

Legislative Journal

TUESDAY, APRIL 18, 1978

Session of 1978

162nd of the General Assembly

Vol. 1, No. 19

HOUSE OF REPRESENTATIVES

The House convened at 10 a.m., e.s.t.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

The eyes of all look to Thee, O Lord, and Thou dost share with them the fullness of Thy grace and power. We beseech Thee within these hallowed halls to reach out to the members of this House of Representatives. Gracious Father, bestow upon them the richness of Thy love, and show them the care and concern which Thou hast for all the children of men. Almighty God, grant them the strength and might of Thine everlasting power, and enable them to set forth before others the force of Thy truth. This we ask in Thy blest name, who liveth and reigneth forever and ever, world without end. Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, April 17, 1978, will be postponed until printed.

MASTER ROLL CALL RECORDED

The SPEAKER. The Speaker announces the taking of the master roll for the day. All members will report promptly on the floor of the House as the Speaker intends to move the active calendar as soon as the master roll and leaves of absence have been taken.

The clerk will open the board for the master roll.

The following roll call was recorded:

YEAS—197

Abraham	Gatski	Manmiller	Scheaffer
Anderson	Geesey	McCall	Schmitt
Armstrong	Geisler	McClatchy	Schweder
Barber	George, C.	McGinnis	Scirica
Bellomini	George, M.	McIntyre	Seltzer
Beloff	Giammarco	McLane	Shuman
Bennett	Gillette	Mebus	Shupnik
Berlin	Goebel	Meluskey	Sirianni
Berson	Goodman	Milanovich	Smith, E.
Bittinger	Gray	Miller	Smith, L.
Bittle	Greenfield	Milliron	Spencer
Borski	Greenleaf	Miscevich	Spitz
Brandt	Grieco	Moehlmann	Stairs
Brown	Halverson	Morris	Stapleton

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

NAYS—0

NOT VOTING—5

Arthurs	Flaherty	Gleeson	Shelton
Burns			

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

HOUSE BILL INTRODUCED AND REFERRED TO COMMITTEE

No. 2390 By Messrs. FEE, PRATT, LIVENGOOD, STEWART and DeMEDIO

An Act providing for the establishment of a residential facility in South Fayette Township, Allegheny County, for the treatment, supervision, rehabilitation and welfare of juveniles adjudicated delinquent.

Referred to Committee on Health and Welfare.

SENATE MESSAGE

AMENDED SENATE BILLS CONCURRED IN BY SENATE

The Senate informed that the Senate has concurred in the amendments made by the House of Representatives to:

SB 1106, PN 1780; and SB 1304, PN 1791.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Senate informed that the Senate has adopted the Report of the Committee of Conference on **HB 825, PN 2469.**

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Senate concurred in and returned

HB 1271, PN 1494, and HB 1277, PN 1500.

SENATE MESSAGES

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

The Senate returned the following House bills with amendments in which concurrence of the House is requested:

HB 3, PN 3008; HB 76, PN 3011; HB 539, PN 3009; and HB 799, PN 2979.

COMMUNICATION FROM GOVERNOR

ITEM VETO OF SB 693

The Secretary to the Governor presented the following communication from the Governor:

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

April 4, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate bill No. 693, printer's No. 1556, entitled "A Supplement to the act of (P. L. , No.), entitled 'Federal Revenue Sharing Trust Fund Supplement to the General Appropriation Act of 1977,' itemizing appropriations required from the Federal Revenue Sharing Trust Fund for the proper operations of the several departments of the Commonwealth authorized to spend Federal Revenue Sharing Trust Fund moneys," except as to the following items:

To the Department of Health

For grants to county departments of health and to municipalities for environmental health under the act of August 24, 1951 (P. L. 1304, No. 315), known as the "Local Health Administration Law" 3,421,000

II. JUDICIAL DEPARTMENT

Miscellaneous

For the payment to the counties in reimbursement of the direct costs incurred by the counties in the administration and operation of all courts and for offices of justices and judges of the Supreme, Superior and Commonwealth Courts in the county of their residence. Costs incurred by the counties in the administration and operation of all courts means costs as reported to the Department of Community Affairs in the county's annual financial report forms under the heading (a) "Judicial," but confined to the subheading: (160) courts, excluding capital outlay. If a city coterminous with a county does not report on the Department of Community Affairs' form, its figures from the same subheading, set forth in the department forms, shall be used: Provided, That such payments shall be made to the county treasurer and in cities of the first class coterminous with counties of the first class to the city treasurer: And, provided further, That in the event the amount herein appropriated is not sufficient to reimburse all such costs, payments shall be made to the counties in the proportion which the costs of each county bears to the total costs of all counties during the most recently completed fiscal year:

And provided further, that in making allocations and payments hereunder, the Court Administrator of Pennsylvania shall, except for county offices of justices and judges of the Supreme, Superior and Commonwealth Courts, exclude all costs which are not properly reportable under the heading hereinabove specified 24,000,000

These items are not approved. The taxes enacted by the General Assembly in December, 1977 were insufficient to meet all program needs of the Commonwealth. Serious underfunding of various programs has resulted, including (among others) Cash Assistance Payments which is short \$40 million of the amount needed to make payments to eligible recipients to June 30, 1978.

In my Budget Message of February 7, 1978, I pointed out the financial difficulties facing the Commonwealth. I said in that message, "One year ago I proposed a General Fund Tax increase of approximately \$300,000,000. If this had been enacted by the General Assembly it would have provided the solid fiscal base upon which the needs of the Commonwealth could have been funded. Instead of enacting the 1 percent increase in the Sales Tax, the Legislature, 10 months later, enacted a temporary increase in personal income and corporate income taxes of \$202,000,000. The General Assembly also passed new appropriations totaling over \$200,000,000. Among these were \$100,000,000 for school subsidy revisions, \$30,000,000 for Philadelphia school subsidies, \$24,000,000 for county court reimbursements and \$12,000,000 for Johnstown Flood Aid. The effect of the legislative action of 1977 was to seriously underfund ongoing Commonwealth programs.

"The most immediate and obvious reflections of underfunding are deficiencies in cash assistance, medical assistance, and county administration. These three items total \$90,000,000 of needs for the current fiscal year which are not appropriated. To cover these needs I am recommending that \$24,000,000 of Revenue Sharing Funds previously earmarked for county court costs be used to pay public assistance benefits, that additional General Fund lapses be used to cover salaries and expenses of our county public assistance offices, and that reimbursement claims for medical assistance benefits be paid from next year's appropriation. Otherwise it will be necessary to discontinue benefits to the poor, elderly and handicapped by June 1."

There are only two ways to resolve the funding needs of the Commonwealth: (1) provide the revenues necessary to continue existing programs, or (2) reduce ongoing programs to fit within existing revenues. The General Assembly did not follow the first choice so I am constitutionally bound to follow the second alternative in order to insure a balanced budget.

In addition to my constitutional duty to guarantee a balanced budget, I have a moral obligation to insure that cash assistance payments can be made to the approximately 800,000 needy Pennsylvanians who depend on cash assistance payments from the Commonwealth. With inflation and unemployment rising it is unrealistic to assume that the needs of those on public

assistance will lessen between now and June 30th.

In the situation in which we find ourselves, it would be highly irresponsible to fund county court costs at the expense of the Commonwealth's most needy citizens.

The amounts disapproved today will provide the bulk of the funds needed to appropriate the requirement for cash assistance payments through the end of the fiscal year. In the absence of these deficiencies, we would be forced to terminate assistance checks the week of June 5th, thereby leaving the 800,000 needy persons without any financial support for the balance of the month of June.

It would be unconscionable to allow this to happen. Therefore, I am not approving these programs.

MILTON J. SHAPP.
GOVERNOR

SENATE MESSAGE

GOVERNOR'S VETO OVERRIDDEN

The Senate presented Senate bill numbered and entitled as follows, together with the objections of the Governor:

A Supplement to the act of (P. L. No.), entitled "Federal Revenue Sharing Trust Fund Supplement to the General Appropriation Act of 1977" itemizing appropriations required from the Federal Revenue Sharing Trust Fund for the proper operations of the several departments of the Commonwealth authorized to spend Federal Revenue Sharing Trust Fund moneys.

With the information that said bill had been passed by both Houses and vetoed by His Excellency, the Governor, and has since been reconsidered in the Senate and passed by the necessary two-thirds vote, the objections of the Governor to the contrary notwithstanding.

LEAVES OF ABSENCE

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 have no requests for leaves of absence.

BILLS REPORTED FROM COMMITTEE AND TABLED

HB 93, PN 3074 (Amended) By Mr. FRYER

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), authorizing appropriations for borough citizens band radio base stations.

Local Government.

HB 95, PN 3075 (Amended) By Mr. FRYER

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), authorizing appropriations for county citizens' band radio base stations.

Local Government.

HB 199, PN 3076 (Amended) By Mr. GARZIA

An Act amending the "Pennsylvania Municipalities Planning Code," approved July 31, 1968 (P. L. 805, No. 247), further providing for membership on zoning hearing boards.

Local Government.

SB 1180, PN 1832 (Amended) By Mr. GALLAGHER

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949" further providing for the terms of school directors and for school terms and sessions.

Education.

RESOLUTION REPORTED AS COMMITTED

HR 208, PN 2924 (Concurrent) By Mr. RITTER

The General Assembly of the Commonwealth of Pennsylvania memorialize the Congress of the United States to pass the "Emergency Highway and Transportation Repair Act of 1978," but in a form that will provide the Federal funds to the states on the basis of real need without minimum amounts going to states with no winter damage while other states with significant damage receive no more than an arbitrarily fixed percentage of the total funds.

Federal-State Relations.

CALENDAR BILL ON FINAL PASSAGE POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. MANDERINO, the House resumed consideration on final passage of **HB 1395, PN 2409**, entitled:

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.

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—120

Anderson	Geisler	McCall	Ryan
Armstrong	Giammarco	McClatchy	Salvatore
Barber	Gillette	McGinnis	Scanlon
Bellomini	Goodman	McIntyre	Scirca
Berlin	Gray	McLane	Seltzer
Berson	Greenfield	Mebus	Shupnik
Bittinger	Greenleaf	Milanovich	Smith, L.
Bittle	Hamilton	Moehlmann	Spencer
Borski	Harper	Morris	Spitz
Brandt	Haskell	Mullen, M. P.	Stapleton
Brunner	Hayes, D. S.	Musto	Stewart
Caputo	Helfrick	O'Brien, B.	Stuban
Cessar	Hoeffel	O'Brien, D.	Sweet
Cianciulli	Hutchinson, W.	O'Connell	Thomas
Cohen	Itkin	Oliver	Trello
Cole	Johnson	Pancoast	Wagner
DeMedio	Jones	Parker	Wansacz
DeWeese	Katz	Petrarca	Wargo
Dininni	Kelly	Pievsky	Wass
Donatucci	Kolter	Polite	White
Doyle	Kowalyszyn	Pott	Wiggins
Duffy	Kukovich	Pratt	Wise
Dumas	Lashingier	Prendergast	Wright, D.
Englehart	Laughlin	Pyles	Wright, J. L.
Fee	Lehr	Rappaport	Yohn
Fisher, D. M.	Levin	Reed	Zearfoss
Freind	Livengood	Rhodes	Zitterman
Gallagher	Logue	Rieger	Zwikl

Gamble	Manderino	Ritter	Irvis,
Garzia	Manmiller	Ruggiero	Speaker
Gatski			

**REPORT OF THE COMMITTEE OF CONFERENCE
ON HOUSE BILL NO. 72**

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. 72, entitled:

"An act relating to the implementation of the emergency telephone number '911', providing a title, providing an intent, providing for a State plan, providing a system director, providing for telephone industry coordination, providing for coin telephone conversion, AND providing for system approval AND ESTABLISHING THE FUNCTIONS, DUTIES AND RESPONSIBILITIES OF ALL TELECOMMUNICATIONS WITHIN STATE GOVERNMENT IN THE DEPARTMENT OF GENERAL SERVICES. PROVIDING FOR THE DEVELOPMENT OF A STATEWIDE EMERGENCY TELEPHONE NUMBER '911' SYSTEM PLAN."

respectfully submit the following bill as our report:

JOSEPH P. KOLTER
 FRED R. MILANOVICH
 A. CARVILLE FOSTER, Jr.
 (Committee on the part of the House of Representatives)
 JAMES E. ROSS
 PAUL MCKINNEY
 WILLIAM J. MOORE
 (Committee on the part of the Senate)

An Act

providing for the development of a Statewide emergency telephone number "911" system plan and establishing the Bureau of Telecommunications with the duties and responsibilities for all telecommunications with State Government.

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

Section 1. Short title.
 This act shall be known and may be cited as the "Emergency Telephone Act."
 Section 2. Legislative intent.

The Legislature hereby finds and declares that it is in the public interest to shorten the time required for a citizen to request and receive emergency aid. There currently exist thousands of different emergency phone numbers throughout the Commonwealth. Providing for a single, primary three-digit emergency number through which emergency services can be quickly and efficiently obtained would provide a significant contribution to law enforcement and other public efforts by making it easier to notify emergency center personnel. Such a simplified means of procuring emergency services will result in the saving of life, and reduction in the destruction of property, and quicker apprehension of criminals. It is the intent of the Legislature to establish and implement a cohesive Statewide emergency telephone number "911" plan which will provide citizens with rapid direct access to public emergency operation centers by dialing the telephone number "911," with the objective of reducing the response time to situations requiring law enforcement, fire, medical, rescue, and other emergency services. It is the intent of the Legislature that said plan be reviewed and enacted into law after proper consideration by the Legislature.

Section 3. Definitions.
 The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Bureau" means the element of telecommunications assigned by the Governor to a statutory administrative department. The director shall report directly to the cabinet level officer or in the time of emergency, to the Lieutenant Governor for the duration of that emergency.

"Local government" means any political subdivision or any combination or group thereof.

"Public agency" means the State, and any city, county, city and county, municipal corporation, chartered organization, public district, or public authority located in whole or in part

NAYS—70

Abraham	Gallen	Meluskey	Shuman
Bennett	Geesey	Miller	Sirianni
Brown	George, C.	Milliron	Smith, E.
Burd	George, M.	Miscevich	Stairs
Caltagirone	Goebel	Mowery	Taddonio
Cassidy	Grieco	Mrkonic	Taylor, E.
Cimini	Halverson	Novak	Taylor, F.
Cowell	Hasay	Noye	Tenaglio
Davies	Hayes, S. E.	O'Keefe	Valieenti
DeVerter	Honaman	Peterson	Vroon
DiCarlo	Kernick	Piccola	Weidner
Dietz	Klingaman	Pitts	Wenger
Dombrowski	Knepper	Ravenstahl	Wilson
Dorr	Letterman	Renwick	Wilt
Fischer, R. R.	Levi	Scheaffer	Yahner
Foster, A.	Lincaln	Schmitt	Zeller
Foster, W.	Mackowski	Schweder	Zord
Fryer	Madigan		

NOT VOTING—12

Arthurs	Flaherty	Hutchinson, A.	Richardson
Beloff	Gleeson	Lynch	Shelton
Burns	Hopkins	O'Donnell	Williams

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

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

REMARKS ON VOTES

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

Mr. D. R. WRIGHT. I have a small matter, Mr. Speaker, with regard to HB 1395, PN 2409. I was inadvertently recorded as having voted in the affirmative. I wish to be recorded as voting in the negative.

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

The Chair recognizes the gentleman from Armstrong, Mr. Livengood.

Mr. LIVENGOOD. Mr. Speaker, on HB 1395, I was recorded in the positive. I would like to be recorded in the negative.

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

SPECIAL ORDER OF BUSINESS

**REPORT OF COMMITTEE OF CONFERENCE
CONSIDERED**

Mr. KOLTER called up for consideration the following Report of the Committee of Conference on **HB 72, PN 3069:**

Prior Printer's Nos. 82, 994, 1136, 2001, 2604

Printer's No. 3069

within this Commonwealth which provides or has authority to provide fire fighting, law enforcement, ambulance, medical, or other emergency services.

"Public safety agency" means a functional division of a public agency which provides fire fighting, law enforcement, medical, or other emergency services.

Section 4. State plan.

The bureau shall develop a Statewide emergency telephone number "911" system plan, which shall be submitted to the Legislature within 18 months of the effective date of this act for proposed enactment. The plan shall provide for:

(1) The public agency emergency telephone communications requirements for each entity of local government in the State.

(2) A system to meet specific local government requirements. Such system shall include law enforcement, fire fighting, and emergency medical services, and may include other emergency services such as poison control, suicide prevention, and civil defense services.

(3) Identification of existing "911" systems in operation. Additionally, recommendations for coordinating existing "911" systems and new systems necessitated by the Statewide plan shall be part of the plan.

(4) The identification of the mutual aid agreements necessary to obtain an effective "911" system.

(5) A cost analysis which shall identify the costs necessary to establish and operate a Statewide "911" system both at the State and local government levels.

(6) Recommendations as to how said costs shall be paid and from which sources of revenue. Additionally, the plan shall identify and delineate all existing Federal, State, local, and private funding sources available.

(7) A proposed schedule for full implementation of the Statewide emergency telephone number "911" system plan. The schedule shall be designated to permit orderly implementation and accommodate local variances.

Section 5. Bureau functions and responsibilities.

The statutory administrative department designated by the Governor to carry out the purposes of this act shall publish, in accordance with the act of July 31, 1968 (P. L. 769, No. 240), known as the "Commonwealth Documents Law," the plan and proposed implementation schedules relating to public agencies for implementing and administering the plan for public comment and review. The bureau shall have a director and technical staff who are telecommunication professionals certified and employed through the Civil Service Commission with the responsibility of carrying out the provisions of this act. The director shall coordinate the plan development and implementation of the system with State, county, local, and private agencies. For the purposes of this act, the director is authorized to employ professional and clerical persons in such staff capacities as required for administrative or project team operations and to hire professional consultants pursuant to the limitations prescribed in the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929". The director shall also coordinate with the Pennsylvania Public Utility Commission and with the Pennsylvania telephone utility or utilities involved for a timely implementation of "911". Nothing contained in this act shall be construed, or is intended to be construed, to limit the jurisdiction of the Pennsylvania Public Utility Commission over the Pennsylvania telephone utility involved or in such utility's participation in said implementation of "911".

Section 6. Funding.

The funds necessary to support the functions, duties and responsibilities of all telecommunications services and support activities of the Commonwealth for the fiscal year 1977-1978 shall be transferred from the appropriate budgets to the statutory department designated by the Governor. Future years funding shall be provided by the agencies under the Governor's jurisdiction, equipment and/or support.

Section 7. Effective date.

This act shall take effect immediately.

On the question,

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

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Kolter.

The Chair is about to enforce its own ruling on the explanation of amendments which do not appear readily for the members. This is a committee of conference report. It does differ from the original bill. The Chair is about to recognize the gentleman, Mr. Kolter, to briefly explain it. If the members are talking so they cannot hear the explanation, that will not be the Chair's fault, nor Mr. Kolter's.

The Chair recognizes the gentleman, Mr. Kolter.

Mr. KOLTER. Thank you, Mr. Speaker.

HB 72, as it stands today, is different in three ways: First, there no longer is a program of implementation. HB 72 today is strictly a planning bill. The Office of Telecommunications has been given 18 months to propose a plan to us legislators to approve.

The second change: This bill has been laying in the Senate for a number of months because there had been a fight as to who would take the responsibility, which department would have this responsibility. In order to get this bill out of committee, we finally had a deal made where the bill was amended to throw this responsibility into the hands of the Governor, let the Governor choose where this bill goes.

The third and most important change, I feel, is that we have formed a bureau of telecommunications. Back in 1972 and 1975, the Governor's review had made this recommendation. We, therefore, are accepting this recommendation and making the office of telecommunications a bureau of telecommunications.

I ask for your support. I ask for this to be approved.

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—192

Abraham	Geesey	McCall	Scheaffer
Anderson	Geisler	McClatchy	Schmitt
Armstrong	George, C.	McGinnis	Schweder
Barber	George, M.	McIntyre	Scirica
Bellomini	Giammarco	McLane	Seltzer
Bennett	Gillette	Mebus	Shelton
Berlin	Goebel	Meluskey	Shuman
Berson	Goodman	Milanovich	Shupnik
Bittinger	Gray	Miller	Sirianni
Bittle	Greenfield	Milliron	Smith, E.
Borski	Greenleaf	Miscevich	Smith, L.
Brandt	Grieco	Mochlmann	Spencer
Brown	Halverson	Morris	Spitz
Brunner	Hamilton	Mowery	Stairs
Burd	Harper	Mrkonic	Stapleton
Caltagirone	Hasay	Mullen, M. P.	Stewart
Caputo	Haskell	Musto	Sweet
Cassidy	Hayes, D. S.	Novak	Taddonio
Cessar	Hayes, S. E.	Noye	Taylor, E.
Cianciulli	Helfrick	O'Brien, B.	Taylor, F.
Cimini	Hoefel	O'Brien, D.	Tenaglio
Cohen	Honaman	O'Connell	Thomas
Cole	Hopkins	O'Donnell	Treilo
Cowell	Hutchinson, A.	O'Keefe	Valicenti

Davies	Hutchinson, W.	Oliver	Vroon
DeMedio	Itkin	Pancoast	Wagner
DeVerter	Johnson	Parker	Wansacz
DiCarlo	Jones	Peterson	Wargo
Dietz	Katz	Piccola	Wass
Dininni	Kelly	Pievsky	Weidner
Dombrowski	Kernick	Pitts	Wenger
Dorr	Klingaman	Polite	White
Doyle	Knepper	Pott	Wiggins
Duffy	Kolter	Pratt	Wilson
Dumas	Kowalyszyn	Prendergast	Wilt
Englehart	Kukovich	Pyles	Wise
Fee	Lashinger	Rappaport	Wright, D.
Fischer, R. R.	Laughlin	Ravenstahl	Wright, J. L.
Fisher, D. M.	Lehr	Reed	Yahner
Flaherty	Letterman	Renwick	Yohn
Foster, A.	Levi	Rhodes	Zearfoss
Foster, W.	Levin	Richardson	Zeller
Freind	Lincoln	Rieger	Zitterman
Fryer	Livengood	Ritter	Zord
Gallagher	Logue	Ruggiero	Zwikl
Gallen	Mackowski	Ryan	Irvis,
Gamble	Madigan	Salvatore	Speaker
Garzia	Manderino	Scanlon	
Gatski	Manmiller		

NAYS—0

NOT VOTING—10

Arthurs	DeWeese	Lynch	Stuban
Beloff	Donatucci	Petrarca	Williams
Burns	Gleeson		

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.

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1114, PN 1319**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes changing the time for prosecuting the offense of voluntary manslaughter.

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—192

Abraham	Gatski	Manmiller	Scheaffer
Anderson	Geesey	McCall	Schmitt
Armstrong	Geisler	McClatchy	Schweder
Barber	George, C.	McGinnis	Scirica
Bellomini	George, M.	McIntyre	Seltzer
Bennett	Giammarco	McLane	Shuman
Berlin	Gillette	Mebus	Shupnik
Berson	Goebel	Meluskey	Sirianni
Bittinger	Goodman	Milanovich	Smith, E.
Bittle	Gray	Miller	Smith, L.

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

NAYS—0

NOT VOTING—10

Arthurs	Donatucci	Petrarca	Shelton
Beloff	Gleeson	Rhodes	Williams
Burns	Lynch		

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.

The House proceeded to third consideration of **SB 1118, PN 1323**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes redefining murder of the second degree.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, Shall the bill pass finally?

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

YEAS—190

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

NAYS—1

Klingaman

NOT VOTING—11

Arthurs	Donatucci	Letterman	Pratt
Beloff	Gleeson	Lynch	Williams
Burns	Goodman	Petrarca	

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

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

The House proceeded to third consideration of **HB 648, PN 716**, entitled:

An Act amending "The Second Class Township Code" approved May 1, 1933 (P. L. 103, No. 69), authorizing the taking over of extensions or alterations of existing sewer systems and

the compelling of connecting to the system and the charging of fees.

On the question,

Will the House agree to the bill on third consideration?

Mr. WAGNER offered the following amendments:

Amend Title, page 1, line 6, by removing the period after "fees" and inserting and removing the requirement that certain properties be connected with sewer systems constructed by municipal authorities in second class townships.

Amend bill, page 2, by inserting between lines 13 and 14

Section 2. Section 1501.1 of the act, added January 14, 1952 (P. L. 1989, No. 555), is amended to read:

Section 1501.1. Sewer System Established or Constructed by Municipal Authorities; Connection and Use by Owners; Enforcement.—Whenever a sewer system is or shall have been established or constructed by a municipality authority within a township of the second class, the township supervisors shall be empowered, by ordinance, to compel all owners of property accessible to and whose principal building is within one hundred fifty feet from such sewer system to make connection therewith and use such sewer system in such manner as they may order whenever the sewer system on such property does not meet the standards of the act of January 24, 1966 (1965 P. L.

1535, No. 537), known as the "Pennsylvania Sewage Facilities Act." The township supervisors may, by ordinance, impose

penalties to enforce any regulation or order they may ordain with reference to any sewer connections. In case any owner of property accessible to and whose principal building is within one hundred fifty feet from a sewer system established or constructed by a municipality authority shall neglect or refuse to connect with said sewer system in violation of this section for a period of sixty days after notice to do so has been served upon him by the township supervisors, either by personal service or by registered mail, the township supervisors or their agents may enter upon such property and construct such connection. In such case, the township supervisors shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the owner of the property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such property to pay said bill, it shall be the duty of the township supervisors to file municipal liens for said construction of said connection, the same to be subject in all respects to the general law provided for the filing and recovery of municipal liens.

Amend Sec. 2, page 2, line 14, by striking out "2." and inserting 3.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Montour, Mr. Wagner.

Mr. WAGNER. Thank you, Mr. Speaker.

Mr. Speaker, essentially what this bill does is say that when they run a sewer line out past homes which are presently there and those homes are on septic systems that meet all the Department of Environmental standards, they run the sewer line out past them to serve a brand new subdivision out behind them someplace, and that those property owners who have a sewage system that meets all the DER standards and is working need not hook onto the system.

Presently, there is an inequity. These individuals will pay anywhere from \$1,000 to \$1,500 to get a sewage permit to put their own system in and only to have 2 years or 3 years later the township run a sewer line out to serve another subdivision.

The SPEAKER. On the Wagner amendment, the Chair recog-

nizes the gentleman from Northampton, Mr. Ruggiero.

Mr. RUGGIERO. Mr Speaker, at first I thought this amendment would be harmless, but it appears upon further investigation that there will be many problems connected with this.

In the first place, it would hamper a township of the second class which wishes to extend its sewer lines. It would create a lot of confusion. It would open it up to a determination of which properties are in compliance and which are not. I think that this alone should militate against this amendment.

Secondly, if you delete properties from the requirement, you thereby shift the burden onto fewer residents and taxpayers. I think that this is something that we should avoid.

I would like to point out that the Township Supervisors Association has expressed opposition to the amendment.

Thank you.

The SPEAKER. The Chair recognizes for the second time on the Wagner amendment, the gentleman from Montour, Mr. Wagner.

Mr. WAGNER. Thank you, Mr. Speaker.

Mr. Speaker, the present law exempts homes that are located more than 150 feet from tying onto a sewer line run by and the fellow is there first, when was the sewage system when he needed it and he already put the \$1,500 out?

The present law says if he is more than 150 feet away from that tap, he does not have to tap on the cap. He can continue to use his septic tank, his sewage system, provided it meets DER standards. All this does is say 150 feet; it is for anybody who is caught inbetween here.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—93

Anderson	Goebel	Mackowski	Scirica
Armstrong	Greenleaf	Madigan	Seltzer
Bittinger	Grieco	Manmiller	Shuman
Bittle	Halverson	McClatchy	Sirianni
Brunner	Hamilton	McGinnis	Smith, E.
Burd	Hasay	Miller	Smith, L.
Cassidy	Haskell	Milliron	Spencer
Cimini	Hayes, D. S.	Morris	Stairs
Davies	Hayes, S. E.	Mowery	Stewart
DeMedio	Helfrick	Noye	Taddonio
DeVerter	Honaman	O'Brien, D.	Taylor, E.
DiCarlo	Hopkins	O'Connell	Taylor, F.
Dietz	Hutchinson, W.	Pancoast	Thomas
Dinanni	Itkin	Parker	Vroon
Dresser	Katz	Piccola	Wagner
Englehart	Klingaman	Pitts	Wass
Fischer, R. R.	Knepper	Polite	Wenger
Fisher, D. M.	Lashinger	Pott	Wilson
Foster, A.	Lehr	Pyles	Wilt
Foster, W.	Levi	Renwick	Wright, D.
Freind	Lincoln	Ryan	Yohn
Gallen	Livengood	Salvatore	Zearfoss
Geesey	Lynch	Scheaffer	Zord
George, C.			

NAYS—99

Abraham	Geisler	Mebus	Schmitt
Barber	George, M.	Meluskey	Schweder

Bellomini	Giammarco	Milanovich	Shupnik
Beloff	Gillette	Miscevich	Spitz
Bennett	Goodman	Moehmann	Stapleton
Berlin	Gray	Mrkonic	Stuban
Berson	Greenfield	Mullen, M. P.	Sweet
Borski	Harper	Musto	Tenaglio
Brandt	Hoeffel	Novak	Trello
Brown	Hutchinson, A.	O'Brien, B.	Valicenti
Caltagirone	Johnson	O'Donnell	Wansacz
Cianciulli	Jones	O'Keefe	Wargo
Cohen	Kelly	Oliver	Weidner
Cole	Kernick	Peterson	White
Cowell	Kolter	Petrarca	Wiggins
Dombrowski	Kowalshyn	Pievsky	Williams
Donatucci	Kukovich	Prendergast	Wise
Doyle	Laughlin	Rappaport	Wright, J. L.
Duffy	Letterman	Ravenstahl	Yahner
Dumas	Levin	Reed	Zeller
Fee	Logue	Richardson	Zitterman
Fryer	Manderino	Rieger	Zwikel
Gallagher	McCall	Ritter	
Gamble	McIntyre	Ruggiero	Irvin,
Garzia	McLane	Scanlon	Speaker
Gatski			

NOT VOTING—10

Arthurs	Cessar	Gleeson	Rhodes
Burns	DeWeese	Pratt	Shelton
Caputo	Flaherty		

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

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—189

Abraham	Gamble	Manderino	Schmitt
Anderson	Garzia	Manmiller	Schweder
Armstrong	Gatski	McCall	Scirica
Barber	Geesey	McClatchy	Seltzer
Bellomini	Geisler	McGinnis	Shuman
Beloff	George, M.	McIntyre	Shupnik
Bennett	Giammarco	McLane	Sirianni
Berlin	Gillette	Mebus	Smith, E.
Berson	Goebel	Meluskey	Smith, L.
Bittinger	Gray	Milanovich	Spencer
Bittle	Greenfield	Miller	Spitz
Borski	Greenleaf	Milliron	Stairs
Brandt	Grieco	Miscevich	Stapleton
Brown	Halverson	Moehmann	Stuban
Brunner	Hamilton	Morris	Sweet
Burd	Harper	Mowery	Taddonio
Caltagirone	Hasay	Mrkonic	Taylor, E.
Caputo	Haskell	Mullen, M. P.	Taylor, F.
Cassidy	Hayes, D. S.	Musto	Tenaglio
Cessar	Hayes, S. E.	Novak	Thomas
Cianciulli	Helfrick	Noye	Trello
Cimini	Hoeffel	O'Brien, B.	Valicenti
Cohen	Honaman	O'Brien, D.	Vroon
Cole	Hopkins	O'Connell	Wagner
Cowell	Hutchinson, A.	O'Donnell	Wansacz
Davies	Hutchinson, W.	O'Keefe	Wargo

DeMedio	Itkin	Oliver	Wass
DeVerter	Johnson	Pancoast	Weidner
DiCarlo	Jones	Parker	Wenger
Dietz	Katz	Peterson	White
Dininni	Kelly	Petrarca	Wiggins
Dombrowski	Kernick	Piccola	Williams
Donatucci	Klingaman	Pievsky	Wilson
Dorr	Knepper	Pitts	Wilt
Doyle	Kolter	Polite	Wise
Duffy	Kowalyszyn	Prendergast	Wright, D.
Dumas	Kukovich	Pyles	Wright, J. L.
Englehart	Lashinger	Rappaport	Yahner
Fee	Laughlin	Ravenstahl	Yohn
Fischer, R. R.	Lehr	Reed	Zearfoss
Fisher, D. M.	Levi	Richardson	Zeller
Flaherty	Levin	Rieger	Zitterman
Foster, A.	Lincoln	Ritter	Zord
Foster, W.	Livengood	Ruggiero	Zwinkl
Freind	Logue	Ryan	
Fryer	Lynch	Salvatore	Irvis,
Gallagher	Mackowski	Scanlon	Speaker
Gallen	Madigan	Scheaffer	

NAYS—5

George, C.	Pott	Renwick	Stewart
Letterman			

NOT VOTING—8

Arthurs	DeWeese	Goodman	Rhodes
Burns	Gleeson	Pratt	Shelton

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

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

The House proceeded to third consideration of **HB 1115, PN 1312**, entitled:

An Act amending "The Local Tax Enabling Act" approved December 31, 1965 (P. L. 1257, No. 511), further providing for the collection of delinquent taxes from employers.

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—176

Abraham	Garzia	Madigan	Ryan
Anderson	Gatski	Manderino	Salvatore
Armstrong	Geesey	Manmiller	Scanlon
Barber	Geisler	McClatchy	Scheaffer
Bellomini	George, C.	McGinnis	Schmitt
Bennett	George, M.	McIntyre	Schweder
Berlin	Giammarco	McLane	Scirica
Berson	Gillette	Mebus	Seltzer
Bittinger	Goebel	Meluskey	Shupnik
Bittle	Goodman	Milanovich	Sirianni
Brandt	Gray	Miller	Smith, E.

Brown	Greenfield	Milliron	Smith, L.
Brunner	Greenleaf	Miscevich	Spencer
Burd	Grieco	Moehlmann	Stapleton
Caltagirone	Halverson	Morris	Stewart
Caputo	Hamilton	Mowery	Stuban
Cassidy	Hasay	Mrkonic	Sweet
Cessar	Haskell	Mullen, M. P.	Taddonio
Cianciulli	Hayes, D. S.	Musto	Tenaglio
Cimini	Hayes, S. E.	Novak	Thomas
Cohen	Helfrick	Noye	Valicenti
Cole	Hoeffel	O'Brien, B.	Vroon
Cowell	Honaman	O'Brien, D.	Wagner
Davies	Hopkins	O'Connell	Wansacz
DeMedio	Hutchinson, W.	O'Donnell	Wargo
DeVerter	Itkin	O'Keefe	Wass
DiCarlo	Johnson	Oliver	Weidner
Dietz	Jones	Pancoast	Wenger
Dininni	Katz	Parker	White
Dombrowski	Kelly	Peterson	Wiggins
Donatucci	Klingaman	Petrarca	Williams
Dorr	Knepper	Piccola	Wilt
Doyle	Kolter	Pievsky	Wise
Duffy	Kowalyszyn	Pitts	Wright, D.
Dumas	Kukovich	Polite	Yahner
Englehart	Lashinger	Pott	Yohn
Fee	Lehr	Prendergast	Zearfoss
Fischer, R. R.	Letterman	Pyles	Zeller
Fisher, D. M.	Levi	Rappaport	Zitterman
Foster, W.	Levin	Reed	Zord
Freind	Lincoln	Renwick	Zwinkl
Fryer	Livengood	Rieger	
Gallagher	Logue	Ritter	Irvis,
Gallen	Lynch	Ruggiero	Speaker
Gamble	Mackowski		

NAYS—14

Beloff	Hutchinson, A.	Richardson	Taylor, F.
Borski	Kernick	Shuman	Wilson
Foster, A.	Laughlin	Spitz	Wright, J. L.
Harper	McCall		

NOT VOTING—12

Arthurs	Flaherty	Ravenstahl	Stairs
Burns	Gleeson	Rhodes	Taylor, E.
DeWeese	Pratt	Shelton	Trello

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

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

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the lady from Bucks, Mrs. George.

Mrs. GEORGE. Mr. Speaker, I would like to be recorded in the affirmative on HB 1115.

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

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

Mr. STAIRS. Mr. Speaker, I would like to be voted in the affirmative on HB 1115.

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

The House proceeded to third consideration of **HB 1375, PN 2673**, entitled:

An Act amending "The County Code" approved August 9, 1955 (P. L. 323, No. 130), providing for the sale of surplus from products in third class counties and for the sale of contraband and unclaimed personal property.

On the question,
Will the House agree to the bill on third consideration?
Mr. FRYER offered the following amendment:

Amend Title, page 1, line 5, by striking out "FROM" and inserting farm

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

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Fryer. For what purpose does the gentleman rise?
Mr. FRYER. Mr. Speaker, I have a corrective amendment for HB 1375. There was a mistake in the title.

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

The following roll call was recorded:

YEAS—185

Abraham	Gatski	McClatchy	Schweder
Anderson	Geesey	McGinnis	Scirica
Armstrong	Geisler	McIntyre	Seltzer
Barber	George, C.	McLane	Shuman
Bellomini	George, M.	Mebus	Shupnik
Bennett	Giammarco	Meluskey	Sirianni
Berson	Gillette	Milanovich	Smith, E.
Bittinger	Goebel	Miller	Smith, L.
Bittle	Goodman	Milliron	Spencer
Borski	Gray	Miscevich	Spitz
Brandt	Greenfield	Moehlmann	Stairs
Brown	Greenleaf	Morris	Stapleton
Brunner	Grieco	Mowery	Stewart
Burd	Halverson	Mrkonic	Stuban
Caltagirone	Hamilton	Mullen, M. P.	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
Dietz	Jones	Petrarca	Weidner
Dininni	Katz	Piccola	Wenger
Dombrowski	Kelly	Pitts	White
Donatucci	Klingaman	Polite	Wiggins
Dorr	Knepper	Pott	Williams
Doyle	Kowalyshyn	Prendergast	Wilson
Duffy	Kukovich	Pyles	Wilt
Dumas	Lashinger	Rappaport	Wise
Englehart	Laughlin	Reed	Wright, D.
Fee	Lehr	Renwick	Wright, J. L.
Fischer, R. R.	Letterman	Richardson	Yahner
Fisher, D. M.	Levi	Rieger	Yohn
Foster, A.	Levin	Ritter	Zearfoss
Foster, W.	Lincoln	Ruggiero	Zeller
Freind	Livengood	Ryan	Zitterman
Fryer	Lynch	Salvatore	Zord
Gallagher	Mackowski	Scanlon	Zwilk

Gallen	Madigan	Scheaffer	Irvis,
Gamble	Manderino	Schmitt	Speaker
Garzia	Manmiller		

NAYS—4

Beloff	DiCarlo	Harper	Kernick
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NOT VOTING—13

Arthurs	Gleeson	McCall	Ravenstahl
Berlin	Kolter	Pievsky	Rhodes
Burns	Logue	Pratt	Shelton
Flaherty			

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

Will the gentleman, Mr. Fryer, please come to the desk? In order to make sure he does not act both as Speaker pro tempore and as clerk at the same time, we will put him here at the desk.

The Chair has a meeting to attend and will be gone a few moments from the floor. The Chair now turns the gavel over to the Speaker pro tempore, the gentleman, Mr. Fryer.

The Chair recognizes the gentleman from Blair, Mr. Hayes.
Mr. S. E. HAYES. Mr. Speaker, before you leave, I wonder if I could call your attention to page 4 of today's calendar, please?

The SPEAKER. Surely.
Mr. S. E. HAYES. I believe our marked calendar, Mr. Speaker, is incorrectly annotated. It states that the Republican caucus has a hold on HB 1841.

The SPEAKER. That is not so?
Mr. S. E. HAYES. No. There are several amendments to be offered to that bill, but we do not have a hold on the bill itself.

The SPEAKER. The gentleman's remarks are well taken.
The Chair rescinds its announcement that HB 1841 will go over and it will be marked "over temporarily," so that we can come back to it and take the amendments.
Mr. S. E. HAYES. Thank you, Mr. Speaker.

GAVEL TURNED OVER TO MR. FRYER

The SPEAKER. The Chair now turns the gavel over to the Speaker pro tempore, Mr. Fryer.

THE SPEAKER PRO TEMPORE (LESTER K. FRYER) IN THE CHAIR

The SPEAKER pro tempore. On final passage, HB 1375, PN 2673, the Chair recognizes the gentleman from Cambria, Mr. Bittinger.

Mr. BITTINGER. Thank you, Mr. Speaker.
Mr. Speaker, this bill, HB 1375, rang kind of an odd bell to me when, in the discussion, they mentioned the sale of fire-

arms. I have checked with the Revenue Department, with the chief counsel of Revenue, Stan Weiss, and he tells me that a county is not authorized to sell such property as they are describing in this bill. It is already provided for in the state escheat law that such property, including firearms, handguns, rifles and shotguns, under current law, is to be turned over to the state. By this bill, even if they want to do what this bill says, to allow the counties to sell such property, they are amending the wrong law. They would have to amend the state escheat law.

I might point out that there was an escheats auction just 2 weeks ago here in Harrisburg. It brought the state some \$36,000. That helps a little bit in our budget situation. But this bill is totally unnecessary and it will not do what the sponsors apparently want it to do, and I would urge a negative vote.

On the question recurring,
Shall the bill pass finally?

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

YEAS—118

Anderson	Geesey	Lynch	Ryan
Armstrong	George, M.	Mackowski	Salvatore
Bellomini	Gillette	Madigan	Scheaffer
Bittle	Goebel	Manmiller	Scirica
Brandt	Gray	McClatchy	Seltzer
Brown	Greenleaf	McGinnis	Shuman
Burd	Grieco	McIntyre	Sirianni
Caltagirone	Halverson	Mebus	Smith, E.
Cassidy	Hamilton	Milanovich	Smith, L.
Cessar	Hasay	Miller	Spencer
Cimini	Haskell	Milliron	Spitz
Cole	Hayes, D. S.	Moehlmann	Stairs
Davies	Hayes, S. E.	Mowery	Stapleton
DeMedio	Helfrick	Mullen, M. P.	Stuban
DeVerter	Hoefel	Noye	Sweet
DeWeese	Honaman	O'Brien, D.	Taddonio
Dietz	Hopkins	O'Connell	Taylor, E.
Dininni	Hutchinson, W.	O'Keefe	Thomas
Dorr	Itkin	Pancoast	Thomas
Doyle	Katz	Parker	Wagner
Englehart	Kernick	Peterson	Wass
Fischer, R. R.	Klingaman	Piccola	Weidner
Fisher, D. M.	Knepper	Pitts	Wenger
Foster, A.	Kolter	Polite	Wilson
Foster, W.	Kukovich	Pott	Wilt
Freind	Lashingner	Pyles	Wright, J. L.
Fryer	Laughlin	Rappaport	Yohn
Gallen	Lehr	Rieger	Zearfoss
Garzia	Letterman	Ritter	Zord
Gatski	Levi		

NAYS—74

Abraham	Gallagher	Miscevich	Stewart
Barber	Gamble	Morris	Taylor, F.
Beloff	Geisler	Mrkoncic	Tenaglio
Bennett	George, C.	Musto	Trello
Berlin	Giammarco	Novak	Valicenti
Berson	Greenfield	O'Brien, B.	Wansacz
Bittinger	Harper	Oliver	Wargo
Borski	Hutchinson, A.	Petrarca	White
Brunner	Johnson	Pievsky	Wiggins
Caputo	Jones	Prendergast	Williams
Cianciulli	Kelly	Ravenstahl	Wise
Cohen	Kowalshyn	Reed	Wright, D.
Cowell	Levin	Renwick	Yahner

DiCarlo	Lincoln	Richardson	Zeller
Dombrowski	Livengood	Ruggiero	Zitterman
Donatucci	Logue	Scanlon	Zwikel
Duffy	McCall	Schmitt	
Dumas	McLane	Schweder	Irvis,
Fee	Meluskey	Shupnik	Speaker

NOT VOTING—10

Arthurs	Gleeson	O'Donnell	Rhodes
Burns	Goodman	Pratt	Shelton
Flaherty	Manderino		

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

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

The House proceeded to third consideration of **SB 651, PN 965**, entitled:

An Act amending the act of May 16, 1921 (P. L. 579, No. 262), entitled as amended "An act providing for the better management of the jails or county prisons in the several counties of this Commonwealth of the third fourth fifth classes and in certain counties of the sixth class by creating in such counties a board to be known by the name and style of inspectors of the jail or county prison with authority to appoint a warden of such prison and by vesting in said board and the officers appointed by it the safekeeping discipline and employment of prisoners and the government and management of said jails or county prisons" changing the composition of the board of prison inspectors and authorizing counties of the seventh and eighth class to be governed by this act.

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

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

The question is, Shall the bill pass finally?

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

YEAS—190

Abraham	Gamble	Mackowski	Scanlon
Anderson	Garzia	Madigan	Scheaffer
Armstrong	Gatski	Manmiller	Schmitt
Barber	Geesey	McCall	Schweder
Bellomini	Geisler	McClatchy	Scirica
Beloff	George, C.	McGinnis	Seltzer
Bennett	Giammarco	McLane	Shuman
Berlin	Gillette	Mebus	Shupnik
Berson	Goebel	Meluskey	Sirianni
Bittinger	Goodman	Milanovich	Smith, E.
Bittle	Gray	Miller	Smith, L.
Borski	Greenfield	Milliron	Spencer
Brandt	Greenleaf	Miscevich	Spitz
Brown	Grieco	Moehlmann	Stairs
Brunner	Halverson	Morris	Stapleton
Burd	Hamilton	Mowery	Stewart
Caltagirone	Harper	Mrkoncic	Stuban
Caputo	Hasay	Mullen, M. P.	Taddonio
Cassidy	Haskell	Musto	Taylor, E.
Cessar	Hayes, D. S.	Novak	Taylor, F.
Cianciulli	Hayes, S. E.	Noye	Tenaglio
Cimini	Helfrick	O'Brien, B.	Thomas
Cohen	Hoefel	O'Brien, D.	Trello

Cole	Honaman	O'Connell	Valicenti
Cowell	Hopkins	O'Donnell	Vroon
Davies	Hutchinson, A.	O'Keefe	Wagner
DeMedio	Hutchinson, W.	Oliver	Wansacz
DeVerter	Itkin	Pancoast	Wargo
DeWeese	Johnson	Parker	Wass
DiCarlo	Jones	Peterson	Weidner
Dietz	Katz	Petrarca	Wenger
Dininni	Kelly	Pievsky	White
Dombrowski	Kernick	Pitts	Wiggins
Donatucci	Klingaman	Polite	Williams
Dorr	Knepper	Pratt	Wilson
Doyle	Kolter	Prendergast	Wilt
Duffy	Kowalshyn	Pyles	Wright, D.
Dumas	Kukovich	Rappaport	Wright, J. L.
Englehart	Lashinger	Ravenstahl	Yahner
Fee	Laughlin	Reed	Yohn
Fisher, D. M.	Lehr	Renwick	Zearfoss
Flaherty	Letterman	Rhodes	Zeller
Foster, A.	Levi	Richardson	Zitterman
Foster, W.	Levin	Rieger	Zord
Freind	Lincoln	Ritter	Zwiki
Fryer	Livengood	Ruggiero	
Gallagher	Logue	Ryan	Irvis,
Gallen	Lynch	Salvatore	Speaker

NAYS—5

Fischer, R. R.	Piccola	Pott	Sweet
George, M.			

NOT VOTING—7

Arthurs	Gleeson	McIntyre	Wise
Burns	Manderino	Shelton	

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.

SB 658 PASSED OVER TEMPORARILY

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

Mr. S. E. HAYES. Mr. Speaker, I believe that if you would note on the marked calendar, Mr. Dorr has asked that this bill be held.

The SPEAKER pro tempore. Would the gentleman come to the desk for a moment? There is no such marking. The House will be at ease.

The Chair reconsiders its decision and SB 658, PN 700, will be passed over temporarily.

The House proceeded to third consideration of **SB 844, PN 1491**, entitled:

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled as amended "Pennsylvania Municipalities Planning Code; providing for additional guarantees for completion of final subdivision plats as specified.

On the question,

Will the House agree to the bill on third consideration?

Mr. MILLER offered the following amendments:

Amend Sec. 1 (Sec. 509), page 2, line 12, by removing the period after "required" and inserting a comma

Amend Sec. 1 (Sec. 509), page 2, line 17, by inserting after "required."

which financial security may include among others, a lending institution letter of credit or a restrictive or escrow account in a lending institution.

On the question,

Will the House agree to the amendments?

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

Mr. MILLER. Thank you, Mr. Speaker.

This amendment is marked A-3604. It has been circulated twice for the members' reference.

In the piece of legislation before us, SB 844, there is a provision for deposit with the municipality for work to be performed, a requirement for ". . . a corporate bond, or other financial security . . ." That is line 10, page 2 of the bill.

It is the feeling of this member that perhaps municipalities may wish a bit of further direction besides merely the general clause, "or other financial security."

The amendment simply proposes a permissive piece of "may" language which says, "Other financial security may include, among others, a lending institution letter of credit or a restrictive or escrow account in a lending institution."

The purpose is quite simply to provide our good friends in administering local government a bit of guidance as to what is permissible.

I have had the honor of discussing this amendment with my distinguished colleague from Berks County, our President Speaker Pro Tempore, who has agreed to the amendment.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—193

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

DeMedio	Hutchinson, W.	O'Keefe	Wargo
DeVerter	Itkin	Oliver	Wass
DeWeese	Johnson	Pancoast	Weidner
DiCarlo	Jones	Parker	Wenger
Dietz	Katz	Peterson	White
Dininni	Kelly	Petrarca	Wiggins
Dombrowski	Kernick	Piccola	Williams
Donatucci	Klingaman	Pievsky	Wilson
Dorr	Knepper	Pitts	Wilt
Doyle	Kolter	Polite	Wise
Duffy	Kowalshyn	Pott	Wright, D.
Dumas	Kukovich	Prendergast	Wright, J. L.
Englehart	Lashinger	Pyles	Yahner
Fee	Laughlin	Rappaport	Yohn
Fischer, R. R.	Lehr	Ravenstahl	Zearfoss
Fisher, D. M.	Letterman	Reed	Zeller
Foster, A.	Levi	Renwick	Zitterman
Foster, W.	Levin	Richardson	Zord
Freind	Lincoln	Ritter	Zwicl
Fryer	Livengood	Ruggiero	
Gallagher	Logue	Ryan	Irvis,
Gallen	Lynch	Salvatore	Speaker
Gamble	Mackowski	Scanlon	

NAYS—0

NOT VOTING—9

Arthurs	Gleeson	Rhodes	Shelton
Burns	Pratt	Rieger	Taddonio
Flaherty			

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?

Mr. WAGNER offered the following amendments:

Amend Title, page 1, line 17 by inserting after "act," further providing for street standards and

Amend Sec. 1, page 1, line 21 by striking out "Section" where it appears the second time and inserting Clause (3) of section 503 and section

Amend Sec. 1, page 1, line 23 by striking out "is" and inserting are

Amend Bill, page 1, by inserting between lines 23 and 24

Section 503. Contents of Subdivision and Land Development Ordinance.—The subdivision and land development ordinance may include, but need not be limited to:

 (3) Provisions governing the standards by which streets shall be graded and improved, and walkways, curbs, gutters, street lights, fire hydrants, water and sewage facilities and other improvements shall be installed as a condition precedent to final approval of plats. The standards shall insure that the streets be improved to such a condition that the streets are passable for vehicles which are intended to use that street. Provided, however, That no municipality shall be required to accept such streets for public dedication until the streets meet such additional standards and specifications as the municipality may require for public dedication.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montour, Mr. Wagner.

Mr. WAGNER. Thank you, Mr. Speaker.

For the information of the Chair, this is amendment number one. Amendments number two and three will not be offered. I was under the impression, on talking with the chairman of the Local Government Committee that they would consider those bills at a future date.

My understanding of this bill is agreed to, but I would like to inform members as to what it does. This bill does not change SB 844. The problem is this: Municipalities are concerned that a developer will go in and put in a minimum-type road, a road which will just be mud free. They will not top it; they will not do anything else to it, and then they will say to the township, okay we have met the law; you take it over. What my amendment does is say that no municipality shall be required to accept these streets until they meet such additional specifications as a township may levy.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

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

Gallen	Mackowski	Salvatore	Irvis,
Gamble	Madigan		Speaker
Garzia			

NAYS—0

NOT VOTING—7

Arthurs	Flaherty	Pratt	Shelton
Burns	Gleeson	Rhodes	

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

SB 844 PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The Chair has been informed that Mr. Dorr has an amendment for SB 844 and it has not been circulated as of this time. Therefore, the bill will go over temporarily, and we will return to it when the amendment has been circulated.

The House proceeded to third consideration of **HB 1762, PN 2743**, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes changing certain requirements for incorporators and directors of general medical service corporations and further providing for the election of directors of such corporations.

On the question,
Will the House agree to the bill on third consideration?
Mr. KOWALYSHYN offered the following amendment:

Amend Sec. 1 (Sec. 6328), page 3, line 24, by striking out "AND THE CORPORATION"

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton, Mr. Kowalyshyn.

Mr. KOWALYSHYN. Mr. Speaker, I would like to explain this amendment briefly. Consistent with the proposal of HB 1762, that the subscribers shall have an equal membership on the Blue Shield Board of Directors, this amendment guarantees that the subscriber members be genuine subscriber members. That is the entire purpose of this amendment.

