

Legislative Journal

WEDNESDAY, OCTOBER 31, 1979

Session of 1979

163rd of the General Assembly

Vol. 1, No. 79

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE JOHN ALDEN, member of the House of Representatives and guest chaplain, offered the following prayer:

Keep us, O God, from pettiness. Let us be large in thought, in word, and deed. Let us be done with faultfinding, leave all self-seeking. Let us take time for all things. Make us to grow calm, serene, and gentle. Teach us to put into action the better impulses, straightforward and unafraid. May we put away all pretenses and meet each other face to face, without self-pity and without prejudice. Grant that we may realize that it is the little things that create the differences in the big things of life. We are as one. May we strive to touch and to know the great calm and human heart of all of us, and O, Lord God, let us not forget to be kind.

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 30, 1979, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

HB 1922 By Representative WILSON.

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, adding provisions relating to certain nonprofit corporations.

Referred to Finance, Oct. 31, 1979.

HB 1923 By Representative WILSON.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for right turns at red traffic signals.

Referred to Transportation, Oct. 31, 1979.

HB 1924 By Representatives HARPER, COHEN, MANDERINO, IRVIS, DiCARLO, RAPPAPORT, WILLIAMS, OLIVER, SHADDING, J. J. JOHNSON and BARBER

An Act making an appropriation to the Afro American Museum in Philadelphia, Pennsylvania.

Referred to Appropriations, Oct. 31, 1979.

HB 1925 By Representatives KUKOVICH, A. K. HUTCHINSON, PETRARCA, TADDONIO, MANDERINO and COHEN.

An Act amending "The Fish Law of 1959," approved December 15, 1959 (P. L. 1779, No. 673), providing for certain communications equipment.

Referred to Game and Fisheries, Oct. 31, 1979.

HB 1926 By Representatives HONAMAN, MOEHLMANN, BRUNNER, NOYE, ARMSTRONG, MICOZZIE, FREIND, EARLEY, GANNON, ARTY, DURHAM, RAPPAPORT, DORR and ALDEN.

An Act amending the "Inheritance and Estate Tax Act of 1961," approved June 15, 1961 (P. L. 373, No. 207), changing the rate of inheritance tax for certain heirs.

Referred to Finance, Oct. 31, 1979.

HB 1927 By Representatives PERZEL and McKELVEY.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, changing the income limitation for senior citizens who pay processing fees in lieu of registration fees.

Referred to Transportation, Oct. 31, 1979.

HB 1928 By Representative PERZEL.

An Act amending the "Medical Practice Act of 1974," approved July 20, 1974 (P. L. 551, No. 190), providing penalties for false claims by physicians.

Referred to Professional Licensure, Oct. 31, 1979.

HB 1929 By Representative PERZEL.

An Act amending the "Podiatry Act of 1956," approved March 2, 1956 (P. L. 1206, No. 375), providing penalties for false claims by podiatrists.

Referred to Professional Licensure, Oct. 31, 1979.

HB 1930 By Representatives PERZEL and McKELVEY.

An Act amending the "Senior Citizens Property Tax or Rent Rebate Act," approved March 11, 1971 (P. L. 104, No. 3), including certain single persons within the act and further providing for household income limitations.

Referred to Finance, Oct. 31, 1979.

HB 1931 By Representatives PERZEL and McKELVEY.

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), exempting certain persons from the personal income tax on certain interest and dividends.

Referred to Finance, Oct. 31, 1979.

HB 1932 By Representative PERZEL.

An Act amending "The Dental Law," approved May 1, 1933 (P. L. 216, No. 76), providing penalties for false claims by dentists.

Referred to Professional Licensure, Oct. 31, 1979.

HB 1933 By Representatives ZORD, COCHRAN, E. Z. TAYLOR, PISTELLA, S. E. HAYES, JR., GLADECK, PETRARCA, M. R. CLARK, POTT, GRUPPO, COLE, BURD, KOLTER, MRKONIC, GANNON, F. TAYLOR, HOEFFEL, B. D. CLARK, JONES and MILLER.

A Supplement to the act of April 11, 1974 (P. L. 252, No. 62), entitled "An act authorizing the indebtedness, with approval of the electors, of one hundred million dollars for the repair, reconstruction and rehabilitation of nursing homes and providing the allotment of proceeds from borrowing hereunder," authorizing, with approval of the electors, part of the funds for nursing homes to be used for loans to repair, reconstruct and rehabilitate boarding homes.

Referred to Health and Welfare, Oct. 31, 1979.

HB 1934 By Representatives A. K. HUTCHINSON, LIVENGOOD, FEE, YAHNER, KUKOVICH, W. W. FOSTER, SCHEAFFER, PETERSON and LETTERMAN.

An Act exempting owners of existing rifle ranges from civil or criminal actions relating to noise pollution.

Referred to Judiciary, Oct. 31, 1979.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate presented the following bills for concurrence:

SB 321, PN 568

Referred to Committee on Labor Relations.

SB 744, PN 1213

Referred to Committee on Judiciary.

SB 745, PN 1258

Referred to Committee on Judiciary.

SB 837, PN 1259

Referred to Committee on Transportation.

SB 921, PN 1055

Referred to Committee on State Government.

SB 1011, PN 1242

Referred to Committee on Finance.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. Mr. Speaker, I request leaves of absence for Messrs. SALVATORE, EARLEY, WILT and SPENCER for today's session.

The SPEAKER. The Chair recognizes Mr. Goodman. Mr. GOODMAN. Mr. Speaker, I request leaves of absence for Messrs. RHODES and FEE for today's session.

The SPEAKER. Without objection, leaves are granted.

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take up the master roll call. Only those members in their seats will be recorded. The members will proceed to vote.

The following roll call was recorded:

YEAS—178

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

Fisher, D. M.	Lehr	Rocks	
Foster, A.	Letterman	Rodgers	Seltzer,
Foster, W.	Levi	Ryan	Speaker

NAYS—0

NOT VOTING—25

Beloff	Fee	McMonagle	Richardson
Bennett	Gray	Miller	Salvatore
Berson	Hayes, D. S.	Mullen, M. P.	Spencer
Brunner	Kowalyshyn	Pievsky	White
Cianciulli	Levin	Pratt	Williams
Donatucci	Madigan	Rhodes	Wilt
Earley			

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1162, PN 2410 (Amended) By Mr. SCIRICA

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

Judiciary.

HB 1404, PN 2411 (Amended) By Mr. SCIRICA

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for a Judicial Qualifications Commission and judicial appointments by the Governor.

Judiciary.

RULES SUSPENDED

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

Mr. GRABOWSKI. Mr. Speaker, I move that the rules be suspended so that I may introduce a condolence resolution in regard to the death of a former member of this House and have it considered immediately.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—172

Alden	Fryer	Lynch, E. R.	Scheaffer
Anderson	Gallagher	Lynch, F.	Schmitt
Armstrong	Gallen	Mackowski	Schweder
Arty	Gamble	Manderino	Scirica
Austin	Gannon	Manmiller	Serafini
Barber	Gatski	McCall	Seventy
Belardi	Geesey	McClatchy	Shadding
Bittle	Geist	McIntyre	Shupnik
Borski	George, C.	McKelvey	Sieminski
Bowser	George, M.	McVerry	Sirianni
Brandt	Giammarco	Michlovic	Smith, L.
Brown	Gladeck	Micozzie	Spitz
Burd	Goebel	Milanovich	Stairs
Burns	Goodman	Moehlmann	Steighner
Caltagirone	Grabowski	Mowery	Stewart
Cappabianca	Greenfield	Mrkonic	Stuban
Cessar	Grieco	Murphy	Sweet
Chess	Gruppo	Musto	Swift

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

NAYS—0

NOT VOTING—31

Beloff	Fee	Madigan	Salvatore
Bennett	Freind	McMonagle	Smith, E.
Berson	Gray	Miller	Spencer
Brunner	Hayes, D. S.	Mullen, M. P.	Street
Cianciulli	Johnson, J.	Pievsky	White
Cohen	Kowalyshyn	Pratt	Williams
Donatucci	Levin	Rhodes	Wilt
Earley	Lewis	Richardson	

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

CONDOLENCE RESOLUTION

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

Mr. GRABOWSKI. Mr. Speaker, I offer the following resolution.

The SPEAKER. The clerk will read the resolution.

The clerk read the following resolution:

House of Representatives
Harrisburg, Pa.
Office of the Chief Clerk

Resolution

WHEREAS, Walter Kamyk, former member of the Pennsylvania House of Representatives, passed away on October 26, 1979; and

WHEREAS, Mr. Kamyk was educated at Duquesne University. He served as elected constable of the Ninth Ward in the early 1940's. He was first elected to the Pennsylvania House of Representatives in 1948 and served faithfully until his retirement in 1963. Mr. Kamyk was active in numerous civic, fraternal and church organizations including the Central Council of Polish Organizations; Holy Name Society; St. Joseph's Union Polish National Alliance; Polish Roman Catholic Union; Croation Fraternal Union; Polish Falcons of America; and Local 233 City Employees Union. A World War II Army veteran, Mr. Kamyk, received the Army Ribbon of Commendation. He was a

member of the Post 897 VFW, American Legion and Amvets. Mr. Kamyk was a member of the Pittsburgh City Council for many dedicated years, now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania notes with sadness the passing of a former member of the Pennsylvania House of Representatives and extends its heartfelt condolences to his wife, Wanda and three daughters; and be it further

RESOLVED, That a copy of this resolution be delivered to Mrs. Wanda Kamyk.

We hereby certify that this is an exact copy of a resolution introduced in the House of Representatives by the Honorable Stephen S. Grabowski and the entire Allegheny County Delegation, and adopted by the House of Representatives on the 31st day of October 1979.

H. JACK SELTZER
Speaker

ATTEST:
CHARLES F. MEBUS
Chief Clerk

(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

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 1222, PN 1375; HB 1407, PN 2386; HB 1611, PN 1936; HB 1577, PN 2287; HB 309, PN 2184; HB 1057, PN 2037; and SB 65, PN 732.

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 210, PN 1075, entitled:

An Act amending the act of May 29, 1956 (1955 P. L. 1804, No. 600), entitled "Municipal Police Pension Law," providing for vesting.

On the question,

Will the House agree to the bill on third consideration?

Mr. SPITZ offered the following amendments:

Amend Title, page 1, line 11, by inserting after "acts," further providing for benefits and

Amend Sec. 1 (Sec. 5), page 3, line 1, by removing the period after "salary" and inserting : Provided, however, That any officer who receives pension or retirement benefits from any plan established at any time pursuant to this act and who is also entitled to receive social security old-age insurance benefits shall not regardless of when the officer retired from active service have his pension or retirement benefits offset or reduced by more than seventy-five per centum of the social security old-age insurance benefits which he receives.

On the question,

Will the House agree to the amendments?

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

Mr. SPITZ. Mr. Speaker, this is A3075, and I will not be offering the other amendment.

Mr. Speaker, this amendment addresses an earlier change in the pension law. When the General Assembly changed the law in 1972 or 1974, they restricted the amount of offset for those officers who are covered by a pension plan that provided that their social security benefits could offset the pension benefits. There is a handful of officers who had retired but who are not collecting social security benefits who are adversely affected, but my amendment goes to those officers and provides in essence that their payment can also not be reduced below the 75-percent figure.

I am advised that there is less than one-third of the police officers who are covered by such plans to begin with and only a handful of retirees would be affected here. The fiscal note indicates the impact—of course, there is no fiscal impact on the Commonwealth. There will be a varying impact—on the municipalities, but not a great impact.

Mr. Speaker, I would point out that this amendment, just as the bill that it is attached to, has a constitutional implication because we are changing in essence the agreement that was made when the officer was first hired. I think, however, that the constitutional impact is exactly the same as that in this bill and exactly the same as what we did earlier in 1974, so that if there is a constitutional problem, it is to the whole act. That is the effect of the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—174

Alden	Freind	Livengood	Schmitt
Anderson	Fryer	Lynch, E. R.	Schweder
Armstrong	Gallagher	Lynch, F.	Scirica
Arty	Gallen	Mackowski	Serafini
Austin	Gamble	Manderino	Seventy
Barber	Gannon	Manmiller	Shadding
Belardi	Gatski	McCall	Shupnik
Bittle	Geesey	McClatchy	Sieminski
Borski	Geist	McIntyre	Sirianni
Bowser	George, C.	McKelvey	Smith, E.
Brandt	George, M.	McVerry	Smith, L.
Brown	Giammarco	Michlovic	Spitz
Burd	Gladeck	Micozzie	Stairs
Burns	Goebel	Milanovich	Steighner
Caltagirone	Goodman	Moehlmann	Stewart
Cappabianca	Grabowski	Mowery	Street
Cessar	Greenfield	Mrkonic	Stuban
Chess	Grieco	Murphy	Sweet
Cimini	Gruppo	Musto	Swift
Clark, B.	Halverson	Nahill	Taddonio
Clark, R.	Harper	Novak	Taylor, E.
Cochran	Hasay	Noye	Taylor, F.
Cole	Hayes, S. E.	O'Brien, B.	Telek
Cornell	Helfrick	O'Brien, D.	Thomas
Coslett	Hoefel	O'Donnell	Trello
Cowell	Honaman	Oliver	Vroon
Cunningham	Hutchinson, A.	Perzel	Wachob
Davies	Hutchinson, W.	Peterson	Wagner
Dawida	Irvis	Petrarca	Wargo
DeMedio	Itkin	Piccola	Wass
DeVerter	Johnson, E.	Pistella	Weidner
DeWeese	Jones	Pitts	Wenger
DiCarlo	Kanuck	Polite	Wilson
Dietz	Kernick	Pott	Wright, D.
Dininni	Klingaman	Pucciarelli	Wright, J. L.
Dombrowski	Knepper	Punt	Yahner

Dorr	Knight	Pyles	Yohn
Duffy	Kolter	Rappaport	Zeller
Dumas	Kukovich	Rieger	Zitterman
Durham	Lashinger	Ritter	Zord
Fischer, R. R.	Laughlin	Rocks	Zwinkl
Fisher, D. M.	Lehr	Rodgers	
Foster, A.	Letterman	Ryan	Seltzer,
Foster, W.	Levi	Scheaffer	Speaker

NAYS—0

NOT VOTING—29

Beloff	Fee	Madigan	Rhodes
Bennett	Gray	McMonagle	Richardson
Berson	Hayes, D. S.	Miller	Salvatore
Brunner	Johnson, J.	Mullen, M. P.	Spencer
Cianciulli	Kowalshyn	Pievsky	White
Cohen	Levin	Pratt	Williams
Donatucci	Lewis	Reed	Wilt
Earley			

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

On the question,

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

Bill as amended was agreed to.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the lady from Montgomery, Mrs. Lewis. For what purpose does the lady rise?

Mrs. LEWIS. Mr. Speaker, I was off the floor. I would like to be recorded in the affirmative on SB 210.

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

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

The question is, shall the bill pass finally?

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

YEAS—173

Alden	Freind	Livengood	Schmitt
Anderson	Fryer	Lynch, E. R.	Schweder
Armstrong	Gallagher	Lynch, F.	Scirica
Arty	Gallen	Mackowski	Serafini
Austin	Gamble	Manderino	Seventy
Barber	Gannon	Manmiller	Shadding
Belardi	Gatski	McCall	Shupnik
Bittle	Geesey	McClatchy	Sieminski
Borski	Geist	McIntyre	Sirianni
Bowser	George, C.	McKelvey	Smith, E.
Brandt	George, M.	McVerry	Smith, L.
Brown	Giammarco	Michlovic	Spitz
Burd	Gladeck	Micozzie	Stairs
Burns	Goebel	Milanovich	Steighner
Caltagirone	Goodman	Moehlmann	Stewart
Cappabianca	Grabowski	Mowery	Stuban
Cessar	Greenfield	Mrkonic	Sweet
Chess	Grieco	Murphy	Swift
Cimini	Gruppo	Musto	Taddonio
Clark, B.	Halverson	Nahill	Taylor, E.
Clark, R.	Harper	Novak	Taylor, F.
Cochran	Hasay	Noye	Telek

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

NAYS—0

NOT VOTING—30

Beloff	Fee	McMonagle	Richardson
Bennett	Gray	Miller	Salvatore
Berson	Hayes, D. S.	Mullen, M. P.	Spencer
Brunner	Johnson, J.	Pievsky	Street
Cianciulli	Kowalshyn	Pratt	White
Cohen	Levin	Reed	Williams
Donatucci	Lewis	Rhodes	Wilt
Earley	Madigan		

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

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

The House proceeded to third consideration of **HB 1424, PN 2064**, entitled:

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), denying eligibility for allowance for moving expense resulting from certain nonpayment of rent.

On the question,

Will the House agree to the bill on third consideration?

HB 1424 TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 1424 be laid on the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The House proceeded to third consideration of **HB 1436, PN 1731**, entitled:

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), requiring the Department of Public Welfare to develop and implement a State plan for regulating and licensing personal care boarding homes.

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

Amend Sec. 1 (Sec. 211), page 2, lines 21 through 23, by striking out all of said lines and inserting

(2) Recommendations for changes in existing State law and proposed legislation to:

(i) Resolve inconsistencies that hinder the department's implementation of the State plan.

(ii) Promote the cost efficiency and effectiveness of visitations and inspections.

(iii) Delegate to other State and local agencies responsibility for visitations, inspections, referral, placement and protection of adults residing in personal care boarding homes.

(iv) Evaluate the State's fire and panic laws as applied to personal care boarding homes.

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

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

Mr. ZORD. Mr. Speaker, this amendment just adds a few more recommendations to the Department of Welfare in the implementation of the boardinghome bill. I think it is agreed to and I ask for its adoption.

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

The following roll call was recorded:

YEAS—172

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

Dininni	Klingaman	Punt	Wright, J. L.
Dombrowski	Knepper	Pyles	Yahner
Dorr	Knight	Rappaport	Yohn
Duffy	Kolter	Reed	Zeller
Dumas	Kukovich	Rieger	Zitterman
Durham	Lashinger	Ritter	Zwikl
Fischer, R. R.	Laughlin	Rocks	
Fisher, D. M.	Lehr	Rodgers	Seltzer,
Foster, A.	Letterman	Ryan	Speaker
Foster, W.	Levi		

NAYS—1

Street

NOT VOTING—30

Beloff	Fee	McMonagle	Richardson
Bennett	Gray	Miller	Salvatore
Berson	Hayes, D. S.	Mullen, M. P.	Spencer
Brunner	Johnson, J.	O'Brien, B.	White
Cianciulli	Kowalyszyn	Pievsky	Williams
Cohen	Levin	Pratt	Wilt
Donatucci	Lewis	Rhodes	Zord
Earley	Madigan		

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

On the question,

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

Mr. DiCARLO offered the following amendment:

Amend Sec. 1 (Sec. 211), page 4, by inserting between lines 8 and 9

(i) The State plan shall not apply to any facility operated by a religious organization for the care of clergymen or other persons in a religious profession.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. DiCarlo.

Mr. DiCARLO. Mr. Speaker, I believe this is an agreed-to amendment, and basically what it does is exempt any facility from the plan that provides care by a religious organization for the clergy or people involved in a religious organization.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—175

Alden	Fryer	Lynch, E. R.	Schmitt
Anderson	Gallagher	Lynch, F.	Schweder
Armstrong	Gallen	Mackowski	Scirica
Arty	Gamble	Manderino	Serafini
Austin	Gannon	Manmiller	Seventy
Barber	Gatski	McCall	Shadding
Belardi	Geesey	McClatchy	Shupnik
Bittle	Geist	McIntyre	Sieminski
Borski	George, C.	McKelvey	Sirianni
Bowser	George, M.	McVerry	Smith, E.
Brandt	Giammarco	Michlovic	Smith, L.
Brown	Gladeck	Micozzie	Spitz
Burd	Goebel	Milanovich	Stairs
Burns	Goodman	Moehlmann	Steighner
Caltagirone	Grabowski	Mowery	Stewart

Cappabianca	Greenfield	Mrkonic	Street
Cessar	Grieco	Murphy	Stuban
Chess	Gruppo	Musto	Sweet
Cimini	Halverson	Nahill	Swift
Clark, B.	Harper	Novak	Taddonio
Clark, R.	Hasay	Noye	Taylor, E.
Cochran	Hayes, S. E.	O'Brien, B.	Taylor, F.
Cole	Helfrick	O'Brien, D.	Telek
Cornell	Hoefel	O'Donnell	Thomas
Coslett	Honaman	Oliver	Trello
Cowell	Hutchinson, A.	Perzel	Vroon
Cunningham	Hutchinson, W.	Peterson	Wachob
Davies	Irvis	Petrarca	Wagner
Dawida	Itkin	Piccola	Wargo
DeMedio	Johnson, E.	Pistella	Wass
DeVerter	Jones	Pitts	Weidner
DeWeese	Kanuck	Polite	Wenger
DiCarlo	Kernick	Pott	Wilson
Dietz	Klingaman	Pucciarelli	Wright, D.
Dininni	Knepper	Punt	Wright, J. L.
Dombrowski	Knight	Pyles	Yahner
Dorr	Kolter	Rappaport	Yohn
Duffy	Kukovich	Reed	Zeller
Dumas	Lashingner	Rieger	Zitterman
Durham	Laughlin	Ritter	Zord
Fischer, R. R.	Lehr	Rocks	Zwinkl
Fisher, D. M.	Letterman	Rodgers	
Foster, A.	Levi	Ryan	Seltzer,
Foster, W.	Livengood	Scheaffer	Speaker
Freind			

Burns	Goebel	Moehlmann	Steighner
Caltagirone	Goodman	Mowery	Street
Cappabianca	Grabowski	Mrkonic	Stuban
Cessar	Greenfield	Murphy	Sweet
Chess	Grieco	Musto	Swift
Cimini	Gruppo	Nahill	Taddonio
Clark, B.	Halverson	Novak	Taylor, E.
Clark, R.	Harper	Noye	Taylor, F.
Cochran	Hasay	O'Brien, B.	Telek
Cole	Hayes, S. E.	O'Brien, D.	Thomas
Cornell	Helfrick	O'Donnell	Trello
Coslett	Hoefel	Oliver	Vroon
Cowell	Honaman	Perzel	Wachob
Cunningham	Hutchinson, A.	Peterson	Wagner
Davies	Hutchinson, W.	Petrarca	Wargo
Dawida	Irvis	Piccola	Wass
DeMedio	Itkin	Pistella	Weidner
DeVerter	Johnson, E.	Pitts	Wenger
DeWeese	Jones	Polite	Wilson
DiCarlo	Kanuck	Pott	Wright, D.
Dietz	Kernick	Pucciarelli	Wright, J. L.
Dininni	Klingaman	Punt	Yahner
Dombrowski	Knepper	Pyles	Yohn
Dorr	Knight	Rappaport	Zeller
Duffy	Kolter	Reed	Zitterman
Dumas	Kukovich	Rieger	Zord
Durham	Lashingner	Ritter	Zwinkl
Fischer, R. R.	Lehr	Rocks	
Fisher, D. M.	Letterman	Rodgers	Seltzer,
Foster, A.	Levi	Ryan	Speaker
Foster, W.	Livengood	Scheaffer	

NAYS—0

NOT VOTING—28

Beloff	Earley	Lewis	Rhodes
Bennett	Fee	Madigan	Richardson
Berson	Gray	McMonagle	Salvatore
Brunner	Hayes, D. S.	Miller	Spencer
Cianciulli	Johnson, J.	Mullen, M. P.	White
Cohen	Kowalyszyn	Pievsky	Williams
Donatucci	Levin	Pratt	Wilt

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—173

Alden	Freind	Lynch, E. R.	Schmitt
Anderson	Fryer	Lynch, F.	Schweder
Armstrong	Gallagher	Mackowski	Scirica
Arty	Gallen	Manderino	Serafini
Austin	Gamble	Manmiller	Seventy
Barber	Gannon	McCall	Shadding
Belardi	Gatski	McClatchy	Shupnik
Bittle	Geesey	McIntyre	Sieminski
Borski	Geist	McKelvey	Sirianni
Bowser	George, C.	McVerry	Smith, E.
Brandt	George, M.	Michlovic	Smith, L.
Brown	Giammarco	Micozzie	Spitz
Burd	Gladeck	Milanovich	Stairs

NAYS—2

Laughlin Stewart

NOT VOTING—28

Beloff	Earley	Lewis	Rhodes
Bennett	Fee	Madigan	Richardson
Berson	Gray	McMonagle	Salvatore
Brunner	Hayes, D. S.	Miller	Spencer
Cianciulli	Johnson, J.	Mullen, M. P.	White
Cohen	Kowalyszyn	Pievsky	Williams
Donatucci	Levin	Pratt	Wilt

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

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

REMARKS ON VOTES

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

Mr. LAUGHLIN. Mr. Speaker, earlier today, HB 1436 was voted, and I voted in the negative because the switch was struck in that position. I do not agree with the legislation totally. I think that we did have better legislation earlier and a lot stronger, but 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 lady from Montgomery, Mrs. Lewis. For what purpose does the lady rise?

