

Legislative Journal

TUESDAY, DECEMBER 6, 1977

Session of 1977

161st of the General Assembly

Vol. 1, No. 108

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

REVEREND DOCTOR DAVID R. HOOVER, chaplain of the House of Representatives and pastor of St. Paul's Lutheran Church, McConnellsburg, Pennsylvania, offered the following prayer:

Heavenly Father, we know that You have come to us, and dost continue to share with us your presence and concern. We are also conscious that we need the assurance of Your love, the confidence of Your indwelling spirit, and the counsel of Your strengthening guidance. We call upon You in the beginning of this session to bestow upon these workmen of Yours all which they need to adequately serve You and their constituents. O God, open their minds that they may be receptive to Your will and the suggestions You have to impart; fill their hearts that they may feel a concern to bring to light the darkness of our world; and fix their steps in the accomplishment of your truth that they may serve You with dedication, determination, and devotion. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, December 5, 1977, will be postponed until printed.

MASTER ROLL CALL RECORDED

The SPEAKER. The Speaker is about to take the master roll for today. The Speaker again emphasizes the need for an accurate master roll. The members who are not present on the floor are not to be voted on the master roll.

All members within hearing of the Speaker's voice are urged to report promptly to the floor of the House.

The clerk will open the board for the master roll.

The following roll call was recorded:

YEAS—196

Abraham	Gallagher	Mackowski	Ryan
Anderson	Gallen	Madigan	Salvatore
Armstrong	Gamble	Manderino	Scanlon
Arthurs	Garzia	Manmiller	Scheaffer
Barber	Gatski	McCall	Schmitt
Bellomini	Geisler	McClatchy	Schweder
Beloff	George, C.	McIntyre	Scirica
Bennett	George, M.	McLane	Shelton
Berlin	Giammarco	Mebus	Shuman
Berson	Gillette	Meluskey	Shupnik

Bittinger	Gleeson	Milanovich	Sirianni
Bittle	Goebel	Miller	Smith, E.
Borski	Goodman	Milliron	Smith, L.
Brandt	Gray	Miscevich	Spencer
Brown	Greenfield	Moehlmann	Spitz
Brunner	Greenleaf	Morris	Stairs
Burd	Grieco	Mowery	Stapleton
Burns	Halverson	Mrkonic	Stewart
Butera	Hamilton	Mullen, M. P.	Stuban
Caltagirone	Harper	Musto	Sweet
Caputo	Hasay	Novak	Stapleton
Cassidy	Haskell	Noye	Taylor, E.
Cessar	Hayes, D. S.	O'Brien, B.	Taylor, F.
Cianciulli	Hayes, S. E.	O'Brien, D.	Tenaglio
Cimini	Helfrick	O'Connell	Thomas
Cohen	Hoeffel	O'Donnell	Trello
Cole	Honaman	O'Keefe	Valicenti
Cowell	Hopkins	Oliver	Vroon
Davies	Hutchinson, A.	Pancoast	Wansacz
DeMedio	Hutchinson, W.	Parker	Wargo
DeVerter	Itkin	Peterson	Wass
DeWeese	Johnson	Petrarca	Wenger
DiCarlo	Jones	Piccola	White
Dietz	Katz	Pievsky	Wiggins
Dininni	Kelly	Pitts	Wilson
Domrowski	Kernick	Polite	Wilt
Donatucci	Klingaman	Pott	Wise
Dorr	Knepper	Pratt	Wright, D.
Doyle	Kolter	Prendergast	Wright, J. L.
Duffy	Kowalshyn	Pyles	Yahner
Dumas	Kukovich	Rappaport	Yohn
Englehart	Laughlin	Ravenstahl	Zearfoss
Fee	Lehr	Reed	Zeller
Fischer, R. R.	Letterman	Renwick	Zitterman
Fisher, D. M.	Levi	Rhodes	Zord
Flaherty	Levin	Richardson	Zwilk
Foster, A.	Lincoln	Rieger	
Foster, W.	Livengood	Ritter	Irvis,
Freind	Logue	Ruggiero	Speaker
Fryer	Lynch		

NAYS—0

NOT VOTING—7

Geesey	Mullen, M. M.	Wagner	Williams
McGinnis	Seltzer	Weidner	

The SPEAKER. One hundred ninety-six members having indicated their presence, a master roll is established.

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

No. 1944 By Messrs. KOWALYSHYN, W. W. FOSTER, YAHNER, RUGGIERO and MUSTO

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), providing for the incompatibility of certain offices.

Referred to Committee on Local Government.

No. 1945 By Messrs. BURNS, WILSON and CESSAR

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for nomination papers of candidates by political bodies.

Referred to Committee on State Government.

No. 1946 By Messrs. MILLIRON, PRATT, REED, LIVENGOOD, ITKIN and CASSIDY

An Act amending the "Consumer Discount Company Act," approved April 8, 1937 (P. L. 262, No. 66), changing authorized charges; providing for extension of maturity dates of loans and providing that notice of default be sent to certain persons.

Referred to Committee on Business and Commerce.

No. 1947 By Mr. GOEBEL

An Act amending Title 18, (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for sentencing for murder.

Referred to Committee on Judiciary.

HOUSE RESOLUTION INTRODUCED AND REFERRED

By Messrs. TRELLO and GAMBLE

HOUSE RESOLUTION No. 179

The Speaker of the House of Representatives direct the Judiciary Committee to research thoroughly the current status of death penalty statutes and the constitutionality thereof as determined by the courts of highest jurisdiction of the several states, and of the United States, paying particular attention to the laws of Georgia and Florida, whose death penalty statutes have been found constitutional.

Referred to Committee on Rules.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN

The clerk of the Senate informed that the Senate has concurred in House amendments to **SENATE BILL NO. 106**.

LEAVE OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip.

Mr. GREENFIELD. Mr. Speaker, I have no requests for leaves of absence.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I request leave of absence for Mr. Seltzer for today.

The SPEAKER. Without objection, leave is granted.

BILL REPORTED FROM COMMITTEE AND TABLED

HB 1446, PN 1718

By Mr. VALICENTI

An Act amending the act of June 2, 1975 (P. L. 3, No. 2), entitled "A supplement to the act of May 28, 1937 (P. L. 955, No. 265), entitled the 'Housing Authorities Law,'" further providing for certain employees of housing authorities.

Labor Relations.

REMARKS ON VOTE

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

Mr. D. R. WRIGHT. Mr. Speaker, because of the snow yesterday, what normally is a 3½- to 4-hour drive required 8½ hours yesterday. Therefore, I was not present to vote. I would like to give the clerk my votes for yesterday had I been present.

The SPEAKER. The gentleman may do so.

Mr. D. R. WRIGHT. Mr. Speaker, had I been present I would have voted "aye" on SB 377 and SB 481; "no" on SB 402; "aye" on SB 480, SB 1048, HB 1630, HB 1821 and HR 150.

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

PERMISSION TO ADDRESS HOUSE

Mr. TRELLO requested and obtained unanimous consent to address the House.

Mr. TRELLO. Thank you, Mr. Speaker.

If you remember, about 6 weeks ago I rose before this great body to tell them about a very serious problem that we have in the western part of Pennsylvania. I know what I have to say is of great concern to every member of this body and every citizen of this great Commonwealth. I spoke in regard to a resolution that I introduced creating a task force to investigate the unsolved murders in western Pennsylvania. At that time the murders were 11 and with one girl missing. In the overall area today, there are 27 unsolved murders in western Pennsylvania and we still have a 16-year-old girl who is missing. We also have a young 6-year-old girl still missing, the daughter of one of our police officers back in western Pennsylvania.

The local police departments in the state responded by helping us with this task force by creating a permanent task force to try and solve our problem.

Over the weekend two of my very dear friends, a husband and wife were murdered. The husband was brutally murdered with a shotgun blast after these villains broke into their home. The wife was found 2 days later about a mile away and she was also brutally murdered.

Over the weekend my phone rang off the hook, and I am sure that Representative Gamble and a number of the Representatives over the weekend had their phone ring off the hook, demanding that this great Commonwealth of ours have a death penalty. The reason why I say that is because on Saturday morning I read in our Pittsburgh Post-Gazette where a gentleman, serving time for three life sentences in prison, committed his fourth murder. Now he is serving his fourth life sentence. I think that is fantastic since we only have one life to live. But he is serving four life sentences.

Until today we still do not have a death penalty, the recent Supreme Court decision declaring the latest statute unconstitutional, and I cannot understand that because the Supreme Court in Texas did declare that death penalty constitutional. Ours, from my understanding, was an exact duplicate of the Texas death penalty, but our Supreme Court saw fit to declare that unconstitutional.

I have introduced a resolution, HR 179, sponsored by several

of my friends from western Pennsylvania, to have the Judiciary Committee investigate all the statutes from all the states and to present something to the Supreme Court that will be constitutional. I feel that as long as this State does not have a death penalty, after killing once, what does a murderer have to lose?

We have had a number of our young ladies in western Pennsylvania—and I might add, very lovely young ladies—who have been brutally murdered and raped. And the people who are doing this have the impression that since they have done it once, doing it again will not hurt at all. All I will get is another life sentence out of it.

I urge everybody in this General Assembly to support the resolution and the Judiciary Committee to act in its expediency to get something as soon as possible to bring the death penalty to Pennsylvania.

I will tell you some of the remarks that were made by some of the constituents who called me. They said, Fred, have it by the guillotine. Maybe that will put the fear of God in them.

Well, I am a good Christian like everybody in this House and I do not want to kill anybody. But I do not want anyone else to be brutally murdered and to get away with a life sentence. And maybe, who knows, with some of the members we have on the Parole Board, they just might give them a parole after 10 or 15 years and tell us how sorry they are about what they have done and they will not do it anymore. Well, I am sick and tired of that.

I have three resolutions; one for a death penalty to be executed by another means. I have another bill that would create a mandatory sentence for any violent rape.

I beg every one of you in the Judiciary Committee to get a death penalty for this state as soon as possible, and maybe with that tool we just might prevent some of these brutal murders in this great Commonwealth of ours.

Thank you very much.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, the comments by Mr. Trello are shared, I am sure, by every member of this House. We can certainly understand the feelings of the people in the western Pennsylvania communities who are affected by this surge of crime in that area. We have had similar problems in the southeast, and I know the fear that is in the hearts of the people in that area.

With respect to the death-penalty resolutions, I would advise the gentleman that, as of yesterday, I know Mr. Goebel of our caucus introduced a new bill on it. I know that Mr. Butera has suggested to our legal staff that they do a complete job of researching the problems as contained in the Supreme Court opinion of November 30 when the statute was found unconstitutional. I know that Mr. Butera's staff now is working on a bill to eliminate the criticisms of the Supreme Court in finding our statute unconstitutional and I would expect that Mr. Butera's staff will have a bill ready, if it is not ready now, to introduce, which hopefully will take care of any of the problems that were raised by the Supreme Court.

I think the members on this side of the aisle share with you and with all of the members on the other side the concern that

the citizens of the Commonwealth have for conduct such as is taking place now in western Pennsylvania. We, of course, would cooperate to whatever extent we are able to cooperate, be it by way of resolution or otherwise, to help alleviate this problem and solve the criminal surge that is taking place in western Pennsylvania now. It is a problem shared by all in the Commonwealth.

Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, thank you.

I share also the views of Mr. Trello. There is only one correction that I feel is needed in his remarks, and that would be that he used the word "gentleman" in regard to who was involved in three murders. I think that it should be stricken and "animal" replaced, because that is a fact of life. Any individual who has committed murder three times and was allowed out of prison and has done so again, to me is no gentleman.

I know that it was a slip of a word and I am sure that I know Mr. Trello better. I am sure that the word "animal" would be much more fitting.

Today, in America, the trend, according to almost every major newspaper now, is toward the right. There had been an activist movement towards the left for so many years, which started during the so-called "burn-baby-burn" period, during the Vietnam era and following thereafter. People are fed up with it. Today we find the trend towards the right and it is about time. That has been my feelings as long as I have been serving in government and I feel that this is not because of me but because of many people who have seen the light. And it is about time that we take care of responsible people and quit catering to the irresponsible.

It seems as though the government has a trend toward irresponsibility, and I stated that the other day in regard to the movement we had here to collect the grants that have been given and loans that have been given to the students in colleges who have graduated and who are not paying their bill.

I received many letters from my constituents hailing us in regard to it is about time, and I think it is about time that we place our thoughts toward responsibility in this country and not the irresponsibility. So with that, Mr. Speaker, I congratulate you and also the remarks of Mr. Ryan and I think it is about time.

Thank you.

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

Mr. BERSON. Mr. Speaker, on Saturday I met with the district attorney-elect of Philadelphia and the present heads of the appellate section of the district attorney's office in Philadelphia, the law section and the legislative section of the district attorney's office in Philadelphia, to discuss this very problem. At that meeting we reviewed the Supreme Court's decision of November 30 and reviewed the last group of four United States Supreme Court decisions in the death-penalty area. It was our consensus at that meeting that the Florida statute held out the best hope of passing a constitutional death-

penalty law for the reason that the Florida death-penalty statute has been before the Supreme Court of the United States and has been approved, and in the November 30 decision of our Supreme Court, the Florida statute was referred to in language which indicates that our Supreme Court found favor with such a statute. That Florida statute is being adopted to the Pennsylvania legislative framework and, as soon as it is available, will be introduced in this House.

I have not seen Mr. Goebel's bill. I do not know whether it parallels the Florida statute. If it does, then that bill could be in a position to be moved, but I have not seen it as yet but that is the present thinking on the latest decision of our Supreme Court.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Garzia.

Mr. GARZIA. Mr. Speaker, in 1974 when I ran for this seat, I was under the impression that I was voted or put into office to come up here and make laws. I think since I have been up here, there has not been any death-penalty bill that I have had a chance to vote on and I hope someday I will. But I cannot understand for the life of me why this body makes laws and then all I hear today is that they have to research to find out why a law cannot be enforced.

I do not know where the State Supreme Court gets the idea of overriding laws that you and the rest of the members pass, so I am getting the feeling that maybe we do not need this House and we do not need the Senate, because whatever law we make is not good enough unless the Supreme Court says, yes, it is good, or no, it is not.

I just feel like making a motion that we should abolish the House of Representatives because any laws that we make it seems like they are no good.

No— somewhere along the line why cannot a law like the death penalty be passed in this state and be enforced? Why must the Pennsylvania Supreme Court make the final decision as to whether or not it is lawful to execute somebody when they commit murder? Can anyone answer that question for me?

The SPEAKER. Is the gentleman, Mr. Berson, paying attention to the question asked by the gentleman, Mr. Garzia? The gentleman, Mr. Garzia, is asking for the historical reasoning as to why a high judicial court may hold an act of the legislature invalid or nonconstitutional, and the Chair would suggest that you do not start with Zoroaster, but it might be wise to start with the Roman Empire to explain to the gentleman, Mr. Garzia, how the judicial branches of government have "seized undue power unto themselves."

Mr. GARZIA. Mr. Speaker, I think you just answered the question because it is so confusing nobody understands it.

The SPEAKER. The Speaker sometimes would be delighted to be on the floor to answer some of these questions.

Mr. GARZIA. Go ahead. I will listen to Mr. Berson now.

Mr. BERSON. I am not going to purport to teach a course in constitutional law, but it has been settled in this country since the decision of the United States Supreme Court in *Marberry v. Madison*, back in 1803, I guess, that the courts of the United States and the courts of the various states are an equal coordinate branch of government but have the power to review acts of

the legislature and determine whether those statutes meet the requirements of the constitution of the state or the United States.

That power had been unquestioned. Well, the power has not been unquestioned, but the power of the courts to perform this function has been sustained throughout the history of this country. And while that power which the courts have is not spelled out to review legislation to determine its constitutionality and is not spelled out in any constitutional provision, it nonetheless exists, and it would in my opinion, probably take some form of drastic change in our system of government to deprive the courts of that power. It is that power that the court exercised in determining whether the Pennsylvania death penalty and a whole host of other statutes met in their test of constitutionality. It is in the exercise of their review power, their power to review legislation to determine whether it meets the test — the requirements of our Constitution — that they held that statute unconstitutional as failing to meet the requirements of our Constitution of the United States.

The SPEAKER. He went only back to 1803. We could go a bit further if we wished.

The Chair recognizes the gentleman, Mr. Garzia.

Mr. GARZIA. Mr. Speaker, Mr. Berson made a nice presentation. Of course, I do not understand it but it sounds great. But it seems like we hide behind that word "constitutionality." I am beginning to learn to spell it I hear so much of it. But I cannot understand it where 253 people make a law and only seven can strike it down. Somewhere along the line something is wrong. We ought to either get rid of the Pennsylvania Supreme Court or get rid of the House of Representatives and the Senate. That is what we ought to do.

Thank you, sir.

The SPEAKER. The Chair thanks the gentleman and would suggest that he not put to a referendum the question of whether to get rid of the House of Representatives.

The Chair recognizes the gentleman from Fayette, Mr. Lincoln.

Mr. LINCOLN. Mr. Speaker, in further reference to the question which Mr. Garzia asked which was answered very well by Mr. Berson, understanding full well the explanation, it still sometimes leaves a little bit of doubt in the minds of individuals as to whether the Supreme Court should or should not do some of the things that they have done.

I personally have some problems with decisions that the Federal courts have made relative to school law and some of the costs that are imposed upon us as a General Assembly to provide funds for those particular decisions. So I am going to tell Mr. Garzia that I have arranged with a Federal district judge from the southeast, along with the dean of the Pennsylvania Law School or a representative of the dean of the Pennsylvania Law School, and as soon as we have this budget matter solved, we are going to be running several seminars for the Education Committee and anyone else who would be interested in meeting with the judge and some other constitutional-law individuals from the University of Pennsylvania to discuss who has what power and why such decisions are made.

I think it is a little bit more serious than what took place with the discussion between Representative Garzia and Representative Berson. Whenever the time comes that we have this arranged, I will let the rest of the House know.

Thank you.

**ANNOUNCEMENT
HOUSE SCHEDULE**

The SPEAKER. The Chair now returns to today's calendar for the purposes of marking the calendar. We are going to declare a recess until 1:30. For the information of the members, it is the firm intention of the majority leader to call for a vote today on the Committee of Conference report on HB 247. When we come back on the floor at about 1:30, that call may not come immediately but there will be other bills on the calendar to be voted, and the Chair advises the members to report promptly to the floor of the House.

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

Mr. MISCEVICH. Mr. Speaker, on HB 1782.

The SPEAKER. Yes.

Mr. MISCEVICH. I just want to inform the membership of the House that I have an amendment and I would like him to be prepared for the amendment that I have.

The SPEAKER. Will the gentleman's amendment be available by the time we return at 1:30?

Mr. MISCEVICH. It is available, sir.

The SPEAKER. It is available?

Mr. MISCEVICH. Yes, sir.

The SPEAKER. All right, Thank you.

On HB 1782, add "amend-Miscevich." So there are two amendments to HB 1782, and the bill is to go over temporarily.

**REMARKS ON VOTES SUBMITTED
FOR THE RECORD**

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

Mr. RICHARDSON. Mr. Speaker, yesterday I was not in my seat when certain bills were voted on. I was in a meeting yesterday with some constituents. I would like to, at this time, submit my remarks for the record so they may be recorded.

The SPEAKER. The gentleman's remarks will be so recorded.

Mr. RICHARDSON presented the following remarks on votes for the Legislative Journal:

Yesterday, I was not in my seat when a number of bills were voted on. I was attending a very important meeting with some of my constituents. But had I been here, I would have voted the following way on this legislation:

SB 337, PN 1430 — yes; SB 481, PN 1431 — yes; SB 402, PN 406 — no; SB 480, PN 1391 — yes; SB 1048, PN 1433 — yes; HB 1630, PN 2349 — yes; HB 1821, PN 2219 — yes; and HR 150, PN 2367 — yes.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Thank you, Mr. Speaker. There will be a Republican caucus immediately so we can caucus on those bills which we have not yet gone over and also to discuss the conference report on taxes.

RECESS

The SPEAKER. Without objection, this House now stands in recess until 1:30 p.m.

AFTER RECESS

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

CALENDAR

**BUSINESS AND COMMERCE BILL
ON THIRD CONSIDERATION**

Agreeable to order,

The House proceeded to third consideration of **Senate bill No. 563, printer's No. 593**, entitled:

An Act amending the act of January 30, 1974 (P. L. 13, No. 6), entitled "Loan Interest and Protection Law" changing disclosure requirements for certain costs charges and for mortgage payments.

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 provision of the Constitution, the roll call will now be taken.

YEAS—180

Abraham	Gamble	Mackowski	Salvatore
Anderson	Garzia	Madigan	Scanlon
Armstrong	Gatski	Manderino	Scheaffer
Arthurs	Geisler	Manmiller	Schmitt
Beloff	George, C.	McCall	Scirica
Bennett	George, M.	McClatchy	Shelton
Berlin	Giammarco	McIntyre	Shuman
Berson	Gillette	McLane	Shupnik
Bittinger	Gleeson	Mebus	Sirianni
Borski	Goebel	Meluskey	Smith, E.
Brandt	Goodman	Milanovich	Smith, L.
Brunner	Greenfield	Miller	Spencer
Burd	Greenleaf	Milliron	Spitz
Burns	Grieco	Miscevich	Stairs
Butera	Halverson	Moehlmann	Stapleton
Caltagirone	Hamilton	Morris	Stewart
Caputo	Harper	Mowery	Stuban
Cassidy	Hasay	Mrkonic	Sweet
Cessar	Haskell	Mullen, M. P.	Taddonio
Cianciulli	Hayes, D. S.	Musto	Taylor, E.
Cimini	Hayes, S. E.	Novak	Taylor, F.
Cohen	Helfrick	Noye	Tenaglio
Cole	Hoeffel	O'Brien, D.	Thomas
Cowell	Honaman	O'Connell	Trello

Davies	Hopkins	O'Donnell	Valicenti
DeMedio	Hutchinson, A.	Oliver	Wansacz
DeVerter	Hutchinson, W.	Pancoast	Wargo
DeWeese	Itkin	Parker	Wass
DiCarlo	Johnson	Peterson	Wenger
Dietz	Jones	Petrarca	White
Dininni	Katz	Piccola	Wilson
Dombrowski	Kelly	Pievsky	Wilt
Dorr	Kernick	Pitts	Wise
Doyle	Klingaman	Polite	Wright, D.
Duffy	Knepper	Pott	Wright, J. L.
Engelhart	Kolter	Pratt	Yahner
Fee	Kowalyszyn	Prendergast	Yohn
Fischer, R. R.	Kukovich	Pyles	Zearfoss
Fisher, D. M.	Laughlin	Rappaport	Zeller
Flaherty	Lehr	Ravenstahl	Zitterman
Foster, A.	Letterman	Reed	Zord
Foster, W.	Levi	Renwick	Zwikl
Freind	Levin	Rieger	
Fryer	Lincoln	Ritter	Irvis,
Gallagher	Livengood	Ryan	Speaker
Gallen	Logue		

NAYS—1

Brown

NOT VOTING--22

Barber	Gray	Rhodes	Vroon
Bellomini	Lynch	Richardson	Wagner
Bittle	McGinnis	Ruggiero	Weidner
Donatucci	Mullen, M. M.	Schweder	Wiggins
Dumas	O'Brien, B.	Seltzer	Williams
Geesey	O'Keefe		

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 information that the House has passed the same without amendment.

REMARKS ON VOTES

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

Mr. MORRIS. Mr. Speaker, it appears that I am recorded in the affirmative on SB 563, PN 593, and I intended to vote in the negative.

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

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

Mr. RICHARDSON. Mr. Speaker, I was out of my seat on SB 563, PN 593, and I would like to be recorded in the affirmative.

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

REMARKS ON VOTES SUBMITTED FOR THE RECORD

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

Mr. ZELLER. Mr. Speaker, rather than delay us, I would like to submit for the record my votes as of yesterday. I had to go

for a dental appointment, so I will submit it.

The SPEAKER. The Chair thanks the gentleman. Submit it for the record and we will print it in the record.

Mr. ZELLER presented the following remarks on votes for the Legislative Journal:

Mr. Speaker, following the roll call Monday, December 5, 1977, I had to return home because of a dental problem. Had I been in my seat, I would have voted on the following bills thus:

SB 377, PN 1430 — yes; SB 481, PN 1431 — yes; SB 402, PN 406 — no; SB 480, PN 1391 — yes; SB 1038, PN 1218 — yes; SB 1048, PN 1433 — yes; HB 1630, PN 2349 — yes; and HB 1821, PN 2219 — yes.

INSURANCE BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1782, printer's No. 2165**, entitled:

An Act amending the act of June 5, 1968 (P. L. 140, No. 78), entitled "An act regulating the writing cancellation of or refusal to renew policies of automobile insurance; and imposing powers and duties on the Insurance Commissioner therefore" further providing for the contents of the notice of cancellation or failure to renew.

On the question,

Will the House agree to the bill on third consideration?

Mr. GEORGE offered the following amendments:

Amend Title, page 1, line 6, by removing the period after "renew" and inserting and for the increase in individuals rates and for the use of certain records to determine rates.

Amend Sec. 1, page 1, line 9, by striking out "Sections 5 and 8," and inserting Section 5,

Amend Sec. 1, page 1, line 13, by striking out "are" and inserting is

Amend Bill, page 2, by inserting between lines 24 and 25

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

Section 5.1. (a) No insurer shall base their rates on violations of the vehicle laws, revocation or suspension records, or accident records when the insured was not at fault.

(b) All persons initially entering into a policy shall be charged standard rates. Higher rates may be charged only if the insured was previously insured with the insurer and the policy was cancelled or subject to cancellation under this act: Provided, however, That the higher rates may be charged only after the increase is approved by the Insurance Department based on facts relating to the insured's accident record; And provided further, That the increase in the cost of each unit of insurance shall not exceed 20%.

Section 3. Section 8 of the act is amended to read:

Amend Sec. 2, page 3, line 10, by striking out "2." and inserting 4.

On the question,

Will the House agree to the amendments?

The Chair recognizes the gentleman from Clearfield, Mr. George, on his amendment.

Mr. GEORGE. Thank you, Mr. Speaker. Mr. Speaker, with the everyday problems that face us in this House and those we serve, I doubt very much whether anything will be before us that should be remedial in intent that will be any more im-

portant to those we serve than the subject matter that we will be dealing with at this time.

There have been many proposals in the past to, in some way, alleviate this condition that has been infested with encumbering those that must, by law, have insurance if, in fact, they will have a motor vehicle on the highways of Pennsylvania today.

As I have said, there have been many ways to deal with this problem, because I know there have been many bills proposed. I myself have introduced a measure with 18 sponsors. But I believe that the process that I intend to present to you will, in fact, provide this alleviation in the shortest possible time.

I am sure that many of you are aware today that the insurance companies in Pennsylvania are using driving records and accident records that in every concept of the word are not valid by any course and completely fallacious in nature because they are untrue. They are records that have been gathered by intermediates. They have been records that have been distorted. But the problem is that those who have been encumbered by this problem have no way to go. Those are the people that have been advised by their insurance companies that they are no longer insured and those that have been advised that at a certain time they will no longer be covered.

I can see no other way or no other factor that will ameliorate the situation that decent people today will be out there breaking the law because they have no choice when, an individual receives a letter from an insurance company saying that they are hereby canceled because they have had two accidents in the past 3 years but the truth of the matter is that this in fact was not true and that the Department of Transportation or that individual company that provided this information was in error. What does that individual do because of the fact that under no-fault he must tender and send in his registration plate? What does this individual do so he can continue in his pursuit to provide for his family and the fact that he needs that automobile to go to his job?