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

The following roll call was recorded:

YEAS—196

Abraham	Gatski	Manmiller	Schmitt
Anderson	Geesey	McCall	Schweder
Armstrong	Geisler	McClatchy	Scirica
Barber	George, C.	McGinnis	Seltzer
Bellomini	George, M.	McIntyre	Shelton
Beloff	Giammarco	McLane	Shuman
Bennett	Gillette	Mebus	Shupnik
Berlin	Goebel	Meluskey	Sirianni
Berson	Goodman	Milanovich	Smith, E.
Bittinger	Gray	Miller	Smith, L.
Bittle	Greenfield	Milliron	Spencer
Borski	Greenleaf	Miscevich	Spitz
Brandt	Grieco	Moehlmann	Stairs

Brown	Halverson	Morris	Stapleton
Brunner	Hamilton	Mowery	Stewart
Burd	Harper	Mrkonic	Stuban
Caltagirone	Hasay	Mullen, M. P.	Sweet
Caputo	Haskell	Musto	Taddonio
Cassidy	Hayes, D. S.	Novak	Taylor, E.
Cessar	Hayes, S. E.	Noye	Taylor, F.
Cianciulli	Helfrick	O'Brien, B.	Tenaglio
Cimini	Hoeffel	O'Brien, D.	Thomas
Cohen	Honaman	O'Connell	Trello
Cole	Hopkins	O'Donnell	Valicenti
Cowell	Hutchinson, A.	O'Keefe	Vroon
Davies	Hutchinson, W.	Oliver	Wagner
DeMedio	Itkin	Pancoast	Wansacz
DeVerter	Johnson	Parker	Wargo
DeWeese	Jones	Peterson	Wass
DiCarlo	Katz	Petrarca	Weidner
Dietz	Kelly	Piccola	Wenger
Dininni	Kernick	Pievsky	White
Dombrowski	Klingaman	Pitts	Wiggins
Donatucci	Knepper	Polite	Williams
Dorr	Kolter	Pott	Wilson
Doyle	Kowalyshyn	Prendergast	Wilt
Duffy	Kukovich	Pyles	Wise
Dumas	Lashinger	Rappaport	Wright, D.
Englehart	Laughlin	Ravenstahl	Wright, J. L.
Fee	Lehr	Reed	Yahner
Fischer, R. R.	Letterman	Renwick	Yohn
Fisher, D. M.	Levi	Richardson	Zearfoss
Foster, A.	Levin	Rieger	Zeller
Foster, W.	Lincoln	Ritter	Zitterman
Freind	Livengood	Ruggiero	Zord
Fryer	Logue	Ryan	Zwikl
Gallagher	Lynch	Salvatore	
Gallen	Mackowski	Scanlon	Irvis,
Gamble	Madigan	Scheaffer	Speaker
Garzia	Manderino		

NAYS—0

NOT VOTING—6

Arthurs	Flaherty	Pratt	Rhodes
Burns	Gleeson		

The question was determined in the affirmative, and the amendment was 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 pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?

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

YEAS—195

Abraham	Geesey	Manmiller	Schmitt
Anderson	Geisler	McCall	Schweder
Armstrong	George, C.	McClatchy	Scirica
Barber	George, M.	McGinnis	Seltzer
Bellomini	Giammarco	McIntyre	Shelton
Beloff	Gillette	McLane	Shuman
Bennett	Goebel	Mebus	Shupnik
Berlin	Goodman	Meluskey	Sirianni
Berson	Gray	Milanovich	Smith, E.
Bittinger	Greenfield	Miller	Smith, L.
Bittle	Greenleaf	Milliron	Spencer
Borski	Grieco	Miscevich	Spitz

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

NAYS—0

NOT VOTING—7

Arthurs	Dumas	Gleeson	Rhodes
Burns	Garzia	Pratt	

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

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

The House proceeded to third consideration of **HB 975, PN 1124**, entitled:

An Act amending the act of December 22, 1959 (P. L. 1978, No. 728), referred to as the Pennsylvania Harness Racing Law further providing for the employment of public employes.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—187

Abraham	Gamble	Manmiller	Scanlon
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Anderson	Garzia	McCall	Scheaffer
Armstrong	Gatski	McClatchy	Schmitt
Barber	Geesey	McGinnis	Schweder
Bellomini	Geisler	McIntyre	Scirica
Beloff	George, C.	McLane	Seltzer
Bennett	George, M.	Meluskey	Shupnik
Berlin	Giammarco	Milanovich	Sirianni
Berson	Gillette	Miller	Smith, E.
Bittinger	Goebel	Milliron	Smith, L.
Bittle	Goodman	Miscevich	Spencer
Borski	Gray	Moehlmann	Stairs
Brandt	Greenfield	Morris	Stapleton
Brown	Greenleaf	Mowery	Stewart
Brunner	Grieco	Mrkonic	Stuban
Burd	Hamilton	Mullen, M. P.	Sweet
Caltagirone	Harper	Musto	Taddonio
Caputo	Hasay	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	Wagner
Cowell	Hutchinson, A.	Oliver	Wansacz
Davies	Hutchinson, W.	Pancoast	Wargo
DeMedio	Itkin	Parker	Wass
DeVerter	Johnson	Peterson	Weidner
DeWeese	Jones	Petrarca	Wenger
DiCarlo	Katz	Piccola	White
Dietz	Kelly	Pievsky	Wiggins
Dininni	Kernick	Pitts	Williams
Dombrowski	Knepper	Polite	Wilson
Dorr	Kolter	Pott	Wilt
Doyle	Kowalyszyn	Prendergast	Wise
Duffy	Lashinger	Pyles	Wright, D.
Dumas	Laughlin	Rappaport	Wright, J. L.
Englehart	Lehr	Ravenstahl	Yahner
Fee	Letterman	Reed	Yohn
Fischer, R. R.	Levi	Renwick	Zearfoss
Fisher, D. M.	Levin	Rhodes	Zeller
Flaherty	Lincoln	Richardson	Zitterman
Foster, A.	Logue	Rieger	Zord
Foster, W.	Lynch	Ritter	Zwinkl
Freind	Mackowski	Ruggiero	
Fryer	Madigan	Ryan	Irvis,
Gallagher	Manderino	Salvatore	Speaker
Gallen			

NAYS—8

Halverson	Klingaman	Mebus	Spitz
Haskell	Livengood	Shuman	Vroon

NOT VOTING—7

Arthurs	Donatucci	Kukovich	Shelton
Burns	Gleeson	Pratt	

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

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

The House proceeded to third consideration of **HB 1718, PN 2085**, entitled:

An Act authorizing the Department of General Services with the approval of the Department of Public Welfare and the Governor to convey to the Township of South Fayette 12.378 acres of land more or less situate in South Fayette Township, Allegheny County, Pennsylvania.

On the question,

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

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

The question is, shall the bill pass finally?

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

YEAS—196

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

NAYS—0

NOT VOTING—6

Arthurs	Donatucci	Pievsky	Shelton
Burris	Gleeson		

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

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

The House proceeded to third consideration of HB 1815, PN 2213, entitled:

An Act authorizing the Department of General Services with the approval of the Governor and the Adjutant General to sell and convey real property situate in the Borough of Grove City, Mercer County, to the Borough of Grove City.

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

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

The question is, shall the bill pass finally?

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

YEAS—197

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

NAYS—0

NOT VOTING—5

Arthurs Gleeson Ruggiero Shelton
Burns

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

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

The House proceeded to third consideration of **HB 1859, PN 2267**, entitled:

An Act amending "The Administrative Code of 1929" approved April 9, 1929 (P. L. 177, No. 175), authorizing a lease for gas rights at Woodville State Hospital.

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

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

The question is, shall the bill pass finally?

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

YEAS—195

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

Fee	Laughlin	Rappaport	Yahner
Fischer, R. R.	Lehr	Ravenstahl	Yohn
Fisher, D. M.	Letterman	Reed	Zearfoss
Flaherty	Levi	Renwick	Zeller
Foster, A.	Levin	Rhodes	Zitterman
Foster, W.	Lincoln	Richardson	Zord
Freind	Livengood	Rieger	Zwinkl
Fryer	Logue	Ritter	
Gallagher	Lynch	Ryan	Irvis,
Gallen	Mackowski	Salvatore	Speaker
Gamble			

NAYS—0

NOT VOTING—7

Arthurs Gleeson Ruggiero Williams
Burns Pratt Shelton

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

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

The House proceeded to third consideration of **HB 1894, PN 2324**, entitled:

An Act amending the act of January 19, 1968 (1967 P. L. 925, No. 417), referred to as the Legislative Officers and Employees Law further providing for compensation payable to officers and employees.

On the question,
Will the House agree to the bill on third consideration?
Mr. COWELL offered the following amendments:

Amend Title, page 1, line 10, by removing the period after "employees" and inserting and requiring additional information to be made available regarding employees.

Amend Sec. 1, page 1, line 13, by inserting after "41" and section 50.

Amend Sec. 1, page 1, line 22, by striking out "is" and inserting are

Amend Bill, page 2, by inserting between lines 9 and 10

Section 50. There shall be compiled, annually, on or prior to the first day of February of each year, a complete list of employees of the Senate and of the House of Representatives. Such list shall include the full name, job title, work address and name of the immediate supervisor of every employe of the Senate and the House of Representatives and shall include such information for every person employed for any period of time during the preceding twelve months. The information required by this section shall also be provided as to every person providing personal services to the House of Representatives or Senate on a contract basis. In the case of persons whose employment or contract was terminated or expired during the prior twelve months, the list shall include the date at which employment or contract status was terminated for each of such persons.

The Chief Clerk of the Senate shall be responsible for compilation of the list of employees of the Senate required by this section and shall mail a copy of the list to each member of the General Assembly. He shall post a copy of the list in his office for a period of thirty days after the date of compilation.

The Chief Clerk of the House of Representatives shall be responsible for compilation of the list of employees of the House of Representatives required by this section and shall mail a copy of the list to each member of the General Assembly. He shall post a copy of the list in his office for a period of thirty days after the date of compilation.

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

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the Legislative Officers and Employees Law currently provides that annually there shall be published in the House and in the Senate a list of employes, and, as most members will recall, annually we get a list of the statutory employes of the House and of the Senate. The amendment that I am offering today would expand on that section of the law that requires that list to be compiled and published. It would do three basic things: First of all, it would require that in addition to publishing the names of those employes, there shall also be published the job title, the work address, and the name of the immediate supervisor of each of the employes of the Senate and of the House.

Secondly, it extends the provisions of the law to those individuals who are providing services to the House and Senate on a contract basis. And, thirdly, it provides that those individuals who may have been employed but left the service of the House or of the Senate some time during the preceding year, and who may not be an employe on the date of publication of the list, must still be included with a notation indicating the date that their employment was terminated.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Milliron.

Mr. MILLIRON. Would the gentleman, Mr. Cowell, stand for interrogation?

The SPEAKER pro tempore. The gentleman indicates that he will. The gentleman, Mr. Milliron, is in order and may proceed.

Mr. MILLIRON. Thank you, Mr. Speaker.

Mr. Speaker, I am sorry, I cannot find the exact rule in my House rules here quickly. But basically, back a year and a half ago, there was a similar amendment added to the rules of the House. It has not been totally conformed to as of this time. Since there is no penalty clause in our House rules, it does not really make any difference, I guess, to some people.

Mr. Speaker, what kind of a provision do you have in your amendment so this same thing could not happen?

Mr. COWELL. Mr. Speaker, the amendment that I am offering provides no additional penalties. We are not providing a new responsibility for the clerk of the House or of the Senate. Instead, we are simply expanding on the type of information that they must include. Off the top of my head, I cannot honestly tell you what is in the existing law to penalize either clerk who might not publish the information that is currently required. I am not addressing that question in the amendment.

I am offering the amendment in part, though, because that House rule has largely been ignored. Of course, we not only address the questions that are addressed in that House rule but go beyond it slightly.

**REQUEST TO PASS OVER BILL
TEMPORARILY**

Mr. MILLIRON. Mr. Speaker, I am certainly not quarreling

with the amendment, because I had offered the amendment to the House rules. What I am stating is, that since the House rules are still deficient, I am suggesting to the sponsor that his amendment is deficient because there is no penalty.

I think that the legislation is very important and I would like to know if we could temporarily pass over the bill and have the amendment drawn so it has some teeth in it? Right now it does absolutely no good, Mr. Speaker.

Mr. COWELL. Mr. Speaker, may I offer a suggestion? I believe that the suggestion of Mr. Milliron addresses not only the amendment but other requirements in the existing law. Because of that, I think perhaps he ought to offer another amendment and have that drafted. I would like this amendment to be considered on its own merits, and I would agree to holding over the bill and the amendment which I am offering until Mr. Milliron has an opportunity to draft and offer another amendment which would address the question of penalties, should various provisions of the law in the amended form be ignored.

**REQUEST TO PASS OVER BILL
WITHDRAWN**

Mr. MILLIRON. Mr. Speaker, I will withdraw my request to have the bill passed over. I am not going to draw up another amendment. It was disappointing enough that the House rules are not being conformed with. I think the legislation is important for our House employes. I just wanted to bring my objections to the sponsor's amendment, but I will withdraw the request to pass the bill over.

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

The following roll call was recorded:

YEAS—199

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

Dininni	Kelly	Piccola	Wenger
Dombrowski	Kernick	Pievsy	White
Donatucci	Klingaman	Pitts	Wiggins
Dorr	Knepper	Polite	Williams
Doyle	Kolter	Pott	Wilson
Duffy	Kowalshyn	Pratt	Wilt
Dumas	Kukovich	Prendergast	Wise
Englehart	Lashinger	Pyles	Wright, D.
Fee	Laughlin	Rappaport	Wright, J. L.
Fischer, R. R.	Lehr	Ravenstahl	Yahner
Fisher, D. M.	Letterman	Reed	Yohn
Flaherty	Levi	Renwick	Zearfoss
Foster, A.	Levin	Rhodes	Zeller
Foster, W.	Lincoln	Richardson	Zitterman
Freind	Livengood	Rieger	Zord
Fryer	Logue	Ritter	Zwilk
Gallagher	Lynch	Ruggiero	
Gallen	Mackowski	Ryan	Irvis,
Gamble	Madigan	Salvatore	Speaker
Garzia			

NAYS—0

NOT VOTING—3

Arthurs Burns Shelton

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

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

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

The question is, shall the bill pass finally?

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

YEAS—199

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

Dininni	Kelly	Piccola	Wenger
Dombrowski	Kernick	Pievsy	White
Donatucci	Klingaman	Pitts	Wiggins
Dorr	Knepper	Polite	Williams
Doyle	Kolter	Pott	Wilson
Duffy	Kowalshyn	Pratt	Wilt
Dumas	Kukovich	Prendergast	Wise
Englehart	Lashinger	Pyles	Wright, D.
Fee	Laughlin	Rappaport	Wright, J. L.
Fischer, R. R.	Lehr	Ravenstahl	Yahner
Fisher, D. M.	Letterman	Reed	Yohn
Flaherty	Levi	Renwick	Zearfoss
Foster, A.	Levin	Rhodes	Zeller
Foster, W.	Lincoln	Richardson	Zitterman
Freind	Livengood	Rieger	Zord
Fryer	Logue	Ritter	Zwilk
Gallagher	Lynch	Ruggiero	
Gallen	Mackowski	Ryan	Irvis,
Gamble	Madigan	Salvatore	Speaker
Garzia			

NAYS—0

NOT VOTING—3

Arthurs Burns Shelton

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.

LABOR RELATIONS COMMITTEE MEETING

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

Mr. VALICENTI. Mr. Speaker, I would like to announce a meeting of the Labor Relations Committee at 1 o'clock in my office, room 313A. It is very important.

Thank you.

STATEMENT ON LEGISLATION INTRODUCED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Adams, Mr. Cole.

Mr. COLE. Mr. Speaker, last year HB 1120, the cancer plan for Pennsylvania, was introduced. At this time I will be introducing the bill to fund the bill, which is the penny cigarette tax. I am pleased to announce that we have approximately 65 co-sponsors on this bill, and for anyone who has not signed it, it will be at the desk. It is the funding mechanism for the cancer plan for Pennsylvania.

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

Mr. CAPUTO. Mr. Speaker, is there some explanation on the bill you just passed over, HB 1936?

The SPEAKER pro tempore. There has been a hold put on by the other side, Mr. Caputo, until matching bills arrive on the calendar. That is the Chair's—

Mr. CAPUTO. I know, but that was put on some 8 days ago, Mr. Speaker. I hope the other side gets them in before we recess.

GAVEL RETURNED TO SPEAKER

The SPEAKER pro tempore. The Chair returns the gavel to the Speaker.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman, Mr. Fryer, for presiding.

The House proceeded to third consideration of **HB 2067, PN 2863**, entitled:

An Act amending the "Peer Review Protection Act" approved July 20, 1974 (P. L. 564, No. 193), extending the protection given by the act to review committees of associations of health care facility operators and providing for professional health care providers.

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 yeas and nays will now be taken.

YEAS—193

Abraham	Garzia	Manderino	Scheaffer
Anderson	Geesey	Manmiller	Schmitt
Armstrong	Geisler	McCall	Schweder
Barber	George, C.	McClatchy	Scirica
Bellomini	George, M.	McGinnis	Seltzer
Beloff	Giammarco	McIntyre	Shuman
Bennett	Gillette	McLane	Shupnik
Berlin	Gleeson	Mebus	Sirianni
Berson	Goebel	Meluskey	Smith, E.
Bittinger	Goodman	Milanovich	Smith, L.
Bittle	Gray	Miller	Spencer
Borski	Greenfield	Milliron	Spitz
Brandt	Greenleaf	Miscevich	Stairs
Brown	Grieco	Moehlmann	Stapleton
Brunner	Halverson	Morris	Stewart
Burd	Hamilton	Mowery	Stuban
Caltagirone	Harper	Mrkonic	Sweet
Caputo	Hasay	Mullen, M. P.	Taddonio
Cassidy	Haskell	Musto	Taylor, E.
Cessar	Hayes, D. S.	Novak	Taylor, F.
Cianciulli	Hayes, S. E.	Noye	Thomas
Cimini	Helfrick	O'Brien, B.	Trello
Cohen	Hoefel	O'Brien, D.	Valicenti
Cole	Honaman	O'Connell	Vroon
Cowell	Hopkins	O'Donnell	Wagner
DeMedio	Hutchinson, A.	O'Keefe	Wansacz
DeVerter	Hutchinson, W.	Oliver	Wargo
DeWeese	Itkin	Pancoast	Wass
DiCarlo	Johnson	Parker	Weidner
Dietz	Jones	Peterson	Wenger
Dininni	Katz	Petrarca	White
Dombrowski	Kelly	Piccola	Wiggins
Donatucci	Kernick	Pievsky	Williams
Dorr	Klingaman	Pitts	Wilson
Doyle	Knepper	Polite	Wilt
Duffy	Kolter	Pott	Wise
Dumas	Kowalshyn	Prendergast	Wright, D.
Englehart	Kukovich	Pyles	Wright, J. L.
Fee	Lashingner	Rappaport	Yahner
Fischer, R. R.	Laughlin	Ravenstahl	Yohn
Fisher, D. M.	Lehr	Reed	Zearfoss

Flaherty	Letterman	Renwick	Zeller
Foster, A.	Levi	Rhodes	Zitterman
Foster, W.	Levin	Richardson	Zord
Freind	Lincoln	Rieger	Zwikl
Fryer	Livengood	Ritter	
Gallagher	Logue	Ruggiero	Irvis,
Gallen	Mackowski	Ryan	Speaker
Gamble	Madigan	Salvatore	

NAYS—0

NOT VOTING—9

Arthurs	Gatski	Pratt	Shelton
Burns	Lynch	Scanlon	Tenaglio
Davies			

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

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

The House proceeded to third consideration of **HB 1724, PN 2091**, entitled:

An Act amending "The Landlord and Tenant Act of 1951" approved April 6, 1951 (P. L. 69, No. 20), prohibiting nonrenewal of a lease on the basis of having children in the family.

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 yeas and nays will now be taken.

YEAS—180

Abraham	Geesey	Manderino	Ruggiero
Armstrong	Geisler	Manmiller	Ryan
Barber	George, C.	McCall	Salvatore
Bellomini	George, M.	McClatchy	Scanlon
Beloff	Giammarco	McIntyre	Scheaffer
Bennett	Gillette	McLane	Schmitt
Berlin	Gleeson	Mebus	Schweder
Berson	Goebel	Meluskey	Scirica
Bittinger	Goodman	Milanovich	Shuman
Bittle	Gray	Miller	Shupnik
Borski	Greenfield	Milliron	Sirianni
Brandt	Greenleaf	Miscevich	Smith, E.
Brown	Grieco	Moehlmann	Spencer
Brunner	Halverson	Morris	Stairs
Burd	Hamilton	Mowery	Stapleton
Caltagirone	Harper	Mrkonic	Stewart
Caputo	Haskell	Mullen, M. P.	Stuban
Cassidy	Hayes, D. S.	Musto	Sweet
Cessar	Hayes, S. E.	Novak	Taddonio
Cianciulli	Helfrick	Noye	Taylor, E.
Cimini	Hoefel	O'Brien, B.	Taylor, F.
Cohen	Honaman	O'Brien, D.	Tenaglio
Cole	Hopkins	O'Connell	Trello
Cowell	Hutchinson, A.	O'Donnell	Valicenti
DeMedio	Hutchinson, W.	O'Keefe	Wagner
DeWeese	Itkin	Oliver	Wansacz
DiCarlo	Johnson	Pancoast	Wargo
Dininni	Jones	Parker	Wass
Dombrowski	Katz	Peterson	White

Donatucci	Kelly	Petrarca	Wiggins
Dorr	Kernick	Piccola	Williams
Doyle	Klingaman	Pievsky	Wilson
Duffy	Knepper	Polite	Wilt
Dumas	Kolter	Pott	Wise
Englehart	Kowalyszyn	Pratt	Wright, D.
Fee	Kukovich	Prendergast	Wright, J. L.
Fischer, R. R.	Lashingner	Pyles	Yahner
Flaherty	Laughlin	Rappaport	Yohn
Foster, W.	Lehr	Ravenstahl	Zeller
Freind	Letterman	Reed	Zitterman
Fryer	Levi	Renwick	Zord
Gallagher	Levin	Rhodes	Zwinkl
Gallen	Lincoln	Richardson	
Gamble	Livengood	Rieger	Irvis,
Garzia	Logue	Ritter	Speaker
Gatski	Mackowski		

NAYS—17

Anderson	Foster, A.	Seltzer	Vroon
Davies	Hasay	Smith, L.	Weidner
DeVerter	Madigan	Spitz	Wenger
Dietz	Pitts	Thomas	Zearfoss
Fisher, D. M.			

NOT VOTING—5

Arthurs	Lynch	McGinnis	Shelton
Burns			

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 York, Mr. Dorr.

Mr. DORR. Mr. Speaker, in examining the vote tallies, I discovered that I was incorrectly recorded on HB 1724. I would like to be recorded in the negative.

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

The House proceeded to third consideration of **HB 1358, PN 1613**, entitled:

An Act amending the "Public School Code of 1949" approved March 10, 1949 (P. L. 30, No. 14), further providing for work to be done under contract let on bids and making an editorial change.

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 yeas and nays will now be taken.

YEAS—189

Abraham	Gatski	McClatchy	Schweder
Anderson	Geesey	McGinnis	Scirica

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

NAYS—2

Halverson	Hamilton
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NOT VOTING—11

Arthurs	Dumas	Lashingner	Rieger
Burns	Fee	Lynch	Shelton
DeWeese	Hasay	Pratt	

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 Luzerne, Mr. Hasay.

Mr. HASAY. Mr. Speaker, on HB 1358, PN 1613, my switch was locked out and I would like to be recorded in the affirmative.

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

Mr. HASAY. Thank you.

The House proceeded to third consideration of **SB 1204, PN 1464**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949" providing for diagnostic and evaluative psychological services for the benefit of children attending nonpublic schools in the Commonwealth.

On the question,

Will the House agree to the bill on third consideration?

Mr. DAVIES offered the following amendment:

Amend Sec. 1 (Sec. 923.1-A), page 2, line 24, by inserting after "located." No program of psychological services offered to nonpublic schools by the Secretary of Education or the appropriate intermediate unit shall exceed the monetary value per pupil of the same program offered in the public school district.

On the question,

Will the House agree to the amendment?

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

Mr. DAVIES. Thank you, Mr. Speaker.

This amendment is similar to an amendment that was offered a term ago to the additional services which were given to the *nonpublic sector, the private sector, in education*. It would only require that the psychological services to the nonpublic schools would, of course, in the matter of the appropriations through the units, not exceed those programs or the monetary value of those programs offered in the public schools contiguous in the same districts. It is purely a bill designed to establish or try to keep the equity in the system and have it balanced on that basis.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—178

Abraham	Geesey	Manderino	Scanlon
Anderson	Geisler	Manmiller	Scheaffer
Armstrong	George, C.	McClatchy	Schmitt
Bellomini	George, M.	McGinnis	Schweder
Beloff	Giammarco	McIntyre	Scirica
Bennett	Gillette	McLane	Seltzer
Berlin	Gleeson	Mebus	Shuman
Berson	Goebel	Meluskey	Shupnik
Bittinger	Goodman	Milanovich	Sirianni
Bittle	Greenfield	Miller	Smith, E.
Brandt	Greenleaf	Milliron	Smith, L.
Brunner	Grieco	Miscevich	Spencer
Burd	Halverson	Moehlmann	Spitz
Caltagirone	Hamilton	Morris	Stairs
Caputo	Harper	Mowery	Stewart
Cassidy	Hasay	Mrkonic	Stuban
Cessar	Haskell	Mullen, M. P.	Taddonio
Cimini	Hayes, D. S.	Musto	Taylor, E.
Cole	Hayes, S. E.	Novak	Taylor, F.
Cowell	Honaman	Noye	Tenaglio
Davies	Hopkins	O'Brien, B.	Thomas
DeMedio	Hutchinson, A.	O'Brien, D.	Trello

DeVerter	Hutchinson, W.	O'Connell	Valicenti
DeWeese	Itkin	Oliver	Vroon
DiCarlo	Johnson	Pancoast	Wagner
Dietz	Jones	Parker	Wansacz
Dininni	Katz	Peterson	Wargo
Dombrowski	Kelly	Petrarca	Wass
Donatucci	Kernick	Piccola	Weidner
Dorr	Klingaman	Pievsky	Wenger
Duffy	Knepper	Pitts	Wiggins
Englehart	Kolter	Polite	Williams
Fee	Kowalyshyn	Pott	Wilson
Fischer, R. R.	Kukovich	Prendergast	Wilt
Fisher, D. M.	Laughlin	Pyles	Wise
Flaherty	Lehr	Rappaport	Wright, D.
Foster, A.	Letterman	Ravenstahl	Wright, J. L.
Foster, W.	Levi	Reed	Yahner
Freind	Levin	Renwick	Yohn
Fryer	Lincoln	Rhodes	Zearfoss
Gallagher	Livengood	Rieger	Zitterman
Gallen	Logue	Ritter	Zwilk
Gamble	Lynch	Ruggiero	
Garzia	Mackowski	Ryan	Irvis,
Gatski	Madigan	Salvatore	Speaker

NAYS—16

Borski	Doyle	O'Donnell	Sweet
Brown	Gray	O'Keefe	White
Cianciulli	Hoefel	Richardson	Zeller
Cohen	McCall	Stapleton	Zord

NOT VOTING—8

Arthurs	Burns	Helfrick	Pratt
Barber	Dumas	Lashingner	Shelton

The question was determined in the affirmative, and the amendment was 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 yeas and nays will now be taken.

YEAS—195

Abraham	Gatski	Manderino	Scheaffer
Anderson	Geesey	Manmiller	Schmitt
Armstrong	Geisler	McCall	Schweder
Barber	George, C.	McClatchy	Scirica
Bellomini	George, M.	McGinnis	Seltzer
Beloff	Giammarco	McIntyre	Shuman
Bennett	Gillette	McLane	Shupnik
Berlin	Gleeson	Mebus	Sirianni
Berson	Goebel	Meluskey	Smith, E.
Bittinger	Goodman	Milanovich	Smith, L.
Bittle	Gray	Miller	Spencer
Borski	Greenfield	Milliron	Spitz
Brandt	Greenleaf	Miscevich	Stairs
Brown	Grieco	Morris	Stapleton
Brunner	Halverson	Mowery	Stewart
Burd	Hamilton	Mrkonic	Stuban
Caltagirone	Harper	Mullen, M. P.	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	Johnson	Parker	Wargo
DeWeese	Jones	Peterson	Wass
DiCarlo	Katz	Petrarca	Weidner
Dietz	Kelly	Pievsky	Wenger
Dininni	Kernick	Pitts	White
Dombrowski	Klingaman	Polite	Wiggins
Donatucci	Knepper	Pott	Williams
Dorr	Kolter	Pratt	Wilson
Doyle	Kowalshyn	Prendergast	Wilt
Duffy	Kukovich	Pyles	Wise
Dumas	Lashingier	Rappaport	Wright, D.
Englehart	Laughlin	Ravenstahl	Wright, J. L.
Fee	Lehr	Reed	Yahner
Fischer, R. R.	Letterman	Renwick	Yohn
Fisher, D. M.	Levi	Rhodes	Zearfoss
Flaherty	Levin	Richardson	Zeller
Foster, A.	Lincoln	Rieger	Zitterman
Foster, W.	Livengood	Ritter	Zord
Freind	Logue	Ruggiero	Zwinkl
Gallagher	Lynch	Ryan	
Gallen	Mackowski	Salvatore	Irvis,
Gamble	Madigan	Scanlon	Speaker
Garzia			

NAYS—3

Fryer	Moehlmann	Piccola
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NOT VOTING—4

Arthurs	Burns	Itkin	Shelton
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

ANNOUNCEMENT

The SPEAKER. On page 14, nonpreferred appropriation bills on concurrence in Senate amendments. These are the bills for fiscal year 1977-78, and these bills have been amended by the Senate, and because of the Speaker's ruling yesterday, the Speaker is going to ask the gentleman, Mr. Rappaport, or the gentleman, Mr. Pievsky, to explain each one of the bills and what changes have been made.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HOUSE BILL No. 1250**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

SENATE AMENDED
PRIOR PRINTER'S No. 1473 Printer's No. 2606
THE GENERAL ASSEMBLY OF PENNSYLVANIA
HOUSE BILL No. 1250

Session of 1977

INTRODUCED BY MR. RAPPAPORT, JUNE 6, 1977.

SENATOR SMITH, APPROPRIATIONS, IN SENATE,
RE-REPORTED AS AMENDED, FEBRUARY 21, 1978

AN ACT

Making an appropriation to the Pennsylvania Academy of the Fine Arts of Philadelphia, Pennsylvania.

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

Section 1. The sum of \$10,000 \$5,000, or as much thereof as may be necessary, is hereby specifically appropriated to the Pennsylvania Academy of the Fine Arts, Philadelphia, Pennsylvania, for the fiscal period July 1, 1977 to June 30, 1978, for maintenance and the purchase of apparatus, supplies and equipment.

Section 2. This act shall take effect July 1, 1977.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The gentleman from Philadelphia, Mr. Rappaport, is recognized for the purpose of making a brief explanation on the floor of the House as to what changes were made by the Senate amendment. The members will recall that the Chair has said that from now on this is going to be the procedure as far as the Chair is concerned.

Mr. RAPPAPORT. Mr. Speaker, could you pass over this bill temporarily, please?

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

Mr. S. E. HAYES. Mr. Speaker, the Senate amendment reduced the appropriation from \$10,000 to \$5,000.

The SPEAKER. The Chair thanks the gentleman for his explanation.

It has been moved by the gentleman, Mr. Rappaport, that the House do concur— Is the gentleman not moving for concurrence?

HB 1250 PASSED OVER TEMPORARILY

Mr. RAPPAPORT. I asked that the bill be passed over temporarily, Mr. Speaker.

The SPEAKER. After the explanation even?

Mr. RAPPAPORT. Yes, Mr. Speaker.

The SPEAKER. The Chair will mark HB 1250 over temporarily at the request of the gentleman, Mr. Rappaport.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HOUSE BILL No. 816**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

SENATE AMENDED
PRIOR PRINTER'S Nos. 920, 2289 Printer's No. 2697

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL No. 816

Session of 1977

INTRODUCED BY MESSRS. DeMEDIO, FRYER, RITTER,
MEBUS AND WEIDNER, MARCH 28, 1977.

SENATOR LEWIS, LOCAL GOVERNMENT, IN SENATE, AS
AMENDED, MARCH 13, 1978.

An Act

amending the act of May 9, 1949 (P. L. 927, No. 261), entitled, as amended, "An act fixing and regulating the fees, commissions, mileage and other costs chargeable by the sheriff in counties of the second, second A, third, fourth, fifth, sixth, seventh and eighth classes for their official acts and the services of their deputies, watchmen, appraisers and other agents; requiring prepayment of same, unless secured or chargeable to the county, and delivery of itemized receipts therefor; requiring certain payments by the county, including the compensation of special deputies; providing for the taxation and collection of fees, commissions, mileage and other costs; requiring salaries and sheriffs to account to the county for certain fees and commissions collected; and repealing inconsistent laws, general, special or local, changing fees.

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

Section 1. Section 1, act of May 9, 1949 (P. L. 927, No. 261), referred to as the Sheriff Fee Law of 1949, amended July 21, 1970 (P. L. 500, No. 175), and subsections (d), (j) and (l) amended October 17, 1974 (P. L. 752, No. 253), is amended to read:

Section 1. In all counties of the second, second A, third, fourth, fifth, sixth, seventh and eighth classes, the fees and costs, including commissions and mileage, to be charged and received by the sheriff from persons or counties requiring their services shall be as follows:

(a) For receiving, docketing, and making return thereof, for each writ of execution, scire facias, replevin, retorno habendo, summons, foreign attachment, complaint in divorce, distringas, writ of sequestration, writ of assistance, satisfaction of mortgage, injunction, mandamus, quo warranto, bill in equity, rule, decree, order, citation, subpoena, series of interrogatories, proclamation, or official notice of any kind in any civil action, criminal proceeding, or public matter, issued out of any court required by law or rule of court, [four dollars seventy-five cents] five dollars seventy-five cents.

For serving any such writ, process or official notice required to be served by the sheriff, personally or by copy served or posted, [four dollars] five dollars.

For each additional defendant or person served, or copy posted, two dollars and mileage.

For making each copy served or posted, two dollars.

For return of tarde venit, two dollars fifty cents.

For return of non est inventus, two dollars fifty cents and mileage.

Provided, however, that no charge for service shall be made upon an alias or pluries writ if the same has been charged upon the original with respect to any defendant already served.

For serving the same by publication in one or more newspapers, as required by law or order of court, [three dollars fifty cents] five dollars in each case, in addition to printer's bills.

For serving any writ, official notice, petition, rule, decree, process, or order of court, or copy thereof, not herein specially provided for, he shall charge and receive the same official fees and legal costs, including mileage, as for a writ served in a similar way, as hereinbefore provided, in addition to any fee of the prothonotary chargeable against the sheriff in relation thereto; but no charge shall be made for any affidavit of such service, except the fee of the notary or other official administering the

oath or affirmation thereto. For taking an affidavit, one person [fifty cents] one dollar; two persons, [seventy-five cents] one dollar fifty cents; three or more, [one dollar] two dollars.

(b) For executing writs of execution, or any writ or order issued out of any court, requiring the levy and seizure of lands and tenements or selling the same according to law, the following items, to be paid by the plaintiffs or petitioners:

For receiving, docketing, and making return thereof, [four dollars seventy-five cents] five dollars seventy-five cents.

For serving or posting any copy or notice of, [four dollars] five dollars and mileage hereinbefore provided.

For levying on each separate piece of parcel of land, [two dollars twenty-five cents] five dollars and mileage.

For advertising to public sale in newspapers, each piece or parcel of land, [three dollars fifty cents] five dollars, in addition to printer's bills.

For advertising to public sale by hand-bills, each piece or parcel of land separately described by metes and bounds, or otherwise [three dollars fifty cents] five dollars and mileage, in addition to printer's bills.

For crying the sale of each separate piece or parcel of land separately sold, and each adjourned sale, [three dollars] five dollars.

In addition, the sheriff shall charge and receive, as an official fee, a commission charge of two cents on every dollar, based upon the total amount bid for the property, whether paid to the sheriff or credited to the purchaser: Provided, That the amount of same does not exceed one thousand dollars (\$1000), in which case one-half cent (1/2¢) on every dollar in excess in this amount shall be charged in addition.

For executing and acknowledging any deed for lands and tenements, [six dollars] ten dollars, to be paid by the purchaser when the deed is tendered.

For registering the same, in any municipality, [one dollar fifty cents] ten dollars, in addition to the fee required by law for registration, to be paid by the purchaser.

In addition, the purchaser shall pay to the sheriff any fee of the prothonotary for the acknowledgment of the sheriff's deed, and the fee of the recorder for recording same, for which the sheriff shall account to them, respectively.

(c) For executing any writ of inquiry, partition, condemnation, appraisement, inquisition, or any similar writ, issued by any court, a justice of the peace, magistrate or commissioner, under any act of Assembly, the following items, to be paid by the party who procured same:

For receiving, docketing, and making return thereof, [three dollars and seventy-five cents] six dollars seventy-five cents.

For summoning parties or persons in possession, personally or by copy served or posted, for first service, [two dollars fifty cents] five dollars.

For each additional service, personally or by copy or posting, [one dollar fifty cents] two dollars fifty cents and mileage.

For making each copy served or posted, [one dollar fifty cents] two dollars.

For summoning and swearing special jurors, [five dollars] ten dollars.

For holding inquisition or appraisement of real estate, if same be held upon the premises, six dollars and mileage to and from the place where same may be located, in addition to juror's, experts', or surveyors' fees and necessary expenses.

For other execution of any such writ, five dollars.

For serving the same by publication in one or more newspapers, as required by law or order of court, [three dollars] six dollars, in addition to printer's bills.

For delivering lands to plaintiff in inquisition or similar proceedings [three dollars] six dollars and mileage, and no commission in such case shall be charged.

(d) For executing execution writs, fraudulent debtors att

ment, retorno habendo, and replevin, or any writ or order issued out of any court requiring the levy or seizure of personal property or selling the same according to law, the following items, to be paid by the parties procuring same:

For receiving, docketing, and making return thereof, [four dollars seventy-five cents] five dollars seventy-five cents.

For serving or posting any copy or notice thereof, [the fees and mileage hereinbefore provided] seven dollars fifty cents.

For each levy on personal property, [three dollars and seventy-five cents] five dollars and mileage.

For return of nulla bona, [two dollars] five dollars and mileage.

For clerk hire at each sale, whether on one or more writs against the same defendant, four dollars.

For advertising personal property to public sale by hand-bills, [three dollars and seventy-five cents] five dollars and mileage, in addition to printer's bills.

For adjourning any sale, [three dollars] five dollars and mileage.

In addition, the sheriff shall charge and receive, as an official fee, a commission of two cents on every dollar, based upon the total amount realized from said sale, whether paid to the sheriff or credited to the purchaser on account of any writ: Provided, That the amount of same does not exceed one thousand dollars (\$1000), in which case one-half cent (1/2¢) on each dollar in excess of that amount shall be charged in addition.

For each watchman to take care of property attached, levied upon, or otherwise taken into legal custody, when necessary, or requested by any of the parties interested, thirty dollars for each period of eight hours, to be considered a day's service, and a proportionate sum for any fraction of such day, to be payable to such watchman, and collectible for his benefit by the sheriff from the party benefited thereby, or person requiring his services, in like manner as other legal costs payable to the sheriff may be collected.

For insurance, arranging goods for sale, heat, light, power, storage, rent, transportation, supplies, feeding livestock, and similar expenses, incurred in caring for and keeping the goods and chattels levied upon or attached, when the same are necessary or advantageous, or when requested by any party interested to incur any such expenses, the actual costs thereof, to be paid by the plaintiff, petitioner, or party requiring same to be incurred, provided any surplus of advances for same be refunded.

(e) For the settlement or staying by the plaintiff of any writ embraced in any section of this act, relating to either lands and tenements or personal property, the execution of the same not being concluded, the sheriff shall receive the same fees for receiving, docketing, and returning, levying and advertising, with mileage and such commission as would be chargeable if sale had been made upon said writ for the amount paid to settle or stay the same, whether such sum be paid to him or to the plaintiff, or a compromise be made between plaintiff and defendant for the future payment of any sum to satisfy the same.

For receiving and docketing each property claim, wage claim, rent claim, or exemption claim, [four dollars] six dollars, to be paid by the claimant upon filing same with the sheriff or his deputy, in addition to any fee collectible by the prothonotary or clerk of any court for filing any notice, petition or rule relating thereto.

For the appraisalment of personal property by virtue of any act of Assembly, or at the lawful request of any party, [six dollars] seven dollars and mileage: Provided, That in any case where the appraisalment of a large quantity of goods or the services of experts shall be required, the sheriff, or any party, may apply by petition to the court, or a judge thereof, having jurisdiction over said matter, setting forth the facts; and said court or judge may make an order fixing the sum to be allowed and paid to the sheriff for the compensation of the appraisers, as the proper cost of making such appraisalment, which sum, so fixed and allowed, shall be taxed as the sheriff's proper legal costs. The plaintiff or petitioner in the proceedings shall pay for the making and filing of any appraisalment required, unless

otherwise provided by law.

For notifying the Auditor General of the proposed sale of the property or the franchise of any corporation or joint-stock association, [four dollars] five dollars.

(f) For executing venire facias or venire facias juratores issued out of any court, the following items, to be paid by the county:

For receiving, docketing, and making return thereof, on each venire, [four dollars] five dollars.

For any services of the sheriff in drawing names of jurors from the jury wheel and summoning such jurors, or summoning any jurors drawn by any jury board or commissioners, the sheriff shall be entitled to charge and receive from the county, one dollar fifty cents and mileage, and necessary expenses, for each juror drawn.

(g) For executing writs of execution, dower, possessionem, or possessory process, requiring the delivery of possession of real estate, or ejecting or dispossessing any person or persons of their effects, [seven dollars] ten dollars and mileage, and reasonable costs for help, when necessary to preserve the peace or safeguard property, in addition to the costs of sale when made, to be paid by the party depositing such writ or demanding possession.

(h) For executing any process, warrant, capias, attachment, decree, sentence or order of court, issued out of any court, where any person or the defendant's body is taken into custody, to be paid by the county when the Commonwealth is interested, otherwise by the party procuring such process, writ, order or decree, as follows:

For receiving, docketing, and making return thereof, [four dollars] five dollars.

For each arrest, [three dollars] five dollars and mileage, in addition to necessary help and expenses, including the compensation of any special deputies required, who shall be paid at the rate of [ten dollars] thirty dollars for eight hours' service.

For transportation of all prisoners, [twelve cents] fifteen cents per mile per round trip, in addition to necessary help and expenses, including the compensation of any special deputies required, who shall be paid at the rate of [twenty dollars] thirty dollars for eight hours' service.

For each commitment to jail, correctional institution, asylum, or place of detention of any juvenile court, in any criminal or civil case, [one dollar] five dollars, to be paid by the county, unless otherwise provided by law.

For discharging any person or prisoner from any such place of confinement, in any case, [one dollar] five dollars, to be paid by the county.

For executing bail piece or taking bond in any matter, whether civil or criminal, [two dollars] five dollars, to be paid by the person benefited, unless otherwise provided by law.

In addition, the sheriff shall receive for the indictment, in eachoyer and terminer case, the sum of [four dollars] five dollars; and in each quarter sessions court, or other county court case, the sum of [two dollars] five dollars, to be paid by the county.

For each bill ignored by the grand jury, [two dollars] five dollars, to be paid by the county.

For each case acted upon by any juvenile court, [two dollars] five dollars to be paid by the county.

For each non-support or desertion case acted upon by any court, the sum of [two dollars] five dollars, to be paid by the county.

(i) Where the sheriff shall be in charge of any jail or prison or place of detention, he shall be entitled to receive such allowance for the custody, care and maintenance of prisoners and inmates as may be fixed by the courts or official boards of the respective counties having supervision of such institutions, or as said courts or boards may approve, upon itemized bills rendered from time to time to be paid by such county, in addition to any

compensation for his services fixed by law or by any court or official board authorized to fix such compensation.

For removing an insane or weak minded or defective person to any institution for the confinement or any such persons, or any person to the penitentiary, workhouse, Huntingdon Reformatory, or to any charitable institution, or any hospital, school, or home where persons are confined or detained or supported, under any commitment, sentence or order or any court, [five dollars] ten dollars on each commitment, or order, in addition to mileage and necessary expenses, including the compensation of any special deputies required, who shall be paid at the rate of [twenty dollars] thirty dollars for eight hours' service, to be paid by the county unless some other governmental body is chargeable therewith by law: Provided, however, That the mileage for the person in custody, under commitment or order, shall be based upon the miles actually traveled to his or her destination.

(j) For attending court, when required to do so by law or by any judge or district attorney, or bringing into and removing therefrom prisoners for arraignment, trial, or sentence, or witnesses held in custody, the sum of thirty dollars per day for the sheriff, and a like sum for each deputy, for each day of court of common pleas (criminal division), juvenile court, or county court, including the County Court of Allegheny County, when the sheriff or deputy is actually present, to be paid by the county.

(k) For issuing and recording any license, two dollars, in addition to the license fee, payable to the county or Commonwealth, to be paid by the licensee.

(l) For services performed in his capacity as a conservator of the peace or police officer, in suppressing riots, mobs or insurrections, and when discharging any duty requiring the summoning of a posse comitatus or special deputy sheriffs, the sheriff shall receive per diem compensation at the rate of thirty dollars in any county for eight hours' service, together with the mileage and necessary expenses, including subsistence for himself and those under him, to be paid by the county.

For each special deputy appointed by any sheriff, in case of any emergency, to assist him in executing any civil or criminal process or court order, or preserving the peace, such sheriff may charge and shall receive from the county compensation for such deputy, at the rate of three dollars seventy-five cents in any county for one hour's service, in addition to the expenses incurred for the transportation and subsistence of such deputy while rendering such service.

(m) For mileage in serving or executing any of the writs, official notices, rules, decrees, orders or processes, or copies thereof, or performing any of the duties or services herein specified or authorized by law, the sheriff shall be entitled to charge and receive, and may tax as official costs, [twelve] FIFTEEN cents a mile circular for each mile necessary to be traveled by him or any of his deputies or employes, and the same shall be allowed upon each separate writ, rule, order, decree, process or notice served, or service performed: Provided, That he shall not receive more than one mileage where the plaintiff and defendant in two or more contemporaneous writs are the same, or when conducting two or more persons or prisoners at one time to or from a place of detention or correction, but he shall also receive the aforesaid mileage for transporting such prisoners and his deputies guarding them, and meals and lodging during the journey and the return of his deputies.

(n) For the executing of any matter directed to the sheriff or required by law or rule of court, the performance of which is not herein mentioned, the sheriff shall receive the same official fees, commissions and legal costs, including mileage, as for similar service herein specially provided for.

(o) In all cases or proceedings of which the County Court of Allegheny County shall have jurisdiction, the sheriff shall receive the same fees, commissions and costs, including mileage, for official services in connection therewith as for similar services in like proceedings in other courts of the Commonwealth.

Section 2. This act shall take effect in 60 days.

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

The SPEAKER. Again, for the information of the members who were not paying attention yesterday, from now on if you have a bill which has been amended by the Senate and it appears on the calendar for concurrence or if it is a conference committee report which differs from the original bill, the Chair will call upon you as the sponsor of the bill for a brief explanation. If you are not prepared, please see to it that someone else is.

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

Mr. S. E. HAYES. Mr. Speaker, what the Senate did was to amend upward from 12 cents a mile to 15 cents a mile transportation costs for sheriffs when they are serving a writ, rule, or order or decree of the court. That is all they did, Mr. Speaker.

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

Mr. DeMEDIO. Mr. Speaker, I ask that the House do concur in the amendments inserted by the Senate to HB 816, PN 2697.

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

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

YEAS—197

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

Foster, A.	Levi	Renwick	Zeller
Foster, W.	Levin	Rhodes	Zitterman
Freind	Lincoln	Richardson	Zord
Fryer	Livengood	Rieger	Zwikl
Gallagher	Logue	Ritter	
Gallen	Lynch	Ruggiero	Irvis.
Gamble	Mackowski	Ryan	Speaker
Garzia	Madigan	Salvatore	

NAYS—0

NOT VOTING—5

Arthurs	Dumas	Shelton	Yohn
Burns			

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

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HOUSE BILL No. 1131**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

SENATE AMENDED

Prior Printer's No. 1337 Printer's No. 2666

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL No. 1131

Session of 1977

INTRODUCED BY DeMEDIO, RITTER, FRYER, MEBUS AND WEIDNER, MAY 24, 1977.

SENATOR LEWIS, LOCAL GOVERNMENT, IN SENATE, AS AMENDED, MARCH 8, 1978.

An Act

reenacting, amending and revising the act of July 12, 1972 (P. L. 781, No. 185), entitled, as amended, "An act providing debt limits for local government units, including municipalities and school districts; providing the methods of incurring, evidencing, securing and collecting debt; defining the powers and duties of the Department of Community Affairs and certain other public officers and agencies with respect thereto; exercising the inherent legislative authority of the General Assembly by providing additional over-all limitations on the incurring of lease rental and other obligations for the acquisition of capital assets to be repaid from the general tax revenues of such local government units; imposing penalties for filing false or untrue statements or refusing to give information with respect to proceedings for the incurring of debt; and conferring jurisdiction on the Commonwealth Court with respect to certain proceedings relating to the incurring of debt."

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Section 806.	Effect of Failure of Timely Action by Department; Extension of Time to Act.		The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:
Section 807.	Records of Department.	Section 1.	The article heading of Article I and section 101, act of July 12, 1972 (P. L. 781, No. 185), known as the "Local Government Unit Debt Act," are reenacted to read:
Section 808.	Invalidity of Bonds, Notes, Tax Anticipation Notes, Leases or Other Instruments Which Are Delivered without Compliance with Requirements or Conditions Precedent to Issuance or Delivery.		ARTICLE I
Section 809.	Finality of Proceedings; Validity of Bonds, Notes, Tax Anticipation Notes, Leases, Guaranties, Subsidy Contracts or Other Agreements.		Short Title, Definitions and Preliminary Matters
Section 810.	Power of Department to Define Terms, Issue Rules and Regulations and Prescribe Forms.		Section 101. Short Title.—This act shall be known and may be cited as the "Local Government Unit Debt Act."
Article IX. Petitions for Declaratory Orders and Complaints to the Department; Jurisdiction of Department; Appellate Review by Commonwealth Court.			Section 2. Sections 102 and 103 of the act, amended October 11, 1972 (P. L. 901, No. 214), are reenacted and amended to read:
Section 901.	Petitions for Declaratory Orders and Complaints to the Department; Exclusive Jurisdiction of Department.		Section 102. Definitions.—(a) As used in this act with respect to classifications of debt unless the context clearly otherwise requires:
Section 902.	Appellate Review by Commonwealth Court.		(1) "Debt" means the amount of all obligations for the payment of money incurred by the local government unit, whether due and payable in all events, or only upon the performance of work, possession of property as lessee [or], rendering of services by others, or other contingency, except:
Article X. Sinking and Assessment Funds; Reserves and Pledged Revenues			(i) current obligations for the full payment of which current

revenues have been appropriated, including tax anticipation notes, and current payments for the funding of pension plans;

(ii) obligations under contracts for supplies, services and pensions, allocable to current operating expenses of future years in which the supplies are to be expended or furnished, the services rendered or the pensions paid;

(iii) rentals or payments payable in future years under leases, guaranties, subsidy contracts or other forms of agreement not evidencing the acquisition of capital assets, but this exception shall not apply to rentals or payments under such instruments which would constitute lease rental debt but for the fact that the lessor or obligee is not an entity described in section 104(a)(1); and

(iv) interest or assumed taxes payable on bonds or notes which interest or taxes is not yet overdue.

(2) "Electoral debt" means all net debt incurred with the assent of the electors, given as herein provided whether issued by a local government unit or through an authority.

(3) "Nonelectoral debt" means all debt determined as herein provided, incurred or authorized to be incurred, except electoral debt and lease rental debt, in each case whether authorized before or after the effective date of this act, and whether before or after the debt is incurred.

(3.1) "Net nonelectoral debt" means a portion of nonelectoral debt as determined in accordance with Article II.

(4) "Lease rental debt" means the principal amount of authority bonds or notes or bonds or notes of another local government unit to be repaid from payments of the local government unit made pursuant to leases, guaranties, subsidy contracts or other forms of [guarantee] agreement where such payments are or may be made out of the tax and other general revenues of a local government unit under leases, guaranties, subsidy contracts, or other [agreements] forms of agreement which evidence the acquisition of capital assets, excluding any such amount which has been approved by the electors.

(4.1) "Net lease rental debt" means a portion of lease rental debt as determined in accordance with Article II.

(b) As used in this act with respect to exclusions from any particular category of debt, unless the context clearly otherwise requires:

(1) "Self-liquidating debt" means debt payable solely from rents, rates or other charges to the ultimate users of the project, to be financed in whole or in part by such debt, or payable solely from special levies or assessments of benefits lawfully earmarked exclusively for the purpose], and includes lease rental debt, whether or not the leases evidence the acquisition of capital assets, where the rentals are payable solely from one or more of such sources]. The term also includes debt or any portion thereof at the time qualified as self-liquidating pursuant to this act, whether or not solely payable from such sources. The term "ultimate users" includes the local government unit itself only where its use of the project is incidental to the use of the project by other users.