Mrs. LEWIS. Mr. Speaker, I was off the floor, and I would like to be recorded in the affirmative on HB 1436.

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

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 975, PN 2224**, 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. 1083, 1703 Printer's No. 2224

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 975

Session of 1979

INTRODUCED BY MESSRS. MICHLOVIC AND KNIGHT,
APRIL 23, 1979.

SENATOR MCKINNEY, STATE GOVERNMENT, IN SENATE, AS AMENDED, OCTOBER 10, 1979.

An Act

authorizing the Department of General Services with the approval of the Department of Environmental Resources to grant an easement to the United States Steel ~~Company~~ CORPORATION to build a pile wall and a cell in the Monongahela River in Rankin ~~Township~~ BOROUGH, Allegheny County.

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 to grant to the United States Steel ~~Company~~ CORPORATION, its successors and assigns, an easement to build and maintain in the Monongahela River in Rankin ~~Township~~ BOROUGH, Allegheny County, a steel sheet circular cell approximately 17 feet in diameter, protruding above the water approximately 20 feet above the highwater mark and placed on piling extending to bed rock. The cell shall be in line with six existing cells located at milepost 9.5 from the mouth of the river at Rankin Borough. The easement shall include the right to build at the same location as the cells, a sheet pile wall as a debris deflector extending from lands of United States Steel ~~Company~~ CORPORATION at approximately an angle of 45 degrees from the shoreline to an existing cell.

Section 2. The United States Steel ~~Company~~ CORPORATION shall provide metes and bounds description of the easement.

Section 3. The conveyance of the easement 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 4. This act shall take effect immediately.

On the question,

Will the House concur in Senate amendments?

HB 975 RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 975 be recommitted to the Committee on State Government.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The SPEAKER. The bill is so recommitted.

PARLIAMENTARY INQUIRY

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

Mr. RITTER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RITTER. A bill on concurrence in Senate amendments, does it not come automatically on our calendar and is not referred to any committee? It comes under Rule 30.

Mr. Speaker, may I confer at the desk?

The SPEAKER. In response to the parliamentary inquiry made by the gentleman from Lehigh, Mr. Ritter, the Chair refers to chapter 72 of Mason's Manual, section 766, subsection 3. The Chair quotes: "It is proper for a House, upon receiving an amended bill with a request to concur, to refer the message with the bill to a committee for consideration and a report upon concurrence." So in response to the gentleman's inquiry, it is a proper motion to refer the bill to a committee.

Mr. RITTER. Mr. Speaker, I think that I understand the problem and why this is being attempted. But our rules, it seems to me, are rather clear and therefore Mason's Manual would not apply if in fact the rules of the House spell it out, and the rules spell it out that that bill shall be placed on our calendar. I think I know—Mr. Michlovic spoke to me about—why we are attempting to do this.

It seems to me that the wiser course would be to nonconcur in the Senate amendment and put it in a conference committee and kill the bill. But I think that it is a bad precedent to take bills that are here on concurrence in Senate amendments and refer them to a committee. That is why I raised the parliamentary inquiry. Since the rules seem to be rather clear, I do not know why Mason's Manual would apply.

The SPEAKER. It is the Chair's understanding this is not setting a precedent. This has been done in the past as far back as the Parliamentarian has served or been associated in this House.

As the Chair reads Rule 30, which the gentleman referred to, the rule speaks to what happens to a bill when we take it up for consideration. There is nothing in this rule which prohibits a bill that has been amended in the Senate from being rereferred to a standing committee of this House. And so the Chair has ruled.

Mr. RITTER. Mr. Speaker, I will not challenge the ruling of the Chair, but I will point out that in my 15 years here I cannot recall a single time when a bill on concurrence in Senate amendments was referred to a House committee. I will not challenge the ruling of the Speaker, but I would like to see the Parliamentarian research how many times this has happened in the past, because I cannot recall of one instance in the last 15 years.

The SPEAKER. The Chair recognizes the majority leader. For what purpose does the gentleman rise?

Mr. RYAN. Mr. Speaker, I think Mr. Ritter deserves an explanation as to the reason for the motion to recommit.

It is our information, confirmed by your leadership, that the subject matter of that bill is now law. The alternative was to put it on the table where it would reappear every 15 days, auto-

matically coming off the table. What we are trying to do is simply kill that bill because it is a moot point now, the bill already being law. It was my suggestion to move to recommit it simply to make it disappear. If we put it on the table, the time would run and it would keep coming back out on our calendar. That is the explanation. I think that it is within the rules, but it is not the type practice I would ordinarily encourage under other circumstances.

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

Mr. RITTER. Mr. Speaker, I thank the majority leader.

I said I thought I had understood the reason for doing it, but I can tell you that there are some other bills on this calendar that the Senate added amendments to when any one of us—and I may may do it—could make a motion to recommit that bill to a standing committee, and I do not see how any one could raise the objection that we have not done it before. So I think, as they said, that we are starting a bad precedent and we may live to regret it.

RESOLUTION RECOMMENDED

Mr. RYAN called up **HR 47, PN 2045**, entitled:

Speaker appoint a committee to conduct a study as to effects of the Prevailing Wage Law on Local and State Government.

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HR 47 be recommitted to the Committee on Rules.

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

Motion was agreed to.

The SPEAKER. The bill is so recommitted.

RESOLUTION RECOMMENDED

Mr. RYAN called up **HR 115, PN 2323**, entitled:

General Assembly memorialize Congress initiate the establishment of an interstate Public Utility Advisory Commission.

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HR 115 be recommitted to the Committee on Rules.

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

Motion was agreed to.

The SPEAKER. The bill is so recommitted.

RESOLUTION ADOPTED

Mr. RITTER called up **HR 123, PN 2093**, entitled:

House directs Federal-State Relations committee cooperate with the Census Bureau and other parties to develop a plan for

United States Congressional Redistricting.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—171

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

NAYS—2

Hoeffel	O'Donnell
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NOT VOTING—30

Barber	Dumas	Madigan	Richardson
Beloff	Earley	McMonagle	Salvatore
Bennett	Fee	Miller	Spencer
Berson	Gray	Mullen, M. P.	Street
Brunner	Hayes, D. S.	Pievsky	White
Cianciulli	Johnson, J.	Pratt	Williams
Cohen	Kowalshyn	Rhodes	Wilt
Donatucci	Levin		

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

The SPEAKER. For the information of the members of the House, a discharge resolution is on the calendar erroneously. It

was dropped by motion of Mr. Gallagher yesterday.

TRANSPORTATION COMMITTEE MEETING

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

Mr. DININNI. Mr. Speaker, on the call of the recess, I would like to call an immediate meeting of the Transportation Committee in room 401. I urge all of the members to come promptly to 401.

CONSERVATION COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Franklin, Mr. Bittle.

Mr. BITTLE. Mr. Speaker, I would like to have a brief meeting of the House Conservation Committee in room 245, the Appropriations Committee room, right away at the break.

HOUSE SCHEDULE AND REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would hope that the members would listen to me for a moment; they rarely do.

Mr. Speaker, I am going to suggest now that we recess for lunch and caucus; that the Republicans go to lunch now and go to the caucus room at 1 o'clock; that we return to the floor as close to 2 o'clock as possible and work today until 5 or 6 o'clock.

Now we have met; that is, the minority leader and I met; and there are about—I am guessing—15 bills that we passed over on a temporary basis this morning. We have asked the two caucus chairmen to caucus on those bills that were temporarily passed over. I am going to suggest, at least to our caucus chairman and our members, that at 1 o'clock the caucus begin with or without the members there so that these bills can be caucused on and voted as close to 2 o'clock as possible. I would hope that the minority caucus would do the same thing. If the members are late arriving at caucus, they do so at their own risk. I would really urge the caucus chairman to move on caucusing on those bills that were marked over temporarily. If this does not happen, we will be here later. There are no bills that are really controversial that we are going to run this afternoon, but there are a great number of bills. So please heed my warning, if indeed it is a warning, and show up promptly at the 1 o'clock caucus, at least on the Republican side.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the Democratic caucus chairman, from Schuylkill, Mr. Goodman.

Mr. GOODMAN. Mr. Speaker, the Democratic caucus will also take place promptly at 1 o'clock.

ANNOUNCEMENT BY MR. WILSON

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

Mr. WILSON. To make an announcement, Mr. Speaker.

The SPEAKER. The gentleman may make his announcement.

Mr. WILSON. The Joint State Government Commission Task Force on HR 1 will meet at 1:30 in room 108 in the Finance Building. I hope that everyone could attend. It is a very important meeting today.

The SPEAKER. The Chair repeats: There will be a Conservation Committee meeting immediately upon the call of the recess. There will be a Transportation Committee meeting immediately upon the call of the recess. There will be a Democratic caucus and a Republican caucus at 1 p.m., and this House will reconvene at 2 p.m.

The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I want to emphasize to the Democrats that we shall be caucusing on the Matt Cianciulli affair as well as the rest of this calendar, and I would urge every Democrat to be in that caucus because we have some very serious matters to discuss concerning Mr. Cianciulli. Thank you.

RECESS

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

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 **HB 1720, PN 2292**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Mr. S. E. HAYES offered the following amendments:

Amend Title, page 1, line 7, by removing the period after "BEGINNERS" and inserting and further providing for the definition of "minimum subsidy."

Amend Bill, page 5, by inserting between lines 28 and 29

Section 3. Clause (15) of section 2501 of the act, amended July 13, 1979 (No. 41), is amended to read:

Section 2501. Definitions.—For the purposes of this article the following terms shall have the following meanings:

(15) "Minimum Subsidy." For the school [year] years 1976-1977 and [each school year thereafter] 1977-1978, in no case shall a district receive for each pupil in weighted average daily membership, an amount less than [fifteen percent (15%)] ten percent (10%) of the actual cost of instruction or [fifteen percent (15%)] ten percent (10%) of the base earned for reimbursement whichever is the lesser amount. [but in no event shall any] For the 1978-1979 school year and each school year thereafter, no school district shall receive for each pupil in weighted average daily membership an amount less than fifteen percent (15%) of the base earned for reimbursement or actual instructional expense per WADM, whichever is the lesser amount. For 1976-1977 and each school year thereafter, a dis-

trict whose actual instruction expense per weighted average daily membership is more than two hundred dollars (\$200) less than the median actual instruction expense per weighted average daily membership, and whose equalized millage is within fifteen percent (15%) of the median equalized millage, the reimbursement shall be two hundred dollars (\$200) below the median actual instruction expense per weighted average daily membership times the district's aid ratio for each weighted average daily membership.

Amend Sec. 3, page 5, line 29, by striking out "3" and inserting 4

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I believe this amendment will be agreed to, but by way of brief explanation, when we adopted the most recent adjustment to the school subsidy bill in July, we changed the minimum aid ratio in the school subsidy law of Pennsylvania when we went from .10 to .15. When the school subsidy bill was drafted, those who drafted the bill did not go back far enough on that particular section dealing with minimum reimbursements, and as a result, it would be possible, if the department were to interpret the law in the strictest sense as it presently is written, that certain school districts would be entitled to a retroactive increase in their school subsidy. That is not the intent of the General Assembly, and so that the Department of Education is very clear in what we intend to do, I recommend that we adopt this amendment so that it is very, very clear without any question that the new aid ratio of .15 is to be applicable beginning in the current school year, and I urge adoption of the amendment.

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

Mr. GALLAGHER. Mr. Speaker, I rise to concur with Mr. Hayes. This is an agreed-to amendment between the two of us. We were the ones who drafted the bill and we felt that we had it nailed down tightly, but it was not quite tied down. We wanted to make sure that it was for the year 1978-79 only and not so the districts could go back retroactively for an additional minimum subsidy. It does not change the basic subsidy but just prohibits any district from getting a double dip, and that is what the amendment is for. Therefore, I urge your support of the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—166

Anderson	Gallen	Lynch, F.	Scirica
Armstrong	Gamble	Mackowski	Serafini
Arty	Gannon	Manderino	Seventy
Austin	Gatski	Manmiller	Shadding
Belardi	Geesey	McCall	Shupnik
Bittle	Geist	McClatchy	Sieminski
Borski	George, C.	McIntyre	Sirianni
Bowser	George, M.	McKelvey	Smith, E.
Brandt	Giammarco	McVerry	Smith, L.
Brown	Gladeck	Michlovic	Spitz
Burd	Goebel	Micozzie	Stairs

Burns	Goodman	Milanovich	Steighner
Caltagirone	Grabowski	Moehlmann	Stewart
Cappabianca	Greenfield	Mrkony	Street
Cessar	Grieco	Murphy	Stuban
Chess	Gruppo	Musto	Sweet
Cimini	Halverson	Nahill	Swift
Clark, B.	Hayes, S. E.	Novak	Taddonio
Clark, R.	Heifrick	Noye	Taylor, E.
Cochran	Hoeffel	O'Brien, B.	Taylor, F.
Cole	Honaman	O'Brien, D.	Telek
Cornell	Hutchinson, A.	O'Donnell	Thomas
Coslett	Hutchinson, W.	Oliver	Trello
Cowell	Irvis	Perzel	Vroon
Cunningham	Itkin	Peterson	Wachob
Davies	Johnson, E.	Petrarca	Wagner
Dawida	Jones	Piccola	Wargo
DeMedio	Kanuck	Pistella	Wass
DeVerter	Kernick	Pitts	Weidner
DiCarlo	Klingaman	Polite	Wenger
Dietz	Knepper	Pott	Wilson
Dininni	Knight	Pyles	Wright, D.
Dombrowski	Kolter	Rappaport	Wright, J. L.
Dorr	Kukovich	Reed	Yahner
Duffy	Lashinger	Rieger	Yohn
Durham	Laughlin	Ritter	Zeller
Fischer, R. R.	Lehr	Rocks	Zitterman
Fisher, D. M.	Letterman	Rodgers	Zord
Foster, W.	Levi	Ryan	Zwilk
Freind	Lewis	Scheaffer	
Fryer	Livengood	Schmitt	Seitzer,
Gallagher	Lynch, E. R.	Schweder	Speaker

NAYS—0

NOT VOTING—37

Alden	Dumas	Kowalyszyn	Pucciarelli
Barber	Earley	Levin	Punt
Beloff	Fee	Madigan	Rhodes
Bennett	Foster, A.	McMonagle	Richardson
Berson	Gray	Miller	Salvatore
Brunner	Hasay	Mowery	Spencer
Cianciulli	Hayes, D. S.	Mullen, M. P.	White
Cohen	Harper	Pievsy	Williams
DeWeese	Johnson, J.	Pratt	Wilt
Donatucci			

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

On the question,

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

Bill as amended was agreed to.

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 Allegheny, Mr. Pistella.

Mr. PISTELLA. Mr. Speaker, I rise to ask for a very brief interrogation of the prime sponsor of HB 1720, please.

The SPEAKER. Will the lady from Delaware, Mrs. Arty, permit herself to be interrogated?

Mrs. ARTY. Yes, Mr. Speaker.

The SPEAKER. The lady indicates that she will, and the gentleman may proceed.

Mr. PISTELLA. With all due respect to Mr. Hayes' recent amendment, I have some questions concerning the original bill

as drafted pertaining to the immunization of school children, and I wonder if you could answer a few brief questions for me, please.

Mr. ARTY. Yes, Mr. Speaker.

Mr. PISTELLA. The question I have is, does HB 1720 deal with the basic immunization plan of three d.p.t. — diphtheria, pertussis, tetanus — vaccinations, whooping cough, oral polio, measles, mumps, and rubella? Is that the immunization that you are addressing?

Mrs. ARTY. Mr. Speaker, the recommended immunizations come from the Department of Health and from the Health Advisory Board, and all of those diseases mentioned by the gentleman are covered under the immunization plan.

Mr. PISTELLA. My next question is, am I to understand that the immunization plan that you are referring to in sections (f), (g), and (h) is to be administered by the school nurse or a school doctor attached to a school district?

Mrs. ARTY. Mr. Speaker, the immunizations, once the youngster is entered into school and placed on the plan, can be administered by any person who generally administers immunizations. It can be the physician; it can be the public health clinic; it can be whatever in that particular locale is the mode of delivering that kind of health service.

Mr. PISTELLA. Thank you very much.

I have no further questions, Mr. Speaker. Would I be in order to make a brief comment?

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

Mr. PISTELLA. I do not wish to oppose HB 1720, but I would like at this time to express some concerns that I have had with the explanation that has been given by the lady, Mrs. Arty.

There are some problems that are in existence in certain counties of the Commonwealth of Pennsylvania that I feel this particular bill addressing immunization fails to realize. We are dealing with a situation where many of the immunization programs are administered by school nurses or physicians attached to school districts across the Commonwealth. With the number of mandated requirements that a student have particular physical examinations done, I think we are dealing with a particular element that could cause a backlog. If we have a nurse or a physician dealing with 1,500 children, there is a possibility that there could be a falling behind in the immunization schedule as recommended.

HB 1720 also addresses those students who have not undergone thorough immunization and their being removed from the educational process. I think that once we have a student in the school district enrolled in a school, it would be more difficult to have him removed, but I think one of the key questions that needs to be raised on this particular issue is the question of immunization and its overall health effect. Unfortunately, due to acts of God or nature, certain of our children in school now are suffering from childhood diseases such as cancer or other elements, that should they be exposed to someone who would carry rubella or whooping cough, that child's life would virtually be put in jeopardy. We are also dealing with a situation in regard to the health of our teachers. A female teacher in the first 3 months of her pregnancy who would be exposed to rubella could find herself in danger of losing her fetus or the possibility

of that unborn child being born with birth defects.

I think what we are also having to look at is the fact that this immunization program would undermine the responsibility of parents to get a good immunization program for their children. Some of the programs, perhaps the best, would be that the d.p.t. vaccine, three or four oral polio vaccines, and the appropriate rubella, mumps, and measles vaccinations be administered to a child during his first 18 months of life. I think that this is the type of thing we must avoid, and we must have proper immunization of our children prior to their attending school.

Again, I do not intend to oppose this piece of legislation, I wished to point out some deficiencies I felt were there, and I thank the Speaker for the opportunity to make my comments.

On the question recurring,
Shall the bill pass finally?

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

YEAS—169

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

NAYS—3

Cessar	Duffy	Itkin
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NOT VOTING—31

Beloff	Fec	Madigan	Salvatore
Bennett	Giammarco	McMonagle	Shadding
Berson	Gray	Miller	Spencer
Brunner	Harper	Mullen, M. P.	Telek
Cianciulli	Hayes, D. S.	Pievsky	White
DeWeese	Johnson, J.	Pratt	Williams
Donatucci	Kowalyszyn	Rhodes	Wilt
Earley	Levin	Richardson	

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 Cambria, Mr. Telek.

Mr. TELEK. Mr. Speaker, on the previous HB 1720 I wish to be recorded in the affirmative.

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

CALENDAR BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 725, PN 890**, entitled:

An Act amending the "Pennsylvania Farmland and Forest Land Assessment Act of 1974," approved December 19, 1974 (P. L. 973, No. 319), continuing the preferential use assessment when a transfer, separation or split-off does not change the use.

On the question,

Will the House agree to the bill on third consideration?

QUESTION OF INFORMATION

The SPEAKER. The Chair recognizes the gentleman from Snyder, Mr. Thomas. Does the gentleman have an amendment to offer?

Mr. THOMAS. Mr. Speaker, I rise to a question of information.

The SPEAKER. There is entirely too much noise. The Chair is having difficulty understanding the gentleman.

Mr. THOMAS. There is an amendment to be offered to this bill. It is not mine. I would like to defer to Mrs. George, but before I do that, I have a question of information.

The SPEAKER. The gentleman will state it.

Mr. THOMAS. When HB 725 was laid on the table, it was done so with a motion to consider for the second time an amendment offered by Mrs. George on that day. Now must she not first withdraw that motion to consider that amendment?

The SPEAKER. Does the lady from Bucks, Mrs. George, still wish to offer her amendment?

AMENDMENT WITHDRAWN

Mrs. GEORGE. Mr. Speaker, I have a new amendment to offer today. I wish to withdraw the amendment that was tabled.

The SPEAKER. In response to the gentleman, the gentleman is correct that when the bill came off the table, pending before

the House was the bill and the amendment No. 528 offered by the lady from Bucks, Mrs. George. The Chair just inquired of the lady if she were going to offer those amendments. The Chair was told by Mrs. George that it was her intention to withdraw those amendments and offer a separate set of amendments to this bill. Is that correct?

Mrs. GEORGE. Yes, Mr. Speaker.

The SPEAKER. The calendar of the Chair is marked for an amendment by Mr. Thomas. The gentleman has indicated that he is not offering an amendment?

Mr. THOMAS. Mr. Speaker, that is in error. The amendment is going to be offered by Mrs. George.

The SPEAKER. Mr. Thomas, you are not offering an amendment. Is that correct?

Mr. THOMAS. I have no amendment to offer.

The SPEAKER. Thank you.

Does the gentleman from Montgomery, Mr. Hoeffel, wish to offer an amendment?

Mrs. GEORGE. Mr. Speaker, the amendment that you have there from Mr. Thomas actually was an agreement between Mr. Thomas and me, so I had assumed you had my name on there, but it is my name rather than Mr. Thomas'.

The SPEAKER. The Chair's calendar is marked with the amendment to be offered by Mr. Hoeffel, but the Chair recognizes the lady, Mrs. George, who offers an amendment which will be read by the clerk.

On the question recurring,

Will the House agree to the bill on third consideration?

Mrs. GEORGE offered the following amendments:

Amend Title, page 1, lines 7 through 9, by striking out "continuing the" in line 7 and all of lines 8 and 9 and inserting adding definitions, and further providing for continuation of preferential use assessments when the division of land does not result in a use change, recordation of preferential use assessment agreements and for transfers on the death of the owner.

Amend Bill, page 1, lines 12 through 20; page 2, lines 1 through 21, by striking out all of said lines and inserting

Section 1. Section 2, act of December 19, 1974 (P. L. 973, No. 319), known as the "Pennsylvania Farmland and Forest Land Assessment Act of 1974," is amended by adding definitions to read:

Section 2. Definitions.—As used in this act, the following words and phrases shall have the meanings ascribed to them in this section unless the context obviously otherwise requires:

* * *

"Roll-back tax." The amount equal to the difference between the taxes paid or payable on the basis of the valuation and the assessment authorized hereunder and the taxes that would have been paid or payable had that land been valued, assessed and taxed as other land in the taxing district in the current tax year, the year of change, and in six of the previous tax years or the number of years of preferential assessment up to seven.

"Separation." A division, by conveyance or other action of the owner of lands devoted to agricultural use, agricultural reserve or forest reserve and preferentially assessed under the provisions of this act into two or more tracts of land, the use of which continues to be agricultural, agricultural reserve or forest reserve and all tracts so formed meet the requirements of section 3.

"Split-off." A division, by conveyance or other action of the owner, of lands devoted to agricultural use, agricultural reserve or forest reserve and preferentially assessed under the provisions of this act into two or more tracts of land, the use of which on one or more of such tracts does not meet the requirements of section 3.

Section 2. Section 4 of the act is amended by adding a subsection to read:

Section 4. Applications for Preferential Assessments.—* * *

(d) The approved application for preferential assessment shall be recorded by the county board for assessment appeals in the office of the recorder of deeds for the county in a preferential assessment docket.

Section 3. Section 6 and subsection (c) of section 8 are amended to read:

Section 6. Separation [or], Split-off or Transfer.—(a) [Separation or] The split-off of a part of the land which is being valued, assessed and taxed under this act [either by conveyance or other action of the owner of such land] for a use other than agricultural or agricultural reserve or forest reserve shall, except when the [separation] split-off occurs through condemnation, subject the land so [separated] divided and the entire parcel from which the land was [separated] divided to liability for the roll-back taxes as set forth in section 8 of this act except as provided in subsection (b).

