

# Legislative Journal

THURSDAY, JUNE 21, 1979

**Session of 1979**

**163rd of the General Assembly**

**Vol. 1, No. 48**

## HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

### PRAYER

THE HONORABLE KATHRYNANN DURHAM, member of the House of Representatives and guest chaplain, offered the following prayer:

Dear God, during these hours of difference among our fellowmen, please provide the understanding that is necessary to let us live and work together in peace. Amen.

### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Wednesday, June 20, 1979, will be postponed until printed.

### HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

**No. 1517** By Messrs. MUSTO, ZITTERMAN, SHUPNIK, McCALL, WARGO, GOODMAN, SERAFINI, B. F. O'BRIEN, BELARDI, COSLETT, HASAY, DOMBROWSKI and GATSKI

An Act amending "The Pennsylvania Occupational Disease Act," approved June 21, 1939 (P. L. 566, No. 284), further providing for compensation.

Referred to Committee on Labor Relations.

**No. 1518** By Messrs. NOVAK, TRELLO, KNIGHT, MICHLOVIC, MRKONIC, AUSTIN and GALLEN

An Act authorizing the Department of General Services with the approval of the Department of Environmental Resources and the Governor to grant an easement to Ohio Barge Line, Inc. to build additional mooring cells to existing docks and add a river wall in the Monongahela River in Dravosburg Township, Allegheny County.

Referred to Committee on State Government.

**No. 1519** By Messrs. BROWN and REED

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, making it a felony for a public

utility to provide certain false information.

Referred to Committee on Mines and Energy Management.

**No. 1520** By Messrs. BROWN and REED

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining certain activity of a wholesaler in fuel as a felony.

Referred to Committee on Business and Commerce.

**No. 1521** By Messrs. BROWN, GREENFIELD, PISTELLA, KUKOVICH, REED, COHEN, AUSTIN and McMONAGLE

An Act requiring stockholders meetings of public service companies to be open to members of the news media.

Referred to Committee on Business and Commerce.

**No. 1522** By Mr. BROWN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, making it a felony for a nuclear engineer to give certain false information after a nuclear accident.

Referred to Committee on Mines and Energy Management.

**No. 1523** By Mr. BROWN

An Act providing a civil penalty for the giving of certain false information by a nuclear engineer.

Referred to Committee on Mines and Energy Management.

**No. 1524** By Messrs. LEHR, HASAY, MOEHLMANN, COSLETT, PERZEL and CALTAGIRONE

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), creating the position of business manager.

Referred to Committee on Liquor Control.

**No. 1525** By Messrs. F. J. LYNCH, FREIND, EARLEY, GANNON, SPITZ, ALDEN and Mrs. DURHAM

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further prohibiting the interruption of funeral processions.

Referred to Committee on Transportation.

**No. 1526** By Messrs. HASAY, CALTAGIRONE, MOEHLMANN, LEHR, COSLETT and PERZEL

An Act amending the "Liquor Code," approved April 12,

1951 (P. L. 90, No. 21), further defining "retail dispenser" and providing for sales of malt or brewed beverages for consumption off the premises.

Referred to Committee on Liquor Control.

No. 1527 By Messrs. HASAY, CALTAGIRONE, MOEHLMANN, TAYLOR, LEHR, COSLETT and PERZEL

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further providing for penalties for out-of-state manufacturers of malt or brewed beverages and making editorial changes.

Referred to Committee on Liquor Control.

No. 1528 By Messrs. HASAY, BRUNNER, MOEHLMANN, COSLETT, PERZEL, TAYLOR and CALTAGIRONE

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further regulating distributing rights for malt and brewed beverages and providing remedies and penalties.

Referred to Committee on Liquor Control.

LEAVE OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip.

MR. S. E. HAYES. Mr. Speaker, I have no requests for leaves of absence.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I request leave of absence for Mr. BARBER for today's session.

I would also request that the following letter submitted by Mr. Barber, requesting leave, be made part of the official record:

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

June 20, 1979.

The Honorable James Manderino
Democratic Whip
Room 428
Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Jim:

Enclosed, please find a copy of a subpoena which I received to appear in court on Thursday, June 21, 1979 at 9:00 a.m. I would appreciate your granting me a Leave of Absence for this date.

Thank you.

Sincerely,

JAMES D. BARBER
190th Legislative District

JDB/sm
Enclosure

MASTER ROLL CALL RECORDED

The SPEAKER. The members will please come to the floor. The Chair is about to take the master roll. Members please be seated so the clerks may record your presence.

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—4

Barber Beloff Donatucci Milanovich

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

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

**HB 601, PN 651** (Unanimous) By Mr. R. R. FISCHER

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for cost-of-living increase.

Education.

**HB 629, PN 681** (Unanimous) By Mr. R. R. FISCHER

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

Education.

**HB 821, PN 894** (Unanimous) By Mr. R. R. FISCHER

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for qualifications for the office of school director.

Education.

**SB 449, PN 460** By Mr. R. R. FISCHER

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for residency of school employes.

Education.

**CALENDAR BILL AGREED TO ON  
SECOND CONSIDERATION**

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

**HB 1486, PN 1733.**

**CALENDAR BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 274, PN 479**, entitled:

An Act amending the act of June 1, 1956 (1955 P. L. 1959, No. 657), entitled, as amended, "Public Official Compensation Law," making the Commonwealth Compensation Commission an advisory commission and requiring an affirmative vote to adopt the commission's report.

On the question,

Will the House agree to the bill on third consideration?

**SB 274 TABLED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 274 be laid on the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The House proceeded to third consideration of **HB 80, PN 1552**, entitled:

An Act providing for the regulation for energy conservation

purposes of the construction of buildings, the establishment of a Building Energy Conservation Committee and a Board on Variances, appeals and for penalties.

On the question,

Will the House agree to the bill on third consideration?

**HB 80 TABLED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 80 be laid on the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The House proceeded to third consideration of **HB 552, PN 1358**, entitled:

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), limiting the exclusion of certain students from the employables program.

On the question,

Will the House agree to the bill on third consideration?

**HB 552 TABLED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 552 be laid on the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**INTERROGATION**

Mr. FRYER, under unanimous consent, interrogated, Mr. S. H. HAYES.

Mr. FRYER. Mr. Speaker, in regard to HB 26, which involves a time limit and which is of extreme interest to our local government officials, could the gentleman tell me what the plans are and as to when this bill will be called up for consideration by the members of the House?

Mr. S. E. HAYES. Just this morning we discussed the importance of moving HB 26 into a position for a vote and consideration of those amendments which have been drafted and circulated. I concur, Mr. Speaker, that HB 26 must be handled in the very near future, and it shall be. There is not a day or hour certain when that will happen, but there is no effort whatsoever being made towards the consideration of HB 26 and that includes also its timely consideration. Because we must begin to handle this legislation in order to satisfy the August date that we previously set for this General Assembly to consider whatever amendments we may want to add to the ethics statute of this Commonwealth, we will be handling this bill in the very near future. That means either this week or next week.

Mr. FRYER. Mr. Speaker, if this House does not act upon HB 26, in effect, we will have killed the proposed changes. Now this bill was reported out on May 22. And I sympathize with the gentleman and his problem; however, could he not go

beyond the very near future and possibly give a date on this matter?

Mr. S. E. HAYES. I would prefer not to schedule this House for HB 26 a day or hour certain. There are a lot of deadlines facing this General Assembly, one of which is the 30th of June deadline, with regard to the Commonwealth budget.

There was a very serious discussion this morning amongst leaders that HB 26 must be considered, and it shall be considered and it shall be considered in a timely way, possibly tomorrow, but if not tomorrow, the early part of next week. We must consider a lot of things as we go into the last few days of this fiscal year as well.

We are not unattentive of the importance of HB 26. It has been moved into a position for a vote, amendments have been drafted and circulated, they will be considered and so will the bill on final passage. There is no question about that.

Mr. FRYER. Mr. Speaker, I am aware of the gentleman's problems. However, I cannot stress too greatly the importance of action upon this bill. So that the will of the House can be determined, we then, of course, must permit time, if we have passage of this bill, for the Senate to act.

We also know that once the tax program reaches its final solution, that this body will probably be taking a break for the summer. I feel very strongly on this matter, and I do not mind being beaten by votes upon the House floor; however, to be defeated by virtue of inaction is another matter. I know the gentleman is a man of his word and I hope that very near future turns out to be tomorrow. Thank you, Mr. Speaker.

Mr. S. E. HAYES. Mr. Speaker, this legislation will be considered before this House of Representatives adjourns this summer or whatever summer. We will be considering HB 26 for sure.

The SPEAKER. If the gentleman from Berks is interested, it is the observation of the Chair that Saturday would be a good day to consider this bill.

Mr. FRYER. Mr. Speaker, I welcome those words. I will be here bright and early.

#### RESOLUTION TABLED

Mr. J. J. JOHNSON called up **HR 54, PN 1730**, entitled:

Speaker of the House and President pro tempore of the Senate, appoint a committee to investigate Philadelphia traffic court procedures.

On the question,

Will the House adopt the resolution?

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

Mr. J. J. JOHNSON. Mr. Speaker, I would like to interrogate the chairman of the Rules Committee, please.

The SPEAKER. Will the gentleman from Delaware, Mr. Ryan, stand for interrogation? The gentleman, Mr. Ryan, indicates that he will, and the gentleman from Philadelphia, Mr. Johnson, may proceed.

Mr. J. J. JOHNSON. Mr. Speaker, when I introduced this resolution I had asked for the members of the House to consider investigating the Philadelphia traffic court for some of the

problems we have. Now I would like to know why was the Senate put in on this resolution?

Mr. RYAN. Mr. Speaker, an amendment was offered in the Rules Committee, my recollection is, and I am pretty sure I am right that the amendment was offered in the Rules Committee to make this a concurrent resolution with the Senate, the idea being that the Philadelphia traffic court situation and the investigation of it was important enough that a joint investigation by a committee of the House and Senate would be more productive than a single investigation by the House alone.

Mr. J. J. JOHNSON. Well, Mr. Speaker, can you tell me whether, when the Senate received this resolution, anyone has promised to introduce this resolution on the floor of the Senate? Was there a time element for this resolution when it leaves this House? Have you contacted anyone in the Senate about this resolution?

Mr. RYAN. Mr. Speaker, the answer to the last question is "no." The explanation for the rest of the gentleman's statement is that the resolution will not be introduced in the Senate or considered by the Senate until it has passed this House and gone to the Senate.

Mr. J. J. JOHNSON. My concern, Mr. Speaker, is about the Senate. We take the Senate to be a great power that is over us and we are supposedly subject to their rules and regulations. I am concerned about this resolution, Mr. Speaker. Once this resolution leaves this House, I am afraid this resolution will be buried somewhere in the Senate. I think the members of this House are capable of doing their own investigation, coming up with the solution to any problem that we can have in this House. I do not believe we need any Senate to tell us what to do in the House of Representatives.

I cannot understand why this amendment was put on my resolution if it was not meant to kill the resolution, and I do not want this resolution killed. I think the House members have the right to investigate anything in this Commonwealth that they think they can handle. Why the Senate was put on this resolution to investigate it without even consulting me, I do not know. I have not talked to anyone over in the Senate. Once this resolution leaves this House, I am afraid this resolution will be there until the end of this 2-year term, and I do think we have the capability of investigating things in this Commonwealth.

Mr. Speaker, without the Senate being involved in it, I think the House members should have a right to investigate things that concern this House, not the Senate. I am not asking for new laws in the Commonwealth for the traffic court of Philadelphia. If you all noticed, I passed out on your desk some of the problems that exist in Philadelphia, and the only thing I am trying to do is correct some of the problems that exist in Philadelphia. I do think the members of this House have a right to correct these things without the Senate being brought into it, and no one has talked to the Senate about this.

This is a concern of mine and it should be a concern of this House. Why we want a joint resolution is still beyond me. The only thing I am going to ask for, Mr. Speaker, I am going to move that this resolution be reverted back to the prior printer's number.

HR 54 REVERTED TO PRIOR PRINTER'S  
NUMBER

The SPEAKER. The gentleman, Mr. Ryan, is in order and may proceed.

Mr. RYAN. Mr. Speaker, I would like to point out to the gentleman, Mr. Johnson, that if it had been my intention to kill this particular resolution with an amendment, I would not have had to go to that much trouble. I simply, as chairman of the committee, could have not brought the resolution before the committee, and the gentleman knows that. I brought the resolution up for consideration; I did not have to do that. The chairman has those prerogatives.

