintained to provide compensation to farmers whose poultry or livestock is killed by stray dogs.

Under current law an unlicensed stray dog can be immediately destroyed. This legislation requires humane organizations and other shelters to hold a dog for at least 2 days to provide its owner the opportunity to claim it. A licensed stray dog cannot be destroyed until at least 5 days after the return of receipt of a registered letter sent to its owner. In the case of a dog abandoned in a veterinary or boarding facility, its owner must be notified by registered return-receipt mail and the dog kept for at least 12 days after return of that receipt. The minimum fine for intentionally abandoning a dog has been increased to \$300.

Finally, this legislation provides for the adequate training of all State dog wardens and creates a Dog Law enforcement advisory committee composed of representatives from the Veterinary Medical Association, humane societies, sportsmen's associations, dog clubs, animal research establishments, dog dealers, the Pennsylvania Farmers Association, and State Grange.

Mr. Speaker, this is a good, carefully drafted, and humane bill. It is supported by farm organizations, the Department of Agriculture, by humane organizations, and, I believe, by most dog owners in the Commonwealth. It deserves our support, too, and I urge you to take this opportunity to end this session on a positive and compassionate note and pass this bill.

Those are my prepared remarks, Mr. Speaker. I would like briefly to speak to a couple of points.

The SPEAKER. The Chair recognizes the gentleman.

Mr. GREENWOOD. Thank you, Mr. Speaker.

One of the points that Representative Lloyd made had to do with the allocation of the surplus funds, which under this legislation we can now make available to counties and to humane organizations. Representative Lloyd makes the comment that there are not specific guidelines for the distribution of these funds. That is for a very necessary reason. A humane organization that wants to get started may need from the department an extra-sized grant, a larger grant than an organization that may be functioning already and just needs some help with operational expenses. So we have left to the discretion of the department the opportunity to provide the funds to meet the grant requests as they are needed and where they are needed.

Secondly, there was a statement made by Representative Lloyd as to who opposes this bill. First off, the Dog Owners' Appropriations Association is, to my knowledge, a recently formed band of puppy millers who are protecting their own commercial interests in this issue and have not really added significantly to the constructive work on this bill.

As far as the sportsmen go, we did receive a letter early on from the Federation of Sportsmen that was based on some erroneous information about the bill. To the best of my knowledge and as recently as this afternoon, those misconceptions have been cleared, and I do not believe there is any unified opposition to this bill by the sportsmen; in fact, to the contrary. Thank you.

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

Mr. GRIECO. Thank you, Mr. Speaker.

I hope the members can hear me. I have a cold and I lost my voice at Penn State on Saturday.

I would like to say on this dog bill, my staff and I have worked very, very hard trying to compromise with all sides. We have had hearings in Harrisburg. We have asked our different Representatives to come up with amendments. Anything they recommended within reason we could take care of. We have had many, many meetings. As the chairman of the Ag Committee, I received many, many letters, many telegrams, many, many phone calls in favor of the bill, and I did receive certain groups' objections to the bill, but I think with all the meetings that we had, everyone had a fair chance at it. We came up with the best compromise we could come up with. I strongly urge a "yes" vote on this bill. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

May I interrogate Representative Greenwood?

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

Mr. STUBAN. Mr. Speaker, you say that this is going to answer all the problems of the dog bill and that there is going to be an indemnity fund set up that will protect the farmer. If an unlicensed dog kills a cow, who pays the bill?

Mr. GREENWOOD. If an unlicensed dog kills any livestock and the owner of that dog cannot be located, then under existing regulations and procedures within the department, the department will pay for those damages.

Mr. STUBAN. If a licensed dog kills that same animal, who pays the bill?

Mr. GREENWOOD. If a licensed dog kills an animal or damages an animal and the owner can be traced, which obviously he can when the dog is licensed, then that pet owner is responsible for the damage.

Mr. STUBAN. What percentage of the dogs in the State of Pennsylvania are licensed today?

Mr. GREENWOOD. A little more than half is my understanding.

Mr. STUBAN. And what does this bill do? Does this bill guarantee that we are going to license more than 50 percent of the dogs now?

Mr. GREENWOOD. I think that it does for two reasons. Number one, by hiring for the first time enough dog wardens so that we have at least one in each county, the programs to insure licensing can be improved, and we can get more individuals to license.