(b) The owner of the property subject to a preferential tax assessment may [transfer] split-off land covered by the preferential tax assessment: Provided, That the tract of land so [transferred] split-off shall not exceed two acres annually and may only be used for residential, agricultural, or forest reserve use during such time as the land retained shall continue to receive preferential tax assessment and the construction of a residential dwelling to be occupied by the person to whom the land is transferred: And further provided, That the total parcel or parcels of land so [transferred] split-off under the provisions of this subsection shall not exceed ten percent or ten acres, whichever is lesser, of the entire tract subject to the preferential tax assessment. Any person may bring an action in equity to enjoin any use of the land inconsistent with the use provided in this subsection. Such land shall be subject to roll-back taxes due for each parcel [separated] split-off and for such period of time as provided by section 8 of this act. The [transfer] split-off of a parcel of land which meets the requirements of this section shall not invalidate the preferential tax assessment and the land retained by the landowner shall continue to be eligible for use value assessment if it continues to meet the [minimum acreage or, if devoted to agricultural use, gross income] requirements [established by] of section 3 of this act.

(c) The owner of property subject to a preferential use assessment may separate land covered by the preferential use assessment. When a separation occurs, all tracts formed thereby shall continue to receive preferential use assessment, unless a subsequent abandonment of preferential use occurs within seven years of the separation. Such abandonment shall subject the entire tract of land so separated to liability for the roll-back taxes, which are to be paid by the person changing the use, as set forth in section 8. After seven years from the date of the occurrence of the separation, only that portion whose use has been abandoned shall be subject to the roll-back taxes as set forth in section 8.

(d) When property subject to preferential tax assessment is separated among the beneficiaries designated as class A for inheritance tax purposes of the owner receiving the benefit of preferential tax assessment as a result of the death of the owner a subsequent change in the use of some such beneficiary's portion of the property shall not subject any other beneficiary's portion of the property due roll-back taxes. Roll-back taxes shall be due only in accord with provisions of section 8 on the tract held by the beneficiary who changes the use of any portion of his or her inheritance.

[(c)] (e) Any change in use [of a separation or split-off] of land subject to a preferential use assessment shall be in compliance with the zoning ordinances of the local municipality, if in effect.

Section 8. Determination of Amounts of Taxes When Use Abandoned.—* * *

(c) Within five working days after receipt of a notice from the owner of a property, which is preferentially assessed, or a proposed change in the use of the land, to one not meeting the requirements of section 3, or a split-off of a portion of the land, [or a conveyance of the land, as provided for under section 4(c),] the county assessor shall:

(1) Calculate by years the total of all roll-back taxes due at the time of change and shall notify the property owner of such amounts. In the case of a conveyance of all or part of said land, he shall notify the prospective buyer, if known, of such amounts.

(2) With respect to the roll-back taxes for the current year, he shall notify the taxing bodies of the district in which the property is located of the additional amount of assessment upon which taxes shall be levied and collected. In the case of county property taxes, he shall notify the tax collector of the appropriate district of additional county tax to be collected.

(3) With respect to roll-back taxes for years prior to the current year which the assessor has determined to be due, he shall file a claim for such amounts with the tax claim bureau or the county treasurer, as the case may be, which upon said filing shall constitute a lien having the same force and effect as if filed by the taxing bodies.

Amend Sec. 3, page 2, line 22, by striking out "3." and inserting 4.

On the question,

Will the House agree to the amendments?

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

Mrs. GEORGE. This amendment No. A3478 combines several different concepts in it. It has the concepts of HB 818 and HB 847, both of them, in here. These bills define split-offs and they define rollback taxes, and one of these bills also requires that an application for preferential assessment be recorded in the recorder of deeds' office.

The major amendments to this have also to do with the preferential use. What this amendment says primarily is that if land is preferentially assessed is sold to another owner, if the land continues in agricultural use, it will continue to receive its preferential assessment. If one portion of this land is sold off, is separated, the entire parcel will still be subject to rollback taxes within the first 7 years. After 7 years each parcel will receive its own history, and then if it is separated for development, only the portion separated will be subject to rollback taxes.

It also has a provision in here that in the case of death of the owner of land that is preferentially assessed, should one por-

tion of that land be developed, that land will be subject to roll-back taxes. If the other portion stays in agricultural use or preferential assessment, it will continue to have a preferential assessment.

This is a compromise, and those of you who recall the discussion that took place last May will recognize it as such. I recommend and urge adoption of this amendment. Thank you.

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

Mr. THOMAS. I just want to add a few words to those of my colleague, Mrs. George.

You remember the floor debate we had earlier this year and the objections raised by Mrs. George, and that is why the bill was tabled. Well, we let any interested party and any interested state organization submit their thoughts on ways of amending Act 319 throughout the summer. We took all those thoughts. Mrs. George and I worked out the document that she is presenting now. It has the favor of the farm organizations of this state. It has the favor of the Pennsylvania Environmental Council. Our own Joint Conservation Committee helped us draft the piece of legislation, and to my knowledge, there is no objection anywhere to the language that we have in here now.

If we adopt this amendment at this time, the counties of Pennsylvania will have something of a lot better bill than they have presently, and it will give them a sense of direction as to how they can treat land use across Pennsylvania. I urge its adoption.

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

The following roll call was recorded:

YEAS—175

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

DeVerter	Johnson, J.	Polite	Wenger
DeWeese	Jones	Pott	Wilson
DiCarlo	Kanuck	Pucciarelli	Wright, D.
Dietz	Kernick	Punt	Wright, J. L.
Dininni	Klingaman	Pyles	Yahner
Dombrowski	Knepper	Rappaport	Yohn
Dorr	Knight	Reed	Zeller
Duffy	Kolter	Rieger	Zitterman
Dumas	Kukovich	Ritter	Zord
Durham	Lashinger	Rocks	Zwilk
Fischer, R. R.	Laughlin	Rodgers	
Fisher, D. M.	Lehr	Ryan	Seltzer,
Foster, A.	Letterman	Scheaffer	Speaker
Foster, W.			

NAYS—0

NOT VOTING—28

Beloff	Fee	McIntyre	Rhodes
Bennett	Gray	McMonagle	Richardson
Berson	Hayes, D. S.	Miller	Salvatore
Brunner	Kowalshyn	Mullen, M. P.	Spencer
Cianciulli	Levin	Perzel	White
Donatucci	Lynch	Pievsky	Williams
Earley	Madigan	Pratt	Wilt

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

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

Mr. HOEFFEL offered the following amendments:

Amend Title, page 1, line 7, by inserting after "changes," further providing for the definition of "agricultural reserve" and

Amend Sec. 1, page 1, line 12, by striking out "Subsection" and inserting The definition of "agricultural reserve" in section 2 and subsection

Amend Sec. 1, page 1, line 14, by striking out "is" and inserting are

Amend Bill, page 1, by inserting between lines 14 and 15 Section 2. Definitions.—As used in this act, the following words and phrases shall have the meanings ascribed to them in this section unless the context obviously otherwise requires:

"Agricultural reserve." Noncommercial open space lands used for outdoor recreation or the enjoyment of scenic or natural beauty and open to the public for such use, without charge or fee, on a nondiscriminatory basis: Provided, however, That lands located in predominantly residential areas and lands which are not readily suitable for the production of agricultural commodities shall not be considered agricultural reserve.

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

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

Mr. HOEFFEL. Mr. Speaker, my amendment to HB 725 would redefine the definition of agricultural reserve which is currently included in Act 319, the farmland and forestland assessment law. It is my position that the definition in current law is far too broad and results in an unfair burden on our taxpayers in the counties of Pennsylvania. It is my contention that taxpayers who own open-space land are receiving a tax benefit, a preferential real estate assessment, based on a faulty definition in Act 319.

My amendment would add to the definition of agricultural reserve language that would guarantee that lands located in residential areas and lands that are not suitable to the production of agricultural commodities not be considered agricultural reserve. Clearly the definition of agricultural reserve should be limited to those lands that are usable for farming purposes and should not include lands that are located in nonfarming areas.

My amendment would not remove the preferential assessment that a lot of land has in Pennsylvania under the definition of open space. Open-space land is included in an entirely separate state law, Act 515, and it should be included there. I do not argue with preferential assessments for marshland and fragile land that we want to, as a matter of state policy, keep open. But Act 319, which is supposed to relate to farmland and forestland, I do not believe should have such a broad definition, and, therefore, I offer this amendment to restrict the definition of agricultural reserve.

I think the issue is important, because we have to realize when we authorize preferential real estate assessments that somebody has to pick up the bill. We are essentially giving a government subsidy in terms of a reduced property tax assessment to the owners of that land, and I think we ought to make very sure that the preferential assessment that is going to property owners under the terms of Act 319 should be restricted to land that can be used or will be used or could possibly be used for farming and not for suburban estates and large backyards in the suburban areas of this Commonwealth or land that is just impossible to grow crops on. I think we ought to tighten up this definition of agricultural reserve, and, therefore, I offer this amendment. Thank you.

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

Mr. THOMAS. Mr. Speaker, this amendment has basically the same thrust as that offered to HB 1176 last week which this House defeated.

For those of you who were not here when Act 319 was developed, let me tell you that there were hours of debate before Act 319 was put into law in the Commonwealth of Pennsylvania. I just happened to have the task of being the subcommittee chairman to put Act 319 together, and I know how we had to compromise with all segments of landowners and those interested in open space and farmland across this Commonwealth in order to develop Act 319.

Act 319 not only applies to farmers and producers of food; it applies to anyone who owns a piece of land. There are provisions built in there for every landowner, and I think at that particular time we satisfied every segment of society as to what we did and why we did it. No way would I betray those who helped us put that whole thing together by voting against that particular section of Act 319 today, and I would urge that we defeat this amendment again.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Yahner.

Mr. YAHNER. I also rise to oppose Mr. Hoeffel's amendment. This is something that has been agreed to by everyone concerned, and I agree with Mr. Thomas' and Peg George's state-

ments on this that we should not add this amendment. It is bad. Furthermore, you must have 10 acres to qualify under Act 319, I believe, and there is also a question in there as to what can be produced on it. I believe the amount is \$2,000 on this plot of ground. In the case of timberland it would not be a 1-year \$2,000, but rather that over a period of years there would be a quantity of timber or wood products harvested from this acreage.

I would oppose this amendment and ask everyone else to do the same. Thank you.

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

Mr. A. C. FOSTER. Mr. Speaker, I rise in opposition to the Hoeffel amendment, and for anyone who remembers the debate on this particular point, I have most thoroughly espoused my views in protecting the rights of all taxpayers insofar as preferential assessment is concerned. But the amendment as set forth by Mr. Hoeffel is going to be faulty in two respects.

Number one, in which it states that lands located in predominantly residential areas shall be excluded from preferential assessment, I happened to own a farm that was located within a borough not too many years ago and you will find many pieces of land in close proximity to residential areas, and when we exclude such areas today from agricultural reserve and also exclude areas which, as he describes it, are not really suitable for the production of agricultural commodities, in today's world when we may be going into quite an extensive gasohol program, you might see quite a bit of marginal land used once again in production. This was thoroughly debated at the time the act was passed, and it was the consensus of this House then, and I think the same consensus exists today, and I would ask for a negative vote on the amendment.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I have listened to at least some of the debate on this amendment, and it seems to me that it has gone far afield from what the gentleman, Mr. Hoeffel, is actually asking. All the gentleman is asking is that there be less rigidity in the definition of agricultural reserve.

All of us recognize that the gentleman, Mr. Foster's farm or former farm would not fall within the prohibition of the gentleman, Mr. Hoeffel's amendment. Inasmuch as there was a former farm there, obviously it was suitable for the production of agricultural commodities. What Mr. Hoeffel is asking is that we not give a blanket permission to withhold from useful suburban use and taxation those lands which in actuality are never going to be used for agricultural production. What Mr. Hoeffel is saying is, let us not put dollars in the pockets of speculators who are really not holding land out for agricultural production but are only holding land out for their own financial speculation.

If you look at his definition which he suggests, it is a sufficiently fluid definition to allow you to look at each parcel of land in turn and make a decision as to, one, whether or not it is in a predominantly residential area—if it is not, then it does not fall within the question of his amendment—or, two, whether or not it is readily suitable for agricultural production. If it meets

both those criteria, then you make a decision whether or not it should be considered for an agricultural reserve. If your decision is that it should not, it seems to me that it is only reasonable that it should not be given preferential treatment, and that is all the gentleman's amendment is asking.

I ask that we think again about what is happening to our lands in suburban areas, and I ask again that we remember what was stated on this floor a few weeks ago, that instead of our losing agricultural production in this state, as many people believe, that is a myth. We are not, and I ask that we support the gentleman, Mr. Hoeffel's amendment.

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

Mr. LETTERMAN. Mr. Speaker, may I interrogate Mr. Thomas, please?

The SPEAKER. Will the gentleman, Mr. Thomas, stand for interrogation? The gentleman indicates that he will, and the gentleman, Mr. Letterman, may proceed.

Mr. LETTERMAN. Mr. Speaker, I know you are a farmer, and I know that you have land that is probably under agricultural reserve. Let me ask you a question. If you have a piece of land that is not tillable—say it would be in the center of your farmland—and you do not wish to ever fix it up to make it tillable or maybe it can never be fixed up to be tillable, then that becomes what you call agricultural reserve land. You keep this open to the public at this time and allow people to hunt on that land. Is that correct?

Mr. THOMAS. I might do that if that were the case, which it is not in my case.

Mr. LETTERMAN. But you are supposed to, under the law, keep it open to the public for recreational purposes. Is that not correct?

Mr. THOMAS. That is absolutely correct.

Now let me explain my former statement. I happen to be a farmer. I do not happen to have a contract with Act 319. My county is not abusive in taxation of land or its use, and we do not need Act 319 in Snyder and Union Counties. There are very few contracts in either of my two counties. Now, Act 319 was not put in just to take care of everybody's acre of land across Pennsylvania right now. It was put in as an insurance policy that at some future time land would not be abused because of taxation. I think, Mr. Speaker, what you are trying to arrive at is the fact that we have more land out of agricultural production in Pennsylvania than we have in production, and at the time "clean and green" was enacted, which was the nomenclature of Act 319, all open spaces were considered. Is that right?

Mr. LETTERMAN. That is approximately right.

Mr. THOMAS. And that is your point. If in fact I had a part of my acreage which was open space that was nonproductive for food purposes, I could keep it open as long as it was not posted for recreation purposes, for sports or hunting, and it would remain there with such use.

Mr. LETTERMAN. Thank you.

Mr. Speaker, may I make a statement?

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

Mr. LETTERMAN. I was hoping to clarify more why I object to this amendment of Mr. Hoeffel's. I know that in order for the hunter in Pennsylvania to continue to have a good relationship with the farmers and to be able to use the kind of land that Mr. Hoeffel is talking about, we must keep it in some type of reserve, and I think that the agricultural reserve policy is a very good one, because it does state that this type of land must be kept open for recreational purposes and open to public use. I would hate to see the day when we start to think that just because someone is not paying the full load of taxes, that everybody who lives in a nice little suburban area that does not have any open space could not go out and enjoy the good sports that we have in this country today.

I would really object to this, and I hope that everybody understands that what I am trying to say to you is, preserve this land the way the farmer is trying to get along with the sportsman and help them out by keeping it under the agricultural reserve. Thank you very much.

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

Mr. ZELLER. Mr. Speaker, up until this point in time, I do not believe anyone has touched on the real issue, and I say this with respect, because on the "clean and green" bill, I made over 16 speeches throughout this state, working with Mr. Thomas and also Mr. Shelhamer in regard to bringing this bill about. Now I will tell you what happened.

We could not call it an agricultural reserve land bill because we could not get the votes. We had to call it the "clean and green" because we had to meet a lot of people — the farmers, the foresters, the environmentalists, the open-space people — and it went to a referendum. The people of this state voted on it, on this very concept that you are trying to tear out. By a 4-to-1 margin across this state the people voted, and now all of a sudden you want to change that. You are going back on your word, the word to the voters, and the only way you are going to change that, Mr. Hoeffel or anybody else, is put it back up for a referendum. That is the only way you are going to do it. Any open space that is receiving a preferential assessment and sold to a developer must pay the rollback. If we do anything now to change this law, we are backslapping the very people who went out here and voted for this very bill.

Preservation of open spaces is the key. The average farmer in this state is 55 years of age. If you put an assessment on these people or even the open-space people too hard, they are going to sell it. They are going to Florida. They are going to get out. So we have to have open spaces; we have to put an apple out there; we have to put something out there they can grab and hold onto to keep that land in open space. That is the question. What you are doing now is taking that apple or orange, whatever you want to call it, away from those people, and you are going to slap them down, the very voters who said we want it this way by a 4-to-1 vote.

So that is really the issue. It is not the issue that you are trying to do right here. The issue is the voters. They made it, and you are trying to take it away from them.

The SPEAKER. The Chair recognizes the gentleman from

Montgomery, Mr. Hoeffel.

Mr. HOEFFEL. Mr. Speaker, the issue here is not whether we are going to be taking away open-space land. We are not doing anything of the kind. Open-space land is currently protected under an entirely different Pennsylvania law, Act 515, that my amendment does not affect in any way. Now we have to remember that Act 319, which my amendment is directed to, is supposed to be a bill for farmers and farmland and forestland, and all I am trying to do is make sure that the preferential tax assessments granted under Act 319 actually go for farmland or forestland and not to the suburban estates and the land that is never going to be farmed, never can be farmed, and have our other taxpayers have to pick up the bill for this government subsidy.

Now Mr. Thomas talks about the compromises and legislative efforts that were made a few years ago to pass Act 319 and Act 515, and he talks about this as if it is now a sacred cow that we cannot take another look at. Now I really object to that approach. You know, we have every right today to take a look at our preferential tax policies and decide after several years of operation whether they are working appropriately or not, and I contend that they are not appropriate. I contend that there are people—I know there are people in Montgomery County—getting preferential tax assessments who do not deserve them. They are not farmers. They are land speculators or the owners of large suburban estates, and they are essentially ripping off the rest of the taxpayers by this government subsidy that we seem unwilling to try to modify.

Mr. Letterman talks about the hunters, and he makes a very good point. I have to stress again that my amendment and Act 319 have nothing to do with the open-space land on which he hunts. That land is protected for tax assessment purposes under Act 515, so the objections Mr. Letterman is raising are simply not appropriate to this amendment.

I think it is time for us to say that we have had several years of operation under Act 319 and Act 515, and maybe it is time to take another look at them; maybe it is time to try to knock out the abuses. That is what I am trying to do by this amendment. Thank you.

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

Mr. LETTERMAN. Mr. Speaker, may I interrogate Mr. Hoeffel, please?

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

Mr. LETTERMAN. Mr. Speaker, did I understand you to say that the land that you are dealing with is not under Act 319 and that it does not affect the hunting?

Mr. HOEFFEL. No, Mr. Speaker. My amendment does deal with Act 319. My point is that the land you are concerned about is not affected by Act 319. Act 515 is the open-space land, and in Act 515 is the definition of open-space land that you want to protect and I want to protect: "Any land, including farm, forest and water supply land. . . ." Open-space land shall include land to ". . . conserve natural or scenic resources, includ-

ing but not limited to soils, beaches, streams, wetlands, or tidal marshes"—blah, blah, blah. We go on and on protecting open-space lands, and I think that is great.

Mr. LETTERMAN. Okay. Now what is your definition of agricultural reserve land?

Mr. HOEFFEL. My definition of agricultural reserve land is that it should be land that can be used for farming. Right now it is not.

Mr. LETTERMAN. What is the definition for agricultural reserve land now?

Mr. HOEFFEL. The current definition is "noncommercial open space lands used for outdoor recreation or the enjoyment of scenic or natural beauty and open to the public. . ." It says nothing to do with farming. The current definition of agricultural reserve does not get anywhere near farming.

Mr. LETTERMAN. But agricultural reserve land is exactly what I am talking about. That is what you are taking away from this.

Mr. HOEFFEL. That is not right, Mr. Speaker. I am changing it in Act 319; that is correct. But you are totally protected, fully protected under Act 515. That is that long definition of open-space land that I just read to you. This is not going to reduce the tax assessments on your hunting land one iota.

Mr. LETTERMAN. Mr. Speaker, would you agree to hold this until the 13th when we come back? If you are correct, I would like to vote for your program, but I have to have the opportunity to be sure that I am not absolutely correct in my feelings, and I would really respectfully request that you hold this until the 13th, until I have a chance to really check it out.

Mr. HOEFFEL. I will hold my amendment, Mr. Speaker. I do not know if the sponsors of the bill want to hold the bill.

Mr. LETTERMAN. Thank you.

MOTION TO PLACE HB 725 AND AMENDMENTS ON THIRD CONSIDERATION POSTPONED CALENDAR

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

Mr. LETTERMAN. Mr. Speaker, I would like to ask that this bill with the Hoeffel amendment be put on the postponed calendar until we come back on November 13.

The SPEAKER. It has been moved by the gentleman from Centre, Mr. Letterman, that HB 725 with the Hoeffel amendment be placed on the third reading postponed calendar.

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

Mr. THOMAS. Mr. Speaker, I oppose the motion. This bill has been around since the spring of this year, one of the very first bills that came out of the Agriculture Committee. Everybody knew what it was for. The Hoeffel amendment was around for a couple of weeks. Everybody knows what that is. I want to vote the Hoeffel amendment today, and I want to vote the bill today. I ask your opposition to the motion.

MOTION WITHDRAWN

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

Mr. LETTERMAN. Mr. Speaker, I will withdraw my motion since the people whom it really is going to affect someday do not give a darn. So I will withdraw it.

The SPEAKER. The Chair thanks the gentleman.

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

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts, on the amendment.

Mr. PITTS. Mr. Speaker, I rise to oppose the amendment. I hate to disagree with my colleague from Montgomery County, but there are a great number of lands in this state that are not protected by Act 515. There are only a handful of counties in this state which have adopted and agreed to operate under Act 515. There are a great number of counties, most of them, which have adopted and are operating under Act 319.

When we were debating Act 319 and the issue was being discussed across this Commonwealth and sold to the citizens of this Commonwealth, it was sold to them on the basis that open-space reserve land would be included in the bill, such land as watersheds in residential areas, and these reserve areas are in excess of 10 acres in size, areas such as marshland down near the Philadelphia airport, land which is covered with woodland, areas which are not readily available for producing agricultural commodities but are very important in preserving our natural resources such as soil and water, conservation areas for small game, and this was all promoted in the "clean and green" promotion across the state. The citizens of this state expressed themselves and, in a mandate of 3 to 1 across this state, said we should have "clean and green."

I oppose this amendment because there are areas in the suburbs which are necessary to be designated as reserve areas and are presently designated under Act 319, and, therefore, I feel that they should be included and this amendment should be defeated.

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

The following roll call was recorded:

YEAS—43

Austin	Gallagher	Kukovich	Rappaport
Borski	Gamble	Manderino	Reed
Cappabianca	Gatski	McVerry	Rodgers
Chess	Giammarco	Michlovic	Seventy
Clark, B.	Goebel	Milanovich	Stairs
Cochran	Harper	Murphy	Sweet
Cohen	Hoeffel	O'Brien, B.	Taylor, F.
Cowell	Irviss	O'Donnell	Wargo
DeWeese	Itkin	Pistella	Zitterman
Dombrowski	Jones	Pott	Zord
Duffy	Kernick	Pucciarelli	

NAYS—127

Alden	Fryer	Livengood	Shupnik
Anderson	Gallen	Lynch, E. R.	Sieminski
Armstrong	Gannon	Lynch, F.	Sirianni
Arty	Geesey	Mackowski	Smith, E.
Belardi	Geist	Manmiller	Smith, L.
Bittle	George, C.	McCall	Spitz

Bowser	George, M.	McClatchy	Steighner
Brandt	Gladeck	McKelvey	Stewart
Brown	Grabowski	Micozzie	Street
Burd	Greenfield	Moehlmann	Stuban
Burns	Grieco	Mowery	Swift
Caltagirone	Gruppo	Musto	Taddonio
Cessar	Halverson	Nahill	Taylor, E.
Cimini	Hasay	Novak	Telek
Clark, R.	Hayes, S. E.	Noye	Thomas
Cole	Helfrick	O'Brien, D.	Trello
Cornell	Honaman	Perzel	Vroon
Coslett	Hutchinson, A.	Peterson	Wachob
Cunningham	Hutchinson, W.	Petrarca	Wagner
Davies	Johnson, E.	Piccola	Wass
Dawida	Johnson, J.	Pitts	Weidner
DeMedio	Kanuck	Polite	Wenger
DeVerter	Klingaman	Punt	Wilson
DiCarlo	Knepper	Pyles	Wright, D.
Dietz	Knight	Ritter	Wright, J. L.
Dininni	Kolter	Rocks	Yahner
Dorr	Lashinger	Ryan	Yohn
Durham	Laughlin	Scheaffer	Zeller
Fischer, R. R.	Lehr	Schmitt	Zwinkl
Fisher, D. M.	Letterman	Schweder	
Foster, A.	Levi	Scirica	Seltzer,
Foster, W.	Lewis	Serafini	Speaker
Freind			

NOT VOTING—33

Barber	Fee	McMonagle	Richardson
Beloff	Goodman	Miller	Rieger
Bennett	Gray	Mrkonic	Salvatore
Berson	Hayes, D. S.	Mullen, M. P.	Shadding
Brunner	Kowalyshyn	Oliver	Spencer
Cianciulli	Levin	Pievsky	White
Donatucci	Madigan	Pratt	Williams
Dumas	McIntyre	Rhodes	Wilt
Earley			

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?

