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Legislative Journal

WEDNESDAY, OCTOBER 17, 1979

Session of 1979

163rd of the General Assembly

Vol. 1, No. 74

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE MARVIN E. MILLER, JR., member of the House of Representatives and guest chaplain, offered the following prayer:

Dear Lord, as we gather for another legislative day of challenge and decision in behalf of Your family of man in Your grand Commonwealth, afford us Your divine guidance and grant us 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 Tuesday, October 16, 1979, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

HB 1853 By Representatives ALDEN, FREIND, PN None GANNON and PERZEL.

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prescribing the crime of theft of gasoline and providing penalties.

Referred to Judiciary, Oct. 17, 1979.

HB 1854 By Representatives ALDEN, ZORD, ARTY PN None and SERAFINI.

An Act requiring all municipalities and municipal authorities furnishing sewer services, water supply services or garbage collection services and levying assessments for such services to specifically itemize certain charges within such assessments.

Referred to Local Government, Oct. 17, 1979.

HB 1855 By Representatives ALDEN and SERAFINI. PN None

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the powers of the Supreme Court.

Referred to Judiciary, Oct. 17, 1979.

HB 1856 By Representative SALVATORE. PN None

An Act amending the "Local Economic Revitalization Tax Assistance Act," approved December 1, 1977 (P. L. 237, No. 76), changing the procedures for obtaining exemptions.

Referred to Finance, Oct. 17, 1979.

HB 1857 By Representatives SCHWEDER and PN None KANUCK.

An Act amending the act of June 22, 1931 (P. L. 720, No. 262), referred to as the City State Highway Law, deleting a portion of Route 48129 in the City of Bethlehem.

Referred to Transportation, Oct. 17, 1979.

HB 1858 By Representatives VROON, YOHN, E. R. PN None LYNCH, CORNELL and NAHILL.

An Act amending "The Insurance Company Law of 1921," approved May 17, 1921 (P. L. 682, No. 284), further providing for uniform policy provisions.

Referred to Insurance, Oct. 17, 1979.

HB 1859 By Representatives HASAY, MUSTO, W. D. PN None HUTCHINSON, GATSKI, WILT, AUSTIN, COSLETT, DOMBROWSKI, NOVAK, B. F. O'BRIEN, SHUPNIK, FISCHER, MACKOWSKI, BELARDI, SERAFINI and KLINGAMAN.

An Act amending "The Pennsylvania Occupational Disease Act," approved June 21, 1939 (P. L. 566, No. 284), further providing for the award of attorneys' fees.

Referred to Labor Relations, Oct. 17, 1979.

HB 1860 By Representatives GANNON, GRUPPO, PN None TELEK, COHEN, PYLES, ALDEN, DOMBROWSKI, GOEBEL, VROON, MICHLOVIC, PRATT, ZITTEMAN, M. R. CLARK, POTT, HOEFFEL, GIAMMARCO, FREIND, GREENFIELD, MRKONIC, KNEPPER, ARTY, ITKIN, SALVATORE, E. R. LYNCH and FISCHER.

An Act providing for the conspicuous posting of prices of every grade and type of gasoline at retail outlets.

Referred to State Government, Oct. 17, 1979.

HB 1861 By Representatives D. R. WRIGHT, WILT, PN None BENNETT, STEIGHNER, BITTLE, STEWART, LIVENGOOD, MANDERINO, MILLER and STAIRS.

An Act promoting the development and operation of small scale energy projects using renewable alternative sources of

energy; providing for the establishment and operation of the Pennsylvania Small Scale Local Energy Projects Finance Agency and establishing procedures for the sale of bonds and the funding of qualified small scale energy projects.

Referred to Mines and Energy Management, Oct. 17, 1979.

HB 1862 By Representatives HALVERSON,
PN None HELFRICK, LETTERMAN and
CALTAGIRONE.

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), authorizing Pennsylvania Game Protectors and Deputy Game Protectors to use a hand-carried flashing or rotating red light to stop and inspect vehicles.

Referred to Game and Fisheries, Oct. 17, 1979.

HB 1863 By Representatives HALVERSON,
PN None HELFRICK, LETTERMAN and
CATAGIRONE.

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for powers of waterways patrolmen.

Referred to Game and Fisheries, Oct. 17, 1979.

HB 1864 By Representatives BARBER,
PN None RICHARDSON, WILLIAMS, RHODES,
J. J. JOHNSON, SHADDING, OLIVER,
WHITE, DUMAS, HARPER and IRVIS.

An Act making an appropriation to the Sarah Allen Nursing Home of Philadelphia, Pennsylvania.

Referred to Appropriations, Oct. 17, 1979.

HB 1865 By Representative McCLATCHY.
PN None

An Act making an appropriation to the Northeastern Pennsylvania Society for Crippled Children and Adults for the provision of services to crippled children and adults.

Referred to Appropriations, Oct. 17, 1979.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip.
Mr. S. E. HAYES. Mr. Speaker, I request leave of absence for Mr. SALVATORE for today's session.

The SPEAKER. The Chair recognizes the minority leader.
Mr. IRVIS. Mr. Speaker, I request leaves of absence for Messrs. RAPPAPORT and RHODES for today's session.
The SPEAKER. Without objection, leaves are granted.

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take the master roll call. All those members in the hall of the House may now vote.

The following roll call was recorded:

YEAS—197

Alden	Foster, A.	Levin	Rodgers
Anderson	Foster, W.	Lewis	Ryan
Armstrong	Freind	Livengood	Scheaffer

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

NAYS—0

NOT VOTING—6

Cianciulli	Rhodes	Street	Williams
Rappaport	Salvatore		

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

ANNOUNCEMENT BY MR. LETTERMAN

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman, to make an announcement.

Mr. LETTERMAN. Mr. Speaker, I would just like to announce this morning that the hunter safety course will be given in the minority caucus room on Tuesday morning, the 23d, starting at 9 o'clock until 11 o'clock, and then on Wednesday, the 24th, from 9 a.m. until 11 a.m.

We hope that these 2 days will be sufficient for all members of the House of Representatives to receive a certificate for taking this course. Some of you may not be aware that if you become interested in going out of state to hunt, there are a few

states that are requesting you have the certificate, and I think it is a great opportunity for you to see just how this course is taught to the younger people, that we are demanding they take.

I would like to thank you, and anybody who would be interested can call my office at 787-5470 and give the word to Marian as to whether you are going to attend or not. I would like to see as many people participate as possible.

Lance Hoffman from the Game Commission and other members of the Game Commission will be giving the course. Thank you.

STATEMENT BY MR. ZELLER

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zeller, who asks unanimous consent to make a few brief remarks. The Chair hears no objection. The gentleman is in order and may proceed.

Mr. ZELLER. Mr. Speaker, 2 weeks ago when Governor Thornburgh addressed the joint assembly, he made a statement in regard to Pennsylvania would go it alone in regard to taking care of the needy as to subsidizing oil and heating bills, and I for one commend his movement in that area because of something that happened yesterday that really triggered the need for implementing this program. The Federal Government, Congress, has turned down the \$1-billion request for subsidizing those people in need, for subsidizing their heating problems, and I was shocked to find that Congress would do this for the simple reason that moneys are going to many foreign countries, and I believe that charity begins at home.

I commend the Governor and I think we all should get behind him because we are going to have problems. There is some \$20 million that has been left over in the lottery from last year, and I believe this should be triggered, either by action by this General Assembly or if the Governor can take action. I do not know which way to go in that particular area and I am sure that the legal department will advise us. It is for the aged. Now whether or not they can direct it in that area on their own by a department move or whether we have to trigger it, I care less who does it — one from your own party here, someone to trigger that action and to get this moving.

I will give you an example, just one example. I have person in my area—and I have many of them—who receives a total of \$219 a month social security. That is it. His heating bill last year was \$760; this year it will be approximately \$1,300. They do not know what they are going to do. They cannot drive the car—that is in the garage; that is done—and they have a hard time getting food on the table, he and his wife. It is really horrible, and that is the total amount of money they receive.

There are thousands upon thousands of people like Mr. Anderson all over this Commonwealth, so unless we move in this area now, we are going to have serious trouble, because if we start implementing it now, maybe we can get it going by the time the cold weather hits. But oil companies are talking about—and I met with them last week in my area—the fact that they cannot carry on a credit. They cannot do it. They are working from month to month and they are in trouble, the oil companies that supply heating oil. They just cannot do it. So we

have got to do something, and I plead with members of the House here to get behind the Governor and the Lieutenant Governor in this particular problem, because it affects all of our wonderful aged, and low-income people just cannot take it. Thank you for listening to my plea. Thank you.

BILL REPORTED FROM COMMITTEE AND REREFERRED

HB 809, PN 875

By Mr. R. R. FISCHER

An Act amending the act of July 31, 1968 (P. L. 769, No. 240), referred to as the Commonwealth Documents Law, providing for approval or disapproval of regulations by the legislature.

Education.

Rereferred to Committee on State Government.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND Tabled

HB 1484, PN 2291(Amended)

By Mr. ZORD

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), providing for the reimbursement of the education of children placed or committed to a public or private agency and requiring the county of residence of said children to ensure their education once placed or committed.

Health and Welfare.

HB 1720, PN 2292 (Amended) (Unanimous) By Mr. ZORD

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for required immunization against diseases and the admission of beginners.

Health and Welfare.

SB 502, PN 669 (Unanimous)

By Mr. ZORD

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," removing a qualification of the Commissioner of Mental Health and making a repealer.

Health and Welfare.

SB 736, PN 787

By Mr. R. R. FISCHER

An Act amending the act of July 8, 1957 (P. L. 579, No. 321), entitled, as amended, "An act establishing minimum compensation and increments for members of the faculty and administration of the Thaddeus Stevens State School of Technology, providing leave of absence with pay for faculty members and the superintendent of the school and imposing duties on the Board of Trustees of such school and the Secretary of Education," adding to the schools covered by the act.

Education.

