

Legislative Journal

THURSDAY, JUNE 14, 1979

Session of 1979

163rd of the General Assembly

Vol. 1, No. 43

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE MARK COHEN, member of the House of Representatives and guest chaplain, offered the following prayer:

A spark of the divine flame glows within us all. We give thanks for the gift of reason that enables us to search after knowledge. May our use of this gift make Your light burn ever more brightly within us.

We bless the Eternal Source of wisdom and knowledge.

May our pride of intellect never be an idol turning us away from You. And as we grow in knowledge, may we remain aware of our own limitations.

We bless the God of forgiveness and understanding.

May the beauty and mystery of the world move us to reverence and humility. O let the tree of knowledge bear good fruit for us and our children.

We bless our God from whom all blessings flow.

And let the consciousness of Your Presence be the glory of our lives, making joyous our days and years, and leading us to a clearer understanding of Your will.

We bless our God who hearkens to prayer. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

SUBCOMMITTEE ON HIGHER EDUCATION MEETING

The SPEAKER. The Chair has been asked by the chairman of the Subcommittee on Higher Education, Mrs. Taylor, to ask the members of the subcommittee to please report to room 401 where they are having a short meeting. The members of the Subcommittee on Higher Education, Room 401.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Wednesday, June 13, 1979, will be postponed until printed.

ANNOUNCEMENT

The SPEAKER. We have an announcement in regard to the

House of Representatives Girls' Softball Team, which the clerk will read.

The CLERK. Just a short announcement to let you know that the Women's Softball Team has a one and two record. The victory was over Statesmen TNT, with a score of 24 to 17.

The next game will be held today, June 14, 1979, at Hodges field. For directions, feel free to contact the members of the team.

We sincerely hope that you support the team that you already support financially. Thank you.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I request leaves of absence for Messrs. POLITE, J. L. WRIGHT and F. J. LYNCH for today's session.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I request leaves of absence for Messrs. RAPPAPORT and DONATUCCI for today's session.

The SPEAKER. Without objection, leaves are granted.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll. Will the members please come to the floor? The members will proceed to vote.

The following roll call was recorded:

YEAS—190

Alden	Foster, A.	Levi	Ryan
Anderson	Foster, W.	Lewis	Salvatore
Armstrong	Freind	Livengood	Scheaffer
Arty	Fryer	Lynch, E. R.	Schmitt
Austin	Gallagher	Mackowski	Schweder
Barber	Gallen	Madigan	Scirica
Belardi	Gamble	Manderino	Serafini
Bennett	Gannon	Manmiller	Seventy
Bittle	Gatski	McCall	Shadding
Borski	Geesey	McClatchy	Shupnik
Bowser	Geist	McKelvey	Sieminski
Brandt	George, C.	McMonagle	Sirianni
Brown	George, M.	McVerry	Smith, E.
Brunner	Gladeck	Michlovic	Smith, L.
Burd	Goebel	Micozzie	Spencer
Burns	Goodman	Milanovich	Spitz
Caltagirone	Grabowski	Miller	Stairs
Cappabianca	Gray	Moehlmann	Steighner
Cessar	Greenfield	Mowery	Stewart
Chess	Grieco	Mrkonic	Stuban
Cianciulli	Gruppo	Mullen, M. P.	Sweet
Cimini	Halverson	Murphy	Swift

Clark, B.	Harper	Musto	Taddonio
Clark, R.	Hasay	Nahill	Taylor, E.
Cochran	Hayes, D. S.	Novak	Taylor, F.
Cohen	Hayes, S. E.	Noye	Telek
Cole	Helfrick	O'Brien, B.	Thomas
Cornell	Hoeffel	O'Brien, D.	Trello
Coslett	Honaman	Oliver	Vroon
Cowell	Hutchinson, A.	Perzel	Wachob
Cunningham	Hutchinson, W.	Peterson	Wagner
Davies	Irvis	Petrarca	Wargo
Dawida	Itkin	Piccola	Wass
DeMedio	Johnson, E.	Pievsky	Weidner
DeVerter	Johnson, J.	Pistella	Wenger
DeWeese	Jones	Pitts	White
DiCarlo	Kanuck	Pott	Wilson
Dietz	Kernick	Pratt	Wilt
Dininni	Klingaman	Pucciarelli	Wright, D.
Dombrowski	Knepper	Punt	Yahner
Dorr	Knight	Pyles	Yohn
Duffy	Kolter	Reed	Zeller
Dumas	Kowalshyn	Rhodes	Zitterman
Durham	Kukovich	Richardson	Zord
Earley	Lashinger	Rieger	Zwinkl
Fee	Laughlin	Ritter	
Fischer, R. R.	Lehr	Rocks	Seltzer,
Fisher, D. M.	Letterman	Rodgers	Speaker

NAYS—0

NOT VOTING—13

Beloff	Levin	O'Donnell	Street
Berson	Lynch, F.	Polite	Williams
Donatucci	McIntyre	Rappaport	Wright, J. L.
Giammarco			

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

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

HB 847, PN 924 By Mr. THOMAS

An Act amending the "Pennsylvania Farmland and Forest Land Assessment Act of 1974," approved December 19, 1974 (P. L. 973, No. 319), providing definitions of "roll-back tax" and "split-off."

Agriculture and Rural Affairs.

HB 1176, PN 1320 By Mr. THOMAS

An Act amending the "Inheritance and Estate Tax Act of 1961," approved June 15, 1961 (P. L. 373, No. 207), providing for preferential valuation of land in agricultural use or agricultural reserve use.

Agriculture and Rural Affairs.

ADDRESS TO HOUSE

Mr. DAVIES, under unanimous consent, addressed the House.

Mr. DAVIES. Mr. Speaker, in proper keeping with the day or under another banner rather than the national emblem, this other banner, several months ago I ordered a vital piece of equipment for my office, and to date the bureaucratic system of procurement and supply has failed to deliver the same. They claim they lost the first request. I submitted another, without

success to date. I am now faced with a serious choice. I can continue making phone call after phone call or become a man of action.

I am taking this very serious course of action, and not making it as an idle threat but making it known to you so you can prepare for the possible onslaught, I may bivouac on the south lawn in a fireproof pup tent with a waterproof sleeping bag. My only fear of that is that the genus Cereus, either red or grey variety, may get me first. If this fails, I will reenter the Capitol Building seeking out the first female member of the capital constabulary that I can find and I will engage her in a verbal confrontation about my plight, or I may get that desperate that I will ask the Governor to declare a statewide week for deprived legislators to be set aside. Thank you, Mr. Speaker.

The SPEAKER. The Chair heard comments the gentleman is deprived.

**CALENDAR BILLS AGREED TO ON
SECOND CONSIDERATION**

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

HB 55, PN 1685; HB 640, PN 1571; HB 830, PN 1592; HB 975, PN 1703; HB 1223, PN 1376; HB 1139, PN 1280; and SB 501, PN 747.

**BILLS RECOMMITTED TO APPROPRIATIONS
COMMITTEE**

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

Mr. PIEVSKY. Mr. Speaker, I would like to move that HBs 339, 948 and 1216 be recommitted to the Committee on Appropriations.

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

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 654, PN 710**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the use of farm trucks.

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

Amend Title, page 1, line 2, by striking out "further providing for the use of farm trucks." and inserting further providing for the registration, licensing, operation and movement under permits of farm vehicles, implements of husbandry and fertilizer equipment.

Amend Bill, page 1, lines 5 through 18; page 2, lines 1 through 3, by striking out all of said lines on said pages, and inserting

Section 1. Sections 1302, 1344 and 1924 of Title 75, act of November 25, 1970 (P. L. 707, No. 230), known as the Pennsyl-

vania Consolidated Statutes, are amended to read:

§ 1302. Vehicles [subject to] exempt from registration.

[(a) General rule.—No vehicle shall be operated upon any highway in this Commonwealth until the vehicle is properly registered with the department as provided in this chapter.

(b) Exceptions.—Subsection (a) does not apply to the following:]

(a) General rule.—The following types of vehicles are exempt from registration:

(1) Any vehicle used in conformance with the provisions of this chapter relating to dealers, persons registered under any of the miscellaneous motor vehicle business classes or nonresidents.

(2) Any implement of husbandry or trailer determined by the department to be used exclusively for agricultural operations and only incidentally operated upon highways.

[(i) A certificate of exemption shall be required for trailers.

(ii) Vehicles exempt from registration under this paragraph shall be used exclusively upon a farm or farms owned or operated by the owner of the vehicle or upon highways between:

[(A)] (i) Parts of one such farm.

[(B)] (ii) [Farms] Such farms located not more than 25 miles apart.

[(C)] (iii) [A farm] Such farm or farms and a place of business located within a radius of 25 miles from the farm for the purpose of buying or selling agricultural commodities or supplies or for [the inspection] delivery, repair or servicing of the vehicle.

(3) Any self-propelled golf cart used for the transportation of persons engaged in the game of golf while crossing any public highway during any game of golf.

(4) Any vehicle moved by special permit as provided for in sections 4965 (relating to single permits for multiple highway crossings), 4966 (relating to permit for movement of quarry equipment), and 4970 (relating to permit for movement of utility construction equipment).

(5) Any vehicle registered and displaying plates issued in a foreign country by the armed forces of the United States for a period of 45 days from the date of the return of the owner to the United States.

(6) Any vehicle owned by a resident legally required to be registered in another state based and used principally outside of this Commonwealth.

(7) Any vehicle moved solely by human or animal power.

(8) Any self-propelled invalid wheel chair.

(9) Any mobile home.

[(c)] (b) Certificate of title required.—No vehicle shall be registered unless a certificate of title has been obtained, if one is required by Chapter 11 (relating to certificate of title and security interests).

§ 1344. Use of farm truck plates.

(a) General rule.—A truck bearing farm truck registration plates shall be used exclusively upon a farm or farms owned or operated by the registrant of the vehicle or upon highways between:

(1) Parts of one such farm.

(2) [Farms located not more than 25 miles apart.] Such farms.

(3) [A] Such a farm or farms and a place of business [located within a radius of 50 miles from the farm or farms] for the purpose of buying or selling agricultural commodities or supplies or for the inspection, repair or servicing of the vehicle.

(b) Penalty.—Any person violating this section is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of [\$25] \$50 and shall, upon conviction for a second or subsequent offense, be sentenced to pay a fine of \$200.

§ 1924. Farm trucks.

(a) General rule.—The annual fee for registration of a farm truck shall be [\$27] \$51 or one-third of the regular fee, whichever is greater.

(b) Certificate of exemption.—The biennial processing fee for a certificate of exemption issued in lieu of registration of a farm truck shall be \$12.

Section 2. Title 75 is amended by adding a section to read:
§ 1948. Chemical and fertilizer vehicle permits.

The fee for a 45-day permit for the operation of chemical and fertilizer vehicles registered in another state as provided in section 4971 (relating to permit of an operation of chemical and fertilizer vehicles) shall be \$50.

Section 3. Section 4921(b) of Title 75 is amended to read:
§ 4921. Width of vehicles.

(b) [Farm] Special vehicles.—[Any implement of husbandry or vehicle loaded with vegetable produce or forage crops and not exceeding ten feet in width may operate between sunrise and sunset on highways other than freeways.]

(1) Any implement of husbandry or vehicle loaded with vegetable produce or forage crops and not exceeding ten feet in width may be driven, hauled or towed between sunrise and sunset on highways other than freeways.

(2) Any implement of husbandry not exceeding 14 feet 6 inches in width may be driven, hauled or towed between sunrise and sunset on highways other than freeways between:

(i) Parts of one farm owned or operated by the owner of the implement of husbandry.

(ii) Farms owned or operated by the owner of the implement of husbandry located not more than 25 miles apart.

(iii) (A) farms; or

(B) a farm and a place of business of a mechanic or dealer in implements of husbandry; located not more than 50 miles apart for the purpose of buying, selling, trading, loaning and leasing, demonstrating, repairing or servicing the implement of husbandry.

(3) Special mobile equipment not exceeding nine feet two inches in width may be driven, hauled or towed between sunrise and sunset on highways other than freeways.

(4) The department may regulate the operation of special vehicles subject to this subsection which regulations may prohibit the operation of special vehicles on certain days or during certain hours.

* * *

Section 4. Title 75 is amended by adding a section to read:
§ 4971. Permit for operation of chemical and fertilizer vehicles.

A permit may be issued for a period of 45 consecutive days authorizing the operation in the Commonwealth of any vehicle registered in another state which is used for the transportation and application of chemicals and fertilizer.

Section 5. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Snyder, Mr. Thomas.

Mr. THOMAS. Mr. Speaker, what we are attempting to do here is correct the deficiency in the State Motor Vehicle Code. The amendment that you have before you on your desk and the one I am speaking about, A1277, is corrective language that

was taken from the Conference Committee Report of last year on the Vehicle Code which was never finalized. It is the identical language to the bill that Mr. Yahner, myself and others have sponsored this year which is now in committee, HB 1380. We are using HB 654, Mr. Dorr's, which is on third reading to expedite the matter.

It is of utmost importance that we have corrective language in the Vehicle Code to protect the farmers and machinery and equipment dealers while they are pulling their equipment over the highway. At the same time we are changing the procedure for getting a farm truck license.

If there are any particular questions on the amendment, I would be only too happy to respond and try to answer them, and, if not, I will not bore you with any more details.

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

The following roll call was recorded:

YEAS—174

Alden	Fischer, R. R.	Lewis	Scheaffer
Anderson	Fisher, D. M.	Livengood	Schmitt
Armstrong	Foster, A.	Lynch, E. R.	Schweder
Arty	Foster, W.	Mackowski	Scirica
Austin	Fryer	Madigan	Serafini
Barber	Gallen	Manderino	Seventy
Belardi	Gamble	Manmiller	Shadding
Bennett	Gannon	McCall	Shupnik
Bittle	Gatski	McClatchy	Sieminski
Borski	Geesey	McKelvey	Sirianni
Bowser	Geist	McMonagle	Smith, E.
Brown	George, C.	McVerry	Smith, L.
Brunner	George, M.	Michlovic	Spencer
Burd	Gladeck	Micozzie	Stairs
Burns	Goodman	Milanovich	Steighner
Caltagirone	Grabowski	Moehlmann	Stewart
Cappabianca	Gray	Mowery	Stuban
Cessar	Greenfield	Mrkonic	Sweet
Chess	Gruppo	Murphy	Swift
Cianciulli	Halverson	Musto	Taddonio
Cimini	Harper	Nahill	Taylor, E.
Clark, B.	Hasay	Novak	Taylor, F.
Clark, R.	Hayes, S. E.	Noye	Telek
Cochran	Helfrick	O'Brien, B.	Thomas
Cohen	Hoeffel	O'Brien, D.	Trello
Cole	Honaman	Oliver	Vroon
Cornell	Hutchinson, A.	Perzel	Wachob
Coslett	Hutchinson, W.	Peterson	Wagner
Cunningham	Irvis	Petrarca	Wargo
Davies	Itkin	Piccola	Wass
Dawida	Johnson, J.	Pievsky	Weidner
DeMedio	Jones	Pistella	Wenger
DeVerter	Kanuck	Pitts	Wilson
DeWeese	Kernick	Pott	Wilt
DiCarlo	Klingaman	Pratt	Wright, D.
Dietz	Knepper	Pucciarelli	Yahner
Dininni	Knight	Punt	Yohn
Dombrowski	Kolter	Pyles	Zeller
Dorr	Kukovich	Rieger	Zitterman
Duffy	Lashingner	Ritter	Zord
Dumas	Laughlin	Rocks	Zwikl
Durham	Lehr	Rodgers	
Earley	Letterman	Ryan	Seltzer,
Fee	Levi	Salvatore	Speaker