(2) "Subsidized debt" means that amount of debt which is self-liquidating to the local government unit because the annual debt service on such amount for the fiscal year next following the time of determination (i) will be covered by payments of subsidies on account of cost of the project or on account of operations, but measured by the cost of the project, or which will be covered by capital account reimbursements, which subsidies or reimbursements will be paid by either the Commonwealth of Pennsylvania or the United States of America, or both, where such payments under the legislation in force at the time of determination are stated to be of a recurring nature, if the Commonwealth or the United States shall have qualified the project being financed for such subsidy or reimbursement, preliminarily or finally, all as determined pursuant to section 204 of this act or (ii) will be covered by payments under a subsidy contract with another local government unit or

under a subsidy contract with an authority and such amount is lawful lease rental debt as to such other local government unit all as determined under section 204 of this act.

(c) As used in this act unless the context clearly otherwise requires:

(1) "Accountant" means a certified public accountant or public accountant or a firm of either thereof.

[(1)] (1.1) "Authority" means an authority or nonprofit corporation organized under any law of the Commonwealth by the Commonwealth, any local government unit or jointly by any one or more of the foregoing.

(2) "Bond or note" means any instrument issued by a local government unit imposing an obligation for the repayment of money borrowed, but does not include a guaranty endorsed on an instrument issued by an authority. ["Bond" shall mean an instrument in form qualifying as an investment security under Article 8 of the Uniform Commercial Code. "Note" shall mean a negotiable promissory note in form conforming to the requirements of Article 3 of the Uniform Commercial Code applicable to municipal obligations, except in each case as otherwise provided herein.] Unless otherwise indicated, the phrase "bonds or notes" does not include tax anticipation notes. A bond or a note which falls within the definition of "security" set forth in Article 8 of the act of April 6, 1953 (P. L. 3, No. 1), known as the "Uniform Commercial Code," shall be governed by said Article 8 and every other bond or note shall be governed by Article 3, except in each case as otherwise provided herein.

(3) "Borrowing base" means the annual arithmetic average of the total revenues for the three full fiscal years ended next preceding the date of the incurring of nonelectoral debt or lease rental debt as set forth in a certificate stating the total revenues in each of such years and stating such average, executed by the authorized officials of the local government unit [auditing its financial affairs] or by [the] an independent [public accountants regularly auditing the books of account of such local government unit] accountant. If, within such three-year period, there shall have been an expansion or contraction of the territorial or functional jurisdiction of a local government unit through transfer, merger, annexation, or assumption, in whole or in part, in relation to another local government unit or an authority, the borrowing base shall be calculated as if such expansion or contraction had occurred within or prior to the commencement of such three-year period in such manner as the statutes, charter provisions, or court decree shall provide or direct, or in the absence of such provisions, as the department shall approve.

(4) "Department" means the Department of Community Affairs or any successor department, board or commission to which all or certain of the functions to be performed under this act may hereafter be transferred, either as provided herein or by subsequent legislation.

(5) "General obligation" in the title of a bond or note, means a bond or note for the payment of which the full faith, [and] credit and taxing power of the local government unit is pledged, for the payment of which the local government unit has entered into the required covenant under section 404, and for the payment of which no specific revenues are pledged.

(6) "Governing body" means the authorities in each local government unit authorized by law to levy taxes or fix the tax rate of the local government unit and the term also includes the school board of a school district and the board or officers authorized to make binding commitments for joint local government units, even though such body has no power to levy taxes.

(7) "Guaranteed revenue" in the title of a bond or note, means a bond or note of a local government unit payable in whole or in part from pledged revenues, but which becomes

wholly or partly a general obligation of the local government unit, as guarantor in the event of deficiency in the pledged revenues.

(7.1) "Guaranty" means a guaranty, whether conditional or unconditional and whether full or partial, to or for the benefit of holders of bonds or notes of the local government unit or holders of bonds or notes or other obligations of an authority or another local government unit, or the payment of the principal of and interest of such bonds or notes, premium, if any, and assumed taxes, if any, on obligations.

(8) "Incur" or "incurred," when used with respect to debt, means the point in time when (i) in the case of debt assented to by the electors, the assent shall have been given, and (ii) in the case of nonelectoral or other debt the first ordinance or, in the case of small borrowings under section 409, the resolution authorizing the debt shall have been finally enacted or adopted, unless the authority for such debt shall have been cancelled or terminated as provided in this act. Final enactment or adoption means the final act necessary to make an ordinance or resolution, as the case may be, effective pursuant to all requirements of law, including any necessary approval by a mayor or other executive officer or failure of action by such mayor or officer within a specified statutory time limit, or passage over the veto of a mayor or of such officer but does not include any required advertising subsequent to the date of adoption by the governing body of the local governing unit.

(9) "Issue" means all bonds authorized to be sold in respect of a particular project, whether authorized to be sold at one time or from time to time in one or more series.

(10) "Local government unit" means a county, county institution district, city, borough, incorporated town, township, school district or any similar, general or limited purpose unit of local government or any unit created by joint action of two or more local government units which is now or shall hereafter be authorized to be created by the General Assembly; but the term does not include a city or county of the first class, an authority as herein defined, [or any political subdivision now, or former local government unit hereafter, operating under a home rule charter.] or any unit created by joint action of two or more local government units which have not been granted by statute the power to issue bonds. The term "local government unit" includes school districts of the first class presently operating under a home rule charter or home rule charter supplement and the provisions of this act shall govern over inconsistent charter provisions on the same subject.

(11) "Ordinance" means [an ordinance in the case of a local government unit having the power to adopt ordinances and a resolution in the case of all other local government units] the formal action of a local government unit, whether, under the law applicable to such local government unit, such action is taken by ordinance or by resolution, to which the requirements of section 103 of this act shall apply. "Resolution" means all other formal action of a governmental unit, whether, under the law applicable to such local government unit, such action is taken by ordinance or by resolution, to which the requirements of section 103 of this act shall not apply.

(12) "Project" means (i) any item of construction, acquisition, extraordinary maintenance or repair which has been undertaken by a local government unit, (ii) any preliminary studies, surveying, planning, testing or design work for any such, (iii) any lands or rights in land to be acquired, (iv) any furnishings, machinery, apparatus or equipment normally classified as capital items, but such items must have a useful life of five years or

more if financed separately and not as a part of a construction or acquisition project, (v) the local government unit's share of the cost of a project undertaken jointly with one or more other local government units or the Commonwealth or one of its agencies; or, (vi) funding or refunding of debt incurred for any or all of the foregoing purposes, or (vii) any combination of any or all of the foregoing, as any or all of the above may be designated as a project by the governing body for the financing of which it desires to incur debt. The term shall also include any deficit to be funded by bonds or notes as provided herein, or the creation of a revolving fund for specific improvements. Where a local government unit has adopted a capital budget, the term project shall mean any unfunded portion of the capital budget selected by ordinance for current funding.

(13) "Revenue" in the title of a bond or note not preceded by the word "guaranteed," means a bond or note payable solely from user charges, rates, revenues, rentals, fees, special assessments and receipts pledged for the purpose.

(14) "Series" means all the bonds or notes to be sold and delivered at one time in respect of one project or of any two or more projects which have been combined for purposes of financing or where such bonds or notes have been combined for sale as provided in this act.

(15) "Sinking fund" means [a special fund created for the accumulation and holding of moneys for the payment of bonds or notes at a subsequent date and may also include funds or accounts created for the accumulation and holding of moneys required to be held in respect of specific issues or revenue or guaranteed revenue bonds or notes for use in times of falling revenues or for the costs of maintenance or repair.] the special fund created pursuant to section 1001 for the payment of the principal of and interest on bonds or notes, premium, if any, and assumed taxes, if any, or for the payment of a guaranty.

(15.1) "Tax anticipation notes" means notes issued in anticipation of taxes, in anticipation of revenues, or in anticipation of both as shall be designated in such notes.

(16) "Total revenues" means all moneys received by the local government unit in a fiscal year from whatever source derived, except:

(i) subsidies or reimbursements from the United States of America or from the Commonwealth of Pennsylvania measured by the cost of, or given or paid on account of, a particular project financed by debt;

(ii) project revenues, rates, receipts, user charges, special assessments and special levies which are or will be pledged or budgeted for specific self-liquidating debt, or for payments under leases, guaranties, subsidy contracts or other forms of agreement which could constitute lease rental debt except that such payments are payable solely from such sources, but such portion thereof as may [be] have been returned to or retained by the local government unit [by the pledge for any general operating purpose] shall not be excluded;

(iii) interest on moneys in sinking funds, reserves, and other funds, which interest is pledged or budgeted for the payment or security of outstanding debt, and interest on bond or note proceeds, if similarly pledged;

(iv) grants and gifts in aid of or measured by the construction or acquisition of specified projects; and

(v) proceeds from the disposition of capital assets, and other nonrecurring items including bond or note proceeds not considered income under generally accepted municipal accounting principles.

Section 103. Effectiveness and Required Notice of Ordinances.—Notwithstanding any other law to the contrary, an ordinance required to be adopted by this act shall be advertised not less than three nor more than thirty days prior to its enactment. The advertisement shall appear once in a newspaper of general circulation, published or circulating in the area of the local government unit, shall set forth a summary of the con-

tents of the ordinance and shall state that a copy of the full proposed text thereof may be examined by any citizen in the office of the secretary of the local government unit at the address and during the reasonable hours stated in such advertisement. Not later than the [seventh] fifteenth day after the final enactment of such ordinance, a notice of such enactment shall be advertised once in a newspaper of general circulation published or circulating in the local government unit. This notice shall state:

(1) Briefly, the substance of any amendments made during final passage, and, where applicable, (i) in respect of lease rental debt the range of lease rental payments and (ii) in other cases, the price bid for bonds or notes, and the range of interest rates named in the successful bid[, and the average annual debt service]; and

(2) That [a copy of such notice has been conspicuously posted and will remain so posted for the next seven days in a designated position, readily viewable by the public, at the public meeting place of the governing body of such local government unit] the final text of the ordinance as enacted may be examined by any citizen in the office of the secretary of the local government unit at the address and during the reasonable hours stated in such notice.

The ordinance shall be valid and effective for all purposes on the [later of such seventh] fifth day [or the tenth day after the final enactment of such ordinance] after the second advertisement. The second advertisement shall be conclusive, so far as concerns the effectiveness of the ordinance or the validity of any debt incurred, as to the existence of all matters recited or referred to therein unless action questioning such validity or effectiveness shall have been filed in timely manner as provided in this act, but such conclusiveness shall not affect the liability of any person for failure to [post and keep posted the notice or for failure to] permit inspection. No other or different publication shall be required notwithstanding the provisions of any other law.

Section 3. Sections 104, 105, 106, 107 and 108 of the act are reenacted and amended to read:

Section 104. When Lease or Other Agreement Evidences Acquisition of Capital Asset.—(a) A lease, guaranty, subsidy contract or other agreement entered into by a local government unit shall evidence the acquisition of a capital asset where:

(1) The lessee or obligor is a local government unit and the lessor or obligee is an authority organized under any law of this Commonwealth, another local government unit, a nonprofit corporation, the State Public School Building Authority or other agency or authority of the Commonwealth of Pennsylvania; and

(2) The payments, or any portion thereof, which are payable in a subsequent fiscal year or subsequent fiscal years and which are applicable to debt service requirements or capital costs are payable [or may be payable], whether in all events or only upon the happening of certain events, under the terms of such instrument from the tax or general revenues of the local government unit; and

(3) Upon termination of such lease guaranty, subsidy contract or other agreement or upon dissolution of such lessor or obligee, whether before or after the termination of the lease, title to the subject project or premises or a given part thereof or undivided interest therein, shall, or at the option of the local government unit may, vest by agreement or operation of law in such local government unit, or in the Commonwealth of Pennsylvania.; or

(4) In any case where clause (2) of this section 104 applies and the term of the lease guaranty, subsidy contract or other agreement is equal to or exceeds the useful life of the asset, regardless of the nature of the lessor or obligee.]

(b) A lease, guaranty, subsidy contract or other form of agreement entered into by a local government unit shall also

evidence the acquisition of a capital asset if the payments to be made in a subsequent fiscal year or subsequent fiscal years applicable to debt service requirements or capital costs are payable, whether in all events or only upon the happening of certain events, under the provisions of such instrument from the tax or general revenues of the local government unit and the term of such instrument is equal to or exceeds the useful life of the asset, regardless of the nature of the lessor or obligee.

Section 105. Designation of Bonds and Notes; Authority to Issue.—(a) Bonds or notes prior to the authorization thereof shall be classified by the issuing local government unit as one of the following [four] three types of obligation: general obligation bonds or notes; guaranteed revenue bonds or notes; or revenue bonds or notes[; or tax anticipation notes].

(b) Guaranteed revenue bonds or notes may have either a general or a limited guaranty as the governing body of the local government unit may determine, but if the guaranty shall be less than a full unconditional guaranty, the title of the bond or note shall contain the word "limited" before the word "guaranteed." The guaranty of the local government may be of its own revenue bonds or notes or of the revenue bonds or notes of an authority or [nonprofit corporation] another local government unit subject, however, to the provisions of subsection (c) of this section.

(c) [Every] Notwithstanding any other law to the contrary, every local government unit shall have full power and authority to issue bonds or notes, and make guaranties [as provided in this act], leases, subsidy contracts or other agreements evidencing the acquisition of capital assets payable out of taxes and other general revenues, to provide funds for and towards the cost of or the cost of completing any project or combination of projects which such local government unit is authorized to own, acquire, subsidize, operate or lease, or to participate in owning, acquiring, subsidizing, operating or leasing with others, [and shall also have full power and authority] to issue tax anticipation notes and funding bonds or notes as herein provided, and to contract for insurance covering the risks of nonpayment of principal, interest and premium of bonds, notes, tax anticipation notes and guaranties. For the purpose of this act, unless debt evidenced by a guaranty shall have been approved as electoral debt in accordance with Article III of this act, such guaranty shall be deemed to be nonelectoral debt if the local government unit guaranties its own bonds or notes and shall be deemed to be lease rental debt if it guaranties the bonds or notes of an authority or another local government unit. For the purpose of all other acts such guaranty shall be deemed to create debt or indebtedness of the local government unit making the guaranty.

Section 106. Preliminary Cost Estimates.—Prior to the initial authorization of bonds or notes or the issuance of any guaranty to finance any project involving construction or acquisition, the governing body shall obtain realistic cost estimates through actual bids, option agreements, or professional estimates from registered architects, [or] professional engineers, or other persons qualified by experience. Any local government unit may retain the services of a financial advisor. Costs of preliminary estimates and the fees of financial advisors may, if initially paid by the local government unit, be reimbursed out of the net proceeds of the issue of bonds or notes as a cost of the project.

Section 107. Cost of a Project.—The cost of a project shall include the amount of all payments to contractors or for the acquisition of a project or for lands, easements, rights and other appurtenances deemed necessary for the project, fees of

architects, engineers, appraisers, consultants, financial advisors, and attorneys incurred in connection with the project [or its] financing costs, [of preparing bonds or notes,] costs of necessary printing and advertising, the costs of preliminary feasibility studies and tests, cost estimates, and interest on money borrowed to finance the project, if capitalized, to the date of completion of construction and, if deemed necessary, for one year thereafter, amounts to be placed in reserve funds, if any, a reasonable initial working capital for operating [projects,] the project and a proper allowance for contingencies.

Section 108. Local Government Units Hereafter Obtaining Home Rule Charters.—Every local government unit [hereafter] obtaining a home rule charter after July 12, 1972 shall be subject to the substantive provisions of this act applicable to it as if it were a local government unit, and may adopt the procedural provisions of this act, by incorporation thereof by reference, in its home rule charter.

Section 4. The article heading of article II of the act is reenacted to read:

ARTICLE II

Limitations on Debt of Local Government Units

Section 5. Section 201 of the act is reenacted and amended to read:

Section 201. No Limitation on Debt Approved by Electors.—All debt of any classification, whenever incurred, which has been or shall hereafter be approved, either before or after such debt is incurred, by majority of the votes cast upon the question of incurring such debt at a general or special election held as provided [in this act] by applicable law in effect at the time of the election, is excluded from the nonelectoral debt or the lease rental debt, as the case may be, of a local government unit and the limitations imposed by this act upon debt of such classification shall not apply thereto.

Section 6. Section 202 of the act, amended October 3, 1972 (P. L. 887, No. 206), is reenacted and amended to read:

Section 202. Limitations on the Incurring of Other Debt.—(a) Except as provided in subsections (c), (d) and (e) of this section and as otherwise specifically provided in this act, no local government unit shall incur any new nonelectoral debt, if the aggregate net principal amount of such new nonelectoral debt together with all other net nonelectoral debt outstanding would cause the total net nonelectoral debt of such local government unit to exceed:

(i) one hundred per cent of its borrowing base in the case of a school district of the first class;

(ii) three hundred per cent of its borrowing base in the case of a county; or

(iii) two hundred fifty per cent of its borrowing base in the case of any other local government unit.

(b) Except as provided in subsections (c), (d) and (e) of this section or as otherwise specifically provided in this act, in the exercise of legislative control over the budgets and expenditures of local government units and of the purposes for which tax moneys and general revenues of local government units may be expended, the General Assembly determines that no local government unit shall incur any new lease rental debt or nonelectoral debt, if the aggregate net principal amount of such new debt together with any other net nonelectoral debt and net lease rental debt then outstanding would cause the outstanding total of net nonelectoral debt plus net lease rental debt of such local government unit to exceed:

(i) [one hundred fifty per cent] two hundred per cent of the borrowing base in the case of a school district of the first class;

(ii) [three hundred fifty per cent] four hundred per cent of its borrowing base in the case of a county; or

(iii) [three hundred per cent] three hundred fifty per cent of its borrowing base in the case of all other local government units.

(c) The limitations and prohibitions of the preceding subsections (hereinafter called the "regular debt limits") shall not apply to electoral debt, nor to debt excluded in computing net amounts of nonelectoral debt or of lease rental debt, as self-

liquidating or because subsidized, when such exclusion is made pursuant to sections 204, 205 and 206.

(d) [An additional debt limit of one hundred per cent of the borrowing base may be utilized for additional nonelectoral or additional lease rental debt or both:] Additional nonelectoral or additional lease rental debt or both in the aggregate amount of one hundred percent of the borrowing base may be incurred:

(i) by a county which has assumed, either before or after the effective date of this act, county-wide responsibility for; or

(ii) where the county has not assumed county-wide responsibility, by a local government unit which has [not], either before or after the effective date of this act, assumed [heretofore] re-

sponsibility for its and its adjacent areas for hospitals and other public health services, air and water pollution control, flood control, environmental protection, water distribution and supply systems, sewage and refuse collection and disposal systems, education at any level, highways, public transportation or port operations, but such additional debt limit may be so utilized only to provide funds for and towards the cost of capital facilities for any [or all] or any combination of the foregoing purposes [combined]. Debt, other than electoral debt, at any time incurred for such purposes or any of them, may be assigned by ordinance to this additional debt limit, if the remaining borrowing capacity within the regular limits is insufficient to finance other projects deemed necessary by the governing body of the local government unit.

(e) If replacement of assets is required as a result of fire, flood, storm, war, riot, civil commotion or other catastrophe, or such replacement or any improvements are required for the prevention of dangers to health or safety, or if funds are required for the payment of tort liability not covered by insurance, or if funds are required to be used for and towards the costs of mandated installations of health, safety, anti-pollution, environmental protection and control facilities or of complying with other mandated Federal or Commonwealth programs, a local government unit not having sufficient remaining borrowing capacity as nonelectoral or lease rental debt or being otherwise prohibited by section 305 from incurring debt for the purpose, upon petition to the [Commonwealth Court] court of common pleas of the county where the local government unit is located or, if the local government unit is located in two counties,

of either county, alleging the catastrophe, or the danger to health and safety, or the mandated nature of the program and the estimated costs of the proposed facilities, and upon proof thereof to the satisfaction of the court, shall be authorized, notwithstanding section 305 or the insufficiency of nonelectoral or lease rental borrowing capacity, to incur debt, as either lease rental or nonelectoral debt, up to an additional fifty per cent of its borrowing base, if such increase is found by the court to have been made necessary under this subsection by reason of the causes set forth in the petition. The increase together with all outstanding other additional emergency [net] debt [and all outstanding net nonelectoral and net lease rental debt] which

may have been previously authorized under this subsection (excluding any allocated to the additional debt limit under subsection (d) of this section) shall not exceed [the sum of the applicable regular and additional emergency debt limits] fifty per cent of the borrowing base. Public notice of the intention to file such a petition and of the purpose for which the additional emergency debt is to be incurred shall be given by advertisement in at least one and not more than two papers of general circulation and in the legal journal not less than five nor more than twenty days before the filing thereof. Such additional emergency debt may be incurred only for the purposes and upon the terms approved by the court. The amount of such debt initially in excess of the regular debt limits shall not thereafter be included in computing net amounts of nonelectoral or lease rental debt. Appeals from the order of the court may be taken by any interested party in accordance with the [Appellate Court Jurisdiction Act of 1970.] act of July 31, 1970 (P. L. 673, No. 223),

known as the "Appellate Court Jurisdiction Act of 1970."

Section 7. Sections 203, 204, 205, 206, 207, 208 and 209 of the act are reenacted and amended to read:

Section 203. Transfer of [Nonelectoral] Debt Incurred without the Approval of the Electors to Electoral Debt.—The governing body of any local government unit may, by [ordinance] resolution, signify a desire to have any [nonelectoral] debt theretofore incurred without the approval of the electors established as electoral debt. The [ordinance] resolution shall direct the holding of an election to be held at the proper places within such local government unit for the purpose of obtaining the approval of the electors to such debt in the same manner as provided for securing the approval of the incurring of electoral debt. The question shall be whether the remaining unpaid [nonelectoral] debt incurred without the approval of the electors for the project named in the question shall be removed from the category of nonelectoral or lease rental debt. If [such question shall receive] a majority of the votes cast upon such question at such election shall favor transfer to electoral debt, a certified copy of the [ordinance] resolution, proof of due advertisement of the election [and of the ordinance] and a certified return of the election shall be filed with the department. If the department finds the proceedings to have been taken in conformity with the law it shall endorse its approval on a duplicate original thereof and return the same to the local government unit. [A copy of the proceedings duly certified by the proper officials of the local government unit together with the approval of the department shall be filed in the office for the recording of deeds in and for the county in which such local government unit is located.] Such debt shall thereupon be no longer classified as nonelectoral or lease rental debt.

Section 204. Procedure for Exclusion of Subsidized Debt to Find Net Nonelectoral Debt or Net Lease Rental Debt.—(a) Subsidized debt shall not be excluded from nonelectoral debt or lease rental debt, as the case may be, for the purposes of establishing net outstanding debt of either category until there has been filed with and approved by the department:

(1) A copy, certified by the secretary of the board of the local government unit or of the authority, of the permanent or preliminary approval from the Commonwealth of Pennsylvania or from the United States of America of the project, of the related bonds or notes, or of the interest thereon, for subsidization or for reimbursement of all or part of debt service or on account of operations, but measured by the cost of the project or a certified copy of the subsidy contract with another local government unit or an authority;

(2) Evidence satisfactory to the department from the subsidizing agency as to the indicated annual amount of the subsidy;

(3) Appropriate reference to the legislation authorizing such reimbursement or subsidy indicating the legislated recurring nature of the subsidy or in the case of a subsidy contract with another local government unit, evidence satisfactory to the department that the amount to be excluded is within the debt limitations of the other local government unit or has been approved as [the] electoral debt; and

(4) A computation, in reasonable detail, certified by the proper officers of the local government unit [and approved as mathematically correct by an independent certified public accountant,] or of the authority, or by the financial advisor if one be retained, showing the principal amount of the bonds to be serviced by the reimbursement or subsidy, determined in the proportion that the total indicated subsidy or reimbursement to be received over the remaining life of the issue bears to the total debt service to be paid over the remaining life of the issue, computed to stated maturity or earlier mandatory call dates.

The principal amount of the bonds or notes or bonds or notes of an authority which will constitute subsidized debt shall, in

those instances where the subsidy is related to a percentage of lease rentals or to a percentage of sinking fund payments, in either case applicable solely to debt service, be that stated percentage of the bonds or notes.

Such proportion of the bonds or of lease rental debt shall be excluded as subsidized debt. Such filing may be made simultaneously with the filing for the approval of the balance of the bonds then being issued, or may be made or corrected at a later date.

(b) Each time any new debt is to be incurred, if subsidized debt is to be excluded, a new certification shall be made to the department stating (i) that there has been no decrease in the subsidy or, (ii) that there has been [no increase or] a decrease and recomputing the principal amount to be excluded or, (iii) that there has been an increase and the local government unit desires an increased exclusion certifying all matters so changed and recomputing the principal amount to be excluded.

(c) If the department shall approve the exclusion of such principal amount of bonds or notes or lease rental debt as being subsidized debt in accordance with this act, originally or upon any recertification it shall return a duplicate original of the filing to the local government unit with its approval endorsed thereon. Upon [the filing] receipt of such approval [and duplicate original in the office of the recording of deeds in the county in which] by such local government unit [is located], such principal amount of bonds shall be excluded from nonelectoral debt or lease rental debt for the purpose of determining net debt in each category.

Section 205. Procedure for Exclusion [to Find Net Nonelectoral Debt or Self-liquidating Debt] Evidenced by Revenue Bonds or Notes to Determine Net Nonelectoral Debt.—[(a)] Self-liquidating debt evidenced by revenue bonds or notes shall not be excluded from nonelectoral debt for the purpose of establishing net nonelectoral debt until there has been filed with[, the recorder of deeds of the county in which such local government unit is located.] the department:

(1) A statement by the proper officials of the local government unit certifying the amount of such debt, the project for which it was incurred, and the nature of the revenues from which such debt is to be repaid;

(2) A certificate from a qualified professional engineer or architect, or other person qualified by experience as may be appropriate to the project estimating the revenues and operating expenses of the project, and showing that the net revenues so estimated will be sufficient to pay the annual debt services as it falls due.

(3) An opinion of the bond counsel approving the issue, to the effect that the holders of the bonds or notes have no claim upon the taxing power or tax revenues of the local government unit issuing the bonds, but only claims upon the specific revenues pledged and rights to the enforcement of any covenants as to the levying or collection of rates and charges for the use of the project being financed or any covenants as to the assessment of benefits upon properties serviceable by the project as provided in such covenants with the holders of the revenue bonds.

[(b)] A duplicate original of the documents shall be filed in the office for the recording of deeds in the county in which such local government unit is located, and upon such filing, the principal amount of such revenue bonds shall be excluded from nonelectoral debt. A certificate as to such filing shall accompany the next debt statement filed pursuant to section 410 of this act.]

Section 206. Procedure for [the] Exclusion [to Find Net Nonelectoral Debt or Net Lease Rental Debt] of Other Self-liquidating Debt [Evidenced by Other Bonds or Notes or a Guaranty] to Determine Net Nonelectoral Debt or Net Lease Rental Debt.—

(a) Self-liquidating debt shall not be excluded in [finding] de-

termining net nonelectoral debt or net lease rental debt for the [purposes] purpose of establishing net debt of either category where such debt is evidenced by general obligation bonds or notes, [guaranteed revenue bonds or notes or a guaranty of obligations of an authority] by bonds, notes or other obligations of an authority or of another local government unit, or by a guaranty until there has been filed with, and approved by the department];

(1) A] a report to the local government unit from qualified registered engineers or architects or other persons qualified by experience as may be appropriate to the project involved, setting forth:

(i) the estimated or, if available, the actual cost of construction, acquisition, or improvement of the project financed or to be financed;

(ii) the principal amount of [the bonds or notes, guaranteed revenue bonds or notes or of bonds or notes obligations of an authority guaranteed by the local government unit evidencing lease rental debt,] said general obligation bonds or notes, the bonds, notes or obligations guaranteed, or the bonds or notes of an authority or another local government unit secured by an instrument evidencing lease rental debt which are to be issued, the dates, interest rate and amounts of each stated maturity thereof and, set forth separately, the same information with respect to so much of [such] all said bonds, notes obligations as may be outstanding;

(iii) the amount [and] or the estimated amount of the annual debt service for each year during the life of all said bonds, notes or obligations or the bonds or notes of an authority or another local government unit secured by an instrument evidencing lease rental debt issued and intended to be issued to finance the project;

(iv) the date or estimated date of the completion of the project;

(v) the estimated net revenues of the project for each year of the remaining life of the bonds, notes or obligations with a computation showing, in reasonable detail, that such net revenues together with other available funds to be received in respect of the project will be sufficient in each such year to pay the annual debt service, other than capitalized debt service, on such bonds, notes or obligations or a specified aggregate principal amount thereof;

(vi) such qualified person's certificate that the estimates of net revenues have been computed from such person's best estimate of the gross revenues to be obtained from the rentals, rates, tolls, and charges, interest to be received on reserve accounts, established or to be established by ordinance or from payments under bulk service or other contracts with other local government units or authorities, for the use of the project, or the gross revenues to be received from special assessments levied to finance the project, by deducting from such gross revenues, in each year, the total estimated costs of operation and maintenance of the project chargeable against such revenues or assessments and any State taxes assumed on such bonds or notes all based on assumptions deemed reasonable for the purpose by such person; and

(vii) such person's further certificate that such person is qualified to act with regard to the type of project then being financed stating the experience.

[(2) A certified copy of an ordinance of the governing body of such local government unit approving the report.]

(b) If the department shall approve the exclusion of the principal amount of bonds, notes or obligations or bonds or notes of an authority or another local government unit secured by an instrument evidencing lease rental debt stated in such report [and ordinance] as being self-liquidating debt, as being in accordance with law, [and the revenue estimates as not unreasonable,] it shall endorse its approval upon a duplicate original

of the proceedings and return the same to the local government unit. Upon [the filing] receipt of such approval [and duplicate original in the office for the recording of deeds in the county in which] by such local government unit [is located], such principal amount of bonds, notes or obligations shall be excluded from nonelectoral debt or net lease rental debt, as the case may be, during the period of construction and thereafter until new electoral, nonelectoral or lease rental debt is to be incurred, at which time, if such principal is to be excluded, a certification of no decrease, other than decreases resulting from the payment of bonds or notes, in the amount to be excluded shall be included in the debt statement to be filed pursuant to section 410 of this act. If there is a decrease, or if more of such debt is desired to be excluded as [self sustaining] self-liquidating, a new certification shall be filed[, and a new recording made].

Section 207. Effect of Debt Limitations on Outstanding Debt.—Notwithstanding anything in any other law or elsewhere in this act, nothing herein contained shall be construed to invalidate any debt which was lawful when incurred, or which could have been lawfully incurred if [the] this act had been in effect, whether incurred before or after the passage of this act, and the percentage limitations set forth in section 202 shall be deemed increased to the extent necessary to cover such incurred debt. Nothing herein contained shall be construed to subject any debt incurred and voted upon prior to the effective date of this act as electoral debt to any of the limitations herein imposed on nonelectoral debt.

Section 208. Determination of Existing Net Nonelectoral Debt and Net Nonelectoral Plus Net Lease Rental Debt.—(a) [Gross nonelectoral debt shall first be established by subtracting from the gross principal amount of all incurred debt the sum of gross incurred electoral] debt plus gross incurred lease rental debt of the local governmental unit.] From the gross principal amount of all incurred debt shall be subtracted gross incurred electoral debt. The amount remaining shall then be separated into gross incurred nonelectoral debt and gross incurred lease rental debt.

(b) Net nonelectoral and net lease rental debt shall then be determined by subtracting separately from [each,] gross nonelectoral debt and gross lease rental debt respectively, as may be applicable, and as the local government unit may desire to claim:

(1) All funds in the applicable sinking funds, [including] whether controlled by the local government unit or by the authority which incurred such debt, reserve funds or accounts, [therein,] except maintenance and replacement reserve funds or accounts, and net bond proceeds, [including interest thereon,] held for the payment of the cost of a project financed by such debt, including, in each case, interest accrued thereon, but only to the extent that such funds are available for payment of the principal amount of such debt;

(2) The current appropriation for the payment of the principal of and overdue interest on such nonelectoral debt or [of] for the payment of the net lease rental in the case of lease rental debt, except to the extent that the same shall already have been deposited in sinking funds;

(3) The uncollected amount of the benefits or costs or the estimates thereof which have been or are authorized to be assessed against owners of property and for which liens may be legally filed, to the extent that such assessments are [applicable to] available for the payment of the principal amount of such debt;

(4) The amount of delinquent taxes from prior years and other undisputed municipal liens actually filed against property less the sum of (y) a reserve, reasonable in amount, for so

much thereof as may be collected and (z) the amount thereof appropriated for current expenses in the current year's budget;

(5) The amount of self-liquidating debt and subsidized debt properly excluded and concurrently excludable from each respective category being computed;

(6) The amount of surplus cash not specifically appropriated to any purpose and available for the payment of the principal amount of debt; but if such deduction is claimed the amount so claimed may not thereafter be appropriated to any purpose except the payment of debt;

(7) All other solvent debts due the local government unit directly, the payment of which can be enforced as one of the unit's quick assets, and which have not been committed to any other purpose;

(8) The amount of any insurance coverage indemnifying the local government unit against any outstanding liability to the extent such liability is debt; and]

[(9) To the sum determined above there should be added the interest payable thereon for the current year and a like addition should be made to net lease rental debt.]

(c) In determining net nonelectoral debt, the amounts claimed under clause (8) of subsection (b) shall be exclusively applicable to nonelectoral debt and clauses (4), (6), and (7) shall be first applied against nonelectoral debt, with any excess being applied against nonelectoral debt, with any excess being applicable against lease rental debt.

(d) In computing the value of any funds, all legal investments therein shall be computed at current market values.

(e) The net nonelectoral debt so determined shall be used in determining compliance with the limit imposed by section 202(a). The sum of such net nonelectoral debt and the net lease rental debt so determined shall be used in determining compliance with the limit imposed by section 202(b).

Section 209. Determination of Debt Limits.—Whenever it shall be necessary to determine the limitations on the amount of nonelectoral debt, or nonelectoral debt plus lease rental debt that may be incurred by any local government unit, the appropriate percentage limitations of section 202 shall be applied to the borrowing base of such local government unit. The certificate as to the borrowing base shall be made a part of all proceedings for the sale of bonds or notes, for the guaranty of authority obligations or the incurring of lease rental debt and a copy shall be filed with the department as a part of all proceedings for the sale of bonds or notes, for the guaranty of authority obligations or the incurring of lease rental debt and a copy shall be filed with the department as a part of all proceedings required to be filed for its approval. The borrowing base set forth in such certificate and a similar certificate as to net nonelectoral debt or net lease rental debt outstanding shall be conclusive as to the respective figures for the purposes of this act, upon the approval of the proceedings by the department, unless contested within the specified time limits as herein provided.

Section 8. The article heading of Article III of the act is reenacted to read:

ARTICLE III

Procedure for Securing Approval of Electors

Section 9. Sections 301, 302 and 303 of the act are reenacted and amended to read:

Section 301. Desire [Ordinance] Resolution; Expense of Certain Elections.—(a) Whenever the governing body of any local government unit shall determine that it is advisable to make an increase in the debt of such local government unit with the assent of the electors, or to obtain the assent of the electors to establish any [nonelectoral] debt previously incurred without the approval of the electors as electoral debt, it shall adopt [an ordinance] a resolution signifying such determination, calling an election for the purpose of obtaining such assent, and approving the content and substantial form of notice of election.

(b) The date fixed shall be that of a municipal, general, primary, or special election for other purposes, but if the date of the nearest of such elections shall be more than ninety or less

than thirty days from the effective date of the desire [ordinance] resolution the governing body may fix a date for a special election.

(c) In the case of a special election to increase debt not held concurrently with an election for other purposes, the expense of holding such election shall be paid by the local government unit for whose benefit it is held.

Section 302. Advertisement of Election.—(a) Notice of the election shall be given in one but not more than two newspapers published or circulating, in such local government unit and in the legal journal, if any, designated by the rules of court of the county in which such local government unit is located, for the publication of legal notices and advertisements. If published in a daily newspaper or newspapers it shall be published three times at intervals of not less than three days, but if published in a weekly newspaper or newspapers and in the legal journal, it shall be published only twice, once a week for two successive weeks. The first publication in at least one paper shall be not less than fourteen nor more than twenty-one days before the day of the election, but all such publications shall be after the effective date of the [ordinance] resolution, and need

not be upon the same dates in different papers.

(b) The election notice shall contain and state:

(1) The date (determined as provided in section 301 of this act) upon which the election is to be held;

(2) The estimated amount of the debt to be incurred, or to be approved by the electors if already incurred;

(3) The project for which the debt will be, or was incurred;

(4) The estimated cost of the project;

(5) The question to be submitted to the voters at the election which shall be substantially in the following appropriate form:

"Shall debt in the sum of dollars for the purpose of financing Yes (insert brief description of project) be (authorized to be incurred as) (transferred from nonelectoral debt to) debt approved by the electors?" No

Section 303. Conduct of Election.—(a) The governing body, at least forty-five days before any election [upon an increase in debt], called pursuant to section 301 shall cause to be certified to the county board of elections of each county in which such election is to be held a copy of the desire [ordinance] resolution and the form of the question to be submitted to the electors.

(b) Elections [to authorize an increase of debt] called pursuant to section 301 shall be held at the place, during the hours, and under the same regulations as provided by law for the holding of municipal elections. In receiving, counting, and making returns of the votes cast, the inspectors, judges, and clerks of such election shall be governed by the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code."

(c) At such elections ballots shall only be furnished to, or provision for voting on the question shall only be made for, such voters as are resident in the local government unit the debt of which is to be increased or approved by the electors.

(d) The election officers and clerks shall make return on forms provided by the county board of elections of the votes cast on such question to the county board of elections, which shall compute the same and transmit a certified return thereof to the governing body of the local government unit which shall enter the same on its minutes. If [it appears] such certified return shows that a majority of those voting on such question have voted in favor [of the increase of debt] thereof, irrespective of any other law requiring a greater percentage, [the county board of elections shall also file a certified copy of such return together with the copy of the ordinance certified to the county board of elections by the local government unit, in the office for the recording of deeds in and for such county, where the recorder of deeds or similar officer shall enter the same in the debt records of the local government unit. The local government unit shall also file in the same place proofs of the advertisement of the notice of election.] the local government unit shall file with the department a certified copy of the desired resolution, the certified return and proofs of publication of the

notice of election, whereupon the amount of such debt so approved shall constitute electoral debt from and after the date of the election, subject to the provisions of section 304.

Section 10. Section 304 of the act is reenacted to read:

Section 304. Finality of Result of Election.—Any interested party or any taxpayer may contest the validity of any election proceedings under this Article III by filing with the Commonwealth Court within thirty days from the date of the election and not thereafter, a petition in the nature of a bill in equity, specifically alleging the error or errors complained of in the proceedings, and the petitioner shall have the burden of proof. If no such petition has been filed within such period of thirty days from the date of election, or if a petition shall have been filed and shall have been finally dismissed, the election shall be conclusively deemed to be valid for all purposes. If prior to the timely filing of a petition, further proceedings in connection with the incurring of such debt shall have been filed with the department, then any contest shall proceed by way of an appeal to the Commonwealth Court from the action of the department upon such proceedings. The petition or appeal provided by this section shall be such party's, or such taxpayer's, sole and exclusive remedy.

Section 11. Section 305, 306 and 307 of the act are reenacted and amended to read:

Section 305. Effect of Defeat of Question.—If at the election the question is defeated, another election for the same purpose or purposes may not be held until one hundred fifty-five days have elapsed since the prior election; nor during the interim shall any bonds or notes be issued or any lease rental debt be incurred for such purpose or purposes except that nonelectoral or lease rental debt may be incurred where required to complete projects already under construction, to finance a different portion or portions of a capital budget, or to evidence debt incurred for purposes and pursuant to a court approval obtained in accordance with subsection [(c)] (e) of section 202 of this act.

Section 306. Issue of Bonds or Notes or Other Instruments to Evidence Electoral Debt.—If at the election the question is approved, the governing body shall issue bonds or notes as electoral debt [either] as obligations of the local government unit or [through an authority] shall authorize execution and delivery of an instrument which, but for such electoral approval, would evidence lease rental debt at such times and [in] evidencing such amounts of obligations not exceeding in the aggregate the estimated amount approved by the electors, subject to the provisions of Article VI of this act. The bonds, notes or obligations shall be or continue for such term as may have been stated in the notice of election, or if none were stated for such term as the governing body shall determine. The initial series may be of bond anticipation notes or of notes to be refunded by a bond issue. If the governing body determines it advisable, the initial series of bonds or notes constituting a part of the issue may be for a shorter term of years, with the maturity or maturities of subsequent series stated to mature later than the last stated maturity of the preceding series for the same project: Provided, That nothing in Article III shall preclude the issue of additional, nonelectoral debt or lease rental debt, to complete the project, or the issue of additional electoral debt for the purpose if authorized by a subsequent election.

Section 307. Cancellation or Termination of Approval of Electors.—(a) On the [seventh] tenth anniversary of the date on which an assent of the electors obtained under this act became final, the authority to issue any or any further bonds or notes, other than as nonelectoral debt or lease rental debt subject to the limitations imposed by this act, shall cease and terminate. [Any terminations of authorization to issue bonds or notes with the assent of the electors shall be reflected in any annual debt statement subsequently filed and recorded pursuant to this act.]

(b) The governing body of any local government unit may by [ordinance] resolution, without the assent of the electors, rescind or cancel, in whole or in part, the authorization to incur

electoral debt for any reason stated in such [ordinance] resolution, and thereupon such assent of the electors shall be rescinded and of no further effect. A certified copy of such [ordinance] resolution with proof of the due publication thereof shall be filed with the department [and with the office for the recording of deeds of the county in which such local government unit is located.]

Section 12. Section 308 of the act is reenacted to read:

Section 308. Limitation on Use of Proceeds of Electoral Debt.—Where bonds or notes have been issued pursuant to an assent of the electors given under this act, the proceeds thereof shall be kept in a separate account and shall be invested and used only for the cost (including the retirement of notes previously issued for the same project with the proceeds, of bonds) of the project for which such assent was obtained unless such purpose be changed as provided in this act; otherwise such proceeds shall be kept invested and used for the retirement at maturity, or earlier call date, of the fifth or any subsequent stated maturity of the relevant series of bonds or notes, unless such proceeds were previously used to purchase such bonds or notes in the open market or upon tenders at prices not exceeding the principal amount thereof plus accrued and unpaid interest to the date of purchase.

Section 13. Section 309 of the act is reenacted and amended to read:

Section 309. Manner of Effecting Change of Purpose of Electoral Debt.—If the governing body shall determine it to be advisable either before or after the issue of bonds or notes to use the proceeds, or any part thereof, of bonds or notes evidencing electoral debt, for any purpose other than the project approved by the electors or the payment or prior redemption or purchase of bonds or notes evidencing debt incurred for such project, the governing body shall by [ordinance] resolution express its desire to do so, specifying the project for which the funds are proposed to be used, and shall provide for an election to be held in like manner, time, and place as provided in this article for elections to secure the assent of the electors to the increase of debt, except that the notice of the election shall state:

- (1) The date on which such election is to be held;
- (2) The date and amount of money theretofore borrowed and the project for which borrowed;
- (3) The amount of money remaining unused;
- (4) The new purpose for which the local government unit desires to make use of the money;
- (5) The reason why the money is not being used for the purpose for which it was borrowed; and
- (6) The question to be submitted to the electors, which shall be substantially in the following form:

"Shall the sum of dollars Yes
heretofore borrowed or authorized to be borrowed
by this local government unit for the purpose
of No
..... be used for the purpose of
.....?"

The election shall be conducted, return made thereon, notices of election published and certificates filed and recorded as provided in section 303 above. If it appears that a majority of those voting on the question have voted in favor of using the funds for the changed purpose (irrespective of any other law requiring a greater percentage) the funds specified may be used for such changed purpose.

Section 14. The article heading of Article IV of the act is reenacted to read:

ARTICLE IV
Actions of Governing Body with Respect
to Incurring Debt, and Issuing Bonds, Notes, and
Bond Anticipation Notes

Section 15. Section 401, 402, 403, 404, 405, 406, 407 and 408 of the act are reenacted and amended to read:

Section 401. Combining Projects for Financing or Series of Bonds for Sale.—The Governing body of a local government unit may by ordinance [combine any two or more projects for financing purposes, including combining all rates, rentals, re-

ceipts, tolls and charges, creating common reserve funds, and the like, and it may also, combine by ordinance any one or more series of general obligation bonds or notes for purposes of simultaneous sale; subject, in each case, to the provisions of section 710 of this act.] take any of the following actions in connection with the issuance of bonds or notes or the authorization of the instrument creating lease rental debt:

(a) In lieu of combining two or more items or elements permitted to be combined pursuant to section 102(c) (12) as a single project, designate any one or more of such items or elements as a project and, in such case, combine such projects for financing purposes by one series of bonds or notes provided that if such series of bonds or notes shall be revenue bonds or notes, all projects so combined shall be revenue producing projects, all or a portion of the rates, rentals, receipts, tolls and charges may be combined and common reserve funds created and common or cross covenants made in respect of each project.

(b) Offer for simultaneous sale under separate or combined bids any two or more series of bonds or notes of any type.

(c) Provide for the financing of a project or projects by the issuance, either simultaneously or in succession, of any combination of instruments evidencing debt applicable to such project or projects and authorized by this act. Any ordinance required by this section may be included in any authorizing ordinance required by section 403.

Section 402. [Ordinance Authorizing Issuance of Debt] Preliminary Authorizations as to Financing.—The governing body of a local government unit, when it is determined to incur] may express its intent to evidence debt, [whether] as electoral debt, nonelectoral debt, or lease rental debt. [may determine by ordinance to evidence such debt by an issue of bonds or notes of the local government unit, or by the incurring of lease rental debt. Such an ordinance shall not take effect unless adopted by the affirmative vote of a majority of the members of the governing body then holding office, and the vote of each member thereon shall be recorded upon the minutes of such governing body.] Such action may be taken by resolution which may also provide for the submission of proposals to purchase any bonds or notes, or such action may be taken by ordinance. But neither bonds or notes nor lease, guaranty, subsidy contract or other agreement evidencing lease rental debt shall be authorized other than by the enactment of the ordinance or ordinances required hereinafter in this article, or, in the case of notes issued under section 409, other than by adoption of the resolution therein required.

Section 403. Contents of Ordinance Authorizing [Debt] Issuance of Bonds or Notes or Instruments Evidencing Lease Rental Debt; Fixing the Date of Incurring Nonelectoral and Lease Rental Debt; Changes in Purpose of Nonelectoral General Obligation Bonds.—The ordinance or ordinances or, in the case of notes issued under section 409, the resolution, authorizing and [incurring of debt] issuance of bonds or notes or the execution of a lease, guaranty, subsidy contract or other agreement evidencing lease rental debt by a local government unit shall contain, in substance:

(1) In all cases, including lease rental debt:

(i) A brief description of the project for which the debt is to be incurred, and, if a capital project, a realistic estimated useful life thereof;

(ii) A statement of the aggregate principal amount of bonds

or notes proposed to be issued pursuant to the ordinance or, as the case may be, to be secured by the [lease rentals] instrument evidencing lease rental debt;

(iii) A statement whether the debt is to be incurred as electoral debt, nonelectoral debt or lease rental debt;

(iv) An authorization and direction to a specified officer or specified officers and their successors to prepare and certify and; except in the case of notes issued under section 409, to file the debt statement required by section 410 of this act, to execute and deliver the bonds or notes or the [lease] instrument evidencing lease rental debt; and to take other necessary action, and such designation may be changed from time to time thereafter; and

(v) An authorization, in the case of nonelectoral or lease rental debt which is subject to exclusion as subsidized debt or self-liquidating debt if such exclusion is presently desired, to the proper officers of the local government unit to prepare and file [originally, and annually thereafter as required,] any statements required by Article II of this act which are necessary to qualify all or any portion of the debt for exclusion from the appropriate debt limit as self-liquidating debt or subsidized debt.

(2) In every case except that of lease rental debt, the following:

(i) A statement whether the bonds or notes when issued will be general obligation bonds or notes, guaranteed revenue bonds or notes or revenue bonds or notes;

(ii) The covenant required by section 404 of this act if the bonds or notes when issued will be general obligation bonds or notes or guaranteed revenue bonds or notes and the pledge of specific rents, revenues or receipts, if the bonds or notes when issued will be guaranteed revenue bonds or revenue bonds, and if limited guaranteed revenue bonds or notes, a statement of the limitations on the guaranty;

(iii) The substantial form of the [bond or note] bonds or notes to be issued, including the substantial form of any coupon or authentication certificate;

(iv) A schedule of stated principal maturity or mandatory redemption amounts and dates, the rate or rates of interest and interest payment dates, places of payment, [sinking fund provisions,] and, if desired, provisions for prior redemption, including call dates and call prices; all of which shall conform with the provisions of Article VI of this act;

(v) A statement of the manner in which the bonds or notes are to be or have been sold and if to be sold at public sale, the matters required or permitted by Article VII of this act, or if to be sold at negotiated sale, there may be included the matters required or permitted by section 407;

(vi) [A] Except in the case of notes issued under section 409, a covenant creating the sinking fund required by Article X of this act [and such accounts in the sinking fund as may be necessary or desirable];

(vii) A statement of any tax or taxes the payment of which is assumed by the local government unit in consideration of the purchase of the bonds or notes [; and] and, if desired, authorization for the purchase of bond insurance; and

(viii) The authorization to the proper officials of the local government unit to contract with [a bank or bank and trust company] one or more banks or bank and trust companies for [its] services as trustee, fiscal agent, [or] sinking fund depository, [and] or paying agent, and to contract with such additional co-paying agents as may be desired, but compliance with this subclause shall not be required in the case of notes issued under section 409.

(3) In the case of lease rental debt the authorization to the proper officials of the local government unit to execute and deliver a lease, [as lessee, of the project,] guaranty, subsidy contract or other agreement, and the annual or semi-annual rental

or payment to be paid thereunder, and source or sources of payment, and, in the case of a guaranty, the covenant required by section 404.

(4) [In the case of nonelectoral general obligation debt the purpose may be changed by ordinance at any time.] In the case of revenue or guaranteed revenue bonds or notes, there may be included the matters set forth in sections 405, 606, and 607.

The nonelectoral debt evidenced by the issuance of bonds or notes or the lease rental debt evidenced by the execution of a lease, guaranty, subsidy contract or other agreement shall be deemed to have been incurred upon the final enactment of the ordinance required by this section or, in the case of small borrowings, upon final adoption of the resolution required by section 409. Electoral debt is incurred when the assent of the electors shall have been given.

In the case of nonelectoral general obligation debt the purpose may be changed by similar action at any time.

Section 404. [Covenant to Pay General Obligation or Guaranteed Revenue Bonds or Notes.—The local government unit shall, in the ordinance authorizing the issue of general obligation bonds or notes or guaranteed revenue bonds or notes, covenant with the holders from time to time of the bonds and coupons outstanding pursuant to the ordinance, that the local government unit shall include the amount of the debt service and the amounts payable in respect of its guaranty or guaranteed revenue bonds for each fiscal year in which such sums are payable in its budget for that year, shall appropriate such amounts to the payment of such debt service, and shall duly and punctually pay or cause to be paid the principal of every bond and the interest thereon at the dates and places and in the manner stated in the bonds and the coupons thereto appertaining, according to the true intent and meaning thereof, and for such budgeting, appropriation and payment, the local government unit shall pledge its full faith, credit and taxing power; but nothing in this covenant contained shall in any way oblige the local government unit to make any payments on limited guaranteed revenue bonds beyond the stated terms of its guaranty, as set forth in the bonds. The covenant shall be specifically enforceable.] Covenant to Pay Bonds or Notes or a Guaranty.—The local government unit shall, in the ordinance authorizing the issue of bonds or notes or a guaranty or in such bonds or notes, or in the trust indenture securing the same, or in the instrument of guaranty, covenant with the holders from time to time of such bonds or notes or guaranteed bonds or notes, and of the coupons thereto appertaining, that the local government unit (i) shall include the amount of the debt service, or the amounts payable in respect of its guaranty, in each case specified in such covenant, for each fiscal year in which such sums are payable in its budget for that year, (ii) shall appropriate such amounts from its general or specifically pledged revenues, as the case may be, for the payment of such debt service or guaranty, and (iii) shall duly and punctually pay or cause to be paid from its sinking fund or any other of its revenues or funds the principal of and interest on every such bond or note or, to the extent of its obligation, the amount payable in respect of such guaranty, at the dates and places and in the manner stated in the bonds and in the coupons thereto appertaining or in such guaranty, according to the true intent and meaning thereof. For such budgeting, appropriation and payment in respect of its general obligation bonds or notes, its guaranteed revenue bonds or notes or its guaranty of the bonds

or notes of an authority or other local government unit, the local government unit shall pledge its full faith, credit and taxing power unless such guaranty is limited to specified revenues of the guarantor; but nothing in the covenant contained shall in any way obligate the local government unit to budget, appropriate or make any payments on limited guaranteed revenue bonds or on a limited guaranty of bonds or notes of any authority or other local government unit beyond the stated terms of its guaranty. The covenant shall be specifically enforceable. Nothing in this section shall be construed to give to any local government unit any taxing power not granted by another provision of law.