CALENDAR BILLS AGREED TO ON SECOND CONSIDERATION

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

HB 1650, PN 2285; and HB 855, PN 2275.

SPECIAL ORDER OF BUSINESS

CALENDAR BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 372, PN 376**, entitled:

An Act amending Title 13 (Commercial Code) of the Pennsylvania Consolidated Statutes, by transferring the text of the Uniform Commercial Code to the Consolidated Statutes without change in substance and making conforming amendments to citations in other titles.

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

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

The question is, shall the bill pass finally?

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

YEAS—193

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

NAYS—0

NOT VOTING—10

Beloff	Mowery	Rhodes	Street
Cianciulli	Mullen, M. P.	Salvatore	Williams
Donatucci	Rappaport		

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

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

The House proceeded to third consideration of **SB 820, PN 905**, entitled:

An Act amending the act of September 27, 1961 (P. L. 1700, No. 699), entitled "Pharmacy Act," further providing for licensing of pharmacy interns.

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

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

The question is, shall the bill pass finally?

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

YEAS—194

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

Dietz	Kanuck	Pistella	Wilt
Dininni	Kernick	Piitts	Wright, D.
Dombrowski	Klingaman	Polite	Wright, J. L.
Donatucci	Knepper	Pott	Yabner
Dorr	Knight	Pratt	Yohn
Duffy	Kolter	Pucciarelli	Zeller
Dumas	Kowalyszyn	Punt	Zitterman
Durham	Kukovich	Pyles	Zord
Earley	Lashinger	Reed	Zwikl
Fee	Laughlin	Rieger	
Fischer, R. R.	Lehr	Ritter	Seltzer,
Fisher, D. M.	Letterman	Rocks	Speaker

NAYS—0

NOT VOTING—9

Beloff	Rappaport	Richardson	Street
Cianciulli	Rhodes	Salvatore	Williams
Mullen, M. P.			

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

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

The House proceeded to third consideration of **HB 852, PN 929**, entitled:

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for the gross receipts tax on electricity provided in the Commonwealth.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, what bill did you call up for a vote, HB 852 or HB 1107?

The SPEAKER. HB 852.

Mr. IRVIS. HB 852 is in error, Mr. Speaker. That bill has not been caucused on, and it should have been marked "over temporarily." The next vote is on HB 1107, which has been caucused on.

HB 852 PASSED OVER TEMPORARILY

The SPEAKER. The clerk will strike the vote on HB 852, and the bill will be passed over temporarily.

The House proceeded to third consideration of **HB 1107, PN 1238**, entitled:

An Act amending "The Pennsylvania Insurance Guaranty Association Act," approved November 25, 1970 (P. L. 716, No. 232), amending certain definitions and changing the number of members on the board.

On the question,

Will the House agree to the bill on third consideration?

MOTION TO RECOMMIT HB 1107

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

Mr. LEVIN. Mr. Speaker, this is the bill that I asked Mr. Vroon to stand for interrogation on on Monday and was passed until today. There was no interrogation, and I am not now going to interrogate Mr. Vroon, but rather I am going to move that this bill be recommitted to the Committee on Insurance, and I would like to discuss that motion. Am I in order?

The SPEAKER. Will the gentleman yield until the Chair puts the motion?

The gentleman from Philadelphia, Mr. Levin, moves that HB 1107 be recommitted to the Committee on Insurance.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Levin, to speak on the motion.

Mr. LEVIN. Mr. Speaker, this is a very technical change in the Guaranty Association law. We have in Pennsylvania a system where if an insurance carrier becomes insolvent, we have a pool of insurance companies required to put money into an association. The association then must pay out the claims.

The SPEAKER. Will the gentleman yield?

POINT OF ORDER

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

Mr. VROON. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. VROON. Mr. Speaker, the motion was for a recommitment, and the discussion is now on the bill.

The SPEAKER. The Chair was listening very closely to the words of Mr. Levin. The Chair was going to permit him to continue a few moments longer, anticipating him to draw a conclusion why he wanted the bill to go back. So if the gentleman, Mr. Vroon, will yield, I will permit the gentleman, Mr. Levin, to proceed with caution.

The gentleman may proceed.

MOTION WITHDRAWN

Mr. LEVIN. Mr. Speaker, I will withdraw my motion to recommit and speak on the bill.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LEVIN. As I was saying, Mr. Speaker, the Guaranty Association comes into existence only when there is an insolvent insurance company. When a carrier in Pennsylvania is declared insolvent, the other insurance carriers must put money into a pot, handle the claims, and protect residents of Pennsylvania. This is only to protect our citizens.

The technical change being made in this bill is in the concept of what is an insolvent insurer. Now that is a very technical, difficult thing, but basically the bill has made a value judgment

that if an insurance carrier is declared insolvent by the Commonwealth Court and if an appeal is taken to the Supreme Court of Pennsylvania with the accompanying delay of at least 2 years, during that 2-year period the Guaranty Association is not required, if this bill passes, to make any payments. Therefore, your constituents and my constituents who were injured and who were policyholders would be unable to collect their medical bills, would be unable to collect their loss of wages, would be unable to prosecute their claims until the Supreme Court's action had been concluded. I believe that that is an incorrect solution to the problem. The real problem is they are entitled to pay the money and then get it back after they have paid it from the insurance carrier that is subsequently declared solvent.

There are other solutions to the problem than the one in the bill. The solutions can be simply adding interest payments, adding a different mechanism for liquidating the claims. This solution hurts the individual and favors the insurance company industry in general. It is an insurance company bill.

With that explanation, Mr. Speaker, I now move again to recommit the bill.

The SPEAKER. The Chair would ask the gentleman to withdraw his motion at this time in order that the Chair may recognize the gentleman from Chester, Mr. Vroon. The Chair would hope that he could give the same opportunity to the gentleman, Mr. Vroon, to explain the merits of the bill before the motion is put.

Mr. VROON. Thank you, Mr. Speaker.

Mr. LEVIN. I will do that, Mr. Speaker, although Mr. Vroon did not give me that opportunity.

The SPEAKER. Mr. Vroon is not presiding.

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

Mr. VROON. Mr. Speaker, there were some inaccuracies in the debate a few minutes ago, and we have to get down to cases here and ask ourselves the question, why was this Guaranty Association started in the first place? This association was initiated to protect claimants on their claims when their insurance company goes kaput, and that is exactly what it was intended to do. This association was not intended to rehabilitate and finance the rehabilitation of wobbly insurance companies which are not considered to be finally insolvent.

It is aimed in particular at New York State insurance companies where they have taken a very liberal point of view on this. They have seen a loophole in our Guaranty Association law which is a weak definition of insolvency. They have therefore seized upon this opportunity to call a company insolvent, trigger off our association payments, rehabilitate one of their wobbly insurance companies and put them back into business. That is not what we want to pay for, and I must vociferously argue with Mr. Levin when he says this is an insurance company bill. It is your bill and my bill, because we are paying the costs of this insurance association and we are paying for the claims that they have to pay.

I am all for protecting the claimant when the insurance company is bankrupt and insolvent and is hopelessly beyond the

point of rehabilitation, but during that interim period I do not think we should be called upon to finance the rehabilitation of any insurance company, not in Pennsylvania and especially not in New York State. That is the issue here. Mr. Levin is concerned about a small number of Philadelphia claimants who are possibly policyholders of Safeguard Insurance Company, which has been wobbly for a long time, and I am not about to give these people their claims when Safeguard is playing games with us and trying to keep in business and keep us from doing what we are supposed to do as the association.

I think this is altogether correct the way it is. The bill proposes that an insolvent insurance company is one which has been ordered to liquidate. When that order is given to liquidate, we pay the claims immediately.

Now what happens in the interim when this insolvency condition exists but the order has not been given to liquidate? Then we have a special provision in the law of our Commonwealth under the insurance rehabilitation law whereby our Insurance Department is able to take control, and this Insurance Department of ours has enough latitude to order the payment of any claims of any insurance company that is in a wobbly condition until that time comes when they are ordered to liquidate their company. So there is nobody here who is unprotected. The only difference might be that somebody may have to wait a while before they get their claims paid through the insurance company, but I would rather see a few people wait a little bit longer to get their claims paid than to keep this wide-open situation where we are financing the rehabilitation of insurance companies in New York State. That is the gist of it, and for that reason I urge a "yes" vote on this bill. This is for Pennsylvanians; this is for you and me. This is not for the insurance companies; do not kid yourselves.

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

Mr. LEVIN. Mr. Speaker, I think Mr. Vroon has put his finger correctly on the problem. If you have listened to both of us, you have heard the difference that makes me desire that this not become the law in its present form.

I am not opposed to the insurance industry; it serves a very useful purpose and we need it, but if I have to make a choice between the insurance industry advancing the payments for claims for poor people and then getting their money back from another insurance company, I would rather have them finance that period of time than have the individual worker who is totally unable to finance his medical bills and his loss of income wait 2 years for his payment. Now that is what this bill will do, and, therefore, I made a value judgment that I am willing to afford him protection that he desperately needs. The insurance companies and industry can find another vehicle than this bill to protect themselves and accomplish the same purpose.

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

Mr. VROON. I share Mr. Levin's concern for small policyholders, too. I do not want to see any of them get hurt, but no matter which way we cut up this problem, we are inevitably

going to hurt somebody and help other people. So the bottom line is, how many people are we going to hurt and how many are we going to help? There are a comparatively small number of people who might be hurt just by having to wait for a period of time but eventually collect their claims, whereas on the other hand there are a large number of dollars flowing out of the Guaranty Association to finance the rehabilitation of New York State insurance companies. Now I think our value judgment boils down to that. Are we going to let that go on and lose a lot of dollars to New York State or are we going to protect a few people? And I must argue with Mr. Levin. They are not all small, poor people; they are policyholders of an insurance company, and this cuts right across the line. They are poor, they are wealthy, and they are in between. There may be a few poor people involved, but they will be taken care of. If they have a good, legitimate need for that money, the Insurance Department can give them that claim. There is no excuse for penalizing any poor person, and under this bill we can assure you that no poor person will be exploited.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I rise to speak against the bill and suggest that perhaps the motion that might be placed later by Mr. Levin is an appropriate motion.