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

YEAS—164

Alden	Freind	Lewis	Schweder
Anderson	Fryer	Livengood	Scirica
Armstrong	Gallagher	Lynch, E. R.	Serafini
Arty	Gallen	Mackowski	Seventy
Austin	Gamble	Manmiller	Shupnik
Belardi	Gannon	McCall	Sieminski
Bittle	Gatski	McClatchy	Sirianni
Borski	Geesey	McKelvey	Smith, L.
Bowser	Geist	McVerry	Spitz
Brandt	George, C.	Michlovic	Stairs
Brown	George, M.	Micozzie	Steighner
Burd	Giammarco	Milanovich	Stewart
Burns	Gladeck	Moehlmann	Street
Caltagirone	Goebel	Mowery	Stuban
Cappabianca	Goodman	Mrkonic	Sweet
Cessar	Grabowski	Murphy	Swift

Chess	Greenfield	Musto	Taddonio
Cimini	Grieco	Nahill	Taylor, E.
Clark, B.	Gruppo	Novak	Taylor, F.
Clark, R.	Halverson	Noye	Telek
Cochran	Harper	O'Brien, B.	Thomas
Cohen	Hasay	O'Brien, D.	Trello
Cole	Hayes, S. E.	O'Donnell	Vroon
Cornell	Helfrick	Perzel	Wachob
Coslett	Hoeffel	Peterson	Wagner
Cowell	Honaman	Petrarca	Wargo
Cunningham	Hutchinson, W.	Piccola	Wass
Davies	Itkin	Pistella	Weidner
Dawida	Johnson, E.	Pitts	Wenger
DeMedio	Jones	Polite	Wilson
DeVerter	Kanuck	Pott	Wright, D.
DeWeese	Kernick	Pucciarelli	Wright, J. L.
DiCarlo	Klingaman	Punt	Yahner
Dietz	Knepper	Pyles	Yohn
Diminni	Knight	Reed	Zeller
Dombrowski	Kolter	Ritter	Zitterman
Dorr	Kukovich	Rocks	Zwickl
Durham	Lashinger	Rodgers	
Fischer, R. R.	Laughlin	Ryan	
Fisher, D. M.	Lehr	Scheaffer	Seltzer,
Foster, A.	Letterman	Schmitt	Speaker
Foster, W.	Levi		

NAYS—5

Duffy	Irvis	Manderino	Rappaport
Hutchinson, A.			

NOT VOTING—34

Barber	Fee	McIntyre	Rieger
Beloff	Gray	McMonagle	Salvatore
Bennett	Hayes, D. S.	Miller	Shadding
Berson	Johnson, J.	Mullen, M. P.	Smith, E.
Brunner	Kowalshyn	Oliver	Spencer
Cianciulli	Levin	Pievsky	White
Donatucci	Lynch, F.	Pratt	Williams
Dumas	Madigan	Rhodes	Wilt
Earley	McIntyre	Richardson	

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.

CALENDAR BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 268, PN 2286**, entitled:

An Act establishing the responsibilities and liabilities of ski area operators and skiers in the sport of skiing.

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—157

Alden	Gallen	Livengood	Scirica
Anderson	Gamble	Lynch, E. R.	Serafini

Armstrong	Gannon	Lynch, F.	Seventy
Arty	Gatski	Mackowski	Shupnik
Austin	Geesey	Manderino	Sieminski
Belardi	Geist	Manmiller	Sirianni
Bittle	George, M.	McCall	Smith, E.
Bowser	Giammarco	McClatchy	Smith, L.
Brandt	Gladeck	McKelvey	Spitz
Brown	Goebel	McVerry	Stairs
Burd	Goodman	Michlovic	Steighner
Burns	Grabowski	Micozzie	Stewart
Caltagirone	Grieco	Mowery	Street
Cessar	Gruppo	Mrkonic	Sweet
Chess	Halverson	Murphy	Swift
Cimini	Harper	Musto	Taddonio
Clark, B.	Hasay	Nahill	Taylor, E.
Cochran	Hayes, S. E.	Novak	Taylor, F.
Cohen	Helfrick	Noye	Thomas
Cole	Hoeffel	O'Brien, B.	Trello
Cornell	Honaman	O'Brien, D.	Vroon
Coslett	Hutchinson, A.	Perzel	Wachob
Cowell	Irvis	Peterson	Wagner
Cunningham	Itkin	Petrarca	Wargo
Davies	Johnson, E.	Pistella	Wass
Dawida	Johnson, J.	Pitts	Weidner
DeVerter	Jones	Polite	Wenger
DeWeese	Kanuck	Pott	Wilson
DiCarlo	Kernick	Pucciarelli	Wright, D.
Dietz	Klingaman	Punt	Wright, J. L.
Dininni	Knepper	Pyles	Yahner
Dorr	Knight	Rappaport	Yohn
Durham	Kolter	Reed	Zeller
Fischer, R. R.	Kukovich	Ritter	Zitterman
Fisher, D. M.	Lashinger	Rocks	Zord
Foster, A.	Laughlin	Rodgers	Zwickl
Foster, W.	Lehr	Ryan	
Freind	Letterman	Scheaffer	Seltzer,
Fryer	Levi	Schmitt	Speaker
Gallagher	Lewis	Schweder	

NAYS—10

Borski	Dombrowski	Hutchinson, W.	Moehlmann
Cappabianca	Duffy	Milanovich	Piccola
Clark, R.	George, C.		

NOT VOTING—36

Barber	Earley	McMonagle	Rieger
Beloff	Fee	Miller	Salvatore
Bennett	Gray	Mullen, M. P.	Shadding
Berson	Greenfield	O'Donnell	Spencer
Brunner	Hayes, D. S.	Oliver	Stuban
Cianciulli	Kowalshyn	Pievsky	Telek
DeMedio	Levin	Pratt	White
Donatucci	Madigan	Rhodes	Williams
Dumas	McIntyre	Richardson	Wilt

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 Cambria, Mr. Telek. For what purpose does the gentleman rise?

Mr. TELEK. Mr. Speaker, I was out of my seat when the vote was taken on HB 268. 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 Jefferson, Mr. Smith. For what purpose does the gentleman rise?

Mr. L. E. SMITH. Mr. Speaker, I was out in the hall when HB 268 was voted. I had intended to get from the sponsor of this bill a statement relative to the legislative intent. I want to interrogate the sponsor, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Bittle, indicates he will stand for interrogation.

The gentleman, Mr. Smith, may proceed.

Mr. L. E. SMITH. Mr. Speaker, this bill was in the Business and Commerce Committee originally and it has been kicked around since then and it has been changed an awful lot, and, for the purpose of legislative intent, I would like to pose several questions.

First of all, I would like to clarify exactly what is meant by "downhill skiing" and why does it say "downhill skiing" in the bill instead of just "skiing"?

Mr. BITTLE. Mr. Speaker, that is to make it clear that an uphill skier, in other words a person waiting to embark on a lift or actually on a lift or disembarking from a lift, is not included in the *voluntary assumption of the risk language*.

Mr. L. E. SMITH. For the purposes of legislative intent, would you also illustrate "embarking" and "disembarking"?

Mr. BITTLE. Yes, Mr. Speaker. Suppose a skier falls as he gets off a lift and the lift operator does not press the button that stops the lift and another skier falls into him and either or both are injured. These persons are not downhill skiers and not included in the assumption of the risk language.

Mr. L. E. SMITH. What about embarking?

Mr. BITTLE. That would be the case where a skier gets into a lift line and a reckless skier runs into the lift line injuring the innocent skier. *Once again, the innocent skier is not a downhill skier and included in the assumption of the risk language.*

Mr. L. E. SMITH. Mr. Speaker, aside from uphill, embarking and disembarking, how, literally, is it intended to define the word "downhill"? Suppose a skier skiing downhill is going fairly fast and skies temporarily uphill on a counterslope?

Mr. BITTLE. Mr. Speaker, the intent is that the skier is a downhill skier from the time he clears the lift line at the top until he gets back into the lift line at the bottom.

Mr. L. E. SMITH. Then a skier standing on a trail is a downhill skier?

Mr. BITTLE. Yes, Mr. Speaker.

Mr. L. E. SMITH. What about cross-country skiing, downhill, uphill and level?

Mr. BITTLE. The intent is to include that, Mr. Speaker. As I said at the beginning, the reason for the term "downhill skier" was simply to eliminate having specific statutory coverage of skiers waiting for lifts, going up the lift lines and disembarking at the top.

Mr. L. E. SMITH. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman from Lackawanna, Mr. Zitterman, wish to be recognized?

Mr. ZITTERMAN. Yes, Mr. Speaker. Thank you very much.

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

Mr. ZITTERMAN. Mr. Speaker, HB 268 simply makes it clear that the doctrine of voluntary assumption of risk still ap-

plies to skiing injuries despite our enactment of the comparative negligence law that we passed in 1976. Thank you very much, Mr. Speaker.

The House proceeded to third consideration of **HB 1526, PN 1792**, entitled:

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further defining "retail dispenser" and providing for sales of malt or brewed beverages for consumption off the premises.

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—161

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

NAYS—8

Cunningham	Dietz	Pitts	Wagner
DeVerter	Fischer, R. R.	Stairs	Wass

NOT VOTING—34

Barber	Fee	Miller	Richardson
Beloff	Gray	Mullen, M. P.	Rieger
Bennett	Greenfield	O'Donnell	Salvatore
Berson	Hayes, D. S.	Oliver	Shadding
Brunner	Kowalyshyn	Pievsky	Spencer
Cianciulli	Levin	Pratt	White
Donatucci	Madigan	Pyles	Williams
Dumas	McIntyre	Rhodes	Wilt
Earley	McMonagle		

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

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

The House proceeded to third consideration of **HB 339, PN 361**, entitled:

An Act creating the Veterans Memorial Commission as a temporary body to develop detailed plans for the creation of a State memorial honoring Pennsylvania servicemen and to submit a report of its findings, recommendations and proposed legislation to 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—168

Alden	Freind	Levi	Schweder
Anderson	Fryer	Lewis	Scirica
Armstrong	Gallagher	Livengood	Serafini
Arty	Gallen	Lynch, E. R.	Seventy
Austin	Gamble	Mackowski	Shupnik
Belardi	Gannon	Manderino	Sieminski
Bittle	Gatski	Manmiller	Sirianni
Borski	Geesey	McCall	Smith, E.
Bowser	Geist	McClatchy	Smith, L.
Brandt	George, C.	McKelvey	Spitz
Brown	George, M.	McVerry	Stairs
Burd	Giammarco	Michlovic	Steighner
Burns	Gladeck	Micozzie	Stewart
Caltagirone	Goebel	Milanovich	Street
Cappabianca	Goodman	Moehlmann	Stuban
Cessar	Greenfield	Mowery	Sweet
Chess	Grieco	Mrkonic	Swift
Cimini	Gruppo	Murphy	Taddonio
Clark, B.	Halverson	Musto	Taylor, E.
Clark, R.	Harper	Nahill	Taylor, F.
Cochran	Hasay	Novak	Telek
Cohen	Hayes, S. E.	Noye	Thomas
Cole	Helfrick	O'Brien, B.	Trello
Cornell	Hoeffel	O'Brien, D.	Vroon
Coslett	Honaman	O'Donnell	Wachob
Cowell	Hutchinson, A.	Perzel	Wagner
Cunningham	Hutchinson, W.	Peterson	Wargo
Davies	Irvis	Petrarca	Wass
Dawida	Itkin	Piccola	Weidner
DeMedio	Johnson, E.	Pistella	Wenger
DeVertter	Johnson, J.	Pitts	Wilson
DeWeese	Jones	Polite	Wright, D.
DiCarlo	Kanuck	Pott	Wright, J. L.
Dietz	Kernick	Pucciarelli	Yahner

Dininni	Klingaman	Punt	Yohn
Dombrowski	Knepper	Reed	Zeller
Dorr	Knight	Ritter	Zitterman
Duffy	Kolter	Rocks	Zord
Durham	Kukovich	Rodgers	Zwikel
Fischer, R. R.	Lashingner	Ryan	
Fisher, D. M.	Laughlin	Scheaffer	Seltzer,
Foster, A.	Lehr	Schmitt	Speaker
Foster, W.	Letterman		

NAYS—2

Grabowski	Rappaport
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NOT VOTING—33

Barber	Fee	McMonagle	Richardson
Beloff	Gray	Miller	Rieger
Bennett	Hayes, D. S.	Mullen, M. P.	Salvatore
Berson	Kowalyshyn	Oliver	Shadding
Brunner	Levin	Pievsky	Spencer
Cianciulli	Lynch, F.	Pratt	White
Donatucci	Madigan	Pyles	Williams
Dumas	McIntyre	Rhodes	Wilt
Earley			

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

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

The House proceeded to third consideration of **HB 893, PN 979**, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), further restricting the use of spotlights, headlights or other artificial lights and changing the penalty.

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—169

Alden	Gallagher	Lewis	Schweder
Anderson	Gallen	Livengood	Scirica
Armstrong	Gamble	Lynch, E. R.	Serafini
Arty	Gannon	Lynch, F.	Seventy
Austin	Gatski	Mackowski	Shupnik
Belardi	Geesey	Manderino	Sieminski
Bittle	Geist	Manmiller	Sirianni
Borski	George, C.	McCall	Smith, E.
Bowser	George, M.	McKelvey	Smith, L.
Brandt	Giammarco	McVerry	Spitz
Brown	Gladeck	Michlovic	Stairs
Burd	Goebel	Micozzie	Steighner
Burns	Goodman	Milanovich	Stewart
Caltagirone	Grabowski	Moehlmann	Street
Cappabianca	Greenfield	Mowery	Stuban
Cessar	Grieco	Mrkonic	Sweet
Chess	Gruppo	Murphy	Swift
Cimini	Halverson	Musto	Taddonio
Clark, B.	Harper	Nahill	Taylor, E.
Clark, R.	Hasay	Novak	Taylor, F.

Cochran	Hayes, S. E.	Noye	Telek
Cohen	Helfrick	O'Brien, B.	Thomas
Cole	Hoeffel	O'Brien, D.	Trello
Cornell	Honaman	O'Donnell	Vroon
Cowell	Hutchinson, A.	Perzell	Wachob
Cunningham	Hutchinson, W.	Peterson	Wagner
Davies	Irvis	Petrarca	Wargo
Dawida	Itkin	Piccola	Wass
DeMedio	Johnson, E.	Pistella	Weidner
DeVerter	Johnson, J.	Pitts	Wenger
DeWeese	Jones	Polite	Wilson
DiCarlo	Kanuck	Pott	Wright, D.
Dietz	Kernick	Pucciarelli	Wright, J. L.
Dininni	Klingaman	Punt	Yahner
Dombrowski	Knepper	Pyles	Yohn
Duffy	Knight	Rappaport	Zeller
Durham	Kolter	Reed	Zitterman
Fischer, R. R.	Kukovich	Ritter	Zord
Fisher, D. M.	Lashinger	Rocks	Zwilk
Foster, A.	Laughlin	Rodgers	
Foster, W.	Lehr	Ryan	Seltzer,
Freind	Letterman	Scheaffer	Speaker
Fryer	Levi	Schmitt	

NAYS—0

NOT VOTING—34

Barber	Dumas	McIntyre	Richardson
Beloff	Earley	McMonagle	Rieger
Bennett	Fee	Miller	Salvatore
Berson	Gray	Mullen, M. P.	Shadding
Brunner	Hayes, D. S.	Oliver	Spencer
Cianciulli	Kowalshyn	Pievsky	White
Coslett	Levin	Pratt	Williams
Donatucci	Madigan	Rhodes	Wilt
Dorr	McClatchy		

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

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

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

Mr. DORR. Mr. Speaker, I was attempting to get some legislative history on this bill also. I wonder if the prime sponsor would stand for interrogation.

The SPEAKER. Will the gentleman, Mr. Foster, stand for interrogation? The gentleman indicates that he will. The gentleman, Mr. Dorr, may proceed.

Mr. DORR. Mr. Speaker, the question is, in order to establish the intent of the House on this matter—and what I want to ask you is whether it is intended to outlaw the shining of light regardless of how that light is shined or the nature of the light by a person on his own home or other buildings in the farm area?

Mr. W. W. FOSTER. No. It is not designed for that, but I would say this, that if the owner of a home had a weapon in his car and he was shining the light around, he could be in violation.

Mr. DORR. He would only be in violation, however, if he was shining it out in the woods in the earlier portion of the bill. He would not be in violation if he simply pulled into his driveway and his lights happened to shine on his home, would he? That is not your intent?

Mr. W. W. FOSTER. No. No, it would not. It has to be a spotlight.

Mr. DORR. Okay. And even if an owner of a home took a spotlight out and decided that he wanted to shine a spotlight on his own home, that is not your intent to make him in violation of the law at that point is it?

Mr. W. W. FOSTER. No, it would not.

Mr. DORR. Thank you, Mr. Speaker.

The House proceeded to third consideration of **HB 1150, PN 1294**, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), increasing the penalty of the owner of dogs killing deer and elk.

On the question,

Will the House agree to the bill on third consideration?

Mr. E. H. SMITH offered the following amendments:

Amend Title, page 1, line 5, by inserting after "dogs" injuring or

Amend Sec. 1, page 1, line 8, by striking out "Section" and inserting The section heading and section

Amend Sec. 1, page 1, line 9, by inserting after "Law," the section

Amend Sec. 1, page 1, line 10, by striking out "is" and inserting are

Amend Sec. 1 (Sec. 717), page 1, line 11, by inserting after "Pursuing", Injuring or Killing

Amend Sec. 1 (Sec. 717), page 1, line 15, by inserting after "of" where it appears the last time injuring or

Amend Sec. 1 (Sec. 717), page 2, line 22, by striking out the bracket before "fifty"

Amend Sec. 1 (Sec. 717), page 2, line 23, by inserting after "elk" or deer pursued

Amend Sec. 1 (Sec. 717), page 2, line 23, by inserting a bracket before "twenty-five"

Amend Sec. 1 (Sec. 717), page 2, lines 23 and 24, by striking out "one hundred fifty dollars (\$150.00)" and inserting one hundred dollars (\$100.00)

Amend Sec. 1 (Sec. 717), page 2, line 24, by inserting brackets before and after "pursued, or"

On the question,

Will the House agree to the amendments?

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

Mr. W. W. FOSTER. Mr. Speaker, I rise to explain Mr. Smith's amendment and just exactly what it does.

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

Mr. W. W. FOSTER. Mr. Speaker, when this bill was considered by the Fish and Game Committee — actually Mr. Smith's amendment was considered at that meeting — it was an oversight that it was not in the bill when it was reported to the floor and I believe this amendment is agreed to by both sides of the aisle.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—170

Alden	Fryer	Levi	Scheaffer
Anderson	Gallagher	Lewis	Schmitt
Armstrong	Gallen	Livengood	Schweder
Arty	Gamble	Lynch, E. R.	Scirica
Austin	Gannon	Lynch, F.	Seventy
Belardi	Gatski	Mackowski	Shupnik
Bittle	Geesey	Manderino	Sieminski
Borski	Geist	Manmiller	Sirianni
Bowser	George, C.	McCall	Smith, E.
Brandt	George, M.	McClatchy	Smith, L.
Brown	Giammarco	McKelvey	Spitz
Burd	Gladeck	McVerry	Stairs
Burns	Goebel	Michlovic	Steighner
Caltagirone	Goodman	Micozzie	Stewart
Cappabianca	Grabowski	Milanovich	Street
Cessar	Greenfield	Moehlmann	Stuban
Chess	Grieco	Mowery	Sweet
Cimini	Gruppo	Mrkonic	Swift
Clark, B.	Halverson	Murphy	Taddonio
Clark, R.	Harper	Musto	Taylor, E.
Cochran	Hasay	Nahill	Taylor, F.
Cohen	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.	Perzel	Wagner
Davies	Irvis	Peterson	Wargo
Dawida	Itkin	Petrarca	Wass
DeVerter	Johnson, E.	Piccola	Weidner
DeWeese	Johnson, J.	Pistella	Wenger
DiCarlo	Jones	Pitts	Wilson
Dietz	Kanuck	Polite	Wright, D.
Dininni	Kernick	Pott	Wright, J. L.
Dombrowski	Klingaman	Pucciarelli	Yahner
Dorr	Knepper	Punt	Yohn
Duffy	Knight	Pyles	Zeller
Durham	Kolter	Rappaport	Zitterman
Fischer, R. R.	Kukovich	Reed	Zord
Fisher, D. M.	Lashinger	Ritter	Zwinkl
Foster, A.	Laughlin	Rocks	
Foster, W.	Lehr	Rodgers	Seltzer,
Freind	Letterman	Ryan	Speaker

NAYS—1

Serafini

NOT VOTING—32

Barber	Dumas	McIntyre	Richardson
Beloff	Earley	McMonagle	Rieger
Bennett	Fee	Miller	Salvatore
Berson	Gray	Mullen, M. P.	Shadding
Brunner	Hayes, D. S.	Oliver	Spencer
Cianciulli	Kowalshyn	Pievsky	White
DeMedio	Levin	Pratt	Williams
Donatucci	Madigan	Rhodes	Wilt

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

REMARKS ON VOTE

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

Mr. SERAFINI. I would like to change my vote on the E. H. Smith amendment No. A3162 to HB 1150 from "no" to "yes," please.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. GOEBEL. Mr. Speaker, will the gentleman, Mr. Dawida, consent to interrogation?

The SPEAKER. The gentleman indicates that he will, and the gentleman, Mr. Goebel, may proceed.

Mr. GOEBEL. Mr. Speaker, I wanted to know what the purpose was of increasing the fines on this particular law that was in existence on the dogs pursuing a deer.

Mr. DAWIDA. The purpose of the fines was that they were so low that it was not a deterrent to the crime, and we raised the fines to make it more of a deterrent.

Mr. GOEBEL. Again, the fine is now exactly what after this amendment? Was that reduced from the original bill?

Mr. DAWIDA. One hundred dollars.

Mr. GOEBEL. It is \$100? Do you think that that is now going to be a deterrent to dogs not pursuing a deer or is that going to— How do you think this is going to help? Is someone going to now watch their dog closer or what?

Mr. DAWIDA. I would hope they would. Yes. I would.

Mr. GOEBEL. Thank you, Mr. Speaker.

Just as a comment, then, I think myself—

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

Mr. GOEBEL. —that a dog naturally trails game. I do not see how you would stop a beagle from trailing a deer. Now this would also just say "tracking," that if a dog is tracking a deer on a trail, that the owner is going to be liable for a \$100 fine. To me, I think it is a little unreasonable.

I am going to vote against it myself, even though I do not own a dog at the present time. I just do not think that you can change a dog's habits from not trailing a deer. As far as killing a deer, that is one thing. I think if a dog is killing a deer that is something else. That dog should be destroyed actually. But a dog that is just tracking a deer, that is the same fine for the tracking. I think that is another story.

For that reason, I am going to have to vote against it. If it was just killing the deer, then I would vote for it. So thank you, Mr. Speaker.

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

Mr. LETTERMAN. Mr. Speaker, in some form of explanation, the Game Commission reported to the Game and Fisheries Committee that out of 2,000 deer they knew were killed by dogs last year, only 20 persons were prosecuted. And they were only prosecuted because they were caught standing and watching the deer or animal actually being killed by the dogs.