Secondly, by the introduction in this bill of the lifetime license, we are providing pet owners an opportunity to go into the county courthouse once and for \$10 for a neutered dog and \$20 for a nonneutered dog get a license that is good for the life of that pet. It has been my experience that many people buy licenses for a dog and then they forget to get it renewed for a year, and maybe they come back the next year and do it again. But by providing this one-stop, lifetime license, we can avoid the need for renewals, and I think we can improve the percentage of licensed dogs in that way.

Mr. STUBAN. Mr. Speaker, I am done with my interrogation. May I make a statement?

The SPEAKER. The gentleman is in order.

Mr. STUBAN. I rise to oppose this bill, and I think the intent of the sponsors of the legislation was good to address the puppy mill problem. I think that problem should be addressed, but I think what we are doing here is we are now asking the law-abiding citizen, the 50 percent of those people who are now going out there and licensing their dogs, to pay more money for a license, and those are the people who are going to do it. If those violators out there cannot pay \$2 for a license, I am sure they are not going to pay \$5. There is nothing in this piece of legislation that guarantees this. There is nothing in this piece of legislation that says how the money will be distributed back to the counties.

I think that what the department should be doing now is going out there and enforcing the law. I have seen in my county a former Secretary of Agriculture who in one enforcement within a few months increased the licenses by 2,000, and

after they quit any enforcement whatsoever, they decreased back to the present level that they had a few years ago.

I personally feel this is bad legislation. If we are addressing the puppy mills and addressing the humanity of animals, I feel we should do this, but I do not feel that we should ask the law-abiding citizen out there to increase the income into the Department of Agriculture by \$2 million when they can get off their butts out there and increase it themselves by going out and enforcing the present law.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Thank you, Mr. Speaker.

Mr. Speaker, I will not burden the House with a long speech about dogs one way or the other, but I would remind the House—and I am rising to ask a negative vote—I am not talking about a matter of substance; I am talking about a matter of procedure.

We are here now at 1 minute to midnight, practically, in this session. I would venture to say that of all of us seated here, perhaps three people—and that is one more than I really believe in—have read these amendments to this particular conference committee report. I would suggest to you that there is no pressing need for this House at this 1 minute to midnight to pass a committee of conference report with 35 additional pages of legislation which none of us, with the exception of maybe three, has read or understands. If these problems are indeed pressing, then let us address them as we should in January. I have told the gentleman who is sponsoring these amendments that my position would be in the negative, not on the substance, because I have not read them, but on the procedure, and I am hoping that some of you who are younger and who are hearing what I am saying will apply this in the next session. We ought not to be making substantive changes in the law at the last minute which we do not understand simply because it is the last minute, and I am asking that the vote be in the negative.

The SPEAKER. Does the gentleman, Mr. Lloyd, desire further recognition?

Mr. LLOYD. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. LLOYD. Just briefly, Mr. Speaker, to respond to some of the comments which have been made with regard to the need to address the puppy mill issue.

In the first place, it is common knowledge that the puppy mill issue is believed to be, by those who have brought it to the legislature's attention, largely concentrated in Lancaster County. Now, there seems to be some evidence that there may be some in some other places in the State, but so far we seem to know where they are. So it seems to me if the problem is simply that we have to have them license this kennel so we can find them, we know where they are. As a matter of fact, I have seen newspaper clippings or references to newspaper clippings that the Department of Agriculture has already investigated. We could have addressed the puppy mill problem very simply with about a two-page amendment which everybody could have read and understood. We did not have to rewrite the whole Dog Law.

Mr. Speaker, also, the gentleman said that, well, when a county is just starting out with a dog program, it may need a different amount of money. The fact of the matter is, this bill not only does not say how much each county is supposed to get; it does not even say what you are allowed to use the money for, except in the most general of terms.

Mr. Speaker, it would be fair, perhaps, to ask the law-abiding 50 percent who get licenses for their dogs to pay a higher fee if we could assure them that in fact the enforcement were going to be better. What the sportsmen in the Sporting Dog Committee of the Pennsylvania Federation of Sportsmen have told us is, hey, we think you ought to improve the quality of the enforcement officers. I am not sure that I agree with the way they suggest to do that, by going to something along the lines of the Game Commission, but perhaps we ought to look at civil service; perhaps we ought to look at some other kind of merit system. But this bill, while it puts in some very ambiguous training requirements, really does not do that.

Furthermore, this bill goes back to something which was soundly defeated in the Agriculture Committee, which was an advisory committee. An advisory committee is created. It is very unclear who all the people are going to be on that advisory committee and what its powers are going to be, but one issue which troubled many members in the committee was that there is nothing spelling out who gets paid or, if anybody gets paid when they have meetings, how much, and under what circumstances. This bill is as bad in that respect as the amendment which was soundly defeated in committee.