Mr. Speaker, what Mr. Vroon says about insurance companies from New York State finding a way to rehabilitate their companies because of Pennsylvania's Guaranty Association law is correct. There is no question about that. What is happening is, the insurance companies in New York know that the Guaranty Association can go into action and pay claims of persons who have been injured or persons who have claims under their policies for all sorts of things that they need money immediately for, that we provided the Guaranty Association to give them that money immediately when the Insurance Commission decided that they had a rightful claim but their company was not paying it because, as Mr. Vroon said, they had gone to pot, not necessarily been declared insolvent but were in such a condition that they were not paying their claims and very well may be insolvent. We have provided the mechanism in our law for the claimants to be paid when they need the money, when they are injured and when they are hurt.

Now how is this rehabilitation of companies taking place? What is happening is, a shaky company not necessarily based in Pennsylvania knows of the Pennsylvania law, begins slowing their payment of claims, begins slowing the processing of claims. The Insurance Commissioner in Pennsylvania activates the Guaranty Association by his finding that this company may well be insolvent, and we begin, out of the association's moneys in Pennsylvania, to start paying claims and settling those claims. Now, we do not lose that money to the company in New York, who now is riding out the storm and increasing their reserves and making money on their investments. We do not lose the claims that were paid. If they are eventually declared not to be insolvent, we are put back into the position of the claimant so far as the Guaranty Association is concerned. The Guaranty Association may then proceed against the company and, if they can show that they paid only on valid claims, receive back the

money into the association that they had paid out.

So how does this company get rehabilitated? I will tell you how they get rehabilitated. One, they are paying back in 1979 or 1978 with inflated dollars what had to be paid for them by the Guaranty Association 2 and 3 years before when the suit first started in dollars that were not so inflated. That is one way. They do not pay all the expenses of the administration on those claims; they do not pay interest on the money that they should pay; they do not pay attorneys' fees; they do not pay trial expenses. They save a lot of money and they pay back in inflated dollars, and Mr. Vroon is correct.

But there is another way to correct the situation rather than to make claimants in Pennsylvania wait until the company has been declared bankrupt, which, as Mr. Levin said, may take 2 or 3 years while they are waiting to fix their broken legs and pay their doctor bills and have lost earnings and lost wages. There is another way to correct that: provide in the Guaranty Association for the payment of interest, for the paying back to the Guaranty Association on valid claims according to a cost index so they are not paying with inflated dollars; by providing that trial expenses and administration expenses must be paid to the Guaranty Association when they pay the claims several years before.

This is why Mr. Levin is asking that that bill be recommitted, because there is another solution, and people who know the business know that there is another solution, and the Levin suggested solution is much better for the people who live in Pennsylvania, the small people for whom this Guaranty Association was first created. There is another way to attack the problem, and the committee that looked at this bill ought to attack the problem in that manner so as to prevent the rehabilitation of foreign insurance companies by providing in our law that they have got to pay the full tab when they pay back the claims that the association has paid. That way we can leave the law as it is now so that the claimants do not get hurt initially by having to wait to get what they need and so that there will be no advantage to allowing the Guaranty Association to trigger into these foreign companies. Take away the incentive and the loophole that they see now; do not attack the claimant. I support Mr. Levin's position. Thank you, Mr. Speaker.

HB 1107 RECOMMITTED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Levin, for the purpose of making a motion.

Mr. LEVIN. Mr. Speaker, I move that HB 1107 be recommitted to the Committee on Insurance.

The SPEAKER. It has been moved by the gentleman from Philadelphia, Mr. Levin, that HB 1107 be recommitted to the Committee on Insurance.

On the question,

Will the House agree to the motion?

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

Mr. VROON. Mr. Speaker, we have gone through extensive debate on this question. I assure you that there is nothing

whatsoever to be gained by sending this bill back to committee. There is no better way to solve this problem. This is the proper bill, the proper way to approach it, and I ask for a negative vote on the motion.

The SPEAKER. The chair recognizes the gentleman from Allegheny, Mr. Austin, on the motion.

Mr. AUSTIN. Mr. Speaker, I think we should recommit this bill. I think if nothing else, the debate proved that there is some confusion and there is some difference of opinion. I think we should take more time looking at this bill, and we should recommit it back to the Insurance Committee. Thank you.

The SPEAKER. The Chair recognizes the chairman of the Committee on Insurance, the gentleman from Montgomery, Mr. Yohn.

Mr. YOHN. Mr. Speaker, this bill was considered by the Insurance Committee. My recollection is that it was reported out on a unanimous vote or virtually a unanimous vote by the Insurance Committee. I do not think there is any good purpose to be served by sending it back to committee. I think we should vote the issue up or down but not recommit the bill. I therefore oppose the motion.

On the question recurring,
Will the House agree to the motion?
The following roll call was recorded:

YEAS—103

Alden	Dumas	Kowalshyn	Reed
Austin	Durham	Kukovich	Richardson
Barber	Fee	Laughlin	Rieger
Beloff	Fryer	Letterman	Ritter
Bennett	Gallagher	Levin	Rodgers
Berson	Gamble	Livengood	Schmitt
Borski	Gatski	Manderino	Schweder
Bowser	Geesey	McCall	Seventy
Brown	George, C.	McIntyre	Shadding
Brunner	George, M.	McMonagle	Shupnik
Burns	Giammarco	Michlovic	Steighner
Cappabianca	Goebel	Micozzie	Stewart
Chess	Goodman	Milanovich	Suban
Clark, B.	Grabowski	Mrkonic	Sweet
Clark, R.	Gray	Mullen, M. P.	Telek
Cochran	Greenfield	Murphy	Trello
Cohen	Harper	Musto	Wachob
Cole	Hoeffel	Novak	Wargo
Cowell	Hutchinson, A.	O'Brien, B.	White
Dawida	Irvis	O'Donnell	Wilson
DeMedio	Itkin	Oliver	Wright, D.
DeWeese	Jones	Petrarca	Wright, J. L.
DiCarlo	Kanuck	Pievsky	Yahner
Dombrowski	Kernick	Pistella	Zitterman
Donatucci	Knight	Pratt	Zwilk
Duffy	Kolter	Pucciarelli	

NAYS—92

Anderson	Gannon	McClatchy	Sirianni
Armstrong	Geist	McKelvey	Smith, E.
Arty	Gladeck	McVerry	Smith, L.
Belardi	Grieco	Miller	Spencer
Bittle	Gruppo	Moehlmann	Spitz
Brandt	Halverson	Mowery	Stairs
Burd	Hasay	Nahill	Swift
Caltagirone	Hayes, D. S.	Noye	Taddonio
Cessar	Hayes, S. E.	O'Brien, D.	Taylor, E.

Cimini	Helfrick	Perzel	Taylor, F.
Cornell	Honaman	Peterson	Thomas
Coslett	Hutchinson, W.	Piccola	Vron
Cunningham	Johnson, E.	Pitts	Wagner
Davies	Klingaman	Polite	Wass
DeVerter	Knepper	Pott	Weidner
Dietz	Lashinger	Punt	Wenger
Dininni	Lehr	Pyles	Wilt
Dorr	Levi	Rocks	Yohn
Fischer, R. R.	Lewis	Ryan	Zeller
Fisher, D. M.	Lynch, E. R.	Scheaffer	Zord
Foster, A.	Lynch, F.	Scirica	
Foster, W.	Mackowski	Serafini	Seltzer,
Freind	Madigan	Sieminski	Speaker
Gallen	Manmiller		

NOT VOTING—8

Cianciulli	Johnson, J.	Rhodes	Street
Earley	Rappaport	Salvatore	Williams

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

The SPEAKER. The bill is so recommitted.

HOUSE SELECT COMMITTEE MEETING

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

Mr. FREIND. Mr. Speaker, at the call of the recess, there will be a brief meeting of the House Select Committee on Haverford State Hospital in room 245.

HOUSE SCHEDULE AND REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, there are a number of bills that we have reviewed with the minority leader and minority whip that we would like to vote today. However, both caucuses have not reviewed all of these bills. Accordingly, I am going to suggest, Mr. Speaker, that we recess until 2:15, come back at 2:15 prepared to vote a number of other bills presently on the calendar. During that time I would ask that the members have a light, quick lunch, at least the members of our caucus—or a quick, light lunch, as Mr. Wilson suggest—and our members report to the caucus room at quarter to 1, 12:45. We will then spend an hour or an hour and a half going over the calendar and hopefully come back on the floor at 2:15 and finish up those areas of the calendar that we have agreed or caucused on and are ready for a vote.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, we would ask the Democrats to have a light lunch quickly—cannot help using the adverbial form of modification, from an English teacher—but we would also ask that having had a light lunch quickly, the Democrats will report promptly to the caucus room at 1 o'clock. We will begin caucusing at 1 o'clock, I hope promptly, and be back here on the floor at 2:15. There are some controversial bills, including some tax reform bills, which may very well be called up for a vote on the floor this afternoon, and I would suggest that you be in the caucus to give us your ideas on it and be prepared to debate.

Thank you, Mr. Speaker.

STATEMENT BY MR. D. M. FISHER

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

Mr. D. M. FISHER. To make a statement, Mr. Speaker.

The SPEAKER. The gentleman asks unanimous consent to make a brief statement. The Chair hears no objection, and the gentleman may proceed.

Mr. D. M. FISHER. Mr. Speaker, approximately 2 weeks ago this House was in recess on a Wednesday so that a number of people from eastern Pennsylvania could attend a very big event in Philadelphia, the day that the Pope was there. I would just like to call to the House's attention that there is a very big event tonight for those of us in western Pennsylvania, called the seventh game of the World Series. I would propose, so that those of us who are interested in that and seeing it with our constituents tonight back home could get home in time, that this House recess no later than 4 o'clock so that we may be able to travel the necessary distance.