NAYS—0

NOT VOTING—29

Beloff	Goebel	McIntyre	Rhodes
Berson	Grieco	Miller	Richardson
Brandt	Hayes, D. S.	Mullen, M. P.	Spitz
Cowell	Johnson, E.	O'Donnell	Street
Donatucci	Kowalyszyn	Polite	White
Freind	Levin	Rappaport	Williams
Gallagher	Lynch, F.	Reed	Wright, J. L.
Giammarco			

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—171

Alden	Fee	Levi	Scheaffer
Anderson	Fischer, R. R.	Lewis	Schmitt
Armstrong	Fisher, D. M.	Livengood	Schweder
Arty	Foster, A.	Lynch, E. R.	Scirica
Austin	Foster, W.	Mackowski	Serafini
Barber	Fryer	Madigan	Seventy
Belardi	Gallen	Manderino	Shupnik
Bennett	Gamble	Manmiller	Sieminski
Bittle	Gatski	McCall	Sirianni
Borski	Geesey	McClatchy	Smith, E.
Bowser	Geist	McKelvey	Smith, L.
Brown	George, C.	McMonagle	Spencer
Brunner	George, M.	McVerry	Stairs
Burd	Gladeck	Micozzie	Steighner
Burns	Goodman	Milanovich	Stewart
Caltagirone	Grabowski	Moehlmann	Stuban
Cappabianca	Gray	Mowery	Sweet
Cessar	Greenfield	Mrkonic	Swift
Chess	Gruppo	Murphy	Taddonio
Cianciulli	Halverson	Musto	Taylor, E.
Cimini	Harper	Nahill	Taylor, F.
Clark, B.	Hasay	Novak	Telek
Clark, R.	Hayes, S. E.	Noye	Thomas
Cochran	Helfrick	O'Brien, B.	Trello
Cohen	Hoeffel	O'Brien, D.	Vroon
Cole	Honaman	Oliver	Wachob
Cornell	Hutchinson, A.	Perzel	Wagner
Coslett	Hutchinson, W.	Peterson	Wargo
Cowell	Irvis	Petrarca	Wass
Cunningham	Itkin	Piccola	Weidner
Davies	Johnson, J.	Pievsky	Wenger
Dawida	Jones	Pistella	Wilson
DeMedio	Kanuck	Pitts	Wilt
DeVerter	Kernick	Pratt	Wright, D.
DeWeese	Klingaman	Pucciarelli	Yahner
DiCarlo	Knepper	Punt	Yohn
Dietz	Knight	Pyles	Zeller
Dininni	Kolter	Rieger	Zitterman
Dombrowski	Kukovich	Ritter	Zord
Dorr	Lashingner	Rocks	Zwikl
Duffy	Laughlin	Rodgers	
Dumas	Lehr	Ryan	Seltzer,
Durham	Letterman	Salvatore	Speaker
Earley			

NAYS—2

Pott Michlovic

NOT VOTING—30

Beloff	Goebel	Miller	Richardson
Berson	Grieco	Mullen, M. P.	Shadding
Brandt	Hayes, D. S.	O'Donnell	Spitz
Donatucci	Johnson, E.	Polite	Street
Freind	Kowalyshyn	Rappaport	White
Gallagher	Levin	Reed	Williams
Gannon	Lynch, F.	Rhodes	Wright, J. L.
Giammarco	McIntyre		

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 Snyder, Mr. Thomas.

Mr. THOMAS. I would just like to say another word. Thank you for your cooperation on the amendment and on the bill.

This is one of the few times this year when you will be voting on something such as you did here that produces revenue for the Commonwealth. If you note, on the fiscal note it is supposed to generate just about another \$600,000 for PennDOT. So for those of you who cast your vote yesterday for the PennDOT program, you just cast one today to pay for part of it. Thank you.

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

Mr. GANNON. Mr. Speaker, I was out of my seat when the vote was taken on HB 654. I would like to be recorded in the affirmative.

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

The House proceeded to third consideration of **HB 751, PN 1397**, entitled:

An Act amending the act of June 5, 1968 (P. L. 140, No. 78), entitled "An Act regulating the writing, cancellation of or refusal to renew policies of automobile insurance; and imposing powers and duties on the insurance Commissioner therefor," prohibiting certain surcharges or rate increases on the rates of private vehicles of professional drivers.

On the question,

Will the House agree to the bill on third consideration?

Mr. GEORGE offered the following amendments:

Amend Title, page 1, line 6, by removing the period after "drivers" and inserting and prohibiting cancellation of policies or rate increases on the basis of an accident record when the insured was not at fault.

Amend Sec. 1, page 1, line 13, by striking out "a section" and inserting sections

Amend Bill, page 2, by inserting between lines 12 and 13

Section 5.2. No insurer shall increase a premium for insurance coverage or cancel a policy solely on the basis of the in-

sured's record of accidents for which the insured was not held responsible or found to be at fault.

On the question,

Will the House agree to the amendments?

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

Mr. GEORGE. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman yield?

The gentleman, Mr. George, is going to explain his amendments. Members please take their seats.

The gentleman may proceed.

Mr. GEORGE. Mr. Speaker, the amendment that I offer to you for your consideration I believe is of extreme importance. Several times I have offered this and you have accepted it. I think today it is most important that we recognize our obligation to those that we serve. The matter before us is insurance and cancellation.

My amendment will state that no insurer shall increase the premium of insurance coverage or cancel a policy solely on the basis of the insurer's record of accidents for which the insured was not held responsible or found to be at fault.

What I am saying, Mr. Speaker, is that if an individual has his automobile along the road, legally parked, and an individual comes down and slams into that automobile, as soon as the accident report is submitted by the officer, that accident goes on record. It shows and bears no proof of the involvement or the responsibility, yet it is on that record and stays on that record for several years. Then if for no reason that should happen a second time or an individual should be involved, he is then chastised because he has had two accidents, neither of which he may have been responsible for in any degree.

I apologize to the membership, for maybe this is not very important. Maybe I am completely wrong. Maybe we are not responsible in some manner to see to it that people can be insured to protect their homes and their property. Maybe it is not our responsibility to make insurance affordable.

We hear many complaints about the millions of drivers who are out there today without coverage, lying on their applications, and I submit that this is the main reason, when no longer it can be procured and when no longer is it affordable, we are turning our people out into the streets to break the law.

Just this week another case came before me, where a lady was advised by her company that she was involved in two mishaps and in turn she had to write to the Department of Transportation and procure the driving record of her husband, herself and her son, and none of those records showed any involvement much less any infraction, and the insurance company was kind enough to give her a six-day extension, which is up today, and which means if it is not resolved, she will be breaking the law tomorrow in order for her to go to work.

I ask, Mr. Speaker, that we do not sit here and be concerned about the insurance companies' wrath or where they are going to come down on us like a bunch of locusts because we are trying to do the right thing for our people. Thank you very much.

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

Mr. MOWERY. Mr. George has submitted an amendment that I think most of us have total agreement with. I think last term there was a similar amendment that Mr. George offered that I was supportive of. I would, however, like to suggest to the members that currently there is a revision taking place in the no-fault insurance law. As you know, last term we did pass it in the House. It was not passed in the Senate. One of the provisions in this current no-fault bill, that we hope will be coming to you within the next few weeks, has a provision that Mr. George's amendment here addresses itself to. The only reason I ask that you wait for that consideration is that we have addressed the one section of his amendment a little clearer as far as language is concerned.

Mr. George relates to who is found to be at fault. We address the term what fault is, because legally that could be all over the ball park, Mr. Speaker, if we just say whose fault it is. Here in the amendment that we are talking about, it is up to the insurance department to make that decision. We do not believe that we should let them have that much freedom. So in our no-fault revision, it states more than 50 percent at fault.

I believe that it would be to our benefit to wait and attach it at that time rather than attach this current bill. That is the only objection I have, and for that reason I would ask for a "no" vote.

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

Mr. RITTER. Mr. Speaker, I rise to support the amendment. I agree that possibly something will be done in the no-fault insurance part of it, but I say to you that, in the meantime, we ought to accept Mr. George's amendment; get that protection on the record; and if someday we finally make some changes in the no-fault insurance law—and that is a very controversial subject—it is very well liable to get bogged down with the threshold limits and other matters, and I think that Mr. George's amendment makes sense. Mr. Mowery admits that it makes sense and his only point was that we ought to delay until we take a look at the package in terms of no-fault insurance.

I say to you, as Mr. George does, we ought to pass it today. We will have one less item to concern ourselves with in a no-fault insurance package. If in fact there is a better amendment coming, it seems to me that it does not matter then if we adopt Mr. George's amendment today and sometime in the future improve on it somewhat; but to wait until the sometime in the future, which may be a year or two, is to deny people the opportunity to get insurance and it would have people pay a higher premium for accidents for which they were not at fault.

Mr. George's amendment makes sense, and I would ask that we support it and send it over to the Senate, and maybe this year they will get the message and they will pass it this year instead of sitting on it as they did last session. Thank you, Mr. Speaker.

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

Mr. YOHN. Mr. Speaker, I rise to oppose the amendment. I do not oppose the concept of the amendment, but I think that the problem with the amendment is in the language, because

we have in Pennsylvania a comparative negligence law which means that people are no longer found to either be at fault or not at fault. They are now found to be in certain percentages at fault in each and every accident and that percentage may be anywhere from 0 up to 100 percent.

In the no-fault omnibus bill on which we held hearings last week, there is a provision that addresses this specific issue and says that you cannot be surcharged if you are less than 50 or 51 percent at fault, and I think that is the precise way to handle this problem. It will be in the no-fault law. I do not think there is any objection to that and I am sure that it will be in the bill that we will be considering.

So I would urge the members of the House to defeat this amendment, because I think it is going to cause more problems than it is going to solve, and we can handle it in a precise and accurate and correct manner through the amendment to the no-fault law which will be considered. Thank you.

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

Mr. GANNON. Would the gentleman, Mr. George, submit to a brief interrogation?

The SPEAKER. The gentleman indicates that he will stand for interrogation and the gentleman, Mr. Gannon, may proceed.

Mr. GANNON. Mr. Speaker, on the question of fault, who is to make that determination?

Mr. GEORGE. I am sure you are aware that today the law has been changed considerably by an adoption of the Vehicle Code in 1977 as far as investigations and reports. I am sure that you are aware that in most cases reports need not be submitted. You must understand that if there is an accident and if you happen to be involved with the insurance companies—and I do not know whether you are an agent or not—that it would be your responsibility to see or help your client to submit an accident report.

As far as the fault is concerned, there are several ways of determining fault: one, by the officer providing the investigation, and, of course, there is always the insurance company that has something to say about that.

I do not think that what I want to do, Mr. Speaker, will really hurt the insurance agent or the insurance companies, per se, because all I am attempting to do, and not waiting until next month when something better comes up, is to provide an alleviation on an increase or a cancellation for an individual who was not—maybe there is an involvement because he owned an automobile but maybe he was not—in the car, near the car, but it still comes down to accident analysis and it is put on his record. Therefore, whenever that sheet is procured by the insurance company, and I know I am telling you something you are already aware of, they pick that up and they write to the individual and they say, we say now whether you are buying a new policy or whether it is a continued policy, you have been involved in two accidents in the last 3 years and, therefore, we must cancel you, or, therefore, we must place you in assigned risk, or whatever the case may be. I do not believe that it is responsible and it is fair to the individual who wants to buy this

insurance to be blamed for something that maybe he was in no way responsible for much less should have been involved in.

Mr. GANNON. Mr. Speaker, I oppose this amendment. I agree with Mr. Yohn that this amendment would create more problems than it would solve. The individual I think it would hurt the most by an amendment such as this would be the accident victim, the individual who is supposed to be protected by an insurance policy. For this reason, if an insured is involved in an automobile accident, the insurance company could withhold settling the claim on the basis that there has not been any legal determination that this insured was at fault, and their reasoning would be that they could not attach any premium surcharge or additional premium against their insured unless there was that legal determination.

So I can envision an insurance company withholding settlement on a claim and compensating an injured accident victim just on the mere basis that they would not be able to charge any additional premium until their insured was legally determined to be at fault. Of course, many of us are aware of how long it takes to get a case through court. I believe that most policies presently are written to provide that the insurance company has the right to settle a claim. I think this amendment would supersede that right and would really hurt the individuals who are protected or supposedly protected and designed to be protected by an insurance policy.

Additionally, as Mr. Yohn has indicated, this problem has been specifically addressed in the omnibus amendments to be considered to the current automobile no-fault law, and I believe that is a proper vehicle to address this issue and not an amendment such as this. Thank you, Mr. Speaker.

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

Mr. KOWALYSHYN. Mr. Speaker, I urge that this amendment be defeated as unnecessary and particularly in the light of the precise language which was inserted into Act 78 of 1968 last session, and I would like to simply read to you reference to the precise factual case that Mr. George mentions. Section 3 of Act 78 reads as follows: "No insurer shall cancel or refuse to write or renew a policy of automobile insurance for one or more of the following reasons." And subsection 13 says, "Any accident which occurred under the following circumstances:". In subsection 1 under that, "auto lawfully parked . . ." subsection 3, under that, "auto is struck in the rear by another vehicle and the applicant or other resident operator has not been convicted of a moving traffic violation in connection with this accident." That has to do with cancellation, nonrenewal, and failure to write.

Now as far as increasing the premium, we also have specific language covering it, and I would like to read it to you. It is section 4.1: "No insurer shall increase an individual insured's premium or assess a premium surcharge on the basis of any moving traffic violation records, or any revocation or suspension records, or any accident records, if the insured establishes that the records are erroneous or inaccurate."

I would just like to point out to the members of the House that that language was in Mr. George's amendment last year,

which was adopted. The proposed amendment would muddy the waters. It would make it more difficult to understand the meaning and application of Act 78, and, therefore, I urge that it not be adopted. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Taylor.

Mr. TAYLOR. I rise to urge the adoption of the proposed George amendment. Last year we had this same type of amendment that was tried to be inserted into HB 1980, which dealt with no-fault. It was not the proper language at that time. I think it is the proper language to be addressed to Act 78, which refers to the cancellation. What has happened is exactly the wrong interpretation that the department has taken over there, and the insurance companies, in not renewing and canceling people's policies. I think that the premium should not be increased because they are not at fault, and I think the comparative negligence deals with the no-fault part.

Mr. George has the right approach to solving the problem, and I think we should adopt this amendment. We did not adopt it last year; we took it out of 1980, and I think it should be put, in this present form, into Act 78. Thank you.

The SPEAKER. Does the gentleman from Berks, Mr. Gallen, wish to be recognized? The gentleman is in order and may proceed.

Mr. GALLEN. Mr. Speaker, my concern is that this amendment will have the opposite effect, the opposite of the desired effect of the sponsor of the amendment. When you say, to be found not at fault if the person is 10 percent at fault or 5 percent at fault, he would be at fault, and I feel that this amendment would have the reverse effect that the sponsor of the amendment wanted.

I think it would be wise if he withdrew the amendment or at least cleaned up the language. I think one has got to be put on a spot of voting for or against an amendment like this, which really sounds good but I think it does not have the desired effect.

I ask for a negative vote and I request that the sponsor withdraw the amendment and seek another amendment which will have the effect that he wants to bring out. Mr. Speaker, I ask that the bill be held and that the sponsor of the amendment have a chance, if he agrees, to get his amendment redrawn.