That, Mr. Speaker, does take care of your fear. There are very few people penalized, because we all realize that dogs have the

instinct to track and trail deer. It is there. We hope all of them do not do it if that is not what they are aimed to do. But they seem to do it some time sooner or later.

But I think it is a better piece of legislation to have any kind of surveillance of this at all. I think the penalty that we have now put on them is not too harsh. And most of the dog owners whom I talked to agreed with it, because the dog owner himself is not the person whom we are really after who goes out with a coonhound or a foxhound. The person we are looking for is a guy who lets a dog run loose at any time and they join up in large packs. These are the kind of dogs that we are after and that we want to destroy if we can. Thank you.

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

Mr. ZELLER. Mr. Speaker, what Mr. Letterman says is true. We have a problem at the Lehigh County Game Preserve. We have an average up there of almost a deer a week that is killed by dogs, because there is a residential area right next to it and the people let their collies, their Doberman pinschers and these dogs run loose and they are killing deer.

Now, Ron's fears will be eliminated because what we are hoping is that no one is going to kill the dog. By raising the fines, maybe the people will take care of their dog and keep their dog tied. That is the problem.

So, really, I think your fears are unfounded. By raising the fine, we will have people being more responsible and taking care of their dogs.

On the question recurring,
Shall the bill pass finally?

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

YEAS—169

Alden	Fryer	Lewis	Schmitt
Anderson	Gallagher	Livengood	Schweder
Armstrong	Gallen	Lynch, F. R.	Scirica
Arty	Gamble	Lynch, F.	Serafini
Austin	Gannon	Mackowski	Seventy
Belardi	Gatski	Manderino	Shupnik
Bittle	Geesey	Manmiller	Sieminski
Borski	Geist	McCall	Sirianni
Bowser	George, C.	McClatchy	Smith, E.
Brandt	George, M.	McKelvey	Smith, L.
Brown	Giammarco	McVerry	Spitz
Burd	Gladeck	Michlovic	Stairs
Burns	Goebel	Micozzie	Steighner
Caltagirone	Goodman	Milanovich	Stewart
Cappabianca	Grabowski	Moehlmann	Street
Cessar	Greenfield	Mowery	Stuban
Chess	Grieco	Mrkonic	Sweet
Cimini	Gruppo	Murphy	Swift
Clark, B.	Halverson	Musto	Taddonio
Clark, R.	Harper	Nahill	Taylor, E.
Cochran	Hasay	Novak	Taylor, F.
Cole	Hayes, S. E.	Noye	Telek
Cornell	Helfrick	O'Brien, B.	Thomas
Coslett	Hoeffel	O'Brien, D.	Trello
Cowell	Honaman	O'Donnell	Vroon
Cunningham	Hutchinson, A.	Perzel	Wachob
Davies	Irvis	Peterson	Wargo
Dawida	Itkin	Petrarca	Wass
DeMedio	Johnson, E.	Piccola	Weidner
DeVerter	Johnson, J.	Pistella	Wenger

DeWeese	Jones	Pitts	Wilson
DiCarlo	Kanuck	Polite	Wright, D.
Dietz	Kernick	Pott	Wright, J. L.
Dininni	Klingaman	Pucciarelli	Yahner
Dombrowski	Knepper	Punt	Yohn
Dorr	Knight	Pyles	Zeller
Duffy	Kolter	Rappaport	Zitterman
Durham	Kukovich	Reed	Zord
Fischer, R. R.	Lashinger	Ritter	Zwinkl
Fisher, D. M.	Laughlin	Rocks	
Foster, A.	Lehr	Rodgers	Seltzer,
Foster, W.	Letterman	Ryan	Speaker
Freind	Levi	Scheaffer	

NAYS—2

Hutchinson, W. Wagner

NOT VOTING—32

Barber	Dumas	McIntyre	Richardson
Beloff	Earley	McMonagle	Rieger
Bennett	Fee	Miller	Salvatore
Berson	Gray	Mullen, M. P.	Shadding
Brunner	Hayes, D. S.	Oliver	Spencer
Cianciulli	Kowalyszyn	Pievsky	White
Cohen	Levin	Pratt	Williams
Donatucci	Madigan	Rhodes	Wilt

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

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

The House proceeded to third consideration of **HB 1235, PN 1392**, entitled:

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), authorizing the suspension of hunting privileges of persons failing to pay a penalty or honor a citation.

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 Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. I would like to give just a very short explanation on people who are arrested and owe fines. We have on the books right now people who are paying 5 cents a month toward that fine and they are allowed to get their license back. What we say is until they have their penalty paid, they should not be allowed to have the hunting privilege.

I hope that everybody agrees with that, because this has been a bookkeeping nightmare for the Game Commission. A lot of people are aware of it and making a real joke out of this thing. They are starting to send in 10 cents or a quarter a month toward their penalties.

I hope that you will vote for this bill. Thank you.

On the question recurring,
Shall the bill pass finally?

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

YEAS—172

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

NAYS—0

NOT VOTING—31

Barber	Earley	McMonagle	Rieger
Beloff	Fee	Miller	Salvatore
Bennett	Gray	Mullen, M. P.	Shadding
Berson	Hayes, D. S.	Oliver	Spencer
Brunner	Kowalshyn	Pievsky	White
Cianciulli	Levin	Pratt	Williams
Donatucci	Madigan	Rhodes	Wilt
Dumas	McIntyre	Richardson	

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

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

The House proceeded to third consideration of **HB 672, PN 728**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylva-

nia Consolidated Statutes, mandating certain electric utilities to maintain a certain supply of fossil fuel at certain times.

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

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

Mr. BRANDT. Thank you, Mr. Speaker.

HB 672 came out of the Consumer Affairs Committee after quite an extensive debate in that committee. One of the main questions that I feel was not answered in the Consumer Affairs Committee on this piece of legislation was how this affects directly the utilities in Pennsylvania and also the mines and their maintaining a flow of fossil fuel to these—

The SPEAKER. For what purpose does the gentleman, Mr. Laughlin, rise?

Mr. LAUGHLIN. Mr. Speaker, I was informed earlier by Mr. Musto that he had requested of Mr. Irvis that this bill be held over.

I would be glad to debate it right now, but since he had made the request—

The SPEAKER. The Chair's calendar is marked to call the bill up and to recognize Mr. Brandt.

The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Irvis is off the floor, but his calendar is very definitely marked, hold at the request of Mr. Musto. Now maybe he did not make that request of the Chair. I would like to make that request to the Chair, unless there is objection to passing over the bill.

HB 672 PASSED OVER

The SPEAKER. Without objection, HB 672 will be passed over. The Chair hears none.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 1275, PN 2266**, 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. 1436, 1800 Printer's No. 2266

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1275

Session of 1979

INTRODUCED BY MR. McCLATCHY, MAY 14, 1979.

SENATOR SMITH, APPROPRIATIONS, IN SENATE, AS AMENDED, OCTOBER 15, 1979.

An Act

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

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

Section 1. The sum of \$2,046,000, or as much thereof as may be necessary, is hereby specifically appropriated to The Medical

College of Pennsylvania located in East Falls, Philadelphia, Pennsylvania, for its fiscal period July 1, 1979 to June 30, 1980 for instruction in the Doctor of Medicine program.

Section 2. The sum of \$250,000, or as much thereof as may be necessary, is hereby appropriated to the Medical College of Pennsylvania for the purpose of providing general maintenance and student aid for the school of Allied Health SPECIFICALLY APPROPRIATED TO THE MEDICAL COLLEGE OF PENNSYLVANIA LOCATED IN EAST FALLS, PHILADELPHIA, PENNSYLVANIA FOR THE GENERAL MAINTENANCE OF THE MEDICAL COLLEGE OF PENNSYLVANIA INCLUDING STUDENT AID AND ALLIED HEALTH PROGRAMS for the fiscal period July 1, 1979 to June 30, 1980.

Section 3. Payments to The Medical College of Pennsylvania, located at East Falls, Philadelphia, Pennsylvania, on account of the appropriation for instruction in the Doctor of Medicine program as provided in section 1 shall be made on the basis of full-time student enrollment at the rate of \$4,400 per student.

Section 4. The college shall provide such information as may be necessary to carry out the provisions of this act and in such form and manner as the Department of Education may prescribe.

Section 5. The Medical College of Pennsylvania shall report its revenues and expenditures and present its financial statements in accordance with generally accepted accounting principles and procedures for educational institutions as set forth in the "Higher Education Finance Manual of 1975" without exception.

Section 6. This act shall take effect July 1, 1979.

On the question,

Will the House concur in Senate amendments?

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

Mr. McCLATCHY. Mr. Speaker, I move that the House do concur in the amendments inserted by the Senate to HB 1275.

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—164

Alden	Gamble	Mackowski	Scirica
Anderson	Gannon	Manderino	Serafini
Armstrong	Gatski	Manmiller	Seventy
Arty	Geesey	McCall	Shupnik
Austin	Geist	McClatchy	Sieminski
Belardi	George, C.	McKelvey	Sirianni
Bittle	George, M.	McVerry	Smith, E.
Borski	Giammarco	Michlovic	Smith, L.
Brandt	Goebel	Micozzie	Spitz
Brown	Goodman	Milanovich	Stairs
Burd	Grabowski	Moehlmann	Steighner
Burns	Greenfield	Mowery	Stewart
Caltagirone	Grieco	Mrkonic	Street
Cappabianca	Gruppo	Murphy	Stuban
Cessar	Halverson	Musto	Sweet
Chess	Harper	Nahill	Swift
Cimini	Hasay	Novak	Taddonio
Clark, R.	Hayes, S. E.	Noye	Taylor, E.
Cochran	Helfrick	O'Brien, B.	Taylor, F.
Cohen	Hoeffel	O'Brien, D.	Telek
Cole	Honaman	O'Donnell	Thomas
Cornell	Hutchinson, A.	Perzel	Trello
Coslett	Hutchinson, W.	Peterson	Vroon
Cowell	Irvis	Petrarca	Wachob
Cunningham	Itkin	Piccola	Wagner
Davies	Johnson, E.	Pistella	Wargo
Dawida	Johnson, J.	Pitts	Wass
DeMedio	Jones	Polite	Weidner

DeVerter	Kernick	Pott	Wenger
DeWeese	Klingaman	Pucciarelli	Wilson
DiCarlo	Knepper	Punt	Wright, D.
Dininni	Knight	Pyles	Wright, J. L.
Dombrowski	Kolter	Rappaport	Yahner
Dorr	Kukovich	Reed	Yohn
Duffy	Lashinger	Ritter	Zeller
Durham	Laughlin	Rocks	Zitterman
Fisher, D. M.	Lehr	Rodgers	Zord
Foster, A.	Levi	Ryan	Zwikel
Foster, W.	Lewis	Scheaffer	
Freind	Livengood	Schmitt	Seltzer,
Fryer	Lynch, E. R.	Schweder	Speaker
Gallagher	Lynch, F.		

NAYS—7

Bowser	Dietz	Gladeck	Letterman
Clark, B.	Fischer, R. R.	Kanuck	

NOT VOTING—32

Barber	Earley	McIntyre	Richardson
Beloff	Fee	McMonagle	Rieger
Bennett	Gallen	Miller	Salvatore
Berson	Gray	Mullen, M. P.	Shadding
Brunner	Hayes, D. S.	Oliver	Spencer
Cianciulli	Kowalshyn	Pievsky	White
Donatucci	Levin	Pratt	Williams
Dumas	Madigan	Rhodes	Wilt

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

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

Mr. GLADECK. I voted in the negative on concurrence in Senate amendments to HB 1275 and I meant to be recorded in the affirmative.

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

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 147, PN 2264**, 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. 159, 1690, 1832
Printer's No. 2264

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 147

Session of 1979

INTRODUCED BY MESSRS. R. R. FISCHER, GALLAGHER, MANDERINO, CALTAGIRONE, MILANOVICH, COLE, GATSKI, D. R. WRIGHT, BURNS, DAVIES, J. L. WRIGHT, PERZEL AND McKELVEY, FEBRUARY 6, 1979.

SENATOR SMITH, APPROPRIATIONS, IN SENATE, RE-REPORTED AS AMENDED, OCTOBER 15, 1979.

An Act

amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," PROVIDING FOR ALTERNATIVE METHODS OF EQUALIZING TAX LEVIES AMONG CERTAIN SCHOOL DISTRICTS, AND further providing for the causes and criteria for suspension, for the waiver of certification requirements in certain instances ~~and reinstatement of mandatorily retired employees~~ and further providing for the certification of hazardous routes.

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

SECTION 1. SECTION 672.1, ACT OF MARCH 10, 1949 (P. L. 30, NO. 14), KNOWN AS THE "PUBLIC SCHOOL CODE OF 1949," AMENDED JUNE 30, 1971 (P. L. 186, NO. 25), IS AMENDED AND A SECTION IS ADDED TO READ:

SECTION 672.1. SCHOOL DISTRICTS LYING IN MORE THAN ONE COUNTY OR IN MORE THAN ONE MUNICIPALITY; LIMITATION ON TOTAL TAX REVENUES.—(A) WHENEVER A SCHOOL DISTRICT SHALL LIE IN MORE THAN ONE COUNTY, THE TOTAL TAXES LEVIED ON REAL ESTATE WITHIN THE SCHOOL DISTRICT IN EACH COUNTY SHALL BE SUBJECT TO THE LIMITATION THAT THE RATIO WHICH SUCH TOTAL BEARS TO THE MOST RECENT VALUATION OF THE SAME PROPERTIES BY THE STATE TAX EQUALIZATION BOARD SHALL BE UNIFORM IN ALL OF THE COUNTIES, AND THE SCHOOL DISTRICT SHALL ADJUST ITS RATE OF TAXATION APPLICABLE TO THE PORTION OF THE DISTRICT IN EACH COUNTY TO THE EXTENT NECESSARY TO ACHIEVE SUCH UNIFORMITY; OR

(B) AS AN ALTERNATIVE TO THE METHOD PROVIDED IN SUBSECTION (A), WHENEVER A SCHOOL DISTRICT SHALL LIE IN MORE THAN ONE COUNTY THE BOARD OF ASSESSMENT AND REVISION OF TAXES IN ANY OF THE COUNTIES OR ALL OF THE COUNTIES IN WHICH THE SCHOOL DISTRICT IS LOCATED SHALL, AT THE REQUEST OF THE SCHOOL DIRECTORS OF THE DISTRICT, FURNISH THE MARKET VALUE OF EACH PARCEL OF PROPERTY ON THE TAX ROLL REQUIRED TO BE FURNISHED TO THE SCHOOL DIRECTORS UNDER ANY ASSESSMENT LAW OF THE COMMONWEALTH. THE MARKET VALUE OF EACH PARCEL SHALL BE THE QUOTIENT OF THE ASSESSED VALUE DIVIDED BY THE LATEST RATIO OF ASSESSED VALUE TO MARKET VALUE IN THE MUNICIPALITY AS DETERMINED BY THE STATE TAX EQUALIZATION BOARD, OR, AT THE OPTION OF THE SCHOOL DISTRICT, THE MARKET VALUE OF EACH PARCEL SHALL BE THE QUOTIENT OF THE ASSESSED VALUE DIVIDED BY THE LATEST RATIO OF ASSESSED VALUE TO MARKET VALUE AS DETERMINED BY THE STATE TAX EQUALIZATION BOARD IN THE AGGREGATE OF ALL MUNICIPALITIES OF THE SCHOOL DISTRICT WITHIN THE COUNTY, OR AT THE OPTION OF THE SCHOOL DISTRICT WHERE THERE ARE TWO OR MORE RATIOS OF ASSESSED VALUE TO MARKET VALUE, THE SCHOOL DIRECTORS OF THAT SCHOOL DISTRICT SHALL SELECT THE LOWEST OF THE RATIOS FOR A UNIFORM ASSESSED VALUE TO MARKET VALUE THROUGHOUT THE SCHOOL DISTRICT, OR AT THE OPTION OF THE SCHOOL DISTRICT WHERE SUCH SCHOOL DISTRICT IS LOCATED IN A HOME RULE COUNTY, THE SCHOOL DIRECTORS OF THAT SCHOOL DISTRICT MAY USE THE COUNTY ASSESSMENTS.

THE SCHOOL DIRECTORS SHALL SET A TAX RATE BASED UPON A PERCENTAGE NOT EXCEEDING SEVENTY-FIVE (75) PER CENTUM OF SUCH MARKET VALUES WHICH SHALL BE UNIFORM THROUGHOUT THE DISTRICT.

(C) IN THE EVENT A SCHOOL DISTRICT OR PART THEREOF LOCATED WITHIN ONE COUNTY IS COMPOSED OF TWO OR MORE MUNICIPAL GOVERNMENTS AT LEAST ONE OF WHICH LEVIES PROPERTY TAXES UPON ASSESSMENTS MADE FOR COUNTY TAX PURPOSES AND AT LEAST ONE OF WHICH UTILIZES SEPARATE ASSESSMENTS MADE FOR MUNICIPAL TAX PURPOSES, THE PROPERTY TAX LEVY FOR SCHOOL DISTRICT PURPOSES SHALL BE EQUALIZED BY EITHER OF THE METHODS PRESCRIBED IN SUBSECTIONS (A) OR (B). IF THE FORMER METHOD IS ADOPTED, THE RATIO WHICH THE TOTAL TAXES LEVIED IN EACH PART OF THE SCHOOL DISTRICT BEARS TO THE MOST RECENT VALUATION OF THE SAME PROPERTIES BY THE STATE TAX EQUALIZATION BOARD SHALL BE UNIFORM; IF THE LATTER METHOD IS ADOPTED, THE MARKET VALUE OF EACH PARCEL OF PROPERTY ON THE TAX ROLL SHALL BE (I) IN THE CASE OF THE ASSESSMENT MADE FOR COUNTY TAX PURPOSES, THE QUOTIENT OF THE ASSESSED VALUE DIVIDED BY THE LATEST RATIO OF ASSESSED VALUE TO MARKET VALUE FOR THAT PORTION OF THE SCHOOL DISTRICT AS DETERMINED BY THE STATE TAX EQUALIZATION BOARD AND, (II) IN THE CASE OF THE SEPARATE ASSESSMENT FOR MUNICIPAL TAX PURPOSES, THE QUOTIENT OF THE ASSESSED VALUE DIVIDED BY THE PRODUCT OF THE LATEST RATIO OF ASSESSED VALUE TO MARKET VALUE IN THE MUNICIPALITY AS DETERMINED BY THE STATE TAX EQUALIZATION BOARD AND THE RATIO OF THE TOTAL ASSESSED VALUATION OF THE SAME PROPERTIES FOR MUNICIPAL TAX PURPOSES TO THE TOTAL ASSESSED VALUATION OF SAID PROPERTIES FOR COUNTY TAX PURPOSES: PROVIDED, HOWEVER, THAT THE TAXPAYERS OF NO MUNICIPALITY OR POLITICAL SUBDIVISION WITHIN A SCHOOL DISTRICT SHALL PAY AN AGGREGATE AMOUNT IN SCHOOL PROPERTY TAXES WHICH, AS A PERCENTAGE OF TOTAL SCHOOL PROPERTY TAXES, SHALL EXCEED THE RATIO OF ITS MARKET VALUE TO THE TOTAL MARKET VALUE OF THE SCHOOL DISTRICT AS DETERMINED BY THE STATE TAX EQUALIZATION BOARD.

(D) WHENEVER A REVISION OF ASSESSMENT IS COMPLETED IN ANY PORTION OF A SCHOOL DISTRICT AND THE REVISED ASSESSMENTS ARE TO BE USED FOR SCHOOL TAX PURPOSES THE METHOD PRESCRIBED IN SUBSECTION (B) ABOVE TO EQUALIZE SCHOOL PROPERTY TAX LEVIES SHALL NOT BE USED UNTIL THE LATEST RATIO OF ASSESSED VALUE TO MARKET VALUE AS DETERMINED BY THE STATE TAX EQUALIZATION BOARD FOR THAT PORTION OF THE SCHOOL DISTRICT IS BASED UPON THE REVISED ASSESSMENTS.

SECTION 672.2. SCHOOL DISTRICTS LYING IN MORE THAN ONE COUNTY; TAX LEVY ON OCCUPATIONS.—(A) ANY SCHOOL DISTRICT WHICH LIES IN MORE THAN ONE (1) COUNTY AND WHICH LEVIES AN OCCUPATION TAX, SHALL LEVY SUCH TAX UNIFORMLY UPON EACH OCCUPATIONAL CATEGORY EXISTING IN ALL COUNTIES IN WHICH THE DISTRICT LIES, AT THE LOWEST ASSESSED VALUATION FOR EACH EQUIVALENT OCCUPATIONAL CATEGORY AS CERTIFIED TO THE SCHOOL DISTRICT BY THE COUNTIES IN WHICH THE DISTRICT LIES.

(B) THIS SECTION SHALL NOT APPLY TO ANY SCHOOL DISTRICT WHICH LEVIES AN OCCUPATIONAL ASSES-

MENT TAX ON THE EFFECTIVE DATE HEREOF UNLESS THE SCHOOL DISTRICT BY RESOLUTION ELECTED TO BE SUBJECT THERETO.

Section 1 2. Section 1125, act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," OF THE ACT is repealed.

Section 2 3. The act is amended by adding sections to read: Section 1125.1. Persons to be Suspended.—

(a) Professional employes shall be suspended under section 1124 (relating to causes for suspension) in inverse order of seniority within the school entity of current employment. Approved leaves of absence shall not constitute a break in service for purposes of computing seniority for suspension purposes. Seniority shall continue to accrue during suspension and all approved leaves of absence.

(b) Where there is or has been a consolidation of schools, departments or programs, all professional employes shall retain the seniority rights they had prior to the reorganization or consolidation.

(c) A school entity shall realign its professional staff so as to insure that more senior employes are provided with the opportunity to fill positions for which they are certificated and which are being filled by less senior employes.

(d) (1) No suspended employe shall be prevented from engaging in another occupation during the period of suspension.

(2) Suspended professional employes shall be reinstated on the basis of their seniority within the school entity. No new appointment shall be made while there is a suspended professional employe available who is properly certificated to fill such vacancy. For the purpose of this subsection, positions from which professional employes are on approved leaves of absence shall also be considered temporary vacancies.

(3) To be considered available a suspended professional employe must annually report to the governing board in writing his current address and his intent to accept the same or similar position when offered.

(4) A suspended employe enrolled in a college program during a period of suspension and who is recalled shall be given the option of delaying his return to service until the end of the current semester.

(e) Nothing contained in section 1125.1(a) through (d) shall be construed to supersede or preempt any provisions of a collective bargaining agreement negotiated by a school entity and an exclusive representative of the employes in accordance with the act of July 23, 1970 (P. L. 563, No. 195), known as the "Public Employe Relations Act," however, no agreement shall prohibit the right of a professional employe who is not a member of a bargaining unit from retaining seniority rights under the provisions of this act.

(f) Reinstatement of Mandatorily Retired Employes. Regardless of any collective bargaining agreement, professional employes mandatorily retired before age seventy (70), because of age, prior to the Federal government ban on mandatory retirement before age seventy (70) taking effect on January 1, 1979, shall be considered suspended employes maintaining full seniority rights, and shall be offered positions before anyone

else of lesser seniority, in order of seniority, for vacancies that may occur in jobs for which they are properly certificated, until they reach age seventy (70) and provided they are physically and mentally fit. Nothing in this section shall prohibit school districts from imposing a mandatory retirement at the end of the school year in which a school employe reaches the age of seventy (70).

(g) (F) A decision to suspend in accordance with this section shall be considered an adjudication within the meaning of the act of December 2, 1968, (P. L. 1133, No. 353), known as the "Local Agency Law."

Section 1214. Department Waiver of Certification Requirements.—(a) The department may grant a waiver of certification requirements for a period not to exceed one year for a certificated professional employe currently employed by or on suspension from a school entity when the school entity submits a written waiver request containing the following:

- (i) the reason for the waiver;
- (ii) a program of study being followed by the employe to secure certification in the new position;
- (iii) the period of time necessary for the employe to secure certification in the new position;
- (iv) a statement showing the employe's application for placement in the new position; and
- (v) a statement that the employe has completed 12 semester credit hours in the area for which the waiver is requested.

(b) The employe for whom the waiver is granted shall pursue certification as outlined in the school entity's waiver request. Failure to do so shall result in a revocation of the waiver.