Mr. Speaker, this bill has good intent. It is a bill that I think with some work can be a good bill. When it was reported out of committee, the understanding was that we were going to have a chance to offer amendments on the floor, not only members of the Agriculture Committee but other members of the House who are interested in this issue. Because we have short-circuited the process by sticking it into a conference committee, many of the people who voted to put that bill out on the floor with that understanding are now being asked to back away from that understanding. Mr. Speaker, I do not think that is right at the last minute. I urge defeat of the conference report.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

I rise in support of this legislation. The number of dogs that we have in our State has certainly increased tremendously. The problem of dealing with these dogs has become a very serious matter for local law enforcement people. I have had phone calls from constituents saying that when they walk their dogs, other dogs, stray dogs, come out and attack their dogs.

There is a great need for more enforcement; there is a great need for more emphasis on dealing with these dogs, and I think the time to do it is now. I would ask that you support this conference committee report in the affirmative.

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

Mr. TRELLO. Mr. Speaker, what I gather from this bill is that I have to go back and tell my constituents they are going

to have to pay \$5 for a dog license. Unemployment in my area is bad, and we love dogs and we have a lot of them. So the only thing I can get out of this is the simple fact that none of this is going to be used to police stray dogs; none of this is going to be used for the county for their efforts to police dogs. The only message I received so far is that I have to go back and tell my constituents that they are going to have to pay for a \$5 license for their dogs. I urge a negative vote.

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

Mr. GREENWOOD. Very briefly, it is not the case that the dog licenses are going to be \$5, all of them. A lifetime license is available for \$10 for any neutered dog, and that is a pretty good deal.

In reference to the comment that it is 1 minute before midnight and that there is no pressing need, there is a pressing need. I wish all of you had had the opportunity that I had to go out and visit these puppy mills. I think anyone who had been there would be more than happy to rush at this last minute and do something about this problem which is absolutely intolerable in the Commonwealth. I think we have a chance to do that; we have a chance to do it tonight. If we do not do it tonight, it absolutely cannot be done until January 1 of 1984. So the need is pressing, and I strongly urge your support for this bill. Thank you.

The SPEAKER. The Chair recognizes the lady from Montgomery, Mrs. Lewis.

Mrs. LEWIS. Mr. Speaker, I rise in support of this bill. I agree with Legislator Greenwood. I feel that we find ways of paying for things when we want them, such as a hunting license, whatever it is. If it is pleasure, we will find a way, and it is the same way with a dog license. If we want a dog, we will pay the price, and I do not generally support increasing prices, as you well know. However, I think that if anybody has an opportunity to see a puppy mill, you will also realize that they do need to be licensed. It is a very, very sad situation. It is something that needs to be addressed. So therefore, I do hope that you will support this bill and do not roll it ahead. Thank you, Mr. Speaker.

On the question recurring,

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

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

YEAS—138

|             |                 |           |              |
|-------------|-----------------|-----------|--------------|
| Alden       | Durham          | McClatchy | Rocks        |
| Anderson    | Evans           | McIntyre  | Salvatore    |
| Armstrong   | Fargo           | McMonagle | Saurman      |
| Arty        | Fischer         | McVerry   | Serafini     |
| Belardi     | Fleck           | Mackowski | Showers      |
| Beloff      | Foster, W. W.   | Madigan   | Shupnik      |
| Bittle      | Foster, Jr., A. | Maiale    | Sieminski    |
| Borski      | Frazier         | Marmion   | Sirianni     |
| Bowser      | Freind          | Merry     | Smith, B.    |
| Brandt      | Gallagher       | Michlovic | Smith, L. E. |
| Burd        | Gallen          | Micozzie  | Snyder       |
| Burns       | Gannon          | Miller    | Spencer      |
| Caltagirone | Geist           | Miscevich | Spitz        |
| Cessar      | Gladeck         | Moehlmann | Stairs       |
| Cimini      | Greenwood       | Morris    | Swaim        |
| Civera      | Grieco          | Mowery    | Sweet        |