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

The following roll call was recorded:

YEAS—114

Anderson	Dumas	Kukovich	Seventy
Austin	Fee	Laughlin	Shadding
Barber	Fischer, R. R.	Lehr	Shupnik
Belardi	Foster, W.	Letterman	Smith, E.
Bennett	Fryer	Livengood	Spitz
Borski	Gamble	Manderino	Stairs
Bowser	Gatski	Manmiller	Steighner
Brown	Geesey	McCall	Stewart
Brunner	Geist	McMonagle	Stuban
Burns	George, C.	Milanovich	Sweet
Caltagirone	George, M.	Mrkonic	Swift

Cappabianca	Goodman	Musto	Taddonio
Chess	Grabowski	Novak	Taylor, E.
Cianciulli	Gray	O'Brien, B.	Taylor, F.
Cimini	Greenfield	Oliver	Telek
Clark, B.	Harper	Petrarca	Trello
Clark, R.	Hasay	Pievsky	Wachob
Cochran	Hayes, S. E.	Pistella	Wargo
Cohen	Hoeffel	Pitts	Wass
Cole	Hutchinson, A.	Pratt	White
Coslett	Irviss	Pucciarelli	Wilson
Cowell	Itkin	Pyles	Wilt
Davies	Johnson, J.	Rieger	Wright, D.
DeMedio	Jones	Ritter	Yahner
DeWeese	Kernick	Rodgers	Zeller
DiCarlo	Klingaman	Schmitt	Zitterman
Dininni	Knepper	Schweder	Zord
Dombrowski	Knight	Serafini	Zwinkl
Duffy	Kolter		

NAYS—66

Alden	Gallen	McClatchy	Ryan
Armstrong	Gannon	McKelvey	Salvatore
Arty	Gladeck	McVerry	Scheaffer
Bittle	Gruppo	Michlovic	Scirica
Brandt	Halverson	Micozzie	Sieminski
Burd	Hayes, D. S.	Moehlmann	Sirianni
Cessar	Helfrick	Mowery	Smith, L.
Cornell	Honaman	Murphy	Spencer
Cunningham	Hutchinson, W.	Nahill	Thomas
Dawida	Kanuck	Noye	Vroon
DeVerter	Kowalyszyn	O'Brien, D.	Wagner
Dietz	Lashingner	Perzel	Weidner
Dorr	Levi	Peterson	Wenger
Durham	Lewis	Piccola	Yohn
Earley	Lynch, E. R.	Pott	
Fisher, D. M.	Mackowski	Punt	Seltzer,
Foster, A.	Madigan	Rocks	Speaker

NOT VOTING—23

Beloff	Goebel	Miller	Rhodes
Berson	Grieco	Mullen, M.P.	Richardon
Donatucci	Johnson, E.	O'Donnell	Street
Friend	Levin	Polite	Williams
Gallagher	Lynch, F.	Rappaport	Wright, J. L.
Giammarco	McIntyre	Reed	

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni. For what purpose does the lady rise?

Miss SIRIANNI. Mr. Speaker, I would like to be recorded voting "yes" on the George amendment to HB 751.

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. MOWERY. I guess all the amendment does is to further correct what the purpose of this bill was intended to do.

At the request of the Teamsters' Union, we took a good look at what is currently happening by some of the insurance companies in Pennsylvania. Most of the companies are not currently involved in this practice, but for those few who continue to, we believe that this legislation is necessary to correct it.

Today, those who drive commercial vehicles or licensed commercial vehicles, such as buses, cabs, trucks, tractor trailers are currently covered by the commercial insurance for that particular rig. If they are unfortunate enough to have a speeding violation, or last winter, in one of the ice storms, their tractor trailer jackknifed, that was recorded as an accident on their record very similar to what was being discussed previously. Then in some cases some of the insurance companies in Pennsylvania were using that incident to add a surcharge to their personal automobile. In my mind, that is basically charging twice for that incident. The rating is already covered under the commercial insurance coverage. Why should it be used again as an incident on their personal insurance policy?

So the purpose of this is to make sure that they cannot be surcharged on their personal policies, making their wife, and many times children, pay an extremely higher premium for something that was already covered under their other policy. So I ask for your affirmative vote on this bill.

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—179

Alden	Fischer, R. R.	Levi	Scheaffer
Anderson	Fisher, D. M.	Lewis	Schmitt
Armstrong	Foster, A.	Livengood	Schweder
Arty	Foster, W.	Lynch, E. R.	Scirica
Austin	Fryer	Mackowski	Serafini
Barber	Gallen	Madigan	Seventy
Belardi	Gamble	Manderino	Shadding
Bennett	Gannon	Manmiller	Shupnik
Bittle	Gatski	McCall	Sieminski
Borski	Geesey	McClatchy	Sirianni
Bowser	Geist	McKelvey	Smith, E.
Brandt	George, C.	McMonagle	Smith, L.
Brown	George, M.	McVerry	Spencer
Brunner	Gladeck	Michlovic	Spitz
Burd	Goodman	Micozzie	Stairs
Burns	Grabowski	Milanovich	Steighner
Caltagirone	Gray	Moehlmann	Stewart
Cappabianca	Greenfield	Mowery	Stuban
Cessar	Gruppo	Mrkonic	Sweet
Chess	Harper	Murphy	Swift
Cianciulli	Hasay	Musto	Taddonio
Cimini	Hayes, D. S.	Nahill	Taylor, E.
Clark, B.	Hayes, S. E.	Novak	Taylor, F.
Clark, R.	Helfrick	Noye	Telek
Cochran	Hoeffel	O'Brien, B.	Thomas
Cohen	Honaman	O'Brien, D.	Trello
Cole	Hutchinson, A.	Oliver	Vroon
Cornell	Hutchinson, W.	Perzel	Wachob
Coslett	Irviss	Peterson	Wargo
Cowell	Itkin	Petrarca	Wass

Cunningham	Johnson, E.	Piccola	Weidner
Davies	Johnson, J.	Pievsky	Wenger
Dawida	Jones	Pistella	White
DeMedio	Kanuck	Pitts	Wilson
DeVerter	Kernick	Pratt	Wilt
DeWeese	Klingaman	Pucciarelli	Wright, D.
DiCarlo	Knepper	Punt	Yahner
Dietz	Knight	Pyles	Yohn
Dininni	Kolter	Richardson	Zeller
Dombrowski	Kowalshyn	Rieger	Zitterman
Dorr	Kukovich	Ritter	Zord
Duffy	Lashinger	Rocks	Zwilk
Dumas	Laughlin	Rodgers	
Durham	Lehr	Ryan	Seltzer,
Earley	Letterman	Salvatore	Speaker
Fee			

NAYS—2

Pott Wagner

NOT VOTING—22

Beloff	Goebel	Miller	Reed
Berson	Grieco	Mullen, M. P.	Rhodes
Donatucci	Halverson	O'Donnell	Street
Freind	Levin	Polite	Williams
Gallagher	Lynch, F.	Rappaport	Wright, J. L.
Giammarco	McIntyre		

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 1031, PN 1553**, entitled:

An Act amending the "Senior Citizens Property Tax or Rent Rebate Act," approved March 11, 1971 (P. L. 104, No. 3), clarifying the definition of "rent rebate in lieu of property taxes."

On the question,

Will the House agree to the bill on third consideration?

Mr. PRATT offered the following amendments:

Amend Title, page 1, line 8, by striking out "taxes." "and inserting taxes," and including certain single persons within the act.

Amend Bill, page 1, lines 11 through 19, page 2, lines 1 through 16, by striking out all of said lines and inserting

Section 1. The title, section 2, clauses (5) and (6) of section 3, subsection (d) of section 4, sections 5 and 6, act of March 11, 1971 (P. L. 104, No. 3), known as the "Senior Citizens Property Tax or Rent Rebate Act," reenacted and amended June 16, 1975 (P. L. 7, No. 4), sections 4(d), 5 and 6 amended November 22, 1978 (P. L. 1157, No. 272), are amended to read:

AN ACT

Providing property tax or rent rebate to certain [senior citizens, widows, widowers and permanently disabled] persons with limited incomes; establishing uniform standards and qualifications for eligibility to receive a rebate; and imposing duties upon the Department of Revenue.

Section 2. Declaration of Policy.—In recognition of the severe economic plight of certain senior citizens, [widows, widowers] certain single persons and permanently disabled persons who are real property owners or renters with fixed and limited incomes who are faced with rising living costs and constantly increasing tax burdens upon their homesteads, the

General Assembly, pursuant to the mandates of the Constitutional Convention of 1968, considers it to be a matter of sound public policy to make special provisions for property tax rebates or rent rebates in lieu of property taxes to that class of senior citizens, [widows, widowers] single persons and permanently disabled persons who are real property taxpayers or renters who are without adequate means of support to enable them to remain in peaceable possession of their homes and relieving their economic burden.

Section 3. Definitions.—As used in this act:

* * *

(5) "Rent rebate in lieu of property taxes" means twenty per cent of the gross amount actually paid in cash or its equivalent in any calendar year to a landlord in connection with the occupancy of a homestead by a claimant, irrespective of whether such amount constitutes payment solely for the right of occupancy or otherwise. However the phrase "gross amount actually paid" shall not include payments made by or attributable to any governmental or quasi-governmental agency as part of a subsidized housing program and shall include only those amounts actually paid by the claimant, or individuals acting on behalf of the claimant, to the landlord.

(6) "Claimant" means a person who files a claim for property tax rebate or rent rebate in lieu of property taxes and was sixty-five years of age or over, or whose spouse (if a member of the household) was sixty-five years of age or over, during a calendar year in which real property taxes or rent were due and payable or was a [widow or widower] single person and was fifty years of age or over during a calendar year or part thereof in which real property taxes or rent were due and payable, or was a permanently disabled person during a calendar year or part thereof in which real property taxes or rent were due and payable. [For the purposes of this act the term "widow" or "widower" shall mean the surviving wife or the surviving husband, as the case may be, of a deceased individual and who has not remarried except as provided in subsection (c) and (d) of section 4 of this act.] For the purposes of this act the term "single person" shall mean a person who has never married or who has married and has been divorced and has not remarried or who has married and whose spouse has died except as provided in section 4(d). For the purposes of this act the term "permanently disabled person" shall mean a person who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to continue indefinitely, except as provided in subsection [(c) and] (d) of section 4 of this act.

* * *

Section 4. Property Tax or Rent Rebate.—***

(d) If a homestead is owned or rented and occupied for only a portion of a year or is owned or rented in part by a person who does not meet the qualifications for a claimant, exclusive of any interest owned or leased by a claimant's spouse, or if the claimant is a [widow or widower] single person who [remarries] marries, or if the claimant is a permanently disabled person who is no longer disabled, the department shall apportion the real property taxes or rent in accordance with the period or degree of ownership or leasehold or eligibility of the claimant in determining the amount of rebate for which a claimant is eligible. A claimant who is a renter shall not be eligible for rent rebate in lieu of property taxes during those months within which he receives public assistance from the Department of Public Welfare.

Section 5. Filing of Claim.—A claim for property tax or rent rebate shall be filed with the department on or before the thirtieth day of June of the year next succeeding the end of the calendar year in which real property taxes or rent were due and payable: Provided, That claims filed after the June 30 deadline until December 31 of such calendar year shall be accepted by the Secretary of Revenue as long as funds are available to pay the benefits to the late filing claimants. No reimbursement on a

claim shall be made from the State Lottery Fund earlier than the day following the thirtieth day of June provided in this act on which that claim may be filed with the department. Only one claimant from a homestead each year shall be entitled to property tax or rent rebate. If two or more persons are able to meet the qualifications for a claimant, they may determine who the claimant shall be. If they are unable to agree, the department shall determine to whom a rebate is to be paid. A claim may be filed by single persons who meet the eligibility requirements of this act.

Section 6. Proof of Claim.—Each claim shall include reasonable proof of household income, the size and nature of the property claimed as a homestead and the rent or tax receipt, or other proof that the real property taxes on the homestead have been paid, or rent in connection with the occupancy of a homestead has been paid. If the claimant is a [widow, or widower,] single person a declaration of such status on such forms and in such manner as prescribed by the Secretary of Revenue shall be included. Proof that a claimant is eligible to receive disability benefits under the Federal Social Security Act shall constitute proof of disability under this act. No person who has been found not to be disabled by the social security administration shall be granted a rebate under this act. A claimant not covered under the Federal Social Security Act shall be examined by a physician designated by the department and such status determined using the same standards used by the social security administration. It shall not be necessary that such taxes or rent were paid by the claimant: Provided, That the rent or taxes have been paid when the claim is filed. The first claim filed shall include proof that the claimant or his spouse was age sixty-five or over or fifty years or over in the case of a widow, or widower, during the calendar year in which real property taxes or rent were due and payable.

Section 2. The provisions of this amendatory act shall take effect immediately and shall apply to the calendar years commencing January 1, 1978 and thereafter.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. What this amendment does is it adds a new class of individuals to receive benefits under the present real estate property or rent rebate program funded by the lottery.

At the present time, Mr. Speaker, the program benefits those married couples aged 65 or over and those widows or widowers aged 50 or over who have the required income levels and the required other expenses, but the present law does not cover single people, those people who, for some reason, never wished to be married or were married and unfortunately became divorced, or fortunately became divorced. Mr. Speaker, I see no difference between a person who is a widow or widower aged 50 or over and those who are single, for whatever reason, having the same income and expense disabilities.

Mr. Speaker, the fiscal note on this particular amendment would cost the lottery fund an additional \$8 million annually; about \$7.8 million to be exact, benefiting approximately 35,300 claimants.

In my opinion, Mr. Speaker, unless this amendment is adopted, if someone were to challenge the present law based upon discrimination or violation of equal protection because of the different classification made between a widow or widower and single people, I believe the law would be declared, or that particular provision dealing with widows and widowers would

be declared, unconstitutional. I believe that that provision is unconstitutional. I think if we are going to give benefits, and I think we should, to widows and widowers, we should also give the benefits to single people, same age, same income levels and expenses.

I would ask, Mr. Speaker, that the members on both sides of the aisle see fit to adopt this amendment. We have the funds in the lottery; there are excess funds due to the success of the daily lottery machine. There are numerous bills pending right now, Mr. Speaker, in this House which would add benefits to the many people throughout the Commonwealth, ranging from payment of fuel bills or more rural transportation.

Well, I think that this particular addition of these people to those claimants already receiving benefits is the most important one, Mr. Speaker. It eliminates a discriminatory practice under the present law, and I urge its adoption. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, I am very much impressed with this attempt and I am very much in favor of eliminating this inequity. The statement was made here as to the fiscal impact and the availability of money, and I must take issue with the author of the amendment because the lottery does not have a surplus. The lottery fund is running in a deficit year after year after year and it borrows money from the general fund every year, and every year we pass another renewal of that borrowing arrangement. So there is not money available in there right now to pay for this.

If, however, we can find other ways and means of compensating for this cost, I would surely say it is a good amendment. I want to know a very important answer. Where is this money going to come from?, because last year we doubled the rent rebates and the tax rebates from \$200 a year to \$400 a year maximum and the allowable limit for earnings to \$9,000 a year. Now that took an awful lot of that slack, that so-called surplus, which was being generated. In fact, it took so much that there is not any more surplus, and, believe me, it is true. We have discussed this at great length in our Finance Committee and we have established this beyond any shade of doubt. There is no surplus in the lottery, notwithstanding all of the bills that are being proposed. So if we pass another bill increasing by \$8 million the cost of our benefits to senior citizens, we are going to have to find that money somewhere.

For that reason and for that reason alone, I would say we should reject this amendment; not because it does not have merit, but we should reject it because it should be brought up in an ordinary bill, brought to committee and studied as to its real impact.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, would the gentleman consent to interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman, Mr. Hutchinson, may proceed.