(c) A professional employe for whom a waiver is granted shall not be permitted to fill a position vacated by a suspended employe.

Section 3 4. Section 1362 and 2541 of the act, amended December 29, 1972 (P. L. 1726, No. 372) and subsection (d) of section 2541 added June 26, 1974 (P. L. 370, No. 125), are amended to read:

Section 1362. Kinds of Transportation; Liability Insurance.—The free transportation of pupils, as required or authorized by this act, or any other act, may be furnished by using either school conveyances, private conveyances, or electric railways, or other common carriers, when the total distance which any pupil must travel by the public highway to or from school, in addition to such transportation, does not exceed one and one-half (1½) miles, and when stations or other proper shelters are provided for the use of such pupils where needed, and when the highway, road, or traffic conditions are not such that walking [on the shoulder of the road where there are no sidewalks] constitutes a hazard to the safety of the child, as so certified by the [Bureau of Traffic Safety] DEPARTMENT OF TRANSPORTATION. ~~The Bureau of Traffic Safety~~ DEPARTMENT OF TRANSPORTATION shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the ~~bureau~~ DEPARTMENT shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils. All private motor vehicles employed in transporting pupils for hire shall be adequately covered by public liability insurance in such amount as the board of school directors shall require.

Section 2541. Payments on Account of Pupil Transportation.—(a) School districts shall be paid by the Commonwealth for every school year on account of pupil transportation which, and the means and contracts providing for which, have been approved by the Department of Education, in the cases herein-after enumerated, an amount to be determined by multiplying the cost of approved reimbursable pupil transportation incurred by the district by the district's aid ratio. In addition thereto, the Commonwealth shall pay to each district qualifying a payment for excessive cost of transportation, said amount to be determined by subtracting from the cost of the approved reimbursable transportation the sum of the Commonwealth transportation payment immediately above, plus the product of one-half mill (0.0005) times the latest market value of the district as determined by the State Tax Equalization Board, provided such amount is not negative. In addition thereto, the Commonwealth shall pay to school districts which own their own vehicles, an annual depreciation charge of ten per centum (10%), to be calculated on the basis of the approved cost at which the district acquired the vehicle for which depreciation is claimed. With respect to vehicles purchased prior to January 1, 1956, the number of depreciation payments shall be limited to ten such payments. With respect to vehicles purchased on or after January 1, 1956, the annual depreciation charge shall not exceed seven hundred dollars (\$700) for such vehicles. The number of annual depreciation charges shall be limited, so that the total amount of such payments shall not exceed the cost of the vehicle as approved by the Department of Education at the time of the purchase. In no case shall the Commonwealth pay, in depreciation charges, more than ten thousand five hundred dollars (\$10,500) for any one vehicle.

(b) Such payments for pupil transportation shall be made in the following cases:

(1) To school districts of the fourth class and districts of the third class which are located wholly within the boundary lines of a township, or within the boundary lines of a borough which has a population of less than five hundred (500) inhabitants to the square mile, to districts of the third class operating schools jointly with districts of the fourth class or with other districts of the third class entitled to payment on account of transportation to merged or union school districts in which one or more of the component districts were heretofore eligible for reimbursement on account of transportation to new school districts composed of two or more former school districts established as a result of reorganization of school districts pursuant to Article II., subdivision (i) of this act and to school districts which were eligible heretofore for reimbursement on account of transportation, for the transportation of elementary school pupils residing within any part of the district last served by any elementary school closed since the first Monday of July, one thousand nine hundred seven, or within a district all of whose schools have been closed, or who are assigned to a training school of a State college, and in each case who reside one and one-half (1½) miles or more from the school to which they are assigned or who reside in areas where [there are no sidewalks and] the road or traffic conditions are such that walking [on the shoulder of the road] constitutes a hazard to the safety of the child when so certified by the [Bureau of Traffic Safety in the] Department of Transportation. The Bureau of Traffic Safety DEPARTMENT OF TRANSPORTATION shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the bureau DEPARTMENT shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.

(2) To school districts of the fourth class and districts of the third class which are located wholly within the boundary lines of a township, or within the boundary lines of a borough which has a population of less than five hundred (500) inhabitants to the square mile, to merged or union school districts in which one or more of the component districts were heretofore eligible for reimbursement on account of transportation to new school districts composed of two or more former school districts estab-

lished as a result of reorganization of school districts pursuant to Article II., subdivision (i) of this act and to school districts which were eligible heretofore for reimbursement on account of transportation, for the transportation of any child living more than two (2) miles by the nearest public highway from the nearest school in session, or any child who resides in an area where [there are no sidewalks and] the road or traffic conditions are such that walking [on the shoulder of the road] constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety, and to districts of the third class operating schools jointly with districts of the fourth class or with other districts of the third class entitled to payment on account of transportation for the transportation of any child living more than two (2) miles by the nearest public highway from the nearest jointly operated school in session offering the proper grades including pupils who are attending area technical schools or any child who resides in an area where [there are no sidewalks and] the road or traffic conditions are such that walking [on the shoulder of the road] constitutes a hazard to the safety of the child when so certified by the [Bureau of Traffic Safety] DEPARTMENT OF TRANSPORTATION. The Bureau of Traffic Safety DEPARTMENT OF TRANSPORTATION shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the bureau DEPARTMENT shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.

(3) To all school districts, for the transportation of physically or mentally handicapped children regularly enrolled in special classes approved by the Department of Education or enrolled in a regular class in which approved educational provisions are made for them.

(4) To all third and fourth class school districts, for pupils transported to and from approved consolidated schools or approved joint consolidated schools living one and one-half miles or more from the school of attendance or residing in areas where [there are no sidewalks and] the road or traffic conditions are such that walking [on the shoulder of the road] constitutes a hazard to the safety of the child when so certified by the [Bureau of Traffic Safety] DEPARTMENT OF TRANSPORTATION. The Bureau of Traffic Safety DEPARTMENT OF TRANSPORTATION shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the bureau DEPARTMENT shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.

Consolidated schools or joint consolidated schools shall so long as they are approved by the Secretary of Education as to organization, control, location, equipment, courses of study, qualifications of teachers, methods of instruction, condition of admission, expenditures of money, methods and means of transportation and the contracts providing therefor, constitute approved consolidated schools or approved joint consolidated schools.

(5) To all school districts, for pupils transported to and from schools used for the purpose of better gradation.

(6) To all school districts for pupils transported to and from area technical schools.

(7) To all school districts, for the transportation of nonresident children who are placed in the home of a resident, or who are inmates of an orphan asylum or home or a children's home or other institution for the care and training of orphans or other children, and who attend the public schools, and who live two miles or more from the nearest school with the proper grades or residing in areas where [there are no sidewalks and] the road or traffic conditions are such that walking [on the shoulder of the road] constitutes a hazard to the safety of the child when so certified by the [Bureau of Traffic Safety] DEPARTMENT OF TRANSPORTATION. The Bureau of Traffic

Safety DEPARTMENT OF TRANSPORTATION shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the bureau DEPARTMENT shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.

(c) Payments for pupil transportation on account of the school year [1972-1973] 1979-1980 and every school year thereafter shall be made only in the following cases:

(1) To all school districts for the transportation to and from school of elementary school pupils, including kindergarten pupils, residing one and one-half (1½) miles or more by the nearest public highway from the school in which the pupils are enrolled and to which transportation is authorized under section 1361 of this act or residing in areas where [there are no sidewalks and] the road or traffic conditions are such that walking [on the shoulder of the road] constitutes a hazard to the safety of the child when so certified by the [Bureau of Traffic Safety] DEPARTMENT OF TRANSPORTATION. The Bureau of Traffic Safety DEPARTMENT OF TRANSPORTATION shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the bureau DEPARTMENT shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils. Such elementary school pupils shall include nonresident children who are placed in the home of a resident, or who are residents of an orphanage, or home or children's home or other institution for the care and training of orphans or other children.

(2) To all school districts for the transportation to and from school of secondary school pupils residing two (2) miles or more by the nearest public highway from the school in which the pupils are enrolled and to which transportation is authorized under section 1361 of this act or residing in areas where [there are no sidewalks and] the road or traffic conditions are such that walking [on the shoulder of the road] constitutes a hazard to the safety of the child when so certified by the [Bureau of Traffic Safety] DEPARTMENT OF TRANSPORTATION. The ~~Bureau of Traffic Safety~~ DEPARTMENT OF TRANSPORTATION shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the bureau DEPARTMENT shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils. Such secondary school pupils shall include nonresident children who are placed in the home of a resident, or who are inmates of an orphan asylum or home or children's home or other institution for the care and training of orphans or other children.

(3) To all school districts for pupils transported to and from approved consolidated schools or approved joint consolidated schools living one and one-half (1½) miles or more from the school of attendance or residing in areas where [there are no sidewalks and] the road or traffic conditions are such that walking [on the shoulder of the road] constitutes a hazard to the safety of the child when so certified by the [Bureau of Traffic Safety] DEPARTMENT OF TRANSPORTATION. The ~~Bureau of Traffic Safety~~ DEPARTMENT OF TRANSPORTATION shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the bureau DEPARTMENT shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.

Consolidated schools or joint consolidated schools shall so long as they are approved as to organization, control, location, equipment, courses of study, qualifications of teachers,

methods of instruction, condition of admission, expenditures of money, methods and means of transportation and the contracts providing therefor, constitute approved consolidated schools or approved joint consolidated schools.

(4) To all school districts for the transportation of exceptional children regularly enrolled in special classes approved by the Department of Education or enrolled in a regular class in which approved educational provisions are made for them.

(5) To all school districts for pupils transported to and from area technical schools.

(d) The Commonwealth shall reimburse the school districts for the school year 1973-1974 and for each year thereafter for the approved reimbursable costs incurred in providing transportation under section 1361 for nonpublic school pupils and under section 1362 for hazardous conditions: Provided, however, That no district shall receive less than fifty percent (50%) of such approved reimbursable costs.

Section 4 5. This act shall take effect immediately and shall be applicable to the 1979-1980 school year and each year thereafter.

On the question,

Will the House concur in Senate amendments?

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

Mr. R. R. FISCHER. I move that the House do concur in the amendments inserted by the Senate to HB 147.

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

Mr. VROON. Mr. Speaker, first of all, may we please have an explanation of the amendment inserted by the Senate?

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

Mr. BURNS. I have been asked by Mr. Fischer to give an explanation.

Mr. Speaker, the Senate did several things: One, they removed an amendment that we put in the bill, that Mr. Cohen from Philadelphia had put in, and that was concerned with a 70-year person in the city of Philadelphia and a teaching position that he would have been allowed to go back to. The Senate removed that.

The second thing the Senate did was to change a term in the hazardous routes. Instead of the Department of Traffic Safety, they changed the wording to read PennDOT — Pennsylvania Department of Transportation.

The third thing was that they put what is commonly known as the Delaware County Garzia Amendment back into a piece of legislation, and that deals with assessments as school districts cross county lines and/or township lines. So the Senate did absolutely nothing to the seniority portion of the bill than was done when we passed it in the House. The three minor changes are the ones that dealt with amendments that we made in the House.

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

Mr. VROON. Mr. Speaker, I want to move very emphatically and recommend very emphatically that we vote "no" on concurrence of these amendments.

The reason why I ask for nonconcurrence is because this will give us a very timely opportunity to discuss the all-important

issue, and it should go back to Conference Committee.

The real issue here is the timing. The timing of HB 147 passing this time and being effective immediately would be disastrous because this is a subject of collective-bargaining agreements all over the state at this time.

My colleague, Mr. Lashinger, will enlarge further upon this. And I think that right now to concur—

The SPEAKER. Will the gentleman yield?

POINT OF ORDER

The SPEAKER. The minority whip, Mr. Manderino, is raising a point of order. The gentleman may state his point of order.

Mr. MANDERINO. Mr. Speaker, is it not only in order, at this time, to discuss those amendments inserted in the bill by the Senate?

The SPEAKER. The minority whip, Mr. Manderino, is correct. The only question before the House is the concurrence in the amendments inserted by the Senate.

Mr. MANDERINO. If the Senate did not change any portion of hiring and firing by seniority, that is not before us at this time?

The SPEAKER. Before the Chair responds to that, the Chair will have to check the bill.

In response to the inquiry by the minority whip, the Chair feels that the gentleman is correct. The only subject to be debated before the House are the amendments inserted by the Senate.

MOTION TO SUSPEND RULES

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

Mr. VROON. Mr. Speaker, I move that rule 30 of the House be suspended so that the debate can be raised on the entire conference committee report.

The SPEAKER. The question is on the motion of the suspension of the rules, and the Chair recognizes Mr. Vroon.

Mr. VROON. Mr. Speaker, the reason why I asked for a suspension of the rules is so that we can debate this issue and debate whether or not this bill should be sent to the conference committee because of the very unusual circumstances which prevail today.

Mr. BURNS. Mr. Speaker, I object. The gentleman is not speaking to the suspension of the rules. He is going into the issue. The motion is to suspend the rules.

Mr. VROON. Well, I am explaining why I want the rules suspended.

The SPEAKER. It is the opinion of the Chair that the gentleman, Mr. Vroon, has not transgressed the rules of this House as of now, because any member who moves to suspend the rules certainly should have at least limited opportunity to explain why he wants to suspend the rules. The chair will listen closely. The gentleman may proceed.

Mr. VROON. Again, the reason why I asked for suspension of the rules is because there is a very unusual situation in existence today, namely, the existence of five strikes on the part of

the school teachers union against five different school districts. And this is an unforeseen event. This is something which should be considered—

The SPEAKER. The Chair would hope that the gentleman would restrict himself a bit more rather than go editorializing on the negotiations. The gentleman has made his point that the reason why he would like to nonconcur is to postpone the question. Does the gentleman have any further remarks to make?

Mr. VROON. All I am asking for is an opportunity for this thing to go to conference committee so that extenuating circumstances may be considered.

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

Mr. BURNS. Mr. Speaker, I oppose the motion to suspend the rules. I wish that everyone would listen very carefully. We debated this bill at length, 2 to 3 hours, when the bill was originally before us. We, in our wisdom, passed that bill. Nothing in what we passed has been changed. And to suspend the rules at this point would only mean that we are going to open ourselves up to another 2 hours of debate on the issue. I oppose the suspension of the rules and I would hope that each and every one of you would do likewise. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—78

Alden	Fryer	McClatchy	Serafini
Armstrong	Gallen	McKelvey	Sieminski
Belardi	Geist	McVerry	Sirianni
Bowser	Gladeck	Micozzie	Smith, E.
Brandt	Grieco	Moehlmann	Smith, L.
Burd	Gruppo	Mowery	Swift
Cessar	Hasay	Musto	Taddonio
Cimini	Hayes, S. E.	Nahill	Taylor, E.
Clark, R.	Helfrick	O'Brien, D.	Telek
Cornell	Honaman	Perzel	Thomas
Coslett	Hutchinson, W.	Peterson	Vroon
Cunningham	Johnson, E.	Pitts	Wagner
Dawida	Kanuck	Polite	Wargo
DeVerter	Kernick	Pott	Wass
Dorr	Klingaman	Punt	Wenger
Durham	Knepper	Pyles	Zeller
Fisher, D. M.	Lashinger	Ritter	Zitterman
Foster, A.	Lewis	Ryan	
Foster, W.	Lynch, E. R.	Scheaffer	Seltzer,
Freind	Lynch, F.	Schweder	Speaker

NAYS—95

Anderson	Dumas	Laughlin	Rodgers
Arty	Fischer, R. R.	Lehr	Schmitt
Austin	Gallagher	Letterman	Scirica
Barber	Gamble	Levi	Seventy
Bittle	Gannon	Livengood	Shupnik
Borski	Gatski	Mackowski	Spitz
Brown	Geesey	Manderino	Stairs
Burns	George, C.	Manmiller	Steighner
Caltagirone	George, M.	McCall	Stewart
Cappabianca	Giammarco	Michlovic	Street
Chess	Goebel	Milanovitch	Stuban
Clark, B.	Goodman	Mrkonic	Sweet
Cochran	Greenfield	Murphy	Taylor, F.

Cohen	Halverson	Novak	Trello
Cole	Harper	Noye	Wachob
Cowell	Hoeffel	O'Brien, B.	Weidner
Davies	Hutchinson, A.	O'Donnell	Wilson
DeMedio	Irviss	Petrarca	Wright, D.
DeWeese	Itkin	Piccola	Wright, J. L.
DiCarlo	Johnson, J.	Pistella	Yahner
Dietz	Jones	Pucciarelli	Yohn
Dininni	Knight	Rappaport	Zord
Dombrowski	Kolter	Reed	Zwikl
Duffy	Kukovich	Rocks	

NOT VOTING—30

Beloff	Grabowski	Miller	Rieger
Bennett	Gray	Mullen, M. P.	Salvatore
Berson	Hayes, D. S.	Oliver	Shadding
Brunner	Kowalshyn	Pievsky	Spencer
Cianciulli	Levin	Pratt	White
Donatucci	Madigan	Rhodes	Williams
Earley	McIntyre	Richardson	Wilt
Fee	McMonagle		

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

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

The SPEAKER. Does the gentleman from Montgomery, Mr. Lashinger, wish to be recognized?

Mr. LASHINGER. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. LASHINGER. Mr. Speaker, I would like to ask for unanimous consent to make a few brief remarks relative to the bill.

The SPEAKER. The gentleman has a right to speak without unanimous consent on the amendments inserted by the Senate. Within those confines, the gentleman may proceed.

Mr. LASHINGER. I would be traveling outside of those confines, Mr. Speaker, in my comments and therefore would probably need unanimous consent.

The SPEAKER. The Chair is limited by the rules of the House in permitting this. The Chair was trying to cooperate in suggesting to the member that he suspend the rules for that purpose. That motion failed, and so the Chair must observe the rules of this House and ask that the members please confine their debate to the amendments inserted by the Senate. Does Mr. Lashinger wish to be recognized?

Mr. LASHINGER. I am sorry, Mr. Speaker, but did you grant permission on that request?

The SPEAKER. The Chair does not have the authority to grant the permission.

Mr. LASHINGER. Would it be in order, Mr. Speaker, to ask for unanimous consent on that?

The SPEAKER. It is the opinion of the Chair that asking for unanimous consent is not proper.

Mr. LASHINGER. Thank you, Mr. Speaker.

POINT OF ORDER

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

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

The SPEAKER. The gentleman will state his point of order.

Mr. ZELLER. Mr. Speaker, with all respect to the Chair, I

think that what has been said is that PSEA — Pennsylvania State Education Association — does not allow it to be discussed. Right?

The SPEAKER. I am sorry, the Chair was unable to hear the gentleman. Will the gentleman please repeat his observation?

Mr. ZELLER. Mr. Speaker, I think that everyone heard it. I think the point of order is that the reason why the man cannot go into it is because, by the last vote, PSEA says you cannot do it.

MOTION TO RECOMMIT HB 147 TO COMMITTEE ON RULES

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

Mr. VROON. Mr. Speaker, in view of another situation of a similar nature today, I move that we recommit this bill to the Committee on Rules.

The SPEAKER. It has been moved by the gentleman from Chester, Mr. Vroon, that HB 147 be recommitted to the Committee on Rules. The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. I oppose the motion, Mr. Speaker, and I understand and I am being advised that that is not proper, that we cannot move it to Rules, by a concurrent motion, and I ask the Chair whether that is correct or not?

The SPEAKER. The Chair ruled this morning that it is a proper motion.

Mr. BURNS. I am sorry then. I would simply say then that I would oppose the motion.

POINT OF ORDER

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

Mr. RITTER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. RITTER. I have been informed by someone that apparently the Speaker intends—or the word I got was that the Speaker intends—to reconsider the action taken this morning in recommitting HB 975. Is that a correct statement?

The SPEAKER. The Chair was unable to hear the gentleman.

Mr. RITTER. Mr. Speaker, I have been told that the Speaker intends to reconsider the action taken this morning in recommitting a bill on concurrence, HB 975. Is that a correct statement?

The SPEAKER. The Chair has no inclination to reconsider that.

Mr. RITTER. Mr. Speaker, then on the motion to recommit.

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

Mr. RITTER. As I indicated this morning, I think that what we are doing is establishing a precedent. I am still waiting for the Parliamentarian to let me have that list of times when bills on concurrence in Senate amendments were recommitted without any action by this body in voting on those amendments. I still do not have them.

I frankly do not think there are any, Mr. Speaker. I think we are establishing today a precedent. I said it would come back to haunt us. We are going to evade the issue on bill after bill

simply because we do not like what the Senate did. And I tell you that there are going to be times when we are going to be happy with what the Senate did, but somebody is going to get up and say that I move that we recommit this bill because they do not want to consider the Senate amendments. We are making a terrible error, a parliamentary error that we are going to regret, believe me. I think that this is the precedent established today. I do not think we have had any up until now. We should not have done it this morning. We ought not to continue it and do it again today because, if you do, believe me, there will be time after time when bills are going to be recommitted. We are going to thwart the action of the other body and they, in turn, can do it to us. That is not what this process is all about. I think we ought to think very seriously about what we are doing. We ought not to allow it to happen.

Whether you are for or against the bill—and personally I am going to vote to nonconcur on HB 147—it still ought not to be recommitted. We ought to take action on those Senate amendments. Vote against recommitment.

The SPEAKER. The question before the House is the recommitment motion. For what purpose does the gentleman from Berks, Mr. Gallen, rise?

Mr. GALLEN. Mr. Speaker, I think Mr. Ritter is absolutely right.

The SPEAKER. The question before the House is the recommitment. The Chair would hope that we could complete the motion before we have further debate.

Mr. GALLEN. Mr. Speaker, I am requesting that the Chair reconsider the validity of his earlier decision with regard to a recommitment motion.

The SPEAKER. The Chair has reconsidered it. The Chair is firm in its conviction. It is a proper motion. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I, as Mr. Ritter has stated, believe that we have never done this before the first time we did it this morning. Could we approach the question by an appeal from the decision of the Chair that it is proper?

The SPEAKER. That is always a question that can—

Mr. MANDERINO. It is a question of whether our rules state something else explicitly. And I think our rules do say that concurrence on Senate amendments goes to the calendar. I think that at least we ought to be suspending the rule that says that it goes to the calendar if we ever want to make a motion to send it to the committee.

The SPEAKER. In response to the gentleman, the Chair read the rule. The Chair followed the rule by reading Mason's and also Jefferson's Manual in support. And the Chair has no problem in making this ruling. The Chair sees no problem before the House today.

Mr. MANDERINO. Mr. Speaker, what rule of the House is it that I am referring to that says that it goes to the calendar?

The SPEAKER. The Chair refers to rule 30: "When a House bill or joint resolution has been amended by the Senate and returned to the House for concurrence, it shall not be considered until placed on the calendar and copies thereof are on the desks of the members."

"When acting on bills . . ." this is the second paragraph,

"When acting on bills or joint resolutions amended by the Senate, the amendments shall be read and the question put on the concurrence in the amendments." This is the procedure when you are ready to concur in the amendments. The right of a legislative body to refer any proceeding, any legislation, before it to a standing committee is certainly in order and the manuals substantiate this.

Mr. MANDERINO. Mr. Speaker, Mason's and Jefferson's, as I understand it, control the actions of this House when our rules do not say something different. It is my opinion that our rules that you just read do say something different. It says that the question shall be put before the House, it shall go onto the calendar. It does not talk about referral to committee. Mr. Speaker, I would appeal from the decision that the Chair has made that this motion is a proper motion and ask the House to decide whether or not the rule is explicit enough to prevent this from going to committee on a recommitment motion.

**MOTION TO RECOMMIT WITHDRAWN
MOTION TO TABLE**

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

Mr. VROON. Mr. Speaker, I would like to withdraw my motion. And at this time I would like to make a new motion to table this bill.

The SPEAKER. The Chair would suggest to the gentleman that rather than move to table the bill that he move to pass the bill over. That will bring the matter to a vote, and the House would be able to exercise its decision as to whether or not it wants to act on the bill today or pass it over.

**MOTION TO TABLE WITHDRAWN
MOTION TO PASS OVER TEMPORARILY**

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

Mr. VROON. Mr. Speaker, I then withdraw my last motion to table the bill and I make a motion to hold it over.

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

Mr. BURNS. Mr. Speaker, very simply, I oppose the motion.