The other thing that occurs to me, Mr. Speaker, is that with the strong Philadelphia influence in the Pennsylvania Senate, I find it hard to believe that they, recognizing the problems as you have pointed them out, in that court, I find it difficult to believe that they would not consider the resolution. The other justification and need for the concurrency of the resolution, in my opinion, is that legislation might be needed to correct problems that are found in the system in Philadelphia, and, if that is the case, it is going to require the cooperation of the Senate to make the corrective legislation in the law. These were the reasons given to me when the resolution was amended and when I accepted the amendments and put it before the committee, and I think the amendments were good and I oppose reverting to a prior printer's number at this time.

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

Mr. J. J. JOHNSON. Mr. Speaker, the words you use, Mr. Speaker, strong Democratic Senate, that is what concerns me. We have a strong Republican House majority over here, too. Not to play politics in the Commonwealth of Pennsylvania, this is what I am trying to keep from happening here today. I do not wish for this resolution to go to the Senate with a joint resolution for investigation of the traffic court. I am trying to keep this in the House of Representatives where we have a strong Republican side and a strong Democratic side in the members of this House, and I do not want to rely on the strong Democratic Senate to do what we have to do here.

Your intentions might be for this resolution to be amended by legislation. My intentions are to correct a situation that I think exists in the Philadelphia traffic court, without legislation, and that is why I am asking to revert to the prior printer's number.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I do not believe—and I may be wrong on this, but I do not believe—then that the gentleman's purpose is proper, because I think it is the function of the House to look into matters, to make investigations through special committees for the sole purpose of introducing legislation to correct deficiencies that are found; not for a committee to go in and find wrongdoing and think that they are going to correct it by committee.

We are a legislative body. What you are suggesting is an executive function. If you are telling me that the sole purpose of this resolution is to go in with a subcommittee or a commit-

tee to investigate the municipal court in Philadelphia and that committee correct the problem, then I will vote against the resolution myself, because I think it is an improper use of a legislative function, which is to make investigations if a resolution passes, to look into matters, and then, if necessary, to introduce legislation. That is our job. Other than that, you are talking about the job of a grand jury or a district attorney or someone. You are not talking about a legislative function when you are saying we go in with a committee and correct a problem. The only way we can correct the problem, under the constitution, is by introducing legislation. That is our function.

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

Mr. J. J. JOHNSON. I know I am not a lawyer, Mr. Speaker, but I do know this House says that we can have writ service in the city of Philadelphia. We give them the authority to have writ service to go into the city of Philadelphia and lock up people who do not pay fines. I have found out in the city of Philadelphia that the traffic court has done away with writ service and they have hired city employes to do this. We do not need any legislation in order to correct this situation. We can go into traffic court and say, you cannot hire city employes to lock up people when we did not give you the authority to do this.

These are the things I am trying to correct. I am not saying we are going in with a grand jury. We created that law saying we will have writ service in the city of Philadelphia. If the traffic court says they do not want writ service and they are going to hire city employes to do this, I want to find out if this is right or wrong, and I think this House should have a right to know whether it is right or wrong, and these are the things I am talking about going into. I am not talking about any grand jury investigation. I am talking about the laws that we put on the books. Are they being carried out? This is what I want to find out. I am asking again that we revert back to the prior printer's number.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I want to assure the House of Representatives that the intention behind Mr. Johnson's resolution No. 54 is a legislative intention. The majority leader is, of course, absolutely correct, the only reason, constitutionally, that a legislative body may investigate is because the investigation may or may not result in legislation, and that is precisely the intention behind HR 54.

Mr. Johnson has discussed this with me privately, and although he may not have made the statements in a lawyer-like manner on the record on the floor of the House, I can assure the majority leader and the members of this floor that his intention falls within the purview of this legislative body to investigate and see whether or not the current laws are being obeyed, and if they are not, to report as to whether or not a change in the law ought to be made. That is the legitimate legislative purpose, a constitutional legislative purpose, and I would support the motion of the gentleman, Mr. Johnson, to revert to the prior printer's number. Thank you, Mr. Speaker.

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

Mr. SALVATORE. Mr. Speaker, I have to oppose the motion to revert back to the prior printer's number. I agree with the majority leader.

I ask my colleagues on both sides of the aisle to vote against reverting back to the prior printer's number because I think that it is a serious matter, and I would like to see a bipartisan committee investigate traffic courts.

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

Mr. DORR. Mr. Speaker, I support the motion of the gentleman, Mr. Johnson.

The traffic court of Philadelphia for many years has been a serious problem to the people of this Commonwealth all over the Commonwealth. The members of this House, I am sure, are contacted time and time again by constituents who receive what eventually it turns out are mistaken traffic tickets.

I think it is time that we looked into the matter and determined whether in fact there is some sort of systematized issuance of parking and other traffic related tickets through the court system in a manner that could be corrected by legislation. I think the only way that we can accomplish that, because we have attempted to do it the way the resolution now reads on many occasions, is to conduct the investigation here in the House.

I support the motion of the gentleman, Mr. Johnson, to bring the resolution back to its prior printer's number where a House committee would do the investigating.

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

Mr. RHODES. Mr. Speaker, I rise to support the motion of the gentleman from Philadelphia, Mr. Johnson.

I would like to remind the members of the House who were not in the House 2 year ago—just about 2 years ago this month—that the House entertained another resolution, HR 109, which I had the privilege of introducing with Mr. Scirica to conduct an investigation which led to significant legislation in the Commonwealth in the area of organized crime and official corruption.

When that resolution came before the House, a similar motion was made in a different parliamentary way to make it a joint resolution with the Senate. This House overwhelmingly rejected that motion because we knew we could not control the resolution we sent to the Senate for concurrence.

The only way we have control over our own investigations is to retain control of investigations in the House. So if you are serious about the problem in Philadelphia's traffic court, I urge the membership to support Mr. Johnson's motion to revert.

The SPEAKER. Did the gentleman from Philadelphia, Mr. Johnson, make a motion? The Chair did not hear it.

The Chair recognizes Mr. Johnson.

Mr. J. J. JOHNSON. Mr. Speaker, I do move that we revert back to the prior printer's number of HR 54.

The SPEAKER. It has been moved by the gentleman from

Philadelphia that HR 54 revert to the prior printer's number vis-a-vis 1164.

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

The following roll call was recorded:

YEAS—96

Alden	Gallagher	Lehr	Schmitt
Anderson	Gamble	Letterman	Schweder
Austin	Gatski	Livengood	Seventy
Bennett	Geesey	Manderino	Shadding
Brown	George, C.	Manmiller	Smith, L.
Brunner	George, M.	McCall	Steighner
Caltagirone	Giammarco	McClatchy	Stewart
Cappabianca	Goodman	Michlovic	Stuban
Chess	Grabowski	Micozzie	Sweet
Clark, B.	Harper	Mrkonjic	Swift
Cochran	Helfrick	Murphy	Taylor, E.
Cole	Hoeffel	Novak	Taylor, F.
Cowell	Irvis	O'Donnell	Telek
Dawida	Itkin	Oliver	Thomas
DeMedio	Johnson, J.	Petrarca	Trello
DiCarlo	Jones	Pievsky	Wachob
Dietz	Kanuck	Pistella	Wagner
Dorr	Kernick	Pitts	White
Duffy	Knight	Pratt	Williams
Dumas	Kolter	Punt	Wright, D.
Earley	Kowalyszyn	Rhodes	Yahner
Fee	Kukovich	Richardson	Zeller
Foster, A.	Lashinger	Ritter	Zitterman
Fryer	Laughlin	Rodgers	Zwilk

NAYS—91

Armstrong	Gallen	McKelvey	Scirica
Arty	Gannon	McMonagle	Serafini
Belardi	Geist	McVerry	Shupnik
Borski	Gladeck	Miller	Sieminski
Bowser	Goebel	Moehlmann	Sirianni
Brandt	Gray	Mowery	Smith, E.
Burd	Grieco	Musto	Spencer
Burns	Gruppo	Nahill	Spitz
Cessar	Hasay	Noye	Stairs
Cianciulli	Hayes, D. S.	O'Brien, D.	Taddonio
Cimini	Hayes, S. E.	Perzel	Vroon
Clark, R.	Honaman	Peterson	Wargo
Cornell	Hutchinson, W.	Piccola	Wass
Coslett	Johnson, E.	Polite	Weidner
Cunningham	Klingaman	Pott	Wenger
Davies	Knepper	Pucciarelli	Wilson
DeVerter	Levi	Pyles	Wilt
Dininni	Lewis	Rappaport	Wright, J. L.
Dombrowski	Lynch, E. R.	Rieger	Yohn
Durham	Lynch, F.	Rocks	Zord
Fischer, R. R.	Mackowski	Ryan	
Fisher, D. M.	Madigan	Salvatore	Seltzer,
Foster, W.	McIntyre	Scheaffer	Speaker
Freind			

NOT VOTING—16

Barber	Cohen	Halverson	Mullen, M. P.
Beloff	DeWeese	Hutchinson, A.	O'Brien, B.
Berson	Donatucci	Levin	Reed
Bittle	Greenfield	Milanovich	Street

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

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

Mr. J. J. JOHNSON. Could I have the resolution brought up for a vote as amended?

**MOTION TO REVERT TO PRIOR PRINTER'S NUMBER RECONSIDERED**

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

Mr. SALVATORE. Mr. Speaker, I move that the vote by which the motion to revert to the prior printer's number was passed on June 21, 1979, be reconsidered.

The SPEAKER. The Chair recognizes the majority leader. Mr. RYAN. I second the motion.

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

The following roll call was recorded:

**YEAS—145**

Alden	Fryer	McClatchy	Sirianni
Anderson	Gallagher	McIntyre	Smith, E.
Armstrong	Gallen	McKelvey	Smith, L.
Arty	Gannon	McMonagle	Spencer
Belardi	Gatski	McVerry	Spitz
Bittle	Geesey	Micozzie	Stairs
Borski	Geist	Miller	Steighner
Bowser	George, C.	Moehlmann	Stewart
Brandt	Gladeck	Mowery	Stuban
Brunner	Goebel	Mrkonic	Sweet
Burd	Goodman	Musto	Swift
Burns	Gray	Nahill	Taddonio
Cessar	Grieco	Noye	Taylor, E.
Cimini	Gruppo	O'Brien, D.	Taylor, F.
Clark, B.	Harper	Perzel	Telek
Clark, R.	Hasay	Peterson	Thomas
Cochran	Hayes, D. S.	Piccola	Vroon
Cole	Hayes, S. E.	Pievsky	Wachob
Cornell	Helfrick	Pitts	Wagner
Coslett	Honaman	Polite	Wargo
Cunningham	Iris	Pott	Wass
Davies	Johnson, E.	Pucciarelli	Weidner
DeMedio	Kanuck	Punt	Wenger
DeVerter	Klingaman	Pyles	Wilson
DiCarlo	Knepper	Rappaport	Wilt
Dietz	Kolter	Ritter	Wright, D.
Dininni	Lashinger	Rocks	Wright, J. L.
Dombrowski	Lehr	Rodgers	Yahner
Dorr	Levi	Ryan	Yohn
Duffy	Lewis	Salvatore	Zeller
Durham	Lynch, E. R.	Scheaffer	Zitterman
Fee	Lynch, F.	Schmitt	Zord
Fischer, R. R.	Mackowski	Schweder	Zwikl
Fisher, D. M.	Madigan	Scirica	
Foster, A.	Manderino	Serafini	Seltzer,
Foster, W.	Manmiller	Shupnik	Speaker
Freind	McCall	Sieminski	

**NAYS—38**

Austin	Gamble	Kowalyshyn	Petrarca
Bennett	George, M.	Kukovich	Pistella
Brown	Giammarco	Laughlin	Pratt
Caltagirone	Grabowski	Letterman	Rhodes
Cappabianca	Hoeffel	Livengood	Seventy
Chess	Itkin	Michlovic	Shadding
Cowell	Johnson, J.	Murphy	Trello

Dawida	Jones	Novak	White
Dumas	Kernick	O'Donnell	Williams
Earley	Knight		

**NOT VOTING—20**

Barber	DeWeese	Hutchinson, W.	Oliver
Beloff	Donatucci	Levin	Reed
Berson	Greenfield	Milanovich	Richardson
Cianciulli	Halverson	Mullen, M. P.	Rieger
Cohen	Hutchinson, A.	O'Brien, B.	Street

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

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

The SPEAKER. The Chair recognizes the minority leader. Mr. IRVIS. Again, I want to urge the members to support the motion to revert to the prior printer's number and to vote "aye."