Mr. W. D. HUTCHINSON. Mr. Speaker, if your amendment would become law, would not the effect of it be to simply lower

the age at which persons would get rent benefits to 55? Is that not the effect of your amendment, to simply make rent and taxpayer assistance benefits available to everyone instead of at the present age of 65, it would become available at 55?

Mr. PRATT. No, Mr. Speaker.

Mr. W. D. HUTCHINSON. Well what would it do then? How do you get rid of the discrimination?

Mr. PRATT. Mr. Speaker, if this amendment were to become law, those persons over the required age who are widows, widowers or single, would be eligible for the benefits.

Mr. W. D. HUTCHINSON. Now, Mr. Speaker, may I pursue that? Can you show me any category of person over any age who is not either a widow, a widower or single at any age? Is it not true that every person in the population of Pennsylvania will be either widow, widower or single? Will that not include all persons at a particular age?

Mr. PRATT. No, Mr. Speaker. The married people are not included in that.

Mr. W. D. HUTCHINSON. Who does it exclude?

Mr. PRATT. The married people.

Mr. W. D. HUTCHINSON. Who does it exclude, Mr. Speaker?

Mr. PRATT. Married couples, Mr. Speaker.

Mr. W. D. HUTCHINSON. Just married couples. And is that not discriminatory then?

Mr. PRATT. Mr. Speaker, there may be justifications for the differences in classifications between married couples who may be able to afford their taxes or rent because they are married, because maybe one of the spouses or both spouses are working.

I did not consider this particular law when it was originally passed. I do not know the intent of the legislature making a difference between widow, widower and those people married between the two age brackets. There must have been some argument or debate which went on in the General Assembly which obligated or convinced this legislature that there should be a difference in those two groups of people. Mr. Speaker, but what *this legislature forgot is that there was the third group of people out there, those who are single, or those who never married or where divorced. They excluded those people but included widows and widowers. I see no difference between those classes. There may be a difference between those people who are married, age 65 and over, and those people who are widows, widowers or single or otherwise single, age 50 or over.*

Mr. W. D. HUTCHINSON. Mr. Speaker, was that an answer to my question or a speech?

Mr. PRATT. A little bit of each.

Mr. W. D. HUTCHINSON. Mr. Speaker, you said that in your opinion the present statute was unconstitutional because it discriminated, and I take it you say that it discriminated between widows and widowers and single people and thus was a discrimination on the basis of status. Now will it not discriminate even more vilely if yours comes in when it would discriminate purely on the ground of marital status so that the person who has gotten a divorce can get this benefit but the married couple who are living together cannot? Would that not be the effect of it?

Let us suppose their income is exactly the same. You have a divorced person who has an income of under \$10,000, say

\$5,000, and you have a married couple living together who has an income of \$5,000. Is it not true that under your amendment, if both of those three people are all over 55 years old, the married couple living together does not get any benefits and the divorced person does? Is that not the effect of your amendment?

Mr. PRATT. That is true, Mr. Speaker.

Mr. W. D. HUTCHINSON. Now, Mr. Speaker, a couple of comments.

Mr. Speaker, I think there is a discrimination here and I think there is a discrimination in the statute and I do not think the way to cure that discrimination, particularly since we now do not know what the lottery fund's position will be with the doubling of the amount from \$200 to \$400, is the way Mr. Pratt suggests, which puts an even worse discrimination into the statute.

I do not know what the General Assembly intended either. Perhaps they wanted to subsidize the family. Perhaps the word "widow" and "orphan" mean something. I think perhaps they made a mistake. I think if you really want to approach this problem, the way to get over the discrimination is to phase out over a period of time the discriminatory portion, that is, the widow and widower benefits. If you do that over a period of 10 years, nobody presently getting any benefits would be taken off, but you would stop them from signing up. Then you would have this back where it should be, which was to benefit the senior citizen over 65, no matter what his situation is, married, single, and so on.

I think the inevitable effect of your type of legislation is to eventually simply reduce this age limit to age 55, or whatever level, and I do not know if we can afford that. It is another subsidy; it is another attempt, and I suggest this is not the way to cure discrimination, especially in light of the married-couple problem.

I cannot vote for an amendment that is going to give the person who does not stick to the marriage, the divorced person, a benefit and then say to that couple who has lived together all of their lives, you cannot get it because you live together. That, in my opinion, is subsidizing exactly the wrong thing. I am opposed to it. If you really mean to do anything over here and not further weaken family structure, you ought to vote against this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. Mr. Speaker, I can understand the previous speaker's frustration over alleged disparity between this particular amendment if it were to become law and those people who are married and receiving benefits in that it may or may not have an effect upon your marital status. However, if we look at the current Internal Revenue Code on the Federal level, we find disparities between the income tax break for those people who are married and those people who are single. That law has never been challenged or, if it has, it has not been successful. There is a difference, but, Mr. Speaker, that is not the issue here.

The issue here, Mr. Speaker, is that if you are going to give these benefits to widows and widowers, you should give it to single people who never were married or who were married and divorced.

Furthermore, Mr. Speaker, I have heard the argument that there are no excess funds in the lottery fund. I think that is wrong. I say that there are excess funds. We stood here last year, Mr. Speaker, and all voted to increase the benefits. The argument was made that we did not want to increase them too much, even though we had an excess; let us increase them a little bit, because they will see, after a year or two, if we continue to have the excess.

I wanted to offer this amendment last year, Mr. Speaker, but I was told to hold on, to wait a year.

We have an excess in this fund, but let us suppose we do not. The law reads that all of the benefits will be prorated. If we have \$25 million in the fund, that is the money they give out. It is prorated, Mr. Speaker. Those people who are arguing that there are no excess funds in the lottery fund are not telling you that in the event that occurs, all benefits are prorated. They are all reduced by the amount that is not available.

I am telling you, Mr. Speaker, that there is money available to cover this particular amendment and I think we ought to eliminate the current disparity, which is discriminatory, between widows, widowers, and single people. I think it is only just. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Mifflin, Mr. DeVertter.

Mr. DeVERTER. Mr. Speaker, I would like to address a couple of brief remarks to the matter the prior speaker just talked about in relationship to the dollars available in the lottery fund.

The simple fact remains that in the past 3 successive years, we have in fact passed legislation in this House that would permit the lottery fund to borrow from the general fund on anticipated revenues. The proposed surplus of June 30 this year is approximately \$66 million. The contemplated payout is about \$114 million, and we really do not have a year's experience under the higher rates that we are paying out. I think it is up to the House to make the determination as to whether they think we can find another \$8 million, but I would not for a moment want this House of Representatives to think that there are surplus dollars floating. As I said, the lottery for the past 3 years has borrowed on its anticipated revenues. They have paid it back; there is no question about that, but each time we escalate a program under the lottery fund, I think we are doing an injustice to those who are entitled to benefits, and if we continue to increase those levels without the corresponding increase in revenues, I am afraid we are going to have big problems down the road.

I can understand Mr. Pratt's consideration of those who are singled out, and I have had many calls in regard to these types of folks, but an \$8-million additional appropriation to go in this direction, to me, just seems totally unwarranted and, quite frankly, a little irresponsible at this point in time. Thank you.

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

Mr. GANNON. Mr. Speaker, will the gentleman, Mr. Pratt, submit to brief interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman, Mr. Gannon, may proceed.

Mr. GANNON. Mr. Speaker, under this amendment, could a married couple under 65 obtain a divorce, thereby becoming single, and be entitled to benefits?

Mr. PRATT. Under 65?

Mr. GANNON. Yes.

Mr. PRATT. Yes.

Mr. GANNON. So that if a couple was 55 years of age or over and they looked at this amendment and felt that this would encourage, so to speak, or permit them to obtain a divorce, thereby obtaining single status, they would then be eligible for benefits?

Mr. PRATT. Yes.

Mr. GANNON. Thank you.

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

The following roll call was recorded:

YEAS—68

Austin	Fisher, D. M.	Milanovich	Schmitt
Belardi	Gamble	Mowery	Schweder
Bennett	Gatski	Mrkonic	Serafini
Brown	George, C.	Musto	Shupnik
Brunner	Harper	Novak	Stairs
Caltagirone	Helfrick	Noye	Steighner
Cappabianca	Irvis	O'Brien, B.	Sweet
Cianciulli	Jones	Oliver	Taddonio
Clark, B.	Kernick	Petrarca	Taylor, F.
Clark, R.	Klingaman	Piccola	Telek
Cochran	Knight	Pievsky	Trello
Cohen	Kolter	Pitts	Wagner
Cole	Laughlin	Pratt	Wargo
DeMedio	Livengood	Pucciarelli	White
Dombrowski	Manderino	Richardson	Wilt
Fee	Manmiller	Rieger	Wright, D.
Fischer, R. R.	McCall	Rodgers	Yahner

NAYS—115

Alden	Foster, A.	Kukovich	Scheaffer
Anderson	Foster, W.	Lashingier	Scirica
Armstrong	Fryer	Lehr	Seventy
Arty	Gallen	Letterman	Shadding
Barber	Gannon	Levi	Sieminski
Bittle	Geesey	Lewis	Sirianni
Borski	Geist	Lynch, E. R.	Smith, E.
Bowser	George, M.	Mackowski	Smith, L.
Brandt	Gladeck	Madigan	Spencer
Burd	Goebel	McClatchy	Spitz
Burns	Goodman	McKelvey	Stewart
Cessar	Grabowski	McMonagle	Stuban
Chess	Gray	McVerry	Swift
Cimini	Greenfield	Michlovic	Taylor, E.
Cornell	Gruppo	Micozzie	Thomas
Coslett	Halverson	Moehlmann	Vroon
Cowell	Hasay	Murphy	Wachob

Cunningham	Hayes, D. S.	Nahill	Wass
Davies	Hayes, S. E.	O'Brien, D.	Weidner
Dawida	Hoeffel	Perzel	Wenger
DeVerter	Honaman	Peterson	Wilson
DeWeese	Hutchinson, A.	Pistella	Yohn
DiCarlo	Hutchinson, W.	Pott	Zeller
Dietz	Itkin	Punt	Zitterman
Dininni	Johnson, E.	Pyles	Zord
Dorr	Johnson, J.	Ritter	Zwikl
Duffy	Kanuck	Rocks	
Dumas	Knepper	Ryan	Seltzer,
Durham	Kowalyszyn	Salvatore	Speaker
Earley			

NOT VOTING—20

Beloff	Giammarco	Miller	Reed
Berson	Grieco	Mullen, M. P.	Rhodes
Donatucci	Levin	O'Donnell	Street
Freind	Lynch, F.	Polite	Williams
Gallagher	McIntyre	Rappaport	Wright, J. L.

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—181

Alden	Fisher, D. M.	Levi	Schmitt
Anderson	Foster, A.	Lewis	Schweder
Armstrong	Foster, W.	Livengood	Scirica
Arty	Fryer	Mackowski	Serafini
Austin	Gallen	Madigan	Seventy
Barber	Gamble	Manderino	Shadding
Belardi	Gannon	Manmiller	Shupnik
Bittle	Gatski	McCall	Sieminski
Borski	Geesey	McClatchy	Sirianni
Bowser	Geist	McKelvey	Smith, E.
Brandt	George, C.	McMonagle	Smith, L.
Brown	George, M.	McVerry	Spencer
Brunner	Gladeck	Michlovic	Spitz
Burd	Goebel	Micozzie	Stairs
Burns	Goodman	Milanovich	Steighner
Caltagirone	Grabowski	Moehlmann	Stewart
Cappabianca	Gray	Mowery	Stuban
Cessar	Greenfield	Mrkonic	Sweet
Chess	Gruppo	Murphy	Swift
Cianciulli	Halverson	Musto	Taddonio
Cimini	Harper	Nahill	Taylor, E.
Clark, B.	Hasay	Novak	Taylor, F.
Clark, R.	Hayes, D. S.	Noye	Telek
Cochran	Hayes, S. E.	O'Brien, B.	Thomas
Cohen	Helfrick	O'Brien, D.	Trello
Cole	Hoeffel	Oliver	Vroon
Cornell	Honaman	Perzel	Wachob
Coslett	Hutchinson, A.	Peterson	Wagner
Cowell	Hutchinson, W.	Petrarca	Wargo
Cunningham	Irviss	Piccola	Wass
Davies	Itkin	Pievsky	Weidner
Dawida	Johnson, E.	Pistella	Wenger
DeMedio	Johnson, J.	Pitts	White
DeVerter	Jones	Pott	Wilson
DeWeese	Kanuck	Pratt	Wilt

DiCarlo	Kernick	Pucciarelli	Wright, D.
Dietz	Klingaman	Punt	Yahner
Dininni	Knepper	Pyles	Yohn
Dombrowski	Knight	Richardson	Zeller
Dorr	Kolter	Rieger	Zitterman
Duffy	Kowalyszyn	Ritter	Zord
Dumas	Kukovich	Rocks	Zwikl
Durham	Lashingier	Rodgers	
Earley	Laughlin	Ryan	Seltzer,
Fee	Lehr	Salvatore	Speaker
Fischer, R. R.	Letterman	Scheaffer	

NAYS—0

NOT VOTING—22

Beloff	Giammarco	Miller	Reed
Bennett	Grieco	Mullen, M. P.	Rhodes
Berson	Levin	O'Donnell	Street
Donatucci	Lynch, E. R.	Polite	Williams
Freind	Lynch, F.	Rappaport	Wright, J. L.
Gallagher	McIntyre		

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. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would ask that the House now recess until 1:30. That will provide an hour for lunch and an hour for caucus. When we come back at 1:30, I would ask that everyone return promptly, because there are two bills that will be run immediately, and then there may be some happy hour or some extended period of time for other things to happen. But in any event at 1:30 we will come back and roll several bills immediately, important bills, not necessarily taxes. They are also important, but we will run two other bills immediately. Thank you, Mr. Speaker.

I would ask that the Republicans go to caucus immediately and then break for lunch.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Thank you, Mr. Speaker.

It will be important for the Democrats to report to the caucus room at 12:30. We are going to be caucusing particularly on a very highly technical change to the public utility realty tax law, and that involves some millions of dollars and may affect the tax picture, the budget picture in this Commonwealth. I would urge the Democrats to report promptly at 12:30 to our caucus room. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, for the benefit of the Republicans, I think we will follow the lead of the Democrats this time, and we will go to lunch first and to caucus at 12:30 so that you will have a full stomach to digest the matters that will be discussed in caucus. Thank you, Mr. Speaker.

RECESS

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

AFTER RECESS

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

**HOUSE BILLS INTRODUCED
AND REFERRED TO COMMITTEES**

No. 1486 By Messrs. DININNI and KOLTER

An Act amending the act of June 17, 1976 (P. L. 162, No. 81), entitled "An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding revised, compiled and codified provisions relating to vehicles and pedestrians," further providing for the effective date of certain provisions.

Referred to Committee on Transportation.

No. 1487 By Messrs. DOMBROWSKI, D. S. HAYES, DiCARLO, MUSTO, SCHMITT, SHUPNIK, WARGO, BOWSER, LETTERMAN, FEE, DeMEDIO, McCALL, RODGERS, PETRARCA and KOLTER

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), providing for a reduced license fee for certain disabled persons.

Referred to Committee on Game and Fisheries.

No. 1488 By Messrs. DOMBROWSKI, D. S. HAYES, DiCARLO, RODGERS, MUSTO, SCHMITT, SHUPNIK, WARGO, McCALL, BOWSER, SWIFT, LETTERMAN, FEE, DeMEDIO, PETRARCA and KOLTER

An Act amending "The Fish Law of 1959," approved December 15, 1959 (P. L. 1779, No. 673), providing a reduced license fee for totally disabled persons.

Referred to Committee on Game and Fisheries.