This amendment is not in any way a piece or a document that will provide any additional worry. But the fact is it will bring about an alleviance by making that insurance company prove, in fact, that the information received is accurate. It will provide an alleviance and it will supply the necessary information that that individual who has been canceled and cannot even by using his legislator provide the information that will bring about the fact that he can again be insured.

It seems to me very nonsensical that an individual or a constituent must pay \$2.50 to get his own accident record or driving record that might, in fact, be very untrue, but this information has been provided to these independent companies on a wholesale method.

All this amendment does is say that the insurance of that individual will not be increased if the charge that has been made against that individual is in fact untrue.

I submit to you, Mr. Speaker, that during the course of the last couple of years and in my own constituency that I can honestly tell you that there is not a given week that I do not hear complaints such as, I wasn't even in an accident and I am blamed.

You are aware that every accident report that goes into Pennsylvania does not place the burden or the proof on who was at fault. With the essence of no-fault, I have seen insurance increase through no fault of the individual.

The SPEAKER. Will the gentleman yield?

The Chair would suggest that the gentleman is addressing himself to a question which affects practically every one of our constituents. The Chair requests that the House be in order.

Mr. GEORGE. I apologize to the Speaker. I apologize to the membership. Maybe there should be someone else standing up here trying to do what is necessary for those in Pennsylvania. Maybe it should be one of you who have had the same requests and the same calls for help that I have received. Maybe it should be someone who would be more proficient. Maybe we should use something besides gut logic and compassion. Maybe one of you who are more dear toward this will stand up and help me to be able to alleviate this problem.

I can stand here all day and each and everyone of you know it does not take an hour of deliberation to know what I am telling you is true and the only way that we can alleviate this is to act on this amendment. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Kowalyszyn.

Mr. KOWALYSHYN. Mr. Speaker, I rise to make a motion.

I would like to say first that we certainly cannot disagree with what Mr. George has in mind in correcting any injustice that might be presented to him by any constituents. But I would like to point out that this amendment—and we have to look at the amendment. As far as I recall, he did not say anything about his amendment—deals with the regulation of automobile insurance policy rates; in other words, ratemaking as such. His proposed legislation should be directed to amend Act 1946 of 1947. The Casualty and Surety Rate Regulatory Act, Act 246, governs automobile insurance ratemaking. It is the basis of our prior approval law here in Pennsylvania. Most of it deals with technical procedure as to what a company does for rate filing and then what the commissioner himself is required to do. They are spelled out in the act. The appeal rights to the courts of the company in case the company feels the right decision has not been fair and proper are spelled out.

I would simply like to quote very briefly from section 3 of the 1947 Casualty and Surety Rate Regulatory Act: "Section 3. Making of rates.—All rates shall be made in accordance with the following provisions:

(a) Due consideration shall be given to past and prospective loss experience within and outside this Commonwealth, to physical hazards, to safety and loss prevention factors, to underwriting practice and judgment to the extent appropriate, to catastrophe hazards, if any," and other things in the provision. Then subsection (d) says this: "Rates shall not be excessive, inadequate or unfairly discriminatory."

In a word, Mr. Speaker, this act is the complete statutory legislation on the question of ratemaking, and I submit that Mr. George's proposal should properly be presented as an amendment to this act rather than as an amendment to Act 78, which deals with cancellations and nonrenewal of existing

insurance policies.

GERMANENESS OF GEORGE AMENDMENT QUESTIONED

Mr. KOWALYSHYN. Therefore, Mr. Speaker, I move that Mr. George's amendment be ruled as not germane. I object on that basis.

The SPEAKER. The gentleman, Mr. Kowalyshyn, has raised the question under rule 27 of whether or not the proposed amendment offered by the gentleman, Mr. George, is or is not germane. The gentleman suggests, having placed his argument on the record, that the amendment is not germane. The question of germaneness rests with the House for decision.

The question now before the House is whether the amendment offered by the gentleman, Mr. George, to HB 1782, is germane.

The Chair recognizes the gentleman from Clearfield, Mr. George, on germaneness.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman believes that this is not germane. Even though the verbal description in this bill mentions the fact of rates, I am sure that he would be the first to admit that with the question of rates we also have cancellation. Because of rates and many decisions made by companies, we have the situation where people are being forced into the Pennsylvania plan.

Yesterday this amendment was discussed in our caucus and nobody mentioned that this was not germane. Unfortunately, I could go on all day if in fact there are those of you who believe as I. I would hope you would find that this is in fact germane. Germane to a bill and basically humane in providing an alleviation to a problem that we have been faced with for several years.

Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Kowalyshyn, on the question.

Mr. KOWALYSHYN. Mr. Speaker, all I want to do is to quote the first paragraph of the amendment which says: "No insurer shall base their rates on violations of the vehicle laws," and so forth. This amendment is clearly directed to an improper act.

The bill itself, HB 1782, is a proper amendment to Act 78 dealing with cancellation and nonrenewal of existing insurance policies, but that act has nothing to do with ratemaking, and therefore I suggest that Mr. George's amendment is not germane.

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

Mr. GOEBEL. Mr. Speaker, I do not believe I want to speak on the matter of germaneness, if you would want to decide that issue first.

The SPEAKER. That issue is the only one before the House. If the Chair has an opportunity, because of the decision of the House to return to a different discussion, then the Chair will recognize the gentleman.

On the question,

Will the House agree to the germaneness of the amendments?

The following roll call was recorded:

YEAS—143

Abraham	Foster, A.	Letterman	Rhodes
Anderson	Freind	Levi	Richardson
Arthurs	Fryer	Lincoln	Rieger
Bellomini	Gallagher	Livengood	Salvatore
Beloff	Gamble	Logue	Scanlon
Bennett	Garzia	Lynch	Schmitt
Berlin	Gatski	Manderino	Schweder
Berson	Geisler	McCall	Shelton
Bittinger	George, C.	McIntyre	Shuman
Bittle	George, M.	McLane	Shupnik
Borski	Giammarco	Mebus	Smith, L.
Brown	Gillette	Milanovich	Spencer
Brunner	Gleeson	Miller	Stapleton
Burd	Goebel	Miscevich	Stewart
Burns	Goodman	Morris	Stuban
Caltagirone	Greenfield	Mrkonic	Sweet
Caputo	Greenleaf	Mullen, M. P.	Taylor, F.
Cassidy	Grieco	Mullen, M. M.	Tenaglio
Cessar	Harper	Musto	Thomas
Cianciulli	Haskell	Novak	Trello
Cimini	Hayes, D. S.	Noye	Valicenti
Cohen	Hayes, S. E.	O'Brien, B.	Wansacz
Cole	Helfrick	O'Connell	Wargo
Cowell	Hoeffel	O'Donnell	Wenger
Davies	Honaman	O'Keefe	White
DeMedio	Hopkins	Oliver	Wiggins
DeVerter	Hutchinson, A.	Parker	Wilson
DeWeese	Itkin	Peterson	Wilt
DiCarlo	Johnson	Petrarca	Wise
Dombrowski	Jones	Pievsky	Wright, D.
Dorr	Katz	Pott	Wright, J. L.
Doyle	Kelly	Pratt	Yahner
Duffy	Kernick	Pyles	Zitterman
Englehart	Knepper	Rappaport	
Fee	Kolter	Ravenstahl	Irvis,
Fischer, R. R.	Lehr	Renwick	Speaker
Flaherty			

NAYS—46

Armstrong	Kowalyshyn	O'Brien, D.	Sirianni
Brandt	Kukovich	Pancoast	Smith, E.
Butera	Laughlin	Piccola	Spitz
Dietz	Levin	Pitts	Stairs
Dininni	Mackowski	Polite	Taddonio
Fisher, D. M.	Madigan	Prendergast	Wass
Foster, W.	Manmiller	Ritter	Yohn
Gallen	McClatchy	Ruggiero	Zearfoss
Halverson	Meluskey	Ryan	Zeller
Hamilton	Milliron	Scheaffer	Zord
Hasay	Moehlmann	Scirica	Zwikl
Klingaman	Mowery		

NOT VOTING—14

Barber	Gray	Seltzer	Wagner
Donatucci	Hutchinson, W.	Taylor, E.	Weidner
Dumas	McGinnis	Vroon	Williams
Geesey	Reed		

The question was determined in the affirmative and the amendments were declared germane.

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

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Goebel, on the amendment. Does the gentleman, Mr. Goebel, wish to address the amendment.

Mr. GOEBEL. Mr. Speaker, would the gentleman, Mr.

George, subject himself to interrogation?

The SPEAKER. The gentleman, Mr. George, indicates that he will stand for interrogation. The gentleman, Mr. Goebel, is in order and may proceed.

Mr. GOEBEL. Mr. Speaker, I believe the amendment is a good amendment from what I have heard. I do not have a copy of it here. I would like to cite an example and perhaps Mr. George could tell me if his amendment would help alleviate a situation that I am going to discuss.

Take for instance a person who would change insurance companies. When they would ask him how many previous accidents he had in a certain period of time, he would say, as an example, two. Then whenever the record would be checked from Harrisburg, four would be indicated but two of them perhaps would not have been his fault. Perhaps he had been hit in a parking lot or he had been hit from behind where it was definitely not his fault at all. Yet the insurance company would then drop him because they would say he had four accidents. All the accidents were charged against him whether they were his fault or not. I wonder if your amendment, Mr. George, would help alleviate this type of situation where it would be identified as to the faults perhaps.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair has been requested and now grants permission for Caren Myers to shoot 10 minutes of silent film on the floor of the House for WPVI-TV Philadelphia, beginning at this point in time.

The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

In answer to your inquiry, I think if you read the first paragraph of the amendment it alludes to one important thing: If, in fact, the individual was charged for an accident that in no way was he responsible for or if, in any manner something was placed on his record and for no reason was he responsible. Today what is happening is that the records are being distorted. It is too late to do anything about it. The letter comes through and it says this is to advise you that you are no longer going to be insured by our company. Then they get hold of a representative and there is very little you can do except to have a deep concern. And because of this deep concern, there are many of us who feel that this is the avenue to pursue.

We certainly do not want to provide legislation that will let that bad risk out on the highway at the lowest rate. But we feel very certain that it is in fact discriminatory to charge high rates for someone who was not involved in this so-called accident. That is the only way I can answer you, Mr. Speaker.

Mr. GOEBEL. Thank you, Mr. Speaker. I would, therefore, recommend passage of this amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Blair, Mr. Milliron.

Mr. MILLIRON. Thank you, Mr. Speaker.

Would the gentleman, Mr. George, consent to interrogation, please?

The SPEAKER. The gentleman, Mr. George, indicates he will

consent to interrogation. The gentleman, Mr. Milliron, is in order and may proceed.

Mr. MILLIRON. Thank you, Mr. Speaker.

I also agree with Mr. George's intentions in what he is attempting to do, but I have a few questions.

Mr. Speaker, in your amendment you have that insurance companies shall charge "standard rates." There is no definition of "standard rates" in your amendment or in the bill. Could you define what you mean by "standard rate"?

Mr. GEORGE. Mr. Speaker, your first concession was that you agree. Now I do not know whether you agree or disagree, but the fact remains that the insurance companies in fact have this discretion of what should be considered an entry rate.

Mr. MILLIRON. Not entry rate, Mr. Speaker. Your amendment calls for a uniform standard rate. Now does that mean that the person in my constituency in Altoona will have the same standard rate as the person in center Philadelphia? What is your definition of "standard rate"?

Why I am asking you this, Mr. Speaker, is I think we are opening up a real problem here for the insurance commissioner who is trying to regulate a phrase with no definition. He could define it as any way, any thing, any place. What are "standard rates"?

Mr. GEORGE. Mr. Speaker, I am glad you brought the question up because that was on my mind. When I called the Insurance Department, they informed me that geographically there is a difference in standard rates. This would not involve your area if in fact the rate was somewhat cheaper. It has a lot to do with the geographic aspect, the per capita aspect, and such. This in no way would violate that premise, Mr. Speaker.

Mr. MILLIRON. Mr. Speaker, let me try to rephrase this again. Right now there are rates for people under 25, over 25, married people, single people, people in Altoona, people in Philadelphia. These are all defined in the current code. Mr. George's amendment changes that to the wording "standard rates." I am not talking about just geographics.

I will go on to my next question. I think that points out one flaw in the amendment, Mr. Speaker. There is no definition of "standard rates."

Secondly, Mr. Speaker, could the gentleman also define for me a "unit of insurance"? What is his definition again since there is no definition in the amendment of a "unit of insurance"?

Mr. GEORGE. Mr. Speaker, it was explained to me and I feel that the individual was somewhat more proficient than I. When I am talking about "unit", I am talking about the types of insurance, which could be collision, comprehensive and liability per se. That would be considered different units.

Mr. MILLIRON. Mr. Speaker, the amendment also states:

No insurer shall base their rates on violations of the vehicle laws, revocation or suspension records

I agree that there are some problems basing your rates on a suspension when it is possible that there is no connection between the suspension and your driving habits. However, a revocation, Mr. Speaker, basically is a penalty for drunken driving, hit and run, reckless driving, and leaving the scene of an accident.

Does the maker of the amendment want these things not to be included in a base rate for insurance?

Mr. GEORGE. Mr. Speaker, I believe you are becoming very proficient with innuendos. The fact remains that since your eyesight was capable of reading the paragraph, why do you not take it after the comma? If you will let me read that for you, sir, it says: "... or accident records when the insured was not at fault."

Now getting back to your revocation: If in fact there had been a judgment of where a revocation was pursued and through the course of litigation it was proved some months back that that revocation should not hold, then in fact the revocation, indeed, was not factual.

Mr. MILLIRON. And, indeed, the revocation did not happen.

Mr. GEORGE. That is exactly right.

Mr. MILLIRON. Well, then, with the word "revocation," Mr. Speaker, can you give me an example other than the one you just gave, because if it was taken through litigation and found not to be a revocation, therefore it is not one, but can you give me a revocation where somebody would not be at fault?

Mr. GEORGE. Yes. I can give you the fact of a revocation where an individual in fact did not receive the notice because the Department of Transportation does not register a notification for a re-test. And because of that, that revocation notice is provided and an individual should lose his insurance.

Mr. MILLIRON. Is that not a suspension, Mr. Speaker?

Mr. GEORGE. It could be a revocation if in fact he does not pursue the second notice.

Mr. MILLIRON. Thank you, Mr. Speaker.

May I make a few remarks on the amendment?

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

Mr. MILLIRON. Mr. Speaker, the problem that Mr. George attempts to solve is a very serious one. The entire auto insurance problem in the Commonwealth is becoming more and more serious, first of all, because of cost, and, secondly, because of availability.

As I had stated, the problem of automobile insurance is twofold; first, if people can afford it, and, secondly, if they can get it. It is not available in many areas of the Commonwealth. Many of the insurance companies are canceling out agencies. These are problems that are not addressed in the George amendment. I think the gentleman's intentions are very good and we all realize the problem.

There are two bills currently on the Senate calendar: SB 1150, by Senator Smith, which deals with the problem of people who are involved in accidents that are not their fault. It absolutely forbids rate increases based on accidents when the person was not at fault. And SB 1200, which was introduced by Senator McKinney, also has very serious problems that it addresses.

We have companies, such as Donegal, canceling agencies. What happens when they do that? Every person who was insured through that local agent has automatically been dropped regardless of what his past record was. As a result, these are the problems I think we have to address. Those are the two Senate bills that address them very well, and I do think we are going to add more confusion by accepting the George amend-

ment with the lack of definitions of standard rates and unit of insurance.

Again, even though we are addressing the problem, I do not feel that this particular amendment is going to solve it. It is going to create more problems. I think we should wait until the proper vehicles, and when I say the proper vehicles, I mean the two bills that are going to be coming over, SB 1150 and SB 1200. They are excellent bills. I feel sure the Insurance Committee will look into them and report them to the floor and will accept Mr. George's input at that time.

I do hope the House does not react to the problem by over-reacting with a bad solution. I urge the defeat of the amendment, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Somerset, Mr. Halverson.

Mr. HALVERSON. Mr. Speaker, I concur with the last speaker, Mr. Milliron, and I also agree that Mr. George, the sponsor of this amendment, has good intentions. But I think, also, that if we are to pass this, we are going to compound the problem.

There are two parts to this amendment, part (a) and part (b). Part (a) says that no insurer shall base their rates on violations, suspensions or accidents where the insured was not at fault.

Now let us go back just a minute. When a person applies for the insurance, he is asked to state what accidents or violations he had in the last 3 or 5 years, depending on the insurance company. He states in that application the violations or accidents which he had. Once the insurance company receives that application, they then get a motor vehicle record on that particular application. The problem occurs when the department, the Bureau of Traffic Safety, reports to the insurance company all of the accidents and violations that that person has had in the last 3 years. When they do so, they do so without any indication of fault.

Now on their report it simply says that so and so was involved in an accident on such and such a date, in such and such a county. It does not indicate whether or not he was at fault or was not at fault. There are two problems with that. In the cases that I know about, no charge would be made if that individual would bring that before his insurance agent or that insurance company. They would relieve him of that charge. But the other point goes a little bit further.

As you know, back about 1975, not with my vote but with the majority of votes of this General Assembly, we passed a comparative negligence law. Comparative negligence places you at fault in some degree, apparently, and in many instances many insurance companies today are settling claims and saying that instead of your being completely innocent, you are 20 percent at fault. So I do not think that the amendment goes far enough in section (a).

In section (b), I think we would have serious problems in implementing that particular section because, as you all know, in Pennsylvania we do base our rates on the number of accidents or violations a person has had in the last 3 or 5 years. This would prohibit such a rate from being charged if the person just applied for insurance.

Really in the end, it would be nonproductive because if the company would not be allowed to charge that additional rate, you just would not be able to get the insurance. It is just that simple.

Secondly, if you say that the assigned-risk plan cannot charge for that particular violation or accident, it simply means that the good drivers, the people who do not have accidents, would be paying higher rates to subsidize those who are careless and who have accidents. So, therefore, Mr. Speaker, I would call for the defeat of the amendment.

Thank you.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I have one question I would like to ask Mr. George. We have talked it over, but I would like him to repeat it for the people.

The SPEAKER. The gentleman, Mr. George, will stand for interrogation. The gentleman, Mr. Letterman, will place his interrogation.

Mr. LETTERMAN. I have the same problem that Mr. Halverson has, Mr. Speaker, due to the fact that I do not know who would evaluate who is at fault. I know that when the State Police go out to investigate an accident, they do not mark down or put a report in of whose fault it is. So I would say that the best thing to do is probably table the bill and the amendment until we have time to make a change to put into this amendment some way of evaluating the fault of the accident. Do you think that would be a wise decision, Mr. Speaker?

Mr. GEORGE. The first part of your inquiry is that you were in complete agreement with our colleague, Mr. Halverson. I still have not determined just what he means by the argument that was given.

I just explained to you that before the current passage and recodification of the Motor Vehicle Code, that if, in fact, you were involved in an accident on the highways of Pennsylvania, whether or not it was your fault, you were, under law, required by the Bureau of Motor Vehicles and your insurance company to submit to the Department of Transportation a report on that accident. And I can assure you, you did not put on that report, "I was at fault." I can assure you that report was then put against your driving record. This is exactly what this amendment does. All it says is that if you were not at fault, you should not be penalized.

I will answer Mr. Halverson by answering you. Does he insist that we in Pennsylvania who have never been involved in a wreck have not had an increase in insurance rates?

I insist that I do not want to take care of the bad risks, but I want to protect those who are being encumbered by these types of records that are, in fact, untrue. We do not have to go on this all day. It is quite simple if we want to help the people of Pennsylvania.

Mr. LETTERMAN. Well, to that I can say, I want to help the people as much as you do, but I do not see how this amendment is going to do that. I was only trying to suggest to you a way in which we might be able to put this back into committee or lay it on the table where you could correct the amendment to make

sure that someone is going to evaluate just whose fault it was for the accident. Without that, I see nothing in your amendment that will hold water at all. That is the only part of it I am against. I think it is a good amendment and a good idea. I would like to vote for it. But to vote for it the way it is, I feel will not do anything for the people of Pennsylvania at this point unless you do have someone evaluate who is at fault for an accident.

Mr. GEORGE. Again, Mr. Speaker, you are quite aware that, on the passage and recodification of the Vehicle Code, you will not be required, unless there has been some injury or the cost of the accident exceeds a certain amount, to provide a report to the Department of Transportation. And to do something on the records would have to be applied to something over in the Department of Motor Vehicles. Again, I could say that I do not know the complete proficiency of any individual. Hopefully, someone could have even taken this amendment and shortened it to do the same thing.

I can assure you that people have been refused insurance in Pennsylvania not only because of accident records that were untrue, but because of an undercover investigation by asking your neighbor what kind of a man you have been. People have been denied the right to enter into buying an insurance plan because your neighbor says you are not of good moral standing. I say the facts and figures and formulas are wrong, and the fact that an individual had two accidents in the last 3 years does not necessarily mean he will ever have another one as long as he lives.

Now the insurance companies and any other big business in Pennsylvania can take these figures and distort them any way they want to. But I am saying that if, in fact, an individual is not responsible and not at fault, he should not be penalized.

Mr. LETTERMAN. Mr. Speaker, I would like to make a comment, please.

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

Mr. LETTERMAN. I realize that this is what the people want. I am going to vote for this amendment because it just may go through and it may be able to help, but I do not feel that it is going to do the job until we really evaluate the fault of the accident. But I will vote for it.

Thank you.

MOTION TO RECOMMIT

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

Mr. MOWERY. Thank you, Mr. Speaker.

I believe that due to the emotion that may be now rising here with Representative George on this amendment, which is a worthwhile concern of his, this bill should be recommitted.

As a member of the Insurance Committee, we have discussed some of these areas in depth. We have had some hearings. In addition to that, as was earlier presented here, we do have other bills that are forthcoming that hopefully will correct some of these things. For this reason I believe it would be to the benefit of all of us to recommit this to the Insurance Committee. I would like to so move.

The SPEAKER. It has been moved by the gentleman, Mr. Mowery, that HB 1782, together with the amendment offered

by the gentleman, Mr. George, be recommitted to the Committee on Insurance.

The Chair recognizes, on this motion, the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Mr. Speaker, I hesitate to give a prudent argument because I do not want to embarrass anyone nor do I want to underrate the working of the committee system in the House of Representatives.

A while ago it was mentioned that there will be forthcoming a couple of bills from our illustrious counterpart, the Pennsylvania Senate. The same gentleman and the individual who just spoke, our good colleague, knows that bills such as this—and there are several of them—are sitting in our committee at this time.

Now if, in fact, a Representative such as I gets four or five complaints a week—and again I am not a mathematician—that would amount to 200 or so a year. If we double that or even take it 200 times 200, and we assume that there are hundreds who do not contact us, then we must assume that this must happen at least 40,000 or 50,000 times a year.

I say to those of you who have resigned yourselves to saying, oh, we will take care of this next year; let us put it back in committee where the other bills are at this time; let us let five or six people decide whether or not we go to the left or we go to the right or we go toward the direction that those who call us have insisted, I am afraid I must leave that to you. But I urge that you do not recommit this.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Kowalyszyn.

Mr. KOWALYSHYN. I would like to state that Mr. Miscevic has a good amendment coming up and Mr. Dorr has a good amendment that should be presented this afternoon.

I will speak further against the George amendment, but for the time being I would suggest that we vote not to recommit.

MOTION TO RECOMMIT WITHDRAWN

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

Mr. MOWERY. Thank you, Mr. Speaker.

In light of the fact that the chairman of the Insurance Committee would like to see the other amendments offered, I would like to withdraw my motion to recommit the bill and ask for a “no” vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

REQUEST TO DIVIDE

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

MR. GRIECO. Mr. Speaker, would it be possible to divide the amendment, (a) and (b)?

The SPEAKER. The gentleman would desire to divide the amendment between section 5.1 (a) and (b)? Is that correct?

Mr. GRIECO. Correct.

The SPEAKER. Let the Chair check it and we will be back to you.

It is the opinion of the Chair that the question is divisible and

is divisible at the point indicated by the gentleman, Mr. Grieco. Does the gentleman desire to make that motion?

MOTION TO DIVIDE

Mr. GRIECO. Yes, I would like to make the motion to divide the amendment.

The SPEAKER. The Chair suggests you pay attention to the division point.

It has been moved by the gentleman, Mr. Grieco, that the House divide this question by drawing a line between section (a) which begins: “No insurer shall base their rates on” and section (b) which begins: “All persons initially entering into a policy shall be”

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

Mr. BENNETT. Mr. Speaker, I am standing with the sponsor of the amendment, and he and I each fail to understand why the gentleman, Mr. Grieco, is moving to divide the question at that point. Would he elaborate, please?

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

Mr. GRIECO. Mr. Speaker, on section (a), personally I think it is a good amendment. But on section (b), I cannot see where we can regulate business today. I think it is up to each business to run its own affairs. We should keep our noses out of their business.

Thank you.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, I had, in conversation with you previously to Mr. Grieco’s motion, thought of dividing it myself. It would have been at a different point. But I think that the prime sponsor of the amendment and I would agree to support the division as proposed by Mr. Grieco and would second the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—154

Abraham	Gallagher	McLane	Scheaffer
Anderson	Gallen	Mebus	Schmitt
Armstrong	Gatski	Meluskey	Schweder
Arthurs	George, M.	Milanovich	Scirca
Barber	Giammarco	Milliron	Shelton
Bellomini	Gillette	Miscevic	Shuman
Beloff	Gleeson	Morris	Shupnik
Bennett	Goodman	Mrkonic	Sirianni
Berlin	Gray	Mullen, M. P.	Smith, E.
Berson	Greenfield	Musto	Smith, L.
Bittle	Greenleaf	Novak	Spencer
Borski	Grieco	Noye	Spitz
Brandt	Halverson	O’Brien, B.	Stairs
Burd	Hamilton	O’Brien, D.	Stapleton
Butera	Harper	O’Connell	Stuban
Cassidy	Hasay	O’Donnell	Taddonio
Cessar	Haskell	O’Keefe	Taylor, E.
Cianciulli	Hayes, D. S.	Oliver	Taylor, F.

Cimini	Hayes, S. E.	Pancoast	Tenaglio
Cohen	Helfrick	Parker	Thomas
Cole	Hoeffel	Peterson	Trello
Cowell	Honaman	Petrarca	Valicenti
Davies	Hopkins	Piccola	Vroon
DeVerter	Hutchinson, A.	Pievsky	Wansacz
DeWeese	Itkin	Pitts	Wass
DiCarlo	Katz	Polite	Wenger
Dininni	Kernick	Pott	White
Dombrowski	Klingaman	Pratt	Wiggins
Donatucci	Knepper	Pyles	Wilt
Dorr	Kolter	Rappaport	Wise
Doyle	Kowalyszyn	Ravenstahl	Wright, D.
Dumas	Lehr	Reed	Yohn
Fee	Levi	Rhodes	Zearfoss
Fischer, R. R.	Lincoln	Richardson	Zeller
Fisher, D. M.	Manderino	Rieger	Zitterman
Flaherty	Manmiller	Ritter	Zwilk
Foster, W.	McCall	Ruggiero	
Freind	McClatchy	Ryan	Irvis,
Fryer	McIntyre	Salvatore	Speaker

NAYS—36

Bittinger	Foster, A.	Laughlin	Mowery
Brown	Garzia	Letterman	Renwick
Burns	Geisler	Levin	Scanlon
Caltagirone	George, C.	Livengood	Stewart
Caputo	Goebel	Logue	Sweet
DeMedio	Johnson	Mackowski	Wargo
Dietz	Jones	Madigan	Wilson
Duffy	Kelly	Miller	Wright, J. L.
Englehart	Kukovich	Moehlmann	Zord

NOT VOTING—13

Brunner	Lynch	Prendergast	Weidner
Gamble	McGinnis	Seltzer	Williams
Geesey	Mullen, M. M.	Wagner	Yahner
Hutchinson, W.			