The SPEAKER. The Chair promises that the House will recess before the first pitch is thrown.

There is a Republican caucus at 12:45, a Democratic caucus at 1 p.m.

RECESS

The SPEAKER. This House, without objection, now stands in recess until 2:15 p.m. The Chair hears no objection.

AFTER RECESS

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

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 316, PN 1079**, entitled:

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), entitled "Real Estate Tax Sale Law," further providing for notices prior to sales and confirmation of sales and providing a limited right of redemption after a sale.

On the question,

Will the House agree to the bill on third consideration?

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

Mr. BURNS. Mr. Speaker, this is a very serious piece of legislation that came out of the Senate in such a form that it would correct a very serious problem and unfortunately it was amended in the House Local Government Committee, and by their amending that particular bill, it took away some of the clout and the amendments failed to speak to the problem. In fact they add to the problem.

The bill talks about homes that are sold in lieu of payment of taxes. In Bucks County, I guess we have seen at least three, to my knowledge, three homes sold out from under people's ownership or noses without proper notification being given.

We have seen problems with the type of notification that is given today and we have seen a home that cost \$75,000 in one of the townships I represent, being sold to a speculator for \$12, and this was because we are dealing with two or three or four cases in my county and, I suspect, other counties, of people who are poor, people who are immigrants, people who cannot read or understand a lot of times what the legal ramifications of things bring about. For that reason I am going to ask today that this bill be referred back to the prior printer's number as it came out of the Senate.

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

MR. BURNS. The bill did the job as it came out of the Senate. It passed the Senate by a vote of 47-0, I believe, and I would now move that the bill be reverted back to its prior printer's number.

The SPEAKER. It is moved by the gentleman from Bucks, Mr. Burns, that SB 316 be reverted to the prior printer's number, No. 823. The question is on the motion.

The Chair recognizes the gentleman from Bucks, Mr. Gallagher.

MR. GALLAGHER. Mr. Speaker, I rise to support Mr. Burns' motion to revert to the prior printer's number 823.

What Mr. Burns was telling you is absolutely the sad facts of what happened in Bucks County where houses were sold from under people's noses without fully knowing that their house was for sale for a lack of taxes that were due. The problem there was that the county tax office allegedly was supposed to notify those people that the real estate tax was due, but the method in which they addressed that notice to the public was not adequate. It was just either that they allegedly mailed it, which was never received by the owner, or their property was supposed to be posted and it was never posted, and it was not posted so that they could see a sign on their building, and at the last minute some pretty sharp realtors from Philadelphia were up there buying these houses from \$12 to less than \$500 when they were worth between \$50,000 to \$70,000 a house.

A couple of the families involved were in the senior-citizen area and they were not aware and, over the years, they had always paid their taxes and all of a sudden they miss one or two tax payments and, bang, they got hit, and who got the sale? They did not even have the opportunity to recoup their deficit by paying their taxes. The sharp realtor from Philadelphia came up there and garnered that property at a very low price.

So I urge that the Democratic side of the House support Mr. Burns' motion to revert to the prior printer's number.

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Brandt.

MR. BRANDT. Mr. Speaker, I agree with one thing that Mr. Burns said, and that was that a bill came from the Senate.

We attempted and we did, in the Local Government Committee, take a bill from the Senate and make that bill better in this way that it is workable with our local tax claim bureaus.

We have to realize that the net effect of this legislation and this act that is in place now is to collect taxes, and anything we

do as a legislative body to change that system, we, in essence, give reasons in that process that delays the paying of taxes that are collected by our tax claim bureaus.

We, in the Local Government Committee, have agreed with the Senate in many instances. We have improved the notice provisions of this bill; we have prior notice in the bill and we have agreed with the Senate to the point that we should have a redemption period, and this redemption period is 60 days after final date of that sale that that person has the opportunity to redeem their property.

I ask the members of the House to stay with printer's number 1079 and agree with the Local Government Committee that spent many hours of deliberation on this bill, that this is the best vehicle we have to ensure those individuals who have a problem in not knowing their notices and not seeing what comes along, that they will have the opportunity to keep their property in the event that they are sold on a tax sale. I oppose the motion, Mr. Speaker, and I urge that the vote be in the negative.

MOTION WITHDRAWN

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

Mr. BURNS. Mr. Speaker, I withdraw my motion to revert to a prior printer's number.

SB 316 PASSED OVER

The SPEAKER. The Chair changes its decision as to having called up SB 316. Without objection, this bill will be passed over.

HB 1847 CONSIDERED ON FINAL PASSAGE

The House proceeded to third consideration of HB 1847, PN 2273, entitled:

An Act providing for the use of the South Office Building by the General Assembly.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—180

Alden	Foster, A.	Levin	Rodgers
Anderson	Foster, W.	Lewis	Ryan
Armstrong	Freind	Livengood	Scheaffer
Arty	Fryer	Lynch, E. R.	Schmitt
Austin	Gallagher	Lynch, F.	Schweder
Barber	Gallen	Mackowski	Scirica
Belardi	Gamble	Madigan	Serafini
Bennett	Gannon	Manderino	Seventy
Berson	Gatski	Manmiller	Shupnik
Bittle	Geesey	McCall	Sieminski
Borski	Geist	McClatchy	Sirianni
Bowser	George, C.	McKelvey	Smith, E.

Brandt	George, M.	McMonagle	Smith, L.
Brown	Giammarco	McVerry	Spencer
Brunner	Gladeck	Michlovic	Spitz
Burd	Goodman	Micozzie	Stairs
Burns	Grabowski	Milanovich	Steighner
Caltagirone	Greenfield	Miller	Stewart
Cappabianca	Grieco	Moehlmann	Stuban
Cessar	Gruppo	Mowery	Sweet
Chess	Halverson	Mrkonic	Swift
Cimini	Harper	Mullen, M. P.	Taylor, E.
Clark, B.	Hasay	Murphy	Taylor, F.
Clark, R.	Hayes, D. S.	Musto	Telek
Cochran	Hayes, S. E.	Novak	Thomas
Cohen	Helfrick	Noye	Trello
Cole	Hoeffel	O'Brien, B.	Vroon
Coslett	Honaman	O'Brien, D.	Wachob
Cowell	Hutchinson, A.	O'Donnell	Wargo
Davies	Hutchinson, W.	Oliver	Wass
Dawida	Irvis	Perzel	Weidner
DeMedio	Itkin	Peterson	Wenger
DeVerter	Johnson, E.	Petrarca	White
DeWeese	Johnson, J.	Piccola	Wilson
DiCarlo	Jones	Pievsky	Wilt
Dietz	Kanuck	Pistella	Wright, D.
Dininni	Kernick	Pitts	Yahner
Dombrowski	Klingaman	Polite	Yohn
Dorr	Knepper	Pott	Zeller
Duffy	Knight	Pratt	Zitterman
Dumas	Kolter	Pucciarelli	Zord
Durham	Kukovich	Punt	Zwilk
Earley	Laughlin	Rieger	
Fee	Lehr	Ritter	Seltzer,
Fischer, R. R.	Letterman	Rocks	Speaker
Fisher, D. M.	Levi		

NAYS—5

Cornell	Nahill	Taddonio	Wagner
Lashinger			

NOT VOTING—18

Beloff	Gray	Reed	Shadding
Cianciulli	Kowalyshyn	Rhodes	Street
Cunningham	McIntyre	Richardson	Williams
Donatucci	Pyles	Salvatore	Wright, J. L.
Goebel	Rappaport		

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

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

REMARKS ON VOTE

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

Mr. CUNNINGHAM. Mr. Speaker, I was erroneously recorded as not having voted. I would like to be recorded in the affirmative on HB 1847.

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

HB 1686 CONSIDERED ON FINAL PASSAGE

The House proceeded to third consideration of HB 1686, PN 2058, entitled:

An Act amending the act of July 1, 1978 (P. L. 742, No. 138),

entitled "A supplement to the act of September 28, 1978 (P. L. 787, No. 151), entitled 'An act providing for the capital budget for the fiscal year 1978-1979,' itemizing a transportation assistance project**** itemizing a transportation assistance project to be acquired, purchased or constructed by the Pennsylvania Department of Transportation.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—180

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

NAYS—0

NOT VOTING—23

Beloff	Gannon	Mullen, M. P.	Serafini
Cianciulli	Gray	Rappaport	Shadding

Cunningham	Kowalyszyn	Reed	Spencer
Donatucci	Lynch, F.	Rhodes	Street
Earley	McIntyre	Richardson	Williams
Freind	McMonagle	Salvatore	

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

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

REMARKS ON VOTES

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

Mr. FREIND. Mr. Speaker, I was not in my seat for the vote on HB 1686, and since I certainly never want to miss a bill involving Lebanon County, I wish to be recorded in the affirmative.

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

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

Mr. GANNON. Mr. Speaker, Lebanon County is also close to my heart, and I was out of my seat when that vote was taken on HB 1686. I would like to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Lackawanna, Mr. Serafini. For what purpose does the gentleman rise?

Mr. SERAFINI. Mr. Speaker, I would also like to be recorded in the affirmative on that last vote, HB 1686.

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

The Chair recognizes the gentleman from Dauphin, Mr. Reed. For what purpose does the gentleman rise?

Mr. REED. Mr. Speaker, on the vote on HB 1686, please record me in the affirmative.

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

The House proceeded to third consideration of **HB 1609, PN 1934**, entitled:

An Act amending "The Realty Transfer Tax Act," approved December 27, 1951 (P. L. 1742, No. 467), eliminating the requirement of affidavits of value in certain exemption transfers.

On the question,

Will the House agree to the bill on third consideration?