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

The following roll call was recorded:

YEAS—69

Alden	Gallen	Lewis	Sieminski
Anderson	Gamble	Lynch, E. R.	Smith, E.
Belardi	Geist	Lynch, F.	Smith, L.
Bowser	George, M.	Mackowski	Spitz
Cappabianca	Gladeck	McClatchy	Swift
Cessar	Gruppo	McVerry	Taylor, E.
Cornell	Hayes, S. E.	Micozzie	Thomas
Coslett	Helfrick	Moehlmann	Vroon
Cunningham	Hutchinson, W.	Mowery	Wagner
Dawida	Johnson, E.	Nahill	Weidner
DeVerter	Kanuck	Peterson	Yohn
Dorr	Kernick	Pitts	Zeller
Durham	Klingaman	Polite	Zitterman
Fisher, D. M.	Knepper	Pott	Zwikl

Foster, A.	Lashinger	Pyles	
Foster, W.	Lehr	Ritter	Seltzer,
Freind	Letterman	Ryan	Speaker
Fryer	Levi	Scheaffer	

NAYS—102

Armstrong	Fischer, R. R.	Livengood	Schmitt
Arty	Gallagher	Manderino	Schweder
Austin	Gannon	Manmiller	Scirica
Bittle	Gatski	McCall	Serafini
Borski	Geesey	McKelvey	Seventy
Brandt	George, C.	Michlovic	Shupnik
Brown	Giammarco	Milanovich	Sirianni
Burd	Goebel	Mrkoncic	Stairs
Burns	Goodman	Murphy	Steighner
Caltagirone	Grabowski	Musto	Stewart
Chess	Greenfield	Novak	Street
Cimini	Grieco	Noye	Stuban
Clark, B.	Halverson	O'Brien, B.	Sweet
Clark, R.	Harper	O'Brien, D.	Taylor, F.
Cochran	Hasay	O'Donnell	Telek
Cohen	Hoeffel	Perzel	Trello
Cole	Honaman	Petrarca	Wachob
Cowell	Hutchinson, A.	Piccola	Wargo
Davies	Irvis	Pistella	Wass
DeMedio	Itkin	Pucciarelli	Wenger
DeWeese	Johnson, J.	Punt	Wilson
DiCarlo	Jones	Rappaport	Wright, D.
Dietz	Knight	Reed	Wright, J. L.
Dininni	Kolter	Rocks	Yahner
Dombrowski	Kukovich	Rodgers	Zord
Duffy	Laughlin		

NOT VOTING—32

Barber	Earley	McMonagle	Rieger
Beloff	Fee	Miller	Salvatore
Bennett	Gray	Mullen, M. P.	Shadding
Berson	Hayes, D. S.	Oliver	Spencer
Brunner	Kowalyszyn	Pievsky	Taddonio
Cianciulli	Levin	Pratt	White
Donatucci	Madigan	Rhodes	Williams
Dumas	McIntyre	Richardson	Wilt

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

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

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

YEAS—131

Anderson	Gallen	Livengood	Schweder
Arty	Gannon	Lynch, F.	Serafini
Belardi	Gatski	Mackowski	Seventy
Bittle	Geesey	Manderino	Shupnik
Borski	George, C.	Manmiller	Sieminski
Bowser	Giammarco	McCall	Smith, E.
Brown	Goebel	McKelvey	Smith, L.
Burd	Goodman	Michlovic	Spitz
Burns	Grabowski	Micozzie	Stairs
Caltagirone	Greenfield	Milanovich	Steighner
Cessar	Grieco	Moehlmann	Stewart
Cimini	Gruppo	Mrkoncic	Street
Clark, B.	Halverson	Musto	Stuban
Clark, R.	Harper	Novak	Sweet
Cochran	Hasay	Noye	Taylor, F.
Cohen	Hayes, S. E.	O'Brien, B.	Telek
Cole	Helfrick	O'Brien, D.	Thomas
Cornell	Hoeffel	O'Donnell	Trello
Coslett	Hutchinson, A.	Perzel	Wachob

Cowell	Hutchinson, W.	Peterson	Wagner
Davies	Irvis	Petrarca	Wargo
DeMedio	Itkin	Piccola	Wass
DeVerter	Johnson, E.	Pistella	Wilson
DeWeese	Johnson, J.	Pott	Wright, D.
DiCarlo	Jones	Pucciarelli	Wright, J. L.
Dietz	Klingaman	Punt	Yahner
Dininni	Knight	Rappaport	Yohn
Dombrowski	Kolter	Reed	Zitterman
Duffy	Kukovich	Ritter	Zord
Durham	Laughlin	Rocks	Zwikl
Fischer, R. R.	Lehr	Rodgers	
Foster, W.	Letterman	Ryan	Seltzer,
Freind	Levi	Schmitt	Speaker
Gallagher			

NAYS—40

Alden	Foster, A.	Lashinger	Pyles
Armstrong	Fryer	Lewis	Scheaffer
Austin	Gamble	Lynch, E. R.	Scirica
Brandt	Geist	McClatchy	Sirianni
Cappabianca	George, M.	McVerry	Swift
Chess	Gladeck	Mowery	Taylor, E.
Cunningham	Honaman	Murphy	Vroon
Dawida	Kanuck	Nahill	Weidner
Dorr	Kernick	Pitts	Wenger
Fisher, D. M.	Knepper	Polite	Zeller

NOT VOTING—32

Barber	Earley	McMonagle	Rieger
Beloff	Fee	Miller	Salvatore
Bennett	Gray	Mullen, M. P.	Shadding
Berson	Hayes, D. S.	Oliver	Spencer
Brunner	Kowalyszyn	Pievsky	Taddonio
Cianciulli	Levin	Pratt	White
Donatucci	Madigan	Rhodes	Williams
Dumas	McIntyre	Richardson	Wilt

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 1133, PN 2222**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

SENATE AMENDED

Prior Printer's No. 1274 Printer's No. 2222

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 1133

Session of 1979

INTRODUCED BY MESSRS. KLINGAMAN, BENNETT, POLITE, YAHNER, WEIDNER, SPITZ, F. J. LYNCH, L. E. SMITH, THOMAS, LIVENGOOD AND MRS. ARTY, MAY 1, 1979.

SENATOR STAPLETON, AGRICULTURE AND RURAL AFFAIRS, IN SENATE, AS AMENDED, OCTOBER 9, 1979.

An Act

amending the act of May 28, 1976 (P. L. 148, No. 71), entitled

"An act exempting the owner of certain agricultural land from the payment of assessments for municipal improvements during the period of time that the owner does not use the services provided by the improvements or until there is a change in the use of the land," extending the provisions of the act to certain cemeteries.

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

Section 1. The title and sections 1 and 2, act of May 28, 1976 (P. L. 148, No. 71), entitled "An act exempting the owner of certain agricultural land from the payment of assessments for municipal improvements during the period of time that the owner does not use the services provided by the improvements or until there is a change in the use of the land," are amended to read:

AN ACT

Exempting the owner of certain agricultural land and certain cemeteries from the payment of assessments for municipal improvements during the period of time that the owner does not use the services provided by the improvements or until there is a change in the use of the land.

Section 1. From and after the effective date of this act the owner of land that has been certified by the Secretary of Agriculture as having been used primarily for agricultural or cemetery purposes for at least three years immediately preceding the installation of water or sewer lines in a right-of-way fronting on or crossing such land, shall not be liable for the cost of the installation of the water or sewer lines provided that he does not avail himself of the services provided by the lines except as provided in section 3 or does not change the use of the land. For the purpose of this act, land shall be defined as that presently devoted to agricultural use for the purpose of producing an agricultural commodity as defined in the act of September 20, 1961 (P. L. 1541, No. 657), known as the "Pennsylvania Agricultural Commodities Marketing Act of 1968," or any farm product as defined in 1 Pa. C. S. § 1991 (relating to definitions) and such land was devoted to agricultural use the preceding three years and is not less than ten contiguous acres in area or has anticipated yearly gross income of \$2,000 from agriculture. For the purpose of this act cemetery land shall be deemed that land which is being used for cemetery purposes and that land which is contiguous to a cemetery which is being held by the cemetery owner for cemetery use. ~~and is not less than one acre.~~ Cemetery use shall be deemed to mean use for the interment of human beings. The municipality or authority installing the lines shall file with the recorder of deeds in the county in which the land is located a notice of record, a certification signed and acknowledged by the landowner (or landowners) and indexed in name of the owner, indicating that the lines have been installed and that if the present or any subsequent owner of the land avails himself of the services provided by the lines or if the use of the land is changed, or in the case of land contiguous to a cemetery which is being held for cemetery use, if the land is used for other than a cemetery such owner shall be liable for the assessment cost of installation of such water and/or sewer lines as per originally assessed except, that in the case of a cemetery when the land is used for other than cemetery purposes, the installer of the water or sewer lines or its successors in title shall have the right to impose ~~a tap in AN ASSESSMENT~~ fee against said former cemetery property before any connection is permitted for the water or sewer lines. **INSTALLER SHALL NOT BE CONSTRUED TO BE A CONTRACTOR WHO HAS NO OWNERSHIP INTEREST.**

Section 2. When the use of the land is changed from agricultural or from land being held for cemetery use, except when it is changed to cemetery use the owner shall, within 60 days,

notify in writing the municipality or authority of the change. Notwithstanding the provisions of the act of May 16, 1923 (P. L. 207, No. 153), referred to as the Municipal Claim and Tax Lien Law at that time or at any subsequent time, the municipality or authority may place a lien against the property in an amount equal to the amount that would have been due had it not been for the provisions of this act. If the owner fails to notify the municipality or authority as herein provided the municipality or authority may charge as a penalty 10% of the assessment that would have been made had it not been for the provisions of this act plus interest at the rate of 8% from the date of the change.

Section 2. This act shall take effect immediately.

On the question,

Will the House concur in Senate amendments?

MOTION TO CONCUR IN SENATE AMENDMENTS

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

Mr. KLINGAMAN. Mr. Speaker, I move that the House do concur in the amendments inserted by the Senate.

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—172

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

Foster, A.	Lehr	Ryan	Seltzer,
Foster, W.	Letterman	Scheaffer	Speaker
Freind	Levi		

NAYS—0

NOT VOTING—31

Barber	Earley	McMonagle	Rieger
Beloff	Fee	Miller	Salvatore
Bennett	Gray	Mullen, M. P.	Shadding
Berson	Hayes, D. S.	Oliver	Spencer
Brunner	Kowalshyn	Pievsky	White
Cianciulli	Levin	Pratt	Williams
Donatucci	Madigan	Rhodes	Wilt
Dumas	McIntyre	Richardson	

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

Ordered, That the clerk inform the Senate accordingly.

CALENDAR BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1799, PN 2344**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for certificates of public convenience related to taxicabs.

On the question,

Will the House agree to the bill on third consideration?

Mrs. DURHAM offered the following amendments:

Amend Sec. 1, (Sec. 1103), page 2, lines 15 through 30; page 3, lines 1 through 3, by striking out "may consider the necessity for" in line 15, all of lines 16 through 30, page 2; all of lines 1 through 3, page 3, and inserting shall consider the following criteria:

- (i) Adequacy of public liability insurance coverage.
- (ii) The rates which an operator proposes to charge.
- (iii) The condition from a safety standpoint of the taxicabs.

The commission shall not consider any criteria except those enumerated in this paragraph. If the commission is satisfied that the public liability insurance coverage is adequate, that the proposed rates are reasonable and that the taxicabs are safe, it shall issue a certificate.

Amend Sec. 1 (Sec. 1103), page 3, line 4, by striking out "(4)" and inserting (2)

Amend Sec. 1 (Sec. 1103), page 3, line 9, by striking out "(5)" and inserting (3)

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Durham.

Mrs. DURHAM. In summary, what my amendment would do—maybe first I should give a brief explanation of the bill.

As a member of the Consumer Affairs Committee, we attended public hearings in the city of Philadelphia, and after attending those meetings it was readily apparent that there is a very, very huge problem with taxicab service in this city.

Presently, to operate a taxicab in the city of Philadelphia,

you must apply to the Public Utility Commission for a license. One of the restrictions that the PUC examines is the restriction for need. Presently there are two major taxicab companies in the city. When a citizen applies for a certificate, the two taxicabs that do supply service for the city come up here and say that there is no need to have more licenses, and the PUC turns down the license.

Presently in the bill as it reads, as reported from committee, there is a section that says that the PUC will determine that a substantial number of trips must be run within a geographic area. What the bill will do is once again give to the same PUC the authority to decide what is substantial and what are the geographic areas.

My amendment would eliminate those requirements from the PUC. Instead the PUC would only certify that the taxicab has insurance, that it is a safe vehicle, and they would also regulate what the taxicab would charge, the rate. And I would like to see taxicabs operate on the law of supply and demand. There is no guarantee in the bill as it reads that the areas of the city that are not being supplied will be supplied with this bill.

I would like to further add that I am not condoning that we completely eliminate the PUC. I do feel that in certain areas it does a fair job, but in the area of taxicab regulation, I would like to see the PUC regulate only on the three areas that I enumerated.

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

Mr. VROON. Mr. Speaker, may I interrogate the author of this amendment, please?

The SPEAKER. The lady indicates she will stand for interrogation. The gentleman may proceed.

Mr. VROON. Mr. Speaker, am I to believe that what you are proposing here is to completely eliminate the amendment that was put in in the committee which calls for the PUC to issue additional certificates on condition that a substantial number of trips would be made outside center city?

Mrs. DURHAM. Yes, Mr. Speaker, that is partially correct.

If you remember, in committee I spoke very openly about my objections to this amendment. However, I have left in the section which will allow for immediate temporary certificates for the city of Philadelphia.

Mr. VROON. Mr. Speaker, would you allow for an additional 2,000 certificates to be issued in Philadelphia to taxicab operators?

Mrs. DURHAM. If my amendment is inserted into the bill, then that possibility could exist as well as if my amendment is not in the bill. I believe that they have allowed for up to 2,000 taxicabs. So the number of licenses that would be issued would be the same whether with my amendment or without.

Mr. VROON. Mr. Speaker, I am a little bit at a loss as to exactly what you are trying to achieve in this amendment. Could you enlarge on it a little bit more?

What we were trying to do in this bill, the way it now reads, there will be another 2,000 certificates, up to 2,000 certificates, issued for potential taxicab operators, and in view of that there were certain conditions put on which we directed to the

PUC; namely, that a substantial number of trips would have to be made outside center city by these new taxicab operators. Okay. Now what more do you do if you do not negate that? What will be the net effect of your amendment? As I see it, you do eliminate a good part of those conditions.

Mrs. DURHAM. Mr. Speaker, the net effect of the amendment is that if you open a taxicab business in the city of Philadelphia, you will not be restricted. One of the companies that testified, which has a restricted zone, testified that one of the problems they have is if they pick a passenger up and take the passenger out of their zone and if they do not have a fare returning to that zone, they must come back to the zone with deadhead time on the meter. Therefore, they are not eligible to run their business at the same profit that the other companies are allowed to operate which have free reign of the city.

Mr. VROON. Okay, Mr. Speaker. My interrogation is finished, and that is all. Thank you.

**MOTION TO PLACE HB 1799 AND AMENDMENTS
ON THIRD CONSIDERATION
POSTPONED CALENDAR**

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

Mr. COHEN. Mr. Speaker, on behalf of the lady from Philadelphia, Mrs. Harper, and myself, I would like to move that this bill be tabled until next week in order that we can fully study all these amendments and in order that there be clearer direction as to, A, who the—

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

It would be the suggestion of the Chair that the gentleman, Mr. Cohen, move that HB 1799 and the amendment be placed on the third reading postponed calendar.

The Chair recognizes the lady from Delaware, Mrs. Durham, on the motion.

Mrs. DURHAM. Mr. Speaker, I would oppose the motion. The situation in this city does need some legislation as soon as possible, and I would therefore urge that we discuss the amendment today and pass on the legislation today.

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

Mr. O'DONNELL. Mr. Speaker, I would like to speak in favor of the motion. I think it is extremely important that this be held over. This bill has been on the calendar so far for 2 days. I think that there are a number of us from Philadelphia who are very concerned about that problem and anxious to do something about it but are not members of the Committee on Consumer Affairs and have not really had a full opportunity to be able to deal with the amendments.

The other way to go about this is to wait and interrogate the sponsor of the amendment—and I think that there are some serious flaws in the amendment—and then go ahead and interrogate the sponsor of the bill, because I think there are some serious problems with the bill, and then at the end of an hour and a half of debate, hopefully have demonstrated that more work needs to be done and at that time make the motion to hold over. I think we can just cut that short.

I think the taxi service is not going to be improved or cut

back radically in Philadelphia in the next 2 weeks, so I would respectfully suggest to the House that this really ought to be held over.

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

Mrs. HARPER. I am from Philadelphia, and I do have an amendment to this bill. I should like to ask you to hold the bill over for my amendment. Thank you.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, the Durham amendment has never been discussed in the Democratic caucus. At the time when I talked to Mr. Wilson concerning this bill and he briefed me quickly here on the floor of his understanding of the Durham amendment, I did not think it necessary that the caucus discuss the amendment. I thought it could be debated adequately on the floor. But I am now of the opinion, after having talked with a number of the Representatives from Philadelphia that the amendment is far more complex in nature than I had foreseen, and I would, therefore, support the motion of the gentleman, Mr. Cohen, and ask that the bill, together with the amendments, be placed on the postponed calendar.

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

Mr. WILSON. Mr. Speaker, this is very, very, important particularly in the city of Philadelphia. I would urge that the bill be tabled for its fullest consideration until next we are in session.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Just pass the bill over for today, Mr. Speaker, please.

AMENDMENTS WITHDRAWN

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Durham.

Mrs. DURHAM. Mr. Speaker, I withdraw my amendments.

HB 1799 PASSED OVER

The SPEAKER. HB No. 1799 will be passed over.

The House proceeded to third consideration of **HB 1767, PN 2162**, entitled:

An Act amending the "Pennsylvania Cigarette Tax Act," approved July 22, 1970 (P. L. 513, No. 178), further providing for the maintenance of certain records.

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—172

Alden

Foster, W.

Livengood

Schweder

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

NAYS—4

Hoeffel	Kernick	O'Donnell	Punt
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NOT VOTING—27

Beloff	Fee	McIntyre	Richardson
Bennett	Giammarco	McMonagle	Saivatore
Berson	Gray	Miller	Spencer
Brunner	Hayes, D. S.	Mullen, M. P.	White
Cianciulli	Kowalyshyn	Pievsky	Williams
Donatucci	Levin	Pratt	Wilt
Earley	Madigan	Rhodes	

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

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

The House proceeded to third consideration of **SB 736, PN 787**, entitled:

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.

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—172

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

NAYS—2

Armstrong	Brandt
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NOT VOTING—29

Beloff	Giammarco	McIntyre	Richardson
Bennett	Gray	McMonagle	Rieger
Berson	Hayes, D. S.	Miller	Salvatore
Brunner	Jones	Mullen, M. P.	Spencer
Cianciulli	Kowalyshyn	Pievsky	White
Donatucci	Levin	Pratt	Williams
Earley	Madigan	Rhodes	Wilt
Fee			

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 230, PN 1220**, entitled:

An Act creating the Pennsylvania Cancer Control, Prevention and Research Advisory Board and the Pennsylvania Cancer Control, Prevention and Research Fund,*** to award grants and contracts for cancer control, prevention and research to associations organized in Pennsylvania and to governmental agencies in Pennsylvania.

On the question,

Will the House agree to the bill on third consideration?

Mr. COLE offered the following amendments:

Amend Title, page 1, line 8, by removing the period after "Pennsylvania" and inserting and imposing an additional tax on cigarettes to fund this program.

Amend Bill, page 7, by inserting between lines 1 and 2 Section 7. Additional tax to fund programs.

In addition to any taxes now or hereinafter imposed on cigarettes pursuant to section 201, act of July 22, 1970 (P. L. 513, No. 178), known as the "Pennsylvania Cigarette Tax Act,; there is hereby imposed an additional tax on the sale or possession of cigarettes within this Commonwealth at the rate of one-half tenths of a cent per cigarette. The Department of Revenue shall collect this additional tax in the same manner as the tax imposed and collected pursuant to the act of July 22, 1970 (P. L. 513, No. 178) and shall pay such additional tax revenue to the State Treasury for credit of the Pennsylvania Cancer Control Prevention and Research Fund established by section 8.

Amend Sec. 7, page 7, line 2, by striking out "7." and inserting 8.

Amend Sec. 7, page 7, lines 7 through 8, by striking out "201, act of July 22, 1970 (P. L. 513, No. 178)," in line 7 and all of line 8 and inserting 7.

Amend Sec. 8, page 7, line 16, by striking out "8." and inserting 9.

Amend Sec. 9, page 7, line 22, by striking out "9." and inserting 10.

On the question,

Will the House agree to the amendments?

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

Mr. COLE. The amendment to this bill is the companion that really makes the bill for the cancer control programs in Pennsylvania. The amendment is a 1-cent cigarette tax that will provide \$11 million for the funding of the plan. Without the money, the plan cannot take effect. The money will provide mass detecting screen programs to reach people near their homes, especially in the small towns and rural areas away from the large medical facilities that we have in our cities in Pennsylvania. It will also allow for studies made in geographic locations where deaths occur where we can pinpoint the types of cancer that are taking place in the different areas of Pennsylvania.

We will have cancer community outreach and help programs. We will have massive screening detection centers to go into the factories and the schools in cancer-detection programs. Better

cancer education and information will be provided to all Pennsylvania citizens and, very importantly, better training for all persons involved in cancer care and services will take place. This will take place amongst the medical profession people, the doctors, the nurses, the dentists, the school nurses, and so forth.

Just a few statistics, very briefly: In 1977, we had 44,000 people diagnosed as cancer victims in Pennsylvania. That rate has jumped over 4,000 in the figures released for 1978 to 48,000. There were 24,000 deaths in 1977. In 1978, the figure rises to 25,276. I think we have a human catastrophe in the spread of cancer throughout Pennsylvania.

The small states of Connecticut and Massachusetts, Texas and New York and many other states spend millions of dollars on a cancer-control program. Pennsylvania has no cancer-control program. We desperately need one. Many objections are to the fact that this is a research bill. It is not. It is not for cancer research. That was one of the controversies of the bill.

Of the nine priorities of the few that I have mentioned of what this bill will do, research is rated as the lowest area. No. 9 of the nine priorities.

I ask you for adoption of the amendment to provide the funding so that the bill can pass and we can finally have a cancer-control plan for Pennsylvania. I ask for a "yes" vote on the amendment.

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. Mr. Speaker, I wonder if I might interrogate Mr. Cole a little bit?

The SPEAKER. The gentleman, Mr. Cole, indicates that he will stand for interrogation. The gentleman, Mr. Dietz, may proceed.

Mr. DIETZ. Mr. Speaker, do you know how much money the Federal Government is spending each year on various cancer programs?

Mr. COLE. I would think millions of dollars.

Mr. DIETZ. You are right. But you do not have any idea how many millions of dollars?

Mr. COLE. No, but I can tell you this: In recent years, to the institutions that have been involved in the development of this bill, it is becoming less and less every year because the Federal Government is trying to shift more responsibilities to the states.

Mr. DIETZ. Mr. Speaker, can you tell me what the annual budget is of the American Cancer Society?

Mr. COLE. I do not know what their budget is. I know that they are not giving too much money to Pennsylvania for cancer-control programs. The main thrust of their programs is in research, and the point that I tried to make in my presentation was this is not a research bill; this is for cancer control.

Mr. DIETZ. Mr. Speaker, is it not correct, though, that the American Cancer Society divides its budget up with 50 percent of the balance going into care rather than research?

Mr. COLE. That might be; I do not know. But still the thrust of this bill is cancer control, and the main point is to save lives in Pennsylvania. The key to it is not more research and dis-

coveries; the key is early detection, and if we have a cancer-control program in Pennsylvania, more people will be detected in having this dreadful disease with the cancer-control program, and that is the point of the cancer-control plan.

Mr. DIETZ. Mr. Speaker, from the areas that you were covering there, is there not an overlap though, is there not really an overlap of effort that you are proposing here? Do we already have the Federal Government and the American Cancer Society pumping millions of dollars out for cancer research, and so forth, and are not some of the proposals that you had mentioned there an overlap on their efforts?

Mr. COLE. Not in my area and many other areas of people who are involved in the support of this bill. We are not doing enough. That is the purpose of the bill. Pennsylvania spent a lousy \$500,000 on cancer control last year. I do not think that is enough when you have over 25,000 people dying in this state from cancer.