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

AMENDMENTS DIVIDED

The SPEAKER. The question is divided, and the House has placed before it the following amendment:

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

Section 5.1. (a) No insurer shall base their rates on violations of the vehicle laws, revocation or suspension records, or accident records when the insured was not at fault.

That is the amendment before the House.

The Parliamentarian has pointed out that all the wording above that beginning with "AMENDMENTS TO HOUSE BILL NO. 1782" is, of course, included.

The question is on the amendment as read by the Chair.

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

Mr. REED. Mr. Speaker, would Mr. George consent to a further interrogation?

The SPEAKER. The gentleman, Mr. George, indicates he will so consent. The gentleman, Mr. Reed, is in order and may proceed.

Mr. REED. Mr. Speaker, I am reading the first part of the amendment, part (a), which is now divided and the sole ques-

tion on which we are presently voting, and it says: "No insurer shall base their rates on violations of the vehicle laws, revocation or suspension records, or accident records when the insured was not at fault." The reference to the accident records when the insured was not at fault, I have no difficulty with. But the section with regard to violations of the vehicle laws, the intent of your legislation, Mr. George, is to prevent an insurance company from raising the insurance premium on someone who has violated the Vehicle Code. Is that correct?

Mr. GEORGE. He was not at fault.

Mr. REED. How could you be in violation of the Vehicle Code and not be at fault?

Mr. GEORGE. Mr. Speaker, the main purpose of this amendment is to provide some alleviation for the fact that many insurance companies are receiving information that deals with an accident or a driving record that is not in any way accurate. For instance, I saw the other day a record that an insurance company had been provided that showed the same accident on two different days. Therefore, the insured was, by the insurance company, charged with two accidents.

Mr. REED. Mr. Speaker, I am not sure I understand the answer. The basic question that I have is that I do not want to see somebody who is convicted of drunken driving or some other major violation of the Vehicle Code escape receiving a premium increase because of this particular phraseology that says: "No insurer shall base their rates on violations of the vehicle laws, revocation or suspension records, . . ."

Now the reference to the accident when you are not at fault I have no difficulty with. My problem is, if you are concerned with vehicle records being in error over in the Department of Transportation, then that is what you should say, but that is not what this amendment says. The amendment says that the Nationwide Insurance Company, for example, cannot increase anyone's insurance premium even if they are convicted of a violation, a serious violation, including drunken driving, of the Vehicle Code, because it says that no insurer shall base their rates on violations of the Vehicle Code. And you cannot very well have a violation on your record of the Vehicle Code and not be at fault at the same time. It is inconsistent; it is also inconceivable.

Mr. GEORGE. Well, I am afraid, sir, that you have not learned very much about bureaucracy, because I do not believe you know what you are talking about in this instance. I do not mean that personally.

Mr. REED. Mr. Speaker, does this amendment deal solely with driver's records in PennDOT that are there in error?

Mr. GEORGE. This deals precisely with that problem where an insurance company is willing to accept any information that is provided to them and will do absolutely nothing from the encouragement of their insured when that man says, this record is wrong. It is up to that individual then to go through a long, devastating period of harassment to try to get the Insurance Commission to prove that this is wrong. I say, if the insurance company is going to blame you for an accident that you claim is not yours, then they should prove in fact that it was yours.

Mr. REED. Carrying that just a step further—and you made

your reference to the phraseology that deals with the accident, and I have already said that I have no difficulty with that—if the insurance company says that in your case they have checked your driver's record and they ascertain that you were convicted 12 months ago of drunken driving, is the burden of proof therefore on them to turn around and determine again that you were found guilty of that particular charge, while you say, no, I do not know what you are talking about?

Mr. GEORGE. Mr. Speaker, under most motor vehicle documents currently, companies say that if you have been involved in two accidents within the last 3 years or three violations within the last 3 years, they can, in fact, suspend or you can be forced to go into the Pennsylvania plan.

I have seen records that have been so distorted that they have shown that an individual was charged for an accident on November 15 and on November 1, 14 days earlier; he was reinstated for the accident he was charged for 14 days later. That is just how those records are provided to the insurance companies.

I refuse to believe that most legislators have never had the opportunity to go over there to that department, where they claim they make about \$1 million a year, and that no one wants to do anything about this. I agree that there was an original bill that something should be done about it, but I agree that there are times when someone should know just what type of a driver you are — a future employer. But this is not the problem. I would be only too happy, if I wanted to go to work for some trucking company, to have them know of or have access to my record. I am saying to you, Mr. Speaker, that that insurance company can get your records cheaper and easier than you can. They get theirs for \$1.50; you pay \$2.50.

Mr. REED. I submit that that has little, if anything, to do with the amendment.

Mr. Speaker, I am finished with the interrogation, if that is what it was.

Mr. GEORGE. Forgive me, Mr. Speaker, you are going to have to learn to come down to my level.

Mr. REED. This could get me into trouble, Mr. Speaker, but I think we are on the same level.

Mr. Speaker, I have just one comment with regard to the amendment, and that is, just simply taking the amendment at its face value and using his exact phraseology, I think we can see how persons who have had, in some cases, very serious driving violations are going to be able to go after an insurance company because they received a premium increase, that premium increase being based upon their violation of the Vehicle Code, including those violations which are serious, including drunken driving, by merely taking the phraseology "No insurer shall base their rates on violations of the vehicle laws, revocation or suspension records, . . ." Using that part of the amendment, just about anyone in this state could prevent themselves from receiving a rate increase. And that means that the rest of us—if they do not receive a premium increase—all the people who are insured by that insurance company are going to ultimately receive a rate-base increase to accommodate and to account for the loss of revenue to the insurance companies as they continue to pay out for persons with accidents and with bad driving

records.

I submit that the intent of Mr. George is excellent. I have no difficulty with the last part of the amendment. Using the first part of it, however, I think we are going to create a hornet's nest that will not serve the purpose that Mr. George wants it to and which all of us would want it to.

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

Mr. MOWERY. Mr. Speaker, we have heard a lot of pros and cons as to whether this is good or bad. The philosophy is not bad; it is the way it is written that is bad.

I think in Pennsylvania, when we are trying to solve our automobile problems, that this is not something we need just because it is a good idea. This would have the effect of increasing the rates of all of us. There will have to be an increase because in their ratemaking process the insurance companies would not take into consideration, due to the law that we pass, many of the violators who do cause the accidents.

For that reason I would suggest that all of us vote "no" and get on with the rest of the bill.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Mercer, Mr. Bennett.

Mr. BENNETT. Mr. Speaker, my remarks will be addressed primarily to Mr. Reed and to Mr. Mowery, for I feel that they have lost something in the understanding of this piece of legislation.

As I understand it—and I will stand corrected if I am wrong—any person in this Commonwealth who violates the Vehicle Code and thereby receives a revocation, mandated by a court, must, before they are given a new license or the opportunity to get a new license, pay the financial responsibility clause and purchase the high-risk insurance. If I am wrong I will stand corrected on that, but I think that I am right.

Therefore, Mr. Speaker, it would seem to me that Mr. George's amendment is in order and would be a good amendment, for I can see no logical sense in allowing an insurance company, based solely on that person's driving record, to raise their rates, nor can I see, based on logic, the Insurance Commission allowing the insurance companies to raise the rates of all of us because of those few drivers, comparatively speaking, who have had revocations. Again, based on the fact that if a person has a revocation he must pay a higher rate than any of us—he must do this by law—Mr. Speaker, I am suggesting that Mr. George's amendment is in order. I am suggesting that it is a good amendment and I would ask your support of that amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman, Mr. Kowalyshyn.

Mr. KOWALYSHYN. Mr. Speaker, I would like to just make one point at this time. I am speaking against this amendment. I would like to point out the language which says that revocation or suspension records will not be considered in connection with making rates. Ratemaking consists of assessing the amount of risk of any driver. I want specifically to point out, as Mr. Reed has pointed out, the case of the drunken driver who, under the

law, has a mandatory revocation. There must be some reason why the legislature of Pennsylvania made it a mandatory revocation, and I believe it has something to do with the risk involved of having this kind of a driver on the road. Now with this amendment we are saying that that risk is not to be considered. I believe that this is a defective amendment. It will only lead into trouble, and I urge that it be defeated.

The SPEAKER. The Chair recognizes, on the amendment for the second time, the gentleman, Mr. George.

Mr. GEORGE. Mr. Speaker, I must apologize to this membership. Yes, I did come before you today quite emotional, only because there have been hundreds who have come to me with the same kind of emotion.

I just cannot understand what I have heard today. I cannot understand these innuendos. I cannot understand that Mr. Kowalyshyn would stand before you and talk about an ARD — Accelerated Rehabilitation Division — program that does not exist in many counties of Pennsylvania and try to throw a fear tactic into you. I say to you, you are more intelligent than that and since, in fact, he heads that committee, then he should share the responsibility and then let him come in with a proposal sometime that is better than this. Until that time comes, let us start the action to do something.

On the question,
Will the House agree to Part I of the George amendments?

The following roll call was recorded:

YEAS—119

Abraham	Flaherty	Lincoln	Schweder
Anderson	Fryer	Livengood	Shuman
Barber	Gallagher	Logue	Shupnik
Bellomini	Gamble	Manderino	Smith, L.
Beloff	Garzia	McCall	Spencer
Bennett	Gatski	McLane	Stapleton
Berlin	Geisler	Meluskey	Stewart
Bittinger	George, C.	Milanovich	Stuban
Bittle	Giammarco	Miller	Sweet
Brown	Gleeson	Miscevich	Taylor, F.
Brunner	Goebel	Moehlmann	Tenaglio
Burns	Gray	Morris	Trello
Caltagirone	Greenfield	Mrkonic	Valicenti
Caputo	Greenleaf	Mullen, M. P.	Wansacz
Cianciulli	Grieco	Musto	Wargo
Cohen	Harper	Novak	White
Cole	Hasay	O'Brien, B.	Wiggins
Cowell	Haskell	O'Brien, D.	Wilson
DeMedio	Hayes, D. S.	Parker	Wilt
DeVertter	Helfrick	Petrarca	Wise
DeWeese	Hutchinson, A.	Pratt	Wright, D.
Dombrowski	Itkin	Pyles	Wright, J. L.
Donatucci	Katz	Rappaport	Yahner
Dorr	Kelly	Ravenstahl	Zeller
Doyle	Kernick	Renwick	Zitterman
Duffy	Klingaman	Richardson	Zord
Dumas	Kolter	Rieger	Zwilk
Englehart	Lehr	Salvatore	
Fee	Letterman	Scanlon	Irvis,
Fischer, R. R.	Levi	Schmitt	Speaker
Fisher, D. M.			

NAYS—74

Armstrong	Gillette	McClatchy	Ritter
Arthurs	Goodman	Mebus	Ruggiero

Berson	Halverson	Milliron	Ryan
Borski	Hamilton	Mowery	Scieffer
Brandt	Hayes, S. E.	Noye	Schraffer
Burd	Hoeffel	O'Connell	Sirianni
Butera	Honaman	O'Donnell	Smith, E.
Cassidy	Hopkins	O'Keefe	Spitz
Cessar	Hutchinson, W.	Oliver	Stairs
Cimini	Johnson	Pancoast	Taddonio
Davies	Jones	Peterson	Taylor, E.
DiCarlo	Knepper	Piccola	Thomas
Dietz	Kowalyshyn	Pitts	Vroon
Dininni	Kukovich	Polite	Wagner
Foster, A.	Laughlin	Pott	Wass
Foster, W.	Levin	Prendergast	Wenger
Freind	Mackowski	Reed	Yohn
Gallen	Madigan	Rhodes	Zearfoss
George, M.	Manmiller		

NOT VOTING—10

Geesey	McIntyre	Seltzer	Weidner
Lynch	Mullen, M. M.	Shelton	Williams
McGinnis	Pievsky		

So the question was determined in the affirmative and Part I of the amendments was agreed to.

AMENDMENT PART II WITHDRAWN

The SPEAKER. Is it the request of the gentleman, Mr. George, that the second part of the amendment which has been divided now be placed before the House?

Mr. GEORGE. Mr. Speaker, I firmly believe that there are two other amendments. I believe that the one from Mr. Dorr alludes to the same problem that this second part of our amendment does, so I withdraw the second part of our amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MISCEVICH offered the following amendments:

Amend Title, page 1, line 4, by inserting after "therefor," providing for coverage upon cancellation of agency and Amend Sec. 1, page 1, line 9, by inserting after "Sections" 3, Amend Bill, page 1, by inserting between lines 13 and 14 Section 3. No insurer shall cancel or refuse to write or renew a policy of automobile insurance solely because of the age, residence, race, color, creed, national origin, ancestry or lawful occupation (including the military service) of anyone who is or seeks to become insured or solely because another insurer has refused to write a policy, or has cancelled or has refused to renew an existing policy in which that person was the named insured, or because the insurer has cancelled the agency of the representative with whom the policy was placed, in which case the insurer must supply the insured with a new agent so that the policy may be continued or renewed.

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

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

Mr. MISCEVICH. Mr. Speaker, this is a very simple amendment. Really what it says is that if an insurance company wants to cancel a certain individual, they cannot cancel except for nonpayment of the premium, because what they have been doing across the State of Pennsylvania is canceling the agent.

Thus he cannot write the insurance anymore, thereby eliminating everybody in a certain family.

Although, wrongfully, the insurance company is still getting the commission that the insurance office should have, I am overlooking that portion of it and I am just asking that they be required to supply insurance to an individual who has had insurance with that company for 20 or 25 years so that they not be able to suspend them by suspending the agents their right to insure.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—190

Abraham	Fryer	Mackowski	Salvatore
Anderson	Gallagher	Madigan	Scanlon
Armstrong	Gallen	Manderino	Scheaffer
Arthurs	Gamble	Manmiller	Schmitt
Barber	Garzia	McCall	Schweder
Bellomini	Gatski	McClatchy	Scirica
Beloff	Geisler	McIntyre	Shuman
Bennett	George, C.	McLane	Shupnik
Berlin	George, M.	Mebus	Sirianni
Berson	Giammarco	Meluskey	Smith, E.
Bittinger	Gillette	Milanovich	Smith, L.
Bittle	Gleeson	Miller	Spencer
Borski	Goebel	Milliron	Spitz
Brandt	Goodman	Miscevich	Stairs
Brown	Gray	Moehlmann	Stapleton
Brunner	Greenfield	Morris	Stewart
Burd	Greenleaf	Mowery	Stuban
Burns	Grieco	Mrkonic	Sweet
Butera	Halverson	Mullen, M. P.	Taddonio
Caltagirone	Hamilton	Musto	Taylor, E.
Caputo	Harper	Novak	Taylor, F.
Cassidy	Hasay	Noye	Tenaglio
Cessar	Haskell	O'Brien, B.	Thomas
Cimini	Hayes, D. S.	O'Brien, D.	Trello
Cohen	Hayes, S. E.	O'Connell	Valicenti
Cole	Helfrick	O'Donnell	Vroon
Cowell	Hoeffel	O'Keefe	Wagner
Davies	Honaman	Oliver	Wansacz
DeMedio	Hopkins	Pancoast	Wargo
DeVerter	Hutchinson, A.	Parker	Wass
DeWeese	Hutchinson, W.	Peterson	Wenger
DiCarlo	Itkin	Petrarca	White
Dietz	Johnson	Piccola	Wiggins
Dininni	Jones	Pitts	Wilson
Dombrowski	Katz	Polite	Wilt
Donatucci	Kelly	Pott	Wise
Dorr	Kernick	Pratt	Wright, D.
Doyle	Klingaman	Prendergast	Wright, J. L.
Duffy	Kolter	Pyles	Yahner
Dumas	Kowalyshyn	Rappaport	Yohn
Englehart	Kukovich	Ravenstahl	Zearfoss
Fee	Laughlin	Reed	Zeller
Fischer, R. R.	Lehr	Renwick	Zitterman
Fisher, D. M.	Letterman	Richardson	Zord
Flaherty	Levi	Rieger	Zwikl
Foster, A.	Lincoln	Ritter	
Foster, W.	Livengood	Ruggiero	Irvis,
Freind	Logue	Ryan	Speaker

NAYS—2

Cianciulli	Levin
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NOT VOTING—11

Geesey	McGinnis	Rhodes	Weidner
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Knepper	Mullen, M. M.	Seltzer	Williams
Lynch	Pievsky	Shelton	

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

On the question recurring,

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

Mr. DORR offered the following amendments:

Amend Title, page 1, line 4, by inserting after "therefor," providing for cancellation and for coverage upon cancellation of agency and

Amend Sec. 1, page 1, line 9, by inserting after "Sections" 3,

Amend Bill, page 1, by inserting between lines 13 and 14

Section 3. No insurer shall cancel or refuse to write or renew a policy of automobile insurance solely because of the age, residence, race, color, creed, national origin, ancestry [or], lawul occupation (including the military service), or physical infirmity where the insured has been issued a valid driver's license, of anyone who is or seeks to become insured or solely because another insurer has refused to write a policy, or has cancelled or has refused to renew an existing policy in which that person was the named insured, or because the insurer has cancelled the agency of the representative with whom the policy was placed, in which case the insurer must supply the insured with a new agent so that the policy may be continued or renewed.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr, on the amendment.

Mr. DORR. Mr. Speaker, this amendment is numbered "A3224," I believe, at the top. Is that what you have?

The SPEAKER. Amendment A3224, correct.

Mr. DORR. I apologize to the gentleman, Mr. Miscevich. I had no intention of plagerizing his amendment. It repeats, in underlining, that which was just adopted by the House, and I do not think that is necessary. I think the Legislative Reference Bureau can take care of it, however.

The amendment that I am attempting to insert at this point is the underlined upper portion of the paragraph dealing with physical infirmity on the part of the driver. The situation—

The SPEAKER. The Chair would interrupt the gentleman and suggest that it would be wiser to divide the amendment by canceling after the words "driver's license" all of the other words, which are unimportant in the gentleman's amendment at this point in time. It would make a cleaner amendment to submit.

Mr. DORR. That is agreeable, Mr. Speaker.

AMENDMENT DIVIDED

The SPEAKER. The gentleman, Mr. Dorr, has moved that the amendment be divided by drawing a line after the word "license" in the underlined words "a valid driver's license" and leaving intact in the amendment all of the language prior to that line.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—185

Abraham	Gamble	Manmiller	Scanlon
Anderson	Garzia	McCall	Scheaffer
Armstrong	Gatski	McClatchy	Schmitt
Arthurs	Geisler	McIntyre	Schweder
Beloff	George, C.	McLane	Scirica
Bennett	George, M.	Mebus	Shuman
Berson	Giammarco	Meluskey	Shupnik
Bittinger	Gillette	Milanovich	Sirianni
Bittle	Gleeson	Miller	Smith, E.
Borski	Goebel	Milliron	Smith, L.
Brandt	Goodman	Miscevich	Spencer
Brown	Gray	Moehlmann	Spitz
Brunner	Greenfield	Morris	Stairs
Burd	Greenleaf	Mowery	Stapleton
Burns	Grieco	Mrkonic	Stewart
Butera	Halverson	Mullen, M. M.	Suban
Caltagirone	Hamilton	Mullen, M. P.	Taddonio
Caputo	Harper	Musto	Taylor, E.
Cassidy	Hasay	Novak	Taylor, F.
Cessar	Haskell	Noye	Tenaglio
Cianciulli	Hayes, D. S.	O'Brien, B.	Thomas
Cimini	Hayes, S. E.	O'Brien, D.	Trello
Cohen	Helfrick	O'Connell	Valicenti
Cole	Hoefel	O'Donnell	Vroon
Cowell	Honaman	O'Keefe	Wagner
Davies	Hopkins	Oliver	Wansacz
DeMedio	Hutchinson, A.	Pancoast	Wargo
DeVerter	Itkin	Parker	Wass
DeWeese	Johnson	Peterson	Wenger
DiCarlo	Jones	Petrarca	White
Dietz	Katz	Piccola	Wiggins
Dininni	Kelly	Pievsky	Wilson
Dombrowski	Kernick	Pitts	Wilt
Donatucci	Klingaman	Polite	Wise
Dorr	Knepper	Pott	Wright, D.
Doyle	Kolter	Pratt	Wright, J. L.
Duffy	Kowalyshyn	Prendergast	Yahner
Englehart	Kukovich	Pyles	Yohn
Fee	Laughlin	Rappaport	Zearfoss
Fischer, R. R.	Lehr	Ravenstahl	Zeller
Fisher, D. M.	Letterman	Renwick	Zitterman
Flaherty	Levi	Richardson	Zord
Foster, A.	Lincoln	Rieger	Zwinkl
Foster, W.	Livengood	Ritter	
Freind	Logue	Ruggiero	Irvis,
Fryer	Madigan	Ryan	Speaker
Gallagher	Manderino	Salvatore	

NAYS—0

NOT VOTING—18

Barber	Geesey	McGinnis	Shelton
Bellomini	Hutchinson, W.	Reed	Sweet
Berlin	Levin	Rhodes	Weidner
Dumas	Lynch	Seltzer	Williams
Gallen	Mackowski		

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

REMARKS ON VOTE

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

Mr. GALLEN. Mr. Speaker, on that last vote, on the motion to divide the Dorr amendment, I was momentarily out of my seat. I would like to be recorded in the affirmative.

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

the record.

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

Mr. MACKOWSKI. Mr. Speaker, I would like to be recorded in the affirmative on the last vote, on the division of the amendment.

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

On the question,

Will the House agree to Part I of the Dorr amendments?

The SPEAKER. The Chair now recognizes the gentleman, Mr. Dorr, on the amendment which will begin with "Amend Title, page 1, line 4," going down to "Section 3. No insurer shall cancel or refuse to write or renew" and ending with the words "has been issued a valid driver's license."

Mr. DORR. Thank you, Mr. Speaker.

The amendment is intended to get at the situation where insurance companies are depriving individuals of insurance and thereby depriving them of their right to drive, in effect, by refusing insurance for physical infirmities. This situation arose recently in my district where companies were refusing an individual because he had diabetes.

It seems to me, Mr. Speaker, that when the Department of Transportation issues a valid driver's license and determines that a person is able to drive, then the insurance companies in this Commonwealth should not be in a position to deny that person the privilege to drive. I would urge the adoption of the amendment for that reason.

On the question recurring,

Will the House agree to Part I of the Dorr amendments?

The following roll call was recorded:

YEAS—189

Abraham	Gallen	Manderino	Scanlon
Anderson	Gamble	Manmiller	Scheaffer
Armstrong	Garzia	McCall	Schmitt
Arthurs	Gatski	McClatchy	Schweder
Barber	Geisler	McIntyre	Scirica
Beloff	George, C.	McLane	Shuman
Bennett	George, M.	Mebus	Shupnik
Berlin	Giammarco	Meluskey	Sirianni
Berson	Gillette	Milanovich	Smith, E.
Bittinger	Gleeson	Miller	Smith, L.
Bittle	Goebel	Milliron	Spencer
Borski	Goodman	Miscevich	Spitz
Brandt	Gray	Moehlmann	Stairs
Brown	Greenfield	Morris	Stapleton
Brunner	Greenleaf	Mrkonic	Stewart
Burd	Grieco	Mullen, M. P.	Suban
Burns	Halverson	Mullen, M. M.	Sweet
Butera	Hamilton	Musto	Taddonio
Caltagirone	Harper	Novak	Taylor, E.
Cassidy	Hasay	Noye	Taylor, F.
Cessar	Haskell	O'Brien, B.	Tenaglio
Cianciulli	Hayes, D. S.	O'Brien, D.	Thomas
Cimini	Hayes, S. E.	O'Connell	Trello
Cohen	Helfrick	O'Donnell	Valicenti
Cole	Hoefel	O'Keefe	Vroon
Cowell	Honaman	Oliver	Wagner
Davies	Hopkins	Pancoast	Wansacz
DeMedio	Hutchinson, A.	Parker	Wargo

DeVerter	Hutchinson, W.	Peterson	Wass
DeWeese	Itkin	Petrarca	Wenger
DiCarlo	Jones	Piccola	White
Dininni	Katz	Pievsy	Wiggins
Dombrowski	Kelly	Pitts	Wilson
Donatucci	Kernick	Polite	Wilt
Dorr	Klingaman	Pott	Wise
Doyle	Knepper	Pratt	Wright, D.
Duffy	Kolter	Prendergast	Wright, J. L.
Dumas	Kowalshyn	Pyles	Yahner
Englehart	Kukovich	Rappaport	Yohn
Fee	Laughlin	Ravenstahl	Zearfoss
Fischer, R. R.	Lehr	Reed	Zeller
Fisher, D. M.	Letterman	Renwick	Zitterman
Flaherty	Levi	Richardson	Zord
Foster, A.	Lincoln	Rieger	Zwikl
Foster, W.	Livengood	Ritter	
Freind	Logue	Ruggiero	Irvis,
Fryer	Mackowski	Ryan	Speaker
Gallagher	Madigan	Salvatore	

NAYS—3

Dietz	Levin	Mowery
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NOT VOTING—11

Bellomini	Johnson	Rhodes	Weidner
Caputo	Lynch	Seltzer	Williams
Geesey	McGinnis	Shelton	

The question was determined in the affirmative and Part I of the amendments was agreed to.

PART II WITHDRAWN

The SPEAKER. The gentleman, Mr. Dorr, withdraws from consideration, the second part of the amendments. So that amendment will not be offered to the House. The Chair thanks the gentleman.

On the question recurring,

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

Mr. DORR offered the following amendments:

Amend Title, page 1, line 4, by inserting after "further" restricting the insurer's power to cancel a policy of insurance and Amend Sec. 1, page 1, line 9, by inserting after "Sections" 4, Amend Bill, page 1, by inserting between lines 13 and 14 Section 4. (a) No insurer shall cancel a policy except for one or

the other of the following specified reasons:

- (1) Nonpayment of premium; or
- (2) The driver's license or motor vehicle registration of the named insured has been under suspension or revocation during the policy period; the applicability of this reason to one who either is a resident in the same household or who customarily operates an automobile insured under the policy shall be proper reason for the insurer thereafter excluding such individual from coverage under the policy, but not for cancelling the policy.

(b) No policy of insurance shall be cancelled, subject to nonrenewal, or assessed a premium surcharge on the basis of the accident record of an insured where such insured was not at fault in the accident or where less than twenty-five percent of the damage is attributed to the insured under the principles of comparative negligence unless in such instances, the insurer has contested, by litigation, the comparative negligence attribution.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, this is the amendment numbered at the top A-3223.

The amendment addresses a similar concern as was discussed in some of the remarks in adoption of the George amendment. However, it goes a little further in some cases and not quite so far in others.

The amendment addresses itself to situations where persons are cancelled, not renewed or assessed a premium surcharge where, in fact, they have had an accident but that accident is not in any way attributable to their negligence. They have not been at fault and yet, in many cases, the insurance companies of this Commonwealth are charging a premium surcharge. The company may suffer a loss, for example, by reason of the fact that the other driver is not insured or by reason of the fact that that company failed to pursue its legal remedies against the other driver, or for a variety of other reasons.

It is my opinion that when a driver is not at fault in an accident, then he should not have his insurance premium raised by reason of the fact that he had an accident. The amendment addresses itself specifically and simply to that problem. In addition, the system of comparative negligence, which we have in Pennsylvania today, creates a situation where in many cases the insured is assigned a negligence factor even though in fact it would be extremely difficult to show that he had such negligence in the accident.