Mr. WAGNER offered the following amendments:

Amend Title, page 1, line 11, by inserting after "penalties," " excluding transfers between grandparents and grandchildren or the spouse of such grandchild and

Amend Bill, page 1, by inserting between lines 14 and 15 Section 1. The definition of "document" in section 2, act of December 27, 1951 (P. L. 1742, No. 467), known as "The Realty Transfer Tax Act," reenacted and amended February 9, 1961 (P. L. 13, No. 9) and amended October 5, 1978 (P. L. 1083, No. 253), is amended to read:

Section 2. The following words when used in this act shall have meanings ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

* * *

“Document.” Any deed, instrument or writing whereby any lands, tenements or hereditaments within this Commonwealth or any interest therein shall be quitclaimed, granted, bargained, sold, or otherwise conveyed to the grantee, purchaser, or any other person, but does not include wills, mortgages, transfers between corporations operating housing projects pursuant to the Housing and Redevelopment Assistance Law and the shareholders thereof, transfers between nonprofit industrial development agencies and industrial corporations purchasing from them, any transfers to nonprofit industrial development agencies, and transfers between husband and wife, transfers between persons who were previously husband and wife but who have since been divorced provided such transfer is made within three months of the date of the granting of the final decree in divorce, and the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, transfers between parent and child or the spouse of such a child or between parent and trustee for the benefit of a child or the spouse of such child, transfers between a grandparent and grandchild or the spouse of such grandchild, by and between a principal and straw party for the purpose of placing a mortgage or ground rent upon the premises, correctional deeds without consideration, transfers to the United States, the Commonwealth of Pennsylvania, or to any of their instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation, or deed of confirmation in connection with condemnation proceedings, or reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments provided said reconveyance is made within one year from the date of condemnation, leases, a conveyance to a trustee under a recorded trust agreement for the express purpose of holding title in trust as security for a debt contracted at the time of the conveyance under which the trustee is not the lender and requiring the trustee to make reconveyance to the grantor-borrower upon the repayment of the debt, or a transfer by the owner of previously occupied residential premises to a builder of new residential premises when such previously occupied residential premises is taken in trade by such builder as part of the consideration from the purchaser of a new previously unoccupied residential premises or any transfer from a purchase money mortgagor to the vendor holding the purchase money mortgage whether pursuant to a foreclosure or in lieu thereof, or conveyances to municipalities, townships, school districts and counties pursuant to acquisition by municipalities, townships, school districts and counties of tax delinquent properties at sheriff sale or tax claim bureau, or any transfer between religious organizations or other bodies or persons holding title to real estate for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes, or in any sheriff sale instituted by a mortgagee in which the purchaser of said sheriff sale is the mortgagee who instituted said sale.

* * *

Amend Sec. 1, page 1, line 15, by striking out “1.” and inserting 2.

Amend Sec. 1, page 1, line 15, by striking out “, act of December 27, 1951 (P. L. 1742,” in line 15, all of line 16, and “amended February 9, 1961 (P. L. 13, No. 11),” in line 17, and inserting of the act

Amend Sec. 2, page 2, line 18, by striking out “2.” and inserting 3.

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

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

Mr. WAGNER. Mr. Speaker, this amendment provides an additional exemption to the payment of the tax. At present the transfer from a parent to a child is exempt. The transfer from a grandparent to a grandchild is not exempt from the payment of the tax. This amendment would correct that. It is being done right now. Anyway, when a parent gives it to a child and the child turns around and re-deeds it to a grandparent, it just eliminates the necessary paperwork.

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

Mr. LEVIN. Mr. Speaker, I wish to speak on the bill itself and not on this amendment.

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

The following roll call was recorded:

YEAS—190

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

NAYS—1

Grabowski

NOT VOTING—12

Beloff	Earley	Rappaport	Salvatore
Cianciulli	Gray	Rhodes	Street
Durham	McIntyre	Richardson	Williams

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

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich. Does the gentleman have amendments to offer?

Mr. KUKOVICH. Mr. Speaker, my amendment was substantially the same as Mr. Wagner's, so I will withdraw my amendment.

On the question,

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

Mr. NOYE offered the following amendments:

Amend Title, page 1, lines 11 and 12, by striking out "eliminating the requirement of affidavits of value" and inserting providing for an affidavit of family relationship

Amend Title, page 1, line 12, by striking out "exemption" and inserting exempt

Amend Sec. 1 (Sec. 9), page 2, lines 2 through 4, by striking out "The provisions of" in line 2, and all of lines 3 and 4, and inserting Any real estate transfer which is exempt from tax under this act because of a family relationship may be accompanied by an affidavit of family relationship in lieu of an affidavit of value.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Mr. Speaker, the amendment No. 3373 is being introduced at the request of the Department of Revenue. They are asking that when any real estate transfer takes place that an affidavit of relationship be filed. So in their opinion it would take them less time and effort to go through all the deeds in an attempt to find what that relationship is.

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

Mr. LIVENGOOD. Mr. Speaker, I rise to oppose the amendment offered by Mr. Noye. The amendment is an attempt to kill the bill. Really, the amendment does not do a thing; it is still going to provide for the duplication that we already have now with these affidavits of value. What the amendment is saying is that you may have an affidavit of family relationship in lieu of an affidavit of value. An affidavit of value already has both the value and the family relationship in it, so the amendment does absolutely nothing. So I ask for its defeat.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—90

Alden	Fisher, D. M.	Levin	Ryan
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Anderson	Foster, W.	Lewis	Scheaffer
Armstrong	Freind	Lynch, E. R.	Scirica
Arty	Gallen	Lynch, F.	Serafini
Belardi	Gannon	Mackowski	Sieminski
Bittle	Geesey	Madigan	Sirianni
Bowser	Geist	Manmiller	Smith, E.
Brandt	Gladeck	McClatchy	Smith, L.
Burd	Grieco	McKelvey	Spencer
Cessar	Gruppo	Micozzie	Spitz
Cimini	Halverson	Miller	Stairs
Clark, R.	Hayes, D. S.	Mowery	Swift
Cornell	Hayes, S. E.	Nahill	Taylor, E.
Coslett	Helfrick	Noye	Thomas
Cunningham	Honaman	O'Brien, D.	Vron
Davies	Irvic	Perzel	Wagner
DeVerter	Johnson, E.	Peterson	Wass
Dietz	Kernick	Piccola	White
Dininni	Klingaman	Pitts	Wilt
Dorr	Knepper	Polite	Yohn
Durham	Lashinger	Punt	
Earley	Lehr	Pyles	Seltzer,
Fischer, R. R.	Levi	Rocks	Speaker

NAYS—104

Austin	Fryer	Livengood	Rodgers
Barber	Gallagher	Manderino	Schmitt
Bennett	Gamble	McCall	Schweder
Berson	Gatski	McMonagle	Seventy
Borski	George, C.	McVerry	Shadding
Brown	George, M.	Michlovic	Shupnik
Brunner	Giammarco	Milanovich	Steighner
Burns	Goebel	Moehlmann	Stewart
Caltagirone	Goodman	Mrkonic	Stuban
Cappabianca	Grabowski	Mullen, M. P.	Sweet
Chess	Greenfield	Murphy	Taddonio
Clark, B.	Harper	Musto	Taylor, F.
Cochran	Hasay	Novak	Telek
Cohen	Hoeffel	O'Brien, B.	Trello
Cole	Hutchinson, A.	O'Donnell	Wachob
Cowell	Hutchinson, W.	Oliver	Wargo
Dawida	Itkin	Petrarca	Weidner
DeMedio	Johnson, J.	Pievsky	Wenger
DeWeese	Jones	Pistella	Wilson
DiCarlo	Kanuck	Pott	Wright, D.
Dombrowski	Knight	Pratt	Wright, J. L.
Donatucci	Kolter	Pucciarelli	Yahner
Duffy	Kowalshyn	Reed	Zeller
Dumas	Kukovich	Richardson	Zitterman
Fee	Laughlin	Rieger	Zord
Foster, A.	Letterman	Ritter	Zwikl

NOT VOTING—9

Beloff	McIntyre	Rhodes	Street
Cianciulli	Rappaport	Salvatore	Williams
Gray			

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

On the question recurring,

Will the House agree to the bill 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 Chair recognizes the gentleman from Philadelphia, Mr. Levin.

Mr. LEVIN. Mr. Speaker, I wish to oppose this bill, and I would hope that the members of this House would pay just a little bit of attention because they are liable to cost us a great deal of money.

Let me explain what the bill does. We presently have a system of taxing real estate when you transfer it from one party to another, except in certain specific exempt transactions. In order to justify the exemption, in order not to pay the tax, you file a one-sheet affidavit. The buyer who submits the deed records an affidavit with the deed, saying that there is a transaction which is exempt.

Why is that important to us? The Department of Revenue does not take the deed. It takes the affidavit. It checks the affidavit. If we do not have this requirement it would mean that the Department of Revenue employes would have to check every individual deed. To give you an idea of how difficult that job would be, during the calendar year 1968, 360,000 deeds were recorded in the Commonwealth of Pennsylvania. That would mean that the Commonwealth employes would have to check 360,000 deeds. Eighty-one thousand deeds were filed with an affidavit of value. They do not always reflect the fact that the transaction was legitimately exempt. Of the 81,000, 1,670 were determined to be improperly filed and resulted in additional revenue to the Commonwealth of Pennsylvania of \$119,000. After this bill was offered—and it obviously has a very real glow and a desire because it alleviates difficulty for certain people, for recorders, and I am sympathetic to that—I asked the Department of Revenue to check this bill and to tell me whether or not they were in favor or opposed to it.

In a letter addressed to me October 16, the department indicated that they were in opposition to this bill because it would make it impossible for them to isolate and identify the cases requiring verification. It would mean that they would have to check 360,000 deeds. Now if you have to balance the additional revenue to the Commonwealth of Pennsylvania against the burden of filing one affidavit of value, one piece of paper, I believe we should protect the revenues of the Commonwealth of Pennsylvania and I believe this bill should be defeated.