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

The following roll call was recorded:

**YEAS—81**

Austin	Gallagher	Letterman	Rodgers
Bennett	Gamble	Livengood	Schmitt
Berson	Gatski	Manderino	Schweder
Brown	Geesey	Michlovic	Seventy
Brunner	George, C.	Mowery	Shadding
Caltagirone	George, M.	Mrkonic	Steighner
Cappabianca	Goodman	Murphy	Stewart
Chess	Grabowski	Novak	Stuban
Cochran	Harper	O'Brien, B.	Sweet
Cole	Hoeffel	O'Donnell	Taylor, F.
Cowell	Hutchinson, W.	Oliver	Telek
Dawida	Iris	Petrarca	Trello
DeMedio	Itkin	Pievsky	Wachob
DiCarlo	Johnson, J.	Pistella	White
Dorr	Kernick	Pitts	Williams
Duffy	Knepper	Pratt	Wilt
Dumas	Knight	Punt	Wright, D.
Earley	Kowalyshyn	Rhodes	Yahner
Fee	Kukovich	Richardson	Zeller
Foster, A.	Laughlin	Ritter	Zwikl
Fryer			

**NAYS—106**

Alden	Foster, W.	McCall	Serafini
Anderson	Freind	McClatchy	Shupnik
Armstrong	Gannon	McIntyre	Sieminski
Arty	Geist	McKelvey	Sirianni
Belardi	Gladeck	McMonagle	Smith, E.
Bittle	Goebel	McVerry	Smith, L.
Borski	Gray	Micozzie	Spencer
Bowser	Grieco	Miller	Spitz
Brandt	Gruppo	Moehlmann	Stairs
Burd	Hasay	Musto	Swift
Burns	Hayes, D. S.	Nahill	Taddonio
Cessar	Hayes, S. E.	Noye	Taylor, E.
Cianciulli	Helfrick	O'Brien, D.	Thomas
Cimini	Honaman	Perzel	Vroon
Clark, B.	Johnson, E.	Peterson	Wagner
Clark, R.	Kanuck	Piccola	Wargo
Cornell	Klingaman	Polite	Wass
Coslett	Kolter	Pott	Weidner
Cunningham	Lashinger	Pucciarelli	Wenger

Davies	Lehr	Pyles	Wilson
DeVerter	Levi	Rappaport	Wright, J. L.
Dietz	Lewis	Rieger	Yohn
Dininni	Lynch, E. R.	Rocks	Zitterman
Dombrowski	Lynch, F.	Ryan	Zord
Durham	Mackowski	Salvatore	
Fischer, R. R.	Madigan	Scheaffer	Seltzer,
Fisher, D. M.	Manmiller	Scirica	Speaker

NOT VOTING—16

Barber	Donatucci	Halverson	Milanovich
Beloff	Gallen	Hutchinson, A.	Mullen, M. P.
Cohen	Giammarco	Jones	Reed
DeWeese	Greenfield	Levin	Street

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

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

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

Mr. J. J. JOHNSON. Mr. Speaker, could I question Mr. Ryan, please?

Mr. RYAN. Yes.

The SPEAKER. The gentleman, Mr. Ryan, will stand for interrogation. Mr. Johnson may proceed.

Mr. J. J. JOHNSON. Mr. Speaker, during your committee's interrogation of this resolution, did you offer the amendment to the resolution?

Mr. RYAN. I am sorry, I did not hear the gentleman.

Mr. J. J. JOHNSON. Were you the one who offered the amendment to the resolution?

Mr. RYAN. I do not really remember, and I am not trying to be evasive. I honestly do not remember. I suspect I did, though.

Mr. J. J. JOHNSON. Who offered the amendment to the resolution?

Mr. RYAN. Mr. Speaker, I do not think this is relevant. What is before the House right now is whether or not you want this HR 54 passed.

I am not going to subject myself to a cross-examination as to my motives for offering an amendment. You either want your resolution out as amended and passed or you do not.

Mr. J. J. JOHNSON. Mr. Speaker, I do want to question him due to the fact I wanted to know if any kind of connection was made over in the Senate to offer this amendment; because I do want to know if this resolution passes in its present form, have we, as we usually do, gone over to the Senate to discuss this resolution with anyone to make sure this resolution is going to pass?

This is the only reason I am asking the question. Who was the maker of this amendment?

Mr. RYAN. Mr. Speaker, I did not talk to anyone from the Senate, if that is relevant. Contrary to what the gentleman just said, we do not, as a matter of practice, check with the Senate to see if they are going to pass a bill before we consider it; because if we did, we would not be here for the second straight week in a row trying to pass HB 608.

Mr. J. J. JOHNSON. Well, Mr. Speaker, I have been around here maybe a little too long, but I know it is a practice of this

House to discuss issues between the House and the Senate. If I were the maker of an amendment to a resolution and I wanted the Senate to be a part of it, I would go over and talk to the leadership of the Senate, the same as I would do today if I wanted to make sure a bill came out of the hopper; I would go over and talk to the majority leader. This is the practice that we have been using around here for years. We would talk to one another to find out what chances our bill would have to pass or what chances we would have of consideration of a bill.

The only thing I am trying to find out in this House today before this House passes this resolution, has anyone contacted the Senate to see if my resolution would continue to pass through?

Mr. RYAN. Mr. Speaker, the gentleman evidently has some doubts as to whether or not the resolution should pass. I would be very happy, Mr. Speaker, to recommit the resolution to the House Rules Committee, and we can start over again, if you like. It may or may not get out.

HR 54 TABLED

Mr. J. J. JOHNSON. It got out this time, Mr. Speaker. I am hoping it would get out next time. There has to be a reason this resolution got out this time.

I would like, Mr. Speaker, to lay this resolution on the table, to give me chance to go over to the Senate, since it is not a practice of the House, to see what I can find out about my resolution. I move to lay this resolution on the table, Mr. Speaker.

The SPEAKER. The gentleman from Philadelphia moves that HR 54 be laid on the table.

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

QUESTION OF INFORMATION

The SPEAKER. The Chair recognizes the minority whip. For what purpose does the gentleman rise?

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

The SPEAKER. The gentleman will state it.

Mr. MANDERINO. Mr. Speaker, will HR 54 appear on the tabled calendar from here on?

The SPEAKER. The answer is "yes."

Mr. MANDERINO. Thank you, Mr. Speaker.

CALENDAR BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1475, PN 1707**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the appointment of a receiver for rental payments in certain cases.

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

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

Mr. RICHARDSON. Mr. Speaker, I am almost assured that this bill has amendments for it by Mr. Street and Mr. White.

The SPEAKER. Does the gentleman from Philadelphia, Mr.



White, have amendments to offer?

Did the gentleman from Philadelphia, Mr. Richardson, indicate that the gentleman from Philadelphia, Mr. White, had amendments?

Does the gentleman from Westmoreland, Mr. Kukovich, have amendments?

Mr. KUKOVICH. Mr. Speaker, I do have amendments and there are two more amendments—

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

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

Mr. GALLEN. Mr. Speaker, Mr. Kukovich and I did consult just within the last few minutes. He has three amendments, all of which are acceptable, but the one is not yet ready.

The SPEAKER. It is the indication of the Chair that this bill would be considered this morning with the amendments. The gentleman has two of his amendments ready. We will begin with the amendments.

Mr. GALLEN. That is fine, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Kukovich, have amendments to send to the desk?

Mr. KUKOVICH. Yes, Mr. Speaker.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. KUKOVICH offered the following amendment:

Amend Sec. 1 (Sec. 1533), page 2, line 1, by inserting after "units" in which the units are not individually metered

On the question,

Will the House agree to the amendment?

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

Mr. KUKOVICH. Mr. Speaker, this is a very simple amendment and what it does is to eliminate those rental units that are individually metered by the utility.

The problem that HB 1475 is trying to address and Mr. Gallen is trying to address is those large rental units that only have one meter, and this is to avoid problems of the individually metered dwelling. It will present no problem to this bill or to Mr. Gallen's particular problem, and I would urge its support.

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

Mr. GALLEN. Mr. Speaker, the amendment is a corrective amendment. I urge its adoption.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—191

Alden	Fryer	Lynch, E. R.	Ryan
Anderson	Gallagher	Lynch, F.	Salvatore
Armstrong	Gallen	Mackowski	Scheaffer
Arty	Gamble	Madigan	Schmitt

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

NAYS—0

NOT VOTING—12

Barber	DeWeese	Hutchinson, A.	Street
Beloff	Donatucci	Milanovich	White
Cohen	Giammarco	Miller	Williams

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

On the question,

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

Mr. KUKOVICH offered the following amendment:

Amend Sec. 1 (Sec. 1533), page 1, line 17 by inserting after "therefrom." The provisions of this section shall not be construed to supersede any tenant obligations, rights or defenses under law regarding the payment of rent.

On the question,

Will the House agree to the amendment?

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

Mr. KUKOVICH. Mr. Speaker, I would like to hold off on offering this amendment. There has been another one circulated.

In my discussion with Mr. Gallen, in order to make sure that these are correct and will not slow down his problem, we will have to offer the other amendments together with these, and I would rather hold off until they are prepared and it should be done rather soon.

The SPEAKER. Is the gentleman, Mr. White, ready to offer his amendment?

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

Mr. KUKOVICH. Mr. Speaker, to clarify this issue. To the best of my knowledge, I will be the only one offering amendments. I think to expedite this problem, I am trying to have an amendment drafted that will incorporate all of these, and as soon as I show it to Mr. Gallen, I believe we could vote it then and we could do it very shortly.

The SPEAKER. The gentleman from Philadelphia, Mr. Richardson, rose and indicated that there were several members to offer amendments, and the Chair would like to recognize those members so the House can consider their amendments.

Are there any other members who have amendments to this bill?

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

Mr. OLIVER. Mr. Speaker, could this bill be passed over to give Mr. White a chance to offer his amendment?

The SPEAKER. The bill is before us, and the Chair would like to consider the amendments that are available to us. Is Mr. White in the hall of the House?

The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, for the information of the members of the House, the amendments that were to be offered by Mr. Street and Mr. White are now being offered by Mr. Kukovich.

There is an indication that the gentleman, Mr. Gallen, may agree to those amendments and that there would not be a controversy. Therefore, there is no reason for a delay. We could go forward.

The SPEAKER. The Chair has in its possession three sets of amendments to be offered by the gentleman from Westmoreland, Mr. Kukovich.

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

Mr. KUKOVICH. Mr. Speaker, the first amendment that was already adopted was agreed to by Mr. Gallen and myself. The other amendment, I believe marked A1834, was also agreed to. However, there is a problem with the third amendment which you have up there, and I need some other amendments to correct that to solve Mr. Gallen's problem and my own.

The SPEAKER. Is the third set of amendments that the gentleman is discussing A1803?

Mr. KUKOVICH. That is correct, Mr. Speaker. However, that could hinder what Mr. Gallen is trying to do in his district. I am having one comprehensive amendment that will solve the entire problem for both of us, and it should be down sometime this afternoon early and I think we can expedite this quickly.

Mr. Speaker, I would simply suggest that we temporarily hold this until the amendment is drafted.

#### HB 1475 AND AMENDMENTS TABLED

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

Mr. GALLEN. Mr. Speaker, I move that HB 1475 and the amendments be laid on the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The SPEAKER. It is the desire of the Chair that when we return from our recess that the bill will be called up from the table, with the amendments, and we will then consider other amendments. The Chair hears no objection.

#### NO REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would request that the House now recess until 2 o'clock. There will be no need for a Republican caucus in its entirety. Just a few at a time.

#### APPROPRIATIONS COMMITTEE MEETING

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

Mr. McCLATCHY. Mr. Speaker, I would like to call a meeting of the Appropriations Committee when we recess.

#### NO DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, there will be no immediate caucus of the Democratic Party. It may be necessary for us to have a caucus later on, but no immediate caucus.

#### RECESS

The SPEAKER. Without objection, this House stands in recess until 2 p.m.

#### AFTER RECESS

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

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

**HB 273, PN 1795** (Unanimous) (Amended) By Mr. ZORD

An Act amending "The Marriage Law," approved August 22, 1953 (P. L. 1344, No. 383), providing for an immunity test for rubella.