Section 405. Additional Provisions in Ordinance Authorizing Issuance of Revenue or Guaranteed Revenue Bonds or Notes.—In addition to the provisions required or permitted by [section] sections 403, 606, and 607, the ordinance authorizing the issuance of revenue bonds or notes or guaranteed revenue bonds or notes may also contain:

(1) Such covenants or provisions with respect to the collection, custody, investment and disbursement of rents, revenues, rates and charges for the use of the project as may be desired;

(2) Such covenants as to the fixing and collection of rents, rates and charges for the use of the project, as may be desired, and deemed necessary for the lawful security of the holders of the bonds or notes, except that no such covenant, and no agreement with the holders of bonds or notes shall require an increase in such rents, rates, tolls and charges to a level which, in the opinion of the registered professional engineer advising the local government unit, will result in a decrease in gross revenues over what would have been received at a somewhat lower rate level;

(3) Provisions [creating] granting a [perfected] security interest in the rents, revenues, rates, tolls and charges for the security and benefit of the holders of the notes, bonds and coupons;

(4) Provisions creating such reserve funds or accounts as may be deemed desirable for the further security of the notes, bonds and coupons and requiring the observance of such covenants on the part of the local government unit as may be deemed necessary or desirable for the protection of the holders of the notes, bonds and coupons or for the maintenance and preservation of the project;

(5) The authorization to the proper officers of the local government unit to execute and deliver any trust indenture containing such other, further and lawful provisions as may be desired.

Section 406. Sinking Fund Depository; Trustee for Bondholders or Noteholders.—(a) Every local government unit issuing bonds or notes (other than notes issued under section 409) shall appoint a sinking fund depository which [shall] may also serve as paying agent for the bonds or notes. The sinking fund depository shall be a bank or bank and trust company authorized to do business in the Commonwealth of Pennsylvania and may serve as such for one or more series of bonds or notes. Funds, which may include interest accrued and to accrue on lawful investments, in an amount sufficient for the payment of the principal of and the interest on the bonds or notes shall be deposited with the sinking fund depository not later than the date fixed for the disbursement thereof, unless the ordinance authorizing the issuance of the bonds or notes shall require that such deposit be made on an earlier date or on earlier dates.

(b) If the ordinance authorizing the issuance of the bonds or notes provides for a fiscal agent, or authorizes the execution of a trust indenture appointing a trustee, the fiscal agent or trustee shall also be the sinking fund depository.

(c) If the local government unit shall fail or refuse to make any required deposit in the sinking fund, the sinking fund depository, the fiscal agent, or the trustee, as the case may be,

may, and upon request of the holders of twenty-five per cent in principal amount of the outstanding notes and bonds and upon being indemnified against cost and expense, shall exercise any remedy, provided in this act or at law or in equity, for the equal and ratable benefit of the holders of the outstanding notes, bonds and coupons, and shall disburse all funds so collected equally and ratably to the holders of the notes, bonds and coupons as provided in the ordinance authorizing the bonds, subject to any limitations contained in Article XII of this act.

Section 407. Award of Bonds or Notes.—When an acceptable proposal for the purchase of the bonds or notes, or any parcel thereof offered separately, has been received and is in conformity with the terms of the official invitation for proposals or is an acceptable proposal at negotiated or invited sale, and is in compliance with the provisions of this act, it may be accepted by resolution or by ordinance. [which] If the acceptance shall be made by resolution, the acceptance shall be conditional upon compliance with section 403. If the acceptance shall be by ordinance, the ordinance shall also fix any details of the series of bonds or notes being sold not fixed by [the] prior ordinance, and award the bonds or notes, or such of them as have been sold, to specified purchasers at prices specified in such ordinance. Such provisions may be included in the ordinance adopted pursuant to section 403 [in the case of a negotiated sale]. Notwithstanding any other provision of this act or of any other law, as between the local government unit and the purchasers, an awarding resolution or ordinance shall be effective upon its final adoption or enactment by the governing body. The advertisement [thereof] of the ordinance prior to enactment shall be sufficient if it describes the items to be completed from the proposal.

Section 408. Bond Anticipation Notes.—(a) If deemed desirable, the governing body may evidence all or part of any electoral or nonelectoral debt by the issue of a series of bond anticipation notes. Such notes shall be payable by exchange for, or out of the proceeds of, the sale of a designated series of bonds referred to in the bond anticipation notes. The reference to the bonds shall specify a maximum rate of interest to be borne by the series of bonds and provide that the series shall be offered for sale but if no proposals shall be received, the sole remedy of the holders of the bond anticipation notes shall be either to accept the bonds at the specified maximum interest rate, or to extend the maturity of the bond anticipation notes for one or more specified additional periods of not less than six months each during which additional offers of the bonds may be made.

(b) Bond anticipation notes may be authorized, issued and sold in the same manner as the bonds in anticipation whereof the notes are being issued and principal amounts thereof shall be retired in accordance with the specified stated maturity dates of the said bonds occurring prior to the refunding of such notes.

Section 16. Section 409 of the act, amended June 18, 1975 (P. L. 20, No. 8), is reenacted and amended to read:

Section 409. Small Borrowing for Capital Purposes.—

(a) Any local government unit is hereby authorized to incur debt by resolution rather than by ordinance to be evidenced by notes to provide funds for a project as defined in this act without complying with the requirements of Article VIII provided: (i) that the aggregate amount of such debt outstanding at any one time shall not exceed the lesser of [fifty thousand dollars] \$50,000 or thirty percent of the borrowing base; (ii) that the principal of each such debt shall mature not later than five years from the date of issuance; (iii) that the incurrence of such debt shall not cause the debt limits of Article II to be exceeded; [(iv) that a debt statement prepared pursuant to section 410 certifying thereon compliance with this act shall be filed with the department; and (v)] that the provisions of section 10 of Article IX of the Constitution shall have been observed and provided further that the provisions of section 808

shall apply to notes issued in violation of the foregoing requirements.

(b) Except as otherwise specifically stated in this section or in Articles IV, VI and VII, the provisions of Article IV applicable to ordinances authorizing general obligation bonds or notes and the provisions of Articles VI and VII applicable to general obligation bonds or notes shall apply, respectively, to resolutions authorizing notes and to the notes, authorized under this section. Notes authorized under this section may be sold, without formal documents of sale, by delivery of the notes upon receipt of the purchase price, or at the option of the local government unit they may be sold in compliance with section 407 in which event the term "ordinance" in section 407 shall have reference to the authorizing resolution required by this section. Refunding notes may be issued in compliance with this section and with the provisions of Article XI for the purpose of refunding notes previously issued under this section provided that the maturity of the refunding notes shall not extend beyond five years from the date of issuance of the notes originally evidencing the debt refunded.

Section 17. Section 410 of the act is reenacted and amended to read:

Section 410. Debt Statement.—(a) Before delivering any general obligation bonds or notes, or guaranteed revenue bonds or notes constituting nonelectoral debt or executing [a lease evidencing the acquisition of a capital asset,] an instrument evidencing lease rental debt the officer or officers [authorized by ordinance] of [the] a local government unit shall prepare and verify under oath or affirmation a debt statement as of a date not more than sixty days before the filing with the department or, in the case of notes issued under section 409, before the final adoption of the resolution authorizing their issue, showing:

(1) The gross indebtedness of the local government unit giving prospective effect to the provisions of section 1110(b) if debt is to be refunded;

(2) By items, the claimed credits and exclusions from such gross indebtedness permitted by this act in determining net debt;

[(3) The remaining electoral debt, net nonelectoral debt and net lease rental debt of the local government unit totaled separately for each applicable debt limitation specified in this act;

(4) (3) The aggregate principal amount of the bonds or notes being issued or [to be supported by a lease] evidencing lease rental debt;

[(5) The amount thereof constituting new net nonelectoral debt or new net lease rental debt;

(6) The aggregate net nonelectoral debt and the net nonelectoral debt and net lease rental debt combined, stated separately, to be outstanding after settlement for the issue;

(7) (4) The borrowing base of the local government unit as shown by an appended borrowing base certificate;

[(8) (5) The applicable nonelectoral debt limit and the limit for nonelectoral plus lease rental debt computed as provided in this act;

(6) In the case of a refunding, the principal amount of bonds or notes which will no longer be deemed to be outstanding pursuant to section 1110(b) after settlement of the issue.

(b) Where debt has previously been excluded as self-liquidating or subsidized debt, the debt statement shall be accompanied

by a certification that no decrease in the amounts to be excluded is required by any change of circumstances, or if there has been a change so that less debt is to be excluded or if it has become possible to exclude a greater amount of debt, and the local government unit desires to do so, the debt statement shall be accompanied by appropriate certificates supporting the revised amount to be excluded and a revised approval shall be obtained from the department and filed in the office for the recording of deeds in the county in which such local government unit is located to effectuate such exclusion.

Section 18. Section 411 of the act, amended June 18, 1975 (P. L. 20, No. 8), is reenacted and amended to read:

Section 411. Submission to Department.—(a) Before delivering any bonds or notes [in excess of fifty thousand dollars (\$50,000) or thirty percent of the borrowing base, whichever is lesser] other than notes representing small borrowings issued under section 409, the local government unit shall apply for and receive or be deemed to have received the approval of the department under section 804 or 806. The application, in such form as the department shall prescribe, shall be accompanied by a transcript of the proceedings consisting of certified copies of any of the following, not previously filed, which are applicable:

- (1) The ordinance calling the election in the case of electoral debt with proofs of all proper advertisements;
- (2) The return of election;
- (3) The ordinance or ordinances [or resolution] authorizing the bonds or notes [and prescribing the manner of sale] with proofs of proper publication;
- (4) The accepted proposal for the purchase of the bonds or notes;
- (5) The ordinance or [ordinances] resolution awarding the bonds or notes with proofs of proper publication of the ordinance;
- (6) The debt statement if required by section 410 prepared pursuant [to section 410] thereto;

(7) Such certificates and proofs as may be necessary for the exclusion of any portion of the series proposed to be delivered or any prior series as self-liquidating debt or subsidized debt if such exclusion is desired by the local government unit.

(b) Before becoming bound [in an amount in excess of fifty thousand dollars (\$50,000) or thirty percent of the borrowing base, whichever is lesser,] on any lease, guaranty, subsidy contract, or other agreement evidencing [the acquisition of a capital asset] lease rental debt, a local government unit shall apply for and receive or be deemed to have received the approval of the department under section 804 or 806.

The application, in such form as the department shall prescribe, shall be accompanied by certified copies of the following:

(1) The ordinance authorizing the execution of the lease, guaranty, subsidy contract, or other agreement with proofs of proper publication; and

(2) The debt statement prepared pursuant to section 410.

(c) No lease, guaranty, subsidy contract or other agreement evidencing lease rental debt executed and delivered after the effective date of the act and prior to the approval [or the presumed approval] pursuant to section 804 or 806 of the department shall be valid or obligatory. Except as reference is made in this act to lease rental debt, this act shall have no application to the authorization, issue or sale of its obligations by any authority.

(d) The application may be made in as many counterparts as desired. The department, if it approves the application, shall return all such counterparts, save one, with its certificate of approval appended to each.

Section 19. Sections 412, 413, 414 and 415 of the act are reenacted and amended to read:

Section 412. Agreements with Bondholders or Noteholders.—Except as otherwise specified in this act, a local government unit has the authority to enter into and perform contracts with the holders of its bonds or notes binding upon the original purchasers and their respective transferees placing greater reasonable and lawful restrictions on the local government unit or on the action of individual holders of bonds or notes than are provided in this act, but no such additional agreement restricting the action of a holder of a bond or note shall be binding upon a remote holder of a bond or note unless the substance of such agreement is set forth in the text of the bond or note, or set forth in a bond resolution or indenture of trust which is kept available in one or more designated public offices and to all of which a reference is [conspicuously] made in the text of the bond or note.

Section 413. Lost, Stolen, Destroyed or Mutilated Bonds or Notes.—If any temporary or definitive bond or note [issued under this act] (including any tax anticipation note) lawfully issued under this act or under applicable law prior to the effective date of this act shall become mutilated or be destroyed,

stolen or lost, the local government unit shall execute and any sinking fund depository, fiscal agent or trustee for bondholders shall, if required, authenticate and deliver a new bond or note, with appropriate coupons attached in the case of a bond or note and attached coupons, if any, so mutilate, destroyed, stolen or lost, upon surrender and cancellation of such mutilated bond or note and attached coupons, if any, or in lieu of and in substitution for the bond or note and coupons, if any, destroyed, stolen or lost, upon filing with the local government unit, or if so provided in the bond ordinance, with the sinking fund depository, fiscal agent or trustee, evidence satisfactory to it, that such bond or note and attached coupons, if any, have been destroyed, stolen or lost and proof of ownership thereof and upon furnishing of satisfactory indemnity and complying with such other reasonable regulations as the local government unit shall prescribe, and paying any reasonable expenses, including counsel fees, as the local government unit or the sinking fund depository, fiscal agent or trustee may incur. Mutilated bonds or notes and appurtenant coupons, if any, surrendered shall be cancelled. The new bonds or notes and coupons, if any, so issued shall be independent obligations and all limitations and debt limits shall be deemed increased to the extent necessary to validate such new bonds or notes and any appurtenant coupons.

Section 414. Evidence of Signatures of Holders [of Bonds or Notes] and of Ownership of Bonds, [or] Notes and Tax Anticipation Notes.—Any request, consent or other instrument which may be required or permitted to be executed by the holders of bonds or notes (including tax anticipation notes) may be in one

or more instruments of similar tenor, and shall be signed or executed by such holders in person or by their attorneys appointed in writing. Proof of (i) the execution of any such instrument, or of an instrument appointing any such attorney, or (ii) the holding by any person of bonds or notes or coupons appertaining thereto, shall be sufficient for the purposes of this act and any proceeding thereunder if made in the following manner:

(1) The certificate shall state that the person or persons signing such instrument were known to be such persons by the individual certifying and that such person or persons acknowledged the execution of the instrument as his or their act. The authority of an attorney or agent may be proven by like statement of the principal acknowledged in a like manner, but a certificate as to authority shall not be necessary if an instrument is executed on behalf of a corporate holder of bonds, notes or coupons by a person purporting to be the president or a vice-president of such corporation with the corporate seal affixed and attested by a person purporting to be its secretary or an assistant secretary.

The fact and date of the execution by the holder of any bond, note or coupon, or the attorney thereof, of any instrument may be proved by the certificate, which, except as hereinafter provided, need not be acknowledged or verified of:

(i) an officer of any bank or bank and trust company which is in Pennsylvania, or which has a correspondent in Pennsylvania

certifying to the authenticity of its certificate;

(ii) an authorized signer for any broker or dealer in securities doing business in Pennsylvania, or having a correspondent in Pennsylvania certifying to the authenticity of its certificate;

(iii) any notary public or other officer authorized to take acknowledgments of deeds to be recorded in the state in which he purports to act;

(iv) any other witness to such execution, whose certificate, however, must be verified before a notary public or other officer authorized to take acknowledgments of deeds in the state in which he purports to act.

(2) The ownership of fully registered bonds or notes or of notes issued payable to the order of a named person, or bonds or notes registered as to principal, and the amount, number and date of holding the same shall be proved by the registry records maintained for the series in question.

(3) The amount of bonds or notes transferable by delivery held by any person executing any instrument as the holder of a bond, note or coupon, the number thereof and the date of holding such bond, note or coupon may be proved by a like certificate of any person mentioned in subclauses (i) and (ii) of clause (1) of this section 414, stating that such holder exhibited to the person executing the certificate, or had on deposit with him the bonds or notes described in the certificate. For purposes of action to be taken by the holders of bonds, notes or coupons, the holder shall be deemed to continue as such if he acts as such, for a period of nine months after the date of the proof of holding. Continued ownership after such period shall require a new certificate or shall be taken as continuing if the original certificate contains a statement that the bonds, notes or coupons are on deposit with the signer and an undertaking not to release the same, and not to attorn to any new owner, unless the certificate is presented to such depository.

(4) Any request, consent or vote of the owner of any bond, note, or coupon shall bind all future holders thereof if a notation of such action is placed on the bond, note or coupon, and also even if not so noted, if notice thereof is given once by publication in a newspaper of general circulation in the county in which the local government unit is located, and in a journal of general circulation among dealers in investment securities.

(5) In cases of disputed ownership, and in other cases, in its discretion, a court, a local government unit, or a trustee or fiscal or paying agent, may require further or other proof in cases where it deems the same desirable.

Section 415. Ordinances and Resolutions Are Contracts with Holders of Bonds, [or] Notes and Tax Anticipation Notes.—Except as otherwise provided in any ordinance or resolution authorizing or awarding bonds or notes or tax anticipation notes, the terms thereof and of this act as in effect when such bonds or notes were authorized shall constitute a contract between the local government unit and the holders from time to time of such bonds and notes subject to modification by the vote of a majority of the holders or such larger portion thereof as may be provided in the bond or note.

Section 20. The article heading of Article V of the act is reenacted to read:

ARTICLE V

Tax Anticipation Notes and Funding Debt

Section 21. Sections 501 and 502 of the act, amended October 11, 1972 (P. L. 901, No. 214), are reenacted and amended to read:

Section 501. Power to Issue Tax Anticipation Notes.—A local government unit shall have power and authority, by resolution of its governing body, to borrow money from time to time in any fiscal year in anticipation of the receipt of current taxes [and] or current revenues, or both, to evidence the [indebtedness] obligation by notes, [denominated tax anticipation notes] appropriately designated, and to authorize, issue and sell such [tax anticipation] notes in the manner, and subject to the limitations provided therefor in this article. References in this act to tax anticipation notes include also revenue anticipation notes and tax and revenue anticipation notes. Limitations im-

posed by this act on the incurring of nonelectoral debt shall not apply to the [indebtedness] obligations evidenced by tax anticipation notes. Such power to borrow from time to time shall include but not be limited to, the power to make a single authorization and then issue and sell portions of such amount of authorized notes whenever desired during the fiscal year.

Section 502. Limitation on Amount of Tax Anticipation Notes.—No local government unit shall authorize or issue tax anticipation notes in any one fiscal year [in an amount exceeding] which in the aggregate shall exceed eighty-five per cent of: [the sum of the taxes levied for the current fiscal year and the current revenues for such year, not yet received, which]

(1) in the case of notes solely payable from and secured by a pledge of taxes, the amount of such taxes levied for the current fiscal year;

(2) in the case of notes solely payable from and secured by a pledge of revenues other than tax revenues, the amount of such revenues pledged; or

(3) in the case of notes payable from and secured by a pledge of taxes and other revenues, the sum of such taxes levied and such revenues pledged, which, in all cases, are certified, pursuant to section 506 as remaining to be collected or received in such fiscal year during the period [between the first day of the month next following the date of the delivery of the tax anticipation notes to the first purchasers thereof and the stated maturity date thereof] when the notes will be outstanding. The certificate shall be as of a date not more than thirty days prior to, and no later than, the date of the vote on the resolution authorizing the issue and sale of the tax anticipation notes. In computing the aggregate amount of tax anticipation notes outstanding at any given time during the fiscal year for the purpose of the limitation imposed by this section, allowance shall be made for such notes as have already been fully paid and for amounts already paid into appropriate sinking funds, if any.

Section 22. Section 503 of the act is reenacted to read:

Section 503. Limitation on Stated Maturity Date of Tax Anticipation Notes; Time of Payment of Interest.—No tax anticipation notes shall be stated to mature beyond the last day of the fiscal year in which such tax anticipation notes are issued. Interest on tax anticipation notes from the date thereof shall be payable at the maturity of such notes or payable in installments at such earlier dates and at such annual rate or rates as the governing body of the local government unit may determine.

Section 23. Section 504 of the act, amended October 11, 1972 (P. L. 901, No. 214), is reenacted and amended to read:

Section 504. Other Terms of Tax Anticipation Notes.—Tax anticipation notes shall be issued in such denominations, shall be subject to such rights of prior redemption, shall have such privileges of interchange and registration, shall be dated, shall be stated to mature (subject to the provisions of section 503) on such dates and in such amounts, shall be in registered or bearer form with or without coupons, shall be payable in such coin or currency as at the place and at the time of payment shall be legal tender for the payment of public and private debts, and shall be payable at such place or places, one of which shall be within the Commonwealth of Pennsylvania, all as the governing body of the issuing local government unit may determine by resolution.

Section 24. Section 505 of the act, amended November 30, 1972 (P. L. 1252, No. 280), is reenacted and amended to read:

Section 505. Security for Tax Anticipation Notes; Sinking Fund.—All tax anticipation notes issued in a single fiscal year, shall be equally and ratably secured by the pledge of, security interest in, and a [first] lien and charge on, the taxes [and] or revenues or both of the local government unit specified in the

authorizing resolution to be received [between the first day of the month next following the date of the delivery of such tax anticipation notes to the first purchasers thereof and the last stated maturity date of such notes] during the period when the notes will be outstanding. Such pledge, lien and charge shall be fully perfected as against the local government unit, all creditors thereof, and all third parties in accordance with the terms of such resolution from and after the filing [thereof in the office for the recording of deeds in and for the county in which such local government unit is located notwithstanding the provisions of any other law. Unless otherwise provided in the tax anticipation notes, eighty-five per cent or such lesser percentage of anticipated taxes and revenues as was borrowed plus an added percentage to provide for estimated net interest to maturity of all moneys collected after such first day of the month shall be paid into a separate sinking fund for the tax anticipation notes to be held by a bank or bank and trust company authorized to do business in the Commonwealth of Pennsylvania as sinking fund depository, until the amount held in the sinking fund including any interest to be earned thereon shall equal the principal of and the interest remaining to be paid upon the outstanding tax anticipation notes. The terms of the tax anticipation notes may provide for the payment of specific sums into the separate sinking fund for the tax anticipation notes on specified dates in amounts sufficient to provide moneys for the payment of the principal of and the interest on such tax anticipation notes as the same shall fall due; but no such specified payments in the aggregate shall be in an amount larger than eighty-five per cent plus an added percentage to provide for estimated net interest to maturity of the taxes and revenues estimated to be collected in such fiscal year on and after the date of the notes and before the date of the last of such payments. Such specified amounts shall on such dates be paid into the separate sinking fund by the treasurer of the local government unit. In default of such payment, all tax moneys and revenue thereafter received by the local government unit shall be paid into such separate sinking fund, until such sum shall have been paid in full. Such obligation shall be specifically enforceable by the sinking fund depository for the benefit of the holders of the tax anticipation notes.] of a financing statement or statements in accordance with the Uniform Commercial Code. For the purpose of such filing the sinking fund depository, if any, otherwise the fiscal agent or payment agent designated in the notes, may act as the representative of note-holders and, in such capacity, execute and file the financing statement and any continuation or termination statements as secured party. The authorizing resolution may establish one or more sinking funds and provide for periodic or other deposits therein, and may contain such covenants or other provisions as the local government unit shall determine. The amount of any tax anticipation notes issued in compliance with this act shall be general obligations of the local government unit and, if the same shall not be paid within the fiscal year in which such notes were issued, shall be deemed to be nonelectoral debt enforceable in the manner of a general obligation which unless funded pursuant to this article, shall be included in the budget of the local government unit for the ensuing fiscal year and shall be payable from the taxes and revenues of such ensuing year notwithstanding that the amount thereof shall cause the nonelectoral debt of such local government unit to exceed the limitations of Article II.

The holder of such tax anticipation notes issued by a first class school district or the sinking fund depository of the applicable sinking fund, if any, therefor shall have the right to enforce such pledge of, security interest in and [first] lien and

charge on, the pledged taxes and revenues of the first class school district against all State and local public officials in possession of any of such taxes and revenues at any time which may be collected directly from such officials upon notice by such holder or depository for application to the payment thereof as and when due or for deposit in the applicable sinking fund at the times and in the amounts specified in such tax anticipation notes. Any State or local public official in possession of any of such taxes and revenues shall make payment, against receipt therefor, directly to the holder of such tax anticipation notes or to such depository upon such notice and shall thereby be discharged from any further liability or responsibility for such taxes and revenues. If such payment shall be to a holder of tax anticipation notes, it shall be made against surrender of the notes to the payor for delivery to the first class school district in the case of payment in full, otherwise it shall be made against production of the notes for notation thereon of the amount of the payment. The provisions of this paragraph with respect to the enforceability and collection of taxes and revenues which secure tax anticipation notes of a first class school district shall supersede any contrary or inconsistent statutory provision or rule of law. This paragraph shall be construed and applied to fulfill the legislative purpose of clarifying and facilitating temporary borrowings by a first class school district by assuring to holders of tax anticipation notes the full and immediate benefit of the security therefor without delay, diminishment or interference based on any statute, decision, ordinance or administrative rule or practice.

Section 25. Section 506 of the act is reenacted and amended to read:

Section 506. Certification as to Taxes and Revenues to be Collected.—Prior to each [issuance] authorization of tax anticipation notes, [the] authorized officers of the local government unit shall make [a careful monthly] an estimate of the moneys to be received [in each remaining months of the fiscal year] during the period when such notes will be outstanding from taxes then levied and assessed and revenues including, without limitation, subsidies or reimbursements to be received. Such estimate shall take due account of the past and anticipated collection experience of the local government unit and of current economic conditions. The estimate shall be certified by such officers and their written certificate dated as of a date not more than thirty days prior to the date of the authorization of the notes shall be filed [of record] with the proceedings authorizing the tax anticipation notes [in the office for the recording of deeds in and for the county in which such local government is located] with the department.

Section 26. Sections 507 and 508 of the act, amended October 11, 1972 (P. L. 901, No. 214), are reenacted and amended to read:

Section 507. Sale of Tax Anticipation Notes.—Tax anticipation notes may be sold at public, [or] private, or invited sale as the governing body of the local government unit may determine. Any public sale shall be advertised and conducted in the manner and subject to the conditions provided for a public sale of bonds in Article VII of this act, except as modified by this Article V. The governing body of the local government unit shall award the notes by resolution to specified purchasers at a specified price, not less than the principal amount thereof. At the time of delivery of each issue, series or subseries of tax anticipation notes, authorized officers of the local government unit shall certify to the original purchasers thereof that the amount of all such notes to remain outstanding will not exceed the limitations of section 502 calculated, however, from the date of such certificate to the respective maturity dates of all such notes to remain outstanding. Such certificate need not be filed with the department but a copy thereof shall be retained

by the local government unit until all tax anticipation notes issued during the fiscal year shall have been paid in full.

Section 508. Condition Precedent to Validity of Tax Anticipation Notes.—No tax anticipation notes shall be valid or obligatory in the hands of an original purchaser thereof until certified copies of the authorizing and awarding resolution, the certificate as to the taxes and revenues remaining to be collected, and a true copy of the accepted proposal for the purchase of the tax anticipation notes shall have been filed [for record in the office for the recording of deeds in and for the county in which the local government unit is located and] with the department. No approval of the department shall be required. [, nor shall the provisions of Article VIII apply, in the case of tax anticipation notes.]

Section 27. Section 509 of the act is SECTIONS 509 AND 510 OF THE ACT, AMENDED NOVEMBER 2, 1977 (NO. 66), ARE reenacted and amended to read:

Section 509. Unfunded debt.—[Unfunded] For the purpose of this article, unfunded debt shall mean obligations of the same or a prior year [properly contracted] incurred for current expenses (including tax anticipation notes) due and owing[, which] or judgments against the local government unit entered by a court of competent jurisdiction after adversary proceedings, for the payment of either of which category the taxes and other revenues remaining to be collected in the fiscal year and funds on hand will not be sufficient [to pay] without a curtailment of municipal services to an extent endangering the health or safety of the public or proper education of school children, and the local government unit either may not legally levy a sufficient tax for the balance of the fiscal year, or a sufficient tax, if legally leviable, would [be seriously regressive and] not be in the public interest. Unfunded debt shall not, however, include debt incurred under this act nor obligations in respect of a project or part of a project as defined in section 102(c) (12) or incurred in respect of the cost of a project as defined in section 107.

SECTION 509. UNFUNDED DEBT.—[UNFUNDED] FOR THE PURPOSE OF THIS ARTICLE, UNFUNDED DEBT SHALL MEAN OBLIGATIONS OF THE SAME OR A PRIOR YEAR INCURRED [OR TO BE INCURRED] FOR CURRENT EXPENSES (INCLUDING TAX ANTICIPATION NOTES), [WHEN] DUE AND OWING OR JUDGMENTS AGAINST THE LOCAL GOVERNMENT UNIT ENTERED BY A COURT OF COMPETENT JURISDICTION AFTER ADVERSARY PROCEEDINGS, FOR THE PAYMENT OF EITHER OF WHICH CATEGORY THE TAXES AND OTHER REVENUES REMAINING TO BE COLLECTED IN THE FISCAL YEAR AND FUNDS ON HAND WILL NOT BE SUFFICIENT [TO PAY SUCH OBLIGATIONS] WITHOUT A CURTAILMENT OF MUNICIPAL SERVICES TO AN EXTENT ENDANGERING THE HEALTH OR SAFETY OF THE PUBLIC OR PROPER EDUCATION OF SCHOOL CHILDREN, AND THE LOCAL GOVERNMENT UNIT EITHER MAY NOT LEGALLY LEVY A SUFFICIENT TAX FOR THE BALANCE OF THE FISCAL YEAR, OR A SUFFICIENT TAX, IF LEGALLY LEVIABLE, WOULD [BE SERIOUSLY REGRESSIVE AND] NOT BE IN THE PUBLIC INTEREST. UNFUNDED DEBT SHALL NOT, HOWEVER, INCLUDE DEBT INCURRED UNDER THIS ACT NOR OBLIGATIONS IN RESPECT OF A PROJECT OR PART OF A PROJECT AS DEFINED IN SECTION 102(c) (12) OR INCURRED IN RESPECT OF THE COST OF A PROJECT AS DEFINED IN SECTION 107.

[SECTION 510. PROCEDURE TO FUND UNFUNDED DEBT.—WHENEVER THE GOVERNING BODY OF A LOCAL GOVERNMENT UNIT SHALL BE OF OPINION THAT IT HAS OUTSTANDING UNFUNDED DEBT, IT MAY, WITH

THE APPROVAL OF THE DEPARTMENT, IN THE CASES COVERED BY SECTION 511 OF THIS ACT, FUND SUCH UNFUNDED DEBT BY ELECTORAL OR BY NONELECTORAL DEBT WITHIN THE LIMITS PRESCRIBED BY ARTICLE II OF THIS ACT, OR IT MAY, IN THE CASES COVERED BY SECTION 512 OF THIS ACT, PETITION THE COURT OF COMMON PLEAS OF THE COUNTY WHERE THE LOCAL GOVERNMENT UNIT IS LOCATED FOR LEAVE TO FUND SUCH UNFUNDED DEBT PURSUANT TO THE PROVISIONS OF THIS ARTICLE V.]

Section 28. Sections 510 and SECTION 511 of the act are IS repealed.

Section 29. Section 512 of the act, amended December 21, 1973 (P. L. 434, No. 153), NOVEMBER 2, 1977 (NO. 66), is reenacted and amended to read:

Section [512] 510. Approval by Court.—(a) [In all cases not covered in section 511, including cases covered thereby in which the funding debt would exceed applicable debt limitations, the local government unit shall] Whenever the governing body of a local government unit shall be of the opinion that it has outstanding unfunded debt, it may, by petition to the court of common pleas of the county where the local government unit is located or, if located in two counties, of either county, setting forth the facts, request approval for the issuance of bonds or notes to fund the unfunded debt. After hearing, on such notice to the local government unit and its taxpayers as the court may prescribe, the court shall make an order granting authority to fund all or a part of such unfunded debt if the court shall find that such unfunded debt [was lawfully incurred,] is a lawful obligation of the local government unit, that there has been an unforeseeable decline in revenues, or that taxes levied have not produced the revenues anticipated or that it was not reasonable to foresee such obligation; that paying such debt by curtailing municipal services will be dangerous to the public health, safety or education, and that it is not feasible or not in the public interest to levy additional taxes in the current fiscal year.

The funding debt so approved shall be stated to mature in such amounts and over such number of years, not exceeding ten, as the court shall find will accomplish the payment of the debt without endangering the rendering of municipal services or requiring the levying of excessive taxes. [The provisions of section 409 of this act shall not be applicable to such notes.] If the funding of the unfunded debt has not been approved by a vote of the [people] electors, the order of the court [shall] upon cause shown may fix the portion thereof, if any, which shall not be charged against the nonelectoral debt limitations of the local government unit under [section 202] sections 202 or 505 of this act during the time such funding debt is outstanding. [, so as to leave some available borrowing capacity for other situations.] The percentages fixed by section 202 of this act shall be deemed increased to the extent required for such funding debt.

(b) The bonds or notes representing funding debt so authorized by the court shall be issued and sold by the governing body as provided by other provisions of this act, [except that no approval of the department shall be required, but the local government unit shall file a certified copy of the proceeding together with a certified copy of the order of the court in the office for the recording of deeds in and for the county in which such local government unit is located prior to the delivery of any bonds or notes evidencing such debt.] in respect of general obligation bonds except as such provisions are modified by this section or by orders of the court issued under this section, and the proceedings filed by the local government unit in respect of such funding bonds under section 801 shall include certified copies of the petition and of the order of the court.

(c) This section shall not be applicable to the funding of obligations in respect of a project or part of a project as defined in

section 102(c) (12) or incurred in respect of the cost of a project as defined in section 107.

SECTION [512] 510. APPROVAL BY COURT.— (A) [IN ALL CASES NOT COVERED IN SECTION 511, INCLUDING CASES COVERED THEREBY IN WHICH THE FUNDING DEBT WOULD EXCEED APPLICABLE DEBT LIMITATIONS, THE LOCAL GOVERNMENT UNIT SHALL, EXCEPT AS PROVIDED FOR IN SUBSECTION (A.1),] WHENEVER THE GOVERNING BODY OF A LOCAL GOVERNMENT UNIT SHALL BE OF THE OPINION THAT IT HAS OUTSTANDING UNFUNDED DEBT, IT MAY, BY PETITION TO THE COURT OF COMMON PLEAS OF THE COUNTY WHERE THE LOCAL GOVERNMENT UNIT IS LOCATED OR, IF LOCATED IN TWO COUNTIES, OF EITHER COUNTY, SETTING FORTH THE FACTS, REQUEST APPROVAL FOR THE ISSUANCE OF BONDS OR NOTES TO FUND THE UNFUNDED DEBT. AFTER HEARING, ON SUCH NOTICE TO THE LOCAL GOVERNMENT UNIT AND ITS TAXPAYERS AS THE COURT MAY PRESCRIBE, THE COURT SHALL MAKE AN ORDER GRANTING AUTHORITY TO FUND ALL OR A PART OF SUCH UNFUNDED DEBT IF THE COURT SHALL FIND THAT SUCH UNFUNDED DEBT [WAS LAWFULLY INCURRED,] IS A LAWFUL OBLIGATION OF THE LOCAL GOVERNMENT UNIT, THAT THERE HAS BEEN AN UNFORESEEABLE DECLINE IN REVENUES, OR THAT TAXES LEVIED HAVE NOT PRODUCED THE REVENUES ANTICIPATED OR THAT IT WAS NOT REASONABLE TO FORESEE SUCH OBLIGATION; THAT PAYING SUCH DEBT BY CURTAILING MUNICIPAL SERVICES WILL BE DANGEROUS TO THE PUBLIC HEALTH, SAFETY OR EDUCATION, AND THAT IT IS NOT FEASIBLE OR NOT IN THE PUBLIC INTEREST TO LEVY ADDITIONAL TAXES IN THE CURRENT FISCAL YEAR. THE FUNDING DEBT SO APPROVED SHALL BE STATED TO MATURE IN SUCH AMOUNTS AND OVER SUCH NUMBER OF YEARS, NOT EXCEEDING TEN, AS THE COURT SHALL FIND WILL ACCOMPLISH THE PAYMENT OF THE DEBT WITHOUT ENDANGERING THE RENDERING OF MUNICIPAL SERVICES OR REQUIRING THE LEVYING OF EXCESSIVE TAXES. [THE PROVISIONS OF SECTION 409 OF THIS ACT SHALL NOT BE APPLICABLE TO SUCH NOTES.] IF THE FUNDING OF THE UNFUNDED DEBT HAS NOT BEEN APPROVED BY A VOTE OF THE [PEOPLE] ELECTORS, THE ORDER OF THE COURT [SHALL] UPON CAUSE SHOWN MAY FIX THE PORTION THEREOF, IF ANY, WHICH SHALL NOT BE CHARGED AGAINST THE NONELECTORAL DEBT LIMITATIONS OF THE LOCAL GOVERNMENT UNIT UNDER [SECTION 202] SECTIONS 202 AND 505 OF THIS ACT. DURING THE TIME SUCH FUNDING DEBT IS OUTSTANDING [, SO AS TO LEAVE SOME AVAILABLE BORROWING CAPACITY FOR OTHER SITUATIONS], THE PERCENTAGES FIXED BY SECTION 202 OF THIS ACT SHALL BE DEEMED INCREASED TO THE EXTENT REQUIRED FOR SUCH FUNDING DEBT.

[A.1] NOT WITHSTANDING THE PROVISIONS OF SECTION 511 OR OF SUBSECTION (A) OF THIS SECTION, SCHOOL DISTRICTS OF THE FIRST CLASS MAY, BY PETITION TO THE COURT OF COMMON PLEAS OF THE COUNTY WHERE THE LOCAL GOVERNMENT UNIT IS LOCATED SETTING FORTH THE FACTS, REQUEST APPROVAL FOR THE ISSUANCE OF BONDS OR NOTES TO FUND THE UNFUNDED DEBT. AFTER HEARING ON SUCH NOTICE TO THE LOCAL GOVERNMENT UNIT AND ITS TAXPAYERS AS THE COURT MAY PRESCRIBE, THE COURT SHALL MAKE AN ORDER GRANTING AUTHORITY TO FUND ALL OR A PART OF SUCH UNFUNDED DEBT IF THE COURT SHALL FIND THAT PAYING SUCH DEBT BY CURTAILING MUNICIPAL OR EDUCATIONAL SERVICES WILL BE DANGEROUS TO THE PUBLIC HEALTH,

SAFETY OR EDUCATION, THAT THE FUNDING DEBT DOES NOT EXCEED APPLICABLE DEBT LIMITATIONS AND THAT IT IS NOT FEASIBLE FOR SCHOOL DISTRICTS OF THE FIRST CLASS TO LEVY ADDITIONAL TAXES IN THE CURRENT FISCAL YEAR. THE FUNDING DEBT SO APPROVED SHALL BE STATED TO MATURE IN SUCH AMOUNTS AND OVER SUCH NUMBER OF YEARS, NOT EXCEEDING TEN, AS THE COURT SHALL FIND WILL ACCOMPLISH THE PAYMENT OF THE DEBT WITHOUT ENDANGERING THE RENDERING OF MUNICIPAL OR EDUCATIONAL SERVICES OR REQUIRING THE LEVYING OF EXCESSIVE TAXES. THE PROVISIONS OF SECTION 409 SHALL NOT BE APPLICABLE TO SUCH BONDS OR NOTES. THE FUNDING OF THE UNFUNDED DEBT SHALL BE CHARGED AGAINST THE NONELECTORAL DEBT LIMITATIONS OF THE SCHOOL DISTRICT OF THE FIRST CLASS UNDER SECTION 202.]

(B) THE BONDS OR NOTES REPRESENTING FUNDING DEBT SO AUTHORIZED BY THE COURT SHALL BE ISSUED AND SOLD BY THE GOVERNING BODY AS PROVIDED BY OTHER PROVISIONS OF THIS ACT, [EXCEPT THAT NO APPROVAL OF THE DEPARTMENT SHALL BE REQUIRED, BUT THE LOCAL GOVERNMENT UNIT SHALL FILE A CERTIFIED COPY OF THE PROCEEDING TOGETHER WITH A CERTIFIED COPY OF THE ORDER OF THE COURT IN THE OFFICE FOR THE RECORDING OF DEEDS IN AND FOR THE COUNTY IN WHICH SUCH LOCAL GOVERNMENT UNIT IS LOCATED PRIOR TO THE DELIVERY OF ANY BONDS OR NOTES EVIDENCING SUCH DEBT.] IN RESPECT OF GENERAL OBLIGATION BONDS EXCEPT AS SUCH PROVISIONS ARE MODIFIED BY THIS SECTION OR BY ORDERS OF THE COURT ISSUED UNDER THIS SECTION, AND THE PROCEEDINGS FILED BY THE LOCAL GOVERNMENT UNIT IN RESPECT OF SUCH FUNDING BONDS UNDER SECTION 801 SHALL INCLUDE CERTIFIED COPIES OF THE PETITION AND OF THE ORDER OF THE COURT.

(C) [THE PROVISIONS OF THIS SECTION ARE HEREBY DECLARED AND FOUND AS A LEGISLATIVE DETERMINATION TO BE SUBSTANTIVE AND NOT PROCEDURAL.] THIS SECTION SHALL NOT BE APPLICABLE TO THE FUNDING OF OBLIGATIONS IN RESPECT OF A PROJECT OR PART OF A PROJECT AS DEFINED IN SECTION 102(C) (12) OR INCURRED IN RESPECT OF THE COST OF A PROJECT AS DEFINED IN SECTION 107.

Section 30. The article heading of Article VI of the act is reenacted to read:

ARTICLE VI

Limitations on Provisions of Bonds or Notes;

Required Terms and Stated Maturities

Section 31. Sections 601, 602, 603, 604, 605 and 606 of the act are reenacted and amended to read:

Section 601. Form of Bonds or Notes.—Bonds or notes may be issued in such denominations, in coupon form payable to bearer or registrable as to principal, or in fully registered form, with such provisions for exchangeability and interchangeability; shall bear such identifying designation or title, including words indicating whether the bonds or notes are general obligation, revenue, guaranteed revenue or limited guaranty revenue bonds or notes; shall be dated; shall bear such rate or rates of interest, including supplemental, contingent, or variable interest (but if contingent or variable interest is specified, a maximum rate or amount shall also be specified), may be subject to such provisions for prior redemption in whole or in part or both, at such price or prices and at such times; and shall be stated to mature, or may be payable in installments, on such date or dates and in such amounts; may provide for the payment by the issuer of such tax or taxes on the bonds or notes, either absolutely or out of pledged revenues; and may provide

for such pledge of revenues, the establishment of such reserves and other terms; all as the governing body of the issuing local government unit may determine by ordinance or ordinances [determine] adopted prior to the delivery of the bonds or notes, subject to the limitations and restrictions specified in this act.

Section 602. Limitations on Stated Maturity Dates.—

(a) [Except as provided in subsection (b) of section 710 on combining for purposes of sale, or in Articles V or XI hereof, no] No bonds or notes shall be issued with a stated maturity date exceeding the sooner to occur of:

(1) Forty years from the date of the [first incurring of any] series of any bonds or notes issued to evidence debt for the purpose of financing the cost of actually constructing, acquiring or improving a project or a separately financed portion of a project; or

(2) The useful life of the project being financed as stated in the ordinance of the local government unit enacted in connection with the [first] series of [notes or] bonds or notes to be issued for such project [after the effective date of this act], which statement in such [first] ordinance shall be conclusive for all purposes, including any subsequent financing. If projects have been combined for financing pursuant to section 401 and such projects have different useful lives, it shall be sufficient for this section if an aggregate principal amount of bonds or notes equal to the separate cost of each project having a shorter useful life shall have been stated to mature prior to the end of such useful life, and the balance prior to the end of the longest useful life. For the purpose of this section, the inclusion of furnishings, machinery, apparatus or equipment for a construction or acquisition project shall not be deemed to be the combining of projects but the useful life of such project shall be that of the building, structure or improvement constructed or acquired.

Where capital budgeting is practiced, and bonds are issued to fund the current portion of a capital budget involving projects of varying useful lives a uniform term of thirty years may be used.

(b) [The bonds or notes of an issue may be authorized to be sold in one or more consecutively maturing series, the first to be issued having the first stated maturity dates, and so on in sequence. Such bonds or] Bonds or notes may be serial bonds or notes, or term bonds or notes any combination thereof that may be selected by the governing body of the issuing local government unit. If term bonds or notes, other than as required by section 610, are issued, such bonds or notes must be subject to [a] mandatory redemption, [sinking fund designed,] and, if serial or installment bonds or notes, [bonds,] the amounts of the stated maturities or installments shall be fixed, (1) so as to amortize the issue on at least an approximately level annual debt service plan during the period specified for the payment of principal in subsection (c) of this section 602; or (2) so that [only one-quarter of the principal amount of the issue is amortized on the level annual debt service plan, and the balance is stated to mature or be subject to a mandatory sinking fund in such a manner as to bring] the debt service on outstanding debt of the same classification (and for this purpose lease rental debt [not excluded as subsidized or self-sustaining may] shall be considered as the same classification as general obligation debt) will be brought more nearly into an over-all level annual debt service plan. [provided that no bond or note in such balance of the issue shall be stated to mature a date later than the shorter of (i) three-quarters of the remaining estimated useful life of the project as stated in the first ordinance incurring debt for the project enacted after the effective date of this act, or (ii) thirty years from date of issue.]

(c) Stated maturities of principal in any issue or the operation of a mandatory call for debt retirement may not be deferred beyond the later of:] Except as provided by subsection

(e), stated installments or maturities of principal of any series of bonds or notes or the mandatory redemption of such principal may not be deferred beyond the later of:

(1) two years from date of issue, or

(2) one year after estimated completion of construction; In the case of revenue or guaranteed revenue bonds this provision will be satisfied by a covenant for the mandatory application to term bonds or such revenues as may remain after payment of interest and operating expenses up to such fixed amount conforming to subsection (b) above as shall be specified in the ordinance pursuant to which the bonds or notes are issued. [Where an issue is sold in two or more consecutive series, the first stated maturity of a later series shall be stated to mature not later than fifteen months after the last stated maturity date of the next preceding series.]

(d) Nothing in this section shall prevent the fixing of the amount of stated maturity dates so that a greater percentage of a series will mature on earlier dates than those allowable by this act.

(e) Nothing in this section shall prevent the authorization of bonds or notes of an issue for sale in one or more series, in which case the first stated maturity of a later series may be later than, but not more than fifteen months later than, the last stated maturity of the next preceding series.

Section 603. Number of Interest Rates; Variation.—A series of bonds or notes may have any number of interest rates, subject to any limitation on such number fixed by the governing body of the issuing local government unit, but, unless further limited by the issuing local government unit in the official notice of sale, [the rate of interest fixed at the time of original issue, for any stated maturity date in the last two-thirds of the period of the series may not be at a lower rate than the interest rate stated for an earlier year in such last two-thirds.] no fixed interest rate for any stated maturity date in the last two-thirds of the period of the series may be less than that stated for the immediately preceding year which falls within such last two-thirds period.

Section 604. Place and Medium of Payment.—Bonds or notes shall be payable in such coin or currency as at the respective dates of payment thereof shall be legal tender for the payment of public and private debts at the place or places of payment. Both principal and interest shall be payable at such place or places as may be determined by the local government unit [by ordinance]. If more than one place of payment is specified, one or more of the additional places of payment may be outside of the Commonwealth of Pennsylvania or outside of the United States of America.

Section 605. Execution of Bonds or Notes.—Bonds or notes (including tax anticipation notes) shall be signed by such officers [as the governing body shall determine,] of the local government unit, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of [the treasurer] such officer of the local government unit, and such bonds or notes may be sealed with the seal of the local government unit or a facsimile thereof, all as may be determined by [ordinance] the governing body. Bonds or notes may provide that they shall not be valid nor enforceable, unless authenticated by a specified bank, bank and trust company or trust company. If any one signature on a bond or note (including the signature of the authenticating party) shall be manual, [the ordinance may provide that] all other signatures may be by facsimile. If any officer whose signature, or a facsimile of whose signature, shall appear on any notes, bonds or coupons shall cease to be such officer before the delivery of such notes or bonds, such signature, or such facsimile, shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery,

and, also, any note, bond or coupon may bear the facsimile signature of, or may be signed by, such persons as at the actual time of the execution of such note, bond or coupon shall be the proper officers to sign although at the date of such instrument such persons may not have been such officers.

Section 606. Pledge of Revenues.—The governing body of any local government unit which has determined to issue any revenue bonds or notes, or any guaranteed revenue bonds or notes, may provide, by ordinance, for such pledges of or priorities in such rentals, revenues, receipts, rates and charges to be received from projects of the issuing local government unit as may be desirable. Such pledge or priority shall be perfected as a security interest against all creditors of the local government unit[. all creditors thereof,] and all third parties, in accordance with the terms of such ordinance, from and after the filing of [such ordinance in the office for the recording of deeds in the county in which such local government unit is located, notwithstanding the provisions of any other law.] a financing statement or statements in accordance with the Uniform Commercial Code. For the purpose of such filing the sinking fund depository may act as representative bond or note holders and, in such capacity, execute and file the financing statement and any continuation or termination statements as secured party.

Section 32. Section 607 of the act is reenacted to read:

Section 607. Deeds of Trust and Other Agreements with Bondholders and Noteholders.—(a) A local government unit shall have the power to enter into any deed of trust, trust indenture or other agreement with any bank, bank and trust company, trust company or other person or persons in the United States having power to enter into such agreements or accept such trusts, including any Federal agency, as security for any notes or bonds of the local government unit providing for the following:

(1) The payment of the interest on and principal of such notes or bonds; the authentication of the original issue thereof; the custody of debt service reserve funds or other funds to be held as reserves; the disbursement of interest to holders of fully registered bonds or notes; the cremation or other destruction of coupons, bonds or notes which have been paid; the maintenance of records as to registration, exchanges and transfers and the effecting of the same;

(2) The construction, improvement, operation, maintenance and repair of any project being financed;

(3) Limitations on the purposes to which the proceeds of the bonds then or thereafter to be issued in connection with the project, or of any loan or grant by the United States or the Commonwealth of Pennsylvania, may be applied;

(4) The rights and remedies of such trustee or other person and the holder of the bonds or notes (which may include reasonable restrictions upon the individual right of action of such holders); and

(5) The terms and provisions, including stated maturities and sinking fund and other reserve fund provisions (not in conflict with the limitations imposed by this act, but which may be more limiting) of, or provided for the bonds or notes being issued or which may hereafter be issued in connection with the project being financed.

(b) In connection with any revenue bonds or guaranteed revenue bonds, such deeds of trust, trust indentures or other agreements may contain provisions as to the following:

(1) The rate of rents, charges, rates, or tolls to be imposed for the use of the project being financed or the rendering of services through the use of the project or both, to ensure a sufficiency of revenues to cover operating expenses, debt service and an appropriate surplus;

(2) The setting aside of reserves or other earmarked funds, and limitation upon the use, investment and disposition thereof for the better security of the bonds or notes;

(3) Limitations on the issue of additional bonds or notes ranking equally or having priority in claim on revenues with the bonds being issued; and

(4) Any other or additional agreements with the holders of bonds or notes as may be customary in such agreements, provided no delegation of essential governmental powers is made.

(c) In lieu of a deed of trust, trust indenture or other agreement specified above, the bond ordinance of the local government unit may contain similar provisions which shall be a contract between the local government unit and the holders from time to time of its bonds or notes.

(d) No such deed of trust shall delegate the performance of essential governmental functions to a trustee, fiscal agent or receiver. The matters enumerated herein are hereby determined not to be essential governmental functions.

Section 33. Sections 608 and 609 of the act are reenacted and amended to read:

Section 608. Negotiable Qualities of Bonds and Notes.—(a) Bonds or notes issued pursuant to this act, [shall] including tax anticipation notes, which have all the qualities and incidents of securities under Article 8 of the Uniform Commercial Code [and] shall be negotiable instruments.

(b) [Notes] Such bonds and notes issued pursuant to this act which are not securities shall have all the qualities and incidents of commercial paper under Article 3 of the Uniform Commercial Code and shall be negotiable instruments notwithstanding any references therein to the terms of the authorizing bond ordinance or any trust indenture, deed of trust or other agreement, or any variations in the rate of interest provided in such note, or any limitations upon the funds from which or limitations as to the bonds with which the notes may be paid, or any restriction upon the remedies of the holders.

Section 609. Temporary Bonds or Notes or Interim Receipts.—Pending the preparation of definitive bonds or notes, including tax anticipation notes, temporary bonds or notes or interim receipts may be issued in such form and containing such terms and such provisions for exchange for definitive bonds or notes as the local government unit may determine.

Section 34. Section 610 of the act is repealed.

Section 35. The article heading of Article VII of the act is reenacted to read:

ARTICLE VII Sale of Bonds

Section 36. Section 701 of the act, amended October 11, 1972 (P. L. 901, No. 214), is reenacted and amended to read:

Section 701. Manner of Sale of Bonds or Notes.—(a) Except as otherwise specifically provided in this act and subject to the following subsection, bonds or notes may be sold at public sale or private sale by negotiation or upon invitation and at such price all as the governing body of the issuing local government unit shall determine. Bonds or notes may be conditionally sold before the final details of the series are fixed.

(b) [Except for the sale of tax anticipation notes or of term-bonds authorized pursuant to section 610 of this Act, bonds] Bonds or notes, if sold at public sale, shall be sold to the highest responsible bidder or bidders after one public notice by advertisement of either the official notice of sale, or of the availability of the official notice of sale, in at least one and not more than two newspapers of general circulation in the county in which the local government unit is located. [and in the legal journal, if any, designated by the rules of court for the publication of legal notices and advertisements, and may be combined with the advertisement of the adoption of the ordinance authorizing the sale.] The advertisement [shall] may also be published [once] in a financial journal circulating among the underwriters of securities. Advertisements shall be published not less than ten nor more than thirty days prior to the date fixed for opening proposals, and need not appear on the same date successively in each newspaper journal.

Section 37. Sections 702, 703 and 704 of the act are reenacted and amended to read:

Section 702. Contents of Public Advertisement and of Official Notice of Sale.—(a) The advertisement of the availability of the official notice of sale shall contain the following:

(1) The title, designation and principal amount of the bonds

or notes to be sold;

(2) A general statement of the term of the issue and whether it will consist of term bonds or notes, serial bonds or notes, or both;

(3) A statement whether proposals must be for all but not less than all of the notes or bonds being sold, or, if separate lots may be bid separately, a statement as to the composition of each lot;

(4) The place and time for the receipt of sealed proposals;

(5) The amount of the bid security to be furnished by the bidder, and the method selected for determining net interest cost; and

(6) A statement of the names and addresses of the officer and any other persons from whom an official notice of sale, other details concerning the issuing local government unit, the project, and the official form of proposal, if any, may be obtained.