|            |                |             |                 |
|------------|----------------|-------------|-----------------|
| Clark      | Gruppo         | Murphy      | Taddonio        |
| Clymer     | Hagarty        | Nahill      | Taylor, E. Z.   |
| Cochran    | Harper         | Noye        | Telek           |
| Cohen      | Hayes          | O'Donnell   | Vroon           |
| Colafella  | Heiser         | Oliver      | Wachob          |
| Cole       | Hoeffel        | Perzel      | Wambach         |
| Cordisco   | Honaman        | Peterson    | Wargo           |
| Cornell    | Hutchinson, A. | Petrarca    | Wenger          |
| Cowell     | Itkin          | Phillips    | Weston          |
| Cunningham | Jackson        | Pievsky     | Wiggins         |
| Daikeler   | Johnson        | Pistella    | Williams, H.    |
| Davies     | Kennedy        | Pitts       | Williams, J. D. |
| Dawida     | Kukovich       | Pott        | Wilson          |
| Deal       | Lashingner     | Pucciarelli | Wogan           |
| Dietz      | Lehr           | Punt        | Wright, J. L.   |
| Dombrowski | Levi           | Rappaport   | Wright, R. C.   |
| Donatucci  | Levin          | Rasco       |                 |
| Dorr       | Lewis          | Reber       | Ryan,           |
| Duffy      | Lucyk          | Rieger      | Speaker         |

**NAYS—51**

|             |            |              |               |
|-------------|------------|--------------|---------------|
| Barber      | George     | Manmiller    | Steighner     |
| Belfanti    | Grabowski  | Mrkonic      | Stevens       |
| Berson      | Haluska    | Mullen       | Stewart       |
| Blaum       | Hasay      | Olasz        | Stuban        |
| Boyes       | Horgos     | Pendleton    | Swift         |
| Cappabianca | Irvic      | Petrone      | Taylor, F. E. |
| Cawley      | Klingaman  | Piccola      | Tigue         |
| Coslett     | Kowalyshyn | Pratt        | Trello        |
| DeVerter    | Laughlin   | Richardson   | Van Horne     |
| DeWeese     | Lescovitz  | Ritter       | Wass          |
| Dininni     | Livengood  | Rybak        | Wozniak       |
| Fee         | Lloyd      | Seventy      | Wright, D. R. |
| Gamble      | Manderino  | Smith, E. H. |               |

**NOT VOTING—4**

|         |      |            |        |
|---------|------|------------|--------|
| DeMedio | Gray | Greenfield | Kolter |
|---------|------|------------|--------|

**EXCUSED—6**

|         |         |           |       |
|---------|---------|-----------|-------|
| Brown   | Fryer   | Letterman | Zwilk |
| Emerson | Gruitza |           |       |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

**REMARKS ON VOTE**

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

Mr. COSLETT. Thank you, Mr. Speaker.

On SB 526 I would like to be recorded in the affirmative.

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

**SENATE MESSAGE**

**SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE**

The clerk of the Senate, being introduced, informed that the Senate has adopted the Report of the Committee of Conference on the subject of the differences existing between the two Houses on SB 171, PN 2259.

**REPORT OF COMMITTEE OF CONFERENCE CONSIDERED**

Mr. HAYES called up for consideration the following Report of the Committee of Conference on SB 171, PN 2259, 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 and further providing for the defense of insanity.

On the question,

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

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

Mr. LEVIN. Thank you, Mr. Speaker.

Mr. Speaker, the conference committee sent the bill back to us taking out the important amendment that the House added. Mr. Fisher circulated a memo to everyone basically indicating that the House's amendments were in there. That is not correct. The amendment which we refused to recede from the other night when Mr. Piccola made a motion to recede has in fact been removed, and therefore, we are being asked to vote for this piece of legislation without an amendment that would place upon the Commonwealth a very substantial portion of the costs which are now borne by individual counties.

**QUESTION OF INFORMATION**

Mr. LEVIN. Mr. Speaker, a point of information.

Is a motion to send this bill back to a conference committee in order?

The SPEAKER. It is the ruling of the Chair that it would not be proper. The reasoning behind this is that in other circumstances it would be proper, unless the other body has acted on the conference report, which it is my information the Senate has done on this one, and discharged their conferees, which it is my information they have done.

Mr. LEVIN. I thank you.

I would like to continue speaking, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. LEVIN. Mr. Speaker, basically this conference committee report has created three major problems. The first is that it has removed what this House decided was important, which was relief for your local counties on costs in the future. We had a 3-year phase-in. They took that out.

The second major problem with this bill— And although all of you have voted for it except for about 10 of us, I think you should hear that it is in this conference committee report. This conference committee report holds out a false promise to the citizens of Pennsylvania that those people who are found guilty but mentally ill will receive treatment. That is a false promise unless the court orders it. I suggest to those of you who are concerned about costs and about those promises and about the court legislating, if you would take a good look at