No. 1489 By Messrs. DOMBROWSKI, DiCARLO, RAPPAPORT, LETTERMAN, FEE, DeMEDIO, RODGERS, McCALL, KOLTER and PETRARCA

An Act amending "The Controlled Substance, Drug, Device and Cosmetic Act," approved April 14, 1972 (P. L. 233, No. 64), requiring the labels on containers for prescription drugs to state the number of pills or capsules therein.

Referred to Committee on Health and Welfare.

No. 1490 By Mrs. CLARK, Messrs. TELEK, ZORD, GEIST, TRELLO, DIETZ, YAHNER, STEWART and HALVERSON

An Act amending the "Pennsylvania Election Code," approved June 30, 1937 (P. L. 1333, No. 320), further providing for mileage for transportation when transmitting returns and ballot boxes and harmonizing the language of existing amendments.

Referred to Committee on State Government.

No. 1491 By Mr. McCLATCHY

An Act making an appropriation to the Lehigh County Branch of the Pennsylvania Association for the Blind.

Referred to Committee on Appropriations.

SENATE MESSAGE**SENATE BILLS FOR CONCURRENCE**

The Senate presented the following bills for concurrence:

SB 61, PN 61

Referred to Committee on Federal-State Relations.

SB 284, PN 286

Referred to Committee on Local Government.

SB 285, PN 287

Referred to Committee on Local Government.

SB 290, PN 293

Referred to Committee on State Government.

SB 372, PN 376

Referred to Committee on Judiciary.

SB 449, PN 460

Referred to Committee on Education.

SB 535, PN 878

Referred to Committee on Local Government.

SB 543, PN 895

Referred to Committee on State Government.

SB 602, PN 634

Referred to Committee on Finance.

SB 603, PN 635

Referred to Committee on Local Government.

SENATE MESSAGE**SENATE RESOLUTION FOR CONCURRENCE**

The Senate presented the following resolution for concurrence:

SR 212

Referred to Committee on Rules.

REMARKS ON VOTES

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

Mr. DORR. Mr. Speaker, apparently I was not recorded on several bills on June 12. Had I been recorded on the following bills, I would have voted in the affirmative: HB 485, HB 841

and the Piccola amendment thereto, and HB 914 and the Pistella amendment thereto.

Thank you, Mr. Speaker.

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

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 610, PN 661**, entitled:

An Act amending the "Motor Carriers Road Tax Act," approved June 19, 1964 (P. L. 7, No. 1), further providing for calculating the rate of tax and for the determination of average tax figures where records are unavailable.

On the question,

Will the House agree to the bill on third consideration?

HB 610 RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 610 be rereferred to the Committee on Transportation.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The House proceeded to third consideration of **HB 609, PN 660**, entitled:

An Act amending the "Fuel Use Tax Act," approved January 14, 1952 (1951 P. L. 1965, No. 550), further providing for the imposition and rate of the tax.

On the question,

Will the House agree to the bill on third consideration?

HB 609 RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 609 be rereferred to the Committee on Transportation.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The House proceeded to third consideration of **HB 611, PN 662**, entitled:

An Act amending the act of June 1, 1956 (1955 P. L. 1944, No. 655), entitled "An act providing a permanent allocation of a part of the fuels and liquids fuels tax proceeds to cities, boroughs, incorporated towns and townships, for their road, street and bridge purposes; * * *" further providing for distribution of tax proceeds to municipalities.

On the question,

Will the House agree to the bill on third consideration?

HB 611 RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 611 be rereferred to the Committee on Transportation.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The House proceeded to third consideration of **HB 612, PN 663**, entitled:

An Act amending "The Liquid Fuels Tax Act," approved May 21, 1931 (P. L. 149, No. 105), further providing for the imposition, rate and disposition of the tax on liquid fuels.

On the question,

Will the House agree to the bill on third consideration?

HB 612 RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 612 be rereferred to the Committee on Transportation.

On the question,

Will the House agree to the motion?

Motion was agreed to.

REMARKS ON VOTES

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

Mr. FREIND. Mr. Speaker, since I spent a delightful 4 hours on the Amtrak today, I was not here. Had I been in my seat, I would have voted in the affirmative on HB 1031, HB 751 and HB 654. Thank you, Mr. Speaker.

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

ADDRESS TO HOUSE

Mr. ZELLER, under unanimous consent, addressed the House.

Mr. ZELLER. Mr. Speaker, I thank you for the privilege of these few words. Ever since I have been a member of the Pennsylvania House of Representatives, I have promoted our beloved American Flag, and as an organizer and past president for 10 years of the Emmaus Flag Day Association, and having been honored last year on this day by the House of Representatives for the Freedoms Foundation Award on the subject of Old Glory, I feel strongly that in order to continue this allegiance and high respect for our beautiful American Flag, since it represents everything we do in this experiment of government in America since 1776, we should rise and applaud our young patriot and Representative, Kurt Zwinkl, for making certain we do not fail to realize how fragile the advancement of our system of government has been and how easy it would be for us to lose it if all concerned and good people did nothing to protect it.

Mr. Zwinkl placed in the rules, for the first time in this state's history, the Pledge of Allegiance to our beloved flag and all it represents. For this we should commend him, and I would like at this time on our Flag Day to also thank our good Speaker, Jack Seltzer, for carrying through this rule, and I mean every day, and at this time commend our fine young Representative

with a fine round of applause for the job he did. Thank you very much, Mr. Speaker.

(Members applauded.)

PARLIAMENTARY INQUIRY

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

Mr. COWELL. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COWELL. Mr. Speaker, I understand that later this afternoon or sometime later today, there will be an adjournment motion made that would adjourn this House until 10 a.m. on Monday morning of next week. It is also my understanding that rule 15 of our House rules provides that the starting time for the first legislative day of any week will be 1 p.m. Will there be a motion made later today to suspend rule 15 prior to the consideration of the adjournment motion?

The SPEAKER. The gentleman is correct.

Mr. COWELL. And there will be a motion to suspend the rules.

The SPEAKER. The gentleman also, and the membership, should know that the House will be in session tomorrow also for the movement of bills. There will be roll calls taken.

Mr. COWELL. Mr. Speaker, if I might pursue that just a moment, then do I understand that when we adjourn today, we will simply be adjourning until tomorrow?

The SPEAKER. That is correct.

Mr. COWELL. And that the motion to adjourn until next week will not be considered until tomorrow?

The SPEAKER. It is the opinion of the Chair that the fair and proper way would be to have the suspension of the rules today so that the members would have an opportunity to vote on the motion.

Mr. COWELL. I just wanted to be assured that we would have an opportunity to consider that today when we have a maximum number here, and, in fact, it will take 102 to suspend the rules anyway. Is that correct?

The SPEAKER. Will the gentleman repeat his last question?

Mr. COWELL. It will take 102 members to vote to suspend the rules anyway so that we could come into session at 10 a.m. on Monday?

The SPEAKER. The gentleman is correct. It takes 102 "ayes" to suspend the rules.

TRANSPORTATION COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Dininni.

Mr. DININNI. Mr. Speaker, I rise to make an announcement. I would like to call a meeting of the Transportation Committee immediately up in room 401.

The SPEAKER. The gentleman from Dauphin, Mr. Dininni, has called for a meeting of the Committee on Transportation immediately in room 401, and he asks that all the members of the Transportation Committee go there promptly.

QUESTION OF INFORMATION

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

Mr. RITTER. I rise to a question of information.

The SPEAKER. The gentleman will state it.

Mr. RITTER. Mr. Speaker, I am a member of the Transportation Committee. Could you tell me what the schedule on this floor is going to be while the Transportation Committee is meeting?

The SPEAKER. There will be no rollcall votes taken while the committee is meeting. As I recall the rule of the House, we cannot take rollcall votes while a committee is meeting.

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

The SPEAKER. For the information of the members of the House, the reason that we are standing at ease now is because at the last moment there was discovered an error in the amendment that we were about to consider to HB 404. It is currently being redrafted, and as soon as the amendment comes to the floor and is circulated and the Committee on Transportation returns to the floor, we will then be in position to consider the amendment.

REMARKS ON VOTES SUBMITTED FOR THE RECORD

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

Mr. ZELLER. Mr. Speaker, thank you. I would like to insert for the record my comments concerning how I would have voted yesterday if I had been here.

The SPEAKER. The gentleman will send his report to the desk.

Mr. ZELLER presented the following statement for the Legislative Journal:

HOUSE OF REPRESENTATIVES COMMONWEALTH OF PENNSYLVANIA HARRISBURG

June 14, 1979.

Honorable H. Jack Seltzer
Speaker of the House
Room 139, Main Capitol Building
Harrisburg, PA 17120

Dear Jack:

As you know, I unfortunately had to be absent yesterday due to the death of my very close Cousin. Had I been here I would have voted in the negative on the Transportation Bill (Senate Bill 498, Printer's No. 930.)

On House Bills 1335, Printer's No. 1497, House Bill 1336, Printer's No. 1498, and House Bill 300, Printer's No. 1520; had I been here I would have voted in the affirmative.

Thanking you for having this placed in the record, I am

Respectfully,

JOSEPH R. ZELLER
Member

PS. As the Legislator who promoted and was successful in having American Family Week become a reality in Pennsylvania and the United States in 1977 and 1978 I very happily sup-

port Representative Clifford Gray's Resolution to proclaim Family Pride Week in Pennsylvania for the week of June 24 to June 30. Had I been present I would have voted in the affirmative.

CALENDAR BILL ON FINAL PASSAGE

Agreeable to order,

The House proceeded to the consideration on final passage of **HB 404, PN 958**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding from the sales and use tax animals to be used outside the Commonwealth.

RECONSIDERATION OF VOTE ON HB 404

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that the vote by which HB 404, PN 950, was agreed to as amended on March 27, 1979, be reconsidered.

Mr. S. E. HAYES. I second the motion.

On the question,

Will the House agree to the motion?

Motion was agreed to.

On the question recurring,

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

Mr. RYAN offered the following amendments:

Amend Title, page 1, lines 11 and 12, by striking out both of said lines, and inserting including the Public Utility tax in the code, further defining utility and imposing a surtax.

Amend Sec. 1, page 1, line 15, by striking out "Section 204," and inserting The

Amend Sec. 1, page 1, line 17, by striking out "a CLAUSE" and inserting an article

Amend Bill, page 2, lines 21 through 28, by striking out all of said lines, and inserting

ARTICLE XI-A

PUBLIC UTILITY REALTY TAX

Section 1101-A. Definitions.—The following words, terms and phrases when used in this article shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Department." The Department of Revenue of the Commonwealth of Pennsylvania.

(2) "Public utility." Any person, partnership, association, corporation or other entity furnishing public utility service under the jurisdiction of the Pennsylvania Public Utility Commission or the corresponding regulatory agency of any other state or of the United States; and any electric cooperative corporation, municipality or municipality authority furnishing public utility service, but shall not mean any public utility furnishing public utility sewage services, or municipality or municipality authority furnishing public utility services.

(3) "Utility realty." All lands, together with all buildings, towers, smokestacks, dams, dikes, canals, cooling towers, storage tanks, reactor structures, pump houses, supporting foundations, enclosing structures, supporting structures, containment

structures, reactor containment outer shells, reactor containment vessels, turbine buildings, recovery tanks, solid waste area enclosures, primary auxiliary buildings, containment auxiliary safeguard structures, fuel buildings, decontamination buildings, and, all other structures, enclosures, machinery and equipment whatsoever which are physically affixed, directly or indirectly to the land, no matter how such structures, enclosures, machinery and equipment are designated and without regard to the classification thereof for local real estate taxation purposes, located within this Commonwealth and owned by a public utility either directly or by or through a subsidiary, which are used or are in the course of development or construction for use, in the furnishing, including producing, storing, distributing or transporting, of public utility service and which are not subject to local real estate taxation under any law in effect on April 23, 1968: Provided, however, That the following specified items, when directly used in the distribution or transportation of a public utility product or service, shall be exempt from the tax hereby imposed:

(i) Easements or similar interests.

(ii) Railroad rights-of-way and superstructures thereon.

(iii) Pole, transmission tower, pipe, rail or other lines, together with those items of machinery and equipment which are solely appurtenant and ancillary to, and essential to the operation of, such lines, whether or not said lines are attached to the land or to any structure, enclosure, machinery or equipment which is physically affixed to the land, but the exemption provided by this clause shall not include or extend to any property used in the production or storage of the product or service which is transported or distributed by, along or through any such line.

(4) "State taxable value." The cost of utility realty, less reserves for depreciation and depletion, as shown by the books of account of a public utility: Provided, That for any public utility which was not required to record annual depreciation on its utility realty prior to enactment of section 503 of the Public Utility Law or Title 66 Pa.C. S. § 1703 (relating to depreciation accounts; reports), the depreciation deduction prescribed in this definition shall be the book reserve or fifty per cent of the book cost, whichever is greater.

(5) "Local taxing authority." A county, city, institution district, borough, town, township or school district having authority to impose taxes on real estate.

(6) "Realty tax equivalent." The total amount of taxes which a local taxing authority could have imposed on utility realty but for this article, and unless otherwise provided shall be the product of the real estate property tax rate and the assessed valuation of utility realty.

(7) "Total tax receipts." The actual amount collected by a local taxing authority under all statutes authorizing the imposition of taxes, but shall not include fines, penalties, fees, licenses or receipts from any source other than taxes.

Section 1102-A. Imposition of Tax; Report; Interest and Penalties.—(a) On or before the first day of June of 1970 and of

each year thereafter, every public utility shall pay to the State Treasurer, through the Department of Revenue, a tax at the rate of thirty mills upon each dollar of the State taxable value of its utility realty at the end of the preceding calendar year.

(b) Each such payment shall be accompanied by a report, upon oath of the owner or responsible officer of the public utility, showing the amount and manner of computation of the State taxable value upon which such payment is based.

(c) Payment of the tax hereby imposed may be enforced by any means provided by law for the enforcement of payment of taxes to the State. If the tax hereby imposed is not paid by the date herein prescribed, or within any extension granted by the department, the unpaid tax shall bear interest at the rate of one per cent per month, and shall in addition be subject to a penalty of five per cent of the amount of the tax, which penalty may be waived or abated, in whole or in part, by the department unless the public utility has acted in bad faith, negligently, or with intent to defraud.

(d) This article shall not be construed to apply to nor shall the tax be imposed upon any public utility furnishing any public utility sewage services, or upon any municipality or municipality authority furnishing any public utility services.

Section 1103-A. Surtax.—(a) On or before the sixtieth day following the effective date hereof, every public utility shall pay to the State Treasurer, through the Department of Revenue, a tax at the rate of one hundred five mills upon each dollar of the State taxable value of those items of its utility realty at the end of calendar year 1978, which were excluded from the tax imposed by this article prior to the adoption hereof and which become subject to the tax under the provisions hereof.

(b) Each such payment shall be accompanied by a report prepared in the manner prescribed by section 1102-A(b) with respect to such items, and each such report and payment shall be subject to the provisions of section 1102-A(c).

(c) The tax imposed by this section shall be in addition to any other tax imposed by this article, shall be paid into the General Fund, shall not be subject to any of the provisions of section 1104-A, 1105-A, 1106-A or 1107-A and shall not be passed on to or collected from the customers of any utility in the form of a rate increase, surcharge or in any other manner.

Section 1104-A. Effect of Payment; Additional Assessment.—(a) Payment of the tax imposed by section 1103-A, and the distribution to local taxing authorities prescribed by section 1107-A, shall be in lieu of local taxes upon utility realty, as contemplated by Article VIII, section 4, of the Constitution of Pennsylvania.