(b) The local government unit shall adopt an official notice of sale which shall set forth, succinctly:

(1) The time and place for the receipt of proposals and the officer designated to receive the same[, the extent of his power of delegation, and whether and for how long the hour for receipt may be adjourned by announcement prior to opening of any bids];

(2) A description of the bonds or notes being offered, including but not limited to, the title and type of bonds or notes being offered, the date thereof, the stated maturity dates and amounts at each date, the dates of interest payments, the place or places of payment of interest and principal (which amounts, dates and places may be left open to selection by the successful bidder), the form and denominations of the notes or bonds being offered, [the] any provisions for [registrability] registration, exchange and interchange, the terms of any sinking fund or reserve funds to be established, the terms of other provisions made for the security of the bonds or notes, and the dates, prices and terms of any provision for the redemption thereof prior to stated maturity dates], and any other relevant provisions of the bonds or notes];

(3) A statement of the terms of the bidding, including, but, without limitation: the method for determining net interest cost, whether bids must be for all but not less than all; or, if separate bids for separate lots may be submitted, a description of each lot; the limitation on the number and variation between high and low interest rates to be permitted; the required bid security; the permitted discount from par, if any; the funds in which the balance of the purchase price shall be paid; the place at which the balance may be paid or the method of determining such place; the effect on the obligation to purchase the notes or bonds of litigation pending or change in tax or other applicable laws occurring before the settlement for the bonds or notes; the [terms] nature of the opinion of bond counsel to be delivered at the time of payment for the bonds or notes; the effect of any failure to deliver such opinion; [and other relevant terms] and the reserved right to reject bids provided for in section 707; and

(4) [Any additional] Such additional provisions as may be desired, including, without limitation, statements as to the furnishing of copies of documents, including an official statement of essential facts, the estimated date for delivery of bonds or notes will be delivered in definitive or temporary form, and if temporary, the time and manner of exchange for definitive bonds or notes.

Section 703. Proposals for Purchase.—Every bid or proposal for bonds or notes [to be sold at public or private sale] shall be in writing, shall be properly executed, and, in the case of public sale, bids shall be placed in a sealed envelope sufficiently labeled to indicate that it is a bid or proposal for the bonds or notes being sold, before being delivered to the officer designated to receive the same, or to his or her authorized delegate.

Section 704. Opening of Bids.—[At] In the case of public sale, at the time and place fixed in the notice, [or at a subse-

quent hour on the same date to which the time may have been adjourned prior to the opening of any proposals pursuant to any right of adjournment reserved in the official notice of sale,] the bids or proposals received shall be publicly opened by the designated officer, or his or her authorized delegate, and publicly read aloud, unless the governing body determines to return all bids unopened.

Section 38. Section 705 of the act is reenacted to read:

Section 705. Determination of Highest and Best Bid; Tie Bids.—The highest responsible bidder shall be the one who, having complied with the terms of the official notice of sale, offers to take all of the bonds or notes, or any separate lot thereof on which separate bids may be made, at the lowest net interest cost to the local government unit, or, if required by the terms of any agreement with the United States of America or the Commonwealth of Pennsylvania or any agency of either thereof, the highest responsible bidder shall be the one bidding in conformity with the requirements for the successful bidder stipulated in any such agreement. The net interest cost shall be computed in accordance with section 709 of this act. If two or more proposals are found to be the highest and best bids on identical terms conforming to the offering, the bonds or notes shall, with the consent of the bidders, be awarded to them jointly, or, absent such consent, may be awarded to any one of such bidders selected by lot in any manner deemed fair by the local government unit.

Section 39. Sections 706, 707, 708 and 709 of the act are reenacted and amended to read:

Section 706. Required Bid Security.—[The bid] Bid security [to] shall be given by each bidder, shall be in cash or by certified or official bank check payable to the local government unit, and shall be not less than two per cent of the principal amount of the bonds or notes to be purchased. The bid security of the unsuccessful bidder or bidders shall be returned to each unsuccessful bidder, without interest in accordance with written instructions of the bidder conforming to the official notice of sale, promptly upon an award of the bonds or notes or upon the rejection of all bids. The bid security of the successful bidder shall be retained by the treasurer of the local government unit and (with or without allowance for interest as the official notice of sale may specify) shall be applied on the purchase price when the bonds or notes are actually delivered and paid for, retained as liquidated damages if the bidder defaults, or returned to the bidder with interest at the judgment rate if, after an acceptance of the proposal, the bonds or notes are not issued for any reason not constituting a default by the bidder. Unless required by the local governing body, no bid security shall be required in the case of tax anticipation notes, bond anticipation notes or notes to be issued under section 409.

Section 707. Reserved Right to Reject Bids; Effect of Rejection.—Every official notice of sale of bonds or notes shall provide that the right is reserved to the governing body of the local government unit to reject all bids or proposals, but in a case where conforming bids have been received, opened and rejected any subsequent sale within a period of two calendar months of bonds or notes in [the amount of such series] substantially the same amount and for the same [project] purpose must be a public sale to be held at such later time as the governing body may determine to be advantageous.

Section 708. Public Sale; Failure to Receive Conforming Bid.—If bonds or notes are advertised for public sale and no conforming bid is received, or if all bids are returned unopened, then the local government unit may cancel the sale and devise a new series for sale or, in the alternative, it may sell such series of bonds or notes, or any part or parts thereof, from time to time, during the ensuing six months at private sale in accordance with the terms originally advertised with any changes in call price or dates of call for prior redemption or both as may be deemed desirable. After such six-month period the local gov-

ernment unit may sell any unsold portion of the series in any manner permitted by this act, with such appropriate changes in the call prices or dates of call for prior redemption or both or in other terms as may be deemed advisable, provided that as so changed, the two portions of the series when combined and any issue of which such series is a part are in conformity with the requirements of this act as to term, interest rate and stated maturities.

Section 709. Determination of Net Interest Cost and Net Interest Rate.—(a) Net interest cost may be determined by using either the street method or the present worth method whichever method shall be specified in the official notice of sale.

(b) Under the street method a dollar amount shall be determined by computing the total amount of interest payable over the life of the series to stated maturity dates or earlier mandatory call dates and subtracting therefrom the amount of any premium paid above the aggregate principal amount of the bonds or notes, or adding thereto the amount of any discount lawfully allowed in the sale.

(c) Under the present worth method there shall be ascertained the semiannual rate, compounded semiannually, necessary to discount to present worth as of the date of the bonds or notes the amounts payable on each interest payment date and on each stated maturity or earlier mandatory redemption date so that the aggregate of such amounts will equal the purchase price offered therefor exclusive of interest accrued to the date of delivery. The net interest cost shall be stated in terms of an annual percentage rate and shall be that rate of interest which is twice the semiannual rate so ascertained.

(d) The net interest rate for a series sold under the present worth method shall be the rate of the net interest cost. For a series sold under the street method the net interest rate shall be determined by dividing the net interest cost by the product of: (i) [one thousand dollars] \$1,000 multiplied by (ii) the number of bond years from the date of the bonds or notes to the stated maturity or earlier mandatory call dates. A bond year shall be one full year that [one thousand dollars] \$1,000 of principal amount shall be outstanding and less than full years shall be fractionalized on a [three hundred and sixty-five-day] three hundred and sixty-day year basis.

Section 40. Section 710 of the act is repealed.

Section 41. The article heading of Article VIII of the act is reenacted to read:

ARTICLE VIII

Filing with the Duties of the Department

Section 42. Sections 801 and 802 of the act are reenacted and amended to read:

Section 801. Certification to Department of Bond or Note Transcript, [to Department] or Lease, Guaranty, Subsidy Contract or Other Agreement.—The governing body of each local government unit shall, before bonds or notes (except [funding bonds issued with court approval]) tax anticipation notes issued pursuant to section 501 and notes representing small borrowings issued pursuant to section 409) are actually delivered to the initial purchasers, or before becoming bound on any lease, guaranty, subsidy contract or other agreement, evidencing [the acquisition of a capital asset] lease rental debt cause to be certified to the department, under the signature of the clerk or secretary of the governing body and its corporate seal, a complete and accurate copy of the proceedings had for the incurring of debt, as provided in section 411 of this act. The provisions of this section shall not be construed to eliminate the filing requirements of sections 204, 205, 206, 506 and 508.

Section 802. Filing of Statements of [Completion] Noncompletion of Sale with Department[; Penalty].—[If a bond or note settlement] If settlement for an issue of bonds or notes or bonds or notes representing lease rental debt, which have received a required approval by the department shall fail of completion, in whole or in part, the local government unit shall file with the

department [within twenty days] a notification of noncompletion of sale, stating what part[, if any,] of the issue shall have been delivered. [From and after the prescribed filing date required by this section no certification of approval of any debt shall be issued by the department if any filing required to be made by this section, with the required fee, shall not have been made prior to the issuance of such certificate. The provisions of this section are not subject to waiver by the department.]

Section 43. Section 803 of the act, amended November 30, 1972 (P. L. 1252, No. 280), is reenacted to read:

Section 803. Fees for Filing.—Every filing with the department shall be accompanied by a filing fee of [fifteen dollars] \$15. No submission shall constitute a filing until the proper fee is paid. All fees received hereunder shall be paid by the department into the State Treasury through the Department of Revenue.

Section 44. Section 804 of the act is reenacted and amended to read:

Section 804. Examination of Bond or Note Transcript and Other Filings by Department; Certificate of Approval.—The department shall, upon receipt of any bond or note transcripts, or other filings, carefully examine the same to determine whether the debt outstanding and to be outstanding is within the applicable limitations imposed by this act, [whether prior debt was lawfully incurred] and whether the proceedings for incurring the debt, for issuing and selling the bonds or notes and for excluding self-liquidating and subsidized debt have been taken in conformity with the Constitution and all then applicable laws. If, upon completion of its examination, a transcript or other filing is found by the department to be in conformity with the Constitution and existing laws, [and is consistent with the record of prior filings by the local government unit,] the department shall certify its approval, if required under other provisions of this act, to the local government unit.

Section 45. Sections 805 and 806 of the act are reenacted to read:

Section 805. Certificate of Disapproval; Correction of Proceedings.—If the department, upon completion of its examination finds it cannot issue a certificate of approval, it shall notify the local government unit of the reasons why it cannot do so. If the proceedings or any prior filings are subject to correction for demonstrated typographical or computational error, or otherwise or for failure to include a necessary document or certification and such correction is approved by the department, the error shall be corrected in all places, or the additional document or certification shall be furnished to the department, within ten days, and upon such other terms as the department may specify, and thereupon the department shall certify its approval. If the deficiency shall not be subject to correction, the department shall certify its disapproval to the local government unit.

Section 806. Effect of Failure of Timely Action by Department; Extension of Time to Act.—If the local government unit shall have submitted a filing to the department by certified mail, return receipt requested, or shall otherwise have an official receipt therefor from the department, and the local government unit shall not, within twenty days of the date of receipt of the filing by the department have received the certificate of approval or disapproval or notification of correctable error, the filing shall be deemed to have been approved for all purposes, unless the local government unit shall have extended the time within which the department may act by written communication to the department, or by failure to object to a written communication from the department requesting such extension. Extensions shall not exceed one additional period of twenty days.

Section 46. Sections 807, 808, 809 and 810 of the act are reenacted and amended to read:

Section 807. Records of Department.—(a) The department shall keep all proceedings on file for a period of not less than four months after issuance of its certificate of approval or disapproval and thereafter, as long as any appeal respecting such proceedings shall be pending and not finally determined.

(b) The department shall keep a public record, with respect

to each local government unit showing:

- (1) The name of the local government unit;
- (2) The purpose of each series issued or lease executed;
- (3) Whether such series represents nonelectoral lease rental or electoral debt, and the extent to which such debt is subsidized or self-liquidating, and if subsidized or self-liquidating in part the principal amount thereby eliminated from nonelectoral debt;
- (4) The schedule of stated maturity dates, interest rates and mandatory sinking fund payments for each outstanding issue of bonds or notes or the schedule of lease rentals;
- (5) The dates and designations of each issue of bonds or notes [or], lease or other document to be executed with the approval number assigned to each [series or] such issue, lease or other document approved;
- (6) The local government unit's most recently certified borrowing base and regular debt limits computed therefrom;
- (7) The date and manner of authorization of any use of any additional debt limit.

(c) Documents no longer required to be kept in file by the provisions of subsection (a) of this section 807 and from which all record entries required by the preceding subsection have been made, may be disposed of as waste paper in the manner prescribed by law.

(d) (c) The records of the department shall be public records, available for examination by any citizen of the Commonwealth or any bondholders or noteholders, and copies thereof, certified as correct by the secretary of the department under the seal of the department, shall be admitted as evidence of the facts therein stated in all courts of this Commonwealth and elsewhere.

Section 808. Invalidation of Bonds, [or] Notes, [Required to be Approved by the Department] Tax Anticipation Notes, Leases or Other Instruments Which are Delivered [Prior to Approval by the Department.] without Compliance with Requirements or Conditions Precedent to Issuance or Delivery.—[Bonds or notes sold and delivered to the initial purchasers prior to an approval of the series by the department under section 804 or section 806 of this act shall be invalid and of no effect in the hands of the initial purchaser except to the extent provided in this section 808. In the hands of a bona fide purchaser (other than an initial purchaser or member of an underwriting or selling group) for value without actual notice of the lack of a prior approval by the department, any bonds or notes containing a recital that the series had been approved by the department shall be valid and subsisting instruments enforceable in accordance with their terms, and any applicable borrowing base shall be deemed increased to the extent necessary to validate and keep such bonds valid, but not for the purpose of reducing the liability of any person under the next sentences.] In all cases in which the approval of the department is required by this act prior to the issuance of bonds or notes or the execution of a lease, guaranty, subsidy contract or other agreement evidencing lease rental debt, in the case of small borrowings evidenced by notes in respect of which compliance with the conditions of section 409 is required, and in the case of tax anticipation notes in respect of which compliance with the conditions of sections 506, 507 and 508 is required, if such bonds or notes or such lease or other instrument shall be sold, or executed, and delivered prior to receipt of actual or deemed approval under section 804 or 806, or as the case may be, without compliance with applicable conditions or issuance, or prior to a required filing with the department, as aforesaid, such bonds, notes, lease or other instrument shall be invalid and of no effect in the hands of or for the security of the holder of such bonds or notes or of the obligations secured by such lease or other instrument, except

to the extent provided in this section 808. If the bonds or notes or the obligations secured by such lease or other instrument shall be held by a bona fide purchaser (other than an initial purchaser or member of an underwriting or selling group) for value without actual notice of a lack of such prior approval, filing or compliance as the case may be, and such bonds, notes or other obligations shall contain a recital that such prior approval, filing or compliance was received, made or observed, then such bonds, notes, lease or other instrument shall be valid and enforceable in accordance with their terms and any applicable debt limits shall be deemed increased to the extent necessary to validate and keep valid such bonds, notes, lease or other instrument, but not for the purpose of reducing the liability of any person under this section. The local government unit shall be entitled to recover all interest and principal or other amounts payable or thereunder from the initial purchasers and the individuals, including the officers of the local government unit, responsible for making the unapproved or unauthorized delivery. Notwithstanding the invalidity of the instruments as to them, the initial purchasers and such individuals shall be entitled to credit, in any action determining such invalidity or for the recovery provided by the preceding sentence for the amount of:

(1) Any proceeds of the sale of the instruments still held unexpended by the local government unit; and

(2) The lesser of either: (i) the cost or fair market value, whichever is the lesser, of any capital project or part thereof or interest therein acquired by the local government unit by an expenditure of a portion or all of the proceeds of [the] such bonds, [or] notes or other obligations; or (ii) the remaining nonelectoral borrowing capacity of the local government unit.

Section 809. Finality of Proceedings; Validity of Bonds, [or] Notes, Tax Anticipation Notes, Leases, Guaranties, Subsidy Contracts or Other Agreements.—(a) Where a certificate of approval has been issued by the department or has been deemed issued under section 806, or, in the case of tax anticipation notes where the filing with the department required by section 508 has occurred, and no [appeal] petition for a declaratory order has been [taken] filed within the applicable time limits specified in section 901, or when after [appeal,] a petition for a declaratory order has been filed, the proceedings have been approved finally by the court, the validity of the proceedings, the right of the local government unit lawfully to issue its bonds or notes [lawfully] or to enter into a lease, guaranty, subsidy contract or other agreement evidencing lease rental debt pursuant to [those] such proceedings, and the validity and due enforceability of the bonds, [or] notes or other instruments in accordance with their terms shall not thereafter be inquired into judicially, at law, or by civil or criminal proceedings, or otherwise, either directly or collaterally [except where a constitutional question is involved]. The effect of the approval by the department, or by the court on appeal, or, in the case of tax anticipation notes, the effect of filing in compliance with section 508, shall be to ratify, validate and confirm, so far as good faith purchasers of the bonds or notes are concerned, such proceedings absolutely, including the lawful nature of the project and, in the case of tax anticipation notes, the accuracy of the estimates contained in the certificate as to taxes and revenues to be collected, notwithstanding any defect or error in such proceedings, except as specifically provided hereinafter in this section, and any debt limit imposed by this act shall be deemed in-

creased to the extent necessary to validate such debt or obligation. Nothing herein contained shall, however, free an initial purchaser of bonds or notes from liability to a local government unit for the payment of the consideration agreed in the contract of sale, or make all such bonds or notes valid and enforceable in the hands of an initial purchaser unless the issuer shall have received a substantial consideration for the series as a whole.

(b) Nothing herein contained shall, however, relieve any person participating in such proceedings from liability for knowingly participating in an ultra vires act of a local government unit, or from any civil or criminal liability for false statements in any certificates filed or delivered in such proceedings.

Section 810. Power of Department to Define Terms, Issue Rules and Regulations and Prescribe Forms.—[The] Subject to the definitions in Article I, the department shall have power to define terms and to prescribe rules and regulations regarding, and to prescribe forms for, reports and filings to be submitted to the department pursuant to this act. Such definitions, rules and regulations when published and made available to the public shall have the force of law.

Section 47. Section 811 of the act is repealed.

Section 48. The article heading of Article IX of the act is reenacted and amended to read:

ARTICLE IX
[Appeals Concerning Debt]
Petitions for Declaratory Orders and
Complaints to the Department; Jurisdiction of
Department; Appellate Review by Commonwealth Court

Section 49. Section 901 of the act, amended June 18, 1975 (P. L. 20, No. 8), is reenacted and amended to read:

Section 901. [Appeals by Interested Parties and Taxpayers.—(a) Where proceedings for the incurring of debt and sale of bonds or notes or the exclusion of debt as self-liquidating or subsidized have been taken by a local government unit and the department shall have certified or shall have been deemed to have certified its approval or disapproval of the series or the exclusion of any debt from net nonelectoral and net lease rental or where department approval is not required and the fact of final adoption of the ordinance approving the sale or the exclusion shall have been advertised one time in a newspaper of general circulation in the area of the local government unit, such local government unit or any other interested party, or any taxpayer of the local government unit may appeal within fifteen days from the earlier of:

(1) The date of advertisement of the fact of the final passage of the ordinance approving the sale of the bonds; or

(2) The date of the department's certificate of approval, the date it is deemed to have been approved, or the date of its disapproval. The appeal shall be by petition to the Commonwealth Court. The petition shall allege the error or errors in the proceedings in the manner required of bills in equity, and the burden of persuading the trier of fact as to all matters of fact shall be upon the appellant.

(b) Jurisdiction is hereby conferred upon the Commonwealth Court to hear and determine such appeals, and all other appeals and actions provided for in this act.] Petitions for Declaratory Orders and Complaints to the Department; Exclusive Jurisdiction of Department.—(a) Where proceedings for the incurring of debt represented by bonds or notes or by a lease, guaranty, subsidy contract or other agreement evidencing the acquisition of a capital asset, for the issuance of tax anticipation notes, or for the exclusion of debt as self-liquidating or subsidized, have been taken by a local government unit, such local government unit, or any taxpayer of the local government unit, or other interested party may file with the department a petition for a declaratory order asserting the validity or a complaint asserting the invalidity of such proceedings, or any part thereof. Any

such complaint asserting the invalidity of such proceedings or part thereof taken under section 409 may be filed at any time not later than one year after final adoption of the resolution authorizing the debt. Any such complaint asserting the invalidity of such proceedings or part thereof excluding debt as self-liquidating under section 205 or authorizing tax anticipation notes under Article V may be filed at any time not later than fifteen days after the filing with the department of the documents required by section 205 or of the proceedings pursuant to section 506, as the case may be. Any such complaint asserting the invalidity of any such proceedings or part thereof in cases in which, under this act, the approval or deemed approval of the department is required, may be filed with the department at any time not later than fifteen days after the date of the submission of the proceedings by the local government unit to the department for approval.

If a petition for a declaratory order or complaint shall be filed in respect of proceedings requiring the approval of the department after the submission of the proceedings to the department but prior to approval, disapproval or deemed approval, the department shall not be deemed to have approved the proceedings during the pendency of the matter before the department.

(b) Exclusive jurisdiction is hereby conferred on the department to hear and determine all procedural and substantive matters arising from the proceedings of a local government unit taken pursuant to this act, including without limitation, the regularity of the proceedings, the validity of the bonds, notes, tax anticipation notes or other obligations of the local government unit, and the legality of the purpose for which such obligations are to be issued. If a local government unit shall file a petition for a declaratory order with the department, relating to such proceedings, the department may require such service by publication on taxpayers as the circumstances warrant. In all other respects the proceedings before the department shall be governed by regulations of the department. The department shall have the power, after appropriate proceedings in accordance with such regulations, to approve or disapprove the proceedings of the local government unit or to direct correction as provided in section 805. A determination by the department under this act shall except as provided in section 902, be conclusive and binding as to all procedural and substantive matters which were or could have been presented to the department hereunder. A determination in favor of the local government unit under this section shall have the effect provided in section 809.

Section 50. Section 902 of the act is reenacted and amended to read:

Section 902. [Action to Contest Proceedings Before Departmental Approval.—Any local government unit, taxpayer, or other interested party may bring an action in the Commonwealth Court asserting the validity or invalidity of any action concerning the incurring or exclusion of debt from nonelectoral debt or lease rental debt prior to action thereon by the department, in like manner as an appeal from departmental action; except in cases where this act expressly confers jurisdiction upon another tribunal.] Appellate Review by Commonwealth

Court.—In all cases in which proceedings of a local government unit shall have been approved, disapproved or deemed approved and in all cases in which the department shall have determined the issues presented upon petition for a declaratory order or complaint under section 901, the local government unit, any taxpayer of the local government unit, or any other interested party, aggrieved by the determination of the department, may petition the Commonwealth Court for review of the determination of the department asserting the validity or invalidity of the local government unit proceedings or any part thereof or the error or errors of the department in respect of such proceedings. The Commonwealth Court shall have exclusive appellate jurisdiction to review all determinations of the department (including deemed approvals under section 806), to affirm, modify or reverse any actions taken by the department, or to remand the matter for further proceedings. The time within which petitions for review shall be filed with the Commonwealth Court and all other appellate procedure before the Commonwealth Court shall be governed by the Pennsylvania Rules of Appellate Procedure. Pending the effective date of such general rules, appeals from action of the department shall be taken to the Commonwealth Court not later than fifteen days after the action of the department.

Section 51. Sections 903, 904, 905, 906 and 907 of the act are repealed.

Section 52. The article heading of Article X of the act is reenacted and amended to read:

ARTICLE X
SINKING AND ASSESSMENT FUNDS: RESERVES
AND PLEDGED REVENUES

Section 53. Sections 1001, 1002, 1003, 1004, 1005 and 1006 of the act are reenacted and amended to read:

Section 1001. Creation of Sinking [Fund] Funds and [Accounts] Deposits Therein, Reserves and Surplus Funds.—(a) Every local government unit having outstanding any bonds or notes, other than tax anticipation notes and other than notes issued under section 409, shall create forthwith, subject to the terms of any existing contracts with the holders of such bonds or notes, and every local government unit hereafter issuing any bonds or notes shall create simultaneously with or prior to the delivery of the bonds or notes, and thereafter maintain until such bonds or notes are paid in full, a sinking fund (i) for the aggregate or for one or more issues or series of its general obligation bonds and notes, and (ii) separately for each project or combination of projects financed by revenue or guaranteed revenue bonds or notes as to which different revenues are pledged. If a sinking fund is established for more than one issue of bonds, a separate debt service account for each issue may be established in the sinking fund. The sinking fund shall be maintained with [the Pennsylvania] a bank, trust company or bank and trust company located and lawfully conducting a banking or trust business in the Commonwealth of Pennsylvania and appointed from time to time as sinking fund depository [and all moneys deposited therein and the investments thereof shall without further action or filing be subject to a perfected security interest for the bonds and notes for which such sinking fund is operated until such moneys or funds have been properly disbursed].

(b) Moneys for the payment of taxes assumed, and principal and interest on outstanding bonds or notes shall be deposited in [a separate debt service account in] the applicable sinking

fund [for each series] or sinking fund account from the sources, at the times and in the amounts provided in any contract with the holders of the bonds and notes but, in any event, prior to the time when payment of such taxes, principal and interest become due and payable. All moneys deposited in sinking funds as required by this act and all investments and proceeds of investments thereof shall, without further action or filing be subject to a perfected security interest for the holders of the bonds or notes for which such sinking fund is held until such money or investments shall have been properly disbursed or sold.

(c) A local government unit pledging the rates, rentals, receipts, charges and tolls from the use of a capital project, for the security of revenue or guaranteed revenue bonds or notes, [shall] may, by ordinance, provide for the deposit thereof as and when received in the sinking fund for the project.

(d) A local government unit may provide, by ordinance, for the creation and maintenance of other accounts in the sinking fund or of other funds for revenue or guaranteed revenue bonds or notes, including operating accounts or funds for financed projects, reserve accounts or funds for various purposes, a bond or note redemption account or fund and a surplus account or fund, and may prescribe the purposes for which the [funds] moneys and investments in each such account or fund may be withdrawn and the amounts, times and sources or deposits therein. [but every such ordinance shall provide that moneys in the surplus fund may be used by the local government unit for any lawful purpose of such local government unit, and no contract with the holders of bonds or notes shall provide to the contrary.] However, no such ordinance shall restrict the application of the rates, receipts, charges and tolls received in respect of a capital project or combined capital projects (exclusive of assessments and contributions for capital improvements) in any fiscal year in excess of the amount required during such year for operating expenses plus one hundred and forty per cent, or such lesser per cent as may be fixed by ordinance, of the amount required to be deposited during such year from such revenues in the applicable sinking funds for the payment, at maturity or scheduled mandatory redemption, of the principal of and interest on the related bonds or notes but such excess shall at all times be available for use by the local government unit for any lawful purpose and no contract with the holders of bonds or notes shall provide to the contrary.

[(e) Deposits in the surplus account of the sinking fund for revenue or guaranteed revenue bonds or notes shall be made in each year of all pledged revenues in excess of the sum of the operating expenses plus one hundred and forty per cent of the annual debt service (which term shall include funds set aside for the amortization of term bonds) for such year but this provision shall not apply to receipts from contracts for construction for additions or betterments which are held for application to such purpose.]

Section 1002. [Sinking] Assessment Fund [for Assessments].—If a local government unit issues bonds or notes as general obligation bonds or guaranteed revenue bonds to provide funds for and towards the cost of making permanent street, sidewalk, water or sewer improvements, or other assessable improvements, and such cost is assessed against the properties benefited thereby, the assessments as collected shall be paid into [the sinking] a separate assessment fund [for such bonds]. [The ordinance authorizing such bonds may provide for the payment of such assessments into a revolving

fund account to provide moneys for and towards the cost of other such improvements, and in such case, the ordinance shall also provide for the payment into the sinking fund from other sources of moneys sufficient to pay the principal of and the interest on such bonds or notes and such bonds or notes shall not by virtue of such assessment revenues be excluded from non-electoral debt. To the extent that such other moneys are paid into the sinking fund, the revenues from the assessments may be used to make other assessable improvements.] Moneys to the credit of the assessment fund may be used for any one or more of the following purposes in any proportions and subject to any priorities set forth in the ordinance incurring the debt:

(1) for the payments to the sinking fund;
 (2) for payment of the cost of such improvements;
 (3) for the creation and maintenance of a revolving fund if permitted by the laws governing the local government unit; and

(4) for payment to the general fund or any other fund of the local government unit. The fund may be continued as a revolving fund, if permitted by law, or discontinued at any time. [Upon] Unless otherwise provided in the ordinance incurring the debt, upon discontinuance of the fund the proceeds of the assessments shall be used to pay any bonds or notes remaining outstanding and to reimburse the general fund of the local government unit for the moneys theretofore paid on account of the bonds or notes.

Section 1003. Duty of Treasurer [with Respect to Sinking Fund].—It shall be the duty of the treasurer of each local government unit to deposit into the applicable sinking fund or other fund the moneys to be deposited therein pursuant to the pledge or covenant [entered into] made or adopted by the local government unit [with the holders of its bonds and notes,] at the times and in the amounts provided in [the pledges made by the local government unit] such pledge or covenant or, if no pledge or covenant has been made or adopted, as provided in the appropriations made by the governing body. If no appropriation of moneys shall have been made, or if it shall appear that, as a result of other expenditures, the appropriated revenues will not be received in sufficient amounts in time to make the deposits required to be made for the payment of the taxes assumed and the interest on and principal of general obligation bonds and notes, or the amount due on a guaranty of guaranteed revenue bonds or notes or on a guaranty of any authority or other local government unit obligation, it shall be the duty of the treasurer to pay into the applicable sinking fund, or other fund, that portion of each receipt of tax moneys and other available revenues, subject, in the case of a limited guaranty, to the terms thereof, as will result in the [timely accumulation] deposit of sufficient moneys in the sinking fund or other fund to pay the taxes assumed and the principal of and interest on the bonds or notes, or to meet the guaranty obligation of the local government unit as and when the same shall become due and payable. The governing body of a local government unit may issue its tax anticipation notes under Article V of this act to provide all or any part of any moneys needed for deposit in [the] such sinking funds [of the local government unit] or other funds.

Section 1004. Deposit of and Investment of Moneys in Sinking Funds and Other Funds.—(a) Any moneys in sinking funds and other funds established by ordinance as in this act provided, not required for prompt expenditure may be deposited at interest in time accounts or certificates of [deposits] deposit

of any bank or bank and trust company, accounts with any savings bank, or [in shares of] deposits in building and loan associations or [Federal] savings and loan associations. Moneys required for prompt expenditure shall be held in demand deposits. To the extent that such deposits or accounts are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, they need not be secured; otherwise such deposits shall be secured as public deposits whether or not title shall, by virtue of the deposit with a fiscal agent or trustee for bondholders, be in such fiscal agent or trustee, except that moneys held by the fiscal agent, trustee or sinking fund depository itself may be secured as trust funds.

(b) Any moneys in [sinking] funds or accounts not required for prompt expenditure and not deposited at interest shall, to the extent practicable and reasonable be invested in any securities in which the Commonwealth may at the time of investment, invest moneys of the Commonwealth not required for the time being for expenditure, subject to any stricter requirements in any contract with the holders of bonds or notes for which the particular [sinking] fund or account was created or maintained.

(c) All such deposits and investments shall be in the name of the local government unit but moneys and investments in the sinking fund shall be subject to withdrawal or collection only by the sinking fund depository for proper purposes in accordance with this act.

(d) Income received from any deposit or investment shall be a part of the fund or account invested and may be applied if so desired by the local government unit, in reduction of or to complete any required deposits in such fund or account.

(e) For the purposes of investment or deposit at interest, all accounts in a sinking fund or other accounts or funds established in respect of one or more series of bonds or notes having the same depository may be combined and each such combined account shall be entitled to its pro rata share of each deposit or investment.

(f) The sinking fund depository shall return to the local government unit all moneys deposited in a sinking fund for the payment of bonds, notes or coupons which have not been claimed by the holders thereof after two years from the date when payment is due, except where such funds are held for the payment of outstanding checks, drafts or other instruments of the sinking fund depository. Nothing in this subsection or in any action taken hereunder shall relieve the local government unit of its liability to the holders of unrepresented bonds, notes, or coupons.

(g) Any investments of a sinking fund, including bonds of the local government unit held therein, may be sold at any time by the sinking fund depository if cash is required for expenditure, or as directed by the managers of the sinking fund, through any broker or dealer in securities, any other law concerning dispositions of assets of a local government unit to the contrary notwithstanding.

Section 1005. Management of Sinking [Fund] and Other Funds.—The management and control of sinking and other funds, and investments thereof, subject to the provisions of this act shall be vested in the governing body of the local government unit except:

(1) Where by any other law there has been created any board or commission for the management and control of sinking funds of a particular class of local government units, in which case such board or commission shall have the management and control of the sinking funds of such local government units;

(2) To the extent otherwise provided by this act; and

(3) To the extent otherwise lawfully provided in any contract with the holders of bonds or notes.

Section 1006. Inspection of Sinking Funds; Orders to Comply.—(a) The department [shall] may from time to time[, not less frequently than triennially,] audit the sinking funds and all records pertaining thereto of local government units

which have any outstanding debt, except those annually submitting to the department reports of their sinking funds audited by an independent [certified] public accountant and except for school districts of the first class or cities of the second class and second class A.

(b) If such audit or reports shall disclose that any local government unit has refused or neglected to establish sinking funds as required by this act, or has failed to provide sufficient moneys for any sinking fund to meet the payments of assumed taxes, principal and interest to be made therefrom, is not investing sufficient of the sinking fund moneys or is otherwise in violation of this article, the department shall make an order requiring the local government unit or any officer thereof or the governing body to take such steps as, in the opinion of the department, will cause such sinking funds thereafter to comply with this article or to be sufficient.

(c) In addition to the criminal prosecutions provided for in Article XIII of this act, or in lieu thereof, the department may, in its discretion, apply to the Commonwealth Court for a writ of mandamus to issue to such officer or governing body of the local government unit to compel compliance with such order of the department or such order with such modifications thereof as to the court may seem just and proper.

Section 54. The act is amended by adding a section to read:

Section 1007. Sinking Fund not Required for Small Borrowings.—A local government unit may, but shall not be required to, comply with the provisions of this Article X in respect of notes issued in compliance with section 409.

Section 55. The article heading of Article XI of the act is reenacted to read:

ARTICLE XI Refunding of Debt

Section 56. Sections 1101, 1102, 1103, 1104, 1005, 1006, 1107, 1108, 1109 and 1110 are reenacted and amended to read:

Section 1101. Power to Refund.—Subject to the provisions of the outstanding bonds, [or] notes or obligations evidencing lease rental debt, and subject to the provisions of this article, a local government unit shall have the right and power to refund any outstanding debt in whole or in part at any time [by the issue of bonds or notes of the same type as the bonds or notes being refunded or by adjustments of lease rentals in connection with any refunding of lease rental debt,] and shall have the right and power to refund any outstanding notes with bonds [of the same type] or bonds with notes.

For the purpose of this Article XI, the term "refund" and its variations shall mean the issuance and sale of obligations the proceeds of which are used or are to be used for the payment or redemption of outstanding obligations upon or prior to maturity. The refunding may be for any one or more of the following purposes:

(1) Reducing total [interest payable] debt service over the life of the series; [by issuing bonds or notes of a shorter term or at a lower interest rate or rates;]

(2) Reducing the annual debt service in any particular year or years, by extending the life of the issue subject to the limitations imposed by section 1107;

(3) Eliminating any covenant or restriction in, or applicable to, any outstanding series or issue of bonds or notes determined by the local government unit to be unduly burdensome or restrictive;

(4) Refunding any maturity or maturities or any portions thereof to a later date subject to the limitations imposed by section 1107; [or]

(5) Substituting [a bond issue] bonds for notes or bond anticipation notes or substituting notes for bonds; and

(6) Adjusting lease rentals upon refunding of lease rental debt for any one or more of the foregoing purposes. It is immaterial whether or not any such refunding under clauses (2), (3), (4), or (5) increases the total [interest] debt service pay-

able over the life of the series.

Section 1102. [Treatment of Refunding Premium and Costs of Issue on Refunding Bonds] Treatment of Costs Upon a Refunding.—In any refunding, a principal amount of refunding bonds or notes or obligations evidencing lease rental debt equal to the sum of the following:

(1) The call premium payable on the bonds, notes or obligations being refunded;

(2) The discount allowed on the sale of the refunding bonds, notes or obligations;

(3) Any funds [needed] borrowed to [cover] pay interest [payable] on bonds, notes or obligations being refunded [not otherwise made available]; and

(4) The costs of issue and sale of the refunding bonds, notes or obligations; may be considered as interest on the refunding bonds, notes or obligations may be separately stated in all reporting of debt, and in all computation of debt limits and if so considered and reported by the local government unit shall not be considered as electoral, [or] nonelectoral or lease rental debt.

In subsequent debt statements, any such separately stated principal amount of bonds, [or] notes or obligations shall be reported as being amortized in the same proportion as the series of which they are a part. [In computing whether savings are being effected by a refunding, the interest on the bonds or notes being refunded and the interest on all refunding bonds or notes being issued shall be calculated to stated maturity dates or earlier mandatory call dates on both series except as provided in the last sentence of this section. The amounts computed from clauses (1) to (4) above shall be added to the interest computed on the refunding bonds or notes to determine the total interest on such bonds or notes. In computing interest on the bonds or notes being refunded, surplus revenues pledged to the series shall, subject to subsection (e) of section 1001 be applied to reduce outstanding bonds or notes at the earliest optional call dates covered by available funds.]

For the purpose of computing whether savings are being effected, however, the comparison of debt service which would be payable on the refunded bonds, notes or obligations shall be with debt service on the refunding bonds, notes or obligations without reference to the designation of the costs in clauses (1) through (4) above, adjusted in each case by projected receipt of interest on invested funds, of excess revenues or application of reserves to make the comparison reasonable and proper.

Section 1103. Limitation on Extending Term of Debt by Refunding.—(a) Subject to the terms of section 1107 and to terms of subsection (b) of this section, no local government unit shall extend the term of outstanding debt through refunding to a maturity date that could not have been included in the original issue, except in the case of an emergency refunding of stated maturity date to avoid a default occasioned by an unforeseen shortage in total revenues proven to the satisfaction of the department upon petition filed by the governing body of the local governing unit, alleging the emergency and the unforeseen loss of revenues. Public notice of the intention to file such a petition shall be given by advertisement not less than five nor more than twenty days before the filing thereof. Such emergency refunding shall be made only in the amount and with the stated maturity date or dates approved by the department. The first maturity of a refunding issue need not occur until the year after the last stated maturity date of the bonds not called in the series being refunded.

(b) Except in the case of refundings [which effect savings in interest cost] for the purposes specified in clauses (1) and (5) of section 1101, and except for emergency refundings approved by the department, no refunding bonds shall be issued which will increase the amount of principal payable (after provision for earlier mandatory calls) in any year or years after the latest

stated maturity date of the bonds being refunded, [over the amount payable in each such year, computed to the nearest whole multiple of five thousand dollars (\$5,000), as if the bonds or notes originally issued for the project were payable at six per cent on the level annual debt service plan with a final maturity at the last stated maturity date proposed for the refunding bonds, as such amounts shall be computed by a financial advisor, other qualified person, or by a certified public accountant.] over the amount of the principal which would have been payable on the bonds or notes originally issued for the project in each such year if such original bonds or notes had been structured on a six per cent level annual debt service plan to the last stated maturity date of the proposed refunding bonds, computed to the nearest whole multiple of \$5,000, as such amounts shall be computed by a financial advisor, other qualified person, or by a public accountant.

Section 1104. Effect of Debt Limits on Refunding Nonelectoral Bonds or Notes or Lease Rental Debt.—If any debt originally incurred was lawfully incurred and issued, and, at the time such debt was incurred, the portion constituting nonelectoral debt or lease rental debt was within every limitation imposed thereon by law, the issue of refunding bonds or notes or the adjustment of lease rentals in respect of such debt shall be lawful and valid, notwithstanding that the aggregate of outstanding debt shall thereby exceed the then applicable limitations set by section 202 of this act, which limitations shall be deemed increased but only to the extent necessary to effectuate and amortize the refunding lawfully. Any portion of such refunding bonds, [or] notes or obligations may be excluded from nonelectoral debt or lease rental debt, either as subsidized debt or self-liquidating debt, in accordance with the procedure provided in Article II of this act.

Section 1105. Refunding of Electoral Debt.—A local government unit may, by action of its governing body, and in accordance with the limitations of this Article XI, refund any debt originally incurred as electoral debt. The refunding bonds, [or] notes or obligations so issued shall not thereby be considered nonelectoral debt or lease rental debt for any purpose.

Section 1106. Procedure for Authorization, Sale, Issue, and Approval of Refunding Bonds or notes.—Bonds or notes issued for refunding purposes shall be authorized, issued, sold, approved and settled and refunding of lease rental debt shall be authorized and approved in the manner provided in this act for the authorization, issue, sale and approval of the original debt, subject to any additional limitations provided in this Article [XI]. No refunding bonds or notes shall be delivered to the purchasers thereof unless, simultaneously therewith, the notes or bonds being refunded become no longer outstanding in accordance with section 1110 and no adjustment in lease rentals shall be made unless appropriate provision for the retirement of the outstanding lease rental debt shall have been made.

Section 1107. Special Limitation on Refunding of Funding Debt.—No debt incurred for funding purposes pursuant to section 510, or under law in existence prior to the effective date of this act, shall be refunded except pursuant to clause (1) of section 1101 until such refunding shall have been approved as necessary by the [Commonwealth Court] court of common pleas. Such approval shall be obtained by petition to reopen the proceedings in which the funding debt was originally incurred, and the court shall grant such petition, if, after hearing, the court shall be satisfied that such refunding is necessary and is in the public interest. Due public notice of the filing of the petition, shall be given by advertisement not less than five nor more than twenty days before the filing thereof. All subsequent proceedings in respect of the refunding of such funding debt shall be taken in accordance with the provisions of this act applicable to the incurring of the original debt. Bonds or notes issued to refund funding debt shall be stated to mature at the

dates and in the amounts on each such date as may be approved by the court, notwithstanding any limitation on the term of funding debt imposed elsewhere in this act.

Section 1108. Approval of a Refunding by the Electors.—The governing body of any local government unit may also obtain the approval of the electors to any refunding of nonelectoral or lease rental debt in the manner prescribed for an original issue by Article III of this act, and may issue general obligation bonds or guaranteed revenue bonds or incur other obligations in such refunding if approved by the electors regardless of the class of bonds, notes or obligations originally issued.

Section 1109. Refunding with Bonds of Another Type.—Subject to the limitations of section 202 of this act, or after a referendum held pursuant to section 1108, the governing body of any local government unit may for any purpose specified in section 1101, refund with its general obligation bonds or notes or its guaranteed revenue bonds, or notes all or any part of any outstanding [callable] revenue bonds or notes or bonds, [or] notes or obligations of any authority [formed by it or of which it is a member] or other local governmental unit constituting lease rental debt of the local government unit or may refund any outstanding [callable] revenue bonds or guaranteed revenue bonds or notes with like bonds or notes. It may also refund any general obligation or guaranteed revenue bonds with its revenue bonds, by the incurring of lease rental debt or by guaranteeing the obligations of an authority.

Section 1110. Use of Proceeds of Refunding Bonds; When Refunded Bonds Are No Longer Deemed Outstanding.—(a) The proceeds of refunding bonds, together with any other moneys made available for the purpose shall be used solely for the purpose of retiring the bonds being refunded and for the purpose of paying the costs of the refunding.

(b) Any bonds or notes to be redeemed or paid shall no longer be deemed to be outstanding for the purpose of determining the net debt of the local government unit or for the purposes of any indenture limitations on replying revenues when the local government unit shall have irrevocably deposited with a bank or bank and trust company in a sufficient amount:

- (1) Moneys;
- (2) Noncallable securities of the United States of America or of the Commonwealth maturing or payable at par at the option of the holders at or prior to the dates needed for disbursement;
- (3) Time deposits or certificates of deposit, with a firm rate of interest or stated minimum rate of interest issued by a bank or bank and trust company and insured or adequately secured as [public deposits] required by section 1004; or

(4) Any combination of the foregoing. Subject to any relevant contrary law or regulation, the amount deposited may be equal to the principal and interest to become due on the bonds or notes being refunded to the date on which the bonds or notes are stated to mature or any lesser amount computed in accordance with the provisions of the next sentence. The deposited amount shall be sufficient when it, together with the interest to be earned thereon will equal the principal, premium, and interest to become due on the bonds or notes being refunded to the earlier of the date at which any such bonds or notes are stated to mature, or have been called for prior redemption: Provided, however, That the local government unit shall simultaneously have given such bank or bank and trust company instructions and authority, stated to be irrevocable, to publish any notices of redemption remaining to be published.

When stated to be irrevocable, the instructions and authority to call bonds or notes for redemption shall become irrevocable upon the delivery thereof, or upon the deposit of the moneys or securities in a sufficient amount to effect the redemption, whichever shall occur the later. Until such irrevocability shall have occurred, a call for redemption may be revoked by notice given in like manner as the notice of redemption.

Section 57. Section 1111 of the act is reenacted to read:

Section 1111. Cessation of Interest on Called Bonds or Notes.—Upon the date fixed for redemption, such irrevocable deposit having been made, and due notice of the redemption having been given, no further interest on the bonds or notes so called for redemption shall accrue. Nothing in this article shall, however, relieve the issuing local government unit of its obligation to see to it that the holders of the bonds or notes called for redemption are paid in full on the date fixed for redemption. From and after such date, such irrevocable deposit having been made and being the proper amount on such date, the holders of bonds or notes called for redemption shall have no rights against the local government unit except to receive payment from the deposited funds, or from the local government unit to the extent of the moneys returned to it pursuant to subsection (f) of section 1004 of this act.

Section 58. The article heading of Article XII of the act is reenacted to read:

ARTICLE XII Remedies

Section 59. Sections 1201, 1202, 1203 and 1204 of the act are reenacted and amended to read:

Section 1201. Failure to Budget Debt Service.—If a local government unit having outstanding any general obligation bonds or notes or guaranteed revenue bonds or notes, lease rental debt or guaranty of authority obligations fails or refuses to make adequate provision in its budget for any fiscal year for the sums payable in respect of such bonds or notes, lease rental or guaranty in such year or shall fail to appropriate or pay the moneys necessary in such year for the payment of the amount of the lease rental or guaranty, or as the case may be, of the maturing principal of and the interest on such bonds or notes or any of them, or any tax anticipation notes, or any sinking fund obligation for such bonds or notes or tax anticipation notes, or guaranty or the lease rental payment coming due in the fiscal year of such budget or for which such appropriations or payments should have been made, then at the suit of the holders of any bond, note, or tax anticipation note, or coupon or guaranty, or the holder of any authority obligation secured by a lease evidencing the acquisition of a capital asset or of any taxpayer of the local government unit, the court of common pleas of the county in which such local government unit is located, or, if located in two counties, then of either county, shall, after a hearing held upon such notice to the local government unit as the court may direct, and upon a finding of such failure or neglect, by writ of mandamus, require the treasurer of the local government unit and it shall be the duty of such treasurer to pay into the sinking fund for each series of bonds or notes then outstanding, or for each guaranty or lease rental payment, the first tax moneys or other available revenues or moneys thereafter received in such fiscal year by such treasurer, equally and ratably for each series for which provision has not been made in proportion to debt service for such year on each such series then outstanding, or the amounts due upon guaranties or as [rental under leases evidencing the acquisition of capital assets,] payments with respect to lease rental debt, as the case may be, (except that any priority on incoming tax moneys accorded to a separate sinking fund for tax anticipation notes under the authority of section 505, shall not be affected by this provision), until the sum on deposit in each sinking fund shall equal the moneys that should have been budgeted or appropriated for each such series.

Section 1202. Failure to Pay Principal or Interest.—(a) If a local government unit fails or neglects to pay or cause to be paid the interest or principal on any of its general obligation bonds or notes, or tax anticipation notes, as the same becomes due and payable whether at the stated maturity date or upon an unrevoked call for prior redemption, or to perform its payment obligations with respect to any lease rental debt or guaranteed revenue bonds or notes, and such failure shall continue for thirty days, the holder thereof shall, subject to [section]

priorities created under sections 505, 1201 and 1203 of this act and to any [reasonable] limitations upon individual rights of action properly provided in the bond ordinance or any indenture, have the right to recover the amount due in an action in assumpsit in the court of common pleas of the county in which such local government unit is located, or if located in two counties, of either county. The judgment recovered shall have [first] an appropriate priority upon the moneys next coming into the treasury of the local government unit and shall be a judgment upon which funding bonds may be issued pursuant to Article V of this act.

(b) If a local government unit fails or neglects to pay or cause to be paid the principal of or the interest upon any revenue bond or note as the same shall become due, whether at the stated maturity or upon call for prior redemption, the holder thereof shall, subject to [section] priorities created under sections 505, 1202 and 1203 of this act and to any [reasonable] limitations upon individual rights of action properly provided in the bond ordinance or any indenture, have the right to recover the amount due in an action in assumpsit in the court of common pleas of the county in which such local government unit is located, or, if located in two counties, of either county but the judgment shall be limited to payment cut of the assessments, revenues, rates, rents, tolls and charges from the project which are pledged for the payment of such bonds or notes.

Section 1203. Trustee for Bondholders.—(a) Notwithstanding any provision in the bonds or notes or in any authorizing ordinance, if a local government unit defaults in the payment of the principal of or the interest on any series of bonds or notes after the same shall become due, whether at the stated maturity or upon call for prior redemption, and such default shall continue for thirty days, or if the local government unit fails to comply with any provision of the bonds or notes, or in any authorizing resolution or indenture of trust, the holders of twenty-five per cent in aggregate principal amount of the bonds or notes of such series then outstanding, by an instrument or instruments filed in the office for the recorder of deeds in the county in which such local government unit is located, signed and acknowledged in the same manner as a deed to be recorded, may appoint a trustee, who may be the sinking fund depository, to represent the holders of all such bonds or notes, and such representation shall be exclusive for the purposes herein provided.

(b) Such trustee may, and upon written request of the holders of twenty-five per cent in principal amount of such bonds or notes then outstanding and upon being furnished with identity satisfactory to it shall, in his or its own name take one or more of the actions set forth below and the taking of such actions shall preclude similar action whether previously or subsequently initiated by individual holders of bonds or notes.

(1) By mandamus or other suit, action or proceeding at law or in equity enforce all rights of the holders of the bonds or notes, including in the case of revenue or guaranteed revenue obligations the right to require the local government unit to impose and collect rents, rates, tolls and charges adequate to carry out any agreement or covenant as to, or pledge of such rents, rates, tolls or charges, for the use of the project or projects financed by such bonds or notes, or to require the local government unit to carry out any other agreements with the holders of such bonds or notes;

(2) Bring suit on the bonds or notes without the necessity for producing the bonds or notes, and with same effect as a suit by any holder;

(3) In the case of revenue or guaranteed revenue bonds or notes to require the local government unit to account as if it were the trustee of an express trust for the holders of such bonds or notes, for any pledged revenues received;

(4) In the case of general obligation bonds or notes, petition the court to levy, and the court is hereby empowered to levy, after a hearing upon such notice to the owners of assessable real estate, as the court may prescribe, the amount due before or after the exercise of any right of acceleration on the bonds or

notes plus estimated costs of collection as an assessment upon the properties benefited by the improvement pursuant to the front foot rule if the project is an assessable improvement, otherwise upon all taxable real estate and other property subject to ad valorem taxation in the local government unit, in proportion to the value thereof as assessed for tax purposes, and the trustee may collect or cause the local government unit to collect, such assessments as by foreclosure of a mortgage or security interest on the realty or other property if not paid on demand;

(5) In the case of guaranteed revenue bonds or notes or a guarantee [or] of authority obligations or unpaid lease rentals under leases evidencing the acquisition of capital assets, to petition the court to levy, and the court is hereby empowered to levy, after hearing upon such notice to the owners of assessable real estate, and other property subject to ad valorem taxation, as the court may prescribe, the amount due on the guaranty or under the lease plus estimated costs of collection as an annual assessment for the current and future years upon all taxable real estate and other properties subject to ad valorem taxation in the local government unit in proportion to the value thereof as assessed for tax purposes, and the trustee may collect or cause the local government unit to collect such assessments as by foreclosure of a mortgage or security interest on the realty or other property if not paid on demand. The levy shall bear interest, until paid, at a rate sufficient to cover a reasonable interest on the bonds or notes;

(6) By suit in equity, enjoin any act or thing which may be unlawful or in violation of the rights of the holders of such bonds, notes, guaranty, or authority obligations under a lease evidencing the acquisition of capital assets;

(7) After thirty days prior written notice to the local government unit, and subject to any limitations in the bond ordinance or relevant indenture declare the unpaid principal of all such bonds or notes to be, and it shall thereby become forthwith due and payable with interest at the rates stated in the bonds until final payment, and, if all defaults shall be made good then to annul such declaration and its consequences.

Any assessment levied pursuant to clauses (4) and (5) above shall have the same priority and preference as to other liens or mortgages on the real estate or security interests in fixtures thereon or other property, as a lien for unpaid taxes.

(c) The court of common pleas of the jurisdiction in which such local government unit is located shall have jurisdiction of any suit, action, or proceeding by the trustee on behalf of bondholders under this section, and, in cases of extreme hardship may provide for the payment of sums levied in five or less annual installments with interest at a rate sufficient to cover the interest accruing on the bonds or notes. Appeals shall be to the

Commonwealth Court in accordance with the Appellate Court Jurisdiction Act of 1970.