Health and Welfare.

**HB 1211, PN 1796** (Unanimous) (Amended) By Mr. ZORD

An Act amending "The Administrative Code of 1929," ap-

proved April 9, 1929 (P. L. 177, No. 175), regulating the harvesting of Wild American Ginseng.

Health and Welfare.

**CALENDAR**

**RESOLUTION ADOPTED**

Mr. COLE called up **HR 86, PN 1613**, entitled:

House direct Joint State Government Commission study Pennsylvania Industrial Development Authority's policy in granting loans.

On the question,

Will the House adopt the resolution?

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

Mr. COLE. Mr. Speaker, this resolution is a study for the PIDA — Pennsylvania Industrial Development Authority — funds to see where the past loans have improved the job situation for Pennsylvania. Also the effect of the resolution is to see if the money that we are loaning to industries is being used best, from bringing industries from out of the state into Pennsylvania to provide jobs or also to the industries that are presently located in Pennsylvania if we are creating more positions in the expansion program or remodeling of these industries. We want to see if the funds are being properly used to create jobs rather than just to improve and remodel and expand the industries that are presently located in Pennsylvania.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—187**

Alden	Fryer	Lynch, E. R.	Salvatore
Armstrong	Gallagher	Lynch, F.	Scheaffer
Arty	Gallen	Mackowski	Schmitt
Austin	Gamble	Madigan	Schweder
Belardi	Gannon	Manderino	Scirica
Bennett	Gatski	Manmiller	Serafini
Berson	Geesey	McCall	Seventy
Bittle	Geist	McIntyre	Shadding
Borski	George, C.	McKelvey	Shupnik
Bowser	George, M.	McVerry	Sieminski
Brandt	Giammarco	Michlovic	Sirianni
Brown	Gladeck	Micozzie	Smith, E.
Brunner	Goebel	Miller	Smith, L.
Burd	Goodman	Moehlmann	Spencer
Burns	Grabowski	Mowery	Spitz
Caltagirone	Gray	Mrkonic	Stairs
Cappabianca	Greenfield	Mullen, M. P.	Steighner
Cessar	Grieco	Murphy	Stewart
Chess	Gruppo	Musto	Stuban
Cianciulli	Halverson	Nahill	Sweet
Cimini	Harper	Novak	Swift
Clark, B.	Hasay	Noye	Taddonio
Clark, R.	Hayes, D. S.	O'Brien, B.	Taylor, E.
Cochran	Hayes, S. E.	O'Brien, D.	Taylor, F.
Cole	Helfrick	O'Donnell	Telek
Cornell	Hoeffel	Oliver	Thomas
Coslett	Honaman	Perzel	Trello
Cowell	Hutchinson, W.	Peterson	Vroon
Cunningham	Irviss	Petrarca	Wachob
Davies	Itkin	Piccola	Wagner
Dawida	Johnson, E.	Pievsky	Wargo

DeMedio	Johnson, J.	Pistella	Wass
DeVerter	Jones	Pitts	Weidner
DeWeese	Kanuck	Polite	Wenger
DiCarlo	Kernick	Pott	White
Dietz	Klingaman	Pratt	Wilson
Dininni	Knepper	Pucciarelli	Wilt
Dombrowski	Knight	Punt	Wright, D.
Dorr	Kolter	Pyles	Wright, J. L.
Duffy	Kowalshyn	Rappaport	Yahner
Durham	Kukovich	Reed	Zeller
Earley	Lashinger	Rhodes	Zitterman
Fee	Laughlin	Rieger	Zord
Fischer, R. R.	Lehr	Ritter	Zwikl
Fisher, D. M.	Levi	Rocks	
Foster, A.	Lewis	Rodgers	Seltzer,
Foster, W.	Livengood	Ryan	Speaker
Freind			

**NAYS—2**

Hutchinson, A. Letterman

**NOT VOTING—14**

Anderson	Donatucci	McMonagle	Street
Barber	Dumas	Milanovich	Williams
Beloff	Levin	Richardson	Yohn
Cohen	McClatchy		

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

**CALENDAR BILL ON FINAL PASSAGE POSTPONED**

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. RYAN, the House resumed consideration on final passage of **HB 608, PN 659**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), continuing the rate of the personal income tax and the rate of tax imposed on certain corporations; and making a repeal.

On the question recurring,  
Shall the bill pass finally?

**RECONSIDERATION OF VOTE ON HB 608**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. RYAN. Mr. Speaker, I move that the vote by which HB 608, PN 659, was placed on the final passage postponed calendar be reconsidered.

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

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

Amend Title, page 1, line 1, by striking out "of" where it appears the first time, and inserting and amending  
Amend Title, page 1, line 12, by inserting after "corporations;" imposing a highway use tax on commercial vehicles  
Amend Bill, page 5, by inserting between lines 7 and 8  
Section 2. The act is amended by adding an article to read:

**ARTICLE XI—A  
AXLE-MILE TAX**

Section 1101-A. Definitions.—The following words and

phrases when used in this article shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Axle” means two or more load carrying wheels mounted in a single transverse vertical plane.

“Commercial car” means any motor vehicle used for transporting property, wholly on its own structure on a public highway.

“Commercial tandem” means any commercial car and trailer or any commercial tractor, semitrailer and trailer when fastened together and used as one unit.

“Commercial tractor” means any motor vehicle designed and used to propel or draw a trailer or semitrailer or both on a public highway without having any provision for carrying loads independently of such trailer or semitrailer.

“Commercial tractor combination” means any commercial tractor and semitrailer when fastened together and used as one unit.

“Motor vehicle” means everything on wheels which is self-propelled, other than by muscular power or power collected from electric trolley wires and other than vehicles or machinery not designed for or employed in general highway transportation, used to transport or propel property over a public highway.

“Public highway” means any highway, road or street dedicated to public use except a highway under the control and jurisdiction of the Pennsylvania Turnpike Commission.

“Secretary” means the Secretary of Revenue.

“Semitrailer.” Everything on wheels which is not self-propelled, except vehicles or machinery not designed for or employed in general highway transportation and except vehicles whose total weight excluding load is less than three thousand pounds, designed and used for carrying property on a public highway when being propelled or drawn by a commercial tractor when part of its own weight or the weight of its load, or both, rest upon and is carried by a commercial tractor.

“Trailer” means everything on wheels which is not self-propelled, except vehicles or machinery not designed for or employed in general highway transportation and except vehicles whose total weight excluding load is less than three thousand pounds, used for carrying property wholly on its own structure and for being drawn by a motor vehicle on a public highway, including any such vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, except a house trailer.

Section 1102-A. Highway Use Permit and Identification Device; Application; Fee.—(a) Highway Use Permit.—Every person who is the owner of a commercial car with three or more axles, a commercial car which is to be operated as part of a commercial tandem or a commercial tractor which is, or is to be, operated or driven upon a public highway shall cause to be filed with the secretary a written application for a permanent highway use permit on blank forms to be furnished by the secretary for that purpose.

(b) Information Required.—Each application for a highway use permit for a commercial car or a commercial tractor shall state the number of axles on such commercial car or commercial tractor and such other pertinent information as the secretary reasonably prescribes.

(c) Fee.—The application shall be accompanied by a fee of two dollars (\$2).

(d) Issuance.—Upon receipt of such application and fee the secretary shall issue, to the person making the application a highway use permit and such identification device or devices as he deems necessary. The permit and the identification device or devices shall be of such design and contain such information as the secretary deems necessary. Such identification device or devices shall be displayed on the commercial car or commercial tractor for which it was issued at all times in such manner as the secretary prescribes. The highway use permits and the identification device and devices shall not be transferable. In case of the loss of a highway use permit or identification device the secretary shall issue a duplicate thereof upon payment of a fee of one dollar (\$1).

(e) Term of License.—Such highway use permit shall be valid until suspended or surrendered. All moneys collected pursuant to the provisions of this section shall be deposited in the Motor License Fund.

Section 1103-A. Unlawful Operation; Secretary to Be Notified.—(a) Operation of Vehicle.—It shall be unlawful for any person to operate a commercial car with three or more axles, a commercial car as part of a commercial tandem, or a commercial tractor as part of a commercial tractor combination or commercial tandem on a public highway without a valid highway use permit for such commercial car or commercial tractor.

(b) Violations.—The justice of the peace or judge finding any person guilty of unlawfully operating a commercial car or commercial tractor as provided for in this section shall immediately notify the secretary of such violation and shall transmit to the secretary the name and the permanent address of the owner of the commercial car or commercial tractor operated in violation of this section, the registration number, the state of registration, and the certificate of title number of the commercial car or commercial tractor.

Section 1104-A. Highway Use Tax; Liability of Owner and Lessee; Refunds.—(a) Tax imposed.—There is hereby imposed a highway use tax upon each commercial car with three or more axles, each commercial car used as part of a commercial tandem, and each commercial tractor used as part of a commercial tractor combination or commercial tandem at the following rates:

(1) For each mile traveled on a public highway in Pennsylvania by each commercial car with three or more axles, one-half cent ( $\frac{1}{2}\text{¢}$ ).

(2) For each mile traveled on a public highway in Pennsylvania by a commercial tractor with three axles or a commercial tractor operated as part of a commercial tractor combination with three axles, one cent (1¢).

(3) For each mile traveled on a public highway in Pennsylvania by a commercial tractor operated as a part of a commercial tractor combination with four axles, one and one-half cents (1 ½¢).

(4) For each mile traveled on a public highway in Pennsylvania by a commercial tractor operated as part of a commercial tractor combination with a total of five or more axles, two cents (2¢).

(b) Liability.—The owner of each commercial car and commercial tractor shall be liable for the payment of the full amount of the taxes levied herein, and any person who leases, rents or otherwise acquires a right to use or operate a commercial car or commercial tractor shall be liable for the payment of the taxes levied herein with respect to the miles traveled in operations under such lease, rental or other agreement. The liability of the person leasing, renting or otherwise acquiring a right to use or operate a commercial car or commercial tractor and the liability of the owner of such commercial car or commercial tractor shall be joint and several with respect to the miles traveled in operations under such lease, rental or other agreement. In the event that such owner, at the end of any calendar year, has paid a tax for axles not actually used in operation over a given number of miles he may file with the secretary an application for a refund of the excess taxes paid. All applications for refunds filed in accordance with this section shall be filed within four years from the date the tax was due. The application shall state the amount of the tax which has been paid by reason of the use of a tax rate determined by the declaration of the maximum number of axles to be used and the tax amount which would have been required if the rate had been determined by the number of axles actually in use for each mile of travel. The owner of the commercial car or commercial tractor shall be entitled to recover the difference between the two amounts stated in the application upon approval by the secretary. The form of the application shall be prescribed by the secretary and it shall be accompanied by a sworn statement as to its truth. The secretary shall order the amount approved for refund to be paid from the Motor License Fund and certify such amount to the Auditor General and the State Treasurer.

Section 1105-A. Refund of Taxes Paid Illegally or Erroneously.—The State shall refund the amount of taxes paid illegally or erroneously, or paid on any illegal or erroneous assessment. An application shall be filed with the secretary within ninety days from the date it is ascertained that the payment made or assessment paid was illegal or erroneous. In any event an application for refund shall be filed with the secretary within four years from the date of the illegal or erroneous payment of the tax. On filing of such application the secretary shall determine the amount of refund due and certify such amount to the Auditor General and State Treasurer. The secretary shall order the amount so certified for refund to be paid from the Motor License Fund. The form of the application for refund shall be prescribed by the secretary and when filed shall be accompanied by a sworn statement as to its truth. Ap-

plication for refund shall be filed by the person who made payment of the tax for which refund is claimed.

Section 1106-A. Record of Miles Traveled.—Every person who is or becomes liable for the payment of the tax shall keep a complete and accurate record, upon forms prescribed by the secretary, showing the total miles traveled on a public highway in this State by each commercial car and commercial tractor owned, leased, rented or otherwise operated by such person, the number of axles actually used while traveling said miles, the highway use permit number for each commercial car and commercial tractor owned or operated and such other information as the secretary may require. Such records shall be available at any time, during normal business hours, for the inspection of the secretary or his duly authorized agents and shall be preserved for a period of four years.