Therefore, the amendment proceeds to deny the insurance company the right to raise premiums where less than 25 percent of the damages have been assigned to the insurer by reason of that comparative-negligence system unless the company has pursued its legal rights and a court has determined that he in fact was negligent to a degree although it may be less than 25 percent. I would ask the adoption of the amendment, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—191

Abraham	Gallagher	Manderino	Ryan
Anderson	Gallen	Manmiller	Salvatore
Armstrong	Gamble	McCall	Scanlon
Arthurs	Garzia	McClatchy	Scheaffer
Barber	Gatski	McIntyre	Schmitt
Bellomini	Geisler	McLane	Schweder
Beloff	George, C.	Mebus	Scirica
Bennett	George, M.	Meluskey	Shuman
Berlin	Giammarco	Milanovich	Shupnik
Berson	Gillette	Miller	Sirianni
Bittinger	Gleeson	Milliron	Smith, E.
Bittle	Goebel	Miscevich	Smith, L.
Borski	Goodman	Moehlmann	Spencer
Brandt	Gray	Morris	Spitz
Brown	Greenfield	Mowery	Stairs
Brunner	Greenleaf	Mrkonic	Stapleton
Burd	Grieco	Mullen, M. P.	Stewart
Burns	Halverson	Mullen, M. M.	Stuban

Butera	Hamilton	Musto	Sweet
Caltagirone	Harper	Novak	Taddonio
Caputo	Hasay	Noye	Taylor, E.
Cassidy	Haskell	O'Brien, B.	Taylor, F.
Cessar	Hayes, D. S.	O'Brien, D.	Tenaglio
Cianciulli	Hayes, S. E.	O'Connell	Thomas
Cimini	Helfrick	O'Donnell	Trello
Cohen	Hoeffel	O'Keefe	Valicenti
Cole	Honaman	Oliver	Vroon
Cowell	Hopkins	Pancoast	Wagner
Davies	Hutchinson, A.	Parker	Wansacz
DeMedio	Hutchinson, W.	Peterson	Wargo
DeVerter	Itkin	Petrarca	Wass
DeWeese	Katz	Piccola	Wenger
DiCarlo	Kelly	Pievsky	White
Dietz	Kernick	Pitts	Wiggins
Dininni	Klingaman	Polite	Wilson
Dombrowski	Knepper	Pott	Wilt
Donatucci	Kolter	Pratt	Wise
Dorr	Kowalyszyn	Prendergast	Wright, D.
Doyle	Kukovich	Pyles	Wright, J. L.
Duffy	Laughlin	Rappaport	Yahner
Dumas	Lehr	Ravenstahl	Yohn
Fee	Letterman	Reed	Zeller
Fischer, R. R.	Levi	Renwick	Zitterman
Fisher, D. M.	Lincoln	Rhodes	Zord
Flaherty	Livengood	Richardson	Zwinkl
Foster, A.	Logue	Rieger	
Foster, W.	Mackowski	Ritter	Irvis,
Freind	Madigan	Ruggiero	Speaker
Fryer			

NAYS—0

NOT VOTING—12

Englehart	Jones	McGinnis	Weidner
Geesey	Levin	Seltzer	Williams
Johnson	Lynch	Shelton	Zearfoss

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

On the question recurring,

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

Bill as amended was agreed to.

BILL REPRINTED

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

Mr. GALEN. Mr. Speaker, I would like to have this bill held so it can be printed so we can see it in print.

The SPEAKER. That is a reasonable request inasmuch as the amendments do change the nature of the bill.

The Chair rescinds its question, Will the House agree to the bill? HB 1782, together with the amendments thereto, will be reprinted and be prepared for final passage.

Agreeable to order,

The House proceeded to third consideration of Senate bill No. 594, printer's No. 1241, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled as amended "The Insurance Department Act of one thousand nine hundred and twenty-one" revising and clarifying the procedures with regard to rehabilitation and liquidation of insurers and providing sanctions.

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 provision of the Constitution, the roll call will now be taken.

YEAS—193

Abraham	Fryer	Madigan	Ryan
Anderson	Gallagher	Manderino	Salvatore
Armstrong	Gallen	Manmiller	Scanlon
Arthurs	Gamble	McCall	Scheaffer
Barber	Garzia	McClatchy	Schmitt
Bellomini	Gatski	McIntyre	Schweder
Beloff	Geisler	McLane	Scirca
Bennett	George, C.	Mebus	Shuman
Berlin	George, M.	Meluskey	Shupnik
Berson	Giammarco	Milanovich	Sirianni
Bittinger	Gillette	Miller	Smith, E.
Bittle	Gleeson	Milliron	Smith, L.
Borski	Goebel	Miscevich	Spencer
Brandt	Goodman	Moehlmann	Spitz
Brown	Gray	Morris	Stairs
Brunner	Greenfield	Mowery	Stapleton
Burd	Greenleaf	Mrkonic	Stewart
Burns	Grieco	Mullen, M. P.	Stuban
Butera	Halverson	Mullen, M. M.	Sweet
Caltagirone	Hamilton	Musto	Taddonio
Caputo	Harper	Novak	Taylor, E.
Cassidy	Hasay	Noye	Taylor, F.
Cessar	Haskell	O'Brien, B.	Tenaglio
Cianciulli	Hayes, D. S.	O'Brien, D.	Thomas
Cimini	Hayes, S. E.	O'Connell	Trello
Cohen	Helfrick	O'Donnell	Valicenti
Cole	Hoeffel	O'Keefe	Vroon
Cowell	Honaman	Oliver	Wagner
Davies	Hopkins	Pancoast	Wansacz
DeMedio	Hutchinson, A.	Parker	Wargo
DeVerter	Hutchinson, W.	Peterson	Wass
DeWeese	Itkin	Petrarca	Wenger
DiCarlo	Katz	Piccola	White
Dietz	Kelly	Pievsky	Wiggins
Dininni	Kernick	Pitts	Wilson
Dombrowski	Klingaman	Polite	Wilt
Donatucci	Knepper	Pott	Wise
Dorr	Kolter	Pratt	Wright, D.
Doyle	Kowalyszyn	Prendergast	Wright, J. L.
Duffy	Kukovich	Pyles	Yahner
Dumas	Laughlin	Rappaport	Yohn
Englehart	Lehr	Ravenstahl	Zeller
Fee	Letterman	Reed	Zitterman
Fischer, R. R.	Levi	Renwick	Zord
Fisher, D. M.	Levin	Rhodes	Zwinkl
Flaherty	Lincoln	Richardson	
Foster, A.	Livengood	Rieger	Irvis,
Foster, W.	Logue	Ritter	Speaker
Freind	Mackowski	Ruggiero	

NAYS—0

NOT VOTING—10

Geesey	Lynch	Shelton	Williams
Johnson	McGinnis	Weidner	Zearfoss
Jones	Seltzer		

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

information that the House has passed the same without amendment.

**REPORT OF COMMITTEE OF CONFERENCE
CONSIDERED**

Mr. RAVENSTAHL called up for consideration the following Report of the Committee of Conference on **HOUSE BILL No. 767:**

To the Members of the House of Representatives and Senate:

We, the undersigned, Committee of Conference on the part of the House of Representatives and Senate for the purpose of considering House Bill No. 767, entitled: "An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), entitled 'An act amending, revising and consolidating the laws relating to delinquent county, city, except of the first and second class and second class A, borough, town, township, school district, except of the first class and school districts within cities of the second class A, and institution district taxes, providing when, how and upon what property, and to what extent liens shall be allowed for such taxes, the return and entering of claims therefor; ***' further extending the deadline for counties of the second class; and providing an exemption for counties of the fourth class."

respectfully submit the following as our report:

CHARLES LAUGHLIN
ROBERT P. RAVENSTAHL
MATTHEW J. RYAN

(Committee on the part of the House of Representatives.)

EUGENE F. SCANLON
JAMES A. ROMANELLI

(Committee on the part of the Senate.)

An Act

Amending the act of July 7, 1947 (P. L. 1368, No. 542), entitled "An act amending, revising and consolidating the laws relating to delinquent county, city, except of the first and second class and second class A, borough, town, township, school district, except of the first class and school districts within cities of the second class A, and institution district taxes, providing when, how and upon what property, and to what extent liens shall be allowed for such taxes, the return and entering of claims therefor; the collection and adjudication of such claims, sales of real property, including seated and unseated lands, subject to the lien of such tax claims; the disposition of the proceeds thereof, including State taxes and municipal claims recovered and the redemption of property; providing for the discharge and divestiture by certain tax sales of all estates in property and of mortgages and liens on such property, and the proceedings therefor; creating a Tax Claim Bureau in each county, except a county of the first class, to act as agent for taxing districts; defining its powers and duties, including sales of property, the management of property taken in sequestration, and the management, sale and disposition of property heretofore sold to the county commissioners, taxing districts and trustees at tax sales; providing a method for the service of process and notices; imposing duties on taxing districts and their officers and on tax collectors, and certain expenses on counties and for their reimbursement by taxing districts; and repealing existing laws," further extending the deadline for counties of the second class; and providing an exemption for certain counties of the fourth class.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The definition of "Taxing District" of section 102, act of July 7, 1947 (P. L. 1368, No. 542), known as the "Real Estate Tax Sale Law," amended October 21, 1975 (P. L. 429, No. 121), is amended to read:

Section 102. Definitions.—As used in this act the following words shall be construed as herein defined, unless the context

clearly indicates otherwise:

* * *

"Taxing District," any county except a county of the first class, city except a city of the first or second class or second class A, borough, incorporated town, township, school district, except a school district of the first class, or a school district within a city of the second class A, or institution district: Provided, however, That this act shall not be construed to require any city of the third class, or any school district within a city of the third class, to collect its delinquent taxes on property under and in accordance with the provisions of this act, if the city or the school district shall notify the Tax Claim Bureau, in writing, on or before the first day of May, 1948 that, pursuant to a resolution of the city council, the city or the board of directors of the school district has resolved that returns of property will not be made under the provisions of this act but that its delinquent taxes will be collected by the filing of liens in the office of the prothonotary, or by sale of such property at a city treasurer's sale under existing laws. Any such city and any such school district in any county having adopted the system provided by this act may, in any year notify the Tax Claim Bureau on or before the first day of May of the year that pursuant to a resolution of the city council, or of the board of directors, the city or school district, as the case may be, has resolved to collect its delinquent taxes on property under and in accordance with the provisions of this act, and thereafter the city's or school district's delinquent taxes shall be collected only under and in accordance with the provisions of this act: Provided further, That this act shall not apply in any county of the second class unless the county commissioners have adopted the system provided by this act for the collection of its delinquent taxes and such county in any year, by resolution adopted by the county commissioners during the month of January, elects to collect its delinquent taxes on property and those of other taxing districts under the return system under and in accordance with the provisions of this act: Provided, however, That this exemption shall only be available for a [three] six year period immediately following [the effective date of this amendatory act] January 1, 1976: Provided, further, That any county of the fourth class which has not previously held a tax sale pursuant to this act may, by resolution adopted by its commissioners, be exempt from collecting its delinquent taxes pursuant to the provisions of this act: Provided, however, That this exemption shall only be available for a three year period immediately following January 1, 1976 and the county commissioners shall by resolution, provide for the collection of delinquent taxes during this interim.

Section 2. This act shall take effect immediately.

On the question,

Will the House adopt the Report of the Committee of Conference?

Agreeable to the provisions of the Constitution, the following roll call was recorded:

YEAS—193

Abraham	Fryer	Mackowski	Ruggiero
Anderson	Gallagher	Madigan	Ryan
Armstrong	Gallen	Manderino	Salvatore
Arthurs	Gamble	Manmiller	Scanlon
Barber	Garzia	McCall	Scheaffer
Bellomini	Gatski	McClatchy	Schmitt
Beloff	Geisler	McIntyre	Schweder
Bennett	George, C.	McLane	Scirica
Berlin	George, M.	Mebus	Shuman
Berson	Giammarco	Meluskey	Shupnik
Bittinger	Gillette	Milanovich	Sirianni
Bittle	Gleeson	Miller	Smith, E.
Borski	Goebel	Milliron	Smith, L.

Brandt	Goodman	Miscevich	Spencer
Brown	Gray	Moehlmann	Spitz
Brunner	Greenfield	Morris	Stairs
Burd	Greenleaf	Mowery	Stapleton
Burns	Grieco	Mrkonic	Stewart
Butera	Halverson	Mullen, M. P.	Stuban
Caltagirone	Hamilton	Mullen, M. M.	Sweet
Caputo	Harper	Musto	Taddonio
Cassidy	Hasay	Novak	Taylor, E.
Cessar	Haskell	Noye	Tenaglio
Cianciulli	Hayes, D. S.	O'Brien, B.	Thomas
Cimini	Hayes, S. E.	O'Brien, D.	Trello
Cohen	Helfrick	O'Connell	Valicenti
Cole	Hoeffel	O'Donnell	Vroon
Cowell	Honaman	O'Keefe	Wagner
Davies	Hopkins	Oliver	Wansacz
DeMedio	Hutchinson, A.	Pancoast	Wargo
DeVerter	Hutchinson, W.	Parker	Wass
DeWeese	Itkin	Peterson	White
DiCarlo	Jones	Petrarca	Wiggins
Dietz	Katz	Piccola	Wilson
Dininni	Kelly	Pievsky	Wilt
Dombrowski	Kernick	Pitts	Wise
Donatucci	Klingaman	Polite	Wright, D.
Dorr	Knepper	Pott	Wright, J. L.
Doyle	Kolter	Pratt	Yahner
Duffy	Kowalyszyn	Prendergast	Yohn
Dumas	Kukovich	Pyles	Zearfoss
Englehart	Laughlin	Rappaport	Zeller
Fee	Lehr	Ravenstahl	Zitterman
Fischer, R. R.	Letterman	Reed	Zord
Fisher, D. M.	Levi	Renwick	Zwinkl
Flaherty	Levin	Rhodes	
Foster, A.	Lincoln	Richardson	Irvis,
Foster, W.	Livengood	Rieger	Speaker
Freind	Logue	Ritter	

NAYS—0

NOT VOTING—10

Geesey	McGinnis	Taylor, F.	Wenger
Johnson	Seltzer	Weidner	Williams
Lynch	Shelton		

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.

CONSUMER AFFAIRS BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 1391, printer's No. 2346, entitled:

An Act providing for the return of certain defective merchandise and for a refund of the purchase price; providing for enforcement powers of the Attorney General for certain actions in equity and for the payment of costs and restitution.

On the question,

Will the House agree to the bill on third consideration?

Mr. W. D. HUTCHINSON offered the following amendments:

Amend Title, page 1, line 1 by striking out "merchandise" and inserting goods

Amend Sec. 1, page 1 lines 10 and 11, by striking out both of said lines and inserting "Goods." All things (including specially manufactured goods) which are movable at the time of identi-

fication to the contract for sale other than the money in which the price is to be paid, investment securities, things in action, and motor vehicles.

Amend Sec. 1, page 1, line 12, by striking out "merchandise" and inserting goods

Amend Sec. 1, page 1, line 14 by striking out "merchandise" and inserting goods

Amend Bill, page 2, lines 10 through 30; page 3, lines 1 and 2 by striking out all of said lines on said pages and inserting

Section 2. (a) If the seller of new (unused) goods which were purchased for use for primarily personal, family or household purposes breaches an implied warranty of merchantability arising under section 2-314 of the act of April 6, 1953 (P. L. 3, No. 1), known as the "Uniform Commercial Code," or implied warranty of fitness for a particular purpose arising under section 2-315 of the said act, the buyer may revoke his acceptance of the goods by returning the goods to the place of sale within seven full business days following the day on which the sale was made, in the same condition as at the time of sale, excepting such change in condition which is necessarily caused in discovering the breach of warranty and tendering a sales receipt or other documentary proof of purchase. If the buyer revokes his acceptance pursuant to this section, the seller shall give a cash refund to the buyer in the amount of the purchase price if the goods cannot be replaced with conforming goods or repaired to a condition of conformity with the warranties within seven full business days following the day that the goods are returned. The buyer may at any time after the purchase agree to extend or waive the time for repairs provided in this section but such extension or waiver shall be effective only if it is stated in a writing signed by the buyer. If a warranty of merchantability or warranty of fitness for a particular purpose is implied in a sale of goods which were purchased for use for primarily personal, family or household purposes, the seller shall not limit the right of the buyer to receive a cash refund under this act and any such limitation of the buyer's right shall be void and unenforceable.

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

Amend Sec. 3, page 3, line 7, by striking out "merchandise" and inserting goods

Amend Sec. 4, page 3, line 12, by striking out "4" and inserting 3

Amend Sec. 4, page 3, line 17 by striking out "merchandise" and inserting goods

Amend Sec. 4, page 3, line 19 by striking out "merchandise was" and inserting goods were

Amend Sec. 5, page 3, line 22 by striking out "5" and inserting 4

Amend Sec. 6, page 3, line 24 by striking out "6" and inserting 5

Amend Sec. 7, page 4, line 10, by striking out "7" and inserting 6

Amend Sec. 8, page 4, line 23 by striking out "8" and inserting 7

Amend Sec. 9, page 5, line 2, by striking out "9" and inserting 8

Amend Sec. 9, page 5, line 2, by striking out "merchandise" and inserting goods

Amend Sec. 10, page 5, line 7 by striking out "10" and inserting 9

Amending Sec. 10, page 5, line 7 by striking out "9" and inserting 8

Amend Sec. 10, page 5, line 9 by removing the period after "law" and inserting , including the act of April 6, 1953 (P. L. 3, No. 1), known as the "Uniform Commercial Code." This act shall not limit the right of the seller to disclaim warranties.

Amend Sec. 11, page 5, line 10 by striking out "11" and inserting 10

On the question,

Will the House agree to the amendments?

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

Mr. W. D. HUTCHINSON. Mr. Speaker, at the time this bill was last up, the bill was, I believe, tabled because concerns were expressed about possible conflicts with the provisions of the Uniform Commercial Code, which already has remedies for buyers in it to revoke their acceptance and sue for the price.

The amendment which I have had prepared and which I offer is designed to meet those objections by making certain changes in the bill to bring it into conformity with the Uniform Commercial Code.

Basically what my amendment does is change the definition from "merchandise" to "goods" and provides that if a seller breaches the code warranties that are given in the sales of all goods, that then if the buyer returns the goods within 7 days, he must be given a refund of the price rather than just the credit. I think this meets many of the objections. I would urge support of the amendment.

The SPEAKER. The Chair recognizes the gentleman, Mr. Greenfield, on the amendment.

Mr. GREENFIELD. Mr. Speaker, I agree with the amendments and I want to thank Representative Hutchinson for his assistance. I think he has made a good bill better and I urge the adoption of the amendment.

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

The following roll call was recorded:

YEAS—195

Abraham	Gamble	Madigan	Salvatore
Anderson	Garzia	Manderino	Scanlon
Arthurs	Gatski	Manmiller	Scheaffer
Barber	Geisler	McCall	Schweder
Bellomini	George, C.	McClatchy	Schirica
Beloff	George, M.	McIntyre	Shelton
Bennett	Giammarco	McLane	Shuman
Berlin	Gillette	Mebus	Shupnik
Berson	Gleeson	Meluskey	Sirianni
Bittinger	Goebel	Milanovich	Smith, E.
Bittle	Goodman	Miller	Smith, L.
Borski	Gray	Milliron	Spencer
Brandt	Greenfield	Miscevich	Spitz
Brown	Greenleaf	Moehlmann	Stairs
Brunner	Grieco	Morris	Stapleton
Burd	Halverson	Mowery	Stewart
Burns	Hamilton	Mrkonic	Stuban
Butera	Harper	Mullen, M. P.	Sweet
Caltagirone	Hasay	Mullen, M. M.	Taddonio
Caputo	Haskell	Musto	Taylor, E.
Cassidy	Hayes, D. S.	Novak	Taylor, F.
Cessar	Hayes, S. E.	Noye	Tenaglio
Cianciulli	Helfrick	O'Brien, B.	Thomas
Cimini	Hoeffel	O'Brien, D.	Trello
Cohen	Honaman	O'Connell	Valicenti
Cole	Hopkins	O'Donnell	Vroon
Cowell	Hutchinson, A.	O'Keefe	Wagner
Davies	Hutchinson, W.	Oliver	Wansacz
DeMedio	Itkin	Pancoast	Wargo
DeVertter	Johnson	Parker	Wass
DeWeese	Jones	Peterson	Wenger
DiCarlo	Katz	Petrarca	White
Dietz	Kelly	Piccola	Wiggins
Dininni	Kernick	Pievsky	Wilson
Dombrowski	Klingaman	Pitts	Wilt
Donatucci	Knepper	Polite	Wise
Dorr	Kolter	Pott	Wright, D.
Doyle	Kowalshyn	Pratt	

Duffy	Kukovich	Prendergast	Wright, J. L.
Dumas	Laughlin	Pyles	Yahner
Englehart	Lehr	Rappaport	Yohn
Fee	Letterman	Ravenstahl	Zearfoss
Fischer, R. R.	Levi	Reed	Zeller
Fisher, D. M.	Levin	Renwick	Zitterman
Flaherty	Lincoln	Rhodes	Zord
Foster, A.	Livengood	Richardson	Zwicl
Foster, W.	Logue	Rieger	
Freind	Lynch	Ritter	Irvis,
Fryer	Mackowski	Ruggiero	Speaker
Gallagher			

NAYS—2

Armstrong	Ryan
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NOT VOTING—6

Gallen	McGinnis	Weidner	Williams
Geesey	Seltzer		

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

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

Bill as amended was agreed to.

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

The question is, Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Montour, Mr. Wagner, on final passage.

Mr. WAGNER. Thank you, Mr. Speaker.

I would like to ask a question of Mr. Greenfield.

The SPEAKER. The gentleman, Mr. Greenfield, indicates he will stand for interrogation. The gentleman, Mr. Wagner, is in order and may proceed.

Mr. WAGNER. Mr. Greenfield, as I recall, this time period in there is 7 days. Is that what is in the bill? If it breaks, let us say on the 20th day, is the merchant going to be able to say, well, now, I do not have to refund it because the law says I am only obligated for the first 7 days?

Mr. GREENFIELD. Absolutely not. There is a section in the bill that says that this is only an addition to the other rights and duties. All other rights and duties remain.

On the question recurring,
Shall the bill pass finally?

Agreeable to the provision of the Constitution, the following roll call was recorded:

YEAS—194

Abraham	Fryer	Lynch	Ryan
Anderson	Gallagher	Mackowski	Salvatore
Armstrong	Gallen	Madigan	Scanlon
Arthurs	Gamble	Manderino	Scheaffer
Barber	Garzia	Manmiller	Schmitt
Bellomini	Gatski	McCall	Schweder
Beloff	Geisler	McClatchy	Scirica
Bennett	George, C.	McLane	Shelton
Berlin	George, M.	Mebus	Shuman
Berson	Giammarco	Meluskey	Shupnik

Bittinger	Gillette	Milanovich	Sirianni
Bittle	Gleeson	Miller	Smith, E.
Borski	Goebel	Milliron	Smith, L.
Brandt	Goodman	Miscevich	Spencer
Brown	Gray	Moehlmann	Spitz
Brunner	Greenfield	Morris	Stairs
Burd	Greenleaf	Mowery	Stapleton
Burns	Grieco	Mrkonic	Stuban
Butera	Halverson	Mullen, M. P.	Sweet
Caltagirone	Hamilton	Mullen, M. M.	Taddonio
Caputo	Harper	Musto	Taylor, E.
Cassidy	Hasay	Novak	Taylor, F.
Cessar	Haskell	Noye	Tenaglio
Cianciulli	Hayes, D. S.	O'Brien, B.	Thomas
Cimini	Hayes, S. E.	O'Brien, D.	Trello
Cohen	Helfrick	O'Connell	Valicenti
Cole	Hoeffel	O'Donnell	Vroon
Cowell	Honaman	O'Keefe	Wagner
Davies	Hopkins	Oliver	Wansacz
DeMedio	Hutchinson, A.	Pancoast	Wargo
DeVerter	Hutchinson, W.	Parker	Wass
DeWeese	Itkin	Peterson	Wenger
DiCarlo	Jones	Petrarca	White
Dietz	Katz	Piccola	Wiggins
Dininni	Kelly	Pievsky	Wilson
Dombrowski	Kernick	Pitts	Wilt
Donatucci	Klingaman	Pott	Wise
Dorr	Knepper	Pratt	Wright, D.
Doyle	Kolter	Prendergast	Wright, J. L.
Duffy	Kowalyszyn	Pyles	Yahner
Dumas	Kukovich	Rappaport	Yohn
Englehart	Laughlin	Ravenstahl	Zearfoss
Fee	Lehr	Reed	Zeller
Fischer, R. R.	Letterman	Renwick	Zitterman
Fisher, D. M.	Levi	Rhodes	Zord
Flaherty	Levin	Richardson	Zwinkl
Foster, A.	Lincoln	Rieger	
Foster, W.	Livengood	Ritter	Irvis,
Freind	Logue	Ruggiero	Speaker

NAYS—2

Polite Stewart

NOT VOTING—7

Geesey McGinnis Seltzer Williams
 Johnson McIntyre Weidner

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.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1785, printer's No. 2292**, entitled:

An Act amending the "Public Utility Law" approved May 28, 1937 (P. L. 1053, No. 286), providing procedures for discontinuing service to landlords and providing for rights of tenants.

On the question,

Will the House agree to the bill on third consideration?

Mr. COHEN offered the following amendments:

Amend Sec. 1 (Sec. 2), page 2, lines 31 through 36, by striking out all of said lines

Amend Sec. 1 (Sec. 2), page 2, line 37, by striking out "customer" and inserting ratepayer

Amend Sec. 1 (Sec. 2), page 3, line 1, by inserting after "a" residential

Amend Sec. 1 (Sec. 2), page 3, lines 17 through 27, by striking out all of said lines

Amend Sec. 2 (Sec. 402.3), page 4, line 11, by striking out "Customer" and inserting Ratepayer

Amend Sec. 2 (Sec. 402.3), page 4, line 12, by inserting after "Discontinued.—" (a)

Amend Sec. 2 (Sec. 402.3), page 4, line 21, by striking out "customer" and inserting ratepayer

Amend Sec. 2 (Sec. 402.3), page 4, lines 25 to 27, by striking out lines 25 and 26 and "(3)" in line 27 and inserting (2)

Amend Sec. 2 (Sec. 402.3), page 4, line 28, by inserting after "writing" at the time of delivery of notice to the tenants

Amend Sec. 2 (Sec. 402.3), page 5, line 4, by inserting after "Department or in the event that such a department does not exist, the Department of Health office responsible for that county

Amend Sec. 2 (Sec. 402.3), page 5, lines 5 to 7, by striking out both of lines 5 and 6 and "(4)" in line 7 and inserting (3)

Amend Sec. 2 (Sec. 402.3), page 5, line 10, by striking out "customer" and inserting ratepayer

Amend Sec. 2 (Sec. 402.3), page 5, lines 12 and 13, by striking out "before the tenants are notified" and inserting within seven (7) days of receipt of the notice issued

Amend Sec. 2 (Sec. 402.3), page 5, line 14, by striking out "customer" and inserting ratepayer

Amend Sec. 2 (Sec. 402.3), page 5, lines 14 and 15, by striking out "opposing the right of the utility to notify the tenants," and inserting disputing the right of the utility to discontinue service

Amend Sec. 2 (Sec. 402.3), page 5, by inserting between lines 17 and 18

(b) Before any discontinuance of service by a public utility as defined in section 2 (17) (A) or (B) to a landlord ratepayer due to a request for voluntary relinquishment of service by the landlord ratepayer:

(i) the landlord ratepayer shall state in a form bearing his notarized signature that all of the affected dwelling units are either unoccupied or the tenants affected by the proposed discontinuance have consented in writing to the proposed discontinuance, which form shall conspicuously bear a notice that the information provided by the landlord ratepayer will be relied upon by the commission in administering a system of uniform service standards for public utilities, and that false statements are punishable criminally; or

(ii) all of the tenants affected by the proposed discontinuance shall inform the utility orally or in writing of their consent to the discontinuance; or

(iii) the landlord ratepayer shall provide the utility with the names and addresses of the affected tenants pursuant to section 402.4 and the utility shall notify the community service agencies, and each residential unit pursuant to sections 402.3 and 402.6. Under the voluntary relinquishment discontinuance procedures of this subparagraph the tenants shall have all of the rights provided in sections 402.7 through 402.11.