(d) If a trustee or fiscal agent for the bondholders or noteholders was appointed in connection with the original issue of the bonds or notes, and is willing to serve and exercise the powers [confined] conferred upon a trustee appointed by this section, no trustee appointed in the manner provided in this section shall have the powers herein set forth unless the appointment under this section was executed by or pursuant to the authority of the holders of a principal amount of such bonds or notes sufficient to remove such originally appointed trustee or fiscal agent.

Section 1204. Receiver for Revenue Projects.—A trustee for the holders of defaulted bonds or notes, whether or not the series of bonds presented by the trustee has been declared to be and has become forthwith due and payable, shall be entitled as of right to the appointment, by the court of common pleas of the county in which such local government unit is located, or, if located in two counties, then of either county, of a receiver of all or any part of parts of a project or the projects, the rents, rates, revenues, tolls and charges of which are pledged for the security of the bonds or notes of such series. [Such] Except as otherwise provided in the section, such receiver shall have no power [of sale] to sell, assign, mortgage, or otherwise dispose

of, but may enter and take possession of the project or projects or part or parts thereof, and, subject to the equal or prior rights of the holders of any other series of bonds or notes, shall take possession of all moneys and other property derived from or applicable to the construction, operation, maintenance, repair and reconstruction of such project or projects or parts thereof. The receiver may thereafter proceed with any construction or other work thereon which the local government unit is under obligation to do. The receiver may operate, maintain, repair, and reconstruct such project or projects, or parts thereof and collect and receive all rents, rates, receipts, tolls, other charges and revenues arising therefrom, subject to the equal or prior rights of the holders of any other series of bonds or notes therein. As part of his power to operate and maintain a project, the receiver may sell or otherwise dispose of equipment which is no longer used or usable by the project. The receiver shall perform

the public duties and carry out the lawful agreements and obligations of the local government unit with respect to the project or projects or parts thereof, all under the direction of the court but shall not perform any essential governmental functions.

Section 60. Section 1205 of the act is reenacted to read:

Section 1205. Costs of Suits or Proceedings.—In any suit, action or proceeding by or on behalf of the holders of defaulted bonds or notes of a local government unit brought under this act the fees and expenses of a trustee or receiver, including operating costs of a project and reasonable counsel fees, shall constitute taxable costs, and all such costs and disbursements allowed by the court shall be deemed additional principal due on the bonds or notes, and shall be paid in full from any recovery prior to any distribution to the holders of the bonds or notes.

Section 61. Section 1206 of the act is reenacted and amended to read:

Section 1206. Distribution of Moneys Realized for Bondholders.—Moneys or funds collected for the holders of defaulted bonds or notes entitled to share equally and ratably therein shall, after the payment of costs and fees as provided in section 1205, be applied by the trustee or receiver, unless the terms of the bonds or notes provide otherwise, as follows:

(1) Unless the principal of all of the bonds or notes represented shall have become or have been declared due and payable, (i) to the payment to the persons entitled thereto of all installments of interest then due in the order of the stated maturity dates of such installments of such interest and, if the amount available shall not be sufficient to pay any installment in full, then to the payment ratably, according to the amounts due on such installment, to the persons entitled thereto, without any discrimination or preference except as to any difference in the respective rates of interest expressed in the bonds or notes or coupons for interest; and (ii) to the payment to the persons entitled thereto of the unpaid principal of any bonds or notes which shall have become due, whether at stated maturity dates or by call for redemption, in the order of their respective due dates, and if the amount available shall not be sufficient to pay in full all the bonds or notes due on any date, then to the payment ratably, according to the amounts of principal due on such dates, to the persons entitled thereto without any discrimination or preference.

(2) If the principal of all of the bonds or notes entitled to share equally in such moneys shall have become or shall have been declared due and payable, to the payment of the principal and interest then due and unpaid upon the bonds or notes without preference or priority of principal over interest or interest over principal, or of any installment of interest over any other installment of interest, or of any bond or note over any other bond or note, ratably according to the [accounts] amounts due respectively for principal and interest, to the persons entitled thereto without any discrimination or preference except as to any difference in the respective rates of interest specified in the bonds, notes and coupons.

(3) If more than one series is involved and the principal of all bonds or notes of one or more series has become or has been declared due and payable, and that if one or more others has not, the funds available shall be apportioned to each series accord-

ing to the respective amounts of principal of each series then outstanding less, as to each series any amounts held earmarked for such series, and distribution to the holders of the bonds, notes and coupons of each series shall be made according to whichever of clauses (1) and (2) above may be applicable.

Section 62. The article heading of Article XIII of the act is reenacted to read:

ARTICLE XIII

Miscellaneous; Repeals; Effective Date

Section 63. Section 1301 of the act is reenacted and amended to read:

Section 1301. False Statement in Documents Constitute Perjury; Fines and Penalties Therefor.—Whoever wilfully and corruptly makes under oath false oral or written statements or any false statement in any document required to be filed in the department, [or] in the office of the recorder of deeds or in the office of the prothonotary of the appropriate county is guilty of perjury, [a felony,] or false swearing, as the case may be, and whoever wilfully and corruptly procures or suborns any other person to make any such false statement, is guilty of [subornation of perjury, a felony] a crime, and on conviction of either offense, shall be sentenced to pay a fine [not exceeding ten thousand dollars (\$10,000),] or undergo imprisonment [by separate or solitary confinement at labor not exceeding seven years], or both within the limits prescribed by Title 18 Pa.C.S. (relating to crimes and offenses).

Section 64. Section 1302 of the act is reenacted to read:

Section 1302. Failure to Obey Sinking Fund Directive of Department Constitutes a Misdemeanor; Fines and Penalties Therefor.—Any officer or any member of the governing body of any local government unit who shall refuse or neglect to obey any order of the department made under the provisions of Article X concerning sinking funds or who shall refuse to furnish requested information required by the department, or refuse agents of the department access to any books, records or documents relating to sinking funds shall be guilty of a misdemeanor, and upon conviction thereof, shall be each sentenced to pay a fine not exceeding [five hundred dollars] \$500 for each day of violation.

Section 65. Section 1303 of the act is reenacted and amended to read:

Section 1303. Exemption of Bonds and Notes from Taxation in Pennsylvania.—The Commonwealth does hereby pledge to and agree with any person, firm, or corporation or Federal Agency subscribing to or acquiring any bonds or notes, including tax anticipation notes issued by any local government unit pursuant to the provisions of this act or the act approved June 25, 1941, as amended, that such bonds or notes, their transfer and the income therefrom [including any gains made on the sale thereof (other than the underwriting spread in a distribution thereof)] (including any profits made on the sale thereof) shall at all times be free from taxation for State and local purposes within [and by] the Commonwealth of Pennsylvania, but this exemption shall not extend to [underwriting profits or to] gift, estate, succession or inheritance taxes or any other taxes not levied directly on the bonds or notes, the transfer thereof, the [receipt of the] income therefrom, or the realization of [gains] profits on the sale thereof.

Section 66. Section 1304 of the act is reenacted to read:

Section 1304. Exclusive Method of Borrowing on Bonds or Notes, Including Tax Anticipation Notes.—Hereafter a local government unit, as defined in this act, may borrow money on bonds or notes, including tax anticipation notes, only as provided in this act, it being the intention that this act shall provide an exclusive and uniform system on the subjects covered by this act: Provided, however, That school districts of the first class may for their first four full fiscal years following the effective date of this act borrow on tax anticipation notes and other short term borrowing authority in accordance with prior law.

Section 67. Section 1305 of the act is reenacted and amended to read:

Section 1305. Duties of [Recorders of Deeds;] Prothonotaries; Filing Fees.—(a) It shall be the duty of the [recorders of deeds] prothonotaries of the several courts of common pleas in each county to accept, file and index the several statements, resolutions and other matters required by this act to be filed in [the office for the recording of deeds. A separate index of debt records shall be established and maintained in which the filings of each local government unit will be indexed under the name of the local government making the filing.] their respective offices. Such officers shall to the extent that such filing shall not fall within established indexing and filing dockets, establish appropriate records and indices for such filings under the name of the local government unit making the filing or in respect of the debt of which such filing is made. If a microfilm record is made of the filings, the originals may be destroyed by [the recorder of deeds] such officer, and his certificate as to the filings and as to the accuracy of any copy of a filing shall be admitted in evidence in any court of this Commonwealth as proof [of what was filed] thereof.

(b) The local government unit or other person making the filing shall pay to [the recorder of deeds] such officer a filing fee based upon the fees charged for the filing of [deeds or mortgages of the same length] similar documents under established procedures.

Section 68. Section 1306 of the act is reenacted to read:

Section 1306. Severability.—The provisions, terms, and the applications of this act shall be severable, and if any term or provision or any application of this act to any situation including, but without limitation, the restrictions on lease rental debt and the application of this act thereto, shall be held to be unconstitutional, such decision shall not affect the validity of any other term or provision or the application of this act or of any expressed limits on debt to any other situation. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional application been expressly excluded or had such unconstitutional term or provision not been included herein.

Section 69. Section 1307 of the act is reenacted and amended to read:

Section 1307. Repeals.—[(a) The following acts are repealed absolutely:

(1) The act of June 25, 1941 (P. L. 159), known as the "Municipal Borrowing Law."

(2) The act of March 6, 1970 (P. L. 145), known as "The General Obligation Non-debt Bond Act."

(b) The following parts of acts are repealed in so far as they relate to the authorization, issue and sale of tax anticipation notes:

(1) Section 1 of the act of June 23, 1931 (P. L. 922), entitled "A supplement to the act, approved the seventh day of March, one thousand nine hundred and one (Pamphlet Laws, twenty), entitled 'An act for the government of cities of the second class,' as amended, authorizing the mayor, city controller, and council to make emergency loans."

(2) Section 1811.2 of the act of June 23, 1931 (P. L. 932), known as "The Third Class City Code."

(3) Section 1703 of the act of June 24, 1931 (P. L. 1206), known as "The First Class Township Code."

(4) Section 903 of the act of May 1, 1933 (P. L. 103), known as "The Second Class Township Code."

(5) Section 640 of the act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949."

(6) Clause (3) of section 1005 of the act of February 1, 1966 (P. L. 1656), known as "The Borough Code."

(c) All [other] acts and parts of acts are repealed in so far as they are inconsistent herewith.

Section 70. Section 1308 of the act is repealed.

Section 71. This act shall take effect immediately. All bonds

or notes sold prior to the effective date may be settled and delivered either in accordance with the provisions hereof or in accordance with the provisions of the act of which this is a re-enactment.

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

The SPEAKER. Does the gentleman from Blair, Mr. Hayes, wish to make an explanation on HB 1131?

Mr. S. E. HAYES. Mr. Speaker, as the House will recall, last year we addressed ourselves to the borrowing which was taking place in the city of Philadelphia for their schools there, and Judge Gelfand issued a decision which caused us to take certain legislative action.

That language was put into this bill. That act becomes moot on June 30 of this year, and the Senate took that language out. It had been incorporated into this bill, and they took that language out.

The SPEAKER. That is the sort of explanation the Chair would expect from now on when bills are on the floor of the House with amendments inserted into them. The Chair would urge each member to follow that type of instruction.

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

Mr. DeMEDIO. Mr. Speaker, I ask that the House do concur in amendments inserted by the Senate to HB 1131, PN 2666.

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

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

YEAS—196

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

Dombrowski	Kernick	Pievsy	Wiggins
Donatucci	Klingaman	Pitts	Williams
Dorr	Knepper	Polite	Wilson
Doyle	Kolter	Pott	Wilt
Duffy	Kowalyshyn	Pratt	Wise
Englehart	Kukovich	Prendergast	Wright, D.
Fee	Lashinger	Pyles	Wright, J. L.
Fischer, R. R.	Laughlin	Ravenstahl	Yahner
Fisher, D. M.	Lehr	Reed	Yohn
Flaherty	Letterman	Renwick	Zearfoos
Foster, A.	Levi	Richardson	Zeller
Foster, W.	Levin	Rieger	Zitterman
Freind	Lincoln	Ritter	Zord
Fryer	Livengood	Ruggiero	Zwilk
Gallagher	Logue	Ryan	
Gallen	Lynch	Salvatore	Irvis,
Gamble	Mackowski	Scanlon	Speaker
Garzia	Madigan		

NAYS—0

NOT VOTING—6

Arthurs	Dumas	Rhodes	Shelton
Burns	Rappaport		

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

Ordered, That the clerk inform the Senate accordingly.

CALENDAR BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 1233, PN 1698, entitled:

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

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?

(A roll-call vote was taken)

REMARKS ON VOTE

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

Mr. O'DONNELL. I rise to correct the record. Mr. Berson's switch was recorded the wrong way, I think, on that vote on SB 1233.

The SPEAKER. The gentleman, Mr. Berson, should have been recorded in the negative. Is that correct?

Mr. O'DONNELL. I think he should not be recorded for the moment.

The SPEAKER. Was the gentleman on the floor of the House?

Mr. O'DONNELL. I think he just left.

VOTE STRICKEN

The SPEAKER. That bill is of sufficient importance, especially to Mr. Berson, that we will strike the vote and take the vote again.

The Chair requests—this is an exceedingly important and politically very active bill—that only those members who are actually here be placed on this roll call. Let us not have any absentee voting. You may mistakenly think you are doing a favor for a member and in fact hurt him.

On the question recurring,
Shall the bill pass finally?

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

YEAS—172

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

NAYS—19

Barber	Helfrick	Rappaport	Williams
Berson	Johnson	Rhodes	Wise
DiCarlo	Kukovich	Richardson	
Dumas	Levin	Scirica	Irvis,
Goodman	Oliver	White	Speaker
Harper			

NOT VOTING—11

Arthurs	Burns	Itkin	Shelton
Beloff	Flaherty	McGinnis	Wiggins
Berlin	Hopkins	Pratt	

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 with amendment to which the concurrence of the Senate is requested.

CONSIDERATION OF HB 1250 RESUMED

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

Mr. RAPPAPORT. Mr. Speaker, the amendment inserted by the Senate reduces the appropriation from \$10,000 to \$5,000.

I urge concurrence, knowing that the Senate is not as aesthetically inclined as this House is.

Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—171

Abraham	Garzia	Lynch	Scanlon
Anderson	Gatski	Mackowski	Scheaffer
Armstrong	Geisler	Manderino	Schweder
Barber	George, C.	Manmiller	Scirica
Bellomini	George, M.	McCall	Seltzer
Beloff	Giammarco	McClatchy	Shupnik
Bennett	Gillette	McGinnis	Sirianni
Berlin	Gleeson	McIntyre	Smith, E.
Berson	Goebel	McLane	Smith, L.
Bittinger	Goodman	Mebus	Spencer
Bittle	Gray	Miller	Spitz
Borski	Greenfield	Miscevich	Stapleton
Brandt	Greenleaf	Moehlmann	Stewart
Brown	Grieco	Morris	Sweet
Brunner	Halverson	Mowery	Taddonio
Burd	Harper	Mullen, M. P.	Taylor, E.
Caltagirone	Haskell	Musto	Taylor, F.
Caputo	Hayes, D. S.	Novak	Tenaglio
Cessar	Hayes, S. E.	Noye	Thomas
Cianciulli	Helfrick	O'Brien, B.	Trello
Cohen	Hoefel	O'Connell	Valicenti
Cowell	Honaman	O'Donnell	Vroon
Davies	Hopkins	O'Keefe	Wagner
DeMedio	Hutchinson, A.	Oliver	Wansacz
DeWeese	Hutchinson, W.	Pancoast	Wargo
DiCarlo	Itkin	Parker	Wass
Dietz	Johnson	Peterson	Weidner
Dininni	Jones	Petrarca	Wenger
Dombrowski	Katz	Piccola	White
Donatucci	Kelly	Pievsky	Wiggins
Dorr	Kernick	Pitts	Williams
Doyle	Knepper	Polite	Wilson
Duffy	Kolter	Pott	Wilt
Dumas	Kowalyshyn	Prendergast	Wise
Englehart	Kukovich	Pyles	Wright, D.
Fee	Lashinger	Rappaport	Wright, J. L.
Fisher, D. M.	Laughlin	Ravenstahl	Yahner
Foster, A.	Lehr	Reed	Yohn
Foster, W.	Letterman	Richardson	Zitterman
Freind	Levi	Rieger	Zord

Fryer	Levin	Ruggiero	
Gallagher	Lincoln	Ryan	Irvis,
Gallen	Logue	Salvatore	Speaker
Gamble			

NAYS—23

Cassidy	Hamilton	Milanovich	Stairs
Cimini	Hasay	Milliron	Stuban
Cole	Klingaman	O'Brien, D.	Zearfoss
DeVerter	Livengood	Ritter	Zeller
Fischer, R. R.	Madigan	Schmitt	Zwikel
Geesey	Meluskey	Shuman	

NOT VOTING—8

Arthurs	Flaherty	Pratt	Rhodes
Burns	Mrkoncic	Renwick	Shelton

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

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following HOUSE BILL No. 1251, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

SENATE AMENDED

Prior Printer's No. 1474 Printer's No. 2607

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1251

Session of 1977

INTRODUCED BY MR. PIEVSKY, JUNE 6, 1977.

SENATOR SMITH, APPROPRIATIONS, IN SENATE, RE-REPORTED AS AMENDED, FEBRUARY 21, 1978.

An Act

making an appropriation to the Division of Education of the Philadelphia Museum of Art, Philadelphia, Pennsylvania.

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

Section 1. The sum of \$80,000 \$50,000, or as much thereof as may be necessary, is hereby specifically appropriated to the Division of Education of the Philadelphia Museum of Art, for the fiscal period July 1, 1977 to June 30, 1978, for the support of its educational program for school children.

Section 2. This act shall take effect July 1, 1977.

On the question,

Will the House concur in Senate amendments?

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

Mr. PIEVSKY. Mr. Speaker, the appropriation in HB 1251 was reduced from \$80,000 to \$50,000, and I urge concurrence in Senate amendments.

On the question recurring,

Will the House concur in Senate amendments?

Agreeable to the provisions of the Constitution, the following

roll call was recorded:

YEAS—166

Abraham	Garzia	Logue	Scanlon
Anderson	Gatski	Mackowski	Schmitt
Armstrong	Geisler	Manmiller	Schweder
Barber	George, C.	McCall	Scirica
Bellomini	George, M.	McClatchy	Seltzer
Beloff	Giammarco	McGinnis	Shupnik
Bennett	Gillette	McIntyre	Sirianni
Berlin	Gleeson	McLane	Smith, E.
Berson	Goebel	Mebus	Smith, L.
Bittinger	Goodman	Miller	Spencer
Bittle	Gray	Miscevich	Spitz
Borski	Greenfield	Moehlmann	Stapleton
Brandt	Greenleaf	Morris	Stewart
Brown	Grieco	Mullen, M. P.	Sweet
Brunner	Halverson	Musto	Taddonio
Burd	Harper	Novak	Taylor, E.
Caltagirone	Haskell	Noye	Tenaglio
Caputo	Hayes, D. S.	O'Brien, B.	Thomas
Cessar	Hayes, S. E.	O'Connell	Trello
Cianciulli	Helfrick	O'Donnell	Valicenti
Cimini	Hoeffel	O'Keefe	Wagner
Cohen	Honaman	Oliver	Wansacz
Cole	Hopkins	Pancoast	Wargo
Cowell	Hutchinson, A.	Petrarca	Wass
Davies	Hutchinson, W.	Piccola	Weidner
DeWeese	Itkin	Pievsky	Wenger
DiCarlo	Johnson	Pitts	White
Dietz	Jones	Polite	Wiggins
Dininni	Katz	Pott	Williams
Dombrowski	Kelly	Prendergast	Wilson
Donatucci	Kernick	Pyles	Wilt
Dorr	Knepper	Rappaport	Wise
Doyle	Kolter	Ravenstahl	Wright, D.
Duffy	Kowalshyn	Reed	Wright, J. L.
Dumas	Kukovich	Renwick	Yahner
Englehart	Lashinger	Rhodes	Yohn
Fee	Laughlin	Richardson	Zitterman
Fisher, D. M.	Lehr	Rieger	Zord
Foster, A.	Letterman	Ritter	Zwikel
Foster, W.	Levi	Ruggiero	
Gallagher	Levin	Ryan	Irvis,
Gamble	Lincoln	Salvatore	Speaker

NAYS—29

Cassidy	Hasay	Milanovich	Shuman
DeVerter	Klingaman	Milliron	Stairs
Fischer, R. R.	Livengood	Mowery	Stuban
Freind	Lynch	O'Brien, D.	Taylor, F.
Fryer	Madigan	Parker	Vroon
Gallen	Manderino	Peterson	Zearfoss
Geesey	Meluskey	Scheaffer	Zeller
Hamilton			

NOT VOTING—7

Arthurs	DeMedio	Mrkoncic	Shelton
Burns	Flaherty	Pratt	

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

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following HOUSE BILL No. 1265,

with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

SENATE AMENDED
 Prior Printer's No. 1488 Printer's No. 2608
THE GENERAL ASSEMBLY OF PENNSYLVANIA
 House Bill No. 1265
 Session of 1977

INTRODUCED BY MR. PIEVSKY, JUNE 6, 1977.

SENATOR SMITH, APPROPRIATIONS, IN SENATE, RE-REPORTED AS AMENDED, FEBRUARY 21, 1978.

An Act

making an appropriation to the Carnegie Museum at Pittsburgh, Pennsylvania, for maintenance and the purchase of apparatus, supplies and equipment.

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

Section 1. The sum of \$100,000 \$50,000, or as much thereof as may be necessary, is hereby specifically appropriated to the Carnegie Museum at Pittsburgh, Pennsylvania, for the fiscal period July 1, 1977 to June 30, 1978, for maintenance and the purchase of apparatus, supplies and equipment.

Section 2. This act shall take effect July 1, 1977.

On the question,

Will the House concur in Senate amendments?

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

Mr. PIEVSKY. Mr. Speaker, this appropriation was reduced from \$100,000 to \$50,000. I urge concurrence, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—174

Abraham	Gamble	Lynch	Salvatore
Anderson	Garzia	Manderino	Scanlon
Armstrong	Gatski	Manmiller	Scheaffer
Barber	Geesey	McCall	Schmitt
Bellomini	Geisler	McClatchy	Schweder
Beloff	George, C.	McGinnis	Scirca
Bennett	George, M.	McIntyre	Seltzer
Berlin	Giammarco	McLane	Shupnik
Berson	Gillette	Mebus	Sirianni
Bittinger	Gleeson	Miller	Smith, E.
Bittle	Goebel	Milliron	Smith, L.
Borski	Goodman	Miscevich	Spencer
Brandt	Gray	Moehlmann	Spitz
Brunner	Greenfield	Morris	Stapleton
Caltagirone	Greenleaf	Mowery	Stewart
Caputo	Grieco	Mrkonic	Sweet
Cassidy	Halverson	Mullen, M. P.	Taddonio
Cianciulli	Harper	Musto	Taylor, E.
Cimini	Haskell	Novak	Tenaglio
Cohen	Hayes, D. S.	Noye	Thomas
Cole	Hayes, S. E.	O'Brien, B.	Trello
Cowell	Helfrick	O'Connell	Valicenti
Davies	Hoeffel	O'Donnell	Vroon
DeMedio	Honaman	O'Keefe	Wagner
DeVertter	Hopkins	Oliver	Wansacz
DeWeese	Hutchinson, A.	Pancoast	Wargo
DiCarlo	Hutchinson, W.	Parker	Wass

Dietz	Itkin	Peterson	Weidner
Diminni	Johnson	Petrarca	Wenger
Dombrowski	Jones	Piccola	Wiggins
Donatucci	Katz	Pievsky	Williams
Dorr	Kelly	Pitts	Wilson
Doyle	Kernick	Polite	Wilt
Duffy	Knepper	Prendergast	Wise
Dumas	Kolter	Pyles	Wright, D.
Englehart	Kowalshyn	Rappaport	Wright, J. L.
Fee	Kukovich	Ravenstahl	Yahner
Fischer, R. R.	Lashinger	Reed	Yohn
Fisher, D. M.	Laughlin	Renwick	Zitterman
Flaherty	Lehr	Rhodes	Zord
Foster, A.	Letterman	Richardson	Zwinkl
Foster, W.	Levin	Rieger	
Freind	Lincoln	Ruggiero	Irvis,
Gallagher	Logue	Ryan	Speaker

NAYS—24

Brown	Hasay	Meluskey	Stairs
Burd	Klingaman	Milanovich	Stuban
Cessar	Levi	O'Brien, D.	Taylor, F.
Fryer	Livengood	Pott	White
Gallen	Mackowski	Ritter	Zearfoss
Hamilton	Madigan	Shuman	Zeller

NOT VOTING—4

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

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HOUSE BILL No. 1266**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

SENATE AMENDED

Prior Printer's No. 1489 Printer's No. 2609
THE GENERAL ASSEMBLY OF PENNSYLVANIA
 House Bill No. 1266
 Session of 1977

INTRODUCED BY MR. PIEVSKY, JUNE 6, 1977.

SENATOR SMITH, APPROPRIATIONS, IN SENATE, RE-REPORTED AS AMENDED, FEBRUARY 21, 1978.

An Act

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

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

Section 1. The sum of \$150,000, \$75,000, or as much thereof as may be necessary, is hereby specifically appropriated to the Museum of the Philadelphia Civic Center, Philadelphia, Pennsylvania, for the fiscal period July 1, 1977 to June 30, 1978, for maintenance and the purchase of apparatus, supplies and equipment.

Section 2. This act shall take effect July 1, 1977.

On the question,

Will the House concur in Senate amendments?

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

Mr. PIEVSKY. Mr. Speaker, this appropriation was \$150,000 and it was reduced to \$75,000. I urge concurrence, Mr. Speaker.

The SPEAKER. The Chair recognizes on the question, the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, may I ask Mr. Pievsky one question, please?

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

Mr. DeWEESE. Sir, I feel very good and proper about supporting these measures for the city of Philadelphia, but yesterday, in the caucus, the gentleman from Delaware County, Mr. O'Keefe, brought up a very poignant question. He indicated that this money was for the purchase of additional supplies and materials, and he also indicated that in his visits to this scene, he had not seen any change in the activities or in the museum itself, so he was not aware of what was being purchased.

Sir, is this a necessary expenditure and could you justify this expenditure? In the caucus it was not justified.

Mr. PIEVSKY. Mr. Speaker, as far as I know, the Civic Center in the city of Philadelphia is very important—and I am going to say it—to the city of Philadelphia. It brings conventions into town; it brings people into town; it brings taxes into town that are paid to the State of Pennsylvania, and I would urge concurrence on this appropriation.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. O'Keefe.

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

Mr. Speaker, I would say that if the city of Philadelphia depends upon this Civic Center Museum for their tourist business, they would be out of business.

I do not know whether you people ever took the time to go in this museum. It is by the Convention Hall and it is by the Trade Center, which is used quite extensively, and if we are going to give money, we should give the money to the Trade Center, which actually brings this business in.

I would bet you, off the top of the head, that they have not changed one exhibit in that place in 4 to 5 years. If you have never been there, you ought to take the time to walk by and see what it is really like.

I would find that this money should be given to things that are going to give it to the city of Philadelphia. Give it to the places where the people go, where the children learn, and not the places where I believe it is done just mainly for political purposes.

Thank you.

The SPEAKER. The Chair recognizes the majority whip.

Mr. GREENFIELD. Mr. Speaker, as you well know, not only does this affect Philadelphia, but the Philadelphia Civic Center is the largest center for the gathering of conventions within this Commonwealth. It brings tourists from throughout the

country to our Commonwealth.

The museum has exhibits depicting the economic history of the Commonwealth of Pennsylvania on a maritime basis and on the basis of industrial and commercial activities. I think this is a warranted activity not only to Philadelphia but to all those who are proud of the economic history and growth of our Commonwealth. I urge you, as members of this great state, to vote in favor of the bill.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—95

Abraham	Gleeson	McClatchy	Reed
Barber	Goodman	McGinnis	Rhodes
Beloff	Gray	McIntyre	Rieger
Bennett	Greenfield	Mebus	Salvatore
Berson	Harper	Miller	Scanlon
Borski	Hayes, D. S.	Miscevich	Scirica
Brunner	Hopkins	Moehlmann	Seltzer
Caltagirone	Hutchinson, A.	Morris	Shelton
Caputo	Itkin	Mullen, M. P.	Shupnik
Cianciulli	Johnson	Musto	Sirianni
Cohen	Jones	Novak	Smith, L.
DeMedio	Katz	O'Brien, B.	Spencer
DiCarlo	Kelly	O'Connell	Sweet
Dininni	Kolter	O'Donnell	Trello
Donatucci	Kowalyszyn	Oliver	Valenti
Duffy	Lashinger	Pancoast	Wargo
Dumas	Laughlin	Petrarca	White
Englehart	Levin	Piccola	Wiggins
Fee	Lincoln	Pievsky	Wise
Flaherty	Logue	Polite	Zearfoss
Gamble	Lynch	Prendergast	Zitterman
Gatski	Madigan	Pyles	
Geisler	Manderino	Rappaport	Irvis,
Giammarco	Manmiller	Ravenstahl	Speaker
Gillette			

NAYS—102

Anderson	Gallagher	Mackowski	Stairs
Armstrong	Gallen	McCall	Stapleton
Bellomini	Garzia	McLane	Stewart
Bittinger	Geesey	Meluskey	Stuban
Bittle	George, C.	Milanovich	Taddonio
Brandt	George, M.	Milliron	Taylor, E.
Brown	Goebel	Mowery	Taylor, F.
Burd	Greenleaf	Noye	Tenaglio
Cassidy	Grieco	O'Brien, D.	Thomas
Cessar	Halverson	O'Keefe	Vroon
Cimini	Hamilton	Parker	Wagner
Cole	Hasay	Peterson	Wansacz
Cowell	Haskell	Pitts	Wass
Davies	Hayes, S. E.	Pott	Weidner
DeVerter	Helfrick	Renwick	Wenger
DeWeese	Hoeffel	Richardson	Williams
Dietz	Honaman	Ritter	Wilson
Dombrowski	Hutchinson, W.	Ruggiero	Wilt
Dorr	Kernick	Ryan	Wright, D.
Doyle	Klingaman	Scheaffer	Wright, J. L.
Fischer, R. R.	Knepper	Schmitt	Yahner
Fisher, D. M.	Kukovich	Schweder	Yohn
Foster, A.	Lehr	Shuman	Zeller
Foster, W.	Letterman	Smith, E.	Zord
Freind	Levi	Spitz	Zwinkl
Fryer	Livengood		

NOT VOTING—5

Arthurs Burns Mrkonic Pratt
Berlin

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

PARLIAMENTARY INQUIRY

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

Mr. WAGNER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WAGNER. Now that we have nonconcurred, the Senate has an option, as I understand it, of withdrawing or receding. Is that right?

The SPEAKER. That is correct. The Senate may not insist on its amendments.

Mr. WAGNER. In which case, it is the higher appropriation. Is that it? This is a little bit like Br'er Rabbit saying, "Please don't throw me in the briar patch."

The SPEAKER. That is not inevitable. The Senate may withdraw its current amendment and may ask for the return of the bill. If the House were to agree to return the bill, the Senate could reamend. It is not inevitable. It is likely the gentleman's conclusion is the likely conclusion, but it is not the inevitable.

Mr. WAGNER. I see. It just sounds like, as I said, Br'er Rabbit saying, "Please don't throw me in the briar patch," Mr. Speaker.

The SPEAKER. Does the gentleman from Philadelphia, Mr. Williams, desire recognition?

Mr. WILLIAMS. Yes, Mr. Speaker.

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. Mr. Speaker, I just thought it would be proper to observe at this time that the funding that we give for education in Philadelphia is not a total loss.

The SPEAKER. The Chair thanks the gentleman for his observation.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HOUSE BILL No. 1267**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

SENATE AMENDED

Prior Printer's No. 1490 Printer's No. 2610

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1267

Session of 1977

INTRODUCED BY MR. PIEVSKY, JUNE 6, 1977

SENATOR SMITH, APPROPRIATIONS, IN SENATE, RE-REPORTED AS AMENDED, FEBRUARY 21, 1978.

An Act

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

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

Section 1. The sum of \$100,000 \$50,000, or as much thereof as may be necessary, is hereby appropriated to the Trustees of the University of Pennsylvania, for the fiscal period July 1, 1977 to June 30, 1978 for the general maintenance of the University of Pennsylvania Museum and the purchase of such apparatus and equipment as the trustees may deem necessary for the best interest of the University of Pennsylvania Museum.

Section 2. This act shall take effect July 1, 1977.

On the question,

Will the House concur in Senate amendments?

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

Mr. PIEVSKY. Mr. Speaker, this appropriation was reduced from \$100,000 to \$50,000. I urge concurrence in the Senate amendments.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—167

Abraham	Gamble	Mackowski	Scheaffer
Anderson	Garzia	Manderino	Schmitt
Armstrong	Gatski	Manmiller	Schweder
Barber	Geisler	McCall	Scirica
Bellomini	George, C.	McIntyre	Seltzer
Beloff	George, M.	McLane	Shupnik
Bennett	Giammarco	Mebus	Sirianni
Berlin	Gillette	Miller	Smith, E.
Berson	Gleeson	Miscevich	Smith, L.
Bittinger	Goebel	Moehlmann	Spencer
Bittle	Goodman	Morris	Spitz
Borski	Gray	Mowery	Stapleton
Brandt	Greenfield	Mullen, M. P.	Stewart
Brown	Greenleaf	Musto	Sweet
Brunner	Grieco	Novak	Taddonio
Burd	Halverson	Noye	Taylor, E.
Caltagirone	Harper	O'Brien, B.	Taylor, F.
Caputo	Hasay	O'Connell	Tenaglio
Cessar	Haskell	O'Donnell	Thomas
Cianciulli	Hayes, D. S.	O'Keefe	Trello
Cimini	Hayes, S. E.	Oliver	Valicenti
Cohen	Helfrick	Parker	Vroon
Cowell	Hoefel	Peterson	Wagner
Davies	Honaman	Petrarca	Wansacz
DeMedio	Hopkins	Piccola	Wargo
DeWeese	Hutchinson, A.	Pievsky	Wass
DiCarlo	Hutchinson, W.	Pitts	Weidner
Dietz	Itkin	Polite	Wenger
Dininni	Johnson	Pott	White
Dombrowski	Jones	Prendergast	Wiggins
Donatucci	Kelly	Pyles	Williams
Dorr	Kernick	Rappaport	Wilson
Doyle	Knepper	Ravenstahl	Wilt
Duffy	Kolter	Reed	Wise
Dumas	Kowalshyn	Renwick	Wright, D.
Englehart	Kukovich	Rhodes	Wright, J. L.
Fee	Lehr	Richardson	Yohn

Fisher, D. M.	Letterman	Rieger	Zitterman
Flaherty	Levin	Ruggiero	Zord
Foster, A.	Lincoln	Ryan	
Foster, W.	Logue	Salvatore	Irvis,
Freind	Lynch	Scanlon	Speaker
Gallagher			

NAYS—29

Cassidy	Katz	McClatchy	Shuman
Cole	Klingaman	Milanovich	Stairs
DeVerter	Lashingier	Milliron	Stuban
Fischer, R. R.	Levi	Mrkonic	Yahner
Fryer	Livengood	O'Brien, D.	Zearfoss
Gallen	Madigan	Pancoast	Zeller
Geesey	Meluskey	Ritter	Zwilk
Hamilton			

NOT VOTING—6

Arthurs	Laughlin	Pratt	Shelton
Burns	McGinnis		

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

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

Mr. LAUGHLIN. Mr. Speaker, I was out of my seat when concurrence in the Senate amendments to HB 1267 was voted. I would like to be recorded in the affirmative, please.

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

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HOUSE BILL No. 1268**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is required:

SENATE AMENDED

Prior Printer's No. 1491 Printer's No. 2611

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1268

Session of 1977

INTRODUCED BY MR. PIEVSKY, JUNE 6, 1977.

SENATOR SMITH, APPROPRIATIONS, IN SENATE, RE-REPORTED AS AMENDED, FEBRUARY 21, 1978.

An Act

making an appropriation to the Academy of Natural Sciences of Philadelphia at Philadelphia, Pennsylvania.

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

Section 1. The sum of \$225,000, \$112,000, or as much thereof as may be necessary, is hereby specifically appropriated to the Academy of Natural Sciences of Philadelphia at Philadelphia, Pennsylvania, for the fiscal period July 1, 1977 to

June 30, 1978 for the purpose of maintenance of the institute. Section 2. This act shall take effect July 1, 1977.

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

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

Mr. PIEVSKY. Mr. Speaker, this appropriation was reduced from \$225,000 to \$112,000, and I urge concurrence. Thank you, Mr. Speaker.

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

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

YEAS—173

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

NAYS—23

Cassidy	Klingaman	Milanovich	Stuban
Fischer, R. R.	Levi	Milliron	Zearfoss
Fryer	Livengood	O'Brien, D.	Zeller
Gallen	Madigan	Pancoast	Zord
Geesey	Manderino	Ritter	Zwilk
Hamilton	Meluskey	Shuman	

NOT VOTING—6

Arthurs Burns Pratt Shelton
Berlin Laughlin

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

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

Mr. LAUGHLIN. Mr. Speaker, I was out of my seat when concurrence in Senate amendments to HB 1268 was voted. I would like to be recorded in the affirmative, please.

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

CALENDAR BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1485, PN 2739**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes establishing the offenses of rape of the first degree and rape of the second degree.

On the question,

Will the House agree to the bill on third consideration?

Mr. A. C. FOSTER offered the following amendments:

Amend Sec. 1(Sec. 1102), page 2, lines 14 through 16, by striking out all of said lines and inserting

(c) A person who has been convicted of rape of the first degree may be sentenced to a term of imprisonment up to and including a term of life imprisonment, and said person shall be imprisoned under total confinement and without release for a period of not less than ten years. No person sentenced pursuant to this subsection shall be eligible for parole or release during said time of minimum mandatory confinement herein required unless the conviction of said person is set aside or unless said release is mandated by section 9 of Article IV, of the Constitution of the Commonwealth of Pennsylvania.

Amend Sec. 1(Sec. 3121), page 2, line 19, by striking out "MAY" and inserting shall

Amend Sec. 1(Sec. 3121), page 2, by inserting between lines 28 and 29

(4) Serious bodily injury.

(5) A loss of life.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from York, Mr. Foster.

Mr. A. C. FOSTER. Mr. Speaker, I am offering the following amendment A4594, which will provide basically for a 10-year minimum sentence in cases where rape occurs accompanied by serious bodily injury. I have made the following changes, which you can see on page 2 by inserting between lines 28 and 29 two additional criteria, where rape is accompanied by serious bodily

injury or a loss of life.

In redrafting the bill, the provisions do not conform to the complete definition of serious bodily injury as defined in the Crimes Code, and I am correcting that by inserting these two additional criteria. Also, where previously the offender, the rapist, could be sentenced at the discretion of the court to life imprisonment, I am making the exception that the offender must serve a 10-year minimum sentence under these conditions. I would ask support for the amendment.

On the question recurring.

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—10

Arthurs Flaherty Pratt Richardson
Burns Giammarco Rhodes , Shelton
Dumas Levin

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

REMARKS ON VOTE

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

Mr. WHITE. Mr. Speaker, on the Foster amendment to HB 1485, I would like to be recorded in the negative rather than in the affirmative.

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

Mr. WHITE. Thank you.

On the question,

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

Mr. BERSON offered the following amendments:

Amend Sec. 1(Sec. 1102), page 2, line 12 by striking out the brackets before and after "LIFE"

Amend Sec. 1(Sec. 1102), page 2, line 12 by removing the comma after "IMPRISONMENT" and inserting a period

Amend Sec. 1(Sec. 1102), page 2, lines 12 and 13 by striking out "UP TO AND INCLUDING A TERM OF LIFE IMPRISONMENT."

Amend Sec. 1(Sec. 1102), page 2, line 16 by striking out "LIFE"

Amend Sec. 1(Sec. 1102), page 2, line 16 by removing the period after "IMPRISONMENT" and inserting , up to and including a term of life imprisonment.

On the question,

Will the House agree to the amendments?

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

Mr. BERSON. Mr. Speaker, this is a technical amendment. It moves the words "up to and including a term of life imprisonment" from lines 12 and 13 to line 16. It was improperly inserted in the second degree murder section when it should have been in the rape section of the Criminal Code, because that is what we are dealing with here, and it is just moving it three lines down below where it belongs.

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

Mr. S. E. HAYES. It is a good amendment. It puts the penalty in the proper section, in the rape section rather than in the murder section, and I would urge support for the Berson amendment. Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—197

Abraham	Garzia	Madigan	Scheaffer
Anderson	Gatski	Manderino	Schmitt
Armstrong	Geesey	Manmiller	Schweder
Barber	Geisler	McCall	Scirica
Bellomini	George, C.	McClatchy	Seltzer
Beloff	George, M.	McGinnis	Shuman

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

NAYS—0

NOT VOTING—5

Arthurs	Pratt	Rhodes	Shelton
Burns			

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.

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. On final passage, the Chair recognizes the gentleman from York, Mr. Lehr.

Mr. LEHR. Mr. Speaker, I rise to support HB 1485. I have a lot of pressure from about 1,800 women in York who work for Danskin, Incorporated. Last fall 450 of these women came to Harrisburg and demonstrated in the front of the Capitol Building. Last year one of these young women, who had only been married a few weeks, was raped by a man who had a 17-year

history of sexual offenses and had recently been discharged from the Harrisburg State Hospital.

These women had 70,000 signatures on petitions which were delivered to Senator Coppersmith, chairman of the Senate Public Health and Welfare Committee, and the chairman of the House Health and Welfare Committee, the Honorable Anita Kelly. These women are asking us, the men and women of the General Assembly, to pass this legislation to keep rapists out of our society. This is what I am asking you to do today. I ask your full support in voting "yes" on this bill.

Thank you, Mr. Speaker.

The SPEAKER. On final passage of the bill, the Chair recognizes the gentleman from Fayette, Mr. Lincoln.

Mr. LINCOLN. Mr. Speaker, I wonder if the prime sponsor of HB 1485 would submit to a brief interrogation.

The SPEAKER. Will the gentleman, Mr. Zord, stand for interrogation? The gentleman, Mr. Zord, indicates he will stand for interrogation. The gentleman, Mr. Lincoln, is in order and may proceed.

Mr. LINCOLN. Mr. Speaker, I am a little concerned about HB 1485. I think over the last several years we have passed some good legislation which deals with the very serious problem of rape within the Commonwealth.

I have one real serious doubt about HB 1485, and that is, in my mind I can see some good defense attorney going into court and plea bargaining with the district attorney's office, and instead of your trial for a first degree, you have an awful lot of people who will be agreeing to admit their guilt to a second degree. Now have you given this consideration? Was there any consideration of possibly putting something in the bill where it would prohibit plea bargaining?

Mr. ZORD. Mr. Speaker, not being an attorney, I am going to turn that one over to Representative Fisher.

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

Mr. D. M. FISHER. Mr. Speaker, when we put this language in the bill in the Judiciary Committee, the issue of the possibility of plea bargaining from first degree down to second degree was discussed. I believe it was the consensus of the members that under current case law and under the current rules of criminal procedure in this Commonwealth, we could not prohibit plea bargaining in this or any other instance. So it does exist as a possibility, but plea bargaining, as distasteful as it may be to some people, is permitted by the courts in this Commonwealth, and I do not think anything that we would put into this bill to the contrary would effectively knock that out.

So I guess I am answering your question. We talked about it; we felt we could not cover it; and I would just hope that the district attorneys throughout the Commonwealth, when they have cases which involve true cases of first degree rape, would proceed with the charge and the trial and attempt to get the conviction which would entitle the most serious penalty.

Mr. LINCOLN. Mr. Speaker, would it be possible to amend this bill so that even though we could not prohibit plea bargaining, we could put in the second degree charge that a minimum of 10 years would have to be served if a plea bargaining took

place?

Mr. D. M. FISHER. Well, Mr. Speaker, I believe what you would be talking about in that instance would be applying the terms of the Foster amendment to a second degree rape charge which had been reduced from first degree rape. But I would say, if that amendment was prepared, that that could be permissible and would work.

Mr. LINCOLN. One further question, Mr. Speaker. Under the listing of the injuries that could be included in the first-degree charge—and the one thing that concerns me is a psychological injury, which I would think every woman who suffers the very serious tragedy of rape would be affected psychologically—was there any consideration of a psychological permanent damage clause being placed in this bill?

Mr. D. M. FISHER. Yes, there was, Mr. Speaker.

I think once again it was the consensus that if we put the psychological injury in, then basically we would be applying the first degree penalty to all cases of rape because there would seldom be a case in which a victim would not attempt to claim psychological injuries.

We felt that in differentiating between the degrees of rape we should differentiate where there was the physical disfigurement and serious physical harm rather than psychological.

Mr. LINCOLN. Thank you, Mr. Speaker.

Mr. Speaker, may I be recognized for a few remarks?

The SPEAKER. On final passage, the gentleman is in order and may proceed.

Mr. LINCOLN. Mr. Speaker, this is one of the occasions where I find myself in a very difficult position upon considering legislation and voting for it. I have my own very strong personal feelings about rape. I think it is probably the worst of crimes. I believe we have attacked the problem in the last two sessions, especially. I have a tremendous concern about passing this bill. I think truly there is no way of determining a first or second degree rape. I think that whatever the degree is, one is as serious as the other.

I would like to see some strength put into the bill as far as the psychological thing. As Mr. Fisher stated, it is almost impossible to say whether someone psychologically has been damaged or not. I say that every woman who is raped any place, whether it be in Pennsylvania or anywhere else, suffers a very severe psychological problem for a long time after. I really do not think that we should allow anyone who does commit the crime of rape to have any chance of lessening the penalty. I, for that reason, am going to vote against this bill. I think it to me is a weakening of the law and it is giving some individuals an opportunity to get out of the very severe penalty that we should have for the crime of rape.

Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS—191

Abraham

Gamble

Manderino

Scanlon

Anderson	Garzia	Manmiller	Scheaffer
Armstrong	Gatski	McCall	Schmitt
Barber	Geesey	McClatchy	Schweder
Bellomini	Geisler	McGinnis	Scirica
Beloff	George, C.	McIntyre	Seltzer
Bennett	George, M.	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
Caltagirone	Hamilton	Mrkonic	Stuban
Caputo	Hasay	Mullen, M. P.	Sweet
Cassidy	Hayes, D. S.	Musto	Taddonio
Cessar	Hayes, S. E.	Novak	Taylor, E.
Cianciulli	Helfrick	Noye	Taylor, F.
Cimini	Hoefel	O'Brien, B.	Tenaglio
Cohen	Honaman	O'Brien, D.	Thomas
Cole	Hopkins	O'Connell	Trello
Cowell	Hutchinson, A.	O'Donnell	Valicenti
Davies	Hutchinson, W.	O'Keefe	Vroon
DeMedio	Itkin	Oliver	Wagner
DeVerter	Johnson	Pancoast	Wansacz
DeWeese	Jones	Parker	Wargo
DiCarlo	Katz	Peterson	Wass
Dietz	Kelly	Petrarca	Weidner
Dininni	Kernick	Piccola	Wenger
Dombrowski	Klingaman	Pievsky	Wiggins
Donatucci	Knepper	Pitts	Wilson
Dorr	Kolter	Polite	Wilt
Doyle	Kowalyshyn	Pott	Wise
Duffy	Kukovich	Prendergast	Wright, D.
Dumas	Lashingier	Pyles	Wright, J. L.
Englehart	Laughlin	Rappaport	Yahner
Fee	Lehr	Ravenstahl	Yohn
Fischer, R. R.	Letterman	Reed	Zearfoss
Fisher, D. M.	Levi	Renwick	Zeller
Flaherty	Levin	Rhodes	Zitterman
Foster, A.	Livengood	Rieger	Zord
Foster, W.	Logue	Ritter	Zwilk
Freind	Lynch	Ruggiero	
Fryer	Mackowski	Ryan	Irvis,
Gallagher	Madigan	Salvatore	Speaker
Gallen			

NAYS—5

Harper	Richardson	White	Williams
Lincoln			

NOT VOTING—6

Arthurs	Giammarco	Pratt	Shelton
Burns	Haskell		

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.

HOUSE SCHEDULE

The SPEAKER. We shall break for a lunch period and a caucus on the part of both parties. Two important pieces of business still face the House of Representatives this afternoon.

There are some bills which we passed over temporarily and we will go back to them after the end of the recess. There is a

veto message on the part of the Governor on SB 693, and the question is: Shall the House override the veto submitted by the Governor? That question is to be decided in the caucuses this afternoon. The second important piece of business will, of course, be the matter of the budget.

Several members have inquired of the Chair as to what our intentions are. Our intentions are to remain here in Harrisburg this week as long as necessary to receive from the Senate their version of the budget. If, in fact, it is received today, we are prepared, both floor leaders are prepared, to proceed with our attitude towards that budget. If, in fact, it is not received today, then it will be necessary for us to be here tomorrow.

Are there any announcements before the declaration of the recess?

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

Mr. S. E. HAYES. First, Mr. Speaker, what time do you plan on ending the recess this afternoon, sir?

The SPEAKER. It would be the opinion of the Chair that we should return to the floor at 2 o'clock. That would allow the members to have—well, 1:30, I think would be sufficient—time for lunch and time for a brief caucus. The caucuses should not be that complicated. One-thirty would be the suggestion of the Chair.

Mr. S. E. HAYES. Thank you, Mr. Speaker.

There is at least one other matter which I understand will be coming before the House this afternoon in addition to possible budgetary considerations and the possible override of the Governor's veto of certain provisions of SB 693, and that is, amendments which were placed in HB 76 by the Senate.

This is Mr. Garzia's bill which deals with various school taxation questions. And the Senate has placed an amendment in this bill which addresses itself to residency requirements with regard to public school teachers.

There will be a supplemental calendar possibly this afternoon, I do believe.

REPUBLICAN CAUCUS

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

Mr. S. E. HAYES. I would ask the Republicans to come to caucus immediately. I think the Speaker is right. we can resolve these questions in a few moments and then retire to lunch. So I would ask the Republicans to delay their lunch hour for just a moment so that we can touch upon these two matters immediately.

Thank you, Mr. Speaker.

HB 993 REMOVED FROM TABLE

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

Mr. CAPUTO. Mr. Speaker, am I in order to make two motions before the recess?

The SPEAKER. The gentleman is in order. The floor is still open.

Mr. CAPUTO. Mr. Speaker, I move that HB 993, PN 2980, be removed from the table.

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

The following roll call was recorded:

YEAS—187

Anderson	Geesey	Madigan	Scheaffer
Armstrong	Geisler	Manderino	Schmitt
Bellomini	George, C.	Manmiller	Schweder
Beloff	George, M.	McCall	Scirica
Bennett	Giammarco	McClatchy	Seltzer
Berlin	Gillette	McGinnis	Shuman
Berson	Gleeson	McIntyre	Shupnik
Bittinger	Goebel	McLane	Sirianni
Bittle	Goodman	Mebus	Smith, E.
Borski	Gray	Meluskey	Smith, L.
Brandt	Greenfield	Milanovich	Spencer
Brown	Greenleaf	Miller	Spitz
Brunner	Grieco	Milliron	Stairs
Burd	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.	Noye	Taylor, F.
Cohen	Helfrick	O'Brien, D.	Tenaglio
Cole	Hoeffel	O'Connell	Thomas
Cowell	Honaman	O'Donnell	Vroon
Davies	Hopkins	O'Keefe	Wagner
DeMedio	Hutchinson, A.	Oliver	Wansacz
DeVerter	Hutchinson, W.	Pancoast	Wargo
DeWeese	Itkin	Parker	Wass
DiCarlo	Johnson	Peterson	Weidner
Dietz	Jones	Petrarca	Wenger
Dininni	Katz	Piccola	White
Dombrowski	Kernick	Pievsky	Wiggins
Dorr	Klingaman	Pitts	Williams
Doyle	Knepper	Polite	Wilson
Duffy	Kolter	Pott	Wilt
Dumas	Kowalyshyn	Prendergast	Wise
Englehart	Kukovich	Pyles	Wright, D.
Fee	Lashingner	Rappaport	Wright, J. L.
Fischer, R. R.	Laughlin	Ravenstahl	Yahner
Fisher, D. M.	Lehr	Reed	Yohn
Foster, A.	Letterman	Renwick	Zearfoss
Foster, W.	Levi	Rhodes	Zeller
Freind	Levin	Richardson	Zitterman
Fryer	Lincoln	Rieger	Zord
Gallagher	Livengood	Ritter	Zwikl
Gallen	Logue	Ruggiero	
Gamble	Lynch	Ryan	Irvis,
Garzia	Mackowski	Salvatore	Speaker
Gatski			

NAYS—0

NOT VOTING—15

Abraham	Donatucci	Novak	Shelton
Arthurs	Flaherty	O'Brien, B.	Trello
Barber	Kelly	Pratt	Valicenti
Burns	Miscevich	Scanlon	

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

**HB 993 PLACED ON FINAL PASSAGE
POSTPONED CALENDAR**

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

Mr. CAPUTO. Mr. Speaker, I move that HB 993, PN 2980, be placed on the calendar for concurrence in Senate amendments.

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

The following roll call was recorded:

YEAS—181

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

NAYS—0

NOT VOTING—21

Abraham	Gamble	Miscevich	Smith, L.
Arthurs	Giammarco	Novak	Stuban
Burns	Haskell	Pratt	Trello
Donatucci	Johnson	Scanlon	Valicenti
Dumas	Kelly	Shelton	White
Freind			

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

CONSUMER PROTECTION COMMITTEE MEETING

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

Mr. SCHMITT. Mr. Speaker, The Consumer Protection Committee which met this morning in recess is going to be reconvened at 1 o'clock this afternoon in room 401.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

I have an inquiry of the majority leader: In light of the Consumer Protection Committee meeting and being back on the floor at 1:30, what time should we be in caucus?