Section 1107-A. Highway Use Tax Return; Liability for Payments.—Whoever is liable for the payment of the tax shall, on or before January 20, April 20, July 20 and October 20 of each year file with the State Treasurer, on forms prescribed by the secretary, a highway use tax return and make payment of the full amount of the tax due for the operation of each commercial car and commercial tractor for the next preceding three calendar months. In the event two or more persons are jointly and severally liable for the payment of the tax on a given number of miles traveled, no person shall be required to pay the tax on said given number of miles traveled if said tax has been paid, or is currently being paid, by another. Nothing in this section shall be construed to relieve any person liable for the payment of the tax from the duty of filing returns showing the full amount of tax accrued by reason of the operation of any commercial car or commercial tractor owned, leased, rented or otherwise operated by him. Nothing in this section shall be construed to limit the power of the secretary to make assessments against any or all persons liable, in the event said tax is not actually paid or any deficiencies are found to be due.

Section 1108-A. Failure to File Return; Incomplete Return; Incorrect Return; Notice of Assessment.—(a) Assessment.—In event any person required to file a highway use tax return fails to file such return within the time prescribed, files an incomplete return, files an incorrect return or fails to remit the full amount of the tax due for the period covered by the return, the secretary may make an assessment against such person, based upon any information in his possession, for the period for which such tax was due. The secretary shall give the person against whom such assessment is made written notice of such assessment either by personal service or by registered mail.

(b) Assessment Penalty.—A penalty of five per cent shall be added to the amount of assessment made pursuant to the provisions of this section. The secretary shall have power to adopt and promulgate rules and regulations providing for the remission of penalties added to assessments.

(c) Petition.—Unless the person, to whom said notice of assessment is directed, within thirty days after service thereof, either personally or by registered mail, files a petition in

writing, verified under oath by said person, or his duly authorized agent, having knowledge of the facts, setting forth with definiteness and particularity the items of said assessment objected to, together with the reasons for such objections, and posts bond satisfactory to the secretary conditioned upon payment of the tax finally determined to be due, said assessments shall become and be deemed conclusive and the amount thereof shall be due and payable, from the person so assessed, to the State Treasurer.

(d) Hearing.—In every case where a petition for reassessment as above described, is filed, the secretary shall assign a time and place for the hearing of same and shall notify the petitioner thereof by registered mail, but the secretary shall have the power to continue same from time to time as may be necessary. Upon satisfaction of the assessment, the bond shall be canceled or returned.

(e) Assessments Due.—Where any person has filed a petition for reassessment as provided in this section, the assessment as made by the secretary together with penalties thereon shall become due and payable within three days after notice of the finding made at the hearing has been served either personally or by registered mail upon the party assessed.

(f) Time Limitation.—No assessment shall be made by the secretary, as authorized by the provisions of this section, more than four years after the last day of the calendar year during which the tax was due. The provisions of this subsection shall not bar an assessment against a person who failed to file a highway use tax return as required by this section.

Section 1109-A. Suspension; Reinstatement; Penalty for Failure to File Return.—(a) Suspension.—When the secretary files a certified copy of an entry making an assessment he shall suspend all highway use permits issued to the person against whom such assessment was made. No highway use permit shall be suspended while an appeal is pending, except in those cases in which no return has been filed.

(b) Surrender of Permit.—Upon suspension of a highway use permit the owner of the commercial car or commercial tractor for which such permit was issued shall surrender to the secretary such permit and identification device.

(c) Reinstatement.—Upon payment in full of such assessments and penalties the secretary shall immediately reinstate all highway use permits issued to the person against whom such assessment was made which have been suspended.

(d) Suspension of all Permits.—In the event no returns have been filed within the time prescribed for the filing of returns, or within such extension of time for filing as the secretary may grant, the secretary may after written notice of his intention so to do immediately suspend all highway use permits held by the person failing to file a return. Such notice shall be sent by registered mail to the last known address of such person. No permit which has been suspended for failure to file a return shall be reinstated until such person shall have filed complete and correct returns for all periods in which no return has been filed and paid the full amount of the tax due thereon. All such returns shall be accompanied with a penalty of five per cent.

Section 1110-A. Service on Nonresident.—Any nonresident of this Commonwealth who operates a commercial car or commercial tractor, which is subject to the tax levied herein, or of having the same operated within this Commonwealth, and any resident of this Commonwealth who operates a commercial car or commercial tractor, which is subject to the tax, or has the same operated within this Commonwealth and subsequently becomes a nonresident or conceals his whereabouts, makes the Secretary of the Commonwealth his agent for the service of process or notice in any assessment, action or proceeding instituted in this Commonwealth against such person out of the failure to pay the taxes imposed upon him.

Section 1111-A. Exceptions.—(a) In General.—The provisions of this article do not apply to motor vehicles, commercial cars or commercial tractors owned and operated by the United States, this Commonwealth or any political subdivisions thereof, nor to motor vehicles, commercial cars or commercial tractors owned by nonresidents of this Commonwealth while engaged solely in the interstate transportation of household goods in Pennsylvania, if such owner has complied with the laws of the state, district or territory of his residence pertaining to the registration and taxation of motor vehicles and complies with such laws while operating and driving such motor vehicle upon the public roads or highways of this Commonwealth. The owners of motor vehicles similarly engaged and registered in this Commonwealth shall be exempt from all obligations pertaining to the registration and taxation of motor vehicles in such other states, districts or territories.

(b) Nonresidents.—The provisions of this section do not apply to vehicles, commercial cars or commercial tractors owned by nonresidents of this Commonwealth when operated by a resident under lease or any other arrangement. The secretary shall be authorized to determine whether or not such other states, districts or territories exempt such Pennsylvania registered vehicles from all obligations pertaining to the registration and taxation of such motor vehicles and to prescribe such rules and regulations as are required for the purpose of administering the provisions of this section.

(c) Definition.—Household goods means all goods consisting of personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwellings and furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals or other establishments when part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, and articles including objects of art, displays and exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods.

Section 1112-A. Powers of Secretary.—In addition to any other powers conferred upon him by law the secretary shall have the following powers:

- (1) To prescribe all forms required to be filed.
- (2) To appoint and employ such personnel as may be necessary to carry out the duties imposed upon him by this article.

(3) To adopt and promulgate rules and regulations pertaining to the levy and collection of the tax.

(4) To release any property from the lien of any fees, taxes, penalties or interest imposed upon application, if payment be made to the secretary for the full amount of all taxes and penalties due.

(5) To extend, for cause shown, the time of filing any return.

Section 1113-A. Penalties.—(a) Summary Offense.—Whoever violates any provisions of this article or any rule or regulation promulgated by the secretary thereunder shall be guilty of a summary offense.

(b) Misdemeanor.—Whoever files or causes to be filed a false or fraudulent return or application, shall for a first offense be guilty of a summary offense and for a second or subsequent offense shall be guilty of a misdemeanor of the third degree.

Amend Sec. 2, page 5, line 8, by striking out "2." and inserting 3.

Amend Sec. 3, page 5, line 28, by striking out "3." and inserting 4.

On the question,

Will the House agree to the amendments?

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

Mr. ITKIN. Mr. Speaker, I am offering an amendment today which will raise approximately \$70 million in support of the necessary revenues to fund SB 498 and SB 499. This is a new approach to raising revenues in Pennsylvania to provide what is known in some states as an axle-mile tax on commercial vehicles using the Commonwealth's highways. With the exception of the Pennsylvania Turnpike, for which a fee is charged for its use, this particular measure will, depending upon the number of axles on the vehicle, assess such carrier from one-half cent to a maximum of two cents per mile. The two cents being opposed on a commercial-tractor combination with a total of five or more axles, and the half of a cent per mile would be assessed on each commercial car with three or more axles. Those with only two axles would not be assessed at all.

This is basically a tax which applies only to the heavier trucks and would bring into the Commonwealth approximately \$70 million. Its effect on the most highly assessed class of vehicles can be viewed in the following way. If, for example, a combination of five axles traveled across the state, some 350 miles, which may take some 7 or 8 hours to traverse, he would be assessed at 2 cents a mile or \$7 for the entire trip.

This may be viewed in comparison to the assessment required by the Pennsylvania Turnpike Commission in using their roadways, which I believe is something around \$27 or \$28 for traversing the same amount of distance. So you can see while this will bring in substantial revenues to the Commonwealth in support of our highway and general fund programs, it will not be any substantial burden on the commercial trucking industry when one considers the other major costs and substantial costs which the industry is required to absorb. This is a bill which I think can provide some type of bridge between both political parties in this chamber in order to find the necessary revenues to provide the spending bills that we have already approved.

Mr. Speaker, I would urge members of the House on both sides of the aisle to support this proposition. Thank you.

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

Mr. WILSON. Mr. Speaker, would the gentleman, Mr. Itkin, submit to interrogation on this?

The SPEAKER. Will the gentleman, Mr. Itkin, permit himself to be interrogated? The gentleman indicates that he will, and the gentleman from Bucks, Mr. Wilson, may proceed.

Mr. WILSON. I think it is admirable that you are interested in raising some money, but I have some questions here, Mr. Speaker. On page 3, section (c), when the owner of the vehicle applies for this permit, as I understand it, he shall pay a fee of \$2.

Mr. ITKIN. That is correct, Mr. Speaker.

Mr. WILSON. Do you know what it costs the department to handle the paperwork in that?

Mr. ITKIN. Mr. Speaker, I can appreciate Mr. Wilson's concern. With this \$2 fee included, we anticipate that this bill will raise \$70 million.

Mr. WILSON. I understand that.

Mr. ITKIN. Now if the gentleman believes that that particular fee is too small, when HB 608 is amended, I would work with him if he believes to get an amendment—

Mr. WILSON. I am concerned about some other parts of it too, Mr. Speaker. If I may continue, as I understand it, on page 4 you would have the different axles-per-mile charge range from a half cent up to 2 cents?

Mr. ITKIN. That is correct, Mr. Speaker.

Mr. WILSON. And if I interpret the bill, if in fact somebody fails to register this information on the voluntary basis that you ask for, the secretary may make an assessment?

Mr. ITKIN. That is correct, too, Mr. Speaker.

Mr. WILSON. He does not have to?

Mr. ITKIN. I think it is—

Mr. WILSON. Page 5, under section (A) it says the secretary may make an assessment.

Mr. ITKIN. That is right; it is permissible on the Secretary.

Mr. WILSON. But the assessment penalty shall be 5 percent. Am I correct in assuming that that 5 percent would be 5 percent of the amount of the tariff or tax that the person failed to file?

Mr. ITKIN. That is correct. That would be a penalty of the total obligation. We also give the secretary the power to adopt rules and regulations to clarify and define the necessary procedures involved.

Mr. WILSON. I think Mr. Pott objects to those rules and regulations. I thank the gentleman. I would like to make a statement on the amendment.

I think the intention is good; however, we at this time have a road mileage tax that I find is not 100-percent collectible. If you take Mr. Itkin's 2 cents a mile for the five or more axle fee, and let us suggest that the combination transgressed Pennsylvania 600 miles out I-80 and back every week 50 weeks out of a year, that would be 30,000 miles or \$600 in revenues generated allegedly for the Commonwealth. The problem is that if I do not care to report it, if I want to cheat the Commonwealth like

sneaking cigarettes in from South Carolina or North Carolina, the penalty could be 5 percent, as I understand it, unless I am reading this incorrectly, of the \$600 that I should have paid, or a fine of \$30, and I would respectfully suggest that you have a problem enforcing this type of thing. You tend to lose money. What we have now is a law that says all trucking facilities shall register their vehicle for this type of tax, or a road mile voluntary in lieu of paying a gasoline tax. They pay now at the current rate, based on 6 miles to the gallon on their honor system. They tell us that they have driven so many miles through the Commonwealth of Pennsylvania, and, therefore, here you are, Pennsylvania. We send you a check for this money, and I got to tell you, I think those truckers are nice people and all that kind of thing, and I would not turn my back to them, because right now they are shooting each other, and I think they would take every opportunity to drive the \$600 worth of mileage through the Commonwealth of Pennsylvania on the premise, on the possibility, that they might pay a \$30 assessment fine, if that is the way that I understand it, and I think what we need, and respectfully—I am not trying to put you down on your attempt because I think it is good—I think what we better need here is a fee system that is absolute, that has a tag on it that somebody can see, that if a policeman comes down the road and he says that one paid it and this one did not, and therefore they are subject to a \$500 fine each time and multiply it and that sort of thing.