(b) If in any calendar year the amount determined by the department pursuant to section 1107-A(a)(2) shall exceed the total amount of tax collected pursuant to section 1102-A(a), the department shall determine the ratio which the amount of such excess bears to the total State taxable value of all utility realty reported to it pursuant to section 1102-A(b). The department shall notify each reporting public utility of such ratio, and it shall be the duty of such public utility, within forty-five days thereafter, to pay to the State Treasurer, through the Depart-

ment of Revenue, an additional amount of tax equal to the product of (1) such ratio and (2) the State taxable value shown in its report required by section 1102-A(b). The provisions of section 1102-A(c) shall be applicable to such additional amount of tax.

Section 1105-A. Local Assessment of Utility Realty; Initial Assessment; Procedure and Appeals.—(a) It shall be the duty of the several elected and appointed assessors of real property to assess and value all utility realty in the same manner as is provided by law for the assessment and valuation of real estate.

(b) Such utility realty shall be initially assessed on or before October 1, 1970, whichever is later, and thereafter shall be assessed or reassessed at the same time and in the same manner as real estate.

(c) A public utility may appeal from the assessment of its utility realty, including the initial assessment, in the manner provided by law for appeals from assessment of real estate. If appeals are pending at the time a local taxing authority prepares its report for submission to the department as prescribed by section 1106-A, the report shall include as the assessment for the utility realty appealed the amount which the public utility has stipulated or alleged as the proper assessment.

Section 1106-A. Reports by Local Taxing Authorities.—(a) On or before the first day of April of 1971 and of each year thereafter, each local taxing authority shall submit to the department:

(1) The name and address of each public utility owning utility realty within its jurisdiction, and the assessed value of such utility realty.

(2) Its real estate tax rate for its current fiscal year.

(3) The realty tax equivalent, which is the assessed value of clause (1) multiplied by the tax rate of clause (2).

(4) Its total tax receipts for its last completed fiscal year.

(5) Any adjustment to the assessed values, tax rates, realty tax equivalents or total tax receipts previously reported pursuant to clauses (1) to (4).

(b) If a local taxing authority shall fail to file the report required by subsection (a) by the date therein prescribed, or within any extension granted by the department, it shall forfeit its right to share in the next-ensuing distribution made pursuant to section 1107-A.

Section 1107-A. Distribution to Local Taxing Authorities.—(a) From the reports received by it in each year pursuant to section 1106-A, the department shall determine:

(1) The total tax receipts shown in all such reports.

(2) The total realty tax equivalent shown in all such reports.

(b) On or before the first day of October of 1971 and of each year thereafter, the department shall distribute to each reporting local taxing authority its share of the total realty tax equivalent determined pursuant to subsection (a)(2), which share shall be the ratio which the total tax receipts reported by that local taxing authority bear to the total tax receipts determined pursuant to subsection (a)(1).

(c) For the purpose of making such payment, the department

shall make requisition therefor in the manner prescribed by The Fiscal Code.

Section 1108-A. (a) Legislative Intent.—It is the legislative intent that the tax imposed by this act shall be in addition to any tax now or hereafter imposed upon the gross receipts of public utilities under the act of June 1, 1889 (P. L. 420, No. 332), and this act shall not be construed in any manner as to constitute a replacement for or a repealer of the above cited act.

(b) It is specifically declared as the legislative intent of the General Assembly that for purposes of imposition or nonimposition of tax herein, that this Article XI-A shall not be construed or determined in any way by any court of record that this article is in pari materia with any county assessment law heretofore or hereafter enacted, nor shall such courts have the authority to construe the tax assessment base relating to industrial realty classification under such county assessment laws as being in conformity with or in any way applicable to the utility realty tax assessment base as defined in this article. Accordingly, whether or not public utility property is subject to tax or is excluded from tax under this article shall be determined solely by the application of the term "utility realty," as that term is specifically defined by the General Assembly under section 1101-A(4).

Section 2. The act of March 10, 1970 (P. L. 168, No. 66), known as the "Public Utility Realty Tax Act," is repealed.

Section 3. Nothing contained in this act shall be construed to relieve any person, corporation or other entity from the filing returns or from any taxes, penalties or interest imposed by the provisions of any laws which were in effect prior to being repealed by this act, or affect or terminate any petitions, investigations, prosecutions, legal or otherwise, or other proceedings pending under the provisions of any such laws or prevent the commencement or further prosecution of any proceedings by the proper authorities of the Commonwealth for violation of any such laws or for the assessment, settlement, collection or recovery of taxes, penalties or interest due to the Commonwealth under any of the laws which were in effect prior to being repealed by this act.

Section 4. This act shall take effect immediately and shall be retroactive to January 1, 1978.

On the question,

Will the House agree to the amendments?

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

Mr. McCLATCHY. Mr. Speaker, during the past week we learned of the financial impact of the 1977 Philadelphia Electric court case which affected the revenues from the Public Utility Real Estate Tax Act of 1970.

This act, Mr. Speaker, was passed in the amount of 30 mills on the real estate of public utilities. There was a discussion at that time as to whether the exemption we provided the utilities in this tax on machinery and equipment covered such things as dams and spillways. It was our contention that our tax did cover such items as dams and spillways.

The Philadelphia Electric Company took this to court. The Commonwealth won the case in Commonwealth Court, but recently we lost it in the Supreme Court. Because of the loss of that court case, with which we disagree, refunds up until now have come in just recently amounting to \$70 million that the

Department of Revenue has attributed plus another \$60 million that is estimated that will still come in. In addition, the utility companies have decided to not pay the full 30-mill tax since again the Supreme Court felt that the dams were not part of machinery and equipment. Therefore, they are not paying the full tax, and we are seeing revenues shorted here in June in roughly another \$50 million.

We have proposed an amendment to HB 404 that would bring back to the Commonwealth these moneys that we feel have been already owed to us. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I have reviewed the situation as has the Appropriations Committee chairman, Mr. McClatchy. I concur in his conclusions and I will support the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—98

Alden	Freind	Madigan	Shupnik
Anderson	Gallen	Manmiller	Sieminski
Armstrong	Gannon	McClatchy	Sirianni
Arty	Geesey	McVerry	Smith, E.
Belardi	Geist	Michlovic	Smith, L.
Bittle	Gladeck	Micozzie	Spencer
Bowser	Grieco	Miller	Spitz
Brandt	Gruppo	Moehlmann	Stairs
Burd	Hasay	Mowery	Swift
Burns	Hayes, D. S.	Murphy	Taddonio
Cessar	Hayes, S. E.	Nahill	Taylor, E.
Cimini	Helfrick	Noye	Telek
Clark, R.	Honaman	O'Brien, D.	Thomas
Cornell	Hutchinson, A.	Perzel	Vroon
Cunningham	Hutchinson, W.	Peterson	Wagner
Davies	Irvis	Piccola	Wass
DeVerter	Johnson, E.	Pitts	Weidner
Dietz	Kanuck	Pott	Wenger
Dininni	Klingaman	Punt	Wilson
Dorr	Knepper	Pyles	Wilt
Durham	Lashinger	Rocks	Yohn
Earley	Lehr	Ryan	Zord
Fisher, D. M.	Levi	Scheaffer	
Foster, A.	Lewis	Scirica	Seltzer,
Foster, W.	Mackowski	Serafini	Speaker

NAYS—88

Austin	Fischer, R. R.	Letterman	Rieger
Barber	Fryer	Livengood	Ritter
Bennett	Gamble	Lynch, E. R.	Rodgers
Brown	Gatski	Manderino	Salvatore
Brunner	George, C.	McCall	Schmitt
Caltagirone	George, M.	McKelvey	Schweder
Cappabianca	Goebel	McMonagle	Seventy
Chess	Goodman	Milanovich	Shadding
Cianciulli	Grabowski	Mrkonic	Steghner
Clark, B.	Gray	Mullen, M. P.	Stewart
Cochran	Greenfield	Musto	Stuban
Cohen	Harper	Novak	Sweet
Cole	Hoefel	O'Brien, B.	Taylor, F.
Cowell	Itkin	Oliver	Trello
Dawida	Johnson, J.	Petrarca	Wachob
DeMedio	Jones	Pievsky	Wargo
DeWeese	Kernick	Pistella	White
DiCarlo	Knight	Pratt	Wright, D.

Dombrowski	Kolter	Pucciarelli	Yahner
Duffy	Kowalyshyn	Reed	Zeller
Dumas	Kukovich	Rhodes	Zitterman
Fee	Laughlin	Richardson	Zwikel

NOT VOTING—17

Beloff	Gallagher	Lynch, F.	Rappaport
Berson	Giammarco	McIntyre	Street
Borski	Halverson	O'Donnell	Williams
Coslett	Levin	Polite	Wright, J. L.
Donatucci			

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

On the question,

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

Bill as amended was agreed to.

REMARKS ON VOTE

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

Mr. COSLETT. Mr. Speaker, I would like to be recorded in the negative on the Ryan amendment to HB 404.

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

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—106

Alden	Gannon	Manmiller	Shupnik
Anderson	Geesey	McClatchy	Sieminski
Armstrong	Geist	McKelvey	Sirianni
Arty	Gladeck	McVerry	Smith, E.
Belardi	Grieco	Michlovic	Smith, J.
Bittle	Gruppo	Micozzie	Spencer
Bowser	Hasay	Miller	Spitz
Brandt	Hayes, D. S.	Moehlmann	Stairs
Burd	Hayes, S. E.	Mowery	Sweet
Burns	Helfrick	Murphy	Swift
Cessar	Honaman	Nahill	Taddonio
Cimini	Hutchinson, A.	Noye	Taylor, E.
Clark, R.	Hutchinson, W.	O'Brien, B.	Telek
Cornell	Irvis	O'Brien, D.	Thomas
Cunningham	Johnson, E.	Perzel	Vroon
Davies	Kanuck	Peterson	Wagner
DeVerter	Klingaman	Petrarca	Wass
Dietz	Knepper	Piccola	Weidner
Dininni	Kolter	Pitts	Wenger
Durham	Kukovich	Pott	Wilson
Earley	Lashingier	Punt	Wilt
Fischer, R. R.	Lehr	Pyles	Yohn
Fisher, D. M.	Levi	Rocks	Zitterman
Foster, A.	Lewis	Ryan	Zord
Foster, W.	Mackowski	Scheaffer	
Freind	Madigan	Scirica	Seltzer,
Gallen	Manderino	Serafini	Speaker

NAYS—80

Austin	Dorr	Kowalyshyn	Rieger
Barber	Duffy	Laughlin	Ritter

Bennett	Dumas	Letterman	Rodgers
Borski	Fee	Livengood	Salvatore
Brown	Fryer	Lynch, E. R.	Schmitt
Brunner	Gamble	McCall	Schweder
Caltagirone	Gatski	McMonagle	Seventy
Cappabianca	George, C.	Milanovich	Shadding
Chess	George, M.	Mrkonic	Steighner
Cianciulli	Goebel	Mullen, M. P.	Stewart
Clark, B.	Goodman	Musto	Stuban
Cochran	Grabowski	Novak	Taylor, F.
Cohen	Gray	Oliver	Trello
Cole	Greenfield	Pievsky	Wachob
Cowell	Harper	Pistella	Wargo
Dawida	Hoeffel	Pratt	White
DeMedio	Johnson, J.	Pucciarelli	Wright, D.
DeWeese	Jones	Reed	Yahner
DiCarlo	Kernick	Rhodes	Zeller
Dombrowski	Knight	Richardson	Zwikel

NOT VOTING—17

Beloff	Giammarco	Lynch, F.	Rappaport
Berson	Halverson	McIntyre	Street
Coslett	Itkin	O'Donnell	Williams
Donatucci	Levin	Polite	Wright, J. L.
Gallagher			

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 Luzerne, Mr. Coslett. For what purpose does the gentleman rise?

Mr. COSLETT. Mr. Speaker, I would like to be recorded in the negative on HB 404.

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

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

Mr. GALLEN. Mr. Speaker, through inadvertence I voted in the affirmative on HB 404. I would like to be recorded in the negative.

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

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

Mr. ITKIN. Mr. Speaker, I was out of my seat on the final passage of HB 404, and I would like my vote to be recorded in the negative.

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 586, PN 1126**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the suspension and expulsion of pupils.

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—183

Alden	Fisher, D. M.	Lewis	Ryan
Anderson	Foster, A.	Livengood	Salvatore
Armstrong	Foster, W.	Lynch, E. R.	Scheaffer
Arty	Freind	Mackowski	Schmitt
Austin	Fryer	Madigan	Schweder
Barber	Gallen	Manderino	Scirica
Belardi	Gamble	Manmiller	Serafini
Bennett	Gatski	McCall	Seventy
Bittle	Geesey	McClatchy	Shadding
Borski	Geist	McKelvey	Shupnik
Bowser	George, C.	McVerry	Sieminski
Brandt	George, M.	Michlovic	Sirianni
Brown	Gladeck	Micozzie	Smith, E.
Brunner	Goebel	Milanovich	Smith, L.
Burd	Goodman	Miller	Spencer
Burns	Grabowski	Moehlmann	Spitz
Caltagirone	Gray	Mowery	Stairs
Cappabianca	Greenfield	Mrkonic	Steighner
Cessar	Gruppo	Mullen, M. P.	Stewart
Chess	Harper	Murphy	Stuban
Cianciulli	Hasay	Musto	Sweet
Cimini	Hayes, D. S.	Nahill	Swift
Clark, B.	Hayes, S. E.	Novak	Taddonio
Clark, R.	Helfrick	Noye	Taylor, E.
Cochran	Hoefel	O'Brien, B.	Taylor, F.
Cohen	Honaman	O'Brien, D.	Telek
Cole	Hutchinson, A.	Oliver	Thomas
Cornell	Hutchinson, W.	Perzel	Trello
Coslett	Irvis	Peterson	Vroon
Cowell	Itkin	Petrarca	Wagner
Cunningham	Johnson, E.	Piccola	Wass
Davies	Johnson, J.	Pievsky	Weidner
Dawida	Jones	Pistella	Wenger
DeMedio	Kanuck	Pitts	White
DeVerter	Kernick	Pott	Wilson
DeWeese	Klingaman	Pratt	Wilt
DiCarlo	Knepper	Pucciarelli	Wright, D.
Dietz	Knight	Punt	Yahner
Dimini	Kolter	Pyles	Yohn
Dombrowski	Kowalshyn	Reed	Zeller
Dorr	Kukovich	Rhodes	Zitterman
Duffy	Lashingner	Richardson	Zord
Dumas	Laughlin	Rieger	Zwikl
Durham	Lehr	Ritter	
Earley	Letterman	Rocks	Seltzer,
Fec	Levi	Rodgers	Speaker
Fischer, R. R.			

NAYS—2

Wachob Wargo

NOT VOTING—18

Beloff	Giammarco	McIntyre	Rappaport
Berson	Grieco	McMonagle	Street
Donatucci	Halverson	O'Donnell	Williams
Gallagher	Levin	Polite	Wright, J. L.
Gannon	Lynch, F.		

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 Lackawanna, Mr. Wargo.

Mr. WARGO. Mr. Speaker, my switch is locked in the negative position. I wish to be recorded in the affirmative on HB 586.

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

Mr. McMONAGLE. My switch was locked also. I would like to be recorded in the affirmative on HB 586.

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

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

Mr. ZELLER. Mr. Speaker, I say this with respect to you, but this is a problem we run into, and I do not have the problem with you or anyone; I have the problem with the Fourth Estate. Now here is a condition of an example that happened to me last session, and these gentlemen will be reported by the press as voting "no." I just want to remind the gentlemen of what that gang does to you. Okay?

BILL REPORTED FROM COMMITTEE

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I wish to report SR 212 from the Rules Committee, and, Mr. Speaker, after it is read, I would ask that the rules be suspended so that it may be immediately adopted.