Amend Sec. 2 (Sec. 402.4), page 5, line 21, by striking out "customer" and inserting ratepayer

Amend Sec. 2 (Sec. 402.4), page 5, line 24, by removing the period after "service" and inserting unless within seven (7) days of receipt of the notice, the landlord ratepayer pays the amount

due the utility or makes an arrangement with the utility to pay the balance.

Amend Sec. 2 (Sec. 402.4), page 5, line 26, by striking out "customer" and inserting ratepayer

Amend Sec. 2 (Sec. 402.4), page 5, line 28, by striking out "customer" and inserting ratepayer

Amend Sec. 2 (Sec. 402.4), page 5, line 30, by striking out "customer" and inserting ratepayer

Amend Sec. 2 (Sec. 402.4), page 6, lines 1 through 3, by striking out "opposing the" in line 1, all of lines 2 and 3 and inserting with the commission within seven (7) days of receipt of the notice to the landlord disputing the right of the utility to discontinue service.

Amend Sec. 2 (Sec. 402.4), page 6, line 6, by striking out "customer" and inserting ratepayer

Amend Sec. 2 (Sec. 402.4), page 6, line 9, by striking out "customer" and inserting ratepayer

Amend Sec. 2 (Sec. 402.4), page 6, line 11, by striking out "customer" and inserting ratepayer

Amend Sec. 2 (Sec. 402.5), page 6, line 12, by inserting before "Contents" Delivery and

Amend Sec. 2 (Sec. 402.5), page 6, line 13, by striking out "Customer.—" and inserting Ratepayer.—(a)

Amend Sec. 2 (Sec. 402.5), page 6, line 14, by striking out "customer" and inserting ratepayer

Amend Sec. 2 (Sec. 402.5), page 6, line 16, by striking out "customer" and inserting ratepayer

Amend Sec. 2 (Sec. 402.5), page 6, line 21, by striking out "402.12" and inserting 402.11

Amend Sec. 2 (Sec. 402.5), page 6, lines 22 through 30; page 7, lines 1 through 7, by striking out all of said lines and inserting

(4) the obligation of the landlord ratepayer under section 402.4 to provide the utility with the names and addresses of every affected tenant or to pay the amount due the utility or make an arrangement with the utility to pay the balance including a statement:

(i) that such list must be provided or payment or arrangement must be made within seven (7) days of receipt of the notice; and

(ii) of the penalties and liability which the landlord ratepayer may incur under section 402.13 by failure to comply;

(5) the right of the landlord ratepayer to stay the notification of tenants by filing a complaint with the commission disputing the right of the utility to discontinue service.

(b) Any one of the following procedures shall constitute effective notice to the landlord under section 402.3:

(1) notice by certified mail if the utility receives a return receipt signed by the landlord ratepayer or his agent;

(2) notice by personal service of the landlord ratepayer or his agent;

(3) after unsuccessful attempts at personal delivery on two (2) separate days, notice by first class mail and conspicuously posting at the landlord ratepayer's principal place of business or the business address which the landlord provided the utility as his address for receiving communications.

Amend Sec. 2 (Sec. 402.6), page 7, line 18, by striking out "projected bill;" and inserting bill for the thirty (30) day period preceding the notice to the tenants;

Amend Sec. 2 (Sec. 402.6), page 7, line 25, by striking out "customer" and inserting ratepayer

Amend Sec. 2 (Sec. 402.7), page 8, line 6, by inserting before "At" (a)

Amend Sec. 2 (Sec. 402.7), page 8, line 9, by striking out "customer" and inserting ratepayer

Amend Sec. 2 (Sec. 402.7), page 8, lines 14 to 16, by striking out both of lines 14 and 15 and "the date service is resumed." in line 16 and inserting the bill of the landlord ratepayer for the thirty (30) day period preceding the notice to the tenants.

Amend Sec. 2 (Sec. 402.7), page 8, line 17, by striking out "projected"

Amend Sec. 2 (Sec. 402.7), page 8, line 19, by removing the period after "less"

Amend Sec. 2 (Sec. 402.7), page 8, line 19, by striking out "If" and inserting and if

Amend Sec. 2 (Sec. 402.7), page 8, lines 19 and 20, by striking out "projected bill" in line 19, all of lines 20 and inserting such bill within thirty (30) days of the delivery of the notice to the tenants,

Amend Sec. 2 (Sec. 402.7), page 8, line 26, by striking out "customer" and inserting ratepayer

Amend Sec. 2 (Sec. 402.7), page 8, line 28, by striking out "customer" and inserting ratepayer

Amend Sec. 2 (Sec. 402.7), page 8, line 30, by inserting after "tenant" and the amount or amounts credited to the landlord's bill for each tenant

Amend Sec. 2 (Sec. 402.7), page 9, line 2, by inserting a comma after "service"

Amend Sec. (Sec. 402.7), page 9, lines 2 and 3, by striking out "FOR THE PERIOD OF ANY PROJECTED BILL,"

Amend Sec. 2 (Sec. 402.7), page 9, line 6, by striking out "FOR SUCH PROJECTED BILL" and inserting toward the bill which the tenants failed to pay,

Amend Sec. 2 (Sec. 402.7), page 9, line 7, by striking out "customer" and inserting tenant

Amend Sec. 2 (Sec. 402.7), page 9, line 7, by striking out "customer's" and inserting tenant's

Amend Sec. 2 (Sec. 402.7), page 9, by inserting between lines 9 and 10

(b) Any tenant of a residential building or mobile home park who has been notified of a proposed discontinuance of utility service pursuant to section 402.3 shall have the right to agree to subscribe for future service individually if this can be accomplished without a major revision of distribution facilities or additional right-of-way acquisitions.

Amend Sec. 2 (Sec. 402.8), page 9, line 17, by striking out "projected"

Amend Sec. 2 (Sec. 402.8), page 9, line 21, by removing the period after "have" and inserting under the Public Utility Law.

Amend Sec. 2 (Sec. 402.9), page 9, line 24, by striking out "customer" and inserting ratepayer

Amend Sec. 2 (Sec. 402.9), page 9, line 30, by striking out "CUSTOMER" and inserting ratepayer

Amend Sec. 2 (Sec. 402.10), page 10, lines 1 through 19, by striking out all of said lines

Amend Sec. 2 (Sec. 402.11), page 10, line 20, by striking out "402.11" and inserting 402.10

Amend Sec. 2 (Sec. 402.11), page 10, lines 21 and 22, by striking out "right to notice of proposed discontinuance of service or right to withhold rent under this act" and inserting rights under sections 402.3 through 402.11

Amend Sec. 2 (Sec. 402.12), page 10, line 24, by striking out "402.12" and inserting 402.11

Amend Sec. 2 (Sec. 402.12), page 10, line 24, by striking out "Customer" and inserting Ratepayer

Amend Sec. 2 (Sec. 402.12), page 10, line 25, by striking out "customer" and inserting ratepayer

Amend Sec. 2 (Sec. 402.12), page 10, line 28, by removing the comma after "402.7" and inserting or

Amend Sec. 2 (Sec. 402.12), page 10, line 28, by striking out "or 402.10"

Amend Sec. 2 (Sec. 402.12), page 10, line 28, by striking out "customer" and inserting ratepayer

Amend Sec. 2 (Sec. 402.12), page 11, lines 4 and 5, by striking out "except for nonpayment of rent or of" and inserting, an

Amend Sec. 2 (Sec. 402.12), page 11, lines 7 and 8, by striking out ", 402.9 or 402.10" and inserting or 402.9

Amend Sec. 2 (Sec. 402.12), page 11, line 8, by inserting a comma after "service"

Amend Sec. 2 (Sec. 402.12), page 11, line 11, by striking out ", 402.9 or 402.10." and inserting or 402.9. However, the presumption shall not arise if the notice of termination of tenancy is for nonpayment of rent not withheld under section 402.9 or lawfully withheld under any other right that the tenant may have under law.

Amend Sec. 2 (Sec. 402.13), page 11, line 12, by striking out "402.13" and inserting 402.12

Amend Sec. 2 (Sec. 402.13), page 11, line 18, by striking out "CUSTOMERS" and inserting ratepayers

Amend Sec. 2 (Sec. 402.13), page 11, line 19, by striking out "CUSTOMERS" and inserting ratepayers

Amend Sec. 2 (Sec. 402.13), page 11, line 27, by striking out "CUSTOMER" and inserting ratepayer

Amend Sec. 2 (Sec. 402.14), page 11, line 29, by striking out all of said line and inserting

Section 402.13. Penalties.—(a) Any landlord ratepayer who fails to provide a utility with the names and addresses of affected tenants pursuant to section 402.4 shall forfeit and pay to the Commonwealth a civil penalty of not more than five hundred dollars for each day of the landlord ratepayer's failure to respond. The court in its discretion may award the utility reasonable attorney's fees, filing fees and reasonable costs of suit for any action against the landlord ratepayer which was necessary to obtain the names and addresses of affected tenants pursuant to section 402.4.

(b) Any person who removes,

Amend Sec. 2 (Sec. 402.14), page 11, line 30, by striking out "notices" and inserting a notice

On the question,

Will the House agree to the amendments?

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, it has long been the belief of this House, reflected in much legislation, that turning off utility service is something that should only be done when there are no alternatives.

It has also been the belief of this House that we ought to do what is possible to improve the standing of utilities in seeking

credit in getting their bills paid.

HB 1785 amends the Public Utility Commission Code to enable tenants to pay utility bills directly if the landlord is unable for one reason or another to meet payments. The goal of the prime sponsor is to allow those whose service will be cut off to make payments directly to the utility, so both the utility and the tenants gain.

The amendments that I am introducing are the result of a bipartisan special subcommittee of the Consumer Affairs Committee which received bipartisan agreement in reaching these amendments.

The amendment defines the rights of the landlords to appeal the threats of discontinued service. It sets forth the procedures for voluntary relinquishment of service to tenants. It prevents unnecessary embarrassment to a landlord. It sets forth the procedure for notifying the landlord of threat of termination. It allows individual subscription where that is technically possible and it provides penalties.

These amendments are agreed to by both Democrats and Republicans. The bill and its companion passed the House Consumer Affairs Committee unanimously.

I urge all members of this House to continue the support of this worthy goal set forth in this legislation and support these amendments.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

Abraham	Gallen	Madigan	Ryan
Anderson	Gamble	Manderino	Salvatore
Armstrong	Garzia	Manmiller	Scanlon
Arthurs	Gatski	McCall	Scheaffer
Barber	Geisler	McClatchy	Schmitt
Bellomini	George, C.	McIntyre	Schweder
Beloff	George, M.	McLane	Scirica
Bennett	Giammarco	Mebus	Shelton
Berlin	Gillette	Meluskey	Shuman
Berson	Gleeson	Milanovich	Shupnik
Bittinger	Goebel	Miller	Sirianni
Bittle	Goodman	Milliron	Smith, E.
Borski	Gray	Miscevich	Smith, L.
Brandt	Greenfield	Moehlmann	Spencer
Brown	Greenleaf	Morris	Spitz
Brunner	Grieco	Mowery	Stairs
Burd	Halverson	Mrkonic	Stapleton
Burns	Hamilton	Mullen, M. P.	Stewart
Butera	Harper	Mullen, M. M.	Stuban
Caltagirone	Hasay	Musto	Sweet
Caputo	Haskell	Novak	Taddonio
Cassidy	Hayes, D. S.	Noye	Taylor, E.
Cessar	Hayes, S. E.	O'Brien, B.	Taylor, F.
Cianciulli	Helfrick	O'Brien, D.	Tenaglio
Cimini	Hoeffel	O'Connell	Thomas
Cohen	Honaman	O'Donnell	Trello
Cowell	Hopkins	O'Keefe	Vroon
Davies	Hutchinson, A.	Oliver	Wagner
DeMedio	Hutchinson, W.	Pancoast	Wansacz
DeVerter	Itkin	Parker	Wargo
DeWeese	Johnson	Peterson	Wass
DiCarlo	Jones	Petrarca	Wenger
Dietz	Katz	Piccola	White
Dininni	Kelly	Pievsky	Wiggins
Dombrowski	Kernick	Pitts	Wilson
Donatucci	Klingaman	Polite	Wilt

Dorr	Knepper	Pott	Wise
Doyle	Kolter	Pratt	Wright, D.
Duffy	Kowalyszyn	Prendergast	Wright, J. L.
Dumas	Kukovich	Pyles	Yahner
Englehart	Laughlin	Rappaport	Yohn
Fee	Lehr	Ravenstahl	Zearfoss
Fischer, R. R.	Letterman	Reed	Zeller
Fisher, D. M.	Levi	Renwick	Zitterman
Flaherty	Levin	Rhodes	Zord
Foster, A.	Lincoln	Richardson	Zwikl
Foster, W.	Livengood	Rieger	Irvis,
Freind	Logue	Ritter	Speaker
Fryer	Lynch	Ruggiero	
Gallagher	Mackowski		

Donatucci	Kolter	Pott	Wilt
Dorr	Kowalyszyn	Pratt	Wise
Doyle	Kukovich	Prendergast	Wright, D.
Duffy	Laughlin	Pyles	Wright, J. L.
Dumas	Lehr	Rappaport	Yahner
Englehart	Letterman	Ravenstahl	Yohn
Fee	Levi	Reed	Zearfoss
Fischer, R. R.	Levin	Renwick	Zeller
Fisher, D. M.	Lincoln	Rhodes	Zitterman
Flaherty	Livengood	Richardson	Zord
Foster, A.	Logue	Rieger	Zwikl
Foster, W.	Lynch	Ritter	
Freind	Mackowski	Ruggiero	Irvis,
Fryer	Madigan	Ryan	Speaker
Gallagher			

NAYS—0

NOT VOTING—7

Cole	McGinnis	Valicenti	Weidner
Geesey	Seltzer	Williams	

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

On the question,
Will the House agree to the bill as amended on third consideration?
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 provision of the Constitution, the roll call will now be taken.

YEAS—195

Abraham	Gamble	Manderino	Salvatore
Anderson	Garzia	Manmiller	Scanlon
Armstrong	Gatski	McCall	Scheaffer
Arthurs	Geisler	McClatchy	Schmitt
Barber	George, C.	McIntyre	Schweder
Bellomini	George, M.	McLane	Scirica
Beloff	Giammarco	Mebus	Shelton
Bennett	Gillette	Meluskey	Shuman
Berlin	Gleeson	Milanovich	Shupnik
Berson	Goebel	Miller	Sirianni
Bittinger	Goodman	Milliron	Smith, E.
Bittle	Gray	Miscevich	Smith, L.
Borski	Greenfield	Moehlmann	Spencer
Brandt	Greenleaf	Morris	Spitz
Brown	Halverson	Mowery	Stairs
Brunner	Hamilton	Mrkonic	Stapleton
Burns	Harper	Mullen, M. P.	Stewart
Butera	Hasay	Mullen, M. M.	Stuban
Caltagirone	Haskell	Musto	Sweet
Caputo	Hayes, D. S.	Novak	Taddonio
Cassidy	Hayes, S. E.	Noye	Taylor, E.
Cessar	Helfrick	O'Brien, B.	Taylor, F.
Cianciulli	Hoeffel	O'Brien, D.	Tenaglio
Cimini	Honaman	O'Connell	Thomas
Cohen	Hopkins	O'Donnell	Trello
Cole	Hutchinson, A.	O'Keefe	Valicenti
Cowell	Hutchinson, W.	Oliver	Vroon
Davies	Itkin	Pancoast	Wagner
DeMedio	Johnson	Parker	Wansacz
DeVerter	Jones	Peterson	Wargo
DeWeese	Katz	Petrarca	Wass
DiCarlo	Kelly	Piccola	Wenger
Dietz	Kernick	Pievsky	White
Dininni	Klingaman	Pitts	Wiggins
Dombrowski	Knepper	Polite	Wilson

NAYS—2

Burd	Gallen
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NOT VOTING—6

Geesey	McGinnis	Weidner	Williams
Grieco	Seltzer		

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

Mr. GRIECO. Mr. Speaker, on HB 1785, PN 2292, my switch was not working. I would like to be voted "yes."

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

Agreeable to order,

The House proceeded to third consideration of **House bill No. 1834, printer's No. 2293**, entitled:

An Act providing for notice and the right to cure landlords default to avoid the termination of utility service to tenants.

On the question,

Will the House agree to the bill on third consideration?

Mr. COHEN offered the following amendments:

Amend Sec. 2, page 1, lines 12 through 16, by striking out all of said lines

Amend Sec. 2, page 1, line 17, by striking out "customer" and inserting ratepayer

Amend Sec. 2, page 2, line 4, by inserting after "a" residential

Amend Sec. 2, page 2, lines 23 through 30; page 3, line 1, by striking out all of said lines

Amend Sec. 2, page 3, line 19, by striking out "customer" and inserting ratepayer

Amend Sec. 3, page 3, line 21, by striking out "customer" and inserting ratepayer

Amend Sec. 3, page 3, line 23, by inserting before "Except" (a)

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

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

Amend Sec. 3, page 3, line 30; page 4, lines 1 and 2, by striking out all of line 30, page 3 and all of line 1, page 4 and "(3)" in line 2 and inserting (2)

Amend Sec. 3, page 4, line 4, by inserting after "writing" at the time of delivery of notice to the tenants

Amend Sec. 3, page 4, line 8, by inserting after "class;" and

Amend Sec. 3, page 4, lines 9 through 12, by striking out "and" in lines 9 and 10, all of lines 11 and 12 and inserting or in the event that such a department does not exist, the Department of Health office responsible for that county.

Amend Sec. 3, page 4, line 13, by striking out "(4)" and inserting (3)

Amend Sec. 3, page 4, line 16, by striking out "customer" and inserting ratepayer

Amend Sec. 3, page 4, line 18, by striking out "before the tenants are notified" and inserting within seven days of receipt of the notice issued

Amend Sec. 3, page 4, line 19, by striking out "customer" and inserting ratepayer

Amend Sec. 3, page 4, lines 20 and 21, by striking out "opposing the right of the utility to notify the tenants," and inserting disputing the right of the utility to discontinue service,

Amend Sec. 3, page 4, by inserting between lines 23 and 24

(b) Before any discontinuance of service by a public utility to a landlord ratepayer due to a request for voluntary relinquishment of service by the landlord ratepayer:

(i) the landlord ratepayer shall state in a form bearing his notarized signature that all of the affected dwelling units are either unoccupied or the tenants affected by the proposed discontinuance have consented in writing to the proposed discontinuance, which form shall conspicuously bear a notice that false statements are punishable criminally;

(ii) all of the tenants affected by the proposed discontinuance shall inform the utility orally or in writing of their consent to the discontinuance; or

(iii) the landlord ratepayer shall provide the utility with the names and addresses of the affected tenants pursuant to section 4 and the utility shall notify the community service agencies and each residential unit pursuant to sections 3 and 6. Under the voluntary relinquishment discontinuance procedures of this subparagraph the tenants shall have all of the rights provided in sections 7 through 11.

Amend Sec. 4, page 4, line 27, by striking out "customer" and inserting ratepayer

Amend Sec. 4, page 4, line 30, by removing the period after "service" and inserting unless within seven days of receipt of the notice, the landlord ratepayer pays the amount due the utility or makes an arrangement with the utility to pay the balance.

Amend Sec. 4, page 5, line 2, by striking out "customer" and inserting ratepayer

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

Amend Sec. 4, page 5, line 6, by striking out "customer" and inserting ratepayer

Amend Sec. 4, page 5, lines 8 through 10, by striking out all of said lines and inserting with the court within seven days of receipt of the notice to the landlord disputing the right of the utility to discontinue service.

Amend Sec. 4, page 5, line 13, by striking out "customer" and inserting ratepayer

Amend Sec. 4, page 5, line 16, by striking out "customer" and inserting ratepayer

Amend Sec. 5, page 5, line 17, by striking out "Contents" and inserting Delivery and contents

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

Amend Sec. 5, page 5, line 19, by inserting before "The" (a)

Amend Sec. 5, page 5, line 19, by striking out "customer" and inserting ratepayer

Amend Sec. 5, page 5, line 21, by striking out "customer" and inserting ratepayer

Amend Sec. 5, page 5, lines 28 through 30; page 6, lines 1 through 13, by striking out all of said lines and inserting

(4) the obligation of the landlord ratepayer under section 4 to provide the utility with the names and addresses of every affected tenant or to pay the amount due the utility or make an arrangement with the utility to pay the balance including

a statement:

(i) that such list must be provided or payment or arrangement must be made within seven days of receipt of the notice; and

(ii) of the penalties and liability which the landlord ratepayer may incur under section 18 by failure to comply; and
(5) the right of the landlord customer to stay the notification of tenants by filing a petition with the court disputing the right of the utility to discontinue service.

(b) Any one of the following procedures shall constitute effective notice to the landlord under section 3:

(1) Notice by certified mail if the utility receives a return receipt signed by the landlord ratepayer or his agent.

(2) Notice by personal service of the landlord ratepayer or his agent.

(3) After unsuccessful attempts at personal service on two separate days, notice by first class mail and conspicuously posting at the landlord ratepayer's principal place of business or the business address which the landlord provided the utility as his address for receiving communications.

Amend Sec. 6, page 6, line 26, by striking out "projected bill;" and inserting bill for the 30-day period preceding the notice to the tenants;

Amend Sec. 6, page 7, line 4, by striking out "customer" and inserting ratepayer

Amend Sec. 7, page 7, line 17, by inserting before "At" (a)

Amend Sec. 7, page 7, line 19, by striking out "customer" and inserting ratepayer

Amend Sec. 7, page 7, lines 23 through 25, by striking out "a projected bill for the" in line 23, all of line 24 and "discontinuance or the date service is resumed." in line 25 and inserting the bill of the landlord ratepayer for the 30-day period preceding the notice to the tenants.

Amend Sec. 7, page 7, line 27, by striking out "projected"

Amend Sec. 7, page 7, line 28, by striking out ". If" and inserting and if

Amend Sec. 7, page 7, lines 29 and 30; by striking out all of line 29 and "is projected," in line 30 and inserting, such bill within 30 days of the delivery of the notice to the tenants,

Amend Sec. 7, page 8, line 5, by striking out "customer" and inserting ratepayer

Amend Sec. 7, page 8, line 7, by striking out "customer" and inserting ratepayer

Amend Sec. 7, page 8, line 9, by inserting after "tenant" and the amount or amounts credited to the landlord's bill for each tenant

Amend Sec. 7, page 8, lines 11 and 12, by striking out "FOR THE PERIOD OF ANY PROJECTED BILL"

Amend Sec. 7, page 8, line 15, by striking out "FOR SUCH PROJECTED BILL," and inserting toward the bill which the tenants failed to pay,

Amend Sec. 7, page 8, line 16, by striking out "customer" and inserting tenant

Amend Sec. 7, page 8, line 16, by striking out "customer's" and inserting tenant's

Amend Sec. 7, page 8, by inserting between lines 18 and 19

(b) Any tenant of a residential building or mobile home park who has been notified of a proposed discontinuance of utility service pursuant to section 3 shall have the right to agree to subscribe for future service individually if this can be accomplished without a major revision of distribution facilities or additional right-of-way acquisitions.

Amend Sec. 8, page 8, line 28, by striking out "projected"

Amend Sec. 9, page 9, line 5, by striking out "customer" and inserting ratepayer

Amend Sec. 9, page 9, line 11, by striking out "CUSTOMER" and inserting ratepayer

Amend Sec. 10, page 9, lines 12 through 26, by striking out all of said lines

Amend Sec. 11, page 9, line 27, by striking out "11." and inserting 10.

Amend Sec. 11, page 9, lines 28 through 30, by striking out "right to notice of proposed" in line 28, all of line 29 and "act" in line 30, and inserting rights under sections 3 through 11

Amend Sec. 12, page 10, line 1, by striking out "12." and inserting 11.

Amend Sec. 12, page 10, line 1, by striking out "customer" and inserting ratepayer
 Amend Sec. 12, page 10, line 2, by striking out "customer" and inserting ratepayer
 Amend Sec. 12, page 10, lines 4 and 5, by striking out ", 9, or 10." and inserting or 9.
 Amend Sec. 12, page 10, line 5, by striking out "customer" and inserting ratepayer
 Amend Sec. 12, page 10, lines 10 and 11, by striking out "except for nonpayment of rent or of" and inserting , an
 Amend Sec. 12, page 10, line 13, by striking out ", 9 or 10" and inserting or 9
 Amend Sec. 12, page 10, line 14, by inserting a comma after service
 Amend Sec. 12, page 10, line 16, by striking out ", 9 or 10." and inserting or 9. However, the presumption shall not arise if the notice of termination of tenancy is for nonpayment of rent not withheld under section 9 or lawfully withheld under any other right that the tenant may have under law.
 Amend Sec. 13, page 10, line 17, by striking out "13." and inserting 12.
 Amend Sec. 14, page 10, line 20, by striking out "14." and inserting 13.
 Amend Sec. 15, page 11, line 8, by striking out "15." and inserting 14.
 Amend Sec. 16, page 11, line 22, by striking out "16." and inserting 15.
 Amend Sec. 17, page 12, line 2, by striking out "17." and inserting 16.
 Amend Sec. 17, page 12, line 5, by striking out "15" and inserting 14
 Amend Sec. 18, page 12, line 15, by striking out "18." and inserting 17.
 Amend Sec. 18, page 12, line 16, by striking out "15" and inserting 14
 Amend Sec. 19, page 12, line 24, by striking out "19." and inserting 18.
 Amend Sec. 19, page 12, by inserting between lines 25 and 26
 (a) Any landlord ratepayer who fails to provide a utility with the names and addresses of affected tenants pursuant to section 4 shall forfeit and pay to the Commonwealth a civil penalty of not more than \$500 for each day of the landlord ratepayer's failure to respond. The court in its discretion may award the utility reasonable attorneys' fees, filing fees and reasonable costs of suit for any action against the landlord ratepayer which was necessary to obtain the names and addresses of affected tenants pursuant to section 4.
 (b)
 Amend Sec. 19, page 12, line 26, by striking out "notices" and inserting a notice
 Amend Sec. 20, page 12, line 30, by striking out "20." and inserting 19.

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

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this bill, which the amendments amend, is the same bill as we just agreed to except it deals with municipally owned utilities. The amendments are identical, I urge everyone's support of them.