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

Mr. RITTER. Mr. Speaker, I rise to oppose the amendment. I think Mr. Wilson brought out some points that are important. I think the real bottom line of this kind of an amendment is that the legitimate operator, the one who attempts to follow the law, is going to be harassed, going to be audited, going to be paying, in effect, through the nose, and the gypsy operator, the guy who does not care, the guy who is going to attempt to operate without abiding by the law is going to get away without paying the tax. In many states at one time, as a matter of fact, about 30 years ago an axle-mile tax was the vogue at that time, and many states rushed to adopt an axle-mile tax. In the interim period, in the last 30 years, almost all of those states have repealed the axle-mile tax, because it is unfair and very difficult to collect. Mr. Itkin mentioned it, I think, about New York and Ohio as two of our neighboring states that have an axle-mile tax, but I do not think he told you about the, literally, army of auditors in the State of New York who are required to audit the books and to see that the tax is collected. The tax also does not meet a criterion of being simple to pay. It requires a lot of extensive bookkeeping. To put a small operator domiciled in this state, we are going to add a tremendous cost of doing business onto that man who, for the most part, is operating on a small margin of profit now. Mr. Speaker, for small operators the additional cost of the bookwork may in effect and in fact probably would exceed the amount of tax that is due to the Commonwealth, but perhaps the biggest objection to an axle-mile tax is what it is going to do to reciprocity. We have some taxes in this state that we impose on all carriers. For instance, the State of Ohio at the present time does not impose the fuel-

use taxes that they have on Pennsylvania operators. They also waive the \$30 license fee on carriers from this Commonwealth, so that the minute you pass this kind of tax in Pennsylvania and tax trucks from Ohio, they are, in turn, going to reciprocate by putting and imposing a tax and an additional fee on trucks that are domiciled and registered in this Commonwealth. So that in addition to the fuel-use taxes you are going to ask Pennsylvania residents to pay, they are going to have to pay an additional \$30 registration fee for the State of Ohio plus the fuel-use tax from the State of Ohio. New York may very well do the same thing. There are reciprocity fees right now that other states impose on other states other than Pennsylvania. For instance, in Florida they assess you \$100 per vehicle road tax. Georgia charges \$10 per vehicle plus \$10 a trip. Illinois and Iowa deny reciprocity, but they require New York and Ohio vehicles to prorate their taxes because of their fuel-use tax. Kansas charges a \$10 per trip permit fee. Minnesota, Montana, Nebraska assess mileage fees. New Hampshire charges \$120 per vehicle, and so on, and, Mr. Speaker, if you adopt this amendment, you may very well bring in some additional revenue on some of the out-of-state vehicles. What you are going to do to those people who live in this Commonwealth and who operate within this Commonwealth is put on a tremendous additional burden in the form of taxation and fees from other states that we are not now paying. I think you ought to bear that in mind, because when your truck operators who live in this state do business in this state, come and ask you, not only did you impose an axle-mile tax of a half or a penny or 2 cents a mile, but now I have got to pay \$200, \$300, or \$400 in additional fees to use the roads in other states that I did not have to pay up until the day you guys passed this tax. I think you ought to consider that. Taxes need to be fair. They need to be equitable. They need to be easy to collect, and this tax does not meet any of those criteria. It is difficult to collect. It is burdensome. It puts an additional burden on the small operators. Many of them will not be able to afford it. You are encouraging people to come through this state in the dead of night, if they can, run through without having the permit on, go through the chimney up in Erie, and run the risk of getting through that 50 miles before the State Police catch them, and they are not going to pay the tax. Well, just stop and remember that the guy who lives here—and that is whom we are talking about now, the Pennsylvania resident—is going to have to follow this law, because he already has a registration tag. You are saying to him, we will impose the burden on you and hope like the dickens we can catch all the out-of-state people, and I tell you that you are not going to. You are not going to catch all the out-of-state operators, but you will in effect put the full burden on Pennsylvania residents.

Mr. Speaker, I ask for a negative vote on what I consider to be a very unfair tax on truck operators, particularly those who come from Pennsylvania.

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

Mr. BENNETT. Mr. Speaker, will the gentleman yield just for a moment?



The SPEAKER. For what purpose does the gentleman from Mercer, Mr. Bennett, rise?

Mr. BENNETT. Mr. Speaker, would Mr. Itkin stand for inter-rogation for just a moment, and would the gentleman, Mr. Letterman, yield to me for a moment?

The SPEAKER. The Chair has a list of numerous members who would like to debate the bill, and the Chair would hope that he could take it in an orderly fashion so everyone is recognized in order.

Mr. BENNETT. Mr. Speaker, I apologize for the interruption, but I am going to ask Mr. Itkin if he would withdraw this amendment temporarily until after a Democratic caucus.

The SPEAKER. Without recognizing the gentleman, would you like to respond to the question?

Mr. ITKIN. Mr. Speaker, I have no objection to temporarily withdrawing the amendment for the purpose of a caucus.

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

Mr. LETTERMAN. Mr. Speaker, I also have prepared an amendment that I have been requested to withhold until tomorrow.

I would personally like to see us take a look at the different amendments. Mine does not deal with the Pennsylvania truckers. Mine only deals with nonresident truckers, and I think that is a real difference in the two bills. Mine also does not deal with axle weight but with mileage.

I would like to see a caucus held to determine whether one of us has a real good amendment that we can live with or not, and I feel that I have one. I would therefore ask for a caucus also.

The SPEAKER. Does the gentleman from Centre, Mr. Letterman, wish to debate the amendment? The gentleman is recognized and may proceed.

Mr. LETTERMAN. Mr. Speaker, I would like to interrogate Mr. Ryan, please.

The SPEAKER. The gentleman from Delaware, Mr. Ryan, indicates he will stand for interrogation.

Mr. LETTERMAN. Mr. Speaker, do you feel that it would be more fair to all of us if you went to caucus and looked at the difference between the two bills? Possibly Mr. Wilson also has one. I think that one of them has merit that we should look at.

Mr. RYAN. Mr. Speaker, my personal feeling coincides with that of Mr. Wilson. I intend to vote against the Itkin amendment. I am not prepared to say the same thing is true of your amendment.

As far as going to caucus goes, when I discussed this with you earlier, I said that I thought you would have an opportunity at a later date to offer this amendment and not necessitate a caucus from the floor at this time.

Mr. LETTERMAN. Would you prefer that we go ahead and vote on Mr. Itkin's amendment and then look at mine tomorrow?

Mr. RYAN. Well, I have staff people right now reviewing your amendment, and it may very well be before too long we could give you an answer here on the floor today.

Mr. LETTERMAN. Fine. Thank you very much.

Mr. RYAN. I am asking for a "no" vote on the Itkin amend-

ment, however, at this time.

The SPEAKER. The Chair recognizes the gentleman from Butler, Mr. Burd.

Mr. BURD. Thank you, Mr. Speaker.

I wonder if the gentleman, Mr. Itkin, would submit to inter-rogation.

The SPEAKER. Will the gentleman yield?

#### PARLIAMENTARY INQUIRY

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

Mr. ITKIN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ITKIN. Mr. Speaker, what is before the House?

The SPEAKER. The question before the House is the amend-ment offered by the gentleman from Allegheny, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, in responding to a prior inquiry and the desire to have a caucus on the amendment, I agreed to with-draw the amendment temporarily. That having been with-drawn, why are we discussing this amendment?

The SPEAKER. The Chair has not heard that the amendment has been withdrawn. There are members on this floor who wanted to debate the amendment.

#### AMENDMENTS WITHDRAWN

Mr. ITKIN. Well, Mr. Speaker, I would suggest that they debate the amendment in caucus, and I will withdraw the amendment at this time.

#### REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, there are a number of amendments that it now becomes painfully obvious have not been caucused on by either side. They are complicated, Mr. Letterman's amendments and Mr. Itkin's amendments. I was just advised that the Democratic Party requires a caucus on Mr. Kanuck's amendment. I do not see him right now, but I had hoped that we could run that amendment first before caucus, and I understand Mr. Wright has amendments to reconsider once again.

Under the circumstances, I am going to ask that we go into recess now until 5:30 so that we might caucus on these four sets of amendments.

#### DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Thank you, Mr. Speaker.

I concur with the majority leader. Inasmuch as there are a number of amendments to be offered to HB 608 and many of them are complex and will require a decision on the part of the Democratic caucus as to position, I would ask at the declaration of the recess—and I ask your attention because we are changing our caucus meeting—that the Democrats report to the Senate majority caucus room—that is on the first floor of the Senate side of the building—immediately so that we may take up the

Itkin amendment, the Kanuck amendment, the Letterman amendment, and any others which may be ready to be offered. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would ask that the Republicans go immediately to the caucus room. This is not the type caucus we called earlier today; this is a real one.

#### HB 608 PASSED OVER TEMPORARILY

The SPEAKER. Without objection, HB 608 will be passed over temporarily. The Chair hears none.

#### BILLS TAKEN FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that the following bills be taken from the table:

**SB 274; HB 80; and HB 552.**

On the question,

Will the House agree to the motion?

Motion was agreed to.

#### BILLS REREPORTED FROM COMMITTEES

**HB 224, PN 242**

By Mr. McCLATCHY

An Act amending the "Eminent Domain Code," approved June 22, 1964 (P. L. 84, No. 6), further providing for measure of damages; defining certain mobile homes as real property and adding a definition.

Rereported from Committee on Appropriations.

**HB 805, PN 1720**

By Mr. McCLATCHY

An Act amending the act of May 17, 1929 (P. L. 1798, No. 591), referred to as the Forest Reserves Municipal Financial Relief Law, increasing the amount of money paid by the Commonwealth.

Rereported from Committee on Appropriations.

#### BILLS REREFERRED

**HB 154, PN 166**

By Mr. SPENCER

An Act amending "The Pennsylvania Occupational Disease Act," approved June 21, 1939 (P. L. 566, No. 284), further providing for the running certain statutes of limitation applicable to certain benefits.

Judiciary.

Rereferred to Committee on Labor Relations.

**HB 155, PN 167**

By Mr. SPENCER

An Act protecting the privacy of individuals, prohibiting the sale of certain records and providing penalties.

Judiciary.

Rereferred to Committee on Transportation.

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

**HB 46, PN 1797 (Amended)**

By Mr. SPENCER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, increasing the compensation and mileage of witnesses.

Judiciary.

**HB 173, PN 1798 (Amended)**

By Mr. R. R. FISCHER

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

Education.

**HB 494, PN 1799 (Amended)**

By Mr. SPENCER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the sale, dispensing or giving of hypodermic needles or devices capable of being used for injecting a controlled substance and providing certain exceptions and penalties.

Judiciary.

**HB 854, PN 931**

By Mr. SPENCER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for an additional judge of the court of common pleas in the twenty-ninth judicial district.

Judiciary.

**HB 1153, PN 1297**

By Mr. McCLATCHY

An Act amending the act of December 21, 1977 (P. L. 520, No. 15A), entitled, as amended, "An act making an appropriation to the Governor, and further providing for allocations of appropriations by the Governor for disaster relief and assistance for the Great Flood of July 1977," extending the lapse date of the funds.

Appropriations.

**HB 1207, PN 1355**

By Mr. McCLATCHY

A Supplement to the act of \_\_\_\_\_, entitled "An act providing for the capital budget for the fiscal year 1979-1980," itemizing public improvement projects to be acquired or constructed by the Department of General Services together with their estimated financial cost; \*\*\*.

Appropriations.

**HB 1259, PN 1420**

By Mr. McCLATCHY

An Act amending the "Capital Budget Act for Fiscal Year 1972-1973, Public Improvement Project Itemization Supplement, Emergency Life Safety Code Improvements—The General State Authority," approved June 12, 1973 (P. L. 56, No. 24), increasing two projects.

Appropriations.

**HB 1275, PN 1800 (Amended)**

By Mr. McCLATCHY

An Act making an appropriation to The Medical College of Pennsylvania, East Falls, Philadelphia, Pennsylvania.

Appropriations.

#### AGRICULTURE AND RURAL AFFAIRS COMMITTEE MEETING

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

Mr. THOMAS. Mr. Speaker, I would like to call a meeting of

the Agriculture Committee immediately at the rear of the floor of the House.

### HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I see that a number of the members have left the floor and may very well be en route to their offices or to their caucus room, and I would ask that their secretaries listen to me. We have been asked whether or not we will be in session tomorrow. The answer is "yes." We have been asked whether we will be in session Saturday and/or Sunday. The answer is "probably." We have been asked, will we be in session next week? The answer is "most certainly." And, when will we get out next week? That is unknown.