The SPEAKER. The Chair is about to recognize the majority leader for that purpose.

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

Mr. POLITE. Mr. Speaker, at 1 o'clock there is a Labor Relations Committee meeting; at 1 o'clock, there is a Consumer Protection Committee meeting. I serve on both committees. Right now we are going to caucus. When do we have lunch? And we have to be back here at 1:30. I cannot make them all.

The SPEAKER. Give up the lunch.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I would ask all Democratic members of the House to report immediately to the caucus room.

There are only several matters to go over and they can be gone over quickly if everyone reports there immediately upon the declaration of the recess.

RECESS

The SPEAKER. This House now stands in recess until 1:30.

AFTER RECESS

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

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Senate presented the following bill for concurrence:

SB 1040, PN 1793

Referred to Committee on Professional Licensure.

BILLS SIGNED BY SPEAKER

The following bills, having been prepared for presentation to the Governor, were signed by the Speaker:

HB 816, PN 2697

An Act amending the act of May 9, 1949 (P. L. 927, No. 261), entitled as amended "Sheriff Fee Law of 1949" changing fees.

HB 825, PN 2469

An Act amending the act of July 9, 1976 (P. L. 586, No. 142), entitled "An act amending Titles 42 (Judiciary and Judicial Procedure) 15 (Corporations and Unincorporated Associations) 18 (Crimes and Offenses and 71 (State Government) of the Pennsylvania Consolidated Statutes; adding revised codified and compiled provisions relating to judiciary and judicial procedure including certain judicially enforceable rights duties immunities and liabilities and separately enacting certain related provisions of law" making revisions corrections and additions relating to judiciary and judicial procedure including certain judicially enforceable rights duties immunities and liabilities adding certain provisions of existing law to and making conforming and editorial changes in certain provisions of the Pennsylvania Consolidated Statutes fixing the general effective date of the act as supplemented hereby and repealing certain acts and parts of acts supplied by the act as supplemented hereby or by other acts or otherwise obsolete.

HB 1131, PN 2666

An Act reenacting amending and revising the act of July 12, 1972 (P. L. 781, No. 185), entitled as amended "Local Government Unit Debt Act."

HB 1250, PN 2606

An Act making an appropriation to the Pennsylvania Academy of the Fine Arts of Philadelphia Pennsylvania.

HB 1251, PN 2607

An Act making an appropriation to the Division of Education of the Philadelphia Museum of Art Philadelphia Pennsylvania.

HB 1265, PN 2608

An Act making an appropriation to the Carnegie Museum at Pittsburgh Pennsylvania for maintenance and the purchase of apparatus supplies and equipment.

HB 1267, PN 2610

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

HB 1268, PN 2611

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

HB 1271, PN 1494

An Act making an appropriation to the City of Harrisburg Pennsylvania.

HB 1277, PN 1500

An Act making an appropriation to the Dickinson School of Law Carlisle Pennsylvania.

SB 1106, PN 1780

An Act providing for grants to persons for property damaged or destroyed by flood establishing the basis for the grants and making an appropriation.

SB 1304, PN 1791

A supplement to the act of December 22, 1977 (No. 102), entitled "An act providing for the capital budget for the fiscal year 1977-1978" itemizing public improvement projects to be constructed by the Department of General Services together

with their estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed by the Department of General Services stating the estimated useful life of the projects and making an appropriation.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

The Senate presented the following resolution for concurrence:

In the Senate,
April 17, 1978.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, May 22, 1978 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, May 22, 1978 unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,
Will the House concur in the resolution of the Senate?

The SPEAKER. The question is, will the House concur in the resolution?

For the information of the members, the resolution reads that when the Senate adjourns this week it reconvene on Monday, May 22, unless sooner recalled and when the House adjourns this week it reconvene on Monday, May 22, unless sooner recalled by the Speaker.

On the question recurring,
Will the House concur in the resolution of the Senate?

The following roll call was recorded:

YEAS—166

Abraham	Garzia	Lynch	Salvatore
Anderson	Gatski	Mackowski	Schmitt
Armstrong	Geisler	Madigan	Schweder
Barber	George, C.	Manderino	Scirica
Belloff	George, M.	Manmiller	Seltzer
Bennett	Giammarco	McCall	Shuman
Berlin	Gillette	McClatchy	Shupnik
Berson	Gleeson	McGinnis	Sirianni
Bittinger	Goebel	McIntyre	Smith, L.
Bittle	Goodman	McLane	Spencer
Borski	Gray	Mebus	Spitz
Brandt	Greenfield	Milanovich	Stairs
Brown	Greenleaf	Milliron	Stapleton
Brunner	Halverson	Miscevich	Stewart
Caltagirone	Hamilton	Morris	Stuban
Cassidy	Harper	Mrkoncic	Sweet
Cessar	Hasay	Mullen, M. P.	Taddonio
Cianciulli	Hayes, D. S.	Musto	Taylor, F.
Cole	Hayes, S. E.	Novak	Tenaglio
Cowell	Helfrick	Noye	Thomas
Davies	Hoeffel	O'Brien, B.	Trello
DeMedio	Honaman	O'Brien, D.	Valicenti
DeVerter	Hopkins	O'Donnell	Wagner
DeWeese	Hutchinson, A.	O'Keefe	Wansacz
DiCarlo	Hutchinson, W.	Oliver	Wargo
Dietz	Itkin	Pancoast	Wass
Dininni	Johnson	Parker	Weidner
Dombrowski	Jones	Peterson	Wenger

Dorr	Kelly	Petrarca	Wilson
Doyle	Klingaman	Piccola	Wilt
Duffy	Knepper	Pievsky	Wise
Dumas	Kolter	Polite	Wright, D.
Englehart	Kowalyszyn	Pott	Wright, J. L.
Fee	Kukovich	Prendergast	Yahner
Fisher, D. M.	Lashinger	Pyles	Yohn
Flaherty	Laughlin	Rappaport	Zearfoss
Foster, A.	Lehr	Ravenstahl	Zeller
Freind	Letterman	Renwick	Zitterman
Fryer	Levi	Rhodes	Zwikl
Gallagher	Levin	Rieger	
Gallen	Lincoln	Ritter	Irvis,
Gamble	Logue	Ruggiero	Speaker

NAYS—13

Burd	Katz	Meluskey	Reed
Fischer, R. R.	Kernick	Mowery	Scheaffer
Foster, W.	Livengood	O'Connell	Zord
Geesey			

NOT VOTING—23

Arthurs	Donatucci	Pratt	Taylor, E.
Bellomini	Grieco	Richardson	Vroon
Burns	Haskell	Ryan	White
Caputo	Miller	Scanlon	Wiggins
Cimini	Moehlmann	Shelton	Williams
Cohen	Pitts	Smith, E.	

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

Ordered, That the clerk inform the Senate accordingly.

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 964, PN 1582**, entitled:

An Act amending the act of October 7, 1976 (P. L. 1090, No. 218) entitled "Protection From Abuse Act", further regulating the right to possession of the residence or household and further providing for contempt temporary financial support arrest and emergency relief by the Philadelphia Municipal Court

On the question,
Will the House agree to the bill on third consideration?
Mr. D. M. FISHER offered the following amendments:

Amend Title, page 1, line 5, by removing the comma after "PROCEEDINGS" and inserting and notification,
Amend Sec. 1, page 1, line 12, by inserting after "6," 7,
Amend Sec. 1, page 4, by inserting between lines 1 and 2 Section 7. Notification.—A copy of any order under this act shall be issued to the plaintiff, the defendant and the police department in cities of the first class or the sheriff in all other counties, with appropriate jurisdiction to enforce the order or agreement.

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

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

Mr. CAPUTO. Mr. Speaker, the Fisher amendment merely takes care of a situation that is very difficult to handle under present circumstances and conditions.

In civil actions where problems have arisen between husband and wife and the wife fears for her safety, in actions we

brought before the court, the court will order a police officer to take into custody the husband who is a threat to the wife's safety.

We find from experience that the police officers in certain areas do not have either the facilities or the money or the budget to perform these duties.

Mr. Fisher's amendment would assign this duty to the sheriff's department of the various counties, and I ask for its adoption.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—188

Table listing names of members who voted 'YEAS' for the amendments, including Abraham, Anderson, Armstrong, etc.

NAYS—0

NOT VOTING—14

Table listing names of members who did not vote, including Arthurs, Burns, Flaherty, etc.

The question was determined in the affirmative, and the amendments were not 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 yeas and nays will now be taken.

YEAS—197

Table listing names of members who voted 'YEAS' for the amendments, including Abraham, Anderson, Armstrong, etc.

NAYS—0

NOT VOTING—5

Table listing names of members who did not vote, including Arthurs, Burns, O'Connell, etc.

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 with amendment in which the concurrence of the Senate is requested.

The House proceeded to third consideration of **SB 1122, PN 1327**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes providing for the grading of the offense of theft of services.

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 yeas and nays will now be taken.

YEAS—194

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

Freind	Livengood	Ritter	Zwilk
Fryer	Logue	Ruggiero	
Gallagher	Lynch	Ryan	Irvis,
Gallen	Mackowski	Salvatore	Speaker

NAYS—0

NOT VOTING—8

Arthurs	Gleeson	Pratt	Shelton
Burns	Knepper	Richardson	Taddonio

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.

WELCOME

The SPEAKER. On Wednesday, October 5, the Commonwealth of Pennsylvania had a singular honor. One of its former state troopers, the present Chief of Police of Bucks County, Mr. Shook, was sworn in as the president of the International Chiefs of Police Association.

Chief Shook began his police career as a member of the Pennsylvania State Police in 1948. He was appointed as Chief of Police of Middletown Township in Bucks County, Pennsylvania, and since August 1, 1952 has been its first and only chief.

He is a past president of the Bucks County Police Chiefs Association, the past president of the Police Chiefs Association of Southeastern Pennsylvania, and it gives the Speaker great pleasure to present the guest of Representative James L. Wright of Bucks County and the guest of all members of the House of Representatives, International President, Police Chief Shook.

POLICE CHIEF SHOOK. Thank you, Mr. Speaker. Mr. Speaker it, indeed, is a pleasure for me to be here today, not only to represent the presidency of the International Association of Chiefs of Police, but being a member of the State of Pennsylvania and a policeman for some 30-odd years.

Our organization, the International Association of Chiefs of Police, is located in Maryland. We have approximately 12,600 members representing 63 nations in this country. I do a lot of traveling around the United States and foreign countries to represent the International Association of Chiefs of Police and to further develop good police relationships throughout other police departments throughout the United States and the foreign countries.

Our organization was started in 1893. I have the distinct honor of being invited to London, England, in May, and to the Panama Canal Zone, if it is still ours, we hope, in September. I do not plan on going down there if that is not ours.

Again, it is a pleasure for me to be here. I have enjoyed this. The presidency of the IACP is bestowed upon me as the second police officer in the whole State of Pennsylvania or the whole United States since 1893. It is indeed an honor to be here, and I thank you very much.

The SPEAKER. The Chair thanks the chief very much for coming here and speaking a few words to the House of Representatives, and you take back with you the unalloyed admiration of the members of the House for you and for your profession. All too frequently, a man who has served the Commonwealth as a policeman is not given the regard of the community, and we want you to know that you are high in our regard and warm in our affection. We thank you for coming.

The House proceeded to third consideration of **SB 658, PN 700**, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581) entitled "The Borough Code" further providing for the opening of certain streets.

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

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

The question is, shall the bill pass finally?

The SPEAKER. Page 6, Mr. Dorr, SB 658. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Thank you, Mr. Speaker. I had asked for a hold on this this morning, and I want to release that hold, but I wanted to call the attention of the House to this bill because, in my opinion, it affects the well-established property rights of individuals and the property law of the Commonwealth of Pennsylvania. The bill, in my opinion, affects substantial property rights, and I thought the members ought to be looking very carefully at the piece of legislation before they vote on it one way or the other.

It is a well-established principle of law in this Commonwealth that certain property rights are established regardless of the chain of title or regardless of the particular state of deeds and other documents of title after a period of 21 years of continuous use. That principle is in the current law regarding the opening of streets; that is, unless you have the permission of the individual who would be affected, you may not open streets on a municipal basis which have been laid out for more than 21 years.

It is my judgment that there may be many cases in the Commonwealth where, if streets are allowed to be opened in the manner in which this bill would allow them to be opened, there may well be substantial property rights of individuals, even to the point of buildings possibly being destroyed, which are on property now of individuals which this bill would make back into municipal property, in effect. In other words, Mr. Speaker, the boroughs which currently have the ability to take care of the matter that is current in this bill by condemnation and thereby supply people with whatever remuneration they are entitled to, that principle would be destroyed by this bill, and the majority rule rather than the property rule would prevail.

I am going to vote against the bill, and I simply wanted the members to be aware of the fact that they were, in fact, in a very real sense, destroying property rights of individuals with this piece of legislation.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Berks, Mr. Fryer.

Mr. FRYER. Mr. Speaker, this bill was drafted at the request of the Boroughs Association. They submitted this proposal to the Local Government Commission, and then it was introduced. The problem that has been faced is—and I know of several boroughs where they have this condition—where one property owner is holding up the entire process. I think what the members of the House have to consider is whether they should permit a majority or if it need be unanimous. The present law of course, makes it unanimous, so that one property holder can work against the wishes of the majority. I would ask for a "yes" vote on the bill.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, would Mr. Fryer, the expert on local government, consent to two questions of interrogation relative to this piece of legislation?

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

Mr. DAVIES. Mr. Speaker, is it possible that that one property owner that you have reference to, in the regular process of eminent domain and condemnation, could not that particular borough or municipality seek that land under that process?

Mr. FRYER. Mr. Speaker, I am not familiar with that portion. All I do know, as I say, is that I have several letters from boroughs which state that they have this problem and one property owner is holding up the process, and that was the reason for the introduction of this bill.

Mr. DAVIES. One other thing—and someone in our caucus did speak to it but I do not of my own knowledge know how much land would be involved in the Commonwealth—but would this not also really affect essentially the tax base of a community, particularly the real estate base, if these lands could be then placed under the borough's jurisdiction and therefore lose their essential base now? If you made it retroactive, going back like on a 21-year basis, in taking that property, then would you not be affecting the basic tax base of that community?

Mr. FRYER. Mr. Speaker, I do not see a problem there. It seems to me the question before the House is, in a situation such as this in which it must be unanimous, one property owner can hold up the process. Now, you can believe in property rights to the extent of the former speaker and state that this is improper to do this to this one individual. However, the other side of the coin is, should it not be a majority? Should one property owner upset the entire process? I think that is the question before the House, Mr. Speaker.

Mr. DAVIES. Mr. Speaker, I can readily see that. My concern again is why they could not go to condemnation and use the proper process guaranteed under the right of eminent domain to get that and, therefore, I would have some question about the matter of this interfering with those property rights.

Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS—167

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

NAYS—28

Anderson	Foster, W.	Lehr	Pyles
Bittle	Geesey	McGinnis	Scheaffer
Davies	Halverson	Moehlmann	Shuman
DeVerter	Hutchinson, W.	Mowery	Smith, E.
DiCarlo	Klingaman	O'Connell	Taylor, E.
Dietz	Knepper	Piccola	Vroon
Dorr	Laughlin	Pitts	Zord

NOT VOTING—7

Authurs	Freind	Lynch	Shelton
Burns	Gleeson	Pratt	

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 VOTE

The SPEAKER. The Chair recognizes the lady from Susque-

hanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, I would like to be recorded as voting in the affirmative on SB 658.

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

The House resumed third consideration of SB 844, PN 1491, entitled:

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled as amended "Pennsylvania Municipalities Planning Code; providing for additional guarantees for completion of final subdivision plats as specified.

On the question recurring,

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

Mr. DORR offered the following amendment:

Amend Sec. 1 (Sec. 509), page 2, line 28, by inserting after "development." In any case involving less than five lots, the governing body or planning agency may approve the plot subject to such guarantees as to such improvements as it finds essential for the protection of the future owners of such lots, notwithstanding any other provisions of this section.

On the question,

Will the House agree to the amendment?

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

Mr. DORR. Thank you, Mr. Speaker.

The amendment that I have simply exempts the situation in which there are less than five lots involved in the subdivision. The bill requires deposit of moneys and/or bond in cases where there is a subdivision and requires improvement of streets in that subdivision.

There are many, many subdivisions in the Commonwealth where the subdivision involves maybe just one or two lots off a very large farm. That farm may well be on a mud road or an unimproved road. To take one or two lots off that farm and require the deposit of moneys for the improvement of that long-existing mud road for the purpose of this bill, it seems to me, is going a little bit too far.

I did discuss the matter with the chief sponsor of the bill and I think that he saw my point.

The situation arose, for example, in a local community near my home where a farmer had decided to grant about an acre and a half off his large farm for the purpose of building a church. The township supervisors, after some lengthy discussion about the matter, did arrange for a situation in which the church could be built, the subdivision could be made, without the improvement of the road up to the standards of the township would have normally required in the subdivision situation. I think township supervisors should have that right. And I think that we ought to exempt the small subdivisions from the owners requirements of the bill. I concur that in large situations we perhaps should make the distinction. I would urge the adoption of the amendment.

The SPEAKER. The Chair recognizes the gentleman from

Berks, Mr. Fryer.

Mr. FRYER. May I interrogate the gentleman, Mr. Dorr, Mr. Speaker?

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

Mr. FRYER. Mr. Speaker, I just now received a copy of the amendment. Did I understand you to say that the chief sponsor of the bill, Senator Kury, had approved of this amendment?

Mr. DORR. Mr. Speaker, the language I used was that I think he understood my point. I talked with him briefly at a breakfast meeting, across the table, and he said—I think I am quoting him accurately—I would have no problem with that. But I do not want to speak for Senator Kury any more than that, Mr. Speaker.

Mr. FRYER. Mr. Speaker, I think this is an involved amendment and I would suggest to the members of the House that they vote "no" on the amendment.

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

Mr. ZELLER. Mr. Speaker, would Mr. Dorr consent to a brief interrogation?

The SPEAKER. The gentleman, Mr. Dorr, indicates he will so consent. The gentleman, Mr. Zeller, may proceed.

Mr. ZELLER. Thank you, Mr. Speaker.

Mr. Speaker, a hypothetical: We have a dirt road and there is a piece of property that has been given over to a developer or a couple of property owners. In front of that section you macadam that section. How in the world, if you are trying to get at it to keep mud off that particular portion. Is this what you are trying to correct? I misunderstood you then, because—

Mr. DORR. No, Mr. Speaker. My amendment would not affect the situation where there is a large subdivision. It only deals with places where there are less than five lots involved in the subdivision; four lots, or three, or two, or one.

Mr. ZELLER. Okay, that is what I said; it will be maybe two or whatever have you. But what you are trying to do that is in front of that property you are trying to put down a macadam or something to keep the dust down.

Mr. DORR. No. I am indicating, Mr. Speaker, in the amendment that in that small situation the township supervisors could exercise their good judgment as to whether or not they should require immediate improvement, a bond for improvement or something less onerous than that.

Mr. ZELLER. Okay. I misunderstood. Thank you very much.

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

Mr. LAUGHLIN. Mr. Speaker, would Mr. Dorr please stand for interrogation?

The SPEAKER. The gentleman, Mr. Dorr, indicates that he will so stand, and the gentleman, Mr. Laughlin, is in order and may proceed.

Mr. LAUGHLIN. Mr. Speaker, the question arises with me as to whether or not someone who wished to develop a section of ground and took the property and subdivided it five lots at a time, they could then very purposely develop a fifty-lot area at

five at a time and have no difficulty getting around the requirement of improving the streets or at least posting the bond to take care of it. Would that be correct?

Mr. DORR. No. In my judgment, Mr. Speaker, that would not be correct.

First of all, the amendment does not affect the township's supervisors, those people who are in control of the subdivision, from exercising whatever requirement they want to. If the township supervisor saw a large development coming in on some sort of loophole type of situation, I have no doubt in my mind that they would handle that in that fashion.

Secondly, the subdivision itself would not be economically viable, in my opinion, if you did it on a five-lot subdivision at a time basis. If you buy a lot of property, you better know that you can subdivide the whole thing before you get into it. If you try to subdivide it five lots at a time, you may end up with half of it subdivided and not being able to do the rest of it.

Mr. LAUGHLIN. Thank you, Mr. Speaker.

Mr. Speaker, Mr. Dorr's remarks are certainly accurate as to his understanding of what the circumstance would be, but in fact this very circumstance occurred in our area back home where a developer did come in and take advantage of local municipality by developing on a piecemeal basis rather than a total basis. As a result, he left the borough with approximately \$50,000 worth of undeveloped streets in the area. They were never taken over effectively. He walked away with a huge profit and left the municipality stuck.

So Mr. Speaker, I am afraid, based on that and based on the experience we have had, that I cannot support your amendment.

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

The following roll call was recorded:

YEAS—72

Anderson	Goebel	McClatchy	Smith, E.
Armstrong	Greenleaf	McGinnis	Smith, L.
Bittle	Halverson	Mehus	Spencer
Brown	Hayes, D. S.	Miller	Spitz
Burd	Hayes, S. E.	Moehlmann	Stairs
Cessar	Helfrick	Noye	Taddonio
Cimini	Honaman	Parker	Taylor, E.
Davies	Hopkins	Peterson	Taylor, F.
DeVerter	Hutchinson, W.	Piccola	Thomas
Dietz	Katz	Pitts	Vroon
Dininni	Klingaman	Polite	Wagner
Dorr	Knepper	Pott	Wass
Fisher, D. M.	Lashingier	Pyles	Wenger
Foster, A.	Lehr	Ryan	Wilt
Freind	Levi	Salvatore	Wright, J. L.
Gallen	Lynch	Scirica	Yohn
Garzia	Madigan	Seltzer	Zearfoss
Geesey	Manmiller	Sirianni	Zord

NAYS—122

Abraham	Gallagher	Mackowski	Ritter
Barber	Gamble	Manderino	Ruggiero
Bellomini	Gatski	McCall	Scanlon
Beloff	Geisler	McLane	Scheaffer
Bennett	George, C.	Meluskey	Schmitt
Berlin	George, M.	Milanovich	Schweder

Berson	Giammarco	Milliron	Shuman
Bittinger	Gillette	Miscevich	Shupnik
Borski	Goodman	Morris	Stapleton
Brandt	Gray	Mowery	Stewart
Brunner	Greenfield	Mrkonjic	Stuban
Caltagirone	Grieco	Mullen, M. P.	Sweet
Caputo	Hamilton	Musto	Tenaglio
Cassidy	Harper	Novak	Trello
Cianciulli	Hasay	O'Brien, B.	Valicenti
Cole	Hoeffel	O'Brien, D.	Wansacz
Cowell	Hutchinson, A.	O'Connell	Wargo
DeMedio	Itkin	O'Donnell	Weidner
DeWeese	Johnson	O'Keefe	White
DiCarlo	Jones	Oliver	Wiggins
Dombrowski	Kelly	Pancoast	Williams
Donatucci	Kernick	Petrarca	Wilson
Doyle	Kolter	Pievsky	Wise
Duffy	Kowalyszyn	Prendergast	Wright, D.
Dumas	Kukovich	Rappaport	Yahner
Englehart	Laughlin	Ravenstahl	Zeller
Fee	Letterman	Reed	Zitterman
Fischer, R. R.	Levin	Renwick	Zwinkl
Flaherty	Lincoln	Rhodes	
Foster, W.	Livengood	Richardson	Irvis,
Fryer	Logue	Rieger	Speaker

NOT VOTING—8

Arthurs	Cohen	Haskell	Pratt
Burns	Gleeson	McIntyre	Shelton

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

On the question recurring,

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 yeas and nays will now be taken.

YEAS—196

Abraham	Gatski	Manmiller	Schmitt
Anderson	Geesey	McCall	Schweder
Armstrong	Geisler	McClatchy	Scirica
Barber	George, C.	McGinnis	Seltzer
Bellomini	George, M.	McIntyre	Shuman
Beloff	Giammarco	McLane	Shupnik
Bennett	Gillette	Mebus	Sirianni
Berlin	Goebel	Meluskey	Smith, F.
Berson	Goodman	Milanovich	Smith, L.
Bittinger	Gray	Miller	Spencer
Bittle	Greenfield	Milliron	Spitz
Borski	Greenleaf	Miscevich	Stairs
Brandt	Grieco	Moehlmann	Stapleton
Brown	Halverson	Morris	Stewart
Brunner	Hamilton	Mowery	Stuban
Burd	Harper	Mrkonjic	Sweet
Caltagirone	Hasay	Mullen, M. P.	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
Cole	Honaman	O'Connell	Valicenti
Cowell	Hopkins	O'Donnell	Vroon
Davies	Hutchinson, A.	O'Keefe	Wagner
DeMedio	Hutchinson, W.	Oliver	Wansacz

DeVerter	Itkin	Pancoast	Wargo
DeWeese	Johnson	Parker	Wass
DiCarlo	Jones	Peterson	Weidner
Dietz	Katz	Petrarca	Wenger
Dininni	Kelly	Piccola	White
Dombrowski	Kernick	Pievsky	Wiggins
Donatucci	Klingaman	Pitts	Williams
Dorr	Knepper	Polite	Wilson
Doyle	Kolter	Pott	Wilt
Duffy	Kowalyszyn	Prendergast	Wise
Dumas	Kukovich	Pyles	Wright, D.
Englehart	Lashingier	Rappaport	Wright, J. L.
Fee	Laughlin	Ravenstahl	Yahner
Fischer, R. R.	Lehr	Reed	Yohn
Fisher, D. M.	Letterman	Renwick	Zearfoss
Flaherty	Levi	Rhodes	Zeller
Foster, A.	Levin	Richardson	Zitterman
Foster, W.	Lincoln	Rieger	Zord
Freind	Livengood	Ritter	Zwinkl
Fryer	Logue	Ruggiero	
Gallagher	Lynch	Ryan	Irvis,
Gallen	Mackowski	Salvatore	Speaker
Gamble	Madigan	Scanlon	
Garzia	Manderino	Scheaffer	

NAYS—0

NOT VOTING—6

Arthurs	Cohen	Pratt	Shelton
Burns	Gleeson		

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 with amendment in which the concurrence of the Senate is requested.

DISCHARGE RESOLUTION

Mr GOEBEL called up Discharge Resolution on **HR 59, PN 889**, which was read by the clerk:

In the House of Representatives, April 4, 1978.

RESOLVED That House Resolution No 59, Printer's No. 889 having been referred to the Committee on Rules on March 28, 1977 and the committee not having reported the same to the House for a period of over fifteen days the committee is discharged from further consideration thereof.

On the question,

Will the House adopt the discharge resolution?

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

Mr. GOEBEL. Thank you, Mr. Speaker.

I will try to keep the debate down to a minimum on the subject.

I know that discharge resolutions are a debate by themselves. So I am going to avoid that and urge the members to vote in favor of this. The reason I think we should vote for this discharge resolution is that this is one of the things that is destroying our credibility, the fact that PennDOT is floundering. It needs money; it needs help; roads are worse than they ever were; potholes are abounding. I think we need to get this bill out in front of us so the debate can be had on the issue so that we can actually restore some confidence in ourselves.

The people, I think, are really angry. I have done a pretty

widespread questionnaire. The people are mad about several things. One of them is corruption, crime. The other one is PennDOT and why are we not doing something about it.

I think this vote will restore some confidence. The people will see we do intend to attack the problem. I think we must look at the problem. We cannot let somebody else do it for us.

I think those who are thinking about voting for a gas tax could say, yes, I can vote for a gas tax because we are going to look at PennDOT. We are going to find where we can save money and I do not mind voting for a gas tax because we are going to reform PennDOT somewhat. We are going to look at PennDOT closely.

So I would urge the members, if they could see it, to vote in the affirmative to get the bill out in front of us so that the issue can be debated when we return to the next session days.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes, on the resolution, the majority leader.

Mr. MANDERINO. Mr. Speaker, I oppose the discharge resolution on HR 59.

To the best of my knowledge, I have never, as chairman of the Rules Committee, received a request from Mr. Goebel—and I have checked my files—to remove this bill from committee. He never appeared before the committee. I have never had one request from members of the committee to consider this resolution.

Let us look at the resolution. The resolution simply says, “. . . to conduct a thorough investigation and study the operations, manpower, and expenditures of the Pennsylvania Department of Transportation;” It is calling for a select committee. The Transportation Committee has that authority. There has been a Larson report in the last several years. There has been an Economy League report, all covering these matters.

If it was so important since March of 1977—and since that time these reports have been done and people have studied it and made reports to the General Assembly, and if it was so important—I think I would have had at least one request from the sponsor of this resolution to remove the resolution from committee or I would have had one request from some member of the Rules Committee to consider this at a committee meeting.

I think it is election time and I think that is the reason that this discharge resolution is before us. I would ask all members of the House to oppose the discharge of the committee from consideration of this resolution.

The SPEAKER. The question is on the discharge resolution motion. On that motion the Chair recognizes the gentleman from Blair, Mr. Milliron.

Mr. MILLIRON. Thank you, Mr. Speaker.

Mr. Speaker, for the last 3 years every time the motor license fund budget comes up, I usually have a number of amendments on which I have to go into great detail in our caucus and on the floor of this House to try to explain to the members about the little bit of knowledge I have about the internal workings of PennDOT.

I think that is one of the problems that we have as a legislature — looking into the Department of Transportation, with the lack of our expertise. We have had investigations of PennDOT before. We do not have to discuss just the political ramifications of them, but they have never really solved the problem. The only way we are going to make PennDOT more efficient is if we have a group like the Pennsylvania Economy League, if we have an outside, non-political, knowledgeable group handling the investigation.

I honestly do not feel, without casting any aspersions on my fellow colleagues, that there are seven members of this House who know what the hell PennDOT does and how it operates. It is an extremely technical field. It takes expertise. If we want a political charade, vote for the discharge. If you want to clean up PennDOT, let us give an appropriation, get an excellent group that we can sponsor to come in and look at them. Seven members of this Legislature will not clean up PennDOT in any discharge resolution that is being proposed.

The SPEAKER. The Chair recognizes, for the second time speaking on the resolution, the gentleman from Allegheny, Mr. Goebel.

Mr. GOEBEL. In reply to the majority leader's claim that I did not request release from the Rules Committee of HR 59, I cannot say truthfully whether or not I ever requested it, but I know that it has been in there for one year and it is getting ready to vote now almost itself. It has whiskers on it. I think it is time we look at the thing and consider it one way or another, either yes or no.

In reply to Mr. Milliron's assertion that we do not know what to look for, I will tell you what; I think that all it takes is common sense. I think that if you have seven people with common sense who can go over there and look at PennDOT, I think they can come up with some answers and some purposeful legislation.

I do not think we are a bunch of dummies here, and I will tell you what, these people who are writing to me and calling me and they are saying, what am I doing about it, what are you doing? You cannot delegate the authority of your job that you were elected to do. You cannot let the Economy League be your representative when you are elected to do the job. The people are saying, what are you doing? What do you say to them? Well, I make recommendations that we appropriate some money and we let somebody else look into it. They have been doing that for years. Sure, the Larson report was an excellent report, but no one paid any attention to it, and they are not going to pay any attention to it either. The only way you are going to get the job done is to do it yourself.

When I have a job done in my own office or my own home or my own yard, I do it myself, and that is the only way you are going to get this job done. You are not going to get it done by letting somebody else look at it.

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

Mr. RITTER. Mr. Speaker, if you will recall, last week I had some rather harsh words to say about PennDOT, but my quarrel is not with whether we should have another investigation.

God knows, we have had enough of those of this department.

The problem is that the department is not doing the job that we have already instructed it to do. The majority leader pointed out that there are several reports of investigations of the department available. The Economy League report is a fairly new one. I would suggest that we read that, get on with the business of adopting some of those recommendations, and we do not need another investigation of PennDOT. But even more importantly, Mr. Speaker, is the fact that we have rules established as to the consideration of bills and resolutions. It seems to me that if somebody is interested in it, that the very least they could do is to ask the chairman of the committee to consider the resolution or the bill, and, failing that, they can still petition the majority of the members of the committee to have that resolution or that bill considered.

Neither of those things was done, Mr. Speaker, and now someone is coming to us and saying, I did not care to do those things; I did not care to follow the rules; and I am asking you to join with me and violate those rules and discharge the committee from consideration when they did not have even the courtesy to ask the committee in the first place. I ask that we oppose the discharge resolution.

The SPEAKER. For the information of those members who may not have voted on the discharge resolution before, this resolution is a particular one which requires 102, a constitutional majority, not a simple majority of those present. A constitutional majority is required.

On the question recurring,
Will the House adopt the discharge resolution?

The following roll call was recorded:

YEAS—96

Abraham	Gillette	McClatchy	Scheaffer
Anderson	Goebel	McGinnis	Scirica
Armstrong	Greenleaf	Mebus	Seltzer
Bittle	Grieco	Miller	Sirianni
Brandt	Halverson	Miscevich	Smith, E.
Brown	Hamilton	Moehlmann	Smith, L.
Burd	Hasay	Mowery	Spencer
Cessar	Haskell	Mrkonic	Spitz
Cimini	Hayes, D. S.	Novak	Stairs
Cowell	Hayes, S. E.	Noye	Taddonio
Davies	Helfrick	O'Brien, D.	Taylor, E.
DeVerter	Honaman	O'Connell	Thomas
Dietz	Hutchinson, W.	Parker	Trello
Dininni	Katz	Peterson	Vroon
Dorr	Kernick	Piccola	Wagner
Fischer, R. R.	Klingaman	Pitts	Wass
Fisher, D. M.	Knepper	Polite	Weidner
Foster, A.	Lashinger	Pott	Wenger
Foster, W.	Lehr	Pyles	Wilson
Freind	Levi	Ravenstahl	Wilt
Gallen	Lynch	Reed	Wright, J. L.
Gamble	Mackowski	Richardson	Yohn
Geesey	Madigan	Ryan	Zearfoss
George, C.	Manmiller	Salvatore	Zord

NAYS—99

Barber	Gallagher	Logue	Scanlon
Bellomini	Garzia	Manderino	Schmitt
Beloff	Gatski	McCall	Schweder
Bennett	Geisler	McIntyre	Shelton

Berlin	George, M.	McLane	Shuman
Berson	Giammarco	Meluskey	Shupnik
Bittinger	Gleeson	Milanovich	Stapleton
Borski	Goodman	Milliron	Stewart
Brunner	Gray	Morris	Stuban
Caltagirone	Greenfield	Mullen, M. P.	Sweet
Caputo	Harper	Musto	Taylor, F.
Cassidy	Hoefel	O'Brien, B.	Tenaglio
Cianciulli	Hutchinson, A.	O'Donnell	Wansacz
Cohen	Itkin	O'Keefe	Wargo
Cole	Johnson	Oliver	White
DeMedio	Jones	Pancoast	Wiggins
DeWeese	Kelly	Petrarca	Wise
DiCarlo	Kolter	Pievsky	Wright, D.
Dombrowski	Kowalyszyn	Prendergast	Yahner
Donatucci	Kukovich	Rappaport	Zeller
Doyle	Laughlin	Renwick	Zitterman
Duffy	Letterman	Rhodes	Zwilk
Dumas	Levin	Rieger	
Englehart	Lincoln	Ritter	Irvis,
Fee	Livengood	Ruggiero	Speaker
Fryer			

NOT VOTING—7

Arthurs	Flaherty	Pratt	Williams
Burns	Hopkins	Valicenti	

The question was determined in the negative, and the resolution was not adopted.

REMARKS ON VOTE

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

Mr. VALICENTI. Mr. Speaker, on the discharge resolution on HR 59, my switch would only operate in the "no" position, but I want to be recorded in the affirmative. Would you please correct the record?

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

The Chair recognizes the gentleman from Blair, Mr. Milliron.

For what purpose does the gentleman rise?

Mr. MILLIRON. May I make a few remarks on the matter that we just voted on?

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

Mr. MILLIRON. Thank you, Mr. Speaker.

For the information of my colleague from Allegheny County, Mr. Goebel, I did not want to say it before the vote as an excuse. I had spoken to the chairman of the House Transportation Committee, who is not on the floor right now, approximately 2 to 3 weeks ago and had asked him if he would set up a committee within Transportation and if he would also check with the leadership to see if there would be some additional money available to hire some professionals to work with the committee. Mr. Bellomini had agreed at that time and had said that as soon as the budget was out of the way that we would sit down and do this.

I think that this is a way of, possibly, having a combination of experts and people who know the highway and PennDOT's field, plus a legislative committee from the proper committee, and in this way we can be responsible to our constituents and still come back and have a decent report.

Thank you, Mr. Speaker.

STATEMENT ON LEGISLATION INTRODUCED

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

Mr. ITKIN. Mr. Speaker, in view of the preceding discussion regarding the discharge resolution pertaining to HR 59, I am taking the liberty at this time to introduce a package of two bills.

As we all know, the highway situation and the bridge situation throughout the state is in a critical condition. Every day you will read a newspaper stating a bridge has been closed or a weight ton limit has been opposed on a bridge, which has caused a tremendous amount of problems to the people and to the business and industry of the Commonwealth.

No one in this legislature has taken the initiative to do anything positive about it. HR 59 would have called for a several-month study while we deliberate on this bill. The candidates for governor want to investigate and want to study, and no one will take any positive action.

Today, I have a package of two bills that will do the following: They will provide increased revenue to the motor license fund from three sources. The first will be an imposition of an axle-mile tax similar to that used in Ohio. The second bill will contain two features which will provide a 1-cent increase in the gasoline tax and a 3-cent increase in the diesel fuel tax.

The total bottom-line figure in terms of increased revenues will amount to \$140 million, which may not be sufficient. But I think that these two bills should be an initiation of a start of some positive action towards solving this problem.

We have had the reports of the Economy League. We have had reports of their professionals in this area. I think the time to act is now and not a year from now. We cannot afford to wait any longer.

The bills have certain restrictions imposed upon them: Number one, that the revenues raised will go into a critical highway and bridge construction fund, and that any disbursements from the fund must be done by law through an authorization and appropriation of this General Assembly. So the situation of PennDOT using this money for purposes for which this legislature intends it should not be used will not occur.

The final point is that the bills also allow as much as 25 percent of the revenues collected to be used for municipal projects. So that while we are trying to solve the bridge and highway crisis for the Commonwealth, we do not ignore the highway and bridge crisis that is facing many of our municipalities and our counties.

I am going to have these two bills placed at the desk for anyone who has the courage to sign them. I will be introducing them at the end of today's session.

Thank you very much.

HOUSE PROCEDURES

The SPEAKER. The work on the regular calendar has now been completed.

For the information of the members who are becoming a bit uneasy about what the other body is doing, we are informed that they are going to act expeditiously on the matter of the

budget. And we accept the word of the Senate on that matter. So we shall proceed on certain special matters that we have to come before us this afternoon.

The Chair has before it and has placed on the record the communications from His Excellency, the Governor of the Commonwealth, in which the Governor states that he has made certain line vetos of SB 693, PN 1556.

The question to be placed before the House, if it is the wish of the minority and majority leaders, is whether or not the House shall override this veto.

The Chair recognizes at this time the gentleman from Lebanon, Mr. Seltzer, who the Chair has been informed may have a statement on this particular situation.

Mr SELTZER. Thank you, Mr. Speaker.

The bill to which you referred has financial implications to the 67 counties of Pennsylvania, and so does the General Appropriation bill for 1978-79.

Mr. Speaker, I have asked our caucus today and I asked those members of our caucus who feel disposed to vote to override the Governor's veto not to cast their votes in the affirmative today, but wait until the general appropriation bill for 1978-79 has been passed and been agreed to by His Excellency, the Governor. Both bills are very important to Pennsylvania, and I think both bills should be spoken to as one.

Mr. Speaker, if the majority leader is so disposed, I would hope that he would make a proper motion to lay the bill and the veto message on the table.

MOTION TO TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, while it would have been my hope that we would have been able to consider this matter today, it is obvious that we do not have the two-thirds necessary for overriding the Governor's veto on our side of the aisle. With the position that the gentleman, Mr. Seltzer, has announced, I think that it would just be futile to run the override today. I would, therefore, Mr. Speaker, move to place the Governor's message and the extracts from the Senate upon the table.

The SPEAKER. It was moved by the gentleman, Mr. Manderino, the majority leader, that SB 693, extracts from the office of the Governor of the Commonwealth, together with the veto message of the Governor of the Commonwealth to SB 693, PN 1556, be placed upon the table.

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

The following roll call was recorded:

YEAS—188

Abraham	George, C.	McClatchy	Schmitt
Anderson	George, M.	McGinnis	Schweder
Armstrong	Giammarco	McIntyre	Scirica
Barber	Gillette	McLane	Seltzer
Bellomini	Gleeson	Mebus	Shelton
Beloff	Goebel	Meuskey	Shuman
Bennett	Goodman	Milanovich	Shupnik
Berlin	Gray	Miller	Sirianni

Berson	Greenfield	Milliron	Smith, E.
Borski	Greenleaf	Miscevich	Smith, L.
Brandt	Grieco	Moehlmann	Spencer
Brown	Halverson	Morris	Spitz
Brunner	Hamilton	Mowery	Stairs
Burd	Hasay	Mrkonic	Stapleton
Caltagirone	Hayes, D. S.	Mullen, M. P.	Stewart
Caputo	Hayes, S. E.	Musto	Stuban
Cassidy	Helfrick	Novak	Sweet
Cianciulli	Hoefel	Noye	Taddonio
Cimini	Honaman	O'Brien, B.	Taylor, E.
Cohen	Hopkins	O'Brien, D.	Taylor, F.
Cole	Hutchinson, A.	O'Connell	Tenaglio
Cowell	Hutchinson, W.	O'Donnell	Thomas
Davies	Itkin	O'Keefe	Trello
DeMedio	Johnson	Oliver	Valicenti
DeVerter	Jones	Pancoast	Vroon
DeWeese	Katz	Parker	Wagner
DiCarlo	Kelly	Peterson	Wansacz
Dietz	Kernick	Petrarca	Wargo
Dininni	Klingaman	Piccola	Wass
Dombrowski	Knepper	Pievsky	Weidner
Donatucci	Kolter	Pitts	Wenger
Dorr	Kowalyszyn	Polite	White
Doyle	Kukovich	Pott	Wiggins
Duffy	Lashinger	Prendergast	Wilson
Dumas	Laughlin	Pyles	Wise
Englehart	Lehr	Rappaport	Wright, D.
Fee	Letterman	Ravenstahl	Wright, J. L.
Fisher, D. M.	Levi	Reed	Yahner
Flaherty	Levin	Renwick	Yohn
Foster, A.	Lincoln	Rhodes	Zearfoss
Foster, W.	Livengood	Rieger	Zeller
Freind	Logue	Ritter	Zitterman
Fryer	Lynch	Ruggiero	Zord
Gallagher	Mackowski	Ryan	Zwinkl
Gallen	Madigan	Salvatore	
Gatski	Manderino	Scanlon	Irvis,
Geesey	Manmiller	Scheaffer	Speaker
Geisler	McCall		

NAYS—5

Fischer, R. R.	Harper	Richardson	Williams
Garzia			

NOT VOTING—9

Arthurs	Burns	Gamble	Pratt
Bittinger	Cessar	Haskell	Wilt
Bittle			

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

SUPPLEMENTAL CALENDAR

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HOUSE BILL NO. 76**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

SENATE AMENDED

Prior Printer's Nos. 86, 1826, 2556, 2736 Printer's No. 3011

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 76

Session of 1977

INTRODUCED BY MR. GARZIA, FEBRUARY 7, 1977.

AMENDED ON THIRD CONSIDERATION, IN SENATE, APRIL 11, 1978.

An Act

amending the act of March 10, 1949 (P. L. 30, No. 14) entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," providing for alternative methods of equalizing tax levies among certain school districts, AND PROVIDING FOR RESIDENCY OF CERTAIN SCHOOL EMPLOYEES.

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

Section 1. Section 672.1, act of March 10, 1949 (P. L. 30, No.14), known as the "Public School Code of 1949," amended June 30, 1971 (P. L. 186, No. 25), is amended and a section is added to read:

Section 672.1. School Districts Lying in More Than One County or in More Than One Municipality; Limitation on Total Tax Revenues.—(a) Whenever a school district shall lie in more than one county, the total taxes levied on real estate within the school district in each county shall be subject to the limitation that the ratio which such total bears to the most recent valuation of the same properties by the State Tax Equalization Board shall be uniform in all of the counties, and the school district shall adjust its rate of taxation applicable to the portion of the district in each county to the extent necessary to achieve such uniformity; or

(b) As an alternative to the method provided in subsection (a), whenever a school district shall lie in more than one county the board of assessment and revision of taxes in any of the counties or all of the counties in which the school district is located shall, at the request of the school directors of the district, furnish the market value of each parcel of property on the tax roll required to be furnished to the school directors under any assessment law of the Commonwealth. The market value of each parcel shall be the quotient of the assessed value divided by the latest ratio of assessed value to market value in the municipality as determined by the State Tax Equalization Board, or, at the option of the school district, the market value of each parcel shall be the quotient of the assessed value divided by the latest ratio of assessed value to market value as determined by the State Tax Equalization Board in the aggregate of all municipalities of the school district within the county, or at the option of the school district where there are two or more ratios of assessed value to market value, the school directors of that school district shall select the lowest of the ratios for a uniform assessed value to market value throughout the school district, or at the option of the school district where such school district is located in a home rule county, the school directors of that school district may use the county assessments.

The school directors shall set a tax rate based upon a percentage not exceeding seventy-five (75) per centum of such market values which shall be uniform throughout the district.

(c) In the event a school district or part thereof located within one county is composed of two or more municipal governments at least one of which levies property taxes upon assessments made for county tax purposes and at least one of which utilizes separate assessments made for municipal tax purposes, the property tax levy for school district purposes shall be equalized by either of the methods prescribed in subsections (a) or (b). If the former method is adopted, the ratio which the total taxes levied in each part of the school district bears to the most recent valuation of the same properties by the State Tax Equalization Board shall be uniform; if the latter method is adopted, the market value of each parcel of property

on the tax roll shall be (i) in the case of the assessment made for county tax purposes, the quotient of the assessed value divided by the latest ratio of assessed value to market value for that portion of the school district as determined by the State Tax Equalization Board and, (ii) in the case of the separate assessment for municipal tax purposes, the quotient of the assessed value divided by the product of the latest ratio of assessed value to market value in the municipality as determined by the State Tax Equalization Board and the ratio of the total assessed valuation of the same properties for municipal tax purposes to the total assessed valuation of said properties for county tax purposes: Provided, however, That no municipality or political subdivision within a school district shall pay an aggregate amount in school property taxes which, as a percentage of total school property taxes, shall exceed the ratio of its market value to the total market value of the school district as determined by the State Tax Equalization Board.

(d) Whenever a revision of assessment is completed in any portion of a school district and the revised assessments are to be used for school tax purposes the method prescribed in subsection (b) above to equalize school property tax levies shall not be used until the latest ratio of assessed value to market value as determined by the State Tax Equalization Board for that portion of the school district is based upon the revised assessments.

Section 672.2. School Districts Lying in More Than One County; Tax Levy on Occupations.—Any school district which lies in more than one (1) county and which levies an occupation tax, shall levy such tax uniformly upon each occupational category existing in all counties in which the district lies, at the lowest assessed valuation for each equivalent occupational category as certified to the school district by the counties in which the district lies.

SECTION 2. SECTION 1106 OF THE ACT IS AMENDED TO READ:

SECTION 1106. DUTY TO EMPLOY.—THE BOARD OF SCHOOL DIRECTORS IN EVERY SCHOOL DISTRICT SHALL EMPLOY THE NECESSARY QUALIFIED PROFESSIONAL EMPLOYEES, SUBSTITUTES AND TEMPORARY PROFESSIONAL EMPLOYEES TO KEEP THE PUBLIC SCHOOLS OPEN IN THEIR RESPECTIVE DISTRICTS IN COMPLIANCE WITH THE PROVISIONS OF THIS ACT. NO SCHOOL DISTRICT SHALL REQUIRE THAT ANY EMPLOYEE RESIDE WITHIN THE SCHOOL DISTRICT AS A CONDITION FOR APPOINTMENT OR CONTINUED EMPLOYMENT. EXCEPT SCHOOL DISTRICTS OF THE FIRST CLASS AND FIRST CLASS A WHICH MAY REQUIRE SUCH RESIDENCY.

Section 2. 3. This act shall take effect immediately.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Garzia, for a brief explanation of the amendments and for a motion of concurrence.

Mr. GARZIA. Mr. Speaker, the Senate amended HB 76 to strike out the nonresidency requirement across the state. Any employe of the school district does not have to live in that district that includes Philadelphia, Pittsburgh or any other district in Pennsylvania. I do ask to concur on the bill.

The SPEAKER. It is moved by the gentleman, Mr. Garzia, that the House do concur in amendments inserted by the Senate to HB 76, PN 3011.

The SPEAKER. On the question of concurrence, the Chair recognizes the gentleman from Philadelphia, Mr. Mullen.

Mr. M. P. MULLEN. Mr. Speaker, I do not think that we should concur in this amendment because, really, I can see it in many other areas of the state, but, in Philadelphia, we have a very peculiar problem.

As I stated on the floor of the House of Representatives the other day, we have lost over 200,000 population in the city of Philadelphia. Now, if we permit teachers who work in the city of Philadelphia and who should live there to move out and move to New Jersey or move to Delaware or Montgomery County and teach in Philadelphia, this works a great hardship on us because we lose substantial citizens.

In Philadelphia, I would say the average teacher's salary is about \$18,000. Now, they make \$18,000, and at least half of that comes from the taxpayers of the city of Philadelphia. So I do not think it would be fair to impose that obligation upon us. I can see it in other areas where you have small school districts within an area, but in the city of Philadelphia, there should be an exception.

I would say that we should nonconcur in it and then send it back with instructions that they put the exception in there for Philadelphia. I do not know whether it would be justified in other areas or not, but you ought to try to help us a little bit. I mean if we cannot help ourselves, we are going to have to constantly come back to you more and more times for more and more money. This we do not want to do.

If you permit the school teachers in the city of Philadelphia to move to other areas, you know, this is going to further erode our tax base. Sure, we will still collect their wage tax because we are entitled to collect our wage tax, but we will not collect the real estate taxes, and this is one of the major problems in the city of Philadelphia — the drop in our taxes. If we do not collect the taxes and we still have to maintain the services, we are going to constantly come back and ask for more and more.

So, seriously, I know that PSEA — Pennsylvania State Education Association — and all the teacher groups want this thing. I am sure they want it in Philadelphia, but I think you ought to be a little more thoughtful and try to help us out and vote against this particular concurrence with the instructions that they eliminate Philadelphia.

Thank you.

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

Mr. WILLIAMS. Mr. Speaker, am I correct that the bill went to the Senate with the exception that would exclude Philadelphia from the application of the bill? Is that correct?

The SPEAKER. Will the gentleman from Delaware, Mr. Garzia, stand for interrogation?

Mr. GARZIA. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Garzia, indicates he will stand for interrogation. Will the gentleman repeat his question? Will the gentleman, Mr. Williams, now proceed?

Mr. WILLIAMS. Mr. Speaker, my question is: This bill went to the Senate excepting Philadelphia from its provisions. Is that correct?

Mr. GARZIA. If he asked me a question, Mr. Speaker, I did

not hear it. I apologize.

Mr. WILLIAMS. I will repeat the question. The question is: When this bill went to the Senate, it excepted Philadelphia from the applications of the bill. Is that right?

Mr. GARZIA. Yes. Mr. Speaker, the original bill that went over had no residency requirement in the bill.

Mr. WILLIAMS. So if we nonconcur, the bill would go back to the Senate with the possibility that the Senate could approve it as is, or something else could happen. Is that basically what would happen if we nonconcur?

Mr. GARZIA. Mr. Speaker, if we nonconcur in this, it will go to a conference committee. It may end up in a 3-3 tie. When that happens, the bill automatically dies. Now, this bill is important to myself, to three or four members who have an amendment—

Mr. WILLIAMS. Mr. Speaker, you have answered my question. I appreciate it.

Mr. Speaker, I support strongly the observations of Mr. Mullen. I think we are in sort of an awkward situation when it comes to Philadelphia. You can see the struggle of the Philadelphia school system. You can see in that struggle a symbolic struggle to have Philadelphia survive as a viable city financially and otherwise, and a school system is a most essential factor in a viable city, and the struggle we have been having sort of symbolizes the struggle we have all around. It has resulted in a continual fight and debate with the legislature for money, for basic tax dollars. What Mr. Mullen has been saying is that if we once again take a step that could erode the kind of support that we can have in Philadelphia as it relates to teachers and residency, it can hurt us to a significant and substantial degree, the end result of which will be, certainly, it will come back to the House to ask for more money.

I would like to add just a couple of observations, when it comes to teachers in Philadelphia. It seems to me that we need in Philadelphia, the largest city in this state, a commitment to make our city as strong as it can be. For us to encourage—and I think that this would encourage—people who do make good, solid salaries, for work that they do rather diligently, to flee from Philadelphia, we would be creating another category of people who would not only take the real estate tax out of Philadelphia, but with the cap on the wage tax that this body imposed last year, if those taxes go up, it will disallow people who make a decent salary from contributing further as Philadelphians would contribute. More than that, the fluid economy of Philadelphia among Philadelphians from time to time over the course of years has people spending money right in our community that both affects our economy and also affects our taxes.