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

The following roll call was recorded:

YEAS—197

Abraham	Gallagher	Madigan	Salvatore
Anderson	Gamble	Manderino	Scanlon
Armstrong	Garzia	Manmiller	Scheaffer

Arthurs	Gatski	McCall	Schmitt
Barber	Geisler	McClatchy	Schweder
Bellomini	George, C.	McIntyre	Scirica
Beloff	George, M.	McLane	Shelton
Bennett	Giammarco	Mebus	Shuman
Berlin	Gillette	Meluskey	Shupnik
Berson	Gleeson	Milanovich	Sirianni
Bittinger	Goebel	Miller	Smith, E.
Bittle	Goodman	Milliron	Smith, L.
Borski	Gray	Miscevich	Spencer
Brandt	Greenfield	Moehlmann	Spitz
Brown	Greenleaf	Morris	Stairs
Brunner	Grieco	Mowery	Stapleton
Burd	Halverson	Mrkoncic	Stewart
Burns	Hamilton	Mullen, M. P.	Stuban
Butera	Harper	Mullen, M. M.	Sweet
Caltagirone	Hasay	Musto	Taddonio
Caputo	Haskell	Novak	Taylor, E.
Cassidy	Hayes, D. S.	Noye	Taylor, F.
Cessar	Hayes, S. E.	O'Brien, B.	Tenaglio
Cianciulli	Helfrick	O'Brien, D.	Thomas
Cimini	Hoefel	O'Connell	Trello
Cohen	Honaman	O'Donnell	Valicenti
Cole	Hopkins	O'Keefe	Vroon
Cowell	Hutchinson, A.	Oliver	Wagner
Davies	Hutchinson, W.	Pancoast	Wansacz
DeMedio	Itkin	Parker	Wargo
DeVertter	Johnson	Peterson	Wass
DeWeese	Jones	Petrarca	Wenger
DiCarlo	Katz	Piccola	White
Dietz	Kelly	Pievsky	Wiggins
Dininni	Kernick	Pitts	Wilson
Dombrowski	Klingaman	Polite	Wilt
Donatucci	Knepper	Pott	Wise
Dorr	Kolter	Pratt	Wright, D.
Doyle	Kowalyszyn	Prendergast	Wright, J. L.
Duffy	Kukovich	Pyles	Yahner
Dumas	Laughlin	Rappaport	Yohn
Englehart	Lehr	Ravenstahl	Zearfoss
Fee	Letterman	Reed	Zeller
Fischer, R. R.	Levi	Renwick	Zitterman
Fisher, D. M.	Levin	Rhodes	Zord
Flaherty	Lincoln	Richardson	Zwilk
Foster, A.	Livengood	Rieger	
Foster, W.	Logue	Ritter	Irvis,
Freind	Lynch	Ruggiero	Speaker
Fryer	Mackowski	Ryan	

NAYS—1

Gallen

NOT VOTING—5

Geesey	Seltzer	Weidner	Williams
McGinnis			

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

On the question,
 Will the House agree to the bill as amended on third consideration?
 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 provision of the Constitution, the roll call will now be taken.

YEAS—198

Abraham	Gallagher	Mackowski	Ryan
Anderson	Gallen	Madigan	Salvatore
Armstrong	Gamble	Manderino	Scanlon
Arthurs	Garzia	Manmiller	Scheaffer
Barber	Gatski	McCall	Schmitt
Bellomini	Geisler	McClatchy	Schweder
Beloff	George, C.	McIntyre	Scirica
Bennett	George, M.	McLane	Shelton
Berlin	Giammarco	Mebus	Shuman
Berson	Gillette	Meluskey	Shupnik
Bittinger	Gleeson	Milanovich	Sirianni
Bittle	Goebel	Miller	Smith, E.
Borski	Goodman	Milliron	Smith, L.
Brandt	Gray	Miscevich	Spencer
Brown	Greenfield	Moehlmann	Spitz
Brunner	Greenleaf	Morris	Stairs
Burd	Grieco	Mowery	Stapleton
Burns	Halverson	Mrkonic	Stewart
Butera	Hamilton	Mullen, M. P.	Stuban
Caltagirone	Harper	Mullen, M. M.	Sweet
Caputo	Hasay	Musto	Taddonio
Cassidy	Haskell	Novak	Taylor, E.
Cessar	Hayes, D. S.	Noye	Taylor, F.
Cianciulli	Hayes, S. E.	O'Brien, B.	Tenaglio
Cimini	Helfrick	O'Brien, D.	Thomas
Cohen	Hoeffel	O'Connell	Trello
Cole	Honaman	O'Donnell	Valicenti
Cowell	Hopkins	O'Keefe	Vroon
Davies	Hutchinson, A.	Oliver	Wagner
DeMedio	Hutchinson, W.	Pancoast	Wansacz
DeVerter	Itkin	Parker	Wargo
DeWeese	Johnson	Peterson	Wass
DiCarlo	Jones	Petrarca	Wenger
Dietz	Katz	Piccola	White
Dininni	Kelly	Pievsky	Wiggins
Dombrowski	Kernick	Pitts	Wilson
Donatucci	Klingaman	Polite	Wilt
Dorr	Knepper	Pott	Wise
Doyle	Kolter	Pratt	Wright, D.
Duffy	Kowalshyn	Prendergast	Wright, J. L.
Dumas	Kukovich	Pyles	Yahner
Englehart	Laughlin	Rappaport	Yohn
Fee	Lehr	Ravenstahl	Zearfoss
Fischer, R. R.	Letterman	Reed	Zeller
Fisher, D. M.	Levi	Renwick	Zitterman
Flaherty	Levin	Rhodes	Zord
Foster, A.	Lincoln	Richardson	Zwinkl
Foster, W.	Livengood	Rieger	
Freind	Logue	Ritter	Irvis,
Fryer	Lynch	Ruggiero	Speaker

NAYS—0

NOT VOTING—5

Geesey	Seltzer	Weidner	Williams
McGinnis			

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 PRESENTED FOR THE RECORD

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

Mr. RICHARDSON. Mr. Speaker, I submit these remarks for HB 1785 and HB 1814.

The SPEAKER. The gentleman's remarks will be printed in the record. The gentleman will send his remarks to the desk.

Mr. RICHARDSON presented the following remarks for the Legislative Journal:

Mr. Speaker: We support Representative White's bill. We feel that this legislation protects the people of the Commonwealth by not holding them responsible for their landlord's lack of responsibility. We feel that a person or persons should not be penalized for the landlord's failure to pay utility bills. We have had many instances where the tenant has paid their rent but have had their services terminated anyway. We feel that the public utility law should not just protect those who provide services but should protect all parties concerned.

With these thoughts in mind, Mr. Speaker, I ask for a "yes" vote on HB 1785 and HB 1834.

BILLS REPORTED FROM COMMITTEE AND TABLED

HB 1205, PN 2405 (Amended) By Mr. BERSON

An Act amending the act of September 9, 1965 (P. L. 498, No. 252), entitled, as amended, "An act exempting certain firemen, policemen, and volunteer ambulance and rescue squad personnel and National Ski Patrol personnel from civil liability when rendering emergency care, first aid and rescue in the performance of their duties except in certain instances," extending the provisions of the act.

Judiciary.

HB 1490, PN 1780 By Mr. BERSON

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania providing for the submission to the General Assembly of rules promulgated by the Supreme Court.

Judiciary.

SB 1000, PN 1451 By Mr. BERSON

An Act amending Title 20 (Decedents Estate and Fiduciaries) of the Pennsylvania Consolidated Statutes further providing for the rights of certain persons in estates of certain decedents and the rules of interpretation of wills and conveyances.

Judiciary.

SB 1001, PN 1156 By Mr. BERSON

An Act amending Title 20 (Decedents Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes expanding nonmandatory jurisdiction of the orphans' court division; providing for venue in certain situations providing for advertisement of letters in the case of nonresident decedents authorizing discretionary accountings and records of risk distributions expanding the power to terminate trusts; making retroactive the rule against perpetuities and making editorial changes.

Judiciary.

SB 236, PN 1516 (Amended) By Mr. BERSON

An Act amending the act of January 6, 1970 (1969 P. L. 434, No. 185), entitled "An act relating to the Commonwealth Court, implementing section 4 of Article V of the Constitution of the Commonwealth of Pennsylvania," increasing the number of judges of the court and providing for their appointment.

Rereported from Committee on Judiciary.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follow were prepared for presentation to the Governor:

SENATE BILL No. 106

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled as amended "Second Class County Code" requiring mandatory audits of the minor judiciary.

SENATE BILL No. 1048

An Act amending the act of July 5, 1947 (P. L. 1217, No. 498), entitled "State Public School Building Authority Act" providing for the private sale of refunding bonds in certain circumstances.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE**AMENDED SENATE BILL NONCONCURRED IN
BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to

SENATE BILL NO. 748

An Act amending the act of June 2, 1915, (P. L. 736, No. 338), entitled as amended "The Pennsylvania Workmen's Compensation Act" further defining employe to include volunteers in the State Parks and Forests Program deputy game protectors special waterway patrolmen and to volunteers in connection with forest fire protection and providing benefits.

**MOTION INSISTING UPON CONCURRENCE
AND APPOINTMENT
OF A CONFERENCE COMMITTEE**

Mr. VALICENTI moved that the House insist upon Senate concurrence in House amendments to SENATE BILL NO. 748, printer's No. 1493, and that a committee of conference be appointed.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**APPOINTMENT OF COMMITTEE OF
CONFERENCE ON
SENATE BILL NO. 748**

The SPEAKER. The Chair appoints as a committee of conference on the part of the House: Messrs. ENGLEHART, VALICENTI and PITTS.

Ordered, That the clerk inform the Senate accordingly.

BILL REMOVED FROM TABLE FOR CALENDAR

The SPEAKER. The Chair now recognizes the gentleman from Allegheny, Mr. Misceovich, to place a motion before the House.

Mr. MISCEVICH. Mr. Speaker, I move that HB 1665, PN 2366, be taken from the table and placed upon the calendar.

The SPEAKER. It is moved by the gentleman that HB 1665, PN 2366, by removed from the tabled calendar bills and placed on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**RECONSIDERATION OF VOTE
ON SB. 402**

Mr. BENNETT moved that the vote by which SB 402, PN 406, was defeated on final passage on December 5, 1977, be reconsidered.

Mr. GREENFIELD seconded the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—187

Abraham	Gallagher	Mackowski	Ruggiero
Anderson	Gallen	Madigan	Ryan
Armstrong	Gamble	Manderino	Salvatore
Arthurs	Garzia	Manmiller	Scanlon
Barber	Gatski	McCall	Scheaffer
Bellomini	Geisler	McClatchy	Schmitt
Beloff	George, C.	McIntyre	Schweder
Bennett	George, M.	McLane	Scirica
Berlin	Giammarco	Mebus	Shuman
Berson	Gillette	Milanovich	Shupnik
Bittinger	Gleeson	Miller	Sirianni
Bittle	Goebel	Milliron	Smith, E.
Borski	Goodman	Miscevich	Smith, L.
Brandt	Gray	Moehlmann	Spencer
Brown	Greenfield	Morris	Spitz
Brunner	Greenleaf	Mowery	Stairs
Burd	Grieco	Mrkonic	Stapleton
Burns	Halverson	Mullen, M. P.	Stewart
Butera	Hamilton	Musto	Stuban
Caltagirone	Harper	Novak	Sweet
Caputo	Haskell	Noye	Taddonio
Cassidy	Hayes, D. S.	O'Brien, B.	Taylor, E.
Cessar	Hayes, S. E.	O'Brien, D.	Taylor, F.
Cianciulli	Helfrick	O'Connell	Tenaglio
Cimini	Hoefel	O'Donnell	Thomas
Cohen	Honaman	O'Keefe	Trello
Cole	Hopkins	Oliver	Valicenti
Cowell	Hutchinson, A.	Pancoast	Wansacz
DeMedio	Hutchinson, W.	Parker	Wargo
DeVertter	Johnson	Peterson	Wass
DeWeese	Jones	Petrarca	Wenger
DiCarlo	Katz	Piccola	White
Dininni	Kelly	Pievsky	Wiggins
Dombrowski	Kernick	Pitts	Wilson
Donatucci	Klingaman	Polite	Wilt
Dorr	Knepper	Pott	Wise
Doyle	Kolter	Pratt	Wright, D.
Duffy	Kowalyshyn	Prendergast	Wright, J. L.
Dumas	Kukovich	Pyles	Yahner
Englehart	Laughlin	Rappaport	Yohn
Fee	Lehr	Ravenstahl	Zearfoss
Fischer, R. R.	Letterman	Reed	Zeller
Fisher, D. M.	Levi	Renwick	Zitterman
Flaherty	Levin	Rhodes	Zwinkl
Foster, A.	Lincoln	Richardson	
Foster, W.	Logue	Rieger	Irvis,
Freind	Lynch	Ritter	Speaker
Fryer			

NAYS—6

Dietz	Meluskey	Wagner	Zord
Hasay	Vroon		

NOT VOTING—10

Davies	Livengood	Seltzer	Weidner
Geesey	McGinnis	Shelton	Williams
Itkin	Mullen, M. M.		

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

On the question recurring,
Shall the bill pass finally?

**SB 402 PLACED ON FINAL PASSAGE
POSTPONED CALENDAR**

Mr. BENNETT moved that SB 402 be placed on the final passage postponed calendar.

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

The SPEAKER. The Chair now, without objection, recognizes the chairman of the Education Committee, the gentleman from Bucks, Mr. Gallagher.

Mr. GALLAGHER. Mr. Speaker, I would like to read to the members of the General Assembly the letter which I directed to you today.

Mr. Speaker, this letter was directed to you today and you requested that I read it aloud and at length. It goes as follows: (Reading:)

Dear Roy:

On October 5, 1977, pursuant to the instructions of the Education Committee, a letter was sent over my signature requesting the Superintendents of the Commonwealth's 505 school districts to provide evidence of their compliance with Act 59 of 1977, requiring districts to expend additional subsidies "only for the reduction of school taxes and the restoration of school district programs."

A second letter to the non-responding districts, dated November 17, 1977, set December 2, 1977, as a final date for a response. As of 12:00 p.m., December 6, 1977, today, the following districts had not complied with the Committee's request:

- Cornell School District - Allegheny County
- Steel Valley School District - Allegheny County
- Jamestown Area School District - Mercer County
- Allegheny-Clarion Valley School District - Clarion County
- Belle Vernon Area School District - Westmoreland County
- Altoona Area School District - Blair County
- Lancaster School District - Lancaster County
- Riverside Beaver School District - Beaver County
- Western Beaver County School District - Beaver County

The total amount outstanding for these districts in additional subsidies is, \$1,485,764.

This letter is both to inform you of these facts, and to let you know that I will be asking the House to approve subpoena power for this Committee to examine the records of these districts, and that I will be requesting the Secretary of Education to withhold all

subsidy funds payable under Act 59, until these districts have provided a satisfactory response to the General Assembly.

Mr. Speaker, that is the total work of the committee and, following the direction of the committee, there are nine districts that have seen fit not to comply with our request.

I would ask those members from those districts to bring it to their attention. But I think it is proper that they have had since September 30 to comply. We notified them October 5 and here it is December 6 and nine have not complied.

The SPEAKER. The Chair is reluctant to see the power of subpoena granted too readily. Consequently, the Chair instructs the chairman of the Education Committee to write once again to those reluctant school boards advising them that they are under the mandate of the law and that the House of Representatives intends that they shall obey the law and asking them for any reasonable explanations for their delay with the implication that if their delay is unreasonable or not explained that you will have no other recourse except to ask for subpoena power and take their records.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair has given permission now for Scott Brickell of WHP-TV to shoot news film, silent film, on the floor of the House beginning with the debate on HB 247.

The Chair has also given permission for Jim Bowman of WIIC-TV to shoot silent news film on the floor of the House beginning at the time of the vote on HB 247.

CALENDAR

**REPORT OF COMMITTEE OF CONFERENCE
CONSIDERED**

Mr. BRUNNER called up for consideration the following Report of the Committee of Conference on **HOUSE BILL No. 247:**

To the Members of the House of Representatives and Senate:

We, the undersigned, Committee of Conference on the part of the House of Representatives and Senate for the purpose of considering House Bill No. 247, entitled: "An act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled 'An act relating to tax reform and State taxation by codifying and enumerating certain subjects of taxation and imposing taxes thereon; providing procedures for the payment, collection, administration and enforcement thereof; providing for tax credits in certain cases; conferring powers and imposing duties upon the Department of Revenue, certain employers, fiduciaries, individuals, persons, corporations and other entities; prescribing crimes, offenses and penalties,' ~~further providing for filing of documents and payment of taxes with respect to taxes imposed for education, personal income taxes and corporate net income taxes.~~ INCREASING THE RATE OF THE PERSONAL INCOME TAX; IMPOSING CERTAIN CONDITIONS IN THE SAVING CLAUSE OF THE PERSONAL INCOME TAX AS TO THE VALIDITY OF STATE LAWS AUTHORIZING CITIES OF THE FIRST CLASS BY ORDINANCE TO IMPOSE A TAX ON THE INCOME OF NONRESIDENTS OF SUCH CITY; INCREASING THE RATE OF TAX IMPOSED ON CERTAIN CORPORATIONS; CHANGING THE PERIOD FOR SETTLEMENT OF CORPORATE INCOME TAXES AND CHANGING THE PREPAYMENT OF TAX PROVISIONS FOR SUCH

TAXES; PRESCRIBING THE EFFECTIVE DATE FOR VARIOUS PROVISIONS AND REPEALING A CERTAIN ACT."

respectfully submit the following bill as our report:

JOHN L. BRUNNER
MAX PIEVSKY

(Committee on the part of the House of Representatives.)

JOSEPH F. SMITH
HENRY C. MESSINGER
(Committee on the part of the Senate.)

An Act

Amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "An act relating to tax reform and State taxation by codifying and enumerating certain subjects of taxation and imposing taxes thereon; providing procedures for the payment, collection, administration and enforcement thereof; providing for tax credits in certain cases; conferring powers and imposing duties upon the Department of Revenue, certain employers, fiduciaries, individuals, persons, corporations and other entities; prescribing crimes, offenses and penalties," increasing the rate of the personal income tax; increasing the rate of interest on unpaid tax; imposing certain conditions in the saving clause of the personal income tax as to the validity of State laws authorizing cities of the first class by ordinance to impose a tax on the income of non-residents of such city; increasing the rate of tax imposed on certain corporations; changing the period for settlement of corporate income taxes and changing the prepayment of tax provisions for such taxes; prescribing the effective date for various provisions and repealing a certain act.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 302 of the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," added August 31, 1971 (P. L. 362, No. 93) and amended March 13, 1974 (P. L. 179, No. 32), is amended to read:

Section 302. Imposition of Tax.—(a) There is hereby imposed an annual tax to be paid by resident individuals, estates or trusts at the rate of [two per cent] two and two-tenths per cent on the privilege of receiving each of the classes of income hereinafter enumerated in section 303.

(b) There is hereby imposed an annual tax to be paid by nonresident individuals, estates or trusts at the rate of [two per cent] two and two-tenths per cent on the privilege of receiving each of the classes of income enumerated in section 303 from sources within this Commonwealth.

Section 2. Sections 351 and 359 of the act, added August 31, 1971 (P. L. 362, No. 93), are amended to read:

Section 351. Interest.—If any amount of tax imposed by this article is not paid on or before the last date prescribed for payment, interest on such amount at the rate of [one-half] three-fourths of one per cent per month, for each month or fraction thereof from such date, shall be paid for the period from such last date to the date paid. The last date prescribed for payment shall be determined without regard to any extension of time for filing the return. This section shall not apply to any failure to pay estimated tax.

Section 359. Saving Clause and Limitations.—(a) Notwithstanding anything contained in any law to the contrary, including but not limited to the provisions of the act of August 5, 1932 (Sp. Sess., P. L. 45, No. 45), referred to as the Sterling Act, the validity of any ordinance or part of any ordinance or any resolution or part of any resolution, and any amendments or supplements thereto now or hereafter enacted or adopted by any political subdivision of this Commonwealth for or relating to the imposition, levy or collection of any tax, shall not be affected or impaired by anything contained in this article, except as hereinafter provided in subsection (b) of this section.

(b) Notwithstanding the provisions of subsection (a) of this section to the contrary, any rate of tax imposed by ordinance of

a city of the first class pursuant to the above cited Sterling Act on salaries, wages, commissions, compensation or other income received or to be received for work done or services performed within such city by persons who are not legal residents of such city, shall not, except as hereinafter provided, exceed the tax imposition rate of four and five-sixteenths per cent for the tax year 1977 or for any tax year thereafter.

In the event such city by ordinance imposes a tax rate on residents or nonresidents in excess of the aforesaid tax rate on the income categories enumerated herein, the provisions of the ordinance imposing such tax rate increase on income of persons who are legal residents of such city, shall be deemed valid and legally effective within the meaning and application of subsection (a) herein. But the provisions of such ordinance imposing a tax rate in excess of four and five-sixteenths per cent with respect to persons who are not legal residents of such city shall be deemed suspended and without any validity to the extent that such tax rate exceeds the tax rate of four and five-sixteenths per cent on income of such nonresidents. And, such excess tax rate provisions shall remain suspended and without any validity until such date as the city of the first class, by ordinance, imposes a rate of tax on income of both legal residents or nonresidents of such city in excess of the tax rate imposition of five and three-fourths per cent per year. In such case the Legislature hereby declares such suspension to be removed and the tax rate valid as to nonresidents, provided, however, that such suspension is removed and the rate deemed valid only to the extent the tax rate imposed on income of such nonresidents does not exceed seventy-five per cent of the tax rate imposed by ordinance per year on the income of legal residents of such city. It is the intention of the Legislature by this subsection to impose certain terms and conditions with respect to the validity and legal effectiveness of the Sterling Act or of any ordinance of the city of the first class enacted pursuant thereto which imposes a tax on the income of nonresidents of such city.

Notwithstanding the suspension provisions set forth heretofore, each city of the first class which imposes a tax pursuant to the above cited Sterling Act shall, by ordinance direct every employer maintaining an office or transacting business within such city and making payment of compensation (i) to a resident individual, or (ii) to a nonresident individual taxpayer performing services on behalf of such employer within such city, shall deduct and withhold from such compensation for each payroll period a tax computed in such manner as to result, so far as practicable, in withholding from the employe's compensation during each calendar year an amount substantially equivalent to the tax reasonably estimated to be due for such year with respect to such compensation. The method of determining the amount to be withheld shall be to withhold the highest amount of tax imposed with provision in such ordinance to provide refunds of the excess tax withheld to qualified nonresident taxpayers within four months of the end of each calendar year.

In the event that all or any part of the provisions of subsection (b) of this section are declared by a court to be unconstitu-

tional, it shall be the duty of the court to construe the remaining amendatory provisions to Article III in accordance with section 358.

Section 3. Section 402 of the act, amended March 13, 1974 (P. L. 179, No. 32), is amended to read:

Section 402. Imposition of Tax.—Every corporation shall be subject to, and shall pay for the privilege of doing business in this Commonwealth, or having capital or property employed or used in this Commonwealth, by or in the name of itself, or any person, partnership, association, limited partnership, joint-stock association, or corporation, a State excise tax at the rate of twelve per cent per annum upon each dollar of taxable income of such corporation received by, and accruing to, such corporation during the calendar year 1971 and the first six months of 1972 and at the rate of eleven per cent per annum upon each dollar of taxable income of such corporation received by, and accruing to, such corporation during the second six months of calendar year 1972 through the calendar year 1973 and at the rate of nine and one-half per cent per annum upon each dollar of taxable income of such corporation received by, and accruing to, such corporation during the calendar [year] years 1974, 1975 and 1976 and at the rate of ten and one-half per cent per annum upon each dollar of taxable income of such corporation received by, and accruing to, such corporation during the calendar year 1977 and each calendar year thereafter, except where a corporation reports to the Federal Government on the basis of a fiscal year, and has certified such fact to the department as required by section 403 of this article, in which case, such tax, at the rate of twelve per cent, shall be levied, collected, and paid upon all taxable income received by, and accruing to, such corporation during the first six months of the fiscal year commencing in the calendar year 1972 and at the rate of eleven per cent, shall be levied, collected, and paid upon all taxable income received by, and accruing to, such corporation during the second six months of the fiscal year commencing in the calendar year 1972 and during the fiscal year commencing in the calendar year 1973 and at the rate of nine and one-half per cent, shall be levied, collected, and paid upon all taxable income received by, and accruing to, such corporation during the fiscal year commencing in the calendar [year] years 1974, 1975 and 1976 and at the rate of ten and one-half per cent, shall be levied, collected, and paid upon all taxable income received by, and accruing to, such corporation during the fiscal year commencing in the calendar year 1977 and during each fiscal year thereafter. No penalty prescribed by subsection (e) of section 1202.1 shall be assessed against a corporation for the additional tax which may be due as a result of the increase in tax rate from nine and one-half per cent to ten and one-half per cent imposed retroactively by this section for the calendar year 1977 or for the fiscal year commencing in 1977.

Section 4. Subsection (a) of section 407 of the act is amended to read:

Section 407. Settlement and Resettlement.—(a) All taxes due under this article shall be settled by the department, and such settlement shall be subject to audit and approval by the Department of the Auditor General, and shall, so far as possible, be made so that notice thereof may reach the taxpayer [before the end of two years] within eighteen months after the tax report was required to be made.

* * *

Section 5. Section 502 of the act, amended March 13, 1974 (P. L. 179, No. 32), is amended to read:

Section 502. Imposition of Tax.—Every corporation carrying on activities in this Commonwealth or owning property in this Commonwealth by or in the name of itself or any person, partnership, joint-stock association or corporation shall be subject to and shall pay a State property tax on taxable income

derived from sources within this Commonwealth at the rate of twelve per cent per annum upon each dollar of such taxable income received by and accruing to such corporation during the calendar year 1971 and the first six months of 1972 and at the rate of eleven per cent per annum upon each dollar of taxable income of such corporation received by, and accruing to, such corporation during the second six months of calendar year 1972 through the calendar year 1973 and at the rate of nine and one-half per cent per annum upon each dollar of taxable income of such corporation received by, and accruing to, such corporation during the calendar [year] years 1974, 1975 and 1976 and at the rate of ten and one-half per cent per annum upon each dollar of taxable income of such corporation received by, and accruing to, such corporation during the calendar year 1977 and each calendar year thereafter, except where a corporation reports to the Federal Government on the basis of a fiscal year and has certified such fact to the department as required by section 403 of Article IV, in which case such tax at the rate of twelve per cent shall be levied, collected and paid upon each dollar of such taxable income received by and accruing to such corporation during the first six months of the fiscal year commencing in the calendar year 1972 and at the rate of eleven per cent shall be levied, collected, and paid upon all taxable income received by, and accruing to, such corporation during the second six months of the fiscal year commencing in the calendar year 1972 and during the fiscal year commencing in the calendar year 1973 and at the rate of nine and one-half per cent, shall be levied, collected, and paid upon all taxable income received by, and accruing to, such corporation during the fiscal year commencing in the calendar [year] years 1974, 1975 and 1976 and at the rate of ten and one-half per cent, shall be levied, collected, and paid upon all taxable income received by, and accruing to, such corporation during the fiscal year commencing in the calendar year 1977 and each fiscal year thereafter: Provided, however, That such taxable income shall not include income for any period for which the corporation is subject to taxation under Article IV: And, provided further, That no penalty prescribed by subsection (e) of section 1202.1 shall be assessed against a corporation for the additional tax which may be due as a result of the increase in tax rate from nine and one-half per cent to ten and one-half per cent imposed retroactively by this section for the calendar year 1977 or for the fiscal year commencing in 1977.

Section 6. The act is amended by adding a section to read:

Section 1202.1 Prepayment of Tax.—(a) Notwithstanding the provisions of this act, or any other State tax law to the contrary, which required taxpayers to make payment of tentative tax, including but not limited to the capital stock and franchise tax, corporate net income and corporation income tax, gross receipts tax on public service companies, transportation by motor vehicles and trackless trolleys, other than motor vehicles for hire, insurance premiums tax, mutual thrift institutions tax, net earnings tax, or other similar tax law requiring payment of tentative tax, but excluding the prepayment by banks and savings institutions under Article VII and title insurance and trust companies under Article VIII of this act, such taxpayers, commencing with the calendar year 1970 and fiscal years beginning during the calendar year 1970 and each taxable year thereafter, on or before the fifteenth day of April for calendar year taxpayers, and on or before the fifteenth day of the fourth month after the close of its previous fiscal year for fiscal year taxpayers, shall report annually and pay on account of the tax due for the current year, an amount to be computed by apply-

ing the current tax rate to ninety per cent of such tax base from the immediate prior year as may be applicable with respect to the tax being reported.