### RECESS

The SPEAKER. Without objection, this House now stands in recess until 5:30. The Chair hears none.

### AFTER RECESS

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

### BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO RULES COMMITTEE

SB 727, PN 778

By Mr. THOMAS

An Act amending the act of July 30, 1975 (P. L. 113, No. 57), entitled "Retail Electric Supplier Unincorporated Area Certified Territory Act," further providing for the application of the act; further defining "retail electric supplier"; and further providing for the preparation of certain maps.

Agriculture and Rural Affairs.

### BILL REREPORTED FROM COMMITTEE

HB 142, PN 1124

By Mr. McCLATCHY

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for alternative methods of equalizing tax levies among certain school districts.

Rereported from Appropriations.

### HB 1475 TAKEN FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 1475 and the amendments be taken from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

### CALENDAR BILL ON THIRD CONSIDERATION

The House resumed consideration of **HB 1475, PN 1707**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the appointment of

a receiver for rental payments in certain cases.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. KUKOVICH offered the following amendments:

Amend Sec. 1 (Sec. 1533), page 1, line 17, by inserting after "therefrom." The provisions of this section shall not be construed to supersede any tenant rights or defenses under law regarding the payment of rent.

Amend Sec. 1 (Sec. 1533), page 2, line 2, by inserting after "powers" and their rights under law regarding payment of rent and continued utility service

Amend Sec. 1 (Sec. 1533), page 2, by inserting between lines 3 and 4

(b) Right to continued service.—The affected utility under this section shall not discontinue utility service if it receives payment from the receiver in the amount specified in subsection (c)(2) within 60 days from the date of notice to the tenants of the appointment of the receiver is mailed or delivered.

Amend Sec. 1 (Sec. 1533), page 2, line 4, by striking out "(b)" and inserting (c)

Amend Sec. 1 (Sec. 1533), page 2, lines 6 and 7, by striking out "(both arrearages and current);" in line 6, all of line 7, and inserting equal to the amount due for the 30-day period prior to the tenant receiving notice of the appointment of the receiver and all future bills as they become due;

(3) after payment of the amounts in subsection (c)(2), any excess moneys can be applied by the receiver toward the arrearage of the landlord ratepayer; and

Amend Sec. 1 (Sec. 1533), page 2, line 8, by striking out "(3)" and inserting (4)

Amend Sec. 1 (Sec. 1533), page 2, line 11, by striking out "(c)" and inserting (d)

Amend Sec. 1 (Sec. 1533), page 2, line 13, by striking out "(b)" and inserting (c)

Amend Sec. 1 (Sec 1533), page 2, line 26, by striking out "(d)" and inserting (e)

Amend Sec. 1 (Sec. 1533), page 2, line 27, by striking out "(c)" and inserting (d)

On the question,

Will the House agree to the amendments?

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

Mr. KUKOVICH. Mr. Speaker, this is an agreed-to amendment. Mr. Speaker, I have talked to the prime sponsor of the bill, and I think we will be able to accomplish his purpose of preventing a shutoff of his constituents who are in certain apartment buildings, and I will just briefly run down the purpose of these amendments that are in A1475.

There are basically three things that this amendment purports to accomplish: first of all, to make sure there is no conflict between the utility's right to enter into receivership to collect their bills and make sure that that does not conflict with the tenant's right under the Rent Withholding Act and the Supreme Court decisions regarding warning of habitability. The second part is to also give an assurance that once the re-

ceiver has collected the utility bills, even if the entire amount is not paid off, those tenants will not be shut off. The final part is to avoid double payments until enough rent is collected to fully pay all the utility bills, and I would ask for your support of the amendment.

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

Mr. GALLEN. Mr. Speaker, I ask for the adoption of the amendment.

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

The following roll call was recorded:

YEAS—188

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

NAYS—0

NOT VOTING—15

Barber	Donatucci	McIntyre	Rieger
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Beloff	Fee	Milanovich	White
Berson	Giammarco	Pratt	Williams
Cianciulli	Levin	Rhodes	

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. GALLEN. Mr. Speaker, this legislation is of great immediacy. There are two apartment complexes, one in Mr. Davies' district and one in my district, in which almost 500 families reside. The landlord, the owner of these apartment complexes, is several months in arrears in payment of the gas bill. The utility company has performed every function that they are supposed to do in this kind of case. There is one common meter in each of these apartment complexes. The utility company will shut off the gas in these apartment complexes, one on June 28 and the other on July 2, unless the utility bills are paid in accordance with the law. This legislation will allow the utility company to go to the court of common pleas in the county and request that a receiver be appointed to collect the rents and to pay the utility company.

Mr. Speaker, I think the mood is that this legislation is going to sail, and I do not want to talk it to death, but I would appreciate an affirmative vote. Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—184

Alden	Fryer	Lynch, F.	Scheaffer
Anderson	Gallagher	Mackowski	Schmitt
Armstrong	Gallen	Madigan	Schweder
Arty	Gamble	Manderino	Scirica
Austin	Gannon	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	Miller	Spencer
Burd	Grabowski	Moehlmann	Spitz
Burns	Gray	Mowery	Stairs
Caltagirone	Greenfield	Mrkonic	Steighner
Cappabianca	Grieco	Mullen, M. P.	Street
Cessar	Gruppo	Murphy	Stuban
Chess	Halverson	Musto	Sweet
Cimini	Harper	Nahill	Swift
Clark, B.	Hasay	Novak	Taddonio
Clark, R.	Hayes, D. S.	Noye	Taylor, E.
Cochran	Hayes, S. E.	O'Brien, B.	Taylor, F.
Cohen	Helfrick	O'Brien, D.	Telek

Cole	Hoeffel	O'Donnell	Thomas
Cornell	Honaman	Oliver	Trello
Coslett	Hutchinson, A.	Perzel	Vroon
Cowell	Hutchinson, W.	Peterson	Wachob
Cunningham	Irvis	Petrarca	Wagner
Davies	Itkin	Piccola	Wargo
Dawida	Johnson, E.	Pievsky	Wass
DeMedio	Kanuck	Pistella	Weidner
DeVerter	Kernick	Pitts	Wenger
DeWeese	Klingaman	Polite	Wilson
DiCarlo	Knepper	Pott	Wilt
Dietz	Knight	Pucciarelli	Wright, D.
Dininni	Kolter	Punt	Wright, J. L.
Dombrowski	Kowalyshyn	Pyles	Yahner
Duffy	Kukovich	Rappaport	Yohn
Dumas	Lashinger	Reed	Zeller
Durham	Laughlin	Richardson	Zitterman
Earley	Lehr	Ritter	Zord
Fischer, R. R.	Letterman	Rocks	Zwinkl
Fisher, D. M.	Levi	Rodgers	
Foster, A.	Lewis	Ryan	Seltzer,
Foster, W.	Livengood	Salvatore	Speaker
Freind	Lynch, E. R.		

NAYS—2

Dorr Stewart

NOT VOTING—17

Barber	Fee	Levin	Rhodes
Beloff	Giammarco	McIntyre	Rieger
Berson	Johnson, J.	Milanovich	White
Cianciulli	Jones	Pratt	Williams
Donatucci			

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

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

The House proceeded to third consideration of SB 568, PN 900, entitled:

An Act regulating the terms and conditions of certain leases regarding natural gas and oil.

On the question,

Will the House agree to the bill on third consideration?

Mr. LEVI offered the following amendments:

Amend Sec. 2, page 2, line 1, by inserting a period after "CLEANING"

Amend Sec. 2, page 2, lines 1 and 2, by striking out "AND PRODUCTION IS NOT INCREASED."

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Venango, Mr. Levi.

Mr. LEVI. This amendment takes out the one section of the SB 568, and production is not to be increased.

I think it is a technical change, because under the present bill the language might be ambiguous that any cleaning out or correction of a well, because of a break-in of water or a cave-in and when you clean out the well and get it back into production again, the production would be backed up somewhat.

But the intent of the bill is if somebody redrills to a deeper

horizon or mechanically or chemically stimulates the well to increase the production, then the contract should be changed. Mine is just normal maintenance. The bill would not be changed. The well and the contracts would not be changed.

So I would ask for concurrence for this amendment because I think it is just a technical change in the bill for the well.

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, this is an agreed-to amendment, and I would ask the members to support it.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—185

Alden	Freind	Lynch, F.	Schmitt
Anderson	Fryer	Mackowski	Schweder
Armstrong	Gallagher	Madigan	Scirica
Arty	Gallen	Manderino	Serafini
Austin	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	Miller	Spitz
Burd	Goodman	Moehlmann	Stairs
Burns	Grabowski	Mowery	Steighner
Caltagirone	Gray	Mrkonic	Stewart
Cappabianca	Grieco	Mullen, M. P.	Street
Cessar	Gruppo	Murphy	Stuban
Chess	Halverson	Musto	Sweet
Cimini	Harper	Nahill	Swift
Clark, B.	Hasay	Novak	Taddonio
Clark, R.	Hayes, D. S.	Noye	Taylor, E.
Cochran	Hayes, S. E.	O'Brien, B.	Taylor, F.
Cohen	Helfrick	O'Brien, D.	Telek
Cole	Hoeffel	O'Donnell	Thomas
Cornell	Honaman	Oliver	Trello
Coslett	Hutchinson, A.	Perzel	Vroon
Cowell	Hutchinson, W.	Peterson	Wachob
Cunningham	Irvis	Petrarca	Wagner
Davies	Itkin	Piccola	Wargo
Dawida	Johnson, E.	Pievsky	Wass
DeMedio	Kanuck	Pistella	Weidner
DeVerter	Kernick	Pitts	Wenger
DeWeese	Klingaman	Polite	Wilson
DiCarlo	Knepper	Pott	Wilt
Dietz	Knight	Pucciarelli	Wright, D.
Dininni	Kolter	Punt	Wright, J. L.
Dombrowski	Kowalyshyn	Pyles	Yahner
Dorr	Kukovich	Rappaport	Yohn
Duffy	Lashinger	Reed	Zeller
Dumas	Laughlin	Richardson	Zitterman
Durham	Lehr	Ritter	Zord
Earley	Letterman	Rocks	Zwinkl
Fischer, R. R.	Levi	Rodgers	
Fisher, D. M.	Lewis	Ryan	Seltzer,
Foster, A.	Livengood	Salvatore	Speaker
Foster, W.	Lynch, E. R.	Scheaffer	

NAYS—0

NOT VOTING—18

Barber	Fee	Levin	Rhodes
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Beloff	Giammarco	McIntyre	Rieger
Berson	Greenfield	Milanovich	White
Cianciulli	Johnson, J.	Pratt	Williams
Donatucci	Jones		

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—168

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

NAYS—15

Dawida	Micozzie	Punt	Street
Freind	Murphy	Scheaffer	Taddonio
Knepper	Petrarca	Sieminski	Trello
McVerry	Pott		

NOT VOTING—20

Barber	Donatucci	Jones	Pyles
Beloff	Fee	Levin	Rhodes
Berson	Giammarco	McIntyre	Rieger
Burd	Goebel	Milanovich	White
Cianciulli	Johnson, J.	Pratt	Williams

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

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

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

Mr. ITKIN. Mr. Speaker, there is going to be a reconsideration motion made to the last vote.

SB 568 RECONSIDERED

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

Mr. MURPHY. Mr. Speaker, I move that the vote by which SB 568 passed on the 21st day of June be reconsidered.