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

Mr. LIVENGOOD. Mr. Speaker, I am surprised that Mr. Levin, speaking as an attorney, is not more aware of what goes on when filing deeds and affidavits of value. Right now all instruments, documents, filed in the recorder of deeds office in every county require an affidavit of value to be filed with it. All this bill does is exempt affidavits of value where there is a family relationship and no tax involved. It is not going to mean any loss of revenue to the Department of Revenue. Right now everything that is in an affidavit of value is already recorded in the document or deed whenever it is recorded. It states in every deed when it is brought in, the family relationship involved and also the consideration that is involved.

All an affidavit of value is, you have to file two sheets of paper with the deed that is being recorded. And all it says, once the affidavit of value is filled out, all it says is, transfer is wholly exempt as this is transferred from parent to child and spouse

and no consideration. That is exactly what it says on every one. That is exactly what is already recorded in every deed whenever it is recorded. It is nothing but a duplication of effort. It is costing the public a lot of money. They have to pay the attorney fees involved and the paperwork involved and have notarized forms filled out, and there is just absolutely no reason for it. Right now the Department of Revenue is enforcing the filing of affidavits of value in some counties. Other counties are not enforcing it. I am speaking in support of the bill and I think it is about time we eliminate this duplication. As far as the Department of Revenue coming into a county and checking these affidavits of value, it does not take any more time to go through a stack of affidavits of value than it does to open up a deed book and look at them because they are all in succession in a deed book. It will not take them any more time. It might make it a little bit more difficult, but it is not going to result in any more time. I ask you support for the bill.

On the question recurring,
Shall the bill pass finally?

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

YEAS—177

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

NAYS—14

Alden	Dorr	Levin	Murphy
Barber	Duffy	McMonagle	Pott
Beloff	Dumas	Moehlmann	Shadding
Cohen	Itkin		

NOT VOTING—12

Cianciulli	Lashinger	Rhodes	Street
Donatucci	McIntyre	Richardson	Williams
Gray	Rappaport	Salvatore	Yohn

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.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 815, PN 2134**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

SENATE AMENDED

Prior Printer's Nos. 881, 1572 Printer's No. 2134

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 815

Session of 1979

INTRODUCED BY MR. PITTS, MARCH 20, 1979.

SENATOR MCKINNEY, STATE GOVERNMENT, IN SENATE, AS AMENDED, SEPTEMBER 25, 1979.

An Act

authorizing the Department of General Services, with the approval of the Governor, to sell and convey 8,393.46 square feet, more or less of land situate in the Township of West Bradford, County of Chester and Commonwealth of Pennsylvania.

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

Section 1. The department of General Services, with the approval of the Governor, is hereby authorized, on behalf of the Commonwealth of Pennsylvania, to sell to Roland J. Harris, Administrator, D.B.N.C.T.A., of the estate of Arlice Murray, for such consideration as an independent appraisal obtained through the Department of General Services shall determine and the Attorney General shall approve, the following tract of land:

All that certain tract of land situated in West Bradford Township, Chester County, Pennsylvania, bounded and described as follows:

Beginning at a point in a public road known as "Lieds Road", T-377, in line of lands being retained by the Commonwealth of Pennsylvania; thence south 45 degrees 25 minutes west 345.56 feet to an iron pin; thence north 42 degrees 14 minutes west 48.65 feet to a point in line of lands of the Estate of Arlice Murray; thence along same north 53 degrees 28 minutes east 346.90 feet to a point in the center of the aforesaid "Lieds Road", the place of beginning.

Containing 8,393.46 square feet, be the same more or less.

SECTION 2. THE COST OF THE INDEPENDENT APPRAISAL SHALL BE BORNE BY THE PROPOSED GRANTEE.

Section 2. 3. The Deed of Conveyance shall be approved by the Department of Justice and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

Section 2. 4. This act shall take effect immediately.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that the House do concur in the amendments inserted by the Senate to HB 815.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—188

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

NOT VOTING—15

Beloff	Lashinger	Rhodes	Shadding
Cianciulli	McIntyre	Richardson	Street
Donatucci	McMonagle	Salvatore	Williams
Gray	Rappaport	Seventy	

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

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 1223, PN 2135**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

SENATE AMENDED

Prior Printer's Nos. 1376, 1775 Printer's No. 2135

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1223

Session of 1979

INTRODUCED BY MESSRS. MANDERINO AND DeWEESE, MAY 7, 1979.

SENATOR McKINNEY, STATE GOVERNMENT, IN SENATE. AS AMENDED, SEPTEMBER 25, 1979.

An Act

authorizing and directing the Department of General Services, with the approval of the Department of Environmental Resources and the Governor, to grant and convey an easement and right-of-way to the Belle Coal Company, concerning certain riverbed land in Greene County, Pennsylvania.

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

Section 1. The Department of General Services, with the approval of the Department of Environmental Resources and the Governor, is hereby authorized and directed, on behalf of the Commonwealth of Pennsylvania, to grant and convey, FOR SUCH CONSIDERATION AS DETERMINED BY AN INDEPENDENT APPRAISAL OBTAINED BY THE DEPARTMENT OF GENERAL SERVICES, an easement and right-of-way for a barge mooring and loading facility to the Belle Coal Company, in the following described tract of land situate in Jefferson Township, Greene County, Pennsylvania, bounded and described as follows:

Beginning at a point along the west bank of the Monongahela River, 3,168 feet north of Mile 67 (1,000 feet north of the northernmost Gateway Mooring Pier), this point being 46 feet riverward (east) of the normal pools shoreline (elevation 763.0); then north, parallel to the normal pool line 175 feet to a point; then west 46 feet to the normal pool shoreline (elevation 763.0); then south along the normal pool line 175 feet; then east 46 feet to the normal pool line to the place of beginning; containing 8,050 square feet, more or less. This tract of river bottom land is adjacent to 110.717 acres of land owned by the Hillman Coal and Coke Company. The Hillman Coal and Coke Company owns in fee simple the 110.717 acres which borders along the ordinary high water line which parallels the ordinary low water shoreline, which in this pool, (the Maxwell pool) is the same as the normal pool shoreline, elevation 763.0 feet. This 110.717 acre tract of land is recorded in the Recorder of Deeds Office in and for Greene County at Deed Book Vol. No. 470, Page 553. Hillman Coal and Coke Company also owns in fee simple the land located between the ordinary high water

mark (766.4) and the ordinary low water mark (763.0).

An accurate surveyed description of the land concerning the easement shall be prepared by Belle Coal and shall be transmitted to the Department of General Services if requested by the Department of General Services.

SECTION 2. THE COST OF THE INDEPENDENT APPRAISAL SHALL BE BORNE BY THE PROPOSED GRANTEE.

Section 2: 3. The conveyance of the easement and right-of-way shall be approved by the Department of Justice and shall be executed by the Secretary of General Services in the name of the Commonwealth.

Section 3: 4. This act shall take effect immediately.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that the House do concur in the amendments inserted by the Senate to HB 1223.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—189

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

Earley	Laughlin	Rieger	Seltzer,
Fee	Lehr	Ritter	Speaker
Fischer, R. R.	Letterman	Rocks	

NAYS—0

NOT VOTING—14

Cianciulli	McIntyre	Richardson	Street
Donatucci	McMonagle	Salvatore	Sweet
Gray	Rappaport	Shadding	Williams
Lashingier	Rhodes		

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

Ordered, That the clerk inform the Senate accordingly.

EXPLANATION OF SENATE AMENDMENTS TO HB 1223 REQUESTED

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

Mr. GOEBEL. Mr. Speaker, this was a vote on a Senate amendment, is that correct?

The SPEAKER. We are voting on concurrence in Senate amendments.

Mr. GOEBEL. I will bet you there is not one person in here who knows what they just voted on. I thought we were supposed to explain Senate amendments.

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

Mr. GOEBEL. Mr. Speaker, I ask that vote to be stricken and have somebody explain that amendment. What do you think? We have a lot of time here.

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

Mr. DAWIDA. Mr. Speaker, to give a brief explanation to my colleague, Mr. Goebel.

Mr. GOEBEL. Not to just me; I think to everybody. There is nobody who knows what they voted on. I know it.

Mr. DAWIDA. Yes, there are.

The SPEAKER. For the information of the gentleman, the Chair has been informed that both bills were discussed in caucus and explained in caucus.

Mr. GOEBEL. Yes, but I think there was a matter of policy that we were going to explain them on the floor. Before the vote was taken, we were going to explain every Senate amendment. That was kind of a policy that you administered yourself, Mr. Speaker.

The SPEAKER. The Chair has given every opportunity when it has paused to permit members to stand up and to ask and interrogate anyone and ask any question on any legislation.

Mr. GOEBEL. Well, I am asking that the vote be stricken. Will you explain it now and do a revote on it? It is not the first time a vote was ever stricken in this House.

The SPEAKER. Is the gentleman, Mr. Manderino, in the House?

The gentleman, Mr. Goebel, and the gentleman, Mr. Dawida, would like to interrogate the minority whip. Will the minority whip stand for interrogation on HB 1223? The gentleman indicates that he will. The gentleman, Mr. Goebel, may proceed.

Mr. GOEBEL. Yes, tell us about it.

Mr. MANDERINO. Yes, Mr. Speaker, you want to know what the Senate did?

Mr. GOEBEL. Yes. I would like to know what we just voted on.

Mr. MANDERINO. The Senate placed in the bill the same kind of amendment that I explained for Mr. Taylor in the same kind of a bill, where they put in an appraisal procedure and a payment of consideration by the grantee of the easement.

When this bill left the House of Representatives, the committee that handles these kinds of bills in the House had not yet formulated its policy on requiring that the easement and the value of the easement be appraised and that consideration be paid. And two bills left the House of Representatives, one having to do with an easement to United States Steel in the Pittsburgh area, and this one to a very small coal company using loading facilities on the banks of the river, without the provisions that the committee later developed. We caught the bills in the Senate and placed in those bills the policy that the committee has developed for all bills of this nature.