Mr. DIETZ. Thank you, Mr. Speaker.

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

Mr. R. R. FISCHER. Mr. Speaker, I rise to support this proposal. I do not think there is any other disease that so affects the lives of all of us as this particular one. Each of our lives and our families at one time or another has been touched. There is not anybody in this room who could not be touched by this particular disease at any time in their life. I rise to support it.

In a nation that has spent billions of dollars on space programs and a nation that has spent billions of dollars and a great amount of its talent and ability to perfect weapon systems, I think we should do exactly the same thing with these kinds of programs and focus the full attention of our fiscal might and our intellectual might on curing and conquering this disease.

So I think we should overwhelmingly approve this proposal and then go on and do more significant kinds of things until we conquer it as we have conquered other diseases.

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

Mr. RYAN. Mr. Speaker, the hour is late. I think most of us are familiar with this issue. I wholeheartedly support Mr. Cole's proposal here and I would hope that it would receive a great deal of support for a very worthwhile effort.

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

The following roll call was recorded:

YEAS—146

Alden	Fischer, R. R.	Lynch, E. R.	Schweder
Anderson	Foster, A.	Lynch, F.	Scirica
Armstrong	Foster, W.	Mackowski	Serafini
Arty	Freind	Manderino	Seventy
Austin	Gallagher	Manmiller	Shadding
Barber	Gallen	McCall	Shupnik
Belardi	Gamble	McClatchy	Sieminski
Bittle	Gannon	McKelvey	Sirianni
Borski	Gatski	Michlovic	Smith, E.
Brandt	Geesey	Micozzie	Smith, L.
Brown	Geist	Milanovich	Spitz
Burd	George, C.	Mrkonic	Stairs

Burns	George, M.	Murphy	Steighner
Caltagirone	Giammarco	Musto	Stewart
Cappabianca	Gladeck	Nahill	Street
Chess	Goodman	Novak	Stuban
Clark, B.	Grabowski	O'Brien, B.	Sweet
Clark, R.	Greenfield	O'Brien, D.	Taylor, F.
Cochran	Gruppo	O'Donnell	Telek
Cohen	Harper	Oliver	Trello
Cole	Hasay	Perzel	Vroon
Cornell	Hoeffel	Peterson	Wachob
Coslett	Honaman	Petrarca	Wargo
Cowell	Hutchinson, W.	Piccola	Wass
Cunningham	Irvis	Pistella	Wenger
Davies	Itkin	Pitts	Wilson
Dawida	Johnson, E.	Pucciarelli	Wright, D.
DeMedio	Johnson, J.	Punt	Wright, J. L.
DeVerter	Jones	Pyles	Yahner
DeWeese	Knight	Rappaport	Yohn
DiCarlo	Kolter	Reed	Zeller
Dininni	Kukovich	Ritter	Zitterman
Dombrowski	Lashinger	Rocks	Zord
Dorr	Laughlin	Rodgers	Zwilk
Duffy	Lehr	Ryan	
Dumas	Levi	Scheaffer	Seltzer,
Durham	Livengood	Schmitt	Speaker

NAYS—20

Bowser	Grieco	Kernick	Mowery
Cimini	Halverson	Klingaman	Noye
Dietz	Hayes, S. E.	Letterman	Polite
Fryer	Hutchinson, A.	Lewis	Swift
Goebel	Kanuck	Moehlmann	Weidner

NOT VOTING—37

Beloff	Gray	McVerry	Salvatore
Bennett	Hayes, D. S.	Miller	Spencer
Berson	Helfrick	Mullen, M. P.	Taddonio
Brunner	Knepper	Pievsy	Taylor, E.
Cessar	Kowalshyn	Pott	Thomas
Cianciulli	Levin	Pratt	Wagner
Donatucci	Madigan	Rhodes	White
Earley	McIntyre	Richardson	Williams
Fee	McMonagle	Rieger	Wilt
Fisher, D. M.			

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—160

Alden	Fryer	Lynch, F.	Serafini
Anderson	Gallagher	Mackowski	Seventy
Armstrong	Gallen	Manderino	Shadding
Arty	Gamble	Manmiller	Shupnik
Austin	Gannon	McCall	Sieminski
Barber	Gatski	McClatchy	Sirianni
Belardi	Geesey	McKelvey	Smith, E.
Bittle	Geist	McVerry	Smith, L.
Borski	George, C.	Michlovic	Spitz
Brandt	George, M.	Micozzie	Stairs

Brown	Giammarco	Milanovich	Steighner
Burd	Gladeck	Mrkonic	Stewart
Burns	Goodman	Murphy	Street
Caltagirone	Grabowski	Musto	Stuban
Cappabianca	Greenfield	Nahill	Sweet
Chess	Grieco	Novak	Swift
Cimini	Gruppo	Noye	Taylor, E.
Clark, B.	Harper	O'Brien, B.	Taylor, F.
Clark, R.	Hasay	O'Brien, D.	Telek
Cochran	Hayes, S. E.	O'Donnell	Thomas
Cohen	Helfrick	Oliver	Trello
Cole	Hoeffel	Peterson	Vroon
Cornell	Honaman	Petrarca	Wachob
Coslett	Hutchinson, A.	Piccola	Wagner
Cowell	Hutchinson, W.	Pistella	Wargo
Cunningham	Irvis	Pitts	Wass
Dawida	Itkin	Polite	Weidner
DeMedio	Johnson, E.	Pucciarelli	Wenger
DeVerter	Johnson, J.	Punt	Wilson
DeWeese	Jones	Pyles	Wright, D.
DiCarlo	Klingaman	Rappaport	Wright, J. L.
Dininni	Knight	Reed	Yahner
Dombrowski	Kolter	Ritter	Yohn
Dorr	Kukovich	Rocks	Zeller
Duffy	Lashinger	Rodgers	Zitterman
Dumas	Laughlin	Ryan	Zord
Durham	Lehr	Scheaffer	Zwikl
Fischer, R. R.	Letterman	Schmitt	Seltzer,
Foster, A.	Levi	Schweder	Speaker
Foster, W.	Livengood	Scirica	
Freind	Lynch, E. R.		

NAYS—10

Bowser	Halverson	Lewis	Mowery
Dietz	Kanuck	Moehlmann	Perzel
Goebel	Kernick		

NOT VOTING—33

Beloff	Fee	McIntyre	Richardson
Bennett	Fisher, D. M.	McMonagle	Rieger
Berson	Gray	Miller	Salvatore
Brunner	Hayes, D. S.	Mullen, M. P.	Spencer
Cessar	Knepper	Pievsky	Taddonio
Cianciulli	Kowalyshyn	Pott	White
Davies	Levin	Pratt	Williams
Donatucci	Madigan	Rhodes	Wilt
Earley			

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 Berks, Mr. Davies. For what purpose does the gentleman rise?

Mr. DAVIES. Mr. Speaker, I was out of my seat on the last vote and I would like to be recorded in the affirmative on HB 230.

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

The House proceeded to third consideration of SB 337, PN 1171, entitled:

An Act amending the act of May 13, 1915 (P. L. 286, No. 177), entitled, as amended, "Child Labor Law," authorizing

certified nurse practitioners to administer certain physicals.

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—176

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

NAYS—0

NOT VOTING—27

Beloff	Fee	McMonagle	Rieger
Bennett	Gray	Miller	Salvatore
Berson	Hayes, D. S.	Mullen, M. P.	Spencer
Brunner	Kowalyshyn	Pievsky	White
Cianciulli	Levin	Pratt	Williams
Donatucci	Madigan	Rhodes	Wilt
Earley	McIntyre	Richardson	

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

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

HB 1632 PASSED OVER

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

Mr. DORR. Mr. Speaker, I ask that HB 1632 be passed over.

The SPEAKER. The Chair hears no objection. The bill will be passed over.

The House proceeded to third consideration of HB 1683, PN 2055, entitled:

An Act relating to the inspection and visitation of hospitals and hospital-related health care facilities; providing that the Department of Health coordinate inspections by all State agencies; providing for a single inspection of hospitals by the Department of Health; and repealing the annual inspection requirement by the Department of Health.

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—172

Table listing names of members who voted 'YEAS' for HB 1632, including Alden, Anderson, Armstrong, Arty, Austin, Barber, Belardi, Bittle, Borski, Bowser, Brandt, Brown, Burd, Burns, Caltagirone, Cappabianca, Cessar, Chess, Cimini, Clark, B., Clark, R., Cochran, Cohen, Cole, Cornell, Coslett, Cowell, Cunningham, Davies, Dawida, DeMedio, DeVertter, and DeWeese.

Table listing names of members who did not vote on HB 1632, including DiCarlo, Dietz, Dininni, Dombrowski, Dorr, Duffy, Dumas, Durham, Fischer, R. R., Fisher, D. M., Jones, Kanuck, Kernick, Klingaman, Knepper, Knight, Kolter, Kukovich, Lashinger, Laughlin, Pitts, Polite, Pott, Pucciarelli, Punt, Pyles, Rappaport, Reed, Ritter, and Rocks.

NAYS—0

NOT VOTING—31

Table listing names of members who did not vote on HB 1632, including Beloff, Bennett, Berson, Brunner, Cianciulli, Donatucci, Earley, Fee, Grabowski, Gray, Hayes, D. S., Kowalyshyn, Levin, Madigan, McIntyre, McMonagle, Miller, Mullen, M. P., Nahill, Pievsky, Pratt, Rhodes, Richardson, Rieger, Salvatore, Spencer, Street, White, Williams, Wilt, and Seltzer, Speaker.

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

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

The House proceeded to third consideration of HB 1684, PN 2254, entitled:

An Act requiring the name of the issuer of a prescription to be printed thereon and providing a penalty.

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—173

Table listing names of members who voted 'YEAS' for HB 1684, including Alden, Anderson, Armstrong, Arty, Austin, Barber, Belardi, Bittle, Borski, Bowser, Brandt, Brown, Burd, Burns, Caltagirone, Cappabianca, Cessar, Chess, Cimini, Clark, B., Clark, R., Cochran, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Gatski, Geesey, Geist, George, C., George, M., Giammarco, Gladeck, Goebel, Goodman, Grabowski, Oliver, Grieco, Gruppo, Halverson, Harper, Hasay, Hayes, S. E., Lewis, Livengood, Lynch, E. R., Lynch, F., Mackowski, Manderino, Manmiller, McCall, McClatchy, McKelvey, McVerry, Michlovic, Micozzie, Milanovich, Moehlmann, Mowery, Mrkonic, Murphy, Musto, Noye, O'Brien, B., O'Brien, D., O'Donnell, Trello, Vroon, Wachob, Wagner, Wargo, Wass, and Weidner.

Cohen	Helfrick	O'Brien, B.	Thomas
Cole	Hoeffel	O'Brien, D.	Trello
Cornell	Honaman	O'Donnell	Vroon
Coslett	Hutchinson, A.	Oliver	Wachob
Cowell	Hutchinson, W.	Perzel	Wagner
Cunningham	Irviss	Peterson	Wargo
Davies	Itkin	Petrarca	Wass
Dawida	Johnson, E.	Piccola	Weidner
DeMedio	Johnson, J.	Pistella	Wenger
DeVerter	Jones	Pitts	Wilson
DeWeese	Kanuck	Polite	Wright, D.
DiCarlo	Kernick	Pott	Wright, J. L.
Dietz	Klingaman	Pucciarelli	Yahner
Dininni	Knepper	Punt	Yohn
Dombrowski	Knight	Pyles	Zeller
Dorr	Kolter	Rappaport	Zitterman
Dumas	Kukovich	Reed	Zord
Durham	Lashingier	Ritter	Zwinkl
Fischer, R. R.	Laughlin	Rocks	
Fisher, D. M.	Lehr	Rodgers	Seltzer,
Foster, A.	Letterman	Ryan	Speaker
Foster, W.	Levi	Scheaffer	

NAYS—0

NOT VOTING—30

Beloff	Fee	McMonagle	Rieger
Bennett	Gray	Miller	Salvatore
Berson	Greenfield	Mullen, M. P.	Spencer
Brunner	Hayes, D. S.	Pievsky	Street
Cianciulli	Kowalshyn	Pratt	White
Donatucci	Levin	Rhodes	Williams
Duffy	Madigan	Richardson	Wilt
Earley	McIntyre		

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

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

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the majority leader. For what purpose does the gentleman rise?

Mr. RYAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RYAN. What do our rules provide for session on Thursdays? What time do we come in?

The SPEAKER. While the Parliamentarian is researching the rule, it is the memory of the Chair that on a Thursday, Friday and Saturday the House can set its own destiny as to the time that it comes in.

Mr. RYAN. Thank you, Mr. Speaker.

The SPEAKER. The Chair refers to the top of page 12 and reads the last part of the rule: "On other days the House shall convene at the discretion of the House and adjourn not later than 11:00 p.m. . . ."

Mr. RYAN. Mr. Speaker, that 11 p.m. limit, that would apply to Wednesday night?

The SPEAKER. Eleven p.m. would apply to this evening, but the member can move to suspend the rule.

Mr. RYAN. To extend it? Thank you, Mr. Speaker.

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

Mr. A. K. HUTCHINSON. Mr. Speaker, since the majority

leader is having a happy hour, I would like to make a motion that we adjourn until Tuesday, the 14th of September at 1 o'clock.

The SPEAKER. The gentleman is out of order.
Mr. A. K. HUTCHINSON. I mean November.

VOTE RECONSIDERED

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

Mr. WAGNER. I move that the vote by which HB 1468 was passed on the 30th day of October be reconsidered.

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

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

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

HB 1468 PLACED ON FINAL PASSAGE POSTPONED CALENDAR

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

Mr. WAGNER. I move that HB 1468 be placed on the final passage postponed calendar.

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

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1221, PN 1374 (Unanimous) By Mr. LEHR

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for the sale of generic liquor.

Liquor Control.

HB 1727, PN 2417 (Amended) By Mr. LEHR (Unanimous)

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further providing for persons manufacturing ethyl alcohol solely for use as motor fuel or experimental purposes.

Liquor Control.

HB 1729, PN 2115 (Unanimous) By Mr. MICOZZIE

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), referred to as the Township State Highway Law, amending a route in Indiana County.

Transportation.

HB 1814, PN 2418 (Amended) By Mr. MICOZZIE (Unanimous)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemptions from registration, classes of licenses, protective equipment, windshield wiper systems, visual signals and inspection fees.

Transportation.

HB 1815, PN 2230 (Unanimous) By Mr. MICOZZIE

An Act amending the act of June 22, 1931 (P. L. 594, No. 203), referred to as the Township State Highway Law, amending a route in West Bradford Township, Chester County.

Transportation.

HB 1896, PN 2353 (Unanimous) By Mr. MICOZZIE

An Act amending the "Fuel Use Tax Act," approved January 14, 1951 (P. L. 1965, No. 550), further providing for the payment of tax by individual users for private automobiles and trucks.

Transportation.

SB 507, PN 1313 (Amended) By Mr. GEESEY

An Act establishing the State Real Estate Commission and providing for the licensing of real estate brokers and salesmen.

Professional Licensure.

SB 882, PN 1314 (Amended) By Mr. MICOZZIE

An Act amending the act of June 1, 1945 (P. L. 1242, No. 428), entitled, "State Highway Law," further providing for rules for the use of highways and for penalties for damaging, destroying or injuring State highways and repealing certain bonding and reporting requirements.

Transportation.

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.

BILLS SIGNED BY SPEAKER

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

HB 147, PN 2264

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for alternative methods of equalizing tax levies among certain school districts, and further providing for the causes and criteria for suspension, for the waiver of certification requirements in certain instances and further providing for the certification of hazardous routes.

HB 1133, PN 2222

An Act amending the act of May 28, 1976 (P. L. 148, No. 71), entitled "An act exempting the owner of certain agricultural land from the payment of assessments for municipal improvements during the period of time that the owner does not use the services provided by the improvements or until there is a change in the use of the land," extending the provisions of the act to certain cemeteries.

HB 1275, PN 2266

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

STATEMENT BY MR. VROON

Mr. VROON, under unanimous consent, addressed the House:

Mr. VROON. Mr. Speaker, something happened here today which I believe is a miscarriage of justice. I believe that when a bill is passed which in effect takes the side of one party in a negotiation on collective bargaining, I think that is incorrect, and

any kind of mechanism which we have set up here in the House which prevents timely arguments to be presented, such as we wanted to do this afternoon on HB 147, I think this is a gross miscarriage of justice, and we are not doing our rightful duty as legislators.

As it happened, Mr. Speaker, five school districts are currently out on strike because of the very issue that we addressed this afternoon, namely, seniority as being the only basis for a teacher layoff. Unfortunately, what we did this afternoon was just merely give the PSEA — Pennsylvania State Education Association — five victories and pull the rug right out from under five school districts, and thereby we chose sides in a collective bargaining fight. This is not proper. This is not just. And I thoroughly deplore such kind of action. I think it is high time, Mr. Speaker, that some mechanism be put in order in this House to make it possible in situations like this, where a critical situation is in existence at the time a concurrence is voted upon, which changes the whole complex of the bill under consideration, and I would ask this House to give serious consideration to a better set of rules to permit some kind of debate on the whole bill, not just the amendments being inserted by the other body. Thank you, Mr. Speaker.

STATEMENT BY MR. LASHINGER

Mr. LASHINGER, under unanimous consent, addressed the House:

Mr. LASHINGER. Mr. Speaker, I will be very brief. I could not agree with Mr. Vroon, the prior speaker, more on this issue, Mr. Speaker. There was a drastic change in circumstances from when this HB 147 left this chamber earlier this year and when it came back this year. I happen to represent one of the five affected school districts where this one specific issue led to a strike in that district, that is the Upper Merion School District in Montgomery County. It is a non-monetary issue and it was the one issue for bargaining. We took it upon ourselves in Montgomery County to conduct a poll on this. We felt the response was overwhelming to the poll. It was better than two and a half to one in support of the existing merit system, rating system in the Commonwealth. The editorializing in favor of the merit system was 100 percent.

What we have done, Mr. Speaker, and to elaborate on what Mr. Vroon said, we passed a piece of legislation that I feel is destructive to the collective-bargaining procedures in the Commonwealth. I am wondering if this is a clear precedent for the future, that when a union cannot get a specific item at the bargaining table, they will come to this General Assembly to gain that specific item. Will it be teachers' salaries next? Will it be classroom size next? I am not sure, Mr. Speaker. I do not think that we can be passing judgment here at the state level without knowing the impact at the local level.

I think Mr. Vroon's motions were all in order. The situation had changed drastically with the onset of these five strikes in the districts throughout the Commonwealth, and we have now resolved that issue on the side of the teachers' union in all five of those districts and we have made our boards, whom we constantly say we are trying to give some autonomy to back home, we have made them look very foolish.

I think, very basically, if I were a teacher I would be livid at passing this type of legislation today, Mr. Speaker. We have taken the professionalism out of a profession. Thank you, Mr. Speaker.

STATEMENT BY MR. ZELLER

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

Mr. ZELLER. Mr. Speaker, I could not concur more with Mr. Vroon and Mr. Lashinger in their statements. I would like to take it a little further. I have no objection against any member of this House speaking out or voting for a certain area which they agree with. My problem is when those members try to stop debate. Then I say that the bill was evidently very serious, because they were fearful to bring it out in the open. That is the problem. Anytime members get up here to stop debate, then I would say it is a very serious area. And that is where the crime lies. And that is my feeling about it. I felt that way when we tried to get this out for open debate and I think we created a very, very sinful act here today.

STATEMENT BY MR. DAVIES

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

Mr. DAVIES. Mr. Speaker, I would be offering the same criticism that I did yesterday, because I find on the back of our calendar today again two blank pages of paper. I have to pursue this because I am really sincere about the matter of waste. And it continues, and I think that we have got to address ourselves to it. We cannot continue to talk about energy saving in domestic homes and garden apartments and things like that if we are not going to address some of these things that are simple conservation that we have to deal with right here within our own management structure. So I would ask again that we in some sort of way review it and try to crack down on what I call possibly a paper waste as far as the matter of energy conservation. And I am sincere about it. It is not intended as either a joke or a slam at any particular person, but that we do endeavor to get some sort of handle on it. Thank you, Mr. Speaker.

RESOLUTION

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Arty, who is going to offer a resolution.

Mrs. ARTY. Mr. Speaker, I offer a resolution honoring the work of the late Ann Brancato Wood.

The SPEAKER. The clerk will read the resolution.

The following resolution was read:

Resolution

WHEREAS, The Smithsonian Institution is honoring the life work of the late Anne Brancato Wood, former Member of the Pennsylvania House of Representatives and leader of civic and political causes; and

WHEREAS, In selecting Anne Brancato Wood as an example to the Nation of women's contributions to politics and government, the Smithsonian Institution has chosen a person whose service as a political pioneer produced enduring law of significance to the lives of Pennsylvania citizens; and

WHEREAS, The Pennsylvania House of Representatives is proud to have had this illustrious citizen serve in its membership and wishes to recognize her life work and note the honor given to Anne Brancato Wood by the Smithsonian Institution, we issue this Resolution on behalf of the House of Representatives; and

WHEREAS, Anne Brancato Wood was highly motivated in her pursuit of earning opportunity and acceptability for women in elective office, it is appropriate to record the appeal which she made in a 1956 campaign to follow her accomplishment of becoming the first Pennsylvania Democratic Woman House Member with the distinction of becoming the first Democratic Woman Senator. In that effort, she said:

"Pennsylvania is badly in need of women to clean up politics and point the way to good government. I am a candidate pledged to give honest, decent government. I ask you to look at my record and see for yourself that I mean what I say."

NOW THEREFORE, the House of Representatives of the Commonwealth of Pennsylvania directs that a copy of this Resolution be presented to the family of Anne Brancato Wood on the occasion of the opening of the Smithsonian exhibit honoring the service to politics and government by this distinguished Pennsylvanian.

MARY ANN ARTY
RUTH HARPER
FRANK A. SALVATORE
H. JACK SELTZER
CHARLES F. MEBUS

On the question,

Will the House adopt the resolution?

Resolution was adopted.

CONDOLENCE RESOLUTION

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts, who is going to offer a condolence resolution for a former member.

Mr. PITTS. Mr. Speaker, I offer a condolence resolution for a former member.

The SPEAKER. The clerk will read the resolution.

The following resolution was read:

Resolution

WHEREAS, Mr. W. Penn Hoopes, a former member of the Pennsylvania House of Representatives and a former Chester County Register of Wills, passed away October 6, 1979 at the age of one hundred-one; and

WHEREAS, Mr. Hoopes graduated from Kennett High School in 1894 and Martin Academy in 1896. He was a dairy farmer and member of the Inter-State Milk Producers Association until 1920 when he sold his farm. Mr. Hoopes served as a member of the Pennsylvania House of Representatives for three terms and as Register of Wills for four years. He served as a director and president of the National Bank of Avondale; as president of the Avondale Borough Council; and as a director of the London Grove Building and Loan Association for fifty-two dedicated years. He was a member of the Avondale Fire Company; London Grove Grange 61; New London Lodge 545 F & AM; West Grove-Avondale Rotary Club; and the New Garden Friends Meeting; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania pauses in its deliberations to mourn the passing of a former member of the Pennsylvania House of Representatives and extends its heartfelt condolences to his daughter, Mrs. Ruth Mitchell; and be it further

RESOLVED, That a copy of this resolution be delivered to Mrs. Ruth Mitchell, Hockessin, Delaware.

We hereby certify that this is an exact copy of a resolution introduced in the House of Representatives by the Honorable

Joseph R. Pitts, and adopted by the House of Representatives on the 16th day of October 1979.

H. JACK SELTZER
Speaker

ATTEST:
CHARLES F. MEBUS
Chief Clerk

(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

WELCOMES

The SPEAKER. The Chair welcomes to the hall of the House a group of students from Mechanicsburg High School with their instructor, Mr. Kane, who are the guests of the gentleman from Cumberland County, Mr. Scheaffer.

The Chair welcomes to the balcony a group of 41 senior citizens from Mifflin County and their leader, Stella McIntyre, who are here today as the guests of Mr. DeVerter.

The Chair welcomes to the hall of the House, Mr. Greg Moore, a friend of Mr. Tom Michlovic.

ADJOURNMENT

Mr. SEVENTY moved that this House of Representatives do now adjourn until Tuesday, November 13, 1979, at 1 p.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:45 p.m., e.s.t., the House adjourned.