Mr. TRELLO. Mr. Speaker, I second the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—168

Alden	Fryer	Mackowski	Ryan
Anderson	Gallagher	Madigan	Salvatore
Arty	Gallen	Manderino	Schmitt
Austin	Gamble	Manmiller	Scirica
Belardi	Gannon	McCall	Serafini
Bennett	Gatski	McClatchy	Seventy
Bittle	Geesey	McKelvey	Shadding
Borski	Geist	McMonagle	Shupnik
Bowser	George, C.	McVerry	Sieminski
Brown	George, M.	Michlovic	Sirianni
Brunner	Gladeck	Micozzie	Smith, E.
Burns	Goebel	Miller	Smith, L.
Caltagirone	Goodman	Moehlmann	Spencer
Cappabianca	Grabowski	Mowery	Spitz
Cessar	Gray	Mrkonic	Stairs
Chess	Greenfield	Mullen, M. P.	Steighner
Cimini	Grieco	Murphy	Stewart
Clark, B.	Gruppo	Musto	Stuban
Clark, R.	Harper	Nahill	Sweet
Cochran	Hasay	Novak	Swift
Cohen	Hayes, D. S.	Noye	Taddonio
Cole	Hayes, S. E.	O'Brien, B.	Taylor, E.
Cornell	Helfrick	O'Brien, D.	Taylor, F.
Coslett	Hoeffel	O'Donnell	Telek
Cowell	Honaman	Oliver	Thomas
Cunningham	Hutchinson, W.	Perzel	Trello
Davies	Irvis	Peterson	Wachob
Dawida	Itkin	Petrarca	Wargo
DeVerter	Johnson, E.	Piccola	Wass
DeWeese	Klingaman	Pievsky	Wenger
DiCarlo	Knepper	Pistella	Wilt
Dietz	Knight	Pitts	Wright, D.
Dininni	Kolter	Polite	Wright, J. L.
Dombrowski	Kowalshyn	Pott	Yahner
Dorr	Kukovich	Pucciarelli	Yohn
Duffy	Lashinger	Punt	Zeller

Dumas	Laughlin	Rappaport	Zitterman
Durham	Lehr	Reed	Zord
Earley	Letterman	Richardson	Zwinkl
Fischer, R. R.	Levi	Ritter	
Fisher, D. M.	Lewis	Rocks	Seltzer,
Foster, A.	Lynch, E. R.	Rodgers	Speaker
Freind	Lynch, F.		

NAYS—4

Kernick	Livengood	Weidner	Wilson
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NOT VOTING—31

Armstrong	Donatucci	Kanuck	Scheaffer
Barber	Fee	Levin	Schweder
Beloff	Foster, W.	McIntyre	Street
Berson	Giammarco	Milanovich	Vroon
Brandt	Halverson	Pratt	Wagner
Burd	Hutchinson, A.	Pyles	White
Cianciulli	Johnson, J.	Rhodes	Williams
DeMedio	Jones	Rieger	

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

On the question recurring,  
Shall the bill pass finally?

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

Mr. MURPHY. I would like to ask some questions about the bill to the sponsor.

The SPEAKER. Will the gentleman from Jefferson, Mr. Smith, stand for interrogation?

The gentleman indicates that he will. The gentleman from Allegheny may proceed.

Mr. MURPHY. Mr. Speaker, my concern on this bill is that when you set 12½ percent as the price you are going to pay, based on the well-head price, that very often a small farmer in signing with a gas company on that 12½ percent will be giving away a great deal more than he is getting. And let me explain how it can work: If a gas company comes to a farmer and asks to drill on his property, the gas company will say, we will give you 12½ percent of the well-head price. Often the gas company then will contract that drilling out to a drilling company—we will say ABC Drilling Company—ABC Drilling Company will drill for the gas and then will sell it to BC Transmission Company, we will say. Those two companies determine the price of that gas. And on the basis of that, the 12½ percent that goes to the small farmer or the landowner is set.

My concern is that that is not a fair way of determining the value of that gas, particularly with the increases that have been taking place at the consumer levels. I would much prefer to see the amount of money going back to the landholder be set on a percentage of the consumer price of gas. I do not think it is a fair way of doing it. I think it leaves it open to some fraud and would vote against it. Thank you.

Mr. L. E. SMITH. Mr. Speaker, I can only respond to the gentleman by saying that for about 150 years, 12½ percent or 1/8 percent has been the landowner's share of oil and gas in Pennsylvania. And this bill does not change that.

CONSTITUTIONAL POINT OF ORDER

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

Mr. TRELLO. Mr. Speaker, can this House mandate what percentage an oil company can charge for their product? Can Woolworth or Firestone or any other company give legislation mandating that their product can sell for a certain price?

The SPEAKER. Will the gentleman indicate to whom he is posing the question?

Mr. TRELLO. What I am questioning is the constitutionality of the bill.

The SPEAKER. The gentleman from Allegheny, Mr. Trello, raises the constitutionality of the bill. That will be determined by the vote of this House. Those who believe that the bill is constitutional will vote "aye"; opposed, "no." Members will proceed to vote.

On the question,  
Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

YEAS—144

Alden	Gallagher	Letterman	Scirica
Anderson	Gallen	Lewis	Serafini
Arty	Gamble	Livengood	Shadding
Austin	Gannon	Lynch, E. R.	Shupnik
Belardi	Gatski	Madigan	Sirianni
Bennett	Geesey	Manderino	Smith, E.
Bittle	Geist	Manmiller	Smith, L.
Bowser	George, C.	McCall	Spencer
Brandt	George, M.	McClatchy	Stairs
Brown	Gladeck	McKelvey	Steighner
Brunner	Goebel	McMonagle	Stewart
Burns	Goodman	Michlovic	Stuban
Caltagirone	Gray	Micozzie	Sweet
Cessar	Greenfield	Miller	Swift
Cimini	Grieco	Mowery	Taylor, E.
Clark, B.	Gruppo	Mrkonic	Taylor, F.
Clark, R.	Halverson	Musto	Telek
Cochran	Harper	Nahill	Thomas
Cole	Hasay	Novak	Wachob
Cornell	Hayes, D. S.	Noye	Wagner
Coslett	Hayes, S. E.	O'Brien, B.	Wargo
Cowell	Helfrick	O'Brien, D.	Wass
Cunningham	Hoeffel	O'Donnell	Weidner
Dawida	Honaman	Perzel	Wenger
DeMedio	Hutchinson, A.	Peterson	Wilson
DeVerter	Irvic	Petrarca	Wilt
DeWeese	Itkin	Piccola	Wright, D.
DiCarlo	Johnson, E.	Pievsky	Yahner
Dietz	Kanuck	Pistella	Yohn
Dininni	Kernick	Pitts	Zeller
Dorr	Klingaman	Polite	Zitterman
Duffy	Kolter	Reed	Zord
Durham	Kowalshyn	Ritter	Zwinkl
Fischer, R. R.	Kukovich	Salvatore	
Foster, A.	Lashinger	Scheaffer	Seltzer,
Foster, W.	Laughlin	Schmitt	Speaker
Fryer	Lehr		

NAYS—31

Borski	Freind	McVerry	Rocks
Cappabianca	Grabowski	Moehlmann	Seventy
Chess	Hutchinson, W.	Murphy	Sieminski
Cohen	Knepper	Pott	Spitz
Davies	Knight	Pucciarelli	Street

Dombrowski	Levi	Punt	Taddonio
Earley	Lynch, F.	Rappaport	Trello
Fisher, D. M.	Mackowski	Richardson	

**NOT VOTING—28**

Armstrong	Dumas	Milanovich	Rodgers
Barber	Fee	Mullen, M. P.	Ryan
Beloff	Giammarco	Oliver	Schweder
Berson	Johnson, J.	Pratt	Vroon
Burd	Jones	Pyles	White
Cianciulli	Levin	Rhodes	Williams
Donatucci	McIntyre	Rieger	Wright, J. L.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the bill was sustained.

On the question recurring,  
Shall the bill pass finally?

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

Mr. ITKIN. Mr. Speaker, we have not had an opportunity to caucus on the bill and there is some confusion as to just exactly what the bill does. I would hope that we could pass this bill over today so that we would have an opportunity to discuss the bill in caucus.

The SPEAKER. The Chair would hope that the caucus could take place this evening.

Mr. ITKIN. I would then ask that the bill be postponed until after caucus this evening.

**DEMOCRATIC CAUCUS**

The SPEAKER. The Chair recognizes the minority leader, Mr. Irvis, for the purpose of calling a Democratic caucus. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, would the Chair declare a recess of 15 minutes so that the Democrats may repair to the caucus room for an explanation of what this bill entails, and then we will be back on the floor promptly?

**RECESS**

The SPEAKER. Without objection, this House will stand in recess until 7:45. The Chair hears none.

**AFTER RECESS**

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

The SPEAKER. The Chair has been informed that the Democratic caucus has concluded their meeting and they are now back on the floor ready to do business.

**CALENDAR BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 568, PN 900**, entitled:

An Act regulating the terms and conditions of certain leases regarding natural gas and oil.

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—159**

Alden	Foster, W.	Lehr	Schweder
Anderson	Fryer	Letterman	Scirica
Arty	Gallagher	Levi	Serafini
Austin	Gallen	Lewis	Seventy
Belardi	Gamble	Livengood	Shadding
Bennett	Gannon	Lynch, E. R.	Shupnik
Bittle	Gatski	Mackowski	Sirianni
Borski	Geesey	Madigan	Smith, E.
Bowser	Geist	Manderino	Smith, L.
Brandt	George, C.	McCall	Spencer
Brown	George, M.	McClatchy	Stairs
Brunner	Gladeck	McMonagle	Steighner
Burns	Goebel	Michlovic	Stewart
Caltagirone	Goodman	Miller	Street
Cappabianca	Grabowski	Moehlmann	Stuban
Cessar	Gray	Mowery	Sweet
Chess	Greenfield	Mrkonic	Swift
Cimini	Grieco	Mullen, M. P.	Taylor, E.
Clark, B.	Gruppo	Murphy	Taylor, F.
Clark, R.	Halverson	Musto	Telek
Cochran	Harper	Nahill	Thomas
Cohen	Hasay	Novak	Trello
Cole	Hayes, D. S.	O'Brien, B.	Wachob
Cornell	Hayes, S. E.	O'Donnell	Wagner
Coslett	Helfrick	Oliver	Wargo
Cowell	Hoeffel	Peterson	Wass
Davies	Honaman	Petrarca	Weidner
Dawida	Hutchinson, A.	Pievsky	Wenger
DeMedio	Irvis	Pistella	Wilson
DeVerter	Itkin	Pitts	Wilt
DeWeese	Johnson, E.	Polite	Wright, D.
DiCarlo	Kanuck	Pucciarelli	Wright, J. L.
Dietz	Kernick	Rappaport	Yahner
Dombrowski	Klingaman	Reed	Zeller
Duffy	Knight	Richardson	Zitterman
Dumas	Kolter	Ritter	Zord
Durham	Kowalyshyn	Rodgers	Zwinkl
Earley	Kukovich	Ryan	
Fischer, R. R.	Lashinger	Scheaffer	Seltzer,
Fisher, D. M.	Laughlin	Schmitt	Speaker
Foster, A.			

**NAYS—13**

Cunningham	Lynch, F.	Pott	Sieminski
Freind	McVerry	Punt	Spitz
Hutchinson, W.	Micozzie	Rocks	Taddonio
Knepper			

**NOT VOTING—31**

Armstrong	Dorr	McKelvey	Rhodes
Barber	Fee	Milanovich	Rieger
Beloff	Giammarco	Noye	Salvatore
Berson	Johnson, J.	O'Brien, D.	Vroon
Burd	Jones	Perzel	White
Cianciulli	Levin	Piccola	Williams
Dininni	Manmiller	Pratt	Yohn
Donatucci	McIntyre	Pyles	

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

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



**REMARKS ON VOTE**

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

Mr. HASAY. Mr. Speaker, during the Dietz resolution vote on May 31, I was called to the conference room in the rear of the House to a phone call. Had I been in my seat during the vote, I would have voted in the affirmative.

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

**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 balcony a group of young people from the Needmore Bible Church in Fulton County, who are at church camp this week and visiting the Capitol today with their minister, Rev. Doug Poffenberger. They are the guests of Mr. Terry Punt.

The Chair welcomes to the balcony, 50 junior high school students from Nazareth Junior High School, with their parents

and their teacher, Mrs. Peg Ferraro.

They are here as guests of the gentleman from Northampton, Mr. Gruppo.

The Chair welcomes to the balcony a group of senior citizens from Clearfield County, who are here as the guests of Mr. Camille George and Mr. William Wachob.

The Chair welcomes to the hall of the House Bill Firestone and Miriam Gomez, who are the guests of Mr. Piccola of Dauphin County.

The Chair also would like to recognize seniors from the north side of Pittsburgh, who are the guests of Mr. Tom Murphy.

The Chair welcomes to the hall of the House, David and Connie Schmitt; their granddaughter, Laura Reed; and their grandson, David Martini, who are the son, wife and grandchildren of Representative C. L. Schmitt of Westmoreland County.

**ADJOURNMENT**

Mr. RYAN moved that this House of Representatives do now adjourn until Friday, June 22, 1979, at 11 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 7:38 p.m., e.d.t., the House adjourned.