Mr. GOEBEL. I thank the gentleman, Mr. Manderino, for his explanation.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. As usual, we on this side of the aisle oppose the gentleman.

Mr. TRELLO. I would rather fight than switch.

REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. RYAN called up for consideration the following Report of the Committee of Conference on HB 177, PN 2211:

Prior Printer's No. 189, 1606, 189 Printer's No. 2211

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 177

To the Members of the House of Representatives and Senate:

We, the undersigned, Committee of Conference on the part of the House of Representatives and Senate for the purpose of considering House Bill No. 177, entitled: "An act amending the act of May 5, 1927 (P. L. 787, No. 408), entitled 'An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth,' transferring a portion of a route to Lewisburg Borough, Union County."

respectfully submit the following bill as our report:

RUDOLPH DININNI
RENO H. THOMAS
TED STUBAN

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

JOSEPH E. GURZENDA
J. BARRY STOUT
CLARENCE F. MANBECK

(Committee on the part of the Senate.)

An Act

amending the act of May 5, 1927 (P. L. 787, No. 408), entitled "An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," transferring a portion of a route to Lewisburg Borough, Union County.

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

Section 1. Route 628 of section 1, act of May 5, 1927 (P. L. 787, No. 408), entitled "An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," amended May 7, 1929 (P. L. 1598, No. 493), is amended to read:

Section 1. Be it enacted, etc., That the following various sections of public roads shall respectively be adopted by the Commonwealth as State highways, to be constructed and maintained at the expense of the Commonwealth under the provisions of present or future laws governing main State highways, that is to say:

Route number six hundred and twenty-eight. Beginning at route [twenty-six at Third Street in Lewisburg; and extending north on Third Street to Saint Anthony Street; thence] 176 and extending northwest on present township road to Buffalo Crossroads; thence north to Mazeppa in Union County.

Section 2. On and after the effective date of this act, the portion of Route 628 deleted from the State system by this act shall be maintained, constructed and reconstructed by the authorities of the Borough of Lewisburg.

Section 3. This act shall take effect in 60 days.

On the question,

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

The SPEAKER. This is the time for any member who is interested in the substance of the report to interrogate one of the conferees.

On the question recurring,

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

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

YEAS—187

Table listing names of members who voted 'YEAS' (187 total). Includes Alden, Anderson, Armstrong, Arty, Austin, Barber, Belardi, Beloff, Bennett, Berson, Bittle, Borski, Bowser, Brandt, Brown, Brunner, Burd, Caltagirone, Cappabianca, Cessar, Chess, Cimini, Clark, B., Foster, W., Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Gatski, Geesey, Geist, George, C., George, M., Giammarco, Gladeck, Goebel, Goodman, Grabowski, Greenfield, Grieco, Gruppo, Halverson, Harper, Hasay, Levi, Levin, Lewis, Livengood, Lynch, E. R., Mackowski, Madigan, Manderino, Manmiller, McCall, McClatchy, McKelvey, McMonagle, McVerry, Michlovic, Micozzie, Milanovich, Miller, Moehlmann, Mowery, Mrkonic, Mullen, M. P., Murphy, Rocks, Rodgers, Ryan, Scheaffer, Schmitt, Schweder, Scirica, Serafini, Seventy, Shadding, Shupnik, Sieminski, Sirianni, Smith, E., Smith, L., Spencer, Spitz, Stairs, Steighner, Stewart, Stuban, Sweet, Swift.

Table listing names of members who voted 'NAYS' (0 total). Includes 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., Foster, A., 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, Kowalshyn, Kukovich, Lashinger, Laughlin, Lehr, Letterman, Musto, Nabill, Novak, Noye, O'Brien, B., O'Brien, D., O'Donnell, Oliver, Perzel, Peterson, Petrarca, Piccola, Pievsky, Pistella, Pitts, Polite, Pott, Pratt, Pucciarelli, Punt, Pyles, Reed, Rieger, Ritter, Taddonio, Taylor, E., Taylor, F., Telek, Thomas, Trello, Vroon, Wachob, Wagner, Wargo, Wass, Wenger, White, Wilt, Wright, D., Yahner, Yohn, Zeller, Zitterman, Zord, Zwinkl, Seltzer, Speaker.

NAYS—0

NOT VOTING—16

Table listing names of members who did not vote (16 total). Includes Burns, Cianciulli, Donatucci, Fisher, D. M., Gray, Lynch, F., McIntyre, Rappaport, Rhodes, Richardson, Salvatore, Street, Weidner, Williams, Wilson, Wright, J. L.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the Report of the Committee of Conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

RESOLUTION ADOPTED

Mr. TADDONIO called up HR 124, PN 2103, entitled:

General Assembly provide a task force to undertake a transportation system study; develop a comprehensive and integrated transportation plan.

On the question,

Will the House adopt the resolution?

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

Mr. LETTERMAN. May I interrogate the sponsor, please?

The SPEAKER. The gentleman, Mr. Taddonio, indicates that he will stand for interrogation. The gentleman, Mr. Letterman, may proceed.

Mr. LETTERMAN. Mr. Speaker, can you tell me what this will cost?

Mr. TADDONIO. Mr. Speaker, there is an appropriation of, I believe, up to \$100,000 for staff for this, if that was necessary.

Mr. LETTERMAN. This is also the same committee that will be working with the Ohio state system?

Mr. TADDONIO. That is one of the areas that the task force would look into, the advisability and feasibility of joining into a compact with the State of Ohio for their rapid rail transit.

Mr. LETTERMAN. Have you considered using Ohio state's workup of what the valuable asset will be for us?

Mr. TADDONIO. Yes. I think we would use all of those avenues. And like I say, there would be a maximum amount of money to be spent. I would hope it will be much less than that.

This study is much more comprehensive than that, however. It involves studying all transportation modes and the inter-model connections, which has never been done to our knowledge in the United States. We have a transportation system in Pennsylvania that has been developed piecemeal on a one mode versus the other mode, but we never really looked at the different connections, how they interface as well.

Mr. LETTERMAN. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—188

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

NAYS—3

Cunningham	Hasay	Kukovich
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NOT VOTING—12

Cianciulli	McIntyre	Richardson	Street
Donatucci	Rappaport	Salvatore	Williams
Gray	Rhodes	Shadding	Wright, J. L.

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

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

RESOLUTION ADOPTED

Mr. B. F. O'BRIEN called up **HR 132, PN 2248**, entitled:

House of Representatives commend the Philadelphia police, Mayor and City Council for outstanding job performance during Pope John Paul II's visit.

On the question,
Will the House adopt the resolution?

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

Mr. STUBAN. Mr. Speaker, I would like to make a statement on this resolution.

In this complex society of ours, we have people who have a difficult time distinguishing between law and order and police brutality, and vice versa. On one hand, we have highly placed people in government advocating increased attention to rehabilitation programs for convicted criminals and on the other we have people calling for a tightening up of our penal system through the abolishment of parole.

In the field of criminal justice and its administration, it is difficult to get a consensus on what is wrong and what is right with our system of law enforcement.

It is common knowledge that police forces in our tiny hamlets as well as in our major cities have become prime targets for disgruntled citizens. I have the same problem in my little community. There is no question in my mind that some of the charges of police brutality are undoubtedly true, but police work in general has fallen into disrepute almost as low, I fear, as the esteem in which public servants, politicians and the multinational corporations are held in by our citizens.

The police force of the city of Philadelphia, in particular, has come in for more than its share of accusations in recent months. I am not here to either justify or condemn those accusations, because I, as a small town rural legislator, am not privy to the facts in Philadelphia and I am willing to let the wheels of justice grind out the final decision.

Being elected to the House of Representatives here on my second term, I never thought that I, as a rural legislator, would stand here and say what I am going to say now.

I stand here today in praise of the Philadelphia police force because I recently had the privilege, as did many of my colleagues in the House, to witness their performance in an extremely difficult situation. I refer to October 3, the day that Philadelphia was honored by the historic visit of His Holiness, Pope John Paul II, and more than a million people converged on the City of Brotherly Love.

They came by bus, car and train from every direction. To say

that Logan Circle and center Philadelphia were filled to capacity is an understatement.

The police force in the city of Philadelphia responded to the occasion and handled the vast throngs assembled there. In the hours I spent there, I did not witness one incident of disorder, and I think that alone reflects credit on the Philadelphia city police.

Therefore, I believe it is fitting that the House of Representatives recognize the outstanding performance rendered by Mayor Rizzo, the city council and the police of the city of Philadelphia during Pope John Paul's visit. I stand here and ask my colleagues to support this resolution wholeheartedly.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Mr. Speaker, I would like to ask the members of the House of Representatives to vote against this resolution. The Philadelphia policemen stood out there and enjoyed and appreciated having the Pope in Philadelphia just like I did. I stood for 4 hours to see the Pope. And I went around several places in Philadelphia but I did not see the police do one blessed thing for this visit from the Pope. They did not have any duties to perform; they only rode around in air-conditioned buses, spending our taxpayers' money for overtime that the taxpayers have to pay for. They do not deserve any accommodation for doing a job that they are paid to do. They did not have any extra duties. Plus, we all know and have read about the police brutality in Philadelphia. Philadelphia and Houston, Texas, have the two worst policemen in the country. The United States Attorney General issued that statement after investigating the police departments in Philadelphia and Houston, Texas.

So I say to you, vote for a resolution for people who deserve a resolution and not just a political ploy and publicity stunt.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Brien.

Mr. D. M. O'BRIEN. Mr. Speaker, the remarks that were just made concerning the Philadelphia police department could not be any further from the truth. I happen to know as a resident of the city of Philadelphia that we have the finest police force any major city in the United States, and we are darn proud as Philadelphians of that police force.

In reference to the Attorney General, Mr. Benjamin Civiletti, I personally went to Washington and discussed this law suit that Mrs. Harper is referring to. Mr. Civiletti's chief assistant, Mr. Fredrick Farlin, and also his chief assistant, his special assistant of the Civil Right's division who is handling this law suit, said that it was the opinion of the Attorney General and the Justice Department in Washington that the overwhelming majority of the police officers in the city of Philadelphia are doing an outstanding job. I am darn tired of people taking cheap shots at our city and our police force.