(b) For the taxable years commencing with calendar year 1979 and for each taxable year thereafter, the tentative tax due for the current year shall be computed by applying the current tax rate to ninety per cent of such tax base from the year preceding the immediate prior year as may be applicable with respect to the tax being reported: except that with respect to the aforesaid gross receipts tax on public service companies, transportation by motor vehicles and trackless trolleys, other than motor vehicles for hire, and the aforesaid insurance premiums tax, such amount shall continue to be computed by applying the current tax rate to ninety per cent of the tax base from the immediate prior year as may be applicable with respect to the tax being reported.

The tax imposed on shares of bank and savings institutions and title insurance and trust companies shall be paid in the manner and within the time prescribed by Article VII or Article VIII, as the case may be, but subject to the additions and interest provided in subsection (e) of this section.

(c) Payment of taxes imposed by Articles IV, V, IX and XI of this act and by the act of June 22, 1964 (P. L. 16, No. 2), known as "The Mutual Thrift Institutions Tax Act," may at the taxpayer's election be an amount estimated by the taxpayer which estimated amount shall not be less than ninety per cent of the tax as is finally reported in the annual tax report for the current calendar or fiscal year.

(d) A corporation with respect to the corporate net income tax imposed by Article IV and the corporation income tax imposed by Article V of this act may, at its election, report and pay in installments on account of the tax due for the current taxable year an amount computed either by applying the current tax rate to ninety per cent of the tax base as determined in subsection (a) or (b) of this section, or as computed on the basis estimated by the taxpayer to be due for the current year which estimated amount shall not be less than ninety per cent of the tax as is finally reported in the annual tax report for the current year as provided in subsection (c) of this section. The installments shall be paid in accordance with the following schedules:

Year In Which Tax Year Begins	First	Second	Third	Fourth
	Due on the 15th day of the following months after close of the previous tax year:			
	4th Month	6th Month	9th Month	12th Month
1978	95%	0%	5%	0%
1979	95%	0%	5%	0%
1980	80%	0%	10%	10%
1981	40%	30%	20%	10%
1982	30%	30%	25%	15%
1983 and thereafter	25%	25%	25%	25%

Any taxpayer which has elected to compute its tentative tax liability on the aforesaid estimated basis and which has elected to report and pay said estimated tax in installments, may when

reporting and paying its third or fourth installment, base such installment on an amended tentative tax report reflecting the taxpayer's new estimate of its tax liability for the tax year: Provided, That the new estimate reflects a lower tax liability than was previously reported in its original or, if applicable, amended tentative tax report. If an amended tentative tax report is filed, each remaining installment payment due, if any, shall be such as to bring the total installment payments made on account of the tax due for the current taxable year up to an amount determined by multiplying the tentative tax due for the year as reported in the amended report by the sum of the percentages set forth in the above schedule for the applicable elapsed installments.

The remaining portion of the tax due, if any, shall be paid upon the date the taxpayer's annual report is required to be filed under the applicable tax statute, determined without reference to any extension of time for filing such report.

(e) For taxable years beginning prior to January 1, 1979, should it subsequently be determined that the amount of the annual or any installment payment of tentative tax due was understated by more than five per cent, there shall be added to the tax determined to be due an additional ten per cent of the understatement and said percentage addition to the understatement shall be deemed an additional tax and shall bear interest from the date the tentative tax was due.

For taxable years beginning January 1, 1979 and thereafter, should it subsequently be determined that the amount of the annual or any installment payment of tentative tax due was underpaid, there shall be imposed an additional tax of ten per cent of the underpayment and said tax shall bear interest from the date the annual or any installment payment of tentative tax was due. Failure to remit the annual or any installment of tentative tax payments on or before the due dates prescribed in this act shall result in the assessment of interest and additions, if any, in the same manner as prescribed by law.

Section 7. The act of March 16, 1970 (P. L. 180, No. 69), entitled "An act relating to State taxation; changing the manner in which tentative and annual taxes are to be paid; providing a penalty in certain cases; and making a repealer," is repealed on the date the amendatory provisions of section 1202.1 of this article become applicable.

Section 8. Notwithstanding anything to the contrary in section 9 relating to the applicability of the tax rate increases imposed by sections 302, 402 or 502 in this amendatory act, such amendatory sections are hereby repealed as follows:

(1) The tax rate increase imposed by section 302 in this amendatory act is hereby repealed to the extent of such increase, effective January 1, 1980.

(2) The tax rate increases imposed by sections 402 and 502 in this amendatory act are hereby repealed to the extent of such increases effective January 1, 1980, for those corporations reporting on a calendar year basis, and effective on the date the fiscal year commences in the year 1980 for a corporation reporting on a fiscal year basis.

(3) If the tax increases provided in sections 302, 402 and 502 are not reenacted before January 1, 1980, the schedule for prepayment of taxes in section 1202.1 is repealed insofar as it relates to prepayment of taxes for the calendar years beginning on or after January 1, 1980, or fiscal years beginning in or after 1980; and, thereafter prepayments shall be made on the same basis as prepayments were made for the calendar or fiscal years beginning in 1979.

Section 9. This act shall take effect immediately, but certain articles, sections or parts or provisions shall be applicable as follows:

(1) The rate of the tax imposed by section 302 shall apply on January 1, 1978 and thereafter.

(2) The rate of tax imposed by sections 402 and 502 shall be applicable to the calendar year 1977 or fiscal year beginning 1977.

(3) Section 407 of the act relating to settlement shall first apply to reports filed for the taxable year 1978.

(4) Section 1202.1 shall take effect immediately, and shall apply to tentative tax reports and payments for the calendar and fiscal years beginning in 1978 and thereafter.

On the question,

Will the House adopt the Report of the Committee of Conference?

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the House do adopt the Conference Report on HB 247.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Fryer, on the adoption of the report.

Mr. FRYER. Mr. Speaker, I wish at this time to share some of my thoughts with the other members of the House in regard to the funding of the nonpreferred appropriations.

Last week, for the first time, I voted for a tax measure that lowered the proposed increase of the corporation tax. In my opinion this was fair because of the concern for the possible loss of jobs if the business climate in Pennsylvania is not favorable. After all, people who are unemployed cannot pay taxes and become an additional drain on the taxpayer. This proposal was not adopted so we find ourselves on dead center once again.

I have made extensive contacts with the people who have elected me. Some of them will not agree with my decision. I wish they could be up here in Harrisburg to see the process in action and see the limited choices that one legislator out of 203 has to choose from. Yet the people are gravely concerned with the legislature's inability to arrive at a decision.

We as legislators must take responsibility for the situation that we face. The time has come for the hard decisions that will hopefully resolve the situation this year. There are those on this floor who would have us believe that our state government is a bargain contrasted with New York or California or some other state. What I hear in Berks County is that the people have all of the bargain that they can afford right now. They are fed up with having to pay for one program after another which suddenly they are told they cannot do without. So it is particularly frustrating to those of us who are fiscally conservative in our outlook to have to vote for all or nothing, yes or no on what is put in front of us in the hope that things will be different next year, as I have been hoping for many years.

It is high time that this legislature sit down and seriously review where we had been and where we are going in regard to the nonpreferred appropriations. There is no question in my mind that once this matter is resolved this year that a complete study should be made of future funding of these institutions.

This body is now at the point where we are about to give over \$17,600,000 to one of the most richly endowed universities in the country and one which has a student body of which over half are out-of-state students. I refer to the University of Penn-

sylvania which is without a doubt a fine institution of learning.

We support many medical schools whose alumni could well afford to contribute to the institution or institutions that have enabled them to earn a lucrative income. Many of those students with wealthy parents can afford to pay the full cost of their education. But this is subsidized to the extent of \$4,400 per student for the state-aided institutions and \$7,465 per student for the state-related institutions.

I would remind the members of the House that this is for all students, whether in state or out of state. Is this truly the intent of the people whom we represent and who elected us to this office?

It is now high time to review this funding. Should we continue the present funding at current levels in the future? Should we reduce the funding? Should we revise the funding so that the individual, the in-state student who needs the aid, can receive it directly so that he can apply it to his or her tuition rather than getting it to the school which might apply it to any purpose? Should we pare down the list of schools which are receiving funding?

These are some of the questions, Mr. Speaker, that the legislature must make a study of and then decide what its policies in the future should and will be.

Hopefully, then the various schools and institutions will know where they stand in the way of state funding so that they may plan in an intelligent manner. The students and parents will not be in limbo knowing prior to the start of their school term the full cost of their tuition.

I attempted, as an individual legislator, to express my concern on this matter when I voted for every proposal which would have reduced these nonpreferred appropriations and, thus, the need for new taxes. Unfortunately, we were not successful. Having said that and realizing that the present situation cannot be tolerated and in the spirit of compromise, I feel I must most reluctantly vote for this tax proposal.

Thank you, Mr. Speaker.

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

Mr. CAPUTO. Mr. Speaker, I feel constrained to make a few comments at this time. I am not gifted with the power of persuasion, I have learned this session. But I recall at the beginning of the session I was elected unanimously by the Democratic members of the House delegation from Allegheny to be head of the Allegheny County delegation. I was very proud of being selected for that position and I was proud of my group of fellow Democrats from Allegheny County.

I have a sad report to make to a certain extent today. There is one member of my delegation who is right now, at this moment, on a dialysis machine in the city of Pittsburgh and who, despite the fact that he has been bedridden for the last 2 days, was willing to come up to vote for this. I am talking, of course, of Representative Michael Mullen. Representative Mullen voted "no" to the 2.2 percent when we decreased the tax on the business corporations in Pennsylvania because he felt that business corporations could stand an increase in taxes much better than the people. But because of his loyalty to party and because he is convinced that we must fish or cut bait here

and get a program through for the students in our colleges and get this legislature on the road again, he would have voted "yes" had he been here today.

I did not know for sure whether this was going to be called up today because I understand the members on the other side of the aisle are going to honor a very distinguished Pennsylvanian a little later in the day. I thought, perhaps, because of that we would not get around to a vote.

Brother Mullen was willing to get off the dialysis machine to come up here today to vote. Instead I made arrangements to have him picked up at 10:30 in the morning, taken to the airport, flown up here, picked up at the airport, brought in here just for a vote which I anticipated would be tomorrow. I did that with a heavy heart because I do not know what it is going to do to his health.

My request, and I am really making a request only to those members of the Allegheny County delegation because I do not think I could sway anybody else. I realize that some of them are lost out there. They said publicly they will not vote for taxes even at one-tenth of 1 percent. I can understand that.

But I want to tell you that I have talked to the people in my constituency and in my district and they recognize that with all of the arguments that have been made about the increase of expenses to the state and holding the line since 1971—in fact, cutting back three-tenths of 1 percent in the earned income tax in 1974—that we are not imposing a new tax if we vote for 2.2 percent today.

We are merely putting back two-thirds of what we took off in 1974. And compared to the jobs, recognizing the increase of expenses, those people who are most bitter against any increases in taxes have assured me that under the circumstances and with the education of the students in Pennsylvania at stake that they would want me to vote for this tax.

As an aside, I might point out that when we educate these kids, we put them into a higher-income bracket. And our economy of Pennsylvania is based on income, so that what the people pay in the form of one-tenth or two-tenths of a percent on a tax that we might impose will come back to us in the years to come with their increased earning power.

So I say to my fellow constituents from Allegheny County, even though you have told the people you will not vote for a tax, I am sure you will be able to explain it. Give me two or three votes from that delegation.

Thank you, Mr. Speaker.

The SPEAKER. On the question of the adoption of the Committee of Conference Report, the chair recognizes the gentleman from Allegheny, Mr. Parker.

Mr. PARKER. Mr. Speaker, an observer of the Harrisburg scene has noted that activity this session has been focused basically on three important areas: money, revenue and finance.

Yes, it is time to move away and to take up other nonmonetary issues, important issues, that are still pending in this 1977-78 session.

The solution to our financial problem which we are voting on today is certainly not my first choice, but it represents an im-

provement over what the Senate initially sent to the House for concurrence and is the only present viable alternative. My friends in the field of industrial development tell me that the rate of the corporate net income tax is most important to business contemplating relocation or expansion. The State of Minnesota is growing and can overcome the handicap of a 12 percent corporate net income tax much more readily than maturing Pennsylvania which would have ranked number two at the 11 percent level. A 10.5 percent tax is psychologically better and at least should enable Pennsylvania to continue to be a contestant in the economic-development sweepstakes.

The uncertainty caused by the inability to solve our financial problems this year has been devastating to Pennsylvania. A Government which cannot meet its constitutional mandate to balance its budget does not earn the confidence of an out-of-State professor who is thinking of accepting an offer made by a state-related university which is being held political hostage. A German concern weighing competing offers for a new plant location with many new jobs is perplexed by not being able to predict the level of corporate taxation and by reports that work is progressing on the 1978-79 state budget while the 1977-78 budget battle is still being fought.

It is indeed fortunate that the state has not had to go to the bond market for financing from July to the present. The rating services most probably would have lowered Pennsylvania's rating and caused additional hardship and expense.

It will take effective and concerted state action to overcome the damaging headlines and stories about Pennsylvania carried by television, magazines, newspapers, and radio stations throughout the United States and the world during 1977. Today we can begin to take positive action to erase the negative publicity of recent months.

While much of what happened this year was beyond our control and added immensely to the complexity of passing a revenue and expenditure program, the crisis has taught us some lessons which we should heed lest we err or repeat our follies again.

Despite what the Tax Foundation says about Pennsylvania's below average ranking on the amount of the tax which she imposes on her citizens, a good case can be made that her citizens are underserved, illy served or nonserved by state government. Taxpayers who feel that they are receiving value for their tax dollars are less reluctant to send more tax dollars to Harrisburg.

The greatest shortcoming of this General Assembly is the failure to engage in meaningful oversight. We profess to be co-equal or want to be with the executive branch yet we do not exercise our authority effectively to check the implementation and administration of the programs which we have enacted into law. While we know instinctively that tax dollars could be producing more for taxpayers, we cannot be as specific as we need to be.

The lack of ability to estimate accurately revenue gains and losses for various taxes or tax changes and the failure to achieve a consensus on revenue projections is disappointing, baffling and calls for a thorough investigation. Both the executive and legislative branches and public and private sectors

must address the intricacies of providing more accurate data in the area of Commonwealth finances.

The budget code bills sponsored by Representatives Butera and Pievsky contain numerous recommendations made by the Pennsylvania Economy League on how the budget process in Pennsylvania could be vastly improved. These measures should certainly be enacted into law. The two Governor's Review of Management Reports continue to have the potential for saving hundreds of millions of dollars by adopting various recommendations to bring more efficiency and economy to state government.

Since we are 6 months into the current fiscal year, it is neither practical nor realistic to demand that these reforms be coupled with the Conference Committee Report before us today. The suggested changes will take time to effect and higher education is teetering on the brink. Before the next budget is enacted, however, these proposals should be thoroughly examined and, hopefully, adopted.

There is always the chance that the tax package which we are voting today contains more money than we will need to balance the 1978-79 General Fund Budget. We are all aware that the Federal Government is most likely going to take hundreds of millions of additional dollars from Pennsylvania taxpayers next year via new energy and social security taxes. We should consider State and Federal tax policies in tandem more often and make every effort to return unneeded tax dollars to hard-pressed taxpayers. The phase out of the corporation tax-prepayment requirement represents a modest beginning at changing the business tax structure in Pennsylvania so that we can indeed be more competitive with other states. Careful study should be given to utilizing extra tax dollars to provide additional business tax relief to enhance the Commonwealth's industrial development potential which will have as its payoff a broadened tax base and increased tax yield.

Estelle H. Ries tells the story of the donkey which once starved between two haystacks because he could not choose between them. Today, we could apply the tag "No Tax Increase" to one haystack and the tag "Tax Increase" to the other haystack and wait for the donkey—presumably a Democrat—to maybe starve. To put our analogy in a broader context, it is one thing for the donkey or a political party to starve but it is quite another to have many fine people, excellent institutions of higher learning and culture, and the prospects for increased jobs and business growth perish with mental or physical hunger.

It has been my privilege during the past 11 years to be associated with legislative pursuits such as the Benjamin Franklin Symposium, the House Federal-State Relations Committee, the House Education Committee, and the National Conference of State Legislatures. Participation with these groups meant that you checked your party guns at the door of the meeting room and discussed issues on their merits or in terms of what is best for Pennsylvania. Hopefully, greater utilization of the bipartisan approach to solving Pennsylvania's many problems and the diminution of mindless partisanship will be among the General Assembly's New Year's resolutions in rapidly approaching 1978.

Two of the silver linings to emerge from one of state government's less distinguished years were the cooperation achieved between business and labor on the tax issue and the increased recognition by Pennsylvania's citizens that the level of business taxation has a direct impact on jobs. The realization on the part of both business and labor that their legislative interests were interwoven and required joint action has so far helped significantly to head off a disastrous resolution of the revenue shortfall. Joint agreement on the issue of jobs and industrial development bodes well for future labor-business cooperation on behalf of a greater Pennsylvania.

My apologies for going on so long. Let me in summary give you the bottom line from this one voter's perspective. My vote for this Conference Committee Report is a vote for the vitality of Pennsylvania's great colleges, universities and cultural institutions, a vote for the growth of jobs and economic development in the Commonwealth, and a vote to rescue the Keystone State Government from its 1977 paralysis. Thank you.

The SPEAKER. On the question of adoption, the Chair recognizes the gentleman from Crawford, Mr. Haskell.

Mr. HASKELL. Mr. Speaker, I rise today to inform the membership of this House that I shall vote this time and this time only for what I consider an unnecessarily high tax alternative offered by the majority leadership of this House. I rise today not in support of the tax program but in despair, anger and frustration at the petulant little-boy antics demonstrated by the leadership on both sides of the aisle in their unwillingness to achieve a genuine compromise, but especially by the majority leader.

Every time this House has had the opportunity to proceed rationally, logically and calmly in debate on the matter of principle, the majority leadership has turned it into a matter of politics. Regrettably, it is nothing more than a disgusting example of the typical politics of the past.

My vote today is perhaps only symbolic. But it is intended to let the other side of the aisle know of my sincerity in attempting to help them reach a solution which has been handed to all of us by the power-politics strategy of the majority leader. During the past 8 months of this budget-tax question, I have consistently opposed, probably more so than most members on my side of the aisle, attempts to inflate the budget and to increase taxes to fund it.

However, the time has come for this legislature to resolve this issue and get on to other important problems that face us. The time has come to put an end to the petty partisanship and bickering which no longer serves any value or purpose to this legislative process and perhaps more importantly to the public in general.

I do not believe that there is a single soul on either side of the aisle who believes for one moment that this tax bill is necessary to fund the state-related colleges and universities.

The dollars that the majority leader is trying to raise with substantial new taxes are to be used to pay for the political horror show that the Governor has brought to the executive branch of this government of Pennsylvania.

Never in my 15 years of public service in Harrisburg have I

seen a more fiscally mismanaged administration than the present one.

Nor should the majority leader, Mr. Manderino, be spared condemnation in his lack of leadership during this budget-and-tax crisis.

His strategy has been based on crushing the opinions of others rather than listening to them.

His strategy has been based on using welfare recipients, state workers and yes, now, college students, rather than helping them.

His strategy has been based on politics, not on principle.

He and the Governor have brought financial disaster to Pennsylvania and shame and discredit to this legislative body, and I soundly reject that.

I also have this to say to those lobbyists who carry water to the politics we see today in the legislature and also to those agents of the Governor's office who have participated in this scheme:

You may be young in years but your ideas are as old as the oldest politician of the most corrupt ward in American politics.

You may be representatives of big economic interests but you represent only the small-minded approach of going along to get along.

You may achieve sweet success in this quest for power but the victory over common sense will turn sour and haunt you forever.

My vote today is symbolic of my genuine desire to reach a genuine compromise, to reach a solution. In no way should it be construed as a capitulation to the rebirth in this legislature of politics which is best returned to its place beneath the rock of common sense and decency.

Mr. Speaker, I want to stress that my vote today is symbolic of my desire to reach a compromise. I hope that when this problem is resolved, you, too, will join the ranks of those who are seeking a compromise.

When we resolve this financial crisis, we must immediately begin to take steps to insure that the Commonwealth never again experience such a dilemma. And this is where you, Mr. Speaker, will hopefully agree to compromise.

Budget code reform legislation has been introduced. Now is the time we begin to take a hard, serious look at it. Adoption of strong budget-reform legislation will be the first step in assuring a financially stable Pennsylvania in the future.

Thank you, Mr. Speaker.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. MOWERY. Thank you, Mr. Speaker.

I would only like to give just a very short paragraph out of remarks that I would like to have submitted for the record.

Mr. Speaker, at a time when we are talking about increasing taxes and where the Commonwealth is today in relation to the dollars to pay for the services rendered, I would like to leave this thought before we go on with the vote.

It is ironic that when you tax something you get less of it. For

an example, the taxpayer has less money to spend for goods and services. If you subsidize you get more of it. In Pennsylvania we tax work, growth, investment, employment, savings and productivity while we heavily subsidize nonwork, consumption, welfare and debt. Mr. Speaker, is it any wonder that Pennsylvania finds itself in the dilemma that it is in now?

Mr. Speaker, as we deliberate as to whether or not we should increase taxes in the business community and on our taxpayers, I would like to present the people's viewpoint as to why we should not be considering a tax increase but considering a tax decrease. In today's economy and with our Federal Government, they have found that by either the increase or decrease of a Federal Reserve Board or by the reduction in taxes, they can stimulate the business community so that the people have security, opportunity, and can work in an honorable way and not be in the employment line and the unemployment line.

Therefore, I ask before you vote and put on the burden of additional taxes to the people in Pennsylvania that you consider whether or not we should be sitting down to decide whether or not we should be giving a tax reduction as an incentive for all of our people and our businesses to get on with paying as a result of working, not as being unemployed.

The rest of the remarks I would like to have given for the record.

Thank you, Mr. Speaker.

The SPEAKER. His remarks will be spread upon the record and printed in the Journal.

Mr. MOWERY submitted the following remarks for the Legislative Journal:

Mr. Speaker, Pennsylvania, being the fourth largest state in the United States, has a lot of pride. Pennsylvania is proud to be known as one of the largest industrial states and second to none in the people who are known as "Pennsylvanians."

I would like to speak on behalf of the people of Pennsylvania because throughout these past 10 months of deliberation on a budget, it becomes apparent to me their interests have not been represented and special-interest groups have more and more played an important roll in the solving of Pennsylvania's budget problems. Included in the special-interest groups are certainly those of us in this legislature who have been elected to represent our people, not ourselves nor our parties but the people.

People of Pennsylvania need a good tax climate for business, because the people of Pennsylvania need to keep present businesses and industries within the boundaries of the State of Pennsylvania, and by keeping them here and making money, the people of Pennsylvania will be fully employed and unemployment will go down.

Pennsylvania has probably one of the highest skilled-labor markets found in all the states, people who are trained as machinists with skills that make it attractive for business to use their services. Today taxes make it unattractive for business to come here. I believe that the unions of this state are concerned about the approach we are taking to solve our budget problems this year. Unions today are having trouble keeping their union rolls at an all-time high and are having to daily make excuses for the declining jobs, layoffs and movement by

industry out of Pennsylvania to their membership.

It is ironic that when you tax something, you get less of it. The taxpayer has less to spend. If you subsidize, you get more of it. In Pennsylvania we tax work, growth, investment, employment savings and productivity while we heavily subsidize nonwork, consumption, welfare and debt. It is any wonder that Pennsylvania finds itself in the dilemma that it is in now?

Mr. Speaker, as we deliberate as to whether or not to increase the tax on the business community, I would like to present the people's viewpoint as to why we should not be considering a tax increase but be considering a tax decrease, an incentive for business to remain in our state, to come to our state and enjoy a fair profit.

The Federal Government has the ability to increase or reduce the prime interest rate through the Federal Reserve Board. They adjust tax rates. The question is why? The answer, to keep business going on a profitable basis so that the people in this country can have job security and opportunity. The people of Pennsylvania are concerned that business is not enjoying security and opportunity in the State of Pennsylvania and thus are faced with the loss of businesses, resulting in unemployment.

Business needs consideration on its taxes, not for business itself because business is nothing but people and when people are hurt, the legislature of Pennsylvania needs to take action to help it, not hurt it.

Finally, Mr. Speaker, I have heard our majority leader tell us on the Republican side what a poor job we have done in solving the problems in Pennsylvania. Mr. Speaker, who voted for the budget that has put us legislators now in a poor position with the people of Pennsylvania? If you do not know, let me remind you it was 102 on the Democratic side. I would also like to remind the majority leader, Mr. Speaker, that we on this side would like to see the votes put on the board on your side as to who voted for the budget. They are the ones not doing their job for the people of Pennsylvania for whatever their reasons are, and I will not push that question for an answer, but for whatever their reasons, why are they not voting for the taxes?

Mr. Speaker, we have been criticized on this side for some of us voting for education. We voted for education because we believe on this side of the aisle that education is one of the most important reasons for our state government to tax our people. We believe that the great universities, colleges and good public-school systems are what has made Pennsylvania strong. We believe that many of the businesses located in Pennsylvania are here because of the high educational opportunities and research facilities that our universities and colleges have offered to them.

You, Mr. Speaker, have found higher priorities in the bureaucratic agencies and processes that are absorbing millions and millions of dollars which could be used for the purpose of education.

Finally, I believe that the people of this Commonwealth are aware of why the majority of this House has consistently voted against a tax increase for both Joe Average and business and have asked that the budget be reduced and give education its proper priority as No. 1 or No. 2 on the list of things to do in

Pennsylvania for the benefit of all of us.

Therefore, Mr. Speaker, I ask that if this state is to receive a tax increase, then let us get on with it, let us pay universities and colleges their rightful money, save the interest and, yes, let the 102 Democrats who voted for the budget in August put up the tax votes. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Montour, Mr. Wagner.

Mr. WAGNER. Mr. Speaker, I am asking those individuals here who are interested in extracting some reforms to still vote "no."

I have never said that I would not vote for tax increases. I know many people on both sides of the aisle have said that. I have never gone on record to say that.

Maybe we do need money now, but what is in here for the taxpayer? Everybody is worried about the welfare recipients, which were referred to, the students, the colleges and the other special-interest groups. And I agree with you that they are being used, but they do not foot the bill. The taxpayer foots the bill. People back home are willing to foot the bill providing they get some reforms in this government.

I heard someone say here earlier, well, let us go ahead and get on to the other business. I am telling you that you are not going to get any reforms during the next year. You will get window dressing and you will get sunset and zero-based budgeting, but you will not get the meaningful reforms that you can extract at the time when your tax vote is needed by an administration.

Now it is not the politics of Republicans and Democrats here, at least not from my point of view. The politics right now is between the taxpayer and government. Right now neither of them wants to give in. The taxpayer does not want to give in because he has no reforms, only a rate increase; there are no reforms in here. Government does not want to give in yet either.

I will inform the majority leader right now that I have not said that I will not vote for taxes, but I will not vote for taxes without any reforms. I see none here and I ask you, please do not lose your vote right now. Do not lose that leverage that you have.