RULES SUSPENDED TO CONSIDER
SR 212 IMMEDIATELY

The SPEAKER. The gentleman from Delaware, Mr. Ryan, moves that the rules be suspended for the immediate consideration of SR 212.

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

(Members proceeded to vote.)

Mr. RYAN. Mr. Speaker, I have been requested to give an explanation of this resolution. Could you strike the vote?

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

Mr. RICHARDSON. Mr. Speaker, I think that it would only be proper, being that the switch of Mr. Wargo is locked in the negative position, that he be recorded the way he wants to be recorded on the regular master roll that is being taken.

The SPEAKER. The gentleman, Mr. Wargo, wishes to be recorded in the affirmative?

Mr. WARGO. Yes, Mr. Speaker, not only on the record but on the real record.

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

The following roll call was recorded:

YEAS—184

Alden	Foster, A.	Levi	Ritter
Armstrong	Foster, W.	Lewis	Rocks
Arty	Freind	Livengood	Rodgers
Austin	Fryer	Lynch, E. R.	Ryan
Barber	Gallagher	Mackowski	Salvatore
Belardi	Gamble	Madigan	Scheaffer
Bennett	Gannon	Manderino	Schmitt
Bittle	Gatski	Manmiller	Schweder
Borski	Geesey	McCall	Scirica
Bowser	Geist	McClatchy	Serafini
Brandt	George, C.	McIntyre	Seventy
Brown	George, M.	McKelvey	Shadding
Brunner	Giammarco	McMonagle	Shupnik
Burd	Gladeck	McVerry	Sieminski
Burns	Goebel	Michlovic	Sirianni
Caltagirone	Goodman	Micozzie	Smith, E.
Cappabianca	Grabowski	Milanovich	Spitz
Cessar	Gray	Miller	Stairs
Chess	Greenfield	Moehlmann	Steighner
Cianciulli	Grieco	Mowery	Stewart
Cimini	Gruppo	Mrkonic	Stuban
Clark, B.	Halverson	Mullen, M. P.	Sweet
Clark, R.	Harper	Murphy	Swift
Cochran	Hasay	Musto	Taddonio
Cohen	Hayes, D. S.	Nahill	Taylor, E.
Cole	Hayes, S. E.	Novak	Taylor, F.
Cornell	Helfrick	Noye	Telek
Coslett	Hoeffel	O'Brien, B.	Thomas
Cunningham	Honaman	O'Brien, D.	Trello
Davies	Hutchinson, A.	Oliver	Vroon
Dawida	Hutchinson, W.	Perzel	Wachob
DeMedio	Irviss	Peterson	Wagner
DeVerter	Johnson, E.	Petrarca	Wargo
DeWeese	Johnson, J.	Piccola	Wass
DiCarlo	Jones	Pievsky	Weidner
Dietz	Kanuck	Pistella	Wenger
Dininni	Klingaman	Pitts	White
Dombrowski	Knepper	Pott	Wilson
Dorr	Knight	Pratt	Wilt
Duffy	Kolter	Pucciarelli	Wright, D.
Dumas	Kowalshyn	Punt	Yahner
Durham	Kukovich	Pyles	Yohn
Earley	Lashinger	Reed	Zeller
Fee	Laughlin	Rhodes	Zitterman
Fischer, R. R.	Lehr	Richardson	Zord
Fisher, D. M.	Letterman	Rieger	Zwinkl

NAYS—3

Cowell	Itkin	Kernick
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NOT VOTING—16

Anderson	Levin	Smith, L.	Wright, J. L.
Beloff	Lynch, F.	Spencer	
Berson	O'Donnell	Street	Seltzer,
Donatucci	Polite	Williams	Speaker
Gallen	Rappaport		

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

SR 212 READ, CONSIDERED AND CONCURRED IN

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I call up SR 212.

The SPEAKER. The clerk will read the resolution.

The following resolution was read by the clerk:

In the Senate,

WHEREAS, The General Assembly is at this time considering a Motor License Fund budget; and

WHEREAS, \$11,500,000 of Appalachian Development Highway Funds presently allocated to Pennsylvania may be permanently reallocated to other states on June 15, 1979 because the Commonwealth has not indicated an intention to provide State funds to match the Appalachian Development Highway Funds; and

WHEREAS, Such reallocation would do significant damage to efforts toward revitalization within the Appalachian district in Pennsylvania; and therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly of Pennsylvania does intend to provide a minimum of \$2,750,000 as matching funds for the \$11,500,000 of Appalachian Development Highway Funds; and be it further

RESOLVED, That the General Assembly requests the Appalachia Regional Commission to defer reallocation of the Appalachian Development Highway Funds; and be it further

RESOLVED, That copies of this Resolution be forwarded to the Appalachia Regional Commission, the Governor, the Secretary of Transportation, and the Secretary of Commerce.

On the question,

Will the House concur in the resolution of the Senate?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, SR 212, in brief, is a joint request of the General Assembly, requesting the Appalachia Regional Commission to defer reallocation of Appalachian Development Highway Funds. It is suggesting to them that the House and the Senate intend to provide a minimum of \$2,750,000 as matching funds for the \$11,500,000 of Appalachian Development Highway Funds that we would otherwise lose.

I would ask that it be immediately adopted and sent on to the Appalachia Regional Commission.

On the question recurring,

Will the House concur in the resolution of the Senate?

The following roll call was recorded:

YEAS—186

Alden	Foster, A.	Livengood	Salvatore
Anderson	Foster, W.	Lynch, E. R.	Scheaffer
Armstrong	Freind	Mackowski	Schmitt
Arty	Fryer	Madigan	Schweder
Austin	Gallen	Manderino	Scirica
Barber	Gamble	Manmiller	Serafini
Belardi	Gatski	McCall	Seventy
Bennett	Geesey	McClatchy	Shadding
Bittle	Geist	McKelvey	Shupnik
Borski	George, C.	McMonagle	Sieminski
Bowser	George, M.	McVerry	Sirianni
Brandt	Gladeck	Michlovic	Smith, E.
Brown	Goebel	Micozzie	Smith, L.
Brunner	Goodman	Milanovich	Spencer
Burd	Grabowski	Miller	Spitz

Burns	Gray	Moehlmann	Stairs
Caltagirone	Greenfield	Mowery	Steighner
Cessar	Grieco	Mrkonic	Stewart
Chess	Gruppo	Mullen, M. P.	Stuban
Cianciulli	Harper	Murphy	Sweet
Cimini	Hasay	Musto	Swift
Clark, B.	Hayes, D. S.	Nahill	Taddonio
Clark, R.	Hayes, S. E.	Novak	Taylor, E.
Cochran	Helfrick	Noye	Taylor, F.
Cohen	Hoeffel	O'Brien, B.	Telek
Cole	Honaman	O'Brien, D.	Thomas
Cornell	Hutchinson, A.	Oliver	Trello
Coslett	Hutchinson, W.	Perzel	Vroon
Cowell	Irviss	Peterson	Wachob
Cunningham	Itkin	Petrarca	Wagner
Davies	Johnson, E.	Piccola	Wargo
Dawida	Johnson, J.	Pievsky	Wass
DeMedio	Jones	Pistella	Weidner
DeVerter	Kanuck	Pitts	Wenger
DeWeese	Kernick	Pott	White
DiCarlo	Klingaman	Pratt	Wilson
Dietz	Knepper	Pucciarelli	Wilt
Dininni	Knight	Punt	Wright, D.
Dombrowski	Kolter	Pyles	Yahner
Dorr	Kowalyszyn	Reed	Yohn
Duffy	Kukovich	Rhodes	Zeller
Dumas	Lashinger	Richardson	Zitterman
Durham	Laughlin	Rieger	Zord
Earley	Lehr	Ritter	Zwinkl
Fee	Letterman	Rocks	
Fischer, R. R.	Levi	Rodgers	Seltzer,
Fisher, D. M.	Lewis	Ryan	Speaker

NAYS—0

NOT VOTING—17

Beloff	Gannon	Lynch, F.	Rappaport
Berson	Giammarco	McIntyre	Street
Cappabianca	Halverson	O'Donnell	Williams
Donatucci	Levin	Polite	Wright, J. L.
Gallagher			

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

SPONSORS ADDED AND DELETED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would like to submit the following list of additions and deletions from sponsorship of bills, in accordance with our present rules:

Additions:

HR 87, Gamble; HB 1428, Gamble; HB 1429, Gamble; HB 1430, Gamble; HB 281, Sirianni; HB 420, McVerry; HB 421, McVerry; HB 19, Reed; HB 1348, Alden; HB 1473, McVerry; HB 1473, Taylor, E. Z.; HB 1473, Halverson; HB 1473, Knepper; HR 92, Kernick and McMonagle.

Deletions:

HR 98, Scheaffer; HR 98, Mowery; HB 1251, Musto; HB 1251, Dombrowski; HB 1251, Livengood; HB 404, Dorr; HB 1104, Dawida; HB 1105, Dawida; HB 1251, Halverson; HB 1251, Cochran.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME,
AND PLACED ON CALENDAR**

HB 613, PN 1746 (Amended) By Mr. MICOZZIE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, changing certain truck and truck tractor registration fees, further providing for the weights of vehicles, and changing certain penalties.
Transportation.

BILLS REREPORTED FROM COMMITTEE

HB 609, PN 1743 (Amended) By Mr. MICOZZIE

An Act amending the "Fuel Use Tax Act," approved January 14, 1952 (1951 P. L. 1965, No. 550), further providing for the imposition and rate of the tax.

Rereported from Committee on Transportation.

HB 611, PN 1744 (Amended) By Mr. MICOZZIE

An Act amending the act of June 1, 1956 (1955 P. L. 1944, No. 655), entitled "An act providing a permanent allocation of a part of the fuels and liquids fuels tax proceeds to cities, boroughs, incorporated towns and townships, for their road, street and bridge purposes; ***," further providing for distribution of tax proceeds to municipalities for the use of the tax for drainage purposes.

Rereported from Committee on Transportation.

HB 612, PN 1745 (Amended) By Mr. MICOZZIE

An Act amending the act of May 21, 1931 (P. L. 149, No. 105), entitled, as amended, "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are practically, and commercially suitable for use in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," further providing for the imposition, rate and disposition of the tax on liquid fuels and making certain repeals.

Rereported from Committee on Transportation.

**RULES SUSPENDED TO PLACE HB 613
ON CALENDAR**

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

Mr. MICOZZIE. Mr. Speaker, I move that rule 22 be suspended in order that HBs 613, 609, 611 and 612 can go on tomorrow's calendar.

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

The following roll call was recorded:

YEAS—178

Alden	Freind	Lynch, E. R.	Scheaffer
Anderson	Fryer	Mackowski	Schmitt
Armstrong	Gallen	Madigan	Schweder
Arty	Gamble	Manderino	Scirica
Austin	Gannon	Manmiller	Serafini
Barber	Gatski	McCall	Seventy
Belardi	Geesey	McClatchy	Shadding
Bennett	Geist	McKelvey	Shupnik
Bittle	George, C.	McMonagle	Sieminski
Bowser	George, M.	McVerry	Sirianni
Brandt	Gladeck	Michlovic	Smith, E.
Brown	Goebel	Micozzie	Smith, L.
Brunner	Goodman	Milanovich	Spencer
Burd	Grabowski	Miller	Spitz
Burns	Gray	Moehlmann	Stairs
Caltagirone	Greenfield	Mowery	Steighner
Cessar	Grieco	Mrkonic	Stewart
Chess	Gruppo	Mullen, M. P.	Stuban
Cianciulli	Harper	Murphy	Sweet
Cimini	Hasay	Musto	Swift
Clark, B.	Hayes, D. S.	Nahill	Taddonio
Clark, R.	Hayes, S. E.	Novak	Taylor, E.
Cochran	Helfrick	Noye	Taylor, F.
Cohen	Hoeffel	O'Brien, B.	Telek
Cole	Honaman	O'Brien, D.	Thomas
Cornell	Hutchinson, A.	Oliver	Vroon
Coslett	Hutchinson, W.	Perzel	Wachob
Cunningham	Irvis	Peterson	Wagner
Davies	Itkin	Petrarca	Wargo
Dawida	Johnson, E.	Piccola	Wass
DeMedio	Johnson, J.	Pievsky	Weidner
DeVerter	Jones	Pistella	Wenger
DiCarlo	Kanuck	Pitts	White
Dietz	Klingaman	Pott	Wilson
Dininni	Knepper	Pratt	Wilt
Dombrowski	Knight	Pucciarelli	Wright, D.
Dorr	Kolter	Punt	Yahner
Duffy	Kowalshyn	Pyles	Yohn
Dumas	Kukovich	Reed	Zeller
Durham	Lashingner	Rieger	Zitterman
Earley	Lehr	Ritter	Zord
Fee	Letterman	Rocks	Zwinkl
Fisher, D. M.	Levi	Rodgers	
Foster, A.	Lewis	Ryan	Seltzer,
Foster, W.	Livengood	Salvatore	Speaker

NAYS—7

Borski	DeWeese	Laughlin	Trello
Fischer, R. R.	Kernick	Richardson	

NOT VOTING—18

Beloff	Gallagher	McIntyre	Rhodes
Berson	Giammarco	O'Donnell	Street
Cappabianca	Halverson	Polite	Williams
Cowell	Levin	Rappaport	Wright, J. L.
Donatucci	Lynch, F.		

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

The SPEAKER. HB 613 will be on tomorrow's calendar.

HB 586 RECONSIDERED

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

Mr. McMONAGLE. Mr. Speaker, I move that the vote by

which HB 586 was passed on the 14th day of June be reconsidered.

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Wargo.

Mr. WARGO. I second the motion.

The SPEAKER. It has been moved by the gentleman from Philadelphia, Mr. McMonagle, and seconded by the gentleman from Lackawanna, Mr. Wargo, that the vote by which HB 586 was passed on the 14th day of June be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—186

Alden	Fisher, D. M.	Lewis	Salvatore
Anderson	Foster, A.	Livengood	Scheaffer
Armstrong	Foster, W.	Lynch, E. R.	Schmitt
Arty	Freind	Mackowski	Schweder
Austin	Fryer	Madigan	Scirica
Barber	Gallen	Manderino	Serafini
Belardi	Gamble	Manmiller	Seventy
Bennett	Gannon	McCall	Shadding
Bittle	Gatski	McClatchy	Shupnik
Borski	Geesey	McKelvey	Sieminski
Bowser	Geist	McMonagle	Sirianni
Brandt	George, C.	McVerry	Smith, E.
Brown	George, M.	Michlovic	Smith, L.
Brunner	Gladeck	Micozzie	Spencer
Burd	Goodman	Milanovich	Spitz
Burns	Grabowski	Miller	Stairs
Caltagirone	Gray	Moehlmann	Steighner
Cappabianca	Greenfield	Mowery	Stewart
Cessar	Grieco	Mrkonic	Stuban
Chess	Gruppo	Mullen, M. P.	Sweet
Cianciulli	Harper	Murphy	Swift
Cimini	Hasay	Musto	Taddonio
Clark, B.	Hayes, D. S.	Nahill	Taylor, E.
Clark, R.	Hayes, S. E.	Novak	Taylor, F.
Cochran	Helfrick	Noye	Telek
Cohen	Hoeffel	O'Brien, B.	Thomas
Cole	Honaman	O'Brien, D.	Trello
Cornell	Hutchinson, A.	Oliver	Vroon
Coslett	Hutchinson, W.	Perzel	Wachob
Cowell	Irvis	Peterson	Wagner
Cunningham	Itkin	Petrarca	Wargo
Davies	Johnson, E.	Piccola	Wass
Dawida	Johnson, J.	Pievsky	Weidner
DeMedio	Jones	Pistella	Wenger
DeVerter	Kanuck	Pitts	White
DeWeese	Kernick	Pott	Wilson
DiCarlo	Klingaman	Pratt	Wilt
Dietz	Knepper	Pucciarelli	Wright, D.
Dininni	Knight	Punt	Yahner
Dombrowski	Kolter	Pyles	Yohn
Dorr	Kowalshyn	Reed	Zeller
Duffy	Kukovich	Richardson	Zitterman
Dumas	Lashingner	Rieger	Zord
Durham	Laughlin	Ritter	Zwinkl
Earley	Lehr	Rocks	
Fee	Letterman	Rodgers	Seltzer,
Fischer, R. R.	Levi	Ryan	Speaker

NAYS—1

Goebel

NOT VOTING—16

Beloff	Giammarco	McIntyre	Rhodes
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Berson	Halverson	O'Donnell	Street
Donatucci	Levin	Polite	Williams
Gallagher	Lynch, F.	Rappaport	Wright, J. L.