More than that, we do have a community of people who teach in Philadelphia who touch on the lives of the children very directly, whether that be in the prep time that we give them and that costs money for teachers, or whether it be the house visits that they make, or whether it be the sharing that teachers participate in—and they should—in the local community in Philadelphia. Someone argued the proposition earlier in the caucus, the question of police and firemen and that certainly they should live in cities, and I am only talking

about Philadelphia. In Philadelphia we live in many ways from crisis to crisis, and certainly the school district does, and it seems to me that to the extent that we can do it, or at least to the extent that we are doing it now, we should be able to encourage the teachers to live in our community, to add the extra participation that they do with the children, with the community, and also with the economy of Philadelphia.

Mr. Mullen's words were not idle encouragement to nonconcur in this bill. Mr. Mullen speaks of a true concern for us in Philadelphia to try to help ourselves, and we see this not as a punitive restriction on teachers—and mind you, there is no restriction now—but that this bill would encourage a flight which both would erode our economy and would also tend to erode the community of support that teachers do give, can give, and should give to the children community of Philadelphia and the larger community of Philadelphia. We would strongly urge that you nonconcur in the bill, and hopefully, somewhere down the road, the applicability to the other areas of Pennsylvania can still prevail as the bill was originally intended to do.

Thank you.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, although the people speaking against it are from Philadelphia, this is not just a Philadelphia issue. It affects also Pittsburgh, Erie, Ambridge City, York City, Wattsburg, North Bedford, Minersville, New Castle, Greater Nanticoke, Johnsonburg, Conemaugh Valley, Union City, Keystone, Bristol Township, Pleasant Valley, Upper Dauphin, and Westmont Hilltop.

The issue here is, does the legislature have the right to tell local elected school boards what to do and what not to do? I think we do not have that right. I do not think we ought to exercise that right. I do not think that we ought to take the position that if the local school boards, who are elected by the people—and I know there are members of this House who feel very strongly about having elected school boards—I do not think we ought to take the position that if local school boards make the wrong decisions that we do not like, we ought to pass a law saying they cannot make those kinds of decisions.

Obviously, this has a very serious, negative fiscal impact to Philadelphia. It will cost Philadelphia \$20 million to \$60 million a year, depending on how you figure it. But beyond the impact of Philadelphia and beyond the impact of Pittsburgh and those other local areas that obviously think it will have a significant negative impact in their areas, beyond the cost of money, there is a principle involved of whether or not this legislature is going to tell local school boards and other local units what to do. I think we ought not to tell them what to do.

I urge a negative vote on concurrence in this bill.

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

Mr. S. E. HAYES. Thank you, Mr. Speaker.

I would support the gentleman, Mr. Garzia, in his motion to urge this House to vote in favor of the Senate amendment. I do not believe, Mr. Speaker, that the economic problems which

plague the city of Philadelphia, its budgetary problems, will be solved by herding professional educators into that city district and its school district. The budgetary problems being experienced by Philadelphia will not be solved by causing teachers, doctors, lawyers, pipefitters, candlestickmakers, or any other profession to live in that district.

The gentleman, Mr. Cohen, said that this General Assembly has no business telling Philadelphia whether or not it should cause its teachers to live in that school district. This General Assembly has treated the School District of Philadelphia very kindly. In 1970-71 the basic educational subsidy to the city was the approximate sum of \$153 million, and for the current fiscal year the basic education subsidy will be an approximate \$338 million. That is a twofold increase. And just today the Governor of this Commonwealth authorized the payment of \$20 million to the Philadelphia City School District as an advance on the basic instruction subsidy payment due in June of 1978.

This General Assembly has looked favorably upon the city of Philadelphia, and I do not think Philadelphia should come here today and say that a group of professional educators must now reside in that city's school district, regardless of whether they are professionals and choose to live elsewhere. You will not solve the problems of Philadelphia by herding this professional class of people, or any other group of people, into the city district, and I urge concurrence.

Thank you, Mr. Speaker.

The SPEAKER. On the question of concurrence, the Chair recognizes the gentleman from Philadelphia, Mr. Levin.

Mr. LEVIN. Thank you, Mr. Speaker.

I would like to start by apologizing to those members of the Democratic caucus whom I am informed I inadvertently offended. I did not mean to, and I hope you will put it down to inexperience. But I was somewhat angry, and it colored my judgment.

The truth of the matter is that I would like all of you to take a very, very careful look at the consequences of this seemingly insignificant little change. It is not just Philadelphia; it is a statewide problem, and it is very apparent to me from the Republican leadership's position that the Republican Party is joining in this. We in the larger metropolitan areas across the country have found of necessity that not just the teachers but the firemen, the policemen, the court officers, the court officials, the city solicitors, have to be required to live within the confines of the metropolitan areas if we are to revitalize them. Now, to allow the teachers out, by the wisdom of this body, will ultimately force the loss of the policemen, the firemen and the municipal workers. If anyone thinks that we can constitutionally let one group out and force the others to stay in, they are misreading history. Each group will be up here fighting their cause in this legislature. Please take a careful look at the total consequences.

In addition, I would like those of you who have supported the Catholic school system and have fought vehemently for support in this legislature for that system, to look at the consequences of this act to the Catholic school population in the city of Philadelphia. A very sizable percentage of their constitu-

ency comes from the firemen, policemen and teachers who live within the confines because of residency restrictions. If you permit this enactment to be the law as far as Philadelphia is concerned, a very sizable number of people will leave the city, and my guess is, an overwhelming percentage of those people will have children in the Catholic school system.

I would ask you not to concur and I hope that we can send it back to the Senate and that the Senate will use better judgment and send it back, at least, in a restrictive form, so that it does not apply to areas where we will be hurt.

Thank you.

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

Mr. ZELLER. Mr. Speaker, Mr. Levin does not have to apologize to me for what he said because I happen to agree with him. The problems that we are going to face are not only in Philadelphia but also across the state.

Now a teacher would have the right, a tremendous input, I should say, with the activities and the various programs within that school district. They have a tremendous input. We even hear they are asking to sit on the board. They are asking—it has not been approved—but they are asking—to sit on the board of directors. Living outside the school district, yes, those who are not made to live within the district can serve on school boards. They have been doing it.

But where is the civic pride? An individual who does not pay any taxes to a district can come into that district and they can go on strike. They can go on strike against the very school district in which they are working but not paying any taxes to and not even living here.

Jim here called to my attention the fact that there are 18 districts in the state that have the residency clause already. How can we abridge a contract against the constitution of this state? We are going against the very system of collective bargaining. In effect what we are doing, we again are going to set up a collective bargaining unit here which we should have allowed them to do in their own school districts. They cannot have the best of the two worlds.

As far as I am concerned, I am sorry about my good friend, Mr. Garzia. He had a good bill originally; we voted for it 195 to 0. I voted for it and supported it. But now with this portion amended to allow teachers to live outside of the district at random and then can come into the district and do whatever they want in regard to strikes and activities, there is no civic pride.

As far as I am concerned, I feel that we should not concur, and I am very happy that at least one time we are able to go along with Philadelphia.

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

Mrs. HARPER. Thank you, Mr. Speaker.

I rise to ask the members of the House of Representatives to nonconcur on SB 76.

I should like to interrogate Representative Garzia.

The SPEAKER. The gentleman, Mr. Garzia, indicates that he will stand for interrogation. The lady is in order and may

proceed.

Mrs. HARPER. Mr. Speaker, did you vote to put a cap on the nonresident for taxes in Philadelphia?

Mr. GARZIA. Mr. Speaker, I think the question was: Did I vote for a cap on nonresidency?

Mrs. HARPER. Yes, nonresidency.

Mr. GARZIA. Yes, I voted for it, yes.

Mrs. HARPER. Thank you. Well, if this resolution passes, the nonresident will hurt Philadelphia; the employes outside of Philadelphia will hurt Philadelphia taxwise and financially. So I feel that the people, if they would like to come into Philadelphia to earn their wages, should be willing to live within the city and pay their share of the taxes.

Thank you.

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

Mr. GARZIA. Mr. Speaker, I would hope the legislators from Philadelphia will pay attention for about 2 seconds.

All your Senators in Philadelphia, the whole six, voted for this bill on final passage. So I do not know what you are worried about if they did not worry about it. Evidently they thought it was a good bill. But the whole six voted for it and that is public record now.

We started out to concur in a bill and it seems like we are ending up debating the Philadelphia problem again.

In the last few months Mayor Rizzo has said that there will be no tax increase in the city of Philadelphia and the hell with the schools. Nothing for the schools. Now, no one got on the score and said, Mayor Rizzo is not going to help the schools. You are asking me, a nonresident of Philadelphia, to help your schools in Philadelphia, and I think it is wrong. HB 76 passed by 46 to 2 votes. They were not even close.

You are asking me to nonconcur. Sure, I can nonconcur, and it can go into a conference committee. What happens if it happens three times? The bill dies.

There is provision in this bill that we need back home. Not only my district but other districts in Pennsylvania can use this. And any time that you have to tell a person where to live, there is something wrong somewhere.

Now Philadelphia's school district has not done anything this year, nothing, to help themselves. We proposed an elected school board. It was done on this floor by my amendment. That thing died somewhere. We even supported Mark Cohen's amendment and that died somewhere. It was even proposed that they put it under a cabinet post in Philadelphia, and it died in limbo because someone objected to it.

Now I do not understand what you from Philadelphia want. You want one thing in one hand and you ask for something else in another hand.

You know, this is only my second term up here and I hope to be back the third term, of course, if Mr. Ryan and his crew let me come back. But tell us what we can do sometime or at least agree with us and work with us.

Now in this bill you are talking about them leaving the city of Philadelphia. Sure, you may have some who move out, but where are they going to move? If they have \$50,000 or \$60,000 to buy a home in the suburbs, fine, but they will still be paying

that 4 $\frac{5}{16}$ percent residency tax, and they will pay the nonresident wage tax until it reaches 5 $\frac{3}{4}$ percent. But it did not go up at all this year; it could have gone up.

Now your school taxes in Philadelphia are ridiculously cheap. It is your wage tax and your other property tax that makes it high. I pay almost \$800 a year in just school taxes. What does the average person in Philadelphia pay for a \$60,000 home? About \$175 a year in school tax.

I urge the House to concur in this bill. It really is not going to hurt anybody, but it will give at least the freedom of choice of where a person wants to live.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Kernick.

Mrs. KERNICK. Thank you, Mr. Speaker.

I do not know how many members of the House had an opportunity to read the memorandum and the information that Representative Cohen sent around earlier. I would like to read, if I may, the conference report position by the Pennsylvania Local Government Conference. Now that consists of the Pennsylvania League of Cities, the Pennsylvania Municipal Authorities Association, the Pennsylvania School Boards Association, the Association of County Commissioners, Township Commissioners and Township Supervisors. They opposed this amendment. This amendment was originally introduced to SB 846 by Senator Mellow last year.

Their reasoning is: The Pennsylvania Local Government Conference believes that enactment of SB 846, which is similar to the language we have here, would be an invasion of Home Rule Charter options as well as an imposition on local decision-making by publicly elected officials.

Although this proposal only amends the School Code, it is believed that it would have an immediate impact on municipal government as well.

The Pennsylvania Local Government Conference does not support this type of legislation.

I would like to point out that we tell elected school boards, you run the districts. And we are sitting here today contemplating taking some of that power away from them.

The amendment inserted by the Senate says, "no school district shall require that any employee . . ."

Now I tell you, when they say, "any employe," that means the superintendent, that means the administrators, that means the custodians, that means teachers, ". . . shall require that any employe reside within the school district as a condition for appointment . . ." How many of you would like to see your township manager live in another community? How many of you would like to see your township or municipal employes live in another municipality?

It is a local-option thing, and I think the school board should be given the right to make that determination, not anybody here in the House.

Thank you.

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

Mr. WILLIAMS. Mr. Speaker, I just wanted to add one point:

I am glad Mrs. Kernick spoke, because it is not so much a question of Philadelphia, and that seems to be where the dialogue is going according to Representative Garzia, but on the principal point of representation, all six of those Senators are required to live in their district in Philadelphia. All of us, by the constitution, are required to live in our districts. I do not see anything so conceptually strange about a requirement to live in a certain place. I do not know why the employes we are talking about, who are important to a system, are any better than you or I who have to, by law, reside within our districts.

So the argument, excepting the so-called professionals, I do not think holds much water when we consider that we are talking about the promotion of public policy requiring someone to live in a certain place. I think that contradicts the concept by which we are all here and by which we all hold office.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I just would like to correct a factional inaccuracy.

On so many bills it is tough to keep track of what version of what bill passed the House on what date.

This bill originally passed the House on February 21 and, when this bill passed the House, nothing to do with residency was in that bill. It was only the Senate who brought up the topic of residency. It was the Senate Education Committee, or whatever committee it was assigned to, that placed residency in it, and it excluded Philadelphia and then later on in the course of the Senate's deliberation, that Philadelphia exclusion was removed.

But this House has never gone on record in favor of taking away from local governments the right to impose residency requirements, and I do not think we should start doing that right now.

This is not specifically a Philadelphia bill. This is a case where general principle adversely affects Philadelphia. I do not think it is in anybody's interest to adopt general principles that seriously and negatively affect Philadelphia and every other city just in the interest of either helping the teachers or hurting Philadelphia. I would urge you to vote nonconcurrency, again.

The SPEAKER. The Chair recognizes the gentleman, the majority whip.

Mr. GREENFIELD. Mr. Speaker, I just would like to summarize my opposition to this particular measure. Years ago, in the wisdom of this House, this legislature, Philadelphia was granted a home rule charter to regulate its business as it sees fit within its citizenry. Mr. Speaker, we adopted a home rule charter which said that all employes of the city of Philadelphia—and the court later said all employes in the court system—must be residents of the city of Philadelphia. If we go along with this measure today, we are in essence dividing employes into two classes of public employes. It would be catastrophic to the economy, to the efficient operation of the city of Philadelphia, and set one group against another.

Mr. SPEAKER, I have not heard one word here today which would be in proposal that would say that it would benefit the

operations of the city of Philadelphia or in fact any other district. I do not know the advantages of this particular measure, and I would ask the sponsor of the measure why he thinks this bill should pass, under the circumstances and in the statements that have been made by the Representatives who have taken the floor.

Mr. Speaker, Mr. Hayes said that we here in the legislature are seeking to help the city of Philadelphia. Now we, the number of Representatives here from Philadelphia who have taken the floor, have said that this will hurt Philadelphia. We know the situation best. We know the circumstances in Philadelphia best, and we are asking your indulgence in the spirit of that home rule charter and in the spirit of giving us an opportunity to run our citizenry and our city and our economy the way our citizens and our voters think best. And I think it is an imposition that this legislature at this time would inject this to cause this kind of disaster and catastrophic situation within our public service system.

Mr. Speaker, I ask for nonconcurrency in this particular measure.

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

Mr. DAVIES. Mr. Speaker, thank you.

Mr. Greenfield speaks in reference to the matter of a home rule and standards. I would like to ask about the blatant double standards, supposedly, which would require teachers, police and firemen to reside in the City of Brotherly Love when several articles in one of your more famous newspapers, The Philadelphia Bulletin, states and insists that in the past year several of your legislators do not even reside in the legislative district that they represent and only have mailing addresses there. In addition to this, they claim that one of them may not even technically reside at a permanent residence in this state or in this Commonwealth.

In addition to that, while one of the chief advisors to the head administration of the city of Philadelphia lived outside of the confines of that city for many years, the chief administrator of the school district maintains a summer home in New Jersey. Should we require that he stay in the city all of the time and maintain that home in the city all of that time? How far would you go on your residency requirements?

I do not ask for that double standard, but merely that if we are going to give mobility, which is a constitutional right to every person in this United States, that we do not establish those particular standards for the city of Philadelphia and then come holier than thou and say that it does not even pertain to the legislature or the rest of the administrative body of that city.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority whip.

Mr. GREENFIELD. Mr. Speaker, Mr. Davies has taken the floor and I believe has made some statements of accusation which would be of illegalities in certain situations. I think that he ought to bring the facts rather than a bunch of generalizations to this floor. If he has such facts, he knows where the proper authorities are to bring those to, and I am sure that they

would be enforced by those authorities, Mr. Speaker. Otherwise, I think they do not warrant consideration under the circumstances that they are just innuendo, Mr. Speaker.

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

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

YEAS—137

Anderson	Geesey	McGinnis	Seltzer
Armstrong	Geisler	McLane	Shuman
Bellomini	George, C.	Mebus	Shupnik
Berlin	Gillette	Meluskey	Sirianni
Bittinger	Goebel	Milanovich	Smith, E.
Bittle	Greenleaf	Miller	Smith, L.
Brown	Grieco	Milliron	Spencer
Brunner	Halverson	Miscevich	Stairs
Burd	Hasay	Moehlmann	Stapleton
Caputo	Haskell	Mowery	Stewart
Cassidy	Hayes, D. S.	Mrkonic	Stuban
Cessar	Hayes, S. E.	Musto	Sweet
Cimini	Helfrick	Noye	Taylor, E.
Cole	Hoeffel	O'Connell	Taylor, F.
Cowell	Honaman	O'Keefe	Thomas
Davies	Hutchinson, A.	Pancoast	Trello
DeMedio	Hutchinson, W.	Peterson	Vroon
DeVerter	Itkin	Petrarca	Wagner
DeWeese	Katz	Piccola	Wansacz
DiCarlo	Kelly	Pitts	Wargo
Dietz	Klingaman	Polite	Wass
Dininni	Kowalyszyn	Pott	Weidner
Dorr	Lashinger	Pratt	Wenger
Doyle	Laughlin	Prendergast	Wilson
Englehart	Lehr	Pyles	Wilt
Fee	Levi	Ravenstahl	Wise
Fischer, R. R.	Lincoln	Reed	Wright, D.
Fisher, D. M.	Logue	Renwick	Wright, J. L.
Foster, A.	Mackowski	Ruggiero	Yahner
Foster, W.	Madigan	Ryan	Yohn
Freind	Manderino	Scheaffer	Zearfoss
Gallagher	Manmiller	Schmitt	Zitterman
Gallen	McCall	Schweder	Zord
Garzia	McClatchy	Scirica	Zwilk
Gatski			

NAYS—60

Abraham	George, M.	Livengood	Ritter
Barber	Giammarco	Lynch	Salvatore
Beloff	Gleeson	McIntyre	Scanlon
Bennett	Goodman	Morris	Shelton
Berson	Gray	Mullen, M. P.	Spitz
Borski	Greenfield	Novak	Taddonio
Brandt	Hamilton	O'Brien, B.	Tenaglio
Caltagirone	Harper	O'Brien, D.	Valicenti
Cianciulli	Johnson	O'Donnell	White
Cohen	Jones	Oliver	Wiggins
Dombrowski	Kernick	Parker	Williams
Donatucci	Knepper	Pievsky	Zeller
Duffy	Kolter	Rappaport	
Dumas	Kukovich	Richardson	Irvis,
Fryer	Letterman	Rieger	Speaker
Gamble	Levin		

NOT VOTING—5

Arthurs	Flaherty	Hopkins	Rhodes
Burns			

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

tive and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Kelly. For what purpose does the lady rise?

Mrs. KELLY. Mr. Speaker, I voted in the wrong direction the last time. I would like for my name to be recorded in the affirmative. I voted in the negative. I would like to change my vote to the affirmative on SB 693.

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

Did the lady refer to SB 693 on a motion to table?

Mrs. Kelly. Yes.

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

Mrs. KELLY. Mr. Speaker, it was HB 76, I am sorry.

The SPEAKER. Will the lady return to the microphone? Does the lady wish to be recorded as concurring in the amendments inserted in HB 76?

Mrs. KELLY. No. I want to be recorded in the negative.

The SPEAKER. In the negative?

Mrs. KELLY. That is right.

The SPEAKER. All right. Now the Chair has the record straight.

The lady's remarks will be spread upon the record.

Mrs. KELLY. I am sorry, Mr. Speaker.

The SPEAKER. That is perfectly all right, perfectly all right.

HB 1192 TAKEN FROM TABLE AND RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1192, PN 2860, be taken from the table and immediately recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL SIGNED BY SPEAKER

The following bill, having been prepared for presentation to the Governor, was signed by the Speaker:

HB 76, PN 3011

An Act amending the Act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949" providing for alternative methods of equalizing tax levies among certain school districts and providing for residency of certain school employees.

LABOR RELATIONS COMMITTEE MEETING

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

Mr. VALICENTI. Excuse me, Mr. Speaker. That Labor Relations Committee meeting is still on. As soon as we leave here, I want you all to come up to my office. There are four important bills that I know you want to act on. Thank you very much.

RECESS

The SPEAKER. This House will be in recess until 4:30 p.m. By that time we hope that the Senate will have messaged over the budget and we will take up the question of whether or not we agree with their version of the budget. The House will stand in recess until 4:30 p.m.

AFTER RECESS

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

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

- No. 2391** By Mrs. KERNICK, Messrs. BROWN, MRKONIC, GOEBEL, ZORD, GRIECO, POTT, LETTERMAN, R. R. FISCHER, REED, PRATT, SALVATORE, Miss SIRIANNI, Messrs. MELUSKEY, ZWIKL, HOPKINS, WILSON and Mrs. TAYLOR
- An Act amending the act of June 21, 1957 (P. L. 390, No. 212), referred to as the Right-to-Know Law, providing for the inclusion of State related institutions within the scope of the act.
- Referred to Committee on Education.
- No. 2392** By Messrs. BENNETT, IRVIS, MANDERINO, L. E. SMITH, RYAN, FEE, GALLEN, PRATT, SPENCER, MILLIRON, RAVENSTAHL, LETTERMAN, DeVERTER, SCHEAFFER, KOWALYSHYN, LIVENGOOD, McCALL, TENAGLIO, O'KEEFE, HALVERSON and GRIECO
- An Act amending the "Savings Association Code of 1967," approved December 14, 1967 (P. L. 746, No. 345), providing for alternate mortgage forms.
- Referred to Committee on Business and Commerce.
- No. 2393** By Messrs. BENNETT, IRVIS, MANDERINO, L. E. SMITH, RYAN, FEE, GALLEN, PRATT, SPENCER, MILLIRON, RAVENSTAHL, LETTERMAN, DeVERTER, SCHEAFFER, KOWALYSHYN, LIVENGOOD, McCALL, TENAGLIO, O'KEEFE, HALVERSON and GRIECO
- An Act amending the act of January 30, 1974 (P. L. 13, No. 6), referred to as the Loan Interest and Protection Law, further providing for variable interest rate mortgages, making changes in the definitions of "finance charge" and "loan yield" and providing for terms and conditions under which variable interest rate loans may be made.
- Referred to Committee on Business and Commerce.
- No. 2394** By Mr. MRKONIC
- An Act amending the "Capital Budget Act for Fiscal Year

1973-1974, Highway Project Itemization Supplement," providing for a highway project to be acquired or constructed by the Department of Transportation in Allegheny County.

Referred to Committee on Appropriations.

- No. 2395** By Messrs. McCALL, B. F. O'BRIEN, ITKIN, J. L. WRIGHT, BURNS, L. E. SMITH, STAIRS, DAVIES, ABRAHAM, MISCEVICH, LETTERMAN, TAYLOR, GATSKI and GOODMAN

An Act amending the "Public Utility Law," approved May 28, 1937 (P. L. 1053, No. 286), providing for expedited complaint procedures.

Referred to Committee on Mines and Energy Management.

- No. 2396** By Messrs. WASS, STAIRS, SPENCER, W. W. FOSTER and DIETZ

An Act prohibiting the cutting, removal, transportation or sale within this Commonwealth for any purpose of Christmas trees, evergreen boughs or other trees, shrubs or vines or certain native plants, without a bill of sale or other proof of ownership from the owner of the land on which the same are grown.

Referred to Committee on Agriculture and Rural Affairs.

- No. 2397** By Messrs. BENNETT, HALVERSON, RAPPAPORT, FEE, MILLIRON and KNEPPER

An Act amending the "Banking Code of 1965," approved November 30, 1965 (P. L. 847, No. 356), further providing for the maintenance and relocation of a branch office acquired from the receiver of a closed institution.

Referred to Committee on Business and Commerce.

- No. 2398** By Messrs. BENNETT, HALVERSON, RAPPAPORT, FEE, MILLIRON and KNEPPER

An Act amending the "Department of Banking Code," approved May 15, 1933 (P. L. 565, No. 111), further providing for the applicability of the act and penalties for conflicts of interest; authorizing appointment as receiver of a closed institution, a public body of the United States; clarifying authority of the secretary to seek bids for the purchase of assets and assumption of liabilities of a closed institution.

Referred to Committee on Business and Commerce.

- No. 2399** By Messrs. BENNETT, HALVERSON, RAPPAPORT, FEE, MILLIRON and KNEPPER

An Act amending the "Savings Association Code of 1967," approved December 14, 1967 (P. L. 746, No. 345), further providing for the maintenance and relocation of a branch office acquired from the receiver of a closed association.

Referred to Committee on Business and Commerce.

- No. 2400** By Messrs. CIMINI, GEORGE, GRIECO, RENWICK, FEE, MANDERINO, A. K. HUTCHINSON, MILLIRON, D. R. WRIGHT, PETERSON, MADIGAN, FREIND, F. H. SMITH, DIETZ, LEVI, L. E. SMITH, HALVERSON, MACKOWSKI,

SPENCER, Miss SIRIANNI, Messrs. S. E. HAYES, D. S. HAYES, DeMEDIO, STAIRS, BITTINGER, HASKELL and R. R. FISCHER

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), regulating the harvesting of Wild American Ginseng.

Referred to Committee on Agriculture and Rural Affairs.

No. 2401 By Mr. GREENLEAF

An Act amending the "Funeral Director Law," approved January 14, 1952 (P. L. 1898, No. 522), providing for the regulation of crematories.

Referred to Committee on Business and Commerce.

No. 2402 By Mr. GREENLEAF

An Act abolishing the Pennsylvania Turnpike Commission and transferring the powers and duties of the Pennsylvania Turnpike Commission to the Pennsylvania Department of Transportation.

Referred to Committee on Transportation.

No. 2403 By Messrs. COLE, RAPPAPORT, MANDERINO, KATZ, REED, BERLIN, STUBAN, Mrs. KELLY, Messrs. POTT, McCLATCHY, PETERSON, BERSON, Mrs. HARPER, Messrs. KNEPPER, RICHARDSON, JONES, Mrs. TAYLOR, Messrs. ZEARFOSS, WHITE, Mrs. HONAMAN, Messrs. GARZIA, VROON, BRANDT, MILANOVICH, DeWEESE, ARMSTRONG, D. R. WRIGHT, CASSIDY, MEBUS, HELFRICK, VALICENTI, JONES, YAHNER, WILLIAMS, R. R. FISCHER, DeMEDIO, BRUNNER, STEWART, Miss SIRIANNI, Messrs. HALVERSON, WENGER, BENNETT, B. F. O'BRIEN, ENGLEHART, SCHMITT, PRENDERGAST, RENWICK, McCALL, OLIVER, D. S. HAYES, ZITTEMAN, DUFFY, SHUPNIK, GEISLER, CAPUTO, LOGUE, GAMBLE, MRKONIC, COHEN and WASS

An Act amending the "Pennsylvania Cigarette Tax Act," approved July 22, 1970 (P. L. 513, No. 178), increasing the rate of the tax and changing disposition of the tax.

Referred to Committee on Finance.

No. 2404 By Messrs. MORRIS, J. L. WRIGHT

An Act amending "The Fiscal Code," approved April 9, 1929 (P. L. 343, No. 176), further providing for compromise of debts by certain corporations.

Referred to Committee on Finance.

No. 2405 By Mr. McCLATCHY, Mrs. TAYLOR, Messrs. MOWERY, PETERSON, BURNS, NOYE, PYLES, HOPKINS, POTT, LEHR, VROON, POLITE, SALVATORE, SCHEAFFER and

LASHINGER

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), providing for co-payments and deductibles for certain assistance programs.

Referred to Committee on Health and Welfare.

No. 2406 By Messrs. W. W. FOSTER, O'CONNELL, PIEVSKY, MADIGAN, HASAY, SHUPNIK, McLANE, ZITTEMAN, Miss SIRIANNI, Messrs. MUSTO, WANSACZ, B. F. O'BRIEN, KOWALYSHYN, GALLEN and GEESEY

An Act making an appropriation to the Department of Justice for payment of costs incurred in the Farview State Hospital trials.

Referred to Committee on Appropriations.

No. 2407 By Messrs. LIVENGOOD, GEORGE, MILANOVICH, D. R. WRIGHT and PETRARCA

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), providing for the payment of benefits to employes of educational institutions during the period between successive academic years or terms and periods of holiday or vacation recess.

Referred to Committee on Education.

No. 2408 By Messrs. GARZIA, ZELLER, TAYLOR, CASSIDY, HALVERSON, O'KEEFE and Mrs. WISE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, authorizing the court to order the forfeiture of certain retirement benefits and for the attachment and assignment of certain funds.

Referred to Committee on Judiciary.

No. 2409 By Messrs. REED, GRAY and ZITTEMAN

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, increasing a reserve for funeral expenses of an incompetent.

Referred to Committee on Judiciary.

No. 2410 By Messrs. MELUSKEY, ARMSTRONG, HOEFFEL, BROWN, KUKOVICH, TRELLO, MISCEVICH, Mrs. GEORGE, Mrs. GILLETTE, Mrs. KERNICK, Messrs. COWELL, MILLIRON, POTT, REED, STUBAN, LETTERMAN, BRANDT, TADDONIO, MACKOWSKI, GARZIA, HASKELL, PARKER, KNEPPER, SPITZ, DUFFY, GAMBLE, ZEARFOSS and DORR

An Act establishing a pooled-investment fund for political subdivisions and local authorities.

Referred to Committee on Local Government.

No. 2411 By Messrs. MELUSKEY, REED, ARMSTRONG, MILLIRON, POTT and DORR

An Act amending the act of December 6, 1972 (P. L. 1383, No. 293), entitled "An act requiring municipal pension systems to have an actuarial investigation of the fund made by an actuary who shall report his findings to the Department of Community Affairs," titling the act; adding definitions; *** and setting forth penalties for noncompliance by municipalities not eligible for pension reimbursements.

Referred to Committee on Local Government.

No. 2412 By Mr. SCIRICA

An Act amending the act of June 27, 1947 (P. L. 1046, No. 447), referred to as the State Tax Equalization Board Law, providing for the recalculation of the total market value of real property in a school district in certain circumstances.

Referred to Committee on Education.

No. 2413 By Messrs. McCLATCHY and GREENLEAF

An Act amending "The General County Assessment Law," approved May 22, 1933 (P. L. 853, No. 155), requiring the reduction of taxes after a county-wide reassessment so that the amount collected the first year after the reassessment will not be greater than the previous year.

Referred to Committee on Local Government.

No. 2414 By Messrs. McCLATCHY and GREENLEAF

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 571, No. 254), requiring the reduction of taxes after a county-wide reassessment so that the amount collected the first year after the reassessment will not be greater than the previous year.

Referred to Committee on Local Government.

No. 2415 By Messrs. BRUNNER, ANDERSON, MEBUS and POTT

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), prohibiting school districts from imposing a tax on the construction or improvement of residential real estate or upon the application or issuance of certain building permits.

Referred to Committee on Finance.

No. 2416 By Mr. ZWIKL, Mrs. WISE, Mrs. HARPER and Mr. ZELLER

An Act amending "The General County Assessment Law," approved May 22, 1933 (P. L. 853, No. 155), providing an exemption from real estate tax assessments for improvements to residences owned by individuals over sixty-five years of age.

Referred to Committee on Local Government.

No. 2417 By Mr. ZWIKL, Mrs. WISE, Mr. RITTER and Mrs. HARPER

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), exempting certain persons from the payment of the income tax.

Referred to Committee on Finance.

No. 2418 By Mr. ITKIN

An Act amending "The Liquid Fuels Tax Act," approved May 21, 1931 (P. L. 149, No. 105), increasing the liquid fuels tax and diesel fuel tax and providing for disposition of additional revenue.

Referred to Committee on Transportation.

No. 2419 By Messrs. ITKIN and GOEBEL

An Act imposing a highway use tax on commercial vehicles.

Referred to Committee on Transportation.

No. 2420 By Messrs. VALICENTI, PRENDERGAST, NOVAK, A. K. HUTCHINSON, BRUNNER, MUSTO, SWEET, STEWART and DeMEDIO

An Act amending the "Wage Payment and Collection Law," approved July 14, 1961 (P. L. 637, No. 329), requiring certain employers to furnish certain information concerning computation of wages at time of payment.

Referred to Committee on Labor Relations.

No. 2421 By Messrs. D. M. FISHER, CAPUTO, CESSAR and ZORD

An Act amending the act of August 18, 1953 (P.L. 1100, No. 296), entitled "An act to regulate the compensation of all members of any police force employed by a municipality or township," further providing for the compensation of certain police officers.

Referred to Committee on Local Government.

No. 2422 By Mr. D. M. FISHER

An Act authorizing and directing the Secretary of Education to enter into reciprocal agreements with other states relative to tuition and other charges.

Referred to Committee on Education.

No. 2423 By Messrs. RHODES, WHITE, MOEHLMANN, HASKELL, D. M. FISHER, WAGNER, DeWEESE, GREENLEAF and RICHARDSON

An Act amending the act of April 27, 1927 (P. L. 414, No. 270), entitled, as amended, "An act providing for a system of recording the identification of persons convicted of crime, ***," requiring the taking of fingerprints of persons charged with the commission of felonies, misdemeanors, and those certain summary offenses which escalate to misdemeanors or felonies on second or subsequent offenses, imposing duties on heads of police departments and issuing authorities, and providing for the police to destroy certain records.

Referred to Committee on Judiciary.

No. 2424 By Messrs. SCIRICA, RHODES, WHITE and RICHARDSON

An Act creating the Probation and Parole Commission, prescribing its powers and duties, providing for probation and parole procedures, transferring certain items to the commission and making repeals.

Referred to Committee on Judiciary.

No. 2425 By Messrs. WHITE, RICHARDSON, MOEHLMANN and RHODES

An Act amending the "Unemployment Compensation Law," approved December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), deleting the exclusions of the employment of inmates of custodial or penal institutions.

Referred to Committee on Judiciary.

No. 2426 By Messrs. RHODES, WHITE, SCIRICA,
RICHARDSON and HASKELL

An Act establishing visitation rights for married inmates of State correctional institutions.

Referred to Committee on Judiciary.

No. 2427 By Messrs. WHITE, HASKELL, RHODES,
WAGNER, DeWEESE and RICHARDSON

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

Referred to Committee on Judiciary.

No. 2428 By Messrs. RHODES, WHITE, MILLER,
HASKELL, WAGNER and RICHARDSON

An Act authorizing prerelease supervision of terminally ill prisoners.

Referred to Committee on Judiciary.

No. 2429 By Messrs. WHITE, GREENLEAF,
MOEHLMANN, MILLER, HASKELL, D. M.
FISHER, SCIRICA, WAGNER, RHODES,
BROWN and RICHARDSON

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

Referred to Committee on Judiciary.

No. 2430 By Messrs. RHODES, WHITE,
MOEHLMANN, MILLER, HASKELL,
SCIRICA, DeWEESE, GREENLEAF and
RICHARDSON

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for the duties of the Department of Justice as to local prisons and jails.

Referred to Committee on Judiciary.

No. 2431 By Messrs. RHODES, SCIRICA, WHITE,
HASKELL, DeWEESE and RICHARDSON

An Act creating a separate and independent school district and a school board for correctional institutions and facilities to operate schools at correctional institutions and facilities, ***.

Referred to Committee on Judiciary.

No. 2432 By Messrs. WHITE, RICHARDSON and
RHODES

An Act providing for minimum standards for the protection of rights of prisoners.

Referred to Committee on Judiciary.

No. 2433 By Messrs. SCIRICA and RHODES

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), authorizing the Commissioner of the Pennsylvania State Police to make regulations

relating to communication systems of governmental agencies.

Referred to Committee on Judiciary.

No. 2434 By Messrs. SPENCER, MUSTO, L. E. SMITH
and O'CONNELL

An Act amending the act of June 19, 1931 (P. L. 589, No. 202), referred to as the Barber's License Law, further providing manager-barber licenses.

Referred to Committee on Professional Licensure.

No. 2435 By Messrs. COLE, DeMEDIO and RENWICK

An Act providing for cession by the Governor to the United States of jurisdiction over certain lands within Commonwealth boundaries.

Referred to Committee on Federal-State Relations.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 221 By Messrs. COHEN, PARKER, ITKIN and
KNEPPER

The House of Representatives of the Commonwealth of Pennsylvania calls upon the United States Congress to act in a timely fashion to recharter the Export-Import Bank well ahead of its September 1978 expiration.

Referred to Committee on Federal-State Relations.

No. 222 By Messrs. WILSON, PIEVSKY and
O'CONNELL

The House of Representatives directs the standing House Committee on Appropriations to conduct a thorough and complete study of all Commonwealth contracts to determine whether the best interests of the citizens of Pennsylvania are being served by spending such large sums of money for goods and services that might be unnecessary or that could be accomplished by the use of Commonwealth personnel and equipment.

Referred to Committee on Rules.

SENATE MESSAGE

SENATE ADOPTED REPORT OF COMMITTEE OF CONFERENCE

The Senate informed that the Senate has adopted the Report of the Committee of Conference on **HB 72, PN 3069**.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Senate concurred in and returned

HB 2030, PN 2692 and HB 2192, PN 2921.

SENATE MESSAGES

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

The Senate returned the following House bills with amendments in which concurrence of the House is requested:

HB 1649, PN 3035, and HB 2043, PN 3073.

The SPEAKER. The bills will appear on the calendar.

COMMITTEE OF CONFERENCE APPOINTED

The SPEAKER. The clerk is about to read now the names of the members appointed to the Committee of Conference on HR 178.

The clerk will read the list.

The CLERK. Representative Paul Yahner, chairman; Representative Samuel Morris, Representative William O. Shuman, Representative Camille George, Representative William Klingaman, Representative Kenneth Halverson and Representative Donald Dorr.

BILLS REPORTED FROM COMMITTEE AND TABLED

HB 1846, PN 2254 By Mr. VALICENTI

An Act amending "The Pennsylvania Occupational Disease Act," approved June 21, 1939 (P. L. 566, No. 284), further providing for the running of certain statutes of limitation applicable to certain benefits.

Labor Relations.

HB 2149, PN 3082 (Amended) By Mr. VALICENTI

An Act amending "The Pennsylvania Workmen's Compensation Act," approved June 2, 1915 (P. L. 736, No. 338), empowering the board or referee to determine a reasonable amount as attorney's fees.

Labor Relations.

HB 2301, PN 3131 (Amended) By Mr. VALICENTI

An Act amending the act of May 27, 1937 (P. L. 926, No. 249), referred to as the Bedding and Upholstery Law, providing for quilted clothing.

Labor Relations.

HB 2302, PN 3083 (Amended) By Mr. VALICENTI

An Act amending "The Minimum Wage Act of 1968," approved January 17, 1968 (P. L. 11, No. 5), further amending the minimum wages and exceptions and exclusions from the minimum wage and overtime provisions of this act; *** and further providing for resting facilities.

Labor Relations.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members who are on the floor and those who are listening, the Senate has only in the last 7 minutes begun its debate on the budget. The communication which I have had with the President pro tempore indicates that there may be 10 to 12 amendments offered, and there may be more.

Therefore, we have decided that we shall be in session tomorrow morning at 10 o'clock. There will be no need for us to anticipate anything other than a very rapid session tomorrow morning, so that those of you who have to check out or want to plan to leave by noon, I think you will be in no danger of having to change those plans.

The Chair urges all members in their offices to report to the

floor of the House as the voting business of today has not yet been concluded. There is a supplemental House calendar entitled, Bill on concurrence in Senate amendments — HB 1649. That supplemental calendar has been distributed, and we shall be moving on that supplemental calendar. The Chair would appreciate it if the members would report promptly to the floor of the House for the explanation of that bill.

COMMUNICATIONS FROM GOVERNOR

APPROVAL OF HOUSE BILLS Nos. 235, 804, 959, 1336, 1350, 1761 and 1973.

The Secretary to the Governor presented the following communications from the Governor:

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

April 18, 1978.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 235, printer's No. 2695, entitled "An Act amending the act of June 17, 1913 (P. L. 507, No. 335), entitled 'An act to provide revenue for State and county purposes, and, in cities coextensive with countries, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes,' further providing for counties to determine whether or not to impose the taxes permitted under this act."

MILTON J. SHAPP,
GOVERNOR

April 18, 1978.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 804, printer's No. 2635, entitled "An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled 'The County Code,' providing for the investment of certain funds."

MILTON J. SHAPP,
GOVERNOR

April 18, 1978.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 959, printer's No. 2567, entitled "An Act amending the act of May 13, 1915 (P. L. 286, No. 177), entitled 'Child Labor Law,' eliminating the requirement of a physical examination to obtain A REISSUANCE OF an employment certificate."

MILTON J. SHAPP,
GOVERNOR

April 18, 1978.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1336, printer's No. 2466, entitled "An Act amending the act of June 3, 1937 (P. L. 1225, No.

316), entitled 'THE GAME LAW,' authorizing the commission to purchase wildlife stamps, shoulder patches, decals and such other similar items, solicit funds to promote the cause of wildlife management and making editorial changes."

MILTON J. SHAPP.
GOVERNOR

April 18, 1978.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1350, printer's No. 2310, entitled "An Act amending the act of June 24, 1937 (P. L. 2017, No. 396), entitled 'County Institution District Law,' further providing for contracts for hospitals which are part of the institution district."

MILTON J. SHAPP.
GOVERNOR

April 18, 1978.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1761, printer's No. 2137, entitled "An Act amending the act of July 25, 1961 (P. L. 857, No. 372), entitled 'An act regulating the manufacture of stuffed toys intended for sale, gift, or use in Pennsylvania; providing for registration of such manufacturers, the paying of a fee for such registration, the issuance of a seal of approval to such manufacturers; providing that material used in such toys shall be new and free from dangerous or harmful substances; providing for disinfection of such material containing products of animal origin; and prescribing penalties,' changing certain registration fees, exempting charitable and nonprofit organizations from payment of the registration fee and making editorial changes."

MILTON J. SHAPP.
GOVERNOR

April 18, 1978.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House bill No. 1973, printer's No. 2520, entitled "An Act authorizing the Board of Schuylkill County Municipal Authority to transfer certain Project 70 lands in New Castle, Ryan and Blythe Townships in Schuylkill County to Crown American Corporation in exchange for a certain parcel of land containing the Mud Run Dam."

MILTON J. SHAPP.
GOVERNOR

The SPEAKER. The Chair would advise the members who are in the building to report to the floor of the House. If it is necessary for us to change plans about tonight, it will be necessary for the members to be here.

The Chair has been informed that the Senate has just eliminated two of its amendments, and maybe, just maybe, while we are voting on this bill, they may finish what they have to do, and we may be able to get you out of here without bringing you in tomorrow morning. Right now, it does not look likely. But we cannot make that decision in your absence. You will have to be on the floor of the House.

SUPPLEMENTAL CALENDAR

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HOUSE BILL NO. 1649**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

Prior Printer's No. 1987 Printer's No. 3035

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1649

Session of 1977

INTRODUCED BY MESSRS. GAMBLE, FRYER, MORRIS, WEIDNER, MRS. GEORGE, MESSRS. ZELLER, BRANDT, COLE, MACKOWSKI AND LOGUE, SEPTEMBER 27, 1977.

SENATOR LEWIS, LOCAL GOVERNMENT, IN SENATE, AS AMENDED, APRIL 12, 1978.

An Act

amending the act of May 21, 1943 (P. L. 571, No. 254), entitled, as amended, "An act relating to assessment for taxation in counties of the fourth, fifth, sixth, seventh and eighth classes; designating the subjects, property and persons subject to and exempt from taxation for county, borough, town, township, school, except in cities and county institution district purposes; and providing for and regulating the assessment and valuation thereof for such purposes; creating in each such county a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for the acceptance of this act by cities; regulating the office of ward, borough, town and township assessors; abolishing the office of assistant triennial assessor in townships of the first class; providing for the appointment of a chief assessor, assistant assessors and other employees; providing for their compensation payable by such counties; prescribing certain duties of and certain fees to be collected by the recorder of deeds and municipal officers who issue building permits; imposing duties on taxables making improvements on land and grantees of land; prescribing penalties, and eliminating the triennial assessments," permitting class actions relating to assessments.

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

Section 1. Subsection (b) of section 701, act of May 21, 1943 (P. L. 571, No. 254), known as "The Fourth to Eighth Class County Assessment Law," amended January 18, 1951 (P. L. 2138, No. 606), is amended to read:

Section 701. Appeal Notices.—***

(b) Any person aggrieved by any assessment may appeal to the board for relief. Any person desiring to make an appeal shall, on or before the first day of September, file with the board a statement in writing of intention to appeal, setting forth:

(1) The assessment or assessments by which such person feels aggrieved;

(2) The address to which the board shall mail notice of when and where to appear for hearing.

No person shall be permitted to appeal from any assessment in any year unless he shall first have filed the statement of intention required by this section, nor shall any person be permitted to appeal as to any assessment not designated in such statement.

For the purpose of assessment appeals under this act, the term "person" shall include, in addition to that provided by law, a group of two or more persons acting on behalf of a class of

persons similarly situated with regard to the assessment.

Section 2. This act shall apply to all actions that are presently pending or are instituted hereafter.

Section 3. This act shall take effect in 60 days. IMMEDIATELY.

On the question,

Will the House concur in Senate amendments?

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

Mr. GAMBLE. Mr. Speaker, this simply makes this bill effective immediately rather than in 60 days. We would ask for a positive vote on this.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—195

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

NAYS—0

NOT VOTING—7

Arthurs	Burns	Miscevich	Shelton
Beloff	Duffy	Pievsky	

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

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

Mr. DUFFY. Mr. Speaker, I would like to be recorded as voting "yes" on concurrence in Senate amendments to HB 1649.

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

The SPEAKER. The Chair would announce now that there now seems to be no reason for holding you here later on tonight. The Senate is still bogged down with amendments, and we cannot predict how long their debate may go. It may be very rapid, and it may be very slow. Therefore, there will be no further voting at this session tonight. The only thing to be voted will be the adjournment motion after the Chair has signed certain bills.

We shall be back in session at 10 o'clock tomorrow morning.

BILLS PASSED OVER

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

BILLS SIGNED BY SPEAKER

The following bills, having been prepared for presentation to the Governor, were signed by the Speaker:

HB 72, PN 3069

An Act providing for the development of a statewide emergency telephone number "911" system plan and establishing the Bureau of Telecommunications with the duties and responsibilities for all telecommunications with State Government.

HB 1649, PN 3035

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), entitled as amended "The Fourth to Eighth Class County Assessment Law" permitting class actions relating to assessments.

HB 2030, PN 2692

An Act making an appropriation to the Department of Justice for the fiscal year July 1, 1977 to June 30, 1978 for the purposes of establishing a unit to prevent health care provider and recipient abuse of the Medicaid System.

HB 2192, PN 2921

A Supplement to the act of December 22, 1977 (No. 102), entitled "An act providing for the capital budget for the fiscal

year 1977-1978" itemizing emergency highway improvement projects to be acquired or constructed by the Department of Transportation together with their estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be acquired by the Department of Transportation stating the estimated useful life of the projects and making an appropriation.

WELCOMES

The SPEAKER. The Chair, at this time, is pleased to welcome to the hall of the House, Rev. Siegler and the Youth Fellowship of the United Church of Christ of Berlin, Pennsylvania.

Representative Halverson has invited them here as his guest.

We have also with us this afternoon the Jenkintown Area Chapter of the American Association of Retired Persons. The group includes senior citizens from Jenkintown, Abington, Willow Grove and Hatboro vicinity in Montgomery County.

They are here as guests of the gentlemen from Montgomery, Messrs. Greenleaf, Hoeffel and Mebus.

We have also 75 elementary pupils from the Bangor Area School District and they are here with their teachers, Mrs. Doris Deen, Mrs. Peggy Miller, Mr. Robert Blake and Mr. Ned Fairchild.

They and their teachers are here as guests of the gentleman from Northampton, Mr. Ruggiero.

The Chair is also pleased to welcome to the hall of the House a district magistrate, Matthew Butteri. He is here as a guest of the gentlemen from Allegheny, Messrs. Trello and Gamble.

Also, District Justice Michael G. Cullen of Upper Darby Township. He is here as a guest of the gentleman from Delaware, Mr. Stapleton.

The Chair, at this time, is pleased to welcome to the hall of the House, the Reverend H. Leigh Jarvis of the Garber & Jarvis Corporation which is an Ambulatory Care Corporation in McKeesport.

The Reverend Mr. Jarvis is here as the guest of the gentleman from Allegheny, Mr. Goebel.

The Chair is also pleased to have in the gallery of the House today the Advisory Council of the Home Economics Association of Indiana University.

They are here as guests of the gentlemen, Messrs. Wass of Indiana County and Ravenstahl of Allegheny County.

Also with them is the niece of Mr. Ravenstahl, Ann Heidenreich, and we are pleased to have them here together with their advisor, Mrs. Goloti.

We have also in the balcony the guest of the gentleman from Luzerne, Mr. O'Connell, Mr. James Finn.

The Chair is happy to welcome to the hall of the House, Charles Kennedy, president of New Brighton Borough Council; Gary Hogan, the New Brighton Borough manager; Fred Gumpf, who is the president of the Gumpf Engineering Company of New Brighton, Pennsylvania.

They are here as the guests of Messrs. Kolter, Milanovich, Laughlin and Brunner.

The Chair wishes, on behalf of the House, to greet visitors: Forty-nine Rosemont Elementary School students and teachers, Mrs. Metcalf, Mrs. Hahn, Mrs. Snedden and Miss Fazio, who are the guests of Mr. Zearfoss.

Mrs. Hahn's husband is a Democratic candidate for the House of Representatives from the 167th district. Let us welcome our guests to the House.

The Chair at this time is delighted to welcome to the hall of the House two visitors from the National Science Foundation — Russell H. Strange, who is the program manager of the National Science Foundation and a former member of the Michigan House of Representatives, and Robert C. Crawford, who is the director of intergovernmental programs of the National Science Foundation and who is originally from Cumberland County.

The Chair is also delighted to welcome to the hall of the House the son and daughter-in-law of Mr. Paul Yahner, Mr. and Mrs. Joseph Yahner of Indianapolis, Indiana.

The Chair at this time is delighted to welcome to the halls of the House a student from Indiana University who is a guest of Mr. Pott, Mr. Donald Ganessi.

Marianne and Michael Keefer, who are here as the guests of Messrs. Pitts and Novak.

Mr. and Mrs. Dick Rankin, who are here as the guests of Mr. David Wright of Clarion County.

ADJOURNMENT

Mr. MOEHLMANN moved that this House of Representatives do now adjourn until Wednesday, April 19, 1978, at 10 a.m., e.s.t.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—175

Anderson	Garzia	Madigan	Scheaffer
Armstrong	Gatski	Manderino	Schmitt
Barber	Geesey	Manmiller	Schweder
Bellomini	Geisler	McCall	Scirica
Bennett	George, C.	McClatchy	Seltzer
Berlin	George, M.	McGinnis	Shuman
Berson	Giammarco	McIntyre	Shupnik
Bittinger	Gillette	McLane	Sirianni
Bittle	Gleeson	Mebus	Smith, E.
Borski	Goebel	Meluskey	Smith, L.
Brandt	Goodman	Miller	Spencer
Brown	Greenleaf	Milliron	Spitz
Brunner	Grieco	Moehlmann	Stapleton
Caltagirone	Halverson	Morris	Stewart
Cassidy	Hamilton	Mowery	Stuban
Cessar	Hasay	Mullen, M. P.	Sweet
Cianciulli	Haskell	Musto	Taddonio
Cimini	Hayes, D. S.	Novak	Taylor, E.
Cohen	Hayes, S. E.	Noye	Taylor, F.
Cole	Heffrick	O'Brien, B.	Tenaglio
Cowell	Hoeffel	O'Brien, D.	Thomas
Davies	Honaman	O'Connell	Vroon
DeMedio	Hopkins	O'Donnell	Wagner
DeVerter	Hutchinson, A.	O'Keefe	Wansacz
DeWeese	Hutchinson, W.	Oliver	Wargo
DiCarlo	Itkin	Pancoast	Wass
Dietz	Johnson	Parker	Weidner
Dininni	Jones	Peterson	Wenger
Dombrowski	Katz	Petrarca	Wiggins
Donatucci	Kelly	Piccola	Wilson
Dorr	Kernick	Pievsky	Wilt
Doyle	Klingaman	Pitts	Wise

Duffy	Knepper	Polite	Wright, D.
Dumas	Kolter	Pott	Wright, J. L.
Englehart	Kukovich	Prendergast	Yahner
Fee	Lashingner	Pyles	Yohn
Fisher, D. M.	Laughlin	Rappaport	Zearfoss
Foster, A.	Letterman	Ravenstahl	Zeller
Foster, W.	Levi	Renwick	Zitterman
Freind	Levin	Rieger	Zord
Fryer	Lincoln	Ritter	Zwicl
Gallagher	Logue	Ryan	
Gallen	Lynch	Salvatore	Irvis,
Gamble	Mackowski	Scanlon	Speaker

NAYS—5

Burd	Livengood	Milanovich	Stairs
Fischer, R. R.			

NOT VOTING—22

Abraham	Gray	Mrkonic	Shelton
Arthurs	Greenfield	Pratt	Trello
Beloff	Harper	Reed	Valicenti
Burns	Kowalshyn	Rhodes	White
Caputo	Lehr	Richardson	Williams
Flaherty	Miscevich	Ruggiero	

The question was determined in the affirmative, and the motion was agreed to and at 5:45 p.m., e.s.t., the House adjourned.