The institutions have waited awhile. They have waited very patiently. But if we can get some reforms here, I think another week, another 2 weeks, another 2 months might be necessary and it will be well worth it if we can get the reforms out of the government.

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

Mr. HELFRICK. Mr. Speaker, I have just been informed by the mayor of Shamokin, a town in my 107th District, that the unemployment rate now is 22 percent. He pleaded with me to apprise my colleagues in the House of this fact and to urge them not to enact any new taxes against business.

The people in my district have in the past and are continuing to work very hard to attract new industry to this area. New and increased business taxes would nullify all of the past work and efforts that they have made.

Pennsylvania just cannot afford to drive industry away. When we drive industry away, we destroy our tax base. Mr.

Speaker, remember, 100 percent of nothing is still nothing.

Now I would like to talk a little bit about what business does for us. What are some of the things businesses do besides make reasonable profits? Here are just a few: First, they pay dividends which benefit directly and indirectly nearly every American. Business provides more than 90 million jobs in our country. Business pays one-half of all the social security taxes. And unknown to many people, business pays all of the unemployment taxes. It pays all of the workmen's compensation insurance. It contributes more than \$1 billion annually to the worthwhile charitable and educational causes. It provides retirement income to millions of Americans. It provides various fringe benefits to employes such as life and health insurance, paid vacations, recreation facilities, scholarships for employes' children, health facilities, et cetera. It spends billions of dollars on research, developing products to enhance the health and enjoyment of the American citizen. It pays income tax to help finance the government and its many welfare programs. It encourages its executives and its employes to devote millions upon millions of company-time hours annually in volunteer work for charitable, health, educational, arts and many other organizations.

Mr. Speaker, as I look around at many of you who I am sure are going to vote today against business, I urge you to check the towns and cities in your districts. See if they can afford a 1-percent, a 2-percent or a 5-percent increase in unemployment. I do not think so. Mr. Speaker, I urge you today not to vote against Pennsylvania business.

Thank you.

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

Mr. SALVATORE. Thank you, Mr. Speaker.

Mr. Speaker, for the last few weeks I have been receiving many letters from the vested-interest groups, and having not heard from my constituents who had remained strangely silent during this crisis, I decided that this weekend we would make a 1,000 phone calls and attempt to visit 350 homes. We had a group of volunteers do just that, Mr. Speaker.

Rather than bore the members of this House with the results of that survey, I am going to submit it for the record, and I have distributed it to each House member. I hope that they just did not throw it in the wastepaper basket because this represents the persons whom we are all supposed to be worried about, the taxpayers.

I hear people talk about business taxes, personal taxes, unemployment taxes, workmen's compensation taxes, real estate taxes. Only one guy pays that, that poor little individual, the guy who cannot go out in the back of the yard and get up on a ladder and take money off of a tree. He only has so much money to spend. We keep chipping away at his paycheck week after week after week.

Now what is going to happen in a few months? We are going to ask him to bear a gasoline tax. We gave him his registration fees—we doubled that—license fees; we gave him a penny gasoline tax not too long ago, reassessment of homes in Philadelphia, a 30-percent tax increase in Philadelphia, and we just keep chipping and chipping away. The latest present they got

was a social security increase.

All I am saying to the members of this House is that you have to stop somewhere along the line and say, let us put a stop to spending because the people cannot afford to spend any more money. Thank you, Mr. Speaker.

REMARKS SUBMITTED FOR THE RECORD

Mr. SALVATORE presented the following remarks for the Legislative Journal:

HOUSE OF REPRESENTATIVES COMMONWEALTH OF PENNSYLVANIA HARRISBURG

December 6, 1977.

Dear House Members:

I share with you the results of a survey which volunteers took in my 170th District during the past weekend. While it is not scientific, the expressions of feeling by citizens are so strong that they ought not to be ignored.

Upon examining the statistics, I believe you will agree that citizens are concerned with state financial affairs, that they are well-informed, and that they are intelligent.

I believe that the entire approach taken by the Administration this year, and that supported by the Governor's followers in the Legislature, has been based upon IGNORING the feelings of taxpayers, and of cynically UNDERRATING voter knowledge and intelligence.

I believe that these survey results also show that citizen disenchantment with State government is a dominate force behind their judgments on spending and taxation.

THE PEOPLE DO NOT BELIEVE THAT STATE GOVERNMENT IS DOING A REASONABLE JOB AND THEY BELIEVE THAT STATE GOVERNMENT IS NOT REALLY TRYING TO MANAGE ITSELF EFFICIENTLY AND THAT STATE GOVERNMENT IS UNWILLING TO MAKE ANY SACRIFICES OF ITS OWN.

Just two years ago, at the National Legislative Conference in Philadelphia, pollster Lou Harris reported on citizen attitudes toward government. At that time, he said:

"It should come as no surprise that disenchantment with the establishment has reached record peaks here and now in 1975. The feeling that 'what I think doesn't really count much any more' has risen from 37% to 67% since 1966; the view that 'people with power are out to take advantage of me' has jumped from 33% to 58% over the same period; the notion that 'people running the country don't really care what happens to me' has gone up from 33% to 63%; and, most poignant of all, the number who say 'I feel left out of things going on around me' has risen from 9% to 41% since 1966."

"By a lopsided 71-23%, most Americans complain in hard and clear terms that 'The trouble with most leaders is they treat the public as though it has a 12-year-old mentality, instead of as grown up human beings who can take the hard truth of most issues'."

I am convinced that what has been done—and not done—at the State Capitol this year has served to widen the gap between citizen and government—to give further "evidence" to citizens that no one really cares about them except at "taxing time"—and to harden the negative attitudes of citizens.

A copy of the survey from which volunteers used is attached, and the statistical results are included for each question.

Warmest regards,
Frank A. Salvatore

CITIZEN SURVEY IN THE 170TH ASSEMBLY DISTRICT
DECEMBER 2, 3, and 4, 1977

Representative Salvatore wishes to make a report to the State House next Tuesday, December 6, 1977, on views held by taxpayers in our community. He has asked that we call an equal number of citizens in each party so that the response will be non-political.

Here is the problem:

All of the money normally allocated to colleges and universities was taken in August by the Governor's budget of more than \$5 billion. The colleges must be funded. The needed money will have to come from \$300 million in new taxes, or from reductions in other areas of state spending, or from a combination of budget cuts and taxes.

Here are the questions:

1. Would you try to get all the college money by reducing spending in other areas? Yes (72%) No (28%)
2. Would you try to get all the money from new state taxes? Yes (17%) No (83%)
3. Would you try to get the money from a combination of budget reductions and new taxes? Yes (43%) No (57%)
4. If you support cuts in the State Budget to shift money to the colleges and universities, what area of spending would you try to cut first?
RESULTS: Welfare 41% GENERAL WASTE AND GIVE-AWAYS 28% PAYROLL 28%
5. There are only three types of state general fund taxes to use if existing rates are to be raised. They are taxes on business, taxes on personal income, and the state sales tax. Even if you are flatly against any tax increases, which of these three do you believe would harm the public the least? Business (38%) Income (8%) Sales (54%)
6. A major part of the state financial problem has been created by a deficit of \$150 million left over from last year's budget. In paying of this deficit, do you favor using a temporary tax which would expire as soon as it has raised the \$150 million needed to pay off the deficit? Yes (29%) No. (71%)
7. The Governor says he is for a 7% sales tax rate. Would you support that if it were made temporary for just 7 months to pay off his deficit? Yes (44%) No. (56%)
(NOTE: Many citizens believe "temporary taxes" stay on forever.)

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

Mr. DAVIES. Mr. Speaker, I am withdrawing the amendments to HB 1633 and will not offer any to do the same to HB 247. Neither leadership nor the conferees on HB 247 have taken this proposal into consideration. I think this has been a tragic mistake by all three groups.

Leadership has been remiss in its responsibility by such an action to seek out all potential solutions that have any feasibility or equity. The package that will be put before this body is little better than a Band-Aid approach to deal with an economic issue that needs total surgery.

I regret that I could not have a total three-part reform ready for you when this matter was circumvented with a phony budget last summer. It has taken me over 2 months to put all three parts of this amendment package together.

As an individual I must express my displeasure with the administration that lacks credibility and is really the largest problem within this problem. The administration has failed to seek

out any and all reasonable alternatives. The majority leader has lacked the ability to seek viable alternatives through the art of compromise and has failed to exercise a disciplined hold on some of his own members on the tax vote.

A business community and five educational institutions of higher learning that turned their collective backs on this matter twice while the cock crowed twice may put together a deal or a compromise that could well set this Commonwealth back to an erosion of the state's economy that began with the 1969 tax debacle.

I feel like those characters that I described in the scene above because I believe I am part of that problem. My vote on this bill is to resolve the problem not with the hope of stopping any further erosion of the business-tax climate and fiscal instability.

I want to apologize for my statement to my own caucus in my frustration, in grief, for responsibility for ignoring my proposals to them collectively. I withdraw that statement as being incorrect and inappropriate.

I hope that my vote in reality is not a substitute vote for any of my Democratic colleagues who voted on that phony budget but now will fail to vote for the tax bill that would fund that budget.

Thank you.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, this is my first time on this subject. I have deliberately kept quiet because I felt that enough was being said all the way around. But at this particular point I must get at least one little word in before the vote is taken.

We have heard a lot of talk that business does not care if we increase their taxes by 1 percent. They are supposedly willing. That is incorrect. I checked back with my manufacturers and I asked them, how do you feel about this? And they came back very emphatically, this would hurt us tremendously.

Out in our neck of the woods we are losing jobs right and left. We had Alan Wood Steel close with 3,500 jobs. We had another little steel plant close in Phoenixville in my district with another 600 or 700 jobs.

I spoke at a dedication recently of a very fine Pennsylvania plant, a new plant in my area, and I commended them for starting this new plant in our area. They turned to me afterwards and said, well, it may very well be our last because our competitors, our major competitors, just relocated six plants over in Puerto Rico from Pennsylvania.

Now this is what we are doing with this kind of thing right here. For the sake of expediency we are going to hit the economy of Pennsylvania. It is not business you are hitting; it is people. I am not backing the Chamber of Commerce position on this by any means. I am backing the people of the Commonwealth. I think it is high time that we were getting down to brass tacks in this legislature and cutting this government down to size. That is what the people out there want, and we are just playing around with the game. The message is, give us a government that is lean and clean. I do not think we have a good excuse at all for voting for this measure and I strongly oppose it.

THE SPEAKER. On the question of the adoption of the conference report, the Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Thank you, Mr. Speaker.

I rise today to once again reiterate some of the points which I made last week when we were voting on the other tax proposal which was before the General Assembly.

I have given serious thought to the proposal that is in the conference report here today. I think it is a better alternative than the 11.5-percent and the 2.1-percent alternative that was previously advanced. The idea of the tax self-destructing in 1980 unless otherwise reimplemented by the General Assembly I think is an improvement and is perhaps the direction in which we should go with all taxation in Pennsylvania.

However, I reflect back to some comments which were made last Tuesday at a meeting that some of us attended. It was attended by the majority leader and members from both sides of the aisle, and it was suggested that we should be in a position of possible compromise. Many of us were groping for areas where compromise was possible. It seemed that the only area of compromise that the majority leader was interested in was votes from this side of the aisle. It was made apparent by some of us that there possibly were areas of compromise and, perhaps with those areas of compromise being explored, that there could be some votes from this side of the aisle.

I do not question the votes of any of my colleagues from this side of the aisle who today have decided to vote for this proposal. But I do say that after thinking long and hard yesterday and today and listening to the comments that have been advocated by many of the previous speakers, I think before this member casts his vote for this proposal, which I will say for the record I am willing to do if some other things are done, I want to see some of those areas of compromise which have been discussed here before put before this House.

There is a Senate bill, SB 1187, which I believe should be before this House. I am prepared to offer amendments to that bill that will cut up to \$59 million from the general fund budget. I do not think we should unnecessarily extract this money from the taxpayers until we explore that alternative. If there are not the votes, there are not the votes.

The bill on zero-base budgeting, the budget reform code, and other bills I think also could be brought out. We are talking of legislation that could be put in a position of passage in a matter of a few days. When those issues are brought out and brought before us, then I think, Mr. Majority Leader, I will be willing to consider compromise and casting my vote for this conference report. Until then my vote is "no." Thank you.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I rise, of course, in opposition to concurrence in HB 247. You are not going to get 102 votes today, and the reason you are not going to get 102 votes is you have not sold your own caucus that it is necessary. You have not sold the 102 members of the Democratic side who voted for a budget on August 20 that overspent the moneys of the people of this Commonwealth. You are not going to get your 102 votes today because there are some members on our side of the aisle who would provide some votes but conditioned on true reform,

conditioned on sincere compromise, all of which has been neglected by the Democratic majority. You are not going to get your 102 votes today because the people of the Commonwealth do not want a tax increase; the people of the Commonwealth want a budget cut. You are not going to get your 102 votes today until you run out SB 1187, which you should have done weeks ago, and let the people of the Commonwealth, through us, attempt to reduce the high-spending budget that was passed here this past summer.

On approximately 67 occasions this summer during the course of debating on the budget bill, each of you, each member of this House, was warned that voting for that budget was voting for \$300 million in new taxes. You are not going to get your 102 votes today because there are some 17 to 27 Democrats sitting over there who voted for that budget because they had to for whatever reason but who know that the people in their district are overtaxed and they are not going to provide the tax votes to increase the taxes of the people of the Commonwealth.

You are not going to get your 102 votes today because people like Frank Salvatore ran polls in his district; Representative Vroon checked his people; they do not want new taxes. Mr. Salvatore said we would be bored by the results. Maybe we would be bored by the results of his survey because it is something that would be repetitious. Each and every one of us has heard what the people of our district want. They want reduced spending; they do not want increased taxes. You are not going to get your 102 votes today because you have not made a sincere effort to reduce that spending. And until you do, there are not 102 foolish people in this House to provide a tax increase for you.

Thank you, Mr. Speaker.

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

Mr. WILSON. Thank you, Mr. Speaker.

I am circulating a copy of the letter I am about to read, but, unfortunately, it may not be in your hands prior to this vote, but I think it is important. I do not think that Ben Wilson is that important, but I get a vote in this House and I would like to deliver a message to the House that I get from people in my district, and that is to say that I am not unwilling to compromise or bend or whatever but I am not willing to break.

This is from the Pennsylvania Pacific Corporation, from Walter Andruszka, who is the executive vice president, and this is in Warminster, Pennsylvania, in my district. He submits a copy of an article from Focus Magazine and he says, and I quote:

Dear Ben:

We were considering expansion of our plastic operation here in Warminster. In the meantime we were offered a location in Gainesville, Texas, and we decided to expand there. The fact that they had no corporate or personal income taxes was instrumental in our choice of locations.

Let's make all of our legislators aware of the impact that State and Municipal governments have on the general prosperity of Pennsylvania.

I would suggest that there is a time for this compromise; the time is now, but this is not the tax.

Thank you, Mr. Speaker.

On the question recurring,
 Will the House adopt the Report of the Committee of Conference?
 (Members proceeded to vote.)

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the minority whip. For what purpose does the gentleman rise?

Mr. RYAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RYAN. Mr. Speaker, there is a rule of this House that if a member is in his seat, he must vote and, failing to vote, his vote will be construed as a "no."

The SPEAKER. There is a rule in the House which says that a member in his seat must vote.

Mr. RYAN. All right.

Thank you, Mr. Speaker.

The SPEAKER. I am not aware that a failure to vote is construed as a negative vote. We will check the rules on that.

For the information of the gentleman, the rule is as the Chair stated it. It is rule 64, which reads: "Every member shall be present within the Hall of the House during its sittings, unless excused by the House or unavoidably prevented, and shall vote for or against each question put, unless he has a direct personal or pecuniary interest in the determination of the question, or unless he is excused by the House."

QUESTION OF INFORMATION

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss SIRIANNI. For what purpose does the lady rise?

Miss SIRIANNI. I rise to a question of information.

The SPEAKER. The lady will state it.

Miss SIRIANNI. Mr. Speaker, are not only members supposed to be on the floor? Are lobbyists and so forth supposed to be on the floor?

The SPEAKER. Absolutely not. What lobbyist is on the floor of the House?

Miss SIRIANNI. There are quite a few back there who do not belong here.

The SPEAKER. Only the members of the House and certain staff members are permitted on the floor of the House. All others are visitors and are relegated to the gallery. The sergeant at arms will clear that area behind the rail.

On the question recurring,

Will the House adopt the Report of the Committee of Conference?

Agreeable to the provisions of the Constitution, the following roll call was recorded:

YEAS—95

Arthurs	Garzia	Livengood	Rhodes
Barber	Gatski	Logue	Rieger
Bellomini	Geisler	Manderino	Ritter
Beloff	George, C.	McCall	Scanlon
Bennett	Giammarco	McIntyre	Schmitt
Berlin	Gleeson	McLane	Schweder
Berson	Goodman	Milanovich	Scirica
Bittinger	Gray	Milliron	Shelton

Borski	Greenfield	Morris	Shupnik
Brunner	Harper	Mullen, M. P.	Stapleton
Caputo	Haskell	Musto	Stewart
Cianciulli	Hoeffel	O'Brien, B.	Sweet
Cohen	Hutchinson, A.	O'Donnell	Wansacz
Cole	Itkin	O'Keefe	Wargo
Davies	Johnson	Oliver	White
DeMedio	Jones	Parker	Wiggins
DiCarlo	Kelly	Petrarca	Wise
Dombrowski	Knepper	Pievsky	Wright, D.
Donatucci	Kolter	Pratt	Yahner
Doyle	Kowalyszyn	Prendergast	Zitterman
Dumas	Kukovich	Rappaport	Zwilk
Englehart	Letterman	Ravenstahl	
Fee	Levin	Reed	Irvis,
Fryer	Lincoln	Renwick	Speaker
Gallagher			

NAYS—102

Abraham	Gallen	McClatchy	Sirianni
Anderson	Gamble	Mebus	Smith, E.
Armstrong	George, M.	Meluskey	Smith, L.
Bittle	Gillette	Miller	Spencer
Brandt	Goebel	Miscevich	Spitz
Brown	Greenleaf	Moehlmann	Stairs
Burd	Grieco	Mowery	Stuban
Burns	Halverson	Mrkonic	Taddonio
Butera	Hamilton	Novak	Taylor, E.
Caltagirone	Hasay	Noye	Taylor, F.
Cassidy	Hayes, D. S.	O'Brien, D.	Tenaglio
Cessar	Hayes, S. E.	O'Connell	Thomas
Cimini	Helfrick	Pancoast	Trello
Cowell	Honaman	Peterson	Valicenti
DeVerter	Hopkins	Piccola	Vroon
DeWeese	Hutchinson, W.	Pitts	Wagner
Dietz	Katz	Polite	Wass
Dininni	Kernick	Pott	Wenger
Dorr	Klingaman	Pyles	Wilson
Duffy	Laughlin	Richardson	Wilt
Fischer, R. R.	Lehr	Ruggiero	Wright, J. L.
Fisher, D. M.	Levi	Ryan	Yohn
Flaherty	Lynch	Salvatore	Zearfoss
Foster, A.	Mackowski	Scheaffer	Zeller
Foster, W.	Madigan	Shuman	Zord
Freind	Manmiller		

NOT VOTING—6

Geesey	Mullen, M. M.	Weidner	Williams
McGinnis	Seltzer		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the Report of the Committee of Conference was not adopted.

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

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

Mr. DeMEDIO. Mr. Speaker, on the reconsideration motion on HB 247, I inadvertently voted Representative Brunner in the affirmative and failed to vote myself.

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

BILL REPORTED FROM COMMITTEE AND TABLED

HB 1395, PN 2409 (Amended)

By Mr. BERSON

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania by providing for additional judges for the Superior Court, changing certain provisions relating to confirmation and initial terms, and further providing for the president judge of the Superior Court.

Judiciary.

**RECONSIDERATION OF VOTE
ON CONFERENCE COMMITTEE REPORT ON HB 247**

Mr. MANDERINO moved that the vote by which the Report of Committee of Conference on HB 247, PN 2396, was defeated on Tuesday, December 6, 1977, be reconsidered.

Mr. BERLIN seconded the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—116

Abraham	Fryer	Manderino	Ritter
Arthurs	Gallagher	McCall	Ruggiero
Barber	Gamble	McIntyre	Scanlon
Bellomini	Garzia	McLane	Schmitt
Beloff	Gatski	Meluskey	Schweder
Bennett	Geisler	Milanovich	Scirica
Berlin	George, C.	Miller	Shelton
Berson	Giammarco	Milliron	Shupnik
Bittinger	Gillette	Miscevich	Stapleton
Borski	Gleeson	Morris	Stewart
Brown	Goodman	Mullen, M. P.	Stuban
Brunner	Gray	Musto	Sweet
Caputo	Greenfield	Novak	Tenaglio
Cassidy	Harper	O'Brien, B.	Trello
Cianciulli	Hoeffel	O'Donnell	Valicenti
Cohen	Hutchinson, A.	O'Keefe	Wansacz
Cole	Itkin	Oliver	Wargo
Cowell	Johnson	Parker	White
Davies	Jones	Petrarca	Wiggins
DeWeese	Kelly	Pievsy	Wilt
DiCarlo	Knepper	Pott	Wise
Dombrowski	Kolter	Pratt	Wright, D.
Donatucci	Kowalshyn	Prendergast	Yahner
Doyle	Kukovich	Rappaport	Zeller
Duffy	Laughlin	Ravenstahl	Zitnerman
Dumas	Letterman	Reed	Zwilk
Englehart	Levin	Renwick	
Fee	Lincoln	Richardson	Irvis,
Fisher, D. M.	Livengood	Rieger	Speaker
Flaherty	Logue		

NAYS—76

Anderson	George, M.	Madigan	Sirianni
Armstrong	Goebel	Manmiller	Smith, E.
Bittle	Greenleaf	McClatchy	Smith, L.
Brandt	Grieco	Mebus	Spencer
Burd	Halverson	Moehlmann	Spitz
Burns	Hamilton	Mowery	Stairs
Butera	Hasay	Noye	Taddonio
Caltagirone	Haskell	O'Brien, D.	Taylor, E.
Cessar	Hayes, D. S.	O'Connell	Taylor, F.
Cimini	Hayes, S. E.	Pancoast	Thomas
DeVerter	Honaman	Peterson	Vroon
Dietz	Hopkins	Piccola	Wagner
Dininni	Katz	Pitts	Wass
Dorr	Kernick	Polite	Wenger
Fischer, R. R.	Klingaman	Pyles	Wilson
Foster, A.	Lehr	Ryan	Wright, J. L.
Foster, W.	Levi	Salvatore	Yohn
Freind	Lynch	Scheaffer	Zearfoss
Gallen	Mackowski	Shuman	Zord

NOT VOTING—11

DeMedio	Hutchinson, W.	Mullen, M. M.	Weidner
Geesey	McGinnis	Rhodes	Williams
Helfrick	Mrkonic	Seltzer	

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

ANNOUNCEMENT

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cessar, for purposes of making an announcement.

Mr. CESSAR. Thank you, Mr. Speaker.

There will be an important meeting of the Republican Policy Committee tomorrow morning at 9:30, in the minority caucus room. I urge all members to attend.

BILLS PASSED OVER

The SPEAKER. Without objection, all remaining bills on today's calendar are passed over. The Chair hears no objection.

WELCOMES

The SPEAKER. The Chair welcomes to the hall of the House, Miss Bonnie Northrup from Bradford, Pennsylvania, who is a student at Penn State. She is the guest of Representative Mackowski.

Also the Chair welcomes Mr. Sam Perusso of Havertown. Mr. Perusso is visiting the House chamber. His wife is working. Mr. Perusso apparently is not, which might be said about a number of us. Mr. Perusso is visiting the House chamber while his wife, who is a Republican committeewoman, is attending a meeting of the Pennsylvania Republican Women's Association. Mr. Perusso is the guest of Representative Freind.

Congratulations, Mr. Perusso, I wish I could get my wife to work while I was watching the General Assembly playing.

The Chair is also happy to welcome to the hall of the House, eight Girl Scouts who belong to two different troops, the Cadette Troop and the Senior Troop of Duncannon, Pennsylvania. They are here with their troop leaders, Mrs. Mary Smith and Mrs. Jennie Nickel. They are the guests, the girls and the troop leaders, of Representative Fred Noye.

Thank you very much for coming. We hope you enjoy your stay.

The Chair is pleased to welcome to the hall of the House Mrs. Sherry Meluskey, who is a cousin of Representative Meluskey. She is here as his guest and as the guest of the Lehigh County delegation.

ADJOURNMENT

Mr. ARTHURS moved that this House do now adjourn until Wednesday, December 7, 1977, at 11 .m., e.s.t.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—156

Abraham	Garzia	McCall	Ryan
Anderson	Geisler	McClatchy	Salvatore
Arthurs	George, C.	McIntyre	Schmitt
Bellomini	George, M.	McLane	Schweder
Beloff	Giammarco	Mebus	Scirica
Bennett	Gillette	Meluskey	Shuman
Berlin	Gleeson	Milanovich	Shupnik
Berson	Goebel	Miller	Sirianni
Brandt	Goodman	Milliron	Smith, E.
Brown	Greenfield	Miscevich	Spencer
Brunner	Greenleaf	Moehlmann	Spitz
Burns	Grieco	Morris	Stapleton
Butera	Harper	Mrkonic	Sweet
Caltagirone	Haskell	Mullen, M. P.	Taddonio
Caputo	Hayes, D. S.	Musto	Taylor, E.
Cassidy	Hayes, S. E.	Novak	Taylor, F.
Cessar	Helfrick	Noye	Tenaglio
Cianciulli	Hoeffel	O'Brien, B.	Trello
Cimini	Honaman	O'Connell	Valicenti
Cohen	Hopkins	O'Donnell	Vroon
Cole	Hutchinson, A.	O'Keefe	Wagner
Cowell	Hutchinson, W.	Oliver	Wansacz
Davies	Itkin	Pancoast	Wargo
DeMedio	Johnson	Parker	Wass
DiCarlo	Jones	Peterson	Wenger
Dietz	Kelly	Petrarca	White
Dininni	Kernick	Piccola	Wiggins
Donatucci	Knepper	Pievsky	Wilson
Dorr	Kolter	Pitts	Wilt
Doyle	Kukovich	Polite	Wright, D.
Duffy	Lehr	Pott	Yahner
Englehart	Letterman	Pratt	Zearfoss
Fee	Levi	Prendergast	Zeller
Fisher, D. M.	Lincoln	Pyles	Zitterman
Flaherty	Livengood	Ravenstahl	Zord
Freind	Logue	Renwick	Zwinkl
Fryer	Lynch	Rieger	

Gallagher	Madigan	Ritter	Irvis,
Gallen	Manderino	Ruggiero	Speaker
Gamble	Manmiller		

NAYS—7

Burd	Fischer, R. R.	Smith, L.	Yohn
DeVerter	Foster, A.	Wright, J. L.	

NOT VOTING—40

Armstrong	Geesey	Mackowski	Scheaffer
Barber	Gray	McGinnis	Seltzer
Bittinger	Halverson	Mowery	Shelton
Bittle	Hamilton	Mullen, M. M.	Stairs
Borski	Hasay	O'Brien, D.	Stewart
DeWeese	Katz	Rappaport	Suban
Dombrowski	Klingaman	Reed	Thomas
Dumas	Kowalshyn	Rhodes	Weidner
Foster, W.	Laughlin	Richardson	Williams
Gatski	Levin	Scanlon	Wise

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

REMARKS ON VOTE

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

Mr. STAIRS. Mr. Speaker, I would like to be recorded in the affirmative on the adjournment motion.

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

And (at 4:34 p.m., e.s.t.) the House adjourned.