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

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—184

Alden	Foster, A.	Livengood	Scheaffer
Anderson	Foster, W.	Lynch, E. R.	Schmitt
Armstrong	Freind	Mackowski	Schweder
Arty	Fryer	Madigan	Scirica
Austin	Gallen	Manderino	Serafini
Barber	Gamble	Manmiller	Seventy
Belardi	Gannon	McCall	Shadding
Bennett	Gatski	McClatchy	Shupnik
Bittle	Geesey	McKelvey	Sieminski
Borski	Geist	McMonagle	Sirianni
Bowser	George, C.	McVerry	Smith, E.
Brandt	George, M.	Michlovic	Smith, L.
Brown	Gladeck	Micozzie	Spencer
Brunner	Goebel	Milanovich	Spitz
Burd	Goodman	Miller	Stairs
Burns	Grabowski	Moehlmann	Steighner
Caltagirone	Gray	Mowery	Stewart
Cappabianca	Greenfield	Mrkonic	Stuban
Cessar	Grieco	Mullen, M. P.	Sweet
Chess	Gruppo	Murphy	Swift
Cianciulli	Harper	Musto	Taddonio
Cimini	Hasay	Nahill	Taylor, E.
Clark, B.	Hayes, D. S.	Novak	Taylor, F.
Clark, R.	Hayes, S. E.	Noye	Telek
Cochran	Helfrick	O'Brien, B.	Thomas
Cohen	Hoeffel	O'Brien, D.	Trello
Cole	Honaman	Perzel	Vroon
Cornell	Hutchinson, W.	Peterson	Wachob
Coslett	Iris	Petrarca	Wagner
Cowell	Itkin	Piccola	Wargo
Cunningham	Johnson, E.	Pievsky	Wass
Davies	Johnson, J.	Pistella	Weidner
Dawida	Jones	Pitts	Wenger
DeMedio	Kanuck	Pott	White
DeVertter	Kernick	Pratt	Wilson
DeWeese	Klingaman	Pucciarelli	Wilt
DiCarlo	Knepper	Punt	Wright, D.
Dietz	Knight	Pyles	Yahner
Dininni	Kolter	Reed	Yohn
Dombrowski	Kowalyszyn	Richardson	Zeller
Dorr	Kukovich	Rieger	Zitterman
Duffy	Lashinger	Ritter	Zord
Durham	Laughlin	Rocks	Zwinkl
Earley	Lehr	Rodgers	
Fee	Letterman	Ryan	Seltzer,
Fischer, R. R.	Levi	Salvatore	Speaker
Fisher, D. M.	Lewis		

NAYS—0

NOT VOTING—19

Beloff	Giammarco	McIntyre	Rhodes
Berson	Halverson	O'Donnell	Street
Donatucci	Hutchinson, A.	Oliver	Williams
Dumas	Levin	Polite	Wright, J. L.
Gallagher	Lynch, F.	Rappaport	

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.

UNCONTESTED CALENDAR

BILLS RECOMMITTED TO APPROPRIATION COMMITTEE

The SPEAKER. The Chair recognizes the majority leader. Mr. RYAN. Mr. Speaker, I move that HB 420 and HB 421 be recommitted to the Committee on Appropriations.

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

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

HB 1475, PN 1707; and HB 596, PN 1518.

RULES SUSPENDED TO CONSIDER RESOLUTION

The SPEAKER. The Chair recognizes the majority leader. Mr. RYAN. Mr. Speaker, at this time I would move that the rules of the House be suspended to permit consideration of a resolution that will call us into session at 10 a.m. on Monday, prevailing time, instead of 1 p.m. Monday.

It would be our intention, Mr. Speaker, if the rules are suspended and the resolution adopted, that we would come into session at 10 o'clock, that we would expect the Speaker to move the ordinary business of the floor, that is, advance bills, take reports of committees, and the like, and that there would be no master roll call or any other rollcall vote taken until noon. With that understanding, Mr. Speaker, I would at this time request the House to vote affirmatively on the suspension of the rules and then subsequently on the adoption of the resolution calling for the House to come into session at 10 on Monday.

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

The following roll call was recorded:

YEAS—161

Alden	Freind	Lynch, E. R.	Schmitt
Anderson	Fryer	Mackowski	Schweder
Armstrong	Gallen	Madigan	Scirica
Arty	Gannon	Manderino	Serafini
Barber	Gatski	Manmiller	Seventy
Belardi	Geesey	McCall	Shadding
Bennett	Geist	McClatchy	Shupnik
Bittle	George, C.	McKelvey	Sieminski
Borski	George, M.	McMonagle	Sirianni
Bowser	Gladeck	McVerry	Smith, E.
Brandt	Goebel	Michlovic	Smith, L.
Brunner	Goodman	Micozzie	Spencer
Burd	Grabowski	Miller	Spitz
Burns	Gray	Moehlmann	Stairs
Caltagirone	Greenfield	Mowery	Steighner
Cappabianca	Grieco	Mullen, M. P.	Stewart

Cessar	Gruppo	Murphy	Stuban
Cianciulli	Hasay	Musto	Sweet
Cimini	Hayes, D. S.	Nahill	Swift
Clark, B.	Hayes, S. E.	Noye	Taddonio
Clark, R.	Helfrick	O'Brien, D.	Taylor, E.
Cochran	Hoeffel	Perzel	Taylor, F.
Cole	Honaman	Peterson	Telek
Cornell	Hutchinson, A.	Petrarca	Thomas
Coslett	Hutchinson, W.	Piccola	Vroon
Cunningham	Irvis	Pievsky	Wachob
Davies	Itkin	Pistella	Wagner
DeMedio	Johnson, E.	Pitts	Wargo
DeVerter	Jones	Pott	Wass
DeWeese	Kanuck	Pratt	Weidner
DiCarlo	Klingaman	Pucciarelli	Wenger
Dietz	Knepper	Punt	Wilt
Dininni	Knight	Pyles	Yohn
Dorr	Kolter	Reed	Zeller
Duffy	Kowalshyn	Rhodes	Zitterman
Durham	Lashingier	Rieger	Zord
Fee	Laughlin	Ritter	Zwilk
Fischer, R. R.	Lehr	Rocks	
Fisher, D. M.	Letterman	Ryan	Seltzer,
Foster, A.	Levi	Salvatore	Speaker
Foster, W.	Lewis	Scheaffer	

NAYS—25

Austin	Gamble	Milanovich	Rodgers
Brown	Harper	Mrkonic	Trello
Chess	Johnson, J.	Novak	White
Cohen	Kernick	O'Brien, B.	Wilson
Cowell	Kukovich	Oliver	Wright, D.
Dawida	Livengood	Richardson	Yahner
Dombrowski			

NOT VOTING—17

Beloff	Gallagher	Lynch, F.	Rappaport
Berson	Giammarco	McIntyre	Street
Donatucci	Halverson	O'Donnell	Williams
Dumas	Levin	Polite	Wright, J. L.
Earley			

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

RESOLUTION ADOPTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I offer the following resolution for consideration by the House: (Reading:)

RESOLVED, That when the House of Representatives convenes on Monday, June 18, 1979, it do so at 10:00 A.M. prevailing time instead of 1:00 P.M. prevailing time.

On the question,

Will the House adopt the resolution?

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

Mr. LAUGHLIN. Mr. Speaker, would Mr. Ryan stand for just a brief question?

The SPEAKER. The gentleman indicates that he will. The gentleman from Beaver may proceed.

Mr. LAUGHLIN. Mr. Speaker, there were a number of bills

today reported out of the Transportation Committee that are going to be read on second reading tomorrow and undoubtedly—First?

The SPEAKER. For the information of the gentleman, all of the bills that came out of committee as amended will be on third reading, the same position they were when they went in, except one. The Chair tomorrow will have only one bill to move from second to third.

Mr. LAUGHLIN. That is the bill I was speaking of, Mr. Speaker. The bill that I am speaking of will be on first consideration tomorrow? Correct?

The SPEAKER. Second consideration tomorrow.

Mr. LAUGHLIN. Second tomorrow. And on Monday, third, Mr. Speaker, at 10 o'clock in the morning?

Mr. Speaker, we need a fiscal note on a bill on second consideration, I believe, according to the rules. Would we not then have to have a fiscal note on that particular piece of legislation prior to moving it on Monday? For that reason, Mr. Speaker, I rose to ask the question before I vote on the resolution.

Mr. RYAN. I think that is a question more properly addressed to the Chair. That is a rule on parliamentary procedure.

Mr. LAUGHLIN. Fine, Mr. Speaker. We will address the Chair.

The SPEAKER. Will the gentleman, Mr. Laughlin, identify the bill that he is referring to?

Mr. LAUGHLIN. Mr. Speaker, it is HB 613, the bill that carries with it the funding for the increased trucks and increased weights.

Mr. RYAN. Mr. Speaker, it is my understanding—and I am not trying to do your job, as much as I would like to have it—that rule 19(a) of the rules requires a fiscal note if we are spending, but a bill that is a revenue-raising measure does not require a fiscal note, and I do not believe that we have that problem, Mr. Speaker.

The SPEAKER. The Chair is of the opinion that he would not like to argue with someone who is after his seat. It is the opinion of the Chair that the majority leader was correct in his response to the gentleman from Beaver, Mr. Laughlin.

Does the lady from Allegheny, Mrs. Kernick, wish to be recognized?

Mrs. KERNICK. Yes, I do, Mr. Speaker, on the resolution.

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

Mrs. KERNICK. I would like to interrogate the majority leader.

The SPEAKER. The gentleman, Mr. Ryan, indicates that he will stand for interrogation. The lady may proceed.

Mrs. KERNICK. Mr. Speaker, what are the plans for Monday? Do you plan an early adjournment?

Mr. RYAN. Mr. Speaker, as you well know, we are coming in now at 10 o'clock. I believe we voted on that, have we not?

Mrs. KERNICK. You voted on it. I opposed suspension of the rules.

The SPEAKER. The gentleman is in error. That is the question before the House.

Mr. RYAN. I am sorry. It would be our intention to come in at 10 o'clock to do some of the housekeeping work that is normally done when we first come into session. The Republicans intend

to then go into caucus. We would hope that we can caucus on some of the measures that were handled by the Transportation Committee today, that we would return to the floor of the House in the vicinity of noon, that we would continue to work at least 5 or 6 hours, and that we would adjourn sometime in the vicinity of 6 o'clock and go to a Republican clambake, which is what you were trying to get out of me in the first place.

Mrs. KERNICK. That is very true, Mr. Speaker. I was trying to get it out of you and I was not being facetious. It is quite an inconvenience for those of us who live 3½, 4, 4½, or 5 hours away from Harrisburg to get here, and I think the business of the House comes before the pleasure of the majority side of the House. Thank you.

Mr. RYAN. You are quite welcome, Mr. Speaker.

The SPEAKER. There are still tickets available.

Mrs. KERNICK. Mr. Speaker, may I suggest that anybody who has to come up Sunday night to be here at 10 o'clock be given a free ticket to the Republican clambake. Thank you.

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

Mr. SALVATORE. Mr. Speaker, we will give her a ticket at a discount price — \$30.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—161

Alden	Fisher, D. M.	Letterman	Ryan
Anderson	Foster, A.	Levi	Salvatore
Armstrong	Foster, W.	Lewis	Scheaffer
Arty	Freind	Lynch, E. R.	Schweder
Austin	Fryer	Mackowski	Scirica
Barber	Gallen	Madigan	Serafini
Belardi	Gamble	Manderino	Seventy
Bennett	Gannon	Manmiller	Shupnik
Bittle	Gatski	McCall	Sieminski
Borski	Geesey	McClatchy	Sirianni
Bowser	Geist	McKelvey	Smith, E.
Brandt	George, C.	McMonagle	Smith, L.
Brunner	George, M.	McVerry	Spencer
Burd	Gladeck	Michlovic	Spitz
Burns	Goebel	Micozzie	Stairs
Caltagirone	Goodman	Milanovich	Steighner
Cessar	Grabowski	Miller	Stuban
Cianciulli	Gray	Moehlmann	Sweet
Cimini	Greenfield	Mowery	Swift
Clark, B.	Grieco	Mrkonic	Taddonio
Clark, R.	Gruppo	Mullen, M. P.	Taylor, E.
Cochran	Hasay	Murphy	Taylor, F.
Cole	Hayes, D. S.	Musto	Telek
Cornell	Hayes, S. E.	Nahill	Thomas
Coslett	Helfrick	Novak	Vroon
Cowell	Honaman	Noye	Wagner
Cunningham	Hutchinson, A.	O'Brien, D.	Wargo
Davies	Hutchinson, W.	Perzel	Wass
DeMedio	Irvis	Peterson	Weidner
DeVertter	Itkin	Piccola	Wenger
DeWeese	Johnson, E.	Pievsky	Wilson
DiCarlo	Jones	Pistella	Wilt
Dietz	Kanuck	Pitts	Yohn

Dininni	Klingaman	Pott	Zeller
Dombrowski	Knepper	Pucciarelli	Zitterman
Dorr	Knight	Punt	Zord
Duffy	Kolter	Pyles	Zwinkl
Durham	Kowalyshyn	Reed	
Earley	Lashingier	Rieger	Seltzer,
Fee	Laughlin	Ritter	Speaker
Fischer, R. R.	Lehr	Rocks	

NAYS—25

Brown	Johnson, J.	Petrarca	Stewart
Cappabianca	Kernick	Pratt	Trello
Chess	Kukovich	Richardson	Wachob
Cohen	Livengood	Rodgers	White
Dawida	O'Brien, B.	Schmitt	Wright, D.
Harper	Oliver	Shadding	Yahner
Hoefel			

NOT VOTING—17

Beloff	Giammarco	McIntyre	Rhodes
Berson	Halverson	O'Donnell	Street
Donatucci	Levin	Polite	Williams
Dumas	Lynch, F.	Rappaport	Wright, J. L.
Gallagher			

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

BILLS PASSED OVER

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

WELCOMES

The SPEAKER. The Chair welcomes to the hall of the House, Mrs. Sally Farneth of New Kensington, the guest of Mr. C. L. Schmitt.

The Chair also welcomes to the hall of the House, Miss Irene R. Ravigoni of Natrona Heights, the guest of Mr. Brian Clark.

The Chair welcomes to the hall of the House Mr. and Mrs. Robert Fello and their sons Robbie and Scottie from Clarksburg, Pennsylvania, who are the guests of Mr. Wass.

ADJOURNMENT

Mr. McKELVEY moved that this House of Representatives do now adjourn until Friday, June 15, 1979, at 10 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:58 p.m., e.d.t., the House adjourned.