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

Mr. DUFFY. Mr. Speaker, I would just like to thank every-

body who was concerned with the day that the Pope came into Philadelphia — Mayor Rizzo, the police force down there, the various local officials who were involved, and our own state legislators here.

It was a wonderful day. It was an experience of a lifetime, and I want to thank them from the bottom of my heart. Thank you.

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

Mr. J. J. JOHNSON. Mr. Speaker, I am going to ask everyone in the House to vote for this resolution.

The day the Pope arrived in Philly—I do not call myself a Christian but the day he arrived in Philly—something moved me, too, along with the rest of the people in the city of Philadelphia. That was one day in the city of Philadelphia we all had brotherly love, and that love was spread out all over the city of Philadelphia for that one day that he was there.

I want to compliment the city of Philadelphia, the people who were there, and the police department for that day's service that was rendered. I am asking everyone to support this resolution.

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

Mr. ROCKS. Mr. Speaker, I would like to thank my colleague from Philadelphia, Mr. Johnson, and also take just a moment to thank the many non-Philadelphia sponsors of this resolution.

Fully within the context of the resolution that is in front of us, I would just like to say that I would hate for this House of Representatives to make the singular taint on one of the most glorious days in the history of the city of Philadelphia. I would hope that, in the spirit that this resolution is brought forward, we go ahead and fully commend the outstanding police department in the city of Philadelphia for a job well done. I thank you, Mr. Speaker.

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

Mr. WHITE. Just ever so briefly, Mr. Speaker—and I would not be rising if not for the fact that my colleague, I believe, kind of tainted the resolution with his comments with regard to the Federal suit—I would hope to clarify for the record that I will be voting for the resolution to commend the police department and to commend all of the residents of Philadelphia for joining in the celebration of the papal visit, but I would like for it to be made very clear that my affirmative vote is in no way in evidence of the pride that I do not take in the fact that the city of Philadelphia and the Philadelphia Police Department continue to operate under a shadow of policemen's conduct.

With respect to the papal visit, all of us are to be congratulated, and I would hope that as a result of his visit, we will rededicate ourselves individually and collectively to follow the program that the Pope himself put forth — one of love, one of freedom, and one of justice for all people around the world. Thank you, Mr. Speaker.

On the question recurring.

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—190

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

NAYS—1

Harper

NOT VOTING—12

Berson	Dumas	Rappaport	Salvatore
Cianciulli	Itkin	Rhodes	Street
Cohen	Moehmann	Richardson	Williams

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

STATEMENTS

The SPEAKER. The Chair recognizes the gentleman from Montour, Mr. Wagner, who asks unanimous consent to make a brief statement. The gentleman is in order any may proceed.

Mr. WAGNER. Mr. Speaker, I am rising today to provide Mr.

David Sweet with some information which he requested on my local radio station. I went home on Monday night after our session and tuned in my local radio station to get the local and state news, and I heard Mr. Sweet criticize in general the administration. In particular he was criticizing the highway department.

His criticism at PennDOT was specifically that there were little or no resurfacing projects, little or no pothole repairs, little or no highway maintenance. He said that this was so even though the department is receiving a lot of extra funds provided by the legislature. He indicated that we in the legislature in general were very suspicious of the way PennDOT was presently operating and that in general the legislature was very reluctant to support any PennDOT programs until it got its house in order. Mr. Speaker, the gentleman is misinformed; he is incorrect, and he is in error.

Across the state, the administration and Dr. Larson, in editorials and private comments, have received support in their reorganization of PennDOT. The only grumbings I am aware of are in the way of a political nature in the way that the reorganization is affecting certain people. In particular the administration has reduced the number of employees since the administration took office. It has installed a new merit system for both the superintendents, the assistants, and the various foremen. It has created an investigative office. It has also embarked on a very large and ambitious construction and maintenance program.

There is more being done now for highway maintenance, Mr. Speaker, than was done in the prior fiscal years. In the first quarter of the fiscal year of this year, we have already done 60 percent of the total of the prior four quarters. As far as Washington County goes, Mr. Speaker, the proposed mileage for your district is going to be doubled, and already in one quarter they have accomplished 50 percent of what was done in the entire four quarters last year. They have done this with less revenues available.

In the first quarter last year, PennDOT received \$127 million. This year, although they projected \$144 million, they actually received \$125 million, which is less than last year, even though we gave them 2 cents a gallon. We did appropriate \$60 million for special pothole repairs from the General Fund, but this will be nonrecurring. In addition, PennDOT has received less money in the first quarter of this fiscal year than in other fees.

I bring this to the gentleman's attention because to me the administration is embarking on an aggressive construction program, maintenance program, that is above the levels of last year, and it is doing it with less revenues.

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Sweet, who asks unanimous consent to respond to the gentleman. The Chair hears no objection, and the gentleman is in order and may proceed.

Mr. SWEET. Mr. Speaker, I am delighted that the gentleman, Mr. Wagner, from Montour, has given me a chance to talk for a moment about PennDOT. It has been one of my favorite topics, and I will just belabor the House a moment or two to talk about

a couple of things.

First of all, I am glad that the people of Montour County are happy with what the department is doing, because the people in Washington County and throughout much of the state are not quite so happy.

The pothole program that Mr. Wagner talks about, the private contracting and resurfacing program, is nearly non-existent in our county. We have had one road resurfaced, and that did not come out of the private contracting money; that came out of the regular maintenance budget.

I would really invite the gentleman, Mr. Wagner, to come to my county. I hope that my people will be very pleased to hear him read all these glowing reports that PennDOT publishes every day. They do manage to play a very good game of public relations, but we cannot fix the potholes or fix the roads with news releases.

On another point, the Sweet amendment formula has finally been presented to the legislature and represents in my mind a rather gross breach of contract and breach of confidence. Only 10 percent of the maintenance money, starting next year, is going to go through the new formula; 80 percent of it is going to go through the old, discredited formula which this legislature rejected and which we told Secretary Larson to change.

So, Mr. Speaker, I am sorry that things are very different from my perspective than yours, but I am actually looking at the roads and the work that is done and not at the new releases that Secretary Larson is issuing. Thank you.

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

Mr. WAGNER. With regard to your roads, Mr. Speaker, I wonder where your voice was during the prior administration in last year. Governor Thornburgh is going to double the amount of roads which were repaired this coming fiscal year, and he is going to do it with the funds which will be coming into the department which were not available until the middle of August which are being collected.

As far as the formula goes, when you say that you were misinformed, I read the bill and I reread it again today, and my understanding is that it was only for the special appropriation, and that is what the bill specifically provides. If you recall, the first time your amendment was defeated, because those of us in other parts of the state were concerned that your amendment would take all the money from our part of the state for your part, and when it was specifically earmarked for the \$15 million, your amendment passed, and that is exactly what you requested.

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

Mr. SWEET. Mr. Speaker, I suppose Mr. Wagner and I will go on and on to see who gets the last word in this, but since he started it, I should get to finish it.

The SPEAKER. The gentleman, Mr. Wagner, has spoken twice. The gentleman, Mr. Sweet, is now recognized for the second time.

Mr. SWEET. I am delighted at the good fellowship you are showing, Mr. Speaker.

Mr. Speaker, I really must correct you as far as what the final arrangement or bargain was and how it is written in the statute. I refer you to the PennDOT general appropriations bill which says that all maintenance money beginning in fiscal year 1980-81 will be allocated through the formula that this legislature adopted, not 10 percent.

We in southwestern Pennsylvania are still not seeing the roads fixed. We are still not seeing improvement, and you increased the taxes on the drivers of this state to fix the roads. They are paying the taxes, but they are not seeing the roads fixed, Mr. Speaker.

STATEMENT BY MR. STUBAN

The SPEAKER. The Chair recognizes the gentleman from Columbia, Mr. Stuban, who asks unanimous consent to make a brief statement.

Mr. STUBAN. Mr. Speaker, I thank you. And I do not want to get into this political argument from one side to the other, but I do represent part of the district that Mr. Wagner represents and I am of a different party. I would like to say to Mr. Sweet and those people from the western part of the state, I think we ought to have a training course in Columbia and Montour Counties. Send your officials on to us — your superintendents and your assistants — and I am sure when we send them back, they will be able to patch potholes for less money than they are patching them for right now.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over.

The Chair hears no objection.

SENATE MESSAGE

HOUSE AMENDED SENATE BILLS CONCURRED IN

The Senate informed that it has concurred in House amendments to:

SB 731, PN 1199; SB 732, PN 1203; SB 733, PN 1204; SB 734, PN 1208; and SB 856, PN 1206.

BILLS SIGNED BY SPEAKER

The following bills, having been prepared for presentation to the Governor, were signed by the Speaker:

SB 535, PN 1080

An Act amending the act of June 27, 1968 (P. L. 271, No. 127), entitled "An act fixing the annual salary or compensation of members of the police force in boroughs, towns and townships," providing for certain legal fees and judgments.

SB 797, PN 1182

An Act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods where no bids are received.

SENATE MESSAGES**AMENDED HOUSE BILL RETURNED FOR
CONCURRENCE**

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

HB 975, PN 2224.

WELCOMES

The SPEAKER. The Chair welcomes to the balcony of the House a group of citizens from southwest Pittsburgh, led by Howard and Ethel Tracey, who are here as the guests of Mr. Chess.

We are also honored in the balcony to have a group of eight

other people from Pittsburgh who are the guests of Mr. Dawida.

The Chair recognizes and welcomes to the balcony a group of students from the Keystone Job Corps Center, who are here as the guests of the members of the Black Caucus.

ADJOURNMENT

Mrs. ARTY moved that this House of Representatives do now adjourn until Monday, October 22, 1979, at 1 p.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:45 p.m., e.d.t., the